TO: **ALL COUNTY PERSONNEL**

FROM: **VERDENIA C. BAKER**
COUNTY ADMINISTRATOR

PREPARED BY: **ADMINISTRATION**

SUBJECT: **COMMITTEE APPOINTMENTS**

PPM #: **CW-O-023**

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ISSUE DATE	**EFFECTIVE DATE**
May 9, 2016	**May 9, 2016**

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PURPOSE:

To implement the Board of County Commissioners (BCC) adopted policy regarding Committee appointments.

UPDATES:

Future updates to this PPM are the responsibility of the County Administrator.

AUTHORITY:

- Palm Beach County Resolution No. R2013-0193, adopted February 5, 2013, as amended
- Palm Beach County Rules of Procedure Resolution No. R2013-0109, adopted January 15, 2013, as amended

POLICY:

At-large appointments to advisory boards, committees, commissions, task forces, and authorities hereinafter referred to as "committee" shall be placed on an official BCC agenda for formal action. At-large appointments are candidates that are approved by the BCC.

District appointments shall be brought to the attention of the BCC for confirmation by the District Commissioner under "Board Appointments/Commission District Appointments". District appointments are candidates that are appointed by a specific District Commissioner and confirmed by the BCC.

The County Administrator's Office shall establish a procedure which will ensure the uniform implementation of this policy in such a manner as to be consistent with existing agenda submittal

and review procedures. The development of specialized forms to accommodate appointments is permissible.

The BCC recognizes Palm Beach County's diverse community and has emphasized their commitment to obtaining diversity on all County advisory boards/committees/commissions as well as BCC appointees to outside boards, committees, and commissions. Staff will strive to recruit and maintain diversity on all advisory boards/committees/commissions, as well as BCC appointees to outside boards, committees and commissions, and clearly communicate the BCC's policy to all third party agency recommendations.

PROCEDURES:

I. AT-LARGE APPOINTMENTS

STEP 1. The County Administrator's Office generates and distributes a report 90 days in advance of the month in which appointments are due. The report illustrates which at-large appointments are due, and other pertinent information, and is distributed to the County Commissioners, Assistant County Administrators, Department Heads, and committee liaisons.

STEP 2. The liaison department sends written notice to Commissioners, offering background information and requesting nominations for the available at-large seats. Background information shall include a copy of originating legislation or BCC action, current composition and diversity of the committee, and meeting schedule.

If staff or the committee has a recommended candidate, include the candidate's completed Boards/Committees Application, which includes the Ethics Training Acknowledgement (Application) (Attachment A) along with a copy of the candidate's résumé or biography. For reappointment of an existing representative, the attendance record and any conflict memoranda previously filed shall also be included. If an outside group, agency or affiliation has submitted a nomination or recommendation, include a copy of the agency's correspondence. The liaison department shall indicate the commission meeting date the appointments are to be scheduled for consideration. A minimum 10-day response period must be offered to Commissioners.

OR

If the governing Resolution/Ordinance specifies that nominations are made by a specific group, agency or affiliation, PROCEED DIRECTLY TO STEP 4.

STEP 3. Commissioners respond to the department's request by completing Section III of the Application and returning the signed Application or by providing contact information for additional candidate(s) to be considered to the liaison department.

STEP 4. Once nominations are acquired, the liaison department develops an agenda item and submits to Administration in the same manner as any other agenda item. A specialized **blue** Board Appointment Summary Form (Summary Form) (Attachment B) is utilized in lieu of the Agenda Item Summary Form. Departments shall attach to the Summary Form, the Application(s), candidate(s) résumé or biography, a copy of the current membership listing from the Boards & Commissions Directory, the Statute/Ordinance/Resolution which created the committee, a copy of the written notice to the Commissioners, plus a copy of attendance record, if applicable. In addition, if outside agency made the nomination or recommendation, include a copy of the agency's correspondence. Liaison departments should review each Application for disclosure of contractual relationship and/or felony conviction. Applicants who have disclosed a contractual relationship and/or felony need to be evaluated to determine if the Applicant is eligible to serve. If the Applicant is eligible to serve, include the standard disclosure language the Summary portion of the Summary Form.

