



Advisory Committees in Henderson County:

**A Report of the Study and Survey of Selected Advisory
Committees, the Appointment Process,
and the Satisfaction of Citizens Who Serve.**

**League of Women Voters
of
Henderson County
May 2011**

PREFACE

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Membership in the League is open to men and women.

The major public policy issues addressed in this report are related to the Sunshine Laws, Freedom of Information Act. The concept of transparency in government also serves the issues of the citizen's right to know and the citizen's obligation to participate in a democracy.

Special thanks is extended to the Henderson County Board of Commissioners, Advisory Committee Chairs and members who took time to complete the survey forms as well as County Staff who provided us with answers to an array of questions. Without the assistance of twenty League members who visited meetings of the County Board of Commissioners and eighteen Advisory Committees between October 2010, and February 2011, this study could not have been completed. Finally, the new publication (2010) by UNC School of Government, *“Creating and Maintaining Effective Local Government Citizen Advisory Committees,”* provided an excellent resource for guidance to citizens who serve, to the appointing and evaluating body, and to the general public who should be engaged in the democratic process.

INTRODUCTION

In May 2010, members of the League of Women Voters of Henderson County, at their Annual Meeting, adopted the local study for 2010-11, “Do Appointed Public Bodies in Henderson County Encourage Citizen Participation/Democracy?” In August 2010 a committee convened to begin work on the local study. Further meetings were planned for September, October, November and December.

What did we set out to learn? Expectations and Outcomes listed as the committee formulated the three distinct surveys and the consensus questions were:

- To elevate the awareness to the general public of the many opportunities to participate in our democracy;
- To learn more about the appointment process;
- To discern if citizens appointed to the various Boards sense a satisfaction and fulfillment to time spent;
- To learn if citizens who appear to present ideas to these public bodies sense a desire to continue to participate in our government once they have attended public meetings.

In addition to the surveys conducted, the League has completed research related to transparency. The Sunshine Laws Governing NC and the Freedom of Information Act are used by League members and the general citizenry to measure the principles and positions of the League in its expectation of public bodies in their decision making process. The committee also reviewed the Henderson County Code of Ethics, a document that applies to all public officials, staff and volunteers appointed to public bodies.

Democracy functions best when citizens know what government is doing. This requires access both to public record and to the public decision-making process. The people have

an unalienable right of participation in and access to the governments that they have instituted among themselves. It is important that citizens be acquainted with and knowledgeable about laws that govern transparency and openness in the decision-making process and voting outcomes.

RESOURCES

League's Position

The LWVUS believes democratic government depends upon informed and active participation at all levels of government. The League further believes that government bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. The LWVUS supported the 1976 Government in the Sunshine Law to enhance citizen access to information. In the 1980's the League supported broad public participation at every stage of the rule making process. In 2005 League launched "Openness in Government: Looking for the Sunshine" as accountability and transparency in government were under attack. The League of Women Voters of North Carolina is a member of the North Carolina Open Government Coalition.

Guiding Principles

The North Carolina Open Government Coalition (www.ncopengov.org) expects that governing bodies, government agencies and other public entities will:

- understand and effectively administer existing open meetings and public records laws, and err on the side of more openness, access and inclusion when matters of interpretation arise;
- view promotion of public participation and access as a central role of government, rather than as an added responsibility;
- provide the public with prompt, easy access to public records, and limit fees to highly unusual circumstances and then only to minimal cost-recovery;

- avoid declaring public information proprietary in order to limit or prevent public access;
- avoid using the trade secrets exemption in the public records law to withhold legitimately public information that is provided to the government by private entities;
- treat all documents produced with public funds as part of the public record, including e-mails and other electronic records;
- preserve public records in accessible formats, and ensure that electronic archives meet international digitization standards;
- ensure that electronic data storage systems provide prompt, easy access to the information stored;
- treat outsourced or privatized information services as governed by the same open access laws and regulations to which the government itself is subject.

