



Agenda Item VII. A.

Meeting Date: September 5, 2017

Department: County Administration

Topic: **Protocol for Board Appointment Interviews**

Board Action: The Board is discussing the topic.

Attachