

RESOLUTION 3007

**A RESOLUTION OF THE GRAND COUNTY COUNCIL AMENDING
RESOLUTIONS 2995/2806/2625 ESTABLISHING A BOARD APPOINTMENT
PROCESS AND ESTABLISHING REQUIREMENTS OF BOARD MEMBERS
AND COMMISSIONERS SERVING GRAND COUNTY**

WHEREAS, The Grand County Council recognizes there is a need to create an appointment process for appointing volunteer board members and commissioners to the various boards and commissions serving Grand County, as well as Local District and Special Service District non-elected boards, the Housing Authority of Southeastern Utah board and the Southeastern Utah District Health Department board (“Boards”), and

WHEREAS, The Grand County Council recognizes there is a need for all Boards to have the same general requirements for board members and commissioners including those required by law, and

WHEREAS, The Grand County Council shall approve all appointments to Boards that are under the authority of the Grand County Council supported by ordinance, resolution, or ordered by state law, and

WHEREAS, The Boundary Commission, under the authority of the Grand County Council, is authorized to make appointments to their Commission as specified in the enabling documents, and

WHEREAS, The County Committees established by resolution under the authority of the Grand County Council are each authorized to make appointments to their committees, if needed, as specified in each such enabling resolution, or as amended. County volunteer committees include Moab Tailings Project Steering Committee, Old Spanish Trail Arena Advisory Committee (with terms), Sand Flats Stewardship Committee, Star Hall Advisory Committee, and Trail Mix Committee and other committees as they may be established by the County Council from time to time.

NOW THEREFORE, THE GRAND COUNTY COUNCIL RESOLVES AS FOLLOWS:

All Board appointments shall be selected in the following manner:

1. By October 1st the Council Office shall notify the current Board of those members whose terms will expire at the end of the calendar year. In cases where a vacancy is created during the middle of a board member’s term (mid-term vacancy), the Council Office shall notify the respective Board of the vacancy and post a notice of the vacancy as soon as practically possible.
2. The Grand County Council Office shall post a notice of Board vacancies, including mid-term vacancies, in a local newspaper of record, bulletin boards within the County Courthouse, and on the County’s website. The published notice shall list general requirements for serving on the

Board(s) and shall be open until filled, unless the board member whose term expires at year-end expresses in writing their desire to remain on the Board until the vacancy is filled, beyond year-end. The notice shall identify an application due date, after which the Council Office shall forward all submitted applications for review and consideration, including interview of new applicants, by the respective Board for recommendation to the County Council.

3. Interested residents shall submit an official Board, Commission, and Committee Certification and Application Form ("Application") contained in Exhibit 1 of this Resolution to the Council Office. The Application may be utilized by Committees yet does not apply to those Committees in which membership is attained without appointment.
4. The Council Office shall receive by personal delivery, mail or email all Applications which shall be stamped with the date received. The Council Office shall review that the Applications have been completed and that the applicants meet the requirements for service to the requested Board, and forward all Applications that appear to meet the requirements for service to the appropriate Board Chair and/or staff liaison to the Board for verification of meeting the requirements and consideration for appointment.
5. Boards shall interview all new qualified applicants (Council may be invited to interviews).
6. During the interview process the Board Members are encouraged to ask questions that verify an applicant's eligibility of meeting requirements for service contained in this Resolution and other adopted documents including but not limited to: state law, county ordinance, and adopted bylaws of the Board to ascertain an applicant's qualifications for appointment. The Boards forward recommendation(s) by motions which contain findings as to their recommendation to the County Council; such affirmative Board recommendations shall be in writing from the Board Chair or staff liaison, addressed to the County Council, and provided to the Council Office within seven (7) days of the adopted motion and within ninety (90) days' receipt of applications.
7. The County Council, at the next regular meeting in which appointments may be considered shall appoint a recommended applicant, or an applicant of the Council's choice, or keep the position open to consider additional applicants. Year-end appointments shall be considered by the County Council after January 1st of the following year.
8. Since the County Council will not have appointed a new member to the Board at the expiration of term, the current board member, if willing and able to continue to serve, shall express in writing their desire to remain on the Board until they are replaced. If such board member is unwilling or unable to remain on the Board, or if such board member does not timely express in writing their desire to remain on the Board until they

are replaced, then the position is considered vacant at the expiration of term, until filled.

