

MOHAVE COUNTY REQUEST FOR BOARD ACTION FORM

FROM: Travis Lingenfelter, Supervisor
CONTACT/EXT: Ext. 4722
DATE: July 25, 2023
BOS MEETING DATE: August 7, 2023

FORMAL ACTION:
CONSENT
RESOLUTION
OTHER
INFORMATION ONLY

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

See attached Memo.

RECOMMENDED MOTION: For discussion and possible action: Adopt revisions to the bylaws of the Mohave County Public Lands and Recreation Commission, and direct County staff to assist with resuming regular Commission meetings. The revisions include expanding the functions and duties of the Commission to provide advice on the planning, installation, use, promotion, and regulation of renewable energy projects on public and private lands within Mohave County, changing the membership of the Commission to include members with subject-matter knowledge or expertise, extending the duration of the term of membership to 4 years, and changing the schedule of Commission meetings to a monthly basis.

Reviewed and Approved By:

County Attorney *RLW* 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 _____

Date Routed:
Additional Information:
XC:



Mohave County Attorney's Office

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Kingman, AZ 86402-7000
Telephone (928) 753-0719
Fax (928) 753-2669

Branch Offices:
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Lake Havasu City (928) 854-3501

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Chief Deputy

Victim/Witness
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Fax (928) 753-4290

Ryan Esplin: (928) 753-0770, x4631
Email: Esplin@mohave.gov

CIVIL DIVISION

MEMORANDUM

TO: Mohave County Board of Supervisors
FROM: Ryan Esplin, Chief Civil Deputy County Attorney
DATE: July 25, 2023
SUBJECT: Expanding the scope of the Mohave County Commission for Public Lands and Recreation, and make adjustments to the Commission's bylaws

Background and history of the Mohave County Commission for Public Lands and Recreation

On October 1, 2018, the Mohave County Board of Supervisors (Board) established a Mohave County Commission for Public Lands and Recreation (See Agenda Item 053). On October 15, 2023 the Board passed Resolution No. 2018-128, formally establishing a Mohave County Public Lands and Recreation Commission ("Commission"), consisting of two members from each Supervisorial District, one Mohave County Supervisor and one Public Works Representative (See Agenda Item No. 055). The Commission was responsible for making recommendations to the Board regarding the United States Department of the Interior—Bureau of Land Management Kingman Travel Management Implementation Plan. At the October 15th meeting the Board also adopted Bylaws for the Commission.

Per the Commission bylaws, the Commission shall only advise on the BLM's Kingman Travel Management Implementation Plan "until otherwise directed to advise on other Commission Agenda items not related to the Kingman Travel Management Implementation Plan by affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors."

The Commission consists of twelve appointed and voted Commissioners, appointed by the Board of Supervisors, comprising of the following:

- Two commissioners from each supervisor district;
- One Mohave County Supervisor;
- One Mohave County Public Works Representative;

According to the bylaws, the Commissioners are appointed to serve a term of one (1) year, and 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.

Following the October 15, 2018 meeting, the Commission began holding monthly meetings. At these meetings the Commissioners discussed the BLM's proposed Travel Management Plan for the Kingman Field Office management area.

In the Spring of 2019, the BLM informed the Commission that it was postponing the work on the Travel Management Plan. Consequently, the Commission voted to recommend to the Board of Supervisors to change the bylaws so that the Commission only met on quarterly basis. On May 6, 2019, the Board of Supervisors adopted the recommendation, and the Board changed the bylaws so that the Commission would meet on a quarterly basis (See Agenda Item 018).

When the BLM decided to postpone the work on the Travel Management Plan, there became nothing much else for the Commission to do. At the October 7, 2019 Board of Supervisor meeting, the Board considered to extend the scope of the Commission's work by allowing the Commission to make recommendations about the Moss Mine expansion. When the Supervisors discussed the item, however, the Supervisors concluded that expanding the scope of the Commission's responsibility was not necessary, and the Board took no action.

In response to the growing COVID-19 pandemic, on March 20, 2020 the Board of Supervisors voted to temporarily suspend the meetings of non-statutory county boards, committees, and commissions for the next sixty days. This included the Mohave County Public Lands and Recreation Commission. Since then, the Commission never resumed another meeting, and it has not been active.

Changes that need to be made in order to expand the scope and revive the Commission

In order to expand the scope of the Commission's purpose and actions, and to revive the Commission to action, the Board must take the following steps:

1. Appoint new Commissioners to the Commission. Article III, Section 2 of the Commission Bylaws states that Commissioners shall be appointed to serve a term of one (1) year. The last time the Commission met was in 2019. The term of office for all of the Commissioners have long since expired. The Mohave County Attorney Office (MCAO) recommends appointing new members to the Commission. Also, the MCAO recommends modifying the bylaws to permit a longer term of service. One year is a short amount of time, and keeping the term to one year would required the Board to make new appointments or reappointments every year. That does not seem reasonable.

