

## Advisory Committees and Advisory Boards Appointed by the County Legislature

<b>Objective:</b>	To provide procedures for recruitment and appointment to advisory boards and advisory committees of the Tompkins County Legislature, and to boards and committees for which there is designated representation from the Tompkins County Legislature, whether such appointments are made by the full Legislature or by the Chair.	<b>Policy/Procedure Number:</b>	08-26
		<b>Effective Date:</b>	January 12, 1981
		<b>Responsible Department:</b>	Clerk of the Legislature
<b>Reference:</b> <i>(All applicable federal, state, and local laws)</i>	Rules of the Tompkins County Legislature; Code of Ethics; Public Officers Law, Section 10; Administrative Policy 08-14 (Oaths of Office); Compliance Program Document; Public Officers Law, Section 30 and Local Law 2 of 2004 (Failure of County-appointed Officials to Attend Meetings); the Tompkins County Code; Administrative Policy 08-30: Open Meetings	<b>Modified Date (s):</b>	August 22, 1995; August 1, 2006; April 2, 2013; March 2019; June 2019; July 18, 2023
<b>Legislative Policy Statement:</b>	The Legislature shall appoint individuals to County-created advisory boards and advisory committees, and to boards and committees for which there is designated representation from the Tompkins County Legislature.  Advisory boards and committees may be created as permanent (by County Charter or resolution), as standing advisory boards or committees, or as temporary boards and committees.  Tompkins County government is committed to a diverse and fully inclusive work environment and promotes the benefits of diversity in all business activities, including the composition of advisory boards and committees.	<b>Resolution No.:</b>	1995-187; 2006-137; 2013-53; 2019-129; 2023-163
		<b>Next Scheduled Review:</b>	July 2028
<b>General Information:</b>	Volunteer advisory boards ensure engagement, provide judicious guidance, and aid the process of effective, responsible, and transparent government.  Advisory boards and committees bring together unique expertise and views that might not otherwise be represented. Activities assigned to these groups include, but are not limited to, the following: <ul style="list-style-type: none"> <li>• Assist the Legislature when formulating public policy;</li> <li>• Assist with background work on technical or politically sensitive issues;</li> <li>• Help to build public consensus on controversial issues; or</li> <li>• Provide a more thorough review of complex and significant or unique technical expertise to better inform an issue.</li> </ul> <p>It is important to periodically review whether an advisory board or committee is effective and is still needed.</p>		

## I. Definitions:

**Advisory Board** - Any board, committee, commission, task force, expert panel, or other similar group, or any subcommittee or other subgroup that is established and appointed by the Legislature or its Chair to research, investigate, offer expert advice, take action on, report on, or forward well-developed, thoughtful recommendations on some matter.

**Associate member** - A person who is a member of the advisory board by virtue of the knowledge on a particular subject matter that individual has and that individual does not have a vote on said board.

**Ex-officio member** - A person who is a member of the advisory board by virtue of some other office or position that individual holds and that individual does not have a vote on said board.

**Exclusion Screening** - An inspection process for minimizing risk in hiring individuals, contracting with business entities, or appointing advisory board members that have been involved in adverse governmental actions related to fraud, patient abuse, licensing board sanctions, license revocation/suspension/surrender, or that have been excluded from Federal healthcare programs.

**Open Meetings Law** - The NY Department of State Public Officers Law, Article 7.

**Public Body** - Any entity for which a quorum is required in order to conduct public business and that consists of two (2) or more members, performing a governmental function for the County or for an agency or department thereof, or for a public corporation as defined in Section 66 of the General Construction Law, or a committee, subcommittee, or other similar body of such public body.

**Quorum** - As defined by the County Charter (C1.04 (u)), a majority of the total number of a duly constituted body as if there were no vacancies and no persons disqualified from voting.

**Voting member** - an individual appointed by the Legislature or its Chair to an Advisory Board and has a voting right on said board.

## II. Policy:

### A. Appointments

1. The Legislature shall appoint all voting members and alternate voting representatives to all County-created advisory boards and advisory committees, and to boards and committees for which there is a designated representative from the Tompkins County Legislature.
2. The Office of the Clerk of the Legislature shall process all appointments and maintain a permanent record of appointments of individuals by the County Legislature to advisory boards or to boards for which there is designated representation from Tompkins County.

The Office of the Clerk of the Legislature shall keep a calendar of expiration dates and a list of vacancies for all advisory boards or positions appointed by the Tompkins County Legislature. The Office of the Clerk of the Legislature shall also maintain a file of names of persons interested in serving on advisory boards.

## **B. Citizenship and Residency Requirement**

All advisory board members must be United States citizens and must be residents of Tompkins County, except where State or Federal law provides otherwise or where the County Legislature approves advisory board bylaws providing that one (1) or more seats on the advisory board will be filled by the holder of a particular office or position.

## **C. Application of County Compliance Policy and County Code of Ethics**

It is the policy of Tompkins County to comply with all applicable Federal, State, and local laws and regulations and payor requirements. It is also the County's policy to adhere to its formal County Compliance Program and its adopted Code of Ethics. Every County officer, employee, or appointed representative of the County shall be subject to and abide by these policies and standards. Further, any boards that have authority to grant appropriations or that contribute to the development or execution of policy as these actions relate to the use of Medicaid or Medicare funds shall be subject to monthly Exclusion Screening in accordance with *Administrative Policy 01-46*.

