

First Things First
Yavapai Regional Partnership Council
DRAFT 2013 First Reading
Governance Policy Manual

P R E F A C E

This document, initially adopted by the Yavapai Regional Partnership Council on May 28, 2008, and updated periodically thereafter, constitutes the complete and official body of policies for the governance and operation of the Yavapai Regional Partnership Council.

DISCLAIMER

ALL POLICIES FOUND IN THIS GOVERNANCE POLICY MANUAL ARE SUBJECT TO CHANGE FROM TIME TO TIME AS APPROVED BY THE REGIONAL PARTNERSHIP COUNCIL. THE FIRST THINGS FIRST REGIONAL OFFICE DISSEMINATES HARD COPIES OF ADDITIONS/REVISIONS NOT MORE THAN TWICE EACH YEAR. THE WEB COPY, LOCATED AT [HTTP://WWW.AZECDH.GOV](http://www.azecdh.gov) IS UPDATED AS NEEDED FOLLOWING APPROVAL BY THE REGIONAL PARTNERSHIP COUNCIL. PRIOR TO ACTING IN RELIANCE UPON A SPECIFIC COUNCIL POLICY AS IT APPEARS IN ANY COPY OF THE GOVERNANCE POLICY MANUAL, PLEASE CHECK TO MAKE SURE THAT THE COUNCIL HAS NOT RECENTLY APPROVED ANY ADDITIONS OR REVISIONS TO THAT SPECIFIC POLICY.

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1-101 Organization, Authority and Location

The Yavapai Regional Partnership Council (herein referred to as “the Council”) is established as a result of a ballot initiative, Proposition 203, which was approved by voters in November 2006.

The purpose, authority, powers and duties of the Council are included in A.R.S. Title 8, Chapter 13 as well as in other statutes and laws of the State of Arizona. The Council is appointed by the Arizona Early Childhood Development and Health Board and is assisted in the performance of its duties by staff employees known as First Things First Staff.

The First Things First Yavapai Region office is located in Prescott, Arizona. The office is maintained by Yavapai Regional Staff.

Adopted: May 28, 2008

Reviewed: March xx, 2013

1-102 Departure from Council Policy

Persons desiring to depart from the policies adopted by the Council shall submit a request in writing to the Chairperson of the Council.

No departure from Council policy shall be permitted without the approval of the Council.

Adopted: May 28, 2008

Reviewed: March xx, 2013

1-103 Meetings of the Council

The Council shall adopt a calendar of regular meetings of the Council prior to the beginning of each calendar year. The Chairperson or any four members of the Council may at any time call a special meeting of the Council.

A majority of the membership of the Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a number less than a quorum may adjourn from time to time. Council members may participate at any meeting in person, by teleconference or by videoconference provided that all members may hear one another.

Public notice of all meetings of the Council shall be provided in accordance with the requirements of law. In addition, written notice shall be provided to each member of the Council. All notices required by this policy shall at least specify the time, date and place of the meeting.

Written notice of any regular meeting of the Council, plus the agenda and all material relating to agenda items, shall be transmitted to each member of the Council at each member's last known place of residence or other designated address by the quickest and most reliable method at least ~~seven~~ **five (7) (5)** days prior to the date of such meeting. **Materials may be transmitted by mail or email.** Amendments to the agenda and additional supporting materials, not previously available, shall be transmitted at least three days prior to the scheduled meeting. Except with the approval of three-fourths of the voting members in attendance at a meeting, and if permitted by law, no action shall be taken by the Council on any matter where material is not timely submitted in accordance with this policy.

Special meetings may be held upon such notice to the members of the Council as is appropriate to the circumstances and upon such public notice as is required by law. Special meetings may be held by teleconference and/or videoconference. All material relating to special meeting agenda items shall be transmitted to each member of the Council as far in advance of the meeting as possible.

Adopted: May 28, 2008
Revised: February 24, 2010
Revised: March xx, 2013

1-104 Meeting Procedures

The rules contained in the current edition of Robert's Rules of Order Newly Revised (available online at <http://www.rulesonline.com/>) shall govern the deliberations of the Council in all cases to which they are applicable and in which they are not inconsistent with these Council policies and special rules of order the Council may adopt, and with any applicable statutes.