Open Meeting Laws of NC (Sunshine Laws)

In order to function in compliance with NC Open Meeting laws, it is important that all members of public bodies receive an orientation about public record laws and open meeting laws. For more detailed information on transparency and Open Meetings Law application to specific boards see www.ncopengov.org. Three key points which members who serve should know are:

- 1. Which government meetings are open?** The law states that an official meeting is any gathering of a public body to discuss or decide public business. The act included simultaneous communication via any electronic means in this definition of meeting. The Oklahoma Court's decision in Oklahoma Assn. of Municipal Attorneys vs. State (1978) gives a clear statement of why open meetings are important: "If an informed citizenry is to meaningfully participate in government

or at least understand why government acts affecting their daily lives are taken, the process of decision making as well as the end results must be conducted in full view of the government.”

2. Notice requirements: Most public bodies are required to maintain a schedule of regular meetings at their local and state office. Changes in this regular schedule require a 7-day notice prior to the first meeting of the new schedule. Meetings outside of these regular meetings require notice to be posted 48 hours prior to the meeting. Notice must be posted within the department’s local office and be provided to all new agencies and private individuals who have requested notice. Emergency meetings can be called with less than 48 hours notice, provided that notice is sent to the news media as soon as possible.

3. Meeting process: All public agencies are required to record detailed minutes of both open and closed meetings through either written or audio or video recording. The minutes of all open meetings are considered public records and must be made available to the public at their request. All voting must take place in the open and must be recorded within the minutes of the meeting. The public body may not prevent individuals or the media from recording the meeting, using either audio or video recording equipment.

CODE OF ETHICS OF HENDERSON COUNTY

LWVHC Summary of the Code of Ethics of Henderson County

In 2008, The Board of Commissioners of Henderson County (BOC) adopted a comprehensive Code of Ethics for the Commissioners, County Manager, County Attorney, Assistant County Manager, officials appointed by the Commissioners to other county boards and commissions, department heads and any employees involved in purchasing or acquiring goods and services for the county. Therefore, appointed public bodies as covered in this study would be subject to the Code.

Because the current local study is charged also with evaluating the transparency of decision-making in Henderson County's appointed boards and councils, it is important that these members keep the Code of Ethics in mind when conducting the county's business.

It is of interest to note that the North Carolina General Assembly passed legislation that requires local governing boards to adopt codes of ethics and requires board members to receive ethics training. It is commendable that Henderson County Commissioners adopted its Code three years prior to the state-mandated date of January 1, 2011 and that it has implemented its use for employees and appointees to boards and commissions.

As part of the BOC's application form for appointment to boards and commissions (See Appendix 2), a short summary of the Ethics Code is printed at the end of the form. It is not clear if appointees are given a complete copy of the Ethics Code to read before they sign the pledge to comply or if the condensed version on the application form is all that is required. Although the application form directs applicants to the county's website to view the complete Code, no text of the code could be found on the website.

In a copy of the complete Code of Ethics obtained at the BOC offices, definitions for Business Entity, Confidential Information, County Official (this includes appointees to

Boards and Commissions by the Commissioners pertaining to our study) Department Heads, and any Employees involved in Purchasing or Acquiring Goods and services for the county are specified. Also, definitions as to what Immediate Family, Monetary Interest or Business Entity means and to whom it pertains directly and indirectly, is included as well as a definition of what an Official Act or Action means.

Specific instances of what standards of conduct are expected are spelled out in Section 3 of the Ethics Code - such as awarding of contracts, use of official position, disclosure of information to be used for the purposes of advancing his or her interest, defining personal business entity, or involvement of a member of the immediate family in a business, and other financial interests.

More definitions and disclosure requirements are outlined in the code. Special treatment, service on an appellate board, and boards relating to a member's employment, and public disclosure of interest are other topics covered in depth. (See Appendix 1 for a complete copy of the adopted Code of Ethics.)

* * *

Good governance at the local level often depends upon gaining the trust and commitment of community stakeholders. Citizen advisory committees are one way that local governments can increase the transparency of their work and involve citizens directly in the democratic process.

from the UNC School of Government, Creating and Maintaining Effective Local Government Citizen Advisory Committees.

CRITERIA AND PROCESS USED IN CONDUCTING SURVEYS

Once this study was adopted at the LWVHC at the Annual meeting in May 2010, the following narrative outlines the process.

August 2010, -- Criteria were formulated for the selection of the Boards and Advisory Committees to be included in the survey. Consensus questions were determined the consensus questions to be brought to the League Board for approval in September.

