

MOHAVE COUNTY REQUEST FOR BOARD ACTION FORM

FROM: Supervisor Travis Lingenfelter, District 1
CONTACT/EXT: Ext. 4722
DATE: May 16, 2024
BOS MEETING DATE: May 20, 2024

FORMAL ACTION: ☒
CONSENT ☐
RESOLUTION ☐
OTHER ☐
INFORMATION ONLY ☐

SUMMARIZE THE ISSUE & DESIRED ACTION CLEARLY/ATTACH BACKUP MATERIAL:

On October 1, 2018 the Mohave County Board of Supervisors ("Board") established a Mohave County Commission for Public Lands and Recreation (Agenda Item 053). On October 15, 2018 the Board passed Resolution No. 2018-128, formally established a Mohave County Public Lands and Recreation Commission, consisting of two members from each Supervisorial District, one Mohave County Supervisor and one Public Works Representative (Agenda Item. 055). The commission was responsible for making recommendations to the Board regarding the BLM's Kingman Travel Management Implementation Plan.

On August 14, 2023 the Board revised the bylaws to expand the functions and duties of the Commission by providing advice on the planning, installation, use, promotion, and regulation of renewable energy projects on public and private lands in Mohave County. (See item 086) The Board also changed the make-up of the membership of the commission, extended the duration of the term of the membership to 4 years, and changed the schedule of the Commission meetings.

On March 4, 2024 the Board of Supervisors updated and revised the bylaws, creating a five member (from each District) and one Supervisor commission.

This motion contemplates the expansion of the Commission's scope and purpose.

RECOMMENDED MOTION: For discussion and possible action: Update and revise the functions, duties and responsibilities section of the Bylaws for the Mohave County Public Lands and Recreation Commission ("Commission"), by expanding its function to include providing advice on Bureau of Land Management (BLM) Public Land Rules, BLM actions and proposed actions that may impact Mohave County, and proposed BLM parks business plans.

County Attorney ☒ **Reviewed and Approved By:** Human Resources ☐ Finance ☐ County Manager ☒

Board Action Taken:
Approved as Requested ☒ No Action Taken ☐ Disapproved ☐
Continued to _____ ☐ Approved with the following changes:

Acknowledged receipt and referred to: _____

Filing Information and Retrieval

Filed Bid _____ Filed Agreement _____
BOS Resolution _____ Filed Yearly Correspondence _____
Filed Petition _____ Filed Dedication _____
Filed Land Sold _____ Filed Land Acquired _____
Filed Franchise _____ ID Resolution _____
Filed Improvement District _____ Filed Other public Lands &

Date Routed: 5/21/24
Additional Information:

XC:

recreation Commission CS Recm

**Mohave County Board of Supervisors
Public Lands and Recreation Commission**

BYLAWS

ARTICLE I: Name

Section 1. The name of this organization shall be the Public Lands and Recreation Commission of Mohave County ("**PL&R Commission**").

ARTICLE II: Functions, Duties, and Responsibilities

Section 1. The PL&R Commission shall function as an advisory organization on matters relating to its mission of preserving, developing, and promoting public access, recreation, non-motorized travel, and off-highway vehicle use for public enjoyment, safety, and personal well-being on public lands exterior to road and street rights-of-way. The Commission shall also act to provide advice to the Board of Supervisors regarding the planning, installation, use, promotion, and regulation of renewable energy projects, both on public and private lands within Mohave County.

Section 2. The PL&R Commission shall only advise on the following matters: (1) United States Department of the Interior – Bureau of Land Management *Kingman Travel Management Implementation Plan*, (2) and the planning, installation, use, promotion, and regulation of renewable energy projects on public and private lands within Mohave County, (3) Bureau of Land Management (BLM) Public Land Rules, BLM actions and proposed actions that may impact Mohave County, and proposed BLM parks business plans, and (4) as directed by the Board of Supervisors following a vote by the Board at a duly noticed and agenda'd Board of Supervisors meeting. The PL&R Commission shall only provide advice to the Board of Supervisors of these ~~issues~~^{two issues}, and for no further areas, ~~unless otherwise directed by the Board of Supervisors at a duly noticed and agenda'd Board of Supervisors meeting.~~

Section 3. The PL&R Commission shall act as a recommending body to the Mohave County Board of Supervisors ("**BOS**").

Section 4. The PL&R Commission shall, whenever possible, interface, coordinate, and cooperate with various federal, state, and local government agencies and non-governmental organizations relating to fulfilling its function and mission.

Section 5. Prior to and in conjunction with its recommendations, the PL&R Commission shall seek and consider information and advice, including factual information

and technical advice and recommendations from County staff, including without limitation the County Engineer, County Attorney, Public Works Director, Development Services Director, and Parks Administrator, and shall therewith consider and apply BOS adopted policies.

Section 6. PL&R Commission members ("**Commissioners**") shall consider and make recommendations based primarily on the perceived "best interests" of the County as a whole, and secondarily thereto, as to the "best interests" of their respective Districts.