STEP 5. The County Administrator's Office places "unopposed" at-large appointments onto the agenda under the section entitled "Consent Agenda" and "opposed" at-large appointments under the section entitled "Board Appointments." The agenda item is then circulated for review along with all other agenda items. The appointment is now part of the Agenda Kit which will be presented to the BCC.

STEP 6. After official action by the BCC, the County Administrator's Office mails a congratulatory letter along with the Sunshine Law Overview for Advisory Board Members Guide (Attachment C); and if applicable, the Financial Disclosure forms to appointee, with copy to the liaison department. The County Administrator's Office also inputs the appointee's information into a central database.

STEP 7. Liaison departments' follow-up by contacting the appointee and conveying necessary information, such as when and where meetings are held, etc.

STEP 8. The County Administrator's Office provides the departments/divisions updates to the Directory of Boards and Commissions. Liaison departments should review the Directory of Boards and Commissions and notify the County Administrator's Office of changes in membership, composition, etc. as soon as possible.

II. DISTRICT APPOINTMENTS

STEP 1. The County Administrator's Office generates and distributes a report 90 days in advance of the month in which appointments are due. The report illustrates, which district appointments are due, and other pertinent information, and is distributed to the County Commissioners, Assistant County Administrators, Department Heads, and committee liaisons.

STEP 2. The liaison department sends written notice to the respective Commissioner, offering background information and requesting nominations for the available District seat. Background information shall include a copy of originating legislation or BCC action, current composition and diversity of the committee, and meeting schedule. If staff has a recommended candidate, include a copy of their résumé or biography. For reappointment of an existing representative, include a copy of the representative's attendance record and copies of any conflict memoranda previously filed. Upon confirmation by the respective Commissioner, forward the Application to the candidate to complete Section II of the Application, including acknowledgment of the required ethics training.

Upon receipt of completed Application by candidate, forward Application to respective Commissioner to sign Section III.

STEP 3. The District Commissioner signs Section III of the Application and forwards the signed Application to the Agenda Coordinator. The Agenda Coordinator will review the Application for disclosure of contractual relationship and/or felony conviction and with input from the respective Administrator and/or Assistant County Attorney determine if the candidate is eligible to serve. Upon confirmation of eligibility, the Agenda Coordinator will send written notice, including disclosure language to be read into the record, to the District Commissioner confirming appointment/reappointment can be made at the next BCC meeting.

STEP 4. District Commissioners bring their District appointments to the attention of the BCC for confirmation during BCC meetings under "Board Appointments/Commission District Appointments."

STEP 5. After official action by the BCC, the County Administrator's Office mails a congratulatory letter along with the Sunshine Law Overview for Advisory Board Members Guide; and if applicable, the Financial Disclosure forms to appointee with copies to the respective Commissioner and liaison department. The County Administrator's Office also inputs the appointee's information into a central database.

STEP 6. Liaison departments' follow-up by contacting the appointee and conveying necessary information, such as when and where meetings are held, etc.

STEP 7. The County Administrator's Office provides the departments/divisions updates to the Directory of Boards and Commissions. Liaison departments should review the Directory of Boards and Commissions and notify the County Administrator's Office of changes in membership, composition, etc. as soon as possible.