September 2010, -- Consensus questions were approved by the LWVHC Board. Letters were sent to the County Board of Commissioners (Appendix 3) and to the Chairs of the Selected Boards and Advisory Committees (Appendix 4) to state the goals of the local study, request their cooperation, and outline the procedures and timeframe of the study.

October - December 2010 -- Surveys were completed by the County Board of Commissioners (Appendix 5) and members of the selected Advisory Committees (Appendix 6) completed the survey forms. Expectation was to interview at least 25% of each board membership.

Volunteers from the LWVHC Observer Corps and other interested League members participated in the survey process with teams of two assigned to each selected advisory board. From October through December League teams visited each selected Advisory Board and distributed surveys stressing the confidentiality of results. No names were required on the survey forms and forms could be returned in an envelope. After setting the criteria for boards and committees to be surveyed, the list included:

The study was designed to focus on those advisory boards or committees appointed by the BOC that meet monthly. Three distinct survey forms were constructed for: BOC (the Appointing Authority, Appendix 5); members of the Advisory Committees (Appendix 6), and for Citizens attending these public meetings (Appendix 7).

The booklet “*Citizen Participation in Henderson County*,” published by BOC, listing 48 boards whose membership is open to volunteers from the community, was used as a resource. This document lists the name of the Board, number of county appointments, whether or not certain specific requirements exist, term of an appointment, staff contact information, the purpose of the board, and its meeting day and time. This same information is also available online at www.hendersoncountync.org by clicking the heading for the Board of Commissioners and then selecting ‘Citizen Participation’ in the left column.

At this point it is important to discuss types of Boards and Committees. Counties must have certain boards by mandate. Those boards are the Board of Health and the Department of Social Services. In addition, local governments may create citizen advisory committees as they determine useful to serve the community. Some boards that are created or mandated require participants to fulfill certain requirements. For example, when dealing with appointments to some boards, there may be a residency requirement: service on the City of Hendersonville Planning Board is open only to a county resident who lives in the Extraterritorial Jurisdiction (ETJ) of the City of Hendersonville. Some members appointed to the Board of Health must have certain professional training to meet certain state requirements. Finally, some boards have term limits. Participants may only serve for a predetermined term. For example, appointees to the DSS Board may serve only two consecutive three year terms. Not all boards are required to follow all of these requirements. Each advisory board is open to most citizens and often has no term of service limit, or professional training requirements unless noted in the county’s information booklet.

Term of Service

There are no restrictions to renewing terms on the following boards/commissions: The Agricultural Advisory Bd, (5 positions – 4 yr. term); Cemetery Board (7 positions – 2 yr. term); Downtown Hendersonville (2 positions – 3 yr. term); JCPC (15 positions – 2 yr. term); Library Board (8 positions – 4 yr. term); Recreation Advisory Bd, (9 positions – 3

yr. term); SWAC (9 positions. – 3 yr. term); WCCA (2 appt. – 2 year term); Zoning Bd. of Adjustment (9 positions. – 3 yr. term); Planning Board (9 positions – 3 yr. term); Historic Resource Commission (8 positions – 3 yr. term). The citizen serving longest on any one Board, as quoted on the survey response, has served “off and on for 30 years.”

Term limits have been set either statutorily or by the County Board of Commissioners for the following seven Boards/Commissions: Animal Services (9 positions – 2 -3 yr. terms); Environmental Advisory Committee (9 positions – 3 -3 yr. terms); Hospital Board (11 positions – 3 -3 yr. terms); Social Service Board (2 appt. – 2 -3 yr. terms); Board of Health (11 positions – 3- 3 yr. terms); Historic Courthouse Corporation (9 positions - 2 -3 yr. terms); Travel and Tourism (4 appt. – 5 -1 yr. terms). Of the seven Boards and Commissions listed above, the Social Service Board and the Board of Health, are mandated by the State to have fixed terms. Five of the sixteen boards over which the County Board sets the parameters of operation have limited terms.

Also available either in the Henderson County publication, or online, is an application form that citizens may submit to reflect their interest in serving on a citizen advisory panel.

