

RESOLUTION NO. 05-91
**ACCEPTANCE OF THE AMENDED BY-LAWS OF THE BOARD
OF COMMUNITY GUARDIAN**

WHEREAS, the Bonner County Board of Commissioners has determined a need exists for and have created the Bonner County Board of Community Guardian; and,

WHEREAS, the Board of Community Guardian has submitted amended by-laws for Board of County Commissioners consideration; and,

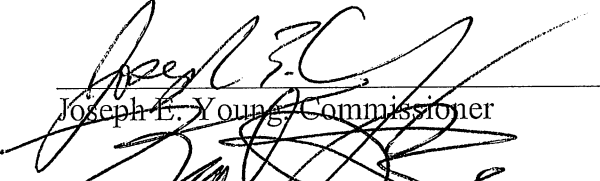
WHEREAS, the Board of County Commissioners has found them to be acceptable by-laws for the Board of Community Guardian; and,

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Bonner County, Idaho, to accept the amended by-laws of the Bonner County Board of Community Guardian. and the same is hereby approved and adopted as a resolution of the Bonner County Commissioners.

ADOPTED as a Resolution of the Board of Commissioners of Bonner County upon a Motion made by Commissioner Dye, seconded by Commissioner Young, upon which a majority vote was had on the 13th day of December, 2005..

BONNER COUNTY COMMISSIONERS

Marcia L. Phillips, Chairperson



Joseph E. Young, Commissioner



Karl J. Dye, Commissioner

ATTEST: Marie Scott

By: 

Becky Witte, Deputy Clerk

BONNER COUNTY BOARD OF COMMUNITY GUARDIAN

BY-LAWS

ARTICLE I. INTRODUCTION

The Bonner County Board of Community Guardian is established by a resolution of the Bonner County Board of Commissioners March 2, 1993 pursuant to Idaho Code, Title 15, Chapter 5, Part 6; and pursuant to the determination by Bonner County Board of Commissioners that a need exists within Bonner County for guardians for persons in need of protective care.

ARTICLE II. PURPOSE

The purpose of this Board of Community Guardian is to act as a guardian for incapacitated individuals in those cases where a person is in need of a guardian or conservator and there is no person or institution otherwise qualified and willing to act as guardian or conservator for such person. The purpose of the board shall also be to develop community awareness of the needs of incapacitated persons.

ARTICLE III. BOARD STRUCTURE

Section 1. Membership. The board shall consist of not fewer than seven, or more than eleven members. The members shall be representatives of community interests involving persons needing guardians or conservators. No person shall be a member of the Board who is also an employee of the District Court or the Clerk of the District Court. No person shall be excluded from appointment as member to the Board because of race, color, creed, religion, national origin, age, sex, political affiliation or handicap.

Section 2. Appointment. The Bonner County Board of Commissioners shall appoint board members. The board of Community Guardian may submit applicants for membership that they have approved to the board of county Commissioners for appointment.

Section 3. Member Terms.

- (a) The terms of members of the board shall be for four (4) years and shall be staggered. Any vacancy created by resignation or expiration of term shall be filled as in the original appointment.
- (b) No person shall be appointed for more than three (3) successive terms or twelve (12) years on the Board.

Section 4. Compensation. Board members and officers shall serve without pay.

Section 5. Meetings.

- (a) The Board shall meet no less than once each quarter. Special meetings may be called by an officer of the Board provided that at least 24 hours advance notice of the time, place and agenda of the special meeting is given to all board members.
- (b) A simple majority of the Board members present shall constitute a quorum.
- (c) Board action shall be a majority of the members attending a meeting or via electronic media at which there is a quorum.
- (d) Board members are required to attend all monthly meetings. After missing two consecutive meetings, a Board member can be terminated at the discretion of the Board.

Section 6. Election of Officers.

- (a) The officers of the Board shall be Chairperson and Secretary/Treasurer.
- (b) The chairperson will accept nominations made by any board member.
- (c) The Board shall elect officers from the nominees submitted by the membership. Each member shall have one vote for each office.
- (d) Their term of office shall be two (2) years and shall be staggered. Any vacancy created by resignation or expiration of term shall be filled in the same manner as in the original appointment.
- (e) No person shall be appointed for more than three (3) successive terms or *six (6) years*.
- (f) If a Board member has previously or is currently providing services to a ward, he or she shall disclose this to the Board and abstain from any decision or action taken concerning that particular ward.
- (g) Each Board shall elect its own officers and Board Chairperson.

Section 7. Duties of Officers.

- (a) Chairperson: The chairperson shall reside at all meetings, prepare the agenda for the meetings and appoint members to all committees established by the Board.
- (b) Secretary-Treasurer: The Secretary-Treasurer shall be responsible for recording the minutes of meetings, providing copies of said minutes to each member of the Board and to the Bonner County Board of Commissioners, handling correspondence, preparing required reports and maintaining the financial record of the Board.
- (c) The Board, at any regular meeting, may fill vacancies in any office, arising from any cause, or any special meeting called for that purpose.

ARTICLE IV. POWERS AND DUTIES

Section 1. Statutory authority. The Board shall have all powers and perform all duties granted to a board of Community Guardian by Part 6 of Chapter 5 of Title 15, Idaho Code.

Section 2. Board as Guardian. The Board in its discretion may serve as a guardian or conservator of last resort. ~~The Board shall not sponsor a Board member as a volunteer court appointed guardian or conservator.~~

Section 3. Staff. The board may hire/contract as may be required to perform functions designated by the Board. When staffing is required, the board shall provide personnel policies to give guidance to and outline performance standards expected.

Section 4. Finances. The board may assess a fee for its services and when approved to serve as guardian or conservator, seek compensation subject to the incapacitated person's ability to pay.

Section 5. Conflict of Interest. A board member having previously provided or currently providing services to a ward shall disclose such to the board and abstain from any decision or action concerning that particular ward. A Board member shall disclose any other conflict of interest on matters before the board and shall abstain from any decision or action with respect to such matters on which a conflict exists.

ARTICLE V. COMMITTEES

The Board, by resolution, may designate committees, their duties and functions.

ARTICLE VI. ANNUAL REPORT

The board shall report annually, in writing, to the Bonner County Board of Commissioners its activities for the preceding year. The report shall contain:

1. A fiscal report which adequately reflects the financial operation of the Board including a statement of the funds actually received and expenses actually incurred by the Board.
2. The number of volunteer liaisons obtained by the Board.
3. The number of incapacitated persons for whom the Board is acting as guardian.
4. Recommendations for improving guardianship services in the County.
5. Such other matters as may be determined advisable by the Board or the Bonner County Board of Commissioners.

The report shall be filed no later than April 1 of each year and shall cover the preceding calendar year.

ARTICLE VII. AMENDMENTS

These by-laws may be amended by a two-thirds majority of the Board of Community Guardian members present at a duly constituted meeting, provided that notice of intent to amend, together with the full text of the proposed amendment, is given to all members at least then (10) days prior to said meeting. All amendments shall be subject to approval by the Bonner County board of Commissioners.

APPROVED this 28th day of November, 2005

BONNER COUNTY BOARD OF COMMUNITY GUARDIAN

ATTEST:


Secretary of the Board