The order of business for any regular meeting of the Council shall be in accordance with the written agenda prepared for the meeting. Such agenda shall provide for both an executive session and open session in accordance with requirements of law. The open session portion of the agenda shall provide at least for the following:

1. Call to order
2. Approval of minutes of prior regular or special meetings
3. Adoption of all consent agenda items
4. Matters presented by the chairs of standing committees of the Council
5. Reports, if any, from ad hoc or special committees appointed by the Council
6. Matters presented by the First Things First Regional **Director**
7. Adjournment

A "Call to the Public" may be included, but is not required, in all regular and special meeting agendas of the Council.

Routine matters listed in the open session portion of the agenda for a regular meeting of the Council may be grouped together and decided by the Council without discussion or debate. Such matters shall be designated as "Consent Agenda Items." Any member of the Council may request discussion or debate on any individual item listed as a Consent Agenda Item, and the matter shall be considered and decided separately at such time in the meeting as may be directed by the Chairperson.

During the course of any regular meeting of the Council, the Chairperson shall act as presiding officer and all motions shall be directed to the Chairperson. However, the Chairperson may delegate to the chair of each respective standing committee the responsibility for chairing discussion of items presented to the Council by that chairperson. Whenever a matter before the Council is deferred for further discussion, the Chairperson may assign the matter to an appropriate committee, schedule the matter for further consideration at a future meeting of the Council, or take other appropriate action, and may otherwise direct the Regional Staff with respect to the matter.

All meetings of the Council are open to the public except for executive sessions. The Council reserves the right to maintain order to prevent interference by any member or members of the public with the conduct of its meetings.

Adopted: May 28, 2008
Revised: February 24, 2010
Revised: March xx, 2013

1-105 Call to the Public Procedure

During a Council meeting, the Council may conduct a "Call to the Public" when members of the public may address the Council. Speakers who wish to address the Council:

- Must turn in a signed request (using the form provided at the Council meeting) to the Regional **Director**. Any written materials for the Council should be included with this request.
- Are given up to five minutes to make their remarks.
- The Chair may further limit time allotted for remarks based on the size of the agenda and the number of people wishing to address the Council.

The following priority will be given to speakers during "Call to the Public":

1. Comments pertaining to items scheduled on that meeting's agenda.
2. Other matters: presenters who have not addressed the Council in the previous two months.
3. Other matters: presenters who have addressed the Council in the previous two months.

The Council retains its prerogative to:

- Limit or refuse to hear comments from the public based on time constraints.
- Limit or refuse to hear comments on a specific issue.
- Limit the time or the number of speakers on the same issue.
- Refuse to have letters read on behalf of other individuals.

If speakers have comments that are too long for the time allowed they may provide written materials to the Regional **Director** for distribution to the Council. Written materials may also be provided to the Regional **Director** for distribution to the Council if the member of the public is not afforded an opportunity to address the Council or at the individual's request. Sufficient copies for all Council members should be provided. Written materials provided by the public at Council meetings will be distributed to the Council during the "Call to the Public" portion of the meeting.

Because of the diversity of issues presented during "Call to the Public," Council members generally do not respond to speakers during this comment period. The speaker's concerns are recorded and may be referred to the appropriate staff for follow-up. The Council is informed of the outcomes of the staff efforts to respond to the speaker's concerns.

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Revised: February 24, 2010

Revised: March xx, 2013

1-106 Minutes of Meetings of the Council

Minutes of all meetings of the Council shall be created and maintained in accordance with the requirements of law. The Council may incorporate by reference into its minutes reports, lists, formal written resolutions and other material of similar import, and such material shall be maintained in a permanent file to be designated as the "Yavapai Regional Partnership Council Documents File," which shall be kept in the custody of the Regional **Director** and available for ready reference.

Each member of the Council shall be furnished with a copy of the minutes of the open session portion of each regular and special meeting of the Regional Partnership Council. Members of the Council shall be furnished with copies of the minutes of the executive session portion of any meeting of the Council for the purpose of approving those minutes, after which all copies shall be returned to the Regional **Director**.

All minutes of the open session portion of any meeting of the Council shall be open to public inspection during regular business hours at the First Things First Regional Office located in Prescott, AZ. Minutes of executive sessions shall be kept confidential except from members of the Council or as otherwise required by law. Copies of minutes or excerpts from any minutes of the open session portion of any Council meeting or from any executive session, if the law permits such disclosure, may be furnished by the Regional **Director**. If such minutes have not yet been approved by the Council, they shall be marked "Draft."