Criteria for Selection of Boards/Committees

Of 48 boards, the committee narrowed its selection to 20 identified as meeting monthly, and divided those twenty into 3 categories: *Category 1*: Boards mandated by the State which receive substantial county funds (2)(Appendix 8); *Category 2*: Boards/committees that are open to all county residents and are staffed by county department employees (13)(Appendix 9); *Category 3*: Boards that receive tax money but hire their own executive directors who are not supervised by the county manager (5)(Appendix 10).

Category 1 (Mandated by the State and receive substantial county funds)

Social Services Board*

Board of Health

*Although the BOC appoints only two members of this Board all five members were surveyed.

Category 2 (Boards and committees open to all county residents and staffed by county department employees)

Agricultural Advisory Board

Animal Services Committee

Apple Country Greenway Commission*

Cemetery Advisory Committee

Community Child Protection Team **

Environmental Advisory Committee

Historic Resources Commission

Juvenile Crime Prevention Council (JCPC)

Library Board of Trustees

Henderson County Planning Board

Recreation Advisory Board

Solid Waste Advisory Committee***

Water Supply and Distribution Task Force ***

Zoning Board of Adjustment

*Apple Country Greenway Commission is currently inactive as there is no chair.

**Community Child Protection Team deals with confidential information related to children in DSS custody. Its recommendations are submitted to the staff of DSS not to the Board of Commissioners. This committee is not included in the survey even though it meets monthly.

***Since the publication of the booklet listing boards and committees indicating that Solid Waste Advisory Committee (SWAC) and the Water Supply and Distribution Committee meet monthly, the committees moved to bimonthly meetings. SWAC is included in the survey because their meeting coincided with the survey period. The Water Supply Committee did not meet during the survey period.

Category 3 (Committees that receive tax money but hire their own executive director who is not supervised by the county manager.)

Downtown Hendersonville, Inc. (DHI)*

Historic Courthouse Corporation (Heritage Museum Board)

Hospital Corporation Board of Directors (Pardee Hospital)

Travel and Tourism*

Western Carolina Community Action (WCCA)*

*The BOC only appoint some of the board members. Only those appointees were surveyed.

Synopsis of Responses

14 Citizens responded to the survey. They attended various meetings.

104 members of the 18 advisory boards or committees responded.

(7 responses from DHI were not used, because only 2 were appointed by BOC)

(1 response from WCCA was not used, only used 2 responses from the BOC appointees)

96 BOC appointees responded. This represents a majority of members from 17 of the 18 boards, far exceeding the 25% goal originally set.

Years of Service

- total years served by the respondents = 406.6
- 406.6 years/96 respondents = 4.25 average years of service

The longest serving appointee was “off and on for 30 years.” Two additional citizens have each served 18 years.

In addition to surveying members appointed to boards and committee, members of the study team also surveyed the BOC to gain additional information related to factors that influence appointments to advisory committees. All five commissioners (November 2010) responded to the survey.

Benefits of Citizen Advisory Boards

- Taps into the expertise of citizens as subject matter experts
- Engages citizens as partners in the process of governing
- Makes the government process more transparent
- Citizens learn about government and opportunities for future community leadership
- Improves communication between elected officials and the public

from the UNC School of Government, Creating and Maintaining Effective Local Government Citizen Advisory Committees.

KEY FINDINGS IN SURVEYS

Advisory Committee Members: The survey (Appendix 6) sought to determine if Henderson County utilized a consistent method in the appointing process. The following questions reveal:

Did you complete the application form prior to appointment? 74 Yes -18 No

Please check the factors you believe are considered (in your appointment):

53 replied active in community affairs;

58 replied professional background is related to the work of this advisory committee.

Although only three respondents indicated that their political affiliation was a factor in an appointment to an advisory board, 47 of the 96 BOC appointees who responded said they knew one or more of the appointing body. (Complete responses to survey see Appendix 11)

Several advisory board members surveyed expressed appreciation to League members who attended meetings, often stating that it was rare to have any citizen attend one of the advisory meetings.

Citizens Attending Meetings: Ten of the fourteen citizens surveyed (Appendix 7) indicated that they were recognized by the chair and thanked for attending. Many found information available at the meeting or had received it prior to the meeting. Ten respondents indicated that they had a sense that committee members appreciated their presence and presentation.