9. In the event that an ordinance is in conflict with this resolution, the ordinance shall prevail.

General Board Member Requirements:

- Must be a Grand County Resident unless otherwise indicated by Ordinance, Land Use Code, or Board Bylaws approved by the County Council.
- Terms shall be for four years, unless a shorter or longer period is required by law; a mid-term vacancy is a partial term.
- All terms shall end December 31st with the new member taking office the first meeting following appointment by the County Council. Upon Council Office receipt of affirmative written Board member recommendation(s), annual year-end appointments shall be made in the first January County Council meeting of the following year.
- Board Members shall have the appropriate expertise when required by law.
- Submit applications to the Council Office in accordance with the requirements contained in the notice.
- Agree to abide by the County's Conflict of Interest Ordinance.

Special Service District Board Member Requirements:

Special Service District Board Members shall meet the requirements of this section and the current applicable state code requirements.

- No appointed member of the Board may be a full or part-time employee of the district while serving on the Board.
- No person employed by a special service district as a full-time or part-time employee may serve on the governing Board of the district.
- A board member may not be compensated separately as a board member and as an employee for providing the same service.
- Each trustee/board member appointed by the County legislative body shall be an elector of the district.
- Some districts require board member residency within the district's geographical boundaries.

IT IS FURTHER RESOLVED THAT:

Boards are encouraged to amend their Bylaws to reflect the established appointment process and requirements.

Members who are currently serving on Boards who do not meet the requirements stated in this document shall be replaced once their term is completed.

APPROVED THIS 17th DAY OF DECEMBER, 2013, BY THE FOLLOWING VOTE:

Those voting aye: Ciarus, Holyoak, Paxman, Jackson, Tubbs, Ballantyne, Nyland

Those voting nay: _____

Absent: _____

ATTEST:

Diana Carroll

Diana Carroll, Clerk/Auditor

GRAND COUNTY COUNCIL

Gene Ciarus

Gene Ciarus, Chair

EXHIBIT 1: APPLICATION



Board and Commission Application and Certification Form

Instructions: Complete and sign this form and return it to Grand County Council Office, 125 E. Center St., Moab, UT 84532; fax: 435-259-2574; or council@grandcountyutah.net

Board or Commission Applied For: _____

Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Day Phone: _____ Email Address: _____

In what year did you establish your current residency in Grand County? _____
(residency is required for all Boards; some District boards require residency within the District, which may not include Moab City limits; **two** years' residency prior to assuming board membership is required for Planning Commission)

If not Grand County, which county do you reside in? (applicable for Historical Preservation Commission and Housing Authority of Southeastern Utah)

Occupation or professional training: _____

List your work experience that is relevant to your application for a position on the Board or Commission for which you are applying (if needed, attach a separate page):

List your non-work experience that is relevant to your application for a position on the Board or Commission for which you are applying:

Grand County Resolution 3007 (December 2013) contains the following Board Member requirements:

- Must be a Grand County resident unless otherwise indicated in Board Bylaws or Ordinance approved by the County Council;
- Terms shall be for four years, unless a shorter period is required by law, or unless a mid-term vacancy is being filled;
- All terms shall end December 31st with the new member taking office the first meeting following appointment by the County Council. Such year-end appointments shall be made in the first January County Council meeting of the following year;
- Board Members shall have the appropriate expertise when required by law;
- Submit applications to the Council's Office in accordance with the requirements contained in the notice;
- Agree to abide by the County's Conflict of Interest Ordinance.

Additionally, the State Code has the following requirements for *Special Service Districts in Grand County*:

- No appointed member of the Board may be a full or part-time employee of the District while serving on the Board;
- No person employed by a Special Service District as a full-time or part-time employee may serve on the Governing Board of the District;
- A Board Member may not be compensated separately as a Board Member and as an employee for providing the same service;
- Each Trustee/Board Member appointed by the County legislative body shall be an elector (registered voter) of the District.

I have read, and I certify, that all the information on this form is true and correct and I meet the requirements listed above. Furthermore, if appointed, I agree to faithfully attend the meetings and adhere to the State laws, County ordinances, and adopted Bylaws that govern the Board or Commission on which I am appointed to serve. Additionally, I have read the County's Conflict of Interest Ordinance (No. 462, November 2007) and do not have any inherent conflicts in serving on the Board or Commission to which I have applied. I agree to abide by this Ordinance.

Signature: _____

Date: _____