ARTICLE III: Membership

Section 1. The PL&R Commission shall consist of seven (7) appointed and voting Commissioners appointed by the Board of Supervisors. The Commission shall consist of:

A. One (1) Commissioner from each supervisorial district that are recommended by the Supervisor of that District, for a total of five (5);

B. One (1) Mohave County Supervisor; and

C. One (1) County Staff employee appointed by the County Manager.

Section 2. A Commissioner shall be of legal age and a resident elector of Mohave County, Arizona. Commissioners shall be appointed to serve a term of four (4) years. Upon expiration of term the Commissioner shall cease being on the Commission, except if reappointed. Any Commissioner may be reappointed, removed, or resignation accepted by affirmative recommendation as applicable of a Supervisor for whose District the recommended action is proposed in addition to affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors.

Section 3. The PL&R Commission Chairman shall notify the Commissioner and corresponding members of the Board of Supervisors when the Commissioner has three (3) unexcused absences from regular meetings in any consecutive twelve (12) month period. An "**unexcused absence**" is defined as an absence not arranged with and approved by the Chairman two weeks prior to the meeting, or which was caused by illness or immediate family emergency. Such absences shall be a basis for the removal of a Commissioner for cause.

Section 4. A Commissioner may be removed for cause or for no cause following the recommendation of the Supervisor for whose District they represent and an affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors. When action is being proposed for removal of a Commissioner, that Commissioner shall be sent two

(2) or more weeks written Notice delivered by hand or mailed to the Commissioner's last known address.

ARTICLE IV: Officers and Duties

Section 1. PL&R Commission Officers:

A. The Officers of the PL&R Commission shall be the Chairman and Vice-Chairman.

Section 2. PL&R Commission Officer Duties:

A. The PL&R Commission Chairman shall:

1. Call all meetings.
2. Preside at all meetings.
3. Appoint the Chairmen of all committees.
4. Serve as ex-officio member of all committees.
5. Rule on procedural questions.
6. Oversee the voting process, but shall participate by voting only in the event of a tie. The Chairman may participate in the discussion of matters.
7. The Chairman may limit the number of people permitted to speak on any matter before the PL&R Commission and may limit the time allotted to each speaker provided that such procedure shall nonetheless result in a full hearing of all relevant issues and is uniformly and fairly applied. The Chairman may direct that a study session meeting or a workshop meeting may be scheduled without public comment or without the public speaking thereat, if so Noticed and stated on the Agenda.
8. Any ruling of the Chairman shall be subject to reversal by a majority of the PL&R Commission Commissioners present.

B. The PL&R Commission Vice-Chairman shall:

1. Act in the absence of the Chairman.
2. Perform other duties as assigned by the Chairman.
3. Annually review the Bylaws and make revisions as needed for consideration and recommendation by the PL&R Commission to the Board of Supervisors for Board consideration and approval of amended Bylaws by affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors.

Section 3. Election of PL&R Commission Officers

A. The Chairman and Vice-Chairman shall be elected at the June meeting.

- B. Persons receiving the majority of votes of the Commissioners at the June meeting shall be elected.
- C. Vacant offices may be filled when needed by an election conducted at a regular or special meeting.

Section 4. Appointment of a Clerk. The Mohave County Board of Supervisors has appointed the Clerk of the Board as the Public Lands & Recreation Commission Clerk. The Clerk shall prepare and post Notices, prepare and distribute Agendas, back-up material, other documents, and shall be present at all meetings to record, transcribe and/or otherwise memorialize Minutes of the Meeting, including motions, actions, resolutions, and shall distribute for review, revision (as appropriate) approval and/or adoption of such and the maintenance of such. The Clerk shall perform other duties as appropriate. The Clerk is not a Commissioner and does not have voting privileges.

Section 5. Protocol of Communications. Any written communication proposed to be sent and any oral statement intended to be communicated by a Commissioner or Officer as a Commission position, which has not been prior expressly acted upon and expressly approved by the Commission as its official position, must first be presented and must first be affirmatively approved by a majority vote of the Commission, in its discretion, prior to the transmission or communication of such writing or oral statement as an official position of the Commission. This does not preclude any private "non-official" communication in compliance with laws, nor does it preclude the transmittal of communication, written or oral clearly stated to be an individual Commissioner's position, or as applicable, a minority position and not an "official position" of the Commission. Unless or until a Commission position is expressly approved at a duly noticed and agendized meeting, no individual Commissioner's or Commissioners' position shall be presented as a position of the Commission.

Section 6. Recommendations. Commission recommendations to the Board of Supervisors are not final determinations of the County, unless or until affirmatively accepted, approved, or adopted by the Board of Supervisors at a duly noticed and agendized meeting. Thus, neither the Commission nor Commissioners shall represent or characterize recommendations of the Commission to the Board of Supervisors as being final County determinations.