It is also important for each advisory group to operate in a manner that invites participation from other citizens interested in the issues. All boards must comply with

the 'Notification of Meeting' requirements. It was not apparent as to whether any or all boards published agendas ahead of the meeting for public review. Nor was it apparent whether any or all advisory boards placed 'Public Comment' as an agenda item for each meeting. However, the citizens surveyed indicated that they were welcomed to the meetings, offered information and listened to, if they made comment.

To the question: would you say your experience has been positive - 10 replied yes; 2, no. The final question asked citizen attendees was: If this was your first experience attending this advisory committee meeting are you favorably inclined to attend again? Those who identified themselves as first time attendees, all responded yes (6). (Complete responses to survey see Appendix 12.)

Board of Commissioners Responses The survey (Appendix 5) responses from the BOC can be viewed in Appendix 13. They reflect a thoughtful approach to meeting the needs of the committees with the applications available. Their answers mirror those of appointees in that only one commissioner indicated that political affiliation was at least a factor of medium importance. Only three appointees replied that political affiliation may have been a factor in their appointment. However, all five commissioners rate as medium importance, a personal knowledge of and acquaintance with the applicant.

Regarding the application process, commissioners' responses reflected the importance of the application. Four of five said they appoint those who have submitted an application. In addition, three indicated that information contained in the application was a high factor in influencing an appointment. Finally, commissioners replied that they consider a person's attendance when considering re-appointment to an advisory board. However, one commissioner noted that such information is not always available.

Advisory Committees/Boards in Henderson County and Transparency

Part of being an active participant in local government relies on a citizen taking responsibility for reading information and working within the schedules of his/her job and family responsibilities to stay informed. To support citizen interest in government action and to follow Sunshine Laws, it is required that local government make information easily available. To that end a brief online survey of information available to citizens was conducted for the 18 boards and committees studied. (See Appendix 14 for that summary.)

A review of the “Transparency Summary” suggests that some boards and committees that function under county staff support provide adequate information to help a citizen stay informed. The information available includes: minutes, meetings and membership. Adequate information is defined as:

Minutes are available electronically for meetings, sometimes for several years, reporting actions of the board or committee.

Meetings schedules were available on the website, including the meeting time and location, often with meeting schedules provided for the entire year.

Members of the board or committee were listed, usually with the chair and vice-chair identified. Some sites included contact information, term of appointment, and/or photos of the membership.

Transparency Analysis

In Category 1, both the Board of Health and Department of Social Services offered all relevant information regarding their governing boards.

Of the 12 boards or committees with county staff support (Category 2), information on meetings, membership and minutes were available for 5. Two boards offered limited information on the county website, and no information was available on the county website regarding 5 appointed bodies.

In Category 3, it was necessary to seek governing board information at website locations not linked to the Henderson County site. Results of the survey indicate that four of the five boards in this group offered limited information, and one board has no presence on its organization's website.

Resource Guides for Citizen Advisory Committees

Based on the 2010 UNC publication, "*Creating and Maintaining Effective Local Government Citizen Advisory Committees*," the experience of citizens in public problem solving creates a wide 'ownership' of solutions and builds capacities of individuals. Citizen engagement leads to people being better informed, better able to collaborate with others, and more active in addressing issues that affect them. Democracy enables citizens to challenge and participate in a dialogue and civil discourse that cultivates more widespread engagement. This participation results in a broad ownership of the solutions that eventually emerge from the civic involvement, especially if the membership on committees is diverse.

"*Journal of Community Development, July 1, 2005*," has an article by Ester Prins which states that "participants are more likely to be better educated, higher income, white, and more politically active and not at all representative of the wider public. To ensure productive, effective Citizen Advisory Committees, those involved in the selection process need to treat appointment decisions as personnel decisions and with the same interest and concerns used to hire full-time staff." (See Appendix 15, Anecdotal Comments from Surveys)

Tips for Successfully Recruiting and Selecting Citizen Advisory Committee (CAC) members

The UNC publication "*Creating and Maintaining Effective Local Government Citizen Advisory Committees*" gives these recommendations for an inclusive selection process as

a vital part of creating a successful CAC. The following strategies are associated with successful CAC:

- *Having a fair and transparent formula for balancing community representation on the CAC (race, age, socioeconomic status, geographic location, etc.)* Publicize criteria for membership so the community knows who will be represented.
- *Creating a “culture of welcome” so that all participants feel accepted.* Make sure the neighborhood resident feels as respected and important to the CAC as the business leader.
- *Selecting members who are trusted to represent the interests of others in their communities and networks.* Sometimes the first people to volunteer for a CAC have a personal stake in an issue that differs from what members of the larger community want. Selecting people who are trusted members of the community will increase the likelihood that a wide range of citizens will accept the CAC’s process and the outcome.
- *Clarifying the CAC’s purpose and the limits to its authority.*
- *Building CAC members’ skills to enable them to interact effectively with other members of the group.*
- *Engaging participants in such a way that they bring credible and relevant information to the process.*
- *Developing a standard application for CAC membership.* Provide applicants with a brief description of the CAC’s purpose and goals along with the application and include a statement of expectations for CAC members so that people understand what they are signing up for.
- *Reviewing vacancies and expiring terms on a monthly basis.* Track vacancies to determine how long seats remain open. When seats remain open for extended periods of time, consider redesigning the membership and goals of the CAC or eliminating it if it is no longer useful.
- *Distributing information about CACs and vacancies widely in the community.* Invite citizens to join CACs through local newspapers, listserves, government websites, local radio and television public service announcements, and community events.

CLOSING COMMENTS

The task of organizing, operating and summarizing this study could not have been completed without cooperation from many sources. The League members who participated in this study believe that advisory board participants are enthusiastic and committed volunteers who generally reflect the League's guiding principles of Open Government.

Credit should be given to county government for the organization and management of 48 citizen committees, creating participation opportunities for many interested citizens.

Today, just as the days when the League of Women Voters organization was founded 91 years ago, League continues to work to encourage citizens to become actively involved in every community nationwide. The League continues to work to make a good system better by striving to ensure that every voice is heard in a civil way and that every vote cast is counted. One of the League's goals in conducting this study was to elevate the awareness to the general public of the many opportunities available to participate in democracy., and to encourage citizen apply for and/or attend advisory committee meetings.

The next step in this study is to explore consensus among LWVHC members regarding the following general questions:

- **Do the Board of Commissioners use consistent criteria in appointing boards and committees?**

- **Do advisory boards in Henderson County promote transparency/democracy?**

- **Do citizens who attend meetings as participants believe their voices are heard and respected?**

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ACKNOWLEDGMENTS

The LWV of Henderson County acknowledges with gratitude the many volunteers who cooperated in this effort to complete the study of selected Advisory Committees in Henderson County.

Besides the full cooperation of the Board of Commissioners, the County staff who work with Advisory Committees, and Executive Directors of Advisory Committees, the League appreciates the excellent participation of the chairs and members of the selected Advisory Committees as well as the citizens attending the meetings who made time to complete the survey forms.

Twenty-one League members also participated in this effort. They are: Kathy Baluha, Barbara Barnett, Sharon Burlingame, Jeannette Cannon, Carol Cleveland; Judy Deller, Nancy Glowacki, Marion Huffman, Judy Katz, Melinda Lowrance, Lee Luebbe, Joan McFadden, Linda Miller, Miriam Plexico, Martha Sachs, Carolyn Schmalz, Rudi Simko, Roberta Swanson, Iris Vanek, Carol Ward, and Helen Wright.

Kudos to all for their commitment and tenacity to complete this effort in a relatively short time interval.

This project was truly an example of democracy and transparency in action.

Advisory Committees in Henderson County 2011 LWVHC Study

Appendix List

1. Henderson County Code of Ethics
2. Application Form to Boards and Committees
3. Letter to BOC
4. Letter to Chair of Board/Committee
5. BOC Survey
6. Advisory Committee Survey
7. Citizen Survey
8. Boards in Category 1
9. Boards in Category 2
10. Boards in Category 3
11. Committee Member Survey Responses
12. Citizen Survey Responses
13. BOC Responses
14. Transparency Summary
15. Anecdotal Comments from Surveys