2. Expand the Scope of the Commission's function to make recommendations beyond just the BLM's proposed Travel Management Plan for the Kingman Field Office management area. Article II, Section 2 of the Commission bylaws limits the Commission to only providing advice on the BLM's travel management plan. To expand the Commission's functions, Article II, Section 2 explains that the Board of Supervisors may direct the Commission to advise on other matters if the Board approves the expansion by affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized meeting of the Board of Supervisors.

Proposed Changes to the Bylaws

County staff has prepared changes to the Commission bylaws. These changes include:

1. Increasing the term of Commissioner from one year to four years;
2. Modifying the Functions and Duties of the Commissioners to allow for recommendations related to renewable energy projects;
3. Modifying the Membership of the Commission to provide for greater subject-matter expertise and knowledge;
4. Changing the meeting dates back to once per month.

Included with this memo are the proposed changes to the Bylaws, as reflected in the tracked changes.

Sincerely,

/s/
Ryan H. Esplin, Chief Civil Deputy County Attorney

Proposed Changes to the Bylaws for the
Mohave County Public Lands and Recreation Commission

August 7, 2023

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**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 United States Department of the Interior – Bureau of Land Management *Kingman Travel Management Implementation Plan* and the planning, installation, use, promotion, and regulation of renewable energy projects on public and private lands within Mohave County. The PL&R Commission shall only provide advice to the Board of Supervisors of these two issues, and for no further areas unless until otherwise directed by the Board of Supervisors to advise on other Commission Agenda items not related to the Kingman Travel Management Implementation Plan by affirmative vote of a majority of then sitting Supervisors at a duly noticed and agendized ~~meeting of the~~ 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

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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.

Section 6.

ARTICLE III: Membership

Section 1. The PL&R Commission shall consist of twelve (12) appointed and voting Commissioners appointed by the Board of Supervisors. ~~T,~~ and the Commission shall consist of: ~~include:~~

A. ~~One (1) Commissioner. Two (2) Commissioners maximum~~ from each supervisory district that are recommended by the Supervisor of that District, for a total of five (5); -

B. One (1) Mohave County Supervisor; and

C. Five (5) Commissioners which shall be represented by five different sectors, and who shall have subject-matter knowledge, experience or expertise in the assigned sector. Each sector shall be represented by one Commissioner. The five sectors shall be: One (1) Mohave County Public Works Representative

a. Farming/ranching;

b. Recreation;

c. Environment;

d. Renewable Energy;

e. Assessor/appraisal knowledge, representing the private property interests of Mohave County.

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)~~ one (1) 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

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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.

B. The Officers shall be elected to serve a one (1) year term.

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.

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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.~~

C.

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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. ~~County Public Works Director shall appoint a 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.

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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, quarterly with the first meeting scheduled for September 7, 2023~~July, 2019 the First Thursday of each month~~ at the Mohave County Administration Building (Kingman, Arizona)~~time and location to be designated at each meeting for the succeeding meeting~~, and posted in accordance with the Arizona Open Meeting Law on Mohave County.us and in the Mohave County ~~Public Works~~ Administration Building, ~~3715 Sunshine Drive~~ 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 ~~Public Works~~ 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.

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- 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

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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.

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Section 1.

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 _____ 202319

Updated August 7, 2023

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MOHAVE COUNTY BOARD OF SUPERVISORS

Supervisors

Travis Lingenfelter~~Hidy Angius~~, Chairman of the Board of

SEAL:

ATTEST:

Ginny Anderson, Clerk of the Board

APPROVED AND ADOPTED

I, Ginny Anderson, Clerk of the Mohave County Board of Supervisors, hereby certify that said Board on the _____ day of _____, 20~~23~~¹⁸9, approved and adopted 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.

Ginny Anderson, Clerk of the Mohave County Board of Supervisors

(Seal)

Updated August 7, 2023

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Clean Copy
of Updated Bylaws for the
Mohave County Public Lands and Recreation Commission
August 7, 2023

**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 United States Department of the Interior – Bureau of Land Management *Kingman Travel Management Implementation Plan* and the planning, installation, use, promotion, and regulation of renewable energy projects on public and private lands within Mohave County. The PL&R Commission shall only provide advice to the Board of Supervisors of these two issues, and for no further areas unless otherwise directed by the Board of Supervisors at a duly noticed and agendized 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 twelve (11) 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. Five (5) Commissioners which shall be represented by five different sectors, and who shall have subject-matter knowledge, experience or expertise in the assigned sector. Each sector shall be represented by one Commissioner. The five sectors shall be:
 - a. Farming/ranching;
 - b. Recreation;
 - c. Environment;
 - d. Renewable Energy;
 - e. Assessor/appraisal knowledge, representing the private property interests of Mohave County.

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.

B. The Officers shall be elected to serve a one (1) year term.

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 _____ 2023

MOHAVE COUNTY BOARD OF SUPERVISORS

Travis Lingenfelter, Chairman of the Board of Supervisors

SEAL:

ATTEST:

Ginny Anderson, Clerk of the Board

APPROVED AND ADOPTED

I, Ginny Anderson, Clerk of the Mohave County Board of Supervisors, hereby certify that said Board on the _____ day of _____, 2023, approved and adopted 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.

Ginny Anderson, Clerk of the Mohave County Board of Supervisors

(Seal)