ARTICLE V: Meetings

Section 1. Regular meetings of the PL&R Commission shall be held the First Thursday of each month, with the first meeting scheduled for September 7, 2023 at the

Mohave County Administration Building (Kingman, Arizona), and posted in accordance with the Arizona Open Meeting Law on Mohave County.us and in the Mohave County Administration Building, 700 West Beale Street, in the County seat of Kingman, Arizona. Generally, regular meetings should be scheduled for 2:30 p.m., and study sessions and workshop meetings (if scheduled) should be held preceding the regular sessions at 1:30 pm. These meetings will generally be held at the Mohave County Administration Building in Kingman, Arizona. However, these meetings may be scheduled at other locations as determined by the Commission.

- Section 2.** All meetings of the PL&R Commission will comply with the Arizona Open Meeting Law, and therewith be open to the public with the exception of executive sessions as permitted by applicable laws, including executive sessions which are intended to provide legal counsel to the PL&R Commission.
- Section 3.** Special PL&R Commission meetings may be scheduled as needed at the call of the Chairman or upon the written or oral request of at least five (5) Commissioners. All Commissioners shall receive due notification at least twenty-four (24) hours prior to any special meetings or as the applicable laws may otherwise require.
- Section 4.** A schedule of PL&R Commission meetings shall be appropriately displayed in the Public Works Department Building.
- Section 5.** Advance notice of PL&R Commission meetings shall be appropriately displayed in the Public Works Department Building.
- Section 6.** Any PL&R Commission Member, or the County Engineer, may place an item on a future Agenda according to the Agenda Schedule prepared by the Clerk, or as applicable other County staff.
- Section 7.** PL&R Commission meeting agendas and supportive material will be delivered to all Commissioners at least five (5) business days prior to regularly scheduled meetings. Additional supportive material may be presented up to the time an item is heard and considered.
- Section 8.** PL&R Commission open meetings shall be conducted in accordance with Robert's Rules of Order. In any case where there is a conflict between these Bylaws and Robert's Rules of Order, these Bylaws shall control.
- Section 9.** PL&R Commission Commissioners must be present to vote.

Section 10. A quorum shall consist of a majority of the currently appointed Commissioners. A majority vote of the quorum is required for any official action.

Section 11. The Commission Clerk or his designee, shall prepare Minutes of all meetings, which shall be transcribed into a written form, and thereafter, at a subsequent duly noticed and agendized meeting, shall be reviewed, corrected (if necessary), and approved. For meetings other than executive sessions, the minutes shall include the date, time and place of the meeting, the members of the Commission recorded as either present or absent, a general description of the matters considered, and an accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted. The minutes shall also include the names of the members who propose each motion and the names of the persons, as given, who make statements or present material to the Commission and a reference to the legal action about which they made statements or presented material. Minutes of any executive session shall be taken in accordance with A.R.S. § 38-431.01(C). Approved Minutes shall be signed by the Chairman, and in the Chairman's absence, the Vice-Chairman, and by the Clerk or his designee.

ARTICLE VI: Committees

Section 1. At the discretion of the Chairman or by majority vote of the Commissioners when agendized, a Committee or Committees may be established as needed.

ARTICLE VII: Amendment of Bylaws

Section 1. Formal amendments to the PL&R Commission Bylaws may be recommended at any official meeting, but no action of the Commission shall occur unless a Notice of such action and changes proposed have been provided at least two (2) weeks prior to the meeting. The Board of Supervisors shall approve any Commission recommended amendment to PL&R Commission Bylaws by affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors.

Section 2. Amendments to the Bylaws must be approved by a majority affirmative vote of a quorum of the Commissioners, followed by an affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors.

ARTICLE VIII: Conflict of Interest

Section 1. Any PL&R Commission Commissioner who has a Conflict of Interest in the outcome of any matter brought before the PL&R Commission, as set forth in A.R.S. Sections 38-502 through 38-505 and/or 38-509, 38-510), shall make that interest known and the Minutes of that meeting shall record that the Commissioner made such fact known. The Commissioner shall refrain from voting and in any way participating in that matter.

ARTICLE IX: Termination of Commission

Section 1. The Commission shall terminate and cease functioning at the sole discretion of the Board of Supervisors by a majority vote of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors.

Dated this _____ day of _____ 2024~~3~~

MOHAVE COUNTY BOARD OF SUPERVISORS

Hildy Angius, Chairman of the Board of Supervisors

SEAL:

ATTEST:

Laura Skubal, Clerk of the Board

APPROVED AND ADOPTED

I, Laura Skubal, Clerk of the Mohave County Board of Supervisors, hereby certify that said Board on the ~~20th~~^{4th} day of May~~reh~~, 2024, approved and adopted amendments to the foregoing Bylaws for the Public Lands and Recreation Commission of Mohave County on behalf of Mohave County, a body politic and corporate of the State of Arizona, for the purposes stated therein.

Formatted: Superscript

Updated May 20, 2024~~March 4, 2024~~
Public Lands and Recreation Commission Bylaws

Laura Skubal, Clerk of the Mohave County Board of Supervisors

(Seal)