## **D. County Employees Serving on Advisory Boards and Committees**

County employees may be appointed to advisory boards and committees when their participation, representation, and/or subject matter expertise is of value. However, County employees are prohibited from appointment to advisory boards and committees that provide guidance and oversight to the department for which the employee works or where the employee or employee's family member has an interest, direct or indirect, that could conflict with the employee's duties to the County or adversely affect an individual's judgment in the discharge of his or her responsibilities. An exception to this is the Emergency Response and Oversight Committee, where employees are designated to serve as ex-officio members.

### **III. Procedure:**

#### **A. Recruitment**

When recruiting for membership, the County attempts to ensure that potential candidates have the specific skills and experiences needed to meet the required responsibilities and duties of the board. Additionally, the County looks to ensure that there is a well-defined recruitment and nominating process with criteria for outreach and selection of members who reflect the demographic diversity of the community.

#### **B. Application and Appointment**

1. Tompkins County residents interested in serving on an advisory board or committee must complete an advisory board application and submit it to the Office of the Legislature Clerk. To the extent permitted by law, all application information shall initially be treated as confidential, and applications should not be circulated outside of the Legislature or relevant County departments. However, the names of those persons approved and recommended by the relative legislative committee will become public information. It is recommended that consideration and discussion of appointments by Standing Committees be addressed in Executive Session as a personnel matter.
2. The application and appointment process will proceed in accordance with the respective Advisory Board's bylaws. The Office of the Clerk of the Legislature will submit names of persons interested in serving on an

advisory board to the Legislative Standing Committee within whose area of responsibility the advisory board would fall, The Office of the Clerk of the Legislature will carry the name(s) through the appointment procedure.

Additional information and procedures are outlined in the Rules of the Tompkins County Legislature.

**Note:** Contact the Office of the Clerk of the Legislature for the appointment procedures.

3. All appointed members of County-affiliated boards must take and file an official oath in the manner prescribed in the Public Officers Law (see *Administrative Policy 01-14*).
4. Advisory boards and committees may appoint or welcome ex-officio, associate, or other individual members to serve on subcommittees. These members who are not appointed by the Legislature shall not have voting rights. Maintaining this data shall be the responsibility of the County department that oversees the board/committee. Subcommittees may not be used as a means to bypass the intent of committees and advisory boards as outlined in this policy.

### **C. Compensation**

Members of voluntary advisory boards and committees do not receive compensation unless otherwise permitted by law. There is no reimbursement for expenses incurred, unless specifically requested and approved by the County Legislature prior to spending.

### **D. Bylaws**

Some advisory boards have the power as granted by Tompkins County Charter and Code to draft bylaws. for approval by the Tompkins County Legislature, elect officers from their membership (unless otherwise provided by Legislature resolution), and establish committees. Updated copies of bylaws must be kept on file in the Office of the Clerk of the Legislature.

### **E. Membership and Voting**

1. All advisory boards and committees may have term limits included in their bylaws. For advisory boards with term limits, those term limits may not be waived without approval by the Legislature. Membership may not be automatically extended upon term expiration. A member who has reached their term limit and wishes to continue serving on the board/committee may reapply for membership after one (1) full term period off the board/committee.

The number of members of an advisory board must be a single number set in its bylaws and cannot constitute a range of numbers.

2. Partial Term - Any member appointed with less than one-half the term remaining shall be considered to have served a partial term. Partial terms do not count against a term limit, should one exist.

In order to take any substantive action during a meeting, a quorum must be reached.

## **F. Vacancies and Resignations**

1. The Office of the Clerk of the Legislature shall keep a calendar of term expiration dates and a list of vacancies for all advisory boards or positions appointed by the Tompkins County Legislature. The Office of the Clerk of the Legislature shall also maintain a file of names and applications of persons interested in serving on advisory boards.
2. A copy of all resignation letters must be forwarded to the Office of the Clerk of the Legislature. If a resignation is received verbally or if a seat becomes vacant through the process described above, the Office of the Clerk must be notified in writing, as soon as practical, of the vacancy by the department head or their designee overseeing the board/committee or the Chair of the board/committee.
3. Per Local Law No. 2 of 2004, when any member of a board, commission, committee, agency, or authority, holding office by appointment of the County Legislature or the Chair of the County Legislature fails to attend three consecutive regular meetings of such board, commission, committee, agency, or authority, unless such absence is for good cause and is excused by the chair or other presiding officer thereof, or in the case of such chair or other presiding officer by the Chair of the Legislature, the office may be deemed vacant by action of the appointing authority for the purposes of the nomination and appointment of a successor.
4. Coterminous Terms - The starting and ending dates of an individual's term on an advisory board are determined by the County Legislature and cannot be linked to that individual's status with another entity, unless as otherwise required by NY State or Federal law. If an individual's involvement with another entity is over, the individual's term on the advisory board continues until the individual resigns or their County-determined term on the advisory board is over.
5. Following careful consideration and recommendation of the relevant Standing Committee of the Legislature, a board member may be removed for cause upon a motion approved by the Legislature.

## **G. List of Covered Entities**

The following is a list of advisory boards and committees that are covered by this policy. Additions to or deletions from this list of covered entities shall be by action of the Legislature and shall not constitute nor require a change to the policy itself:

*Boards considered "Public Bodies" which must comply with Open Meetings Law*

Board of Health  
Community Mental Health Services Board  
Ethics Advisory Board  
Library Board of Trustees  
Strategic Tourism Planning Board  
Workforce Development Board

*Boards considered "advisory" which are not required to comply with Open Meetings Law are required to follow this policy. A list of those Boards are kept on file with the Clerk of the Legislature.*