ATTACHMENTS:

A. Boards/Committees Application (February 2016)
B. Board Appointment Summary Form
C. Sunshine Law Overview for Advisory Board Members Guide

Verdenia C. Baker

VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. PPM# CW-O-023, dated 2/1/89
2. PPM# CW-O-023, dated 9/12/94
3. PPM#CW-O-023, dated 06/01/07
4. PPM#CW-O-23, dated 05/01/08
5. PPM# CW-O-23, dated 01/28/14

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION

*The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate.* ***Please attach a biography or résumé to this form.***

Section I (Department): (Please Print)

Board Name: _____ **Advisory [ ] Not Advisory [ ]**

[ ] At Large Appointment **or** [ ] District Appointment /District #: _____

Term of Appointment: _____ Years. From: _____ To: _____

Seat Requirement: _____ Seat #: _____

[ ]*Reappointment **or** [ ] New Appointment

or [ ] to complete the term of _____ Due to: [ ] resignation [ ] other

Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____**

Section II (Applicant): (Please Print)
APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: _____
Last First Middle

Occupation/Affiliation: _____

Owner [ ] Employee [ ] Officer [ ]

Business Name: _____

Business Address: _____

City & State _____ Zip Code: _____

Residence Address: _____

City & State _____ Zip Code: _____

Home Phone: **( )** _____ Business Phone: **( )** _____ **Ext.** _____

Cell Phone: ( ) _____ Fax: ( ) _____

Email Address: _____

Mailing Address Preference: [ ] Business [ ] Residence

Have you ever been convicted of a felony: Yes _____ No _____
If Yes, state the court, nature of offense, disposition of case and date: _____

_____

Minority Identification Code: [ ] Male [ ] Female
[ ] Native-American [ ] Hispanic-American [ ] Asian-American [ ] African-American [ ] Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed $500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

Contract/Transaction No.	Department/Division	Description of Services	Term
Example: (R#XX-XX/PO XX)	Parks & Recreation	General Maintenance	10/01/00-09/30/2100
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE ☐ NOT APPLICABLE/ (Governmental Entity) ☐

ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment. **Article XIII, and the training requirement can be found on the web at: http://www.palmbeachcountyethics.com/training.htm. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.**

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

___ By watching the training program on the Web, DVD or VHS on _____ 20_____
___ By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

***Applicant's Signature**:_____ Printed Name: _____ Date: _____

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 355-1915.

Return this FORM to:
{Insert Liaison Name Here}, {Insert Department/Division Here}
{Insert Address Here)

Section III (Commissioner, if applicable):
Appointment to be made at BCC Meeting on: _____

Commissioner's Signature:_____ Date: _____

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public. Revised 02/01/2016

Agenda Item #: _____

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date:

Department:

Advisory Board:

I. EXECUTIVE BRIEF

Motion & Title: Staff recommends motion to :

Summary:

Background and Justification:

Attachments:

Recommended by: _____
Department Director **Date**

Legal Sufficiency: _____
Assistant County Attorney **Date**

II. REVIEW COMMENTS

A. Other Department Review:

_____
Department Director

Sunshine Law Overview for Advisory Board Members

All meetings of public agencies at which official acts are taken must be open to the public.

The term "official acts" includes not only the final act of the public agency, but **every step in the decision making process** which leads to the final act.

Personal Responsibility

The Sunshine Law applies to you because of **your role in the decision making process** - the recommendations made by this group will inform the ultimate decisions, or "official acts" taken by one or more public agencies.

The law is **broadly construed** to ensure the entire **decision making process** is open to the public. Courts have consistently found that the law is violated any time actions are taken to evade the open meeting requirement. This includes voting by secret ballot, straw polls, or any discussion, whether live, through written correspondence, or by email or electronic media, between two or more board members in private to discuss matters that will likely come before the board they serve.

Agency Responsibility

There must be **reasonable notice** of all meetings – sufficient to inform and enable interested persons so they can attend.

The meeting must be held at a place **accessible to the public.**

Minutes must be recorded and made available to the public.

Consequences

Knowingly violating the Sunshine Law is a **second degree misdemeanor** = $500/6mos jail, or both.

Violations are also subject to $500 **civil penalty**.

Agency decisions linked to violation **can be rendered void**, although in some situations, decisions have been reinstated after full, public airing of the decision at issue.

Agency must **pay attorney's fees and costs** to person who successfully alleges Sunshine Law violation.