Adopted: May 28, 2008

Revised: March xx, 2013

1-107 Committees and Subcommittees

The Council may establish and maintain standing committees composed of members of the Council appointed by the Chairperson. The Chairperson or designee will serve as an ex officio member of all standing committees.

Standing Committees may meet either apart from regular meetings of the Council and provide a report to the Council of business conducted, or may meet as a committee of the whole during the course of a regular Council meeting. All members of the Council attending a standing committee meeting are eligible for voting on standing committee matters.

The Chairperson of the Council may establish such other ad hoc or special committees as the Chairperson deems necessary or advisable. The Chairperson shall appoint the membership of such committees, which may, but need not, include members of the Council, and shall designate the matters to be considered by said committees. All such committees shall act as advisory bodies to the Council and report their recommendations to the Council.

All such standing, ad hoc or special committees shall hold and conduct their meetings in accordance with requirements of law. The chair of each such committee shall be its presiding officer and shall set the time, date and place of the meetings.

The Executive Committee shall be a standing committee of the Council. Its members shall include the Chairperson, Vice-Chairperson and the chairs of any other Standing Committees established by the Council. Unless otherwise directed by the Chairperson, the Chairperson will preside over the Executive Committee. If the law permits, the Council may delegate a specific decision-making authority to the Executive Committee from time to time. In addition, if a matter is deemed to be urgent by the Chairperson, the Executive Committee may be convened for specific decision-making, subject to adoption at a subsequent regular meeting of the Council.

Adopted: May 28, 2008

Reviewed: March xx, 2013

1-108 Council Officers and Their Duties

At the first regular meeting of the Council following May 1 of each fiscal year beginning in 2008, the Council shall elect a Chairperson and Vice-Chairperson from among the appointed members to serve for the ensuing fiscal year beginning July 1, who shall hold office for twelve months and until successors are duly elected. The election shall be by ballot. A majority vote of the appointed members of the Council shall be required to elect.

In the absence of good reason to the contrary, it shall be the Policy of the Council, in nominating members to serve as its Chairperson and Vice-Chairperson, to nominate members who have previously served as a member of the executive committee to help ensure greater past experience on the Council. Notwithstanding the previously stated preference for experience, the Council may nominate any appointed member for its Chairperson and Vice-Chairperson.

It shall be the duty of the Chairperson to preside over the meetings of the Council, to call meetings as herein provided, to serve as an ex officio member of all committees of the Council, and to perform such other duties as are set forth in these policies or as shall be vested in the Chairperson.

It shall be the duty of the Vice-Chairperson to assume the duties of the Chairperson in the absence of the Chairperson. The Vice-Chairperson does not automatically succeed the Chairperson. Both the Chairperson and the Vice-Chairperson are eligible for reelection.

Adopted: May 28, 2008

Reviewed: March xx, 2013

1-109 Communications To or From the Council

Communications from the Council to members of the legislature, the press and the public should, whenever possible, be transmitted by and through the Chairperson of the Council. Inquiries in regard to matters upon which the Council has taken, or probably will take a position, should be referred to the Chairperson.

There will be cases when an individual member of the Council will feel obligated to answer inquiries. In these cases, the member of the Council expressing an opinion as to matters upon which the Council has taken a position should support the position taken by the Council or make it perfectly clear that he or she is expressing an opinion that has not been approved by the Council.

Adopted: May 28, 2008

Reviewed: March xx, 2013

1-110 Lobbying

The Council recognizes and appreciates the privilege each individual in this State and nation has to express his or her opinion and to seek to make that opinion known to members of Congress, the State legislature and other elected bodies. The Council also recognizes the responsibilities with which it has been entrusted in connection with the operation of the early childhood development and health system and the advancement of early childhood development and health programs in the State of Arizona and recognizes that on occasion the interests of the Council will not coincide with the interests of individual members of the Council.

In approaching members of Congress, the State legislature or other elected bodies, members of the Council shall make every effort to indicate clearly that the position they take is an individual position or is the position of a group other than the Council. In instances in which the Council has taken an official position, the member endorsing a differing position shall make it clear to the legislative body that the Council has endorsed a different or contrary position.

The members responsible for the disbursement or allocation of State funds shall determine prior to disbursement or allocation that such funds will not be used for purposes of influencing legislation unless such use receives specific authorization by the Council.

Only the Chairperson of the Council or his or her designated delegate shall speak for the Council to members of the legislature in matters relating to policy. In responding to members of Congress, State legislators or other elected officials, Council members shall make every effort to accurately communicate official Council positions. In matters for which the Council hasn't taken an official position, Council members should indicate clearly that the position they take is an individual position or is the position of a group other than the Council.

This policy is not intended to nor shall it be enforced so as to restrict rights guaranteed to individual employees or Council members but is an attempt only to separate the views of those individuals from positions which the Council may take in attempting to discharge its responsibilities under the statutes of the State of Arizona.

Adopted: May 28, 2008

Reviewed: March xx, 2013

1-111 Conflict Of Interest

Council members and employees shall comply with the conflict of interest provisions of A.R.S. Title 38, Chapter 3, Article 8. These statutes set the minimum standards expected of public officers and employees who, in their official capacities, are faced with a decision or contract that might affect their direct or indirect pecuniary or proprietary interests or those of a relative.

Section 38-503 provides in part:

Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale, purchase or service.

Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

Under this law, a Council member or employee who has a conflict of interest must disclose the interest and refrain from participating in the matter. Council members and employees may find guidance on this subject in the Arizona Agency Handbook, which is available on the Attorney General's website at http://www.azag.gov/Agency_Handbook/Agency_Handbook.html. Public officers and employees should review conflicts of interest matters not specifically addressed in the Handbook with their supervisors or legal counsel.

In addition to complying with the conflict of interest provisions of Title 38, Chapter 3, Article 8, no Regional Partnership Council member shall vote on, or participate in the discussion of, any grant proposal in which any entity by which they are employed or on whose Board they serve has a substantial interest, as defined by Section 38-502.

In addition to complying with the conflict of interest provisions of Title 38, Chapter 3, Article 8, all Council members and employees shall complete a Conflict of Interest Statement upon adoption of this policy and annually thereafter on a form to be provided by First Things First. These forms will be reviewed by the Regional **Director** and First Things First legal counsel for resolution or mitigation of potential conflicts of interest. Any potential conflicts of interest that cannot be resolved or mitigated satisfactorily will be placed on the Regional Partnership Council's upcoming agenda for disclosure purposes and to help ensure compliance with the

conflict of interest laws. In addition, the Regional Director will prepare a summary report of the Conflict of Interest Statements filed each year for Council review.

The Conflict of Interest Statement prepared annually by the Regional Director will be reviewed by the Council. NOTE: all conflicts of interest are recorded and reported monthly in the RPC minutes. To date, there is no record of a summary report being presented to the Council. If this practice is unnecessary, the two statements in red should be deleted.

Adopted: May 28, 2008

Revised: March xx, 2013

1-112 Amendments

These policies shall not be added to, amended, or repealed except at a meeting of the Council and by public vote of a majority of all voting members of the Council. Any proposed addition, deletion, or amendment shall be filed with the Regional **Director**, in writing, at least ten days before such meeting, and it shall be the duty of the Regional **Director** to promptly distribute a copy to each member of the Council.

Amendments to Council policy will require a two-step process to adopt: 1) the draft policy change will receive a *first reading* at a public meeting, during which Council members may discuss the draft amendment and request that staff make changes as deemed appropriate (a vote to adopt is not taken at this stage) and 2) the draft policy change will receive a *second reading* at a subsequent public meeting during which the Council may direct staff to make further changes or may vote its adoption.

Adopted: May 28, 2008

Revised: March xx, 2013

1-113 Attendance

A.R.S. §8-1162(D), the state law governing First Things First, recognizes the importance of consistent attendance by Regional Council members with the following statement:

Members of the Regional Partnership Council who miss more than three meetings without excuse or resign their membership shall be replaced by the Board after a public application process and with the input of the Regional Partnership Council.

Attendance Expectations: Regional Council members are expected to attend all Regional Council meetings. It is understood, that there will be times when Regional Council members will need to miss a meeting. The Regional **Director** will maintain an attendance roster that documents each Regional Council member's attendance at scheduled meetings. The attendance policy shall be in effect for all regularly scheduled Regional Council meetings and shall not apply to special meetings.

Excused Absence: An excused absence occurs when a Regional Council member is unable to attend a meeting due to an emergency, illness, injury, or previously scheduled travel, work, tribal ceremony, or family obligation which prevents participation at a meeting either in person or by phone.

Notification of a previously planned obligation should be provided to the Regional **Director** at least two (2) weeks in advance of the scheduled meeting. A Regional Council member who misses a meeting other than for a previously planned obligation shall contact the Regional **Director** as soon as possible providing an explanation for missing a meeting. An emergency is a situation that cannot reasonably be planned for in advance, e.g. car trouble, weather conditions, family illness and obligation to tribal ceremonies.

Unexcused Absence: An unexcused absence occurs when a Regional Council member is absent from a scheduled meeting without providing sufficient notice or without providing an explanation of the reasons for the member's absence, consistent with excused absence definition above.

Determination of Excused Absence: The Regional **Director** or staff will assist the Chair in keeping track of absences. If there is a question about whether an absence meets the definition of an excused absence, the Regional Council Chair or Vice-Chair may consult with the Regional **Director** for a determination.

Problem Attendance: An attendance problem will be defined as:

- a. 2 consecutive unexcused absences
- b. 3 consecutive absences, excused or unexcused
- c. more than 3 unexcused absences in a 12-month period
- d. more than 5 excused and unexcused absences in a 12 month period

Addressing an Attendance Problem: Upon identification of an attendance problem, the Regional Council Chair or Vice-Chair will call the Regional Partnership Council member to discuss his/her attendance record and remind him/her of the attendance expectations. If the Regional Council member's difficulties are resolvable, then the Chair or Vice-Chair will attempt to help resolve them with assistance of staff.

If after conversations the Regional Council members attendance reaches a level of non-attendance as identified in "c" above and no mutually satisfactory resolution is possible, the Regional Council Chair or Vice-Chair will ask that the member resign his/her position on the Regional Partnership Council. If, upon request, the member does not resign, the matter shall be forwarded to the Board for appropriate action.

If a member reaches a level of non-attendance under "d" above, of which no more than 3 are unexcused, the Regional Council Chair may ask the member to resign his/her position in order to ensure the Regional Council has sufficient participation to timely and appropriately complete its work. If the member wishes to continue on the Regional Council, the matter shall be put to the Regional Partnership Council at its next meeting. The Regional Council member shall be entitled to speak to this item. The Regional Council will then decide to allow the member to continue to participate or to refer the member to the Board for possible removal from the Regional Council.

Effective: September 1, 2009

Revised: March xx, 2013

1-114 E-Mail Communications between Regional Council Members

Regional Council members should be cognizant of their responsibilities to ensure that the Regional Council's business is conducted at public meetings, and may not use e-mail in a manner that circumvents statutory Open Meeting Law ("OML") requirements. Regional Council members shall not be parties to an exchange of e-mail communications that involve discussions, deliberations, or taking legal or official action by a quorum of the Regional Council concerning any matter that possibly may come before the Regional Council for action. Meetings for these purposes are defined as the discussion of legal or official action, proposing legal or official action, and deliberating with respect to such actions; provided, however, that:

- The mere use or passive receipt of e-mail does not automatically constitute a meeting.
- A one-way communication by one Regional Council member to other members that form a quorum, with no further exchanges between members, is not a *per se* violation of the OML. However, a one-way communication by one Regional Council member to other members that form a quorum that proposes legal or official Regional Council action may constitute a violation of the OML; communications should be limited to recommending general matters for inclusion on a future agenda rather than proposing legal or official action.
- Passive receipt of information from a member of the staff or the public with nothing more does not violate OML.
- E-mail discussions between less than a quorum of the Regional Council members that are forwarded to a quorum by or at the direction of a Regional Council member would violate the OML.
- Regional Council members may e-mail staff and a quorum of the Regional Council proposing that a general matter be placed on a future agenda. Proposing that the Regional Council have the opportunity to consider a subject at a future public meeting, without more discussion, does not propose legal or official action and therefore is permissible.
- Regional Council members may e-mail a unilateral communication to other Regional Council members concerning facts or opinions relating to Regional Council business, but Regional Council members may not respond to such e-mail.

- An e-mail request by a Regional Council member to staff for specific information does not violate the OML, even if other Regional Council members are copied on the e-mail. Staff may reply to all Regional Council members without violating the OML as long as that response does not communicate opinions of other Regional Council members.
- A Regional Council member may use e-mail to send an article, report or other factual information to other Regional Council members or staff with a request to include the information in the Regional Council's agenda packet.
- A Regional Council member may copy other members with an e-mailed response to an inquiry from a member of the public, but Regional Council members may not respond to such e-mail.

Adopted: May 26, 2010

Reviewed: March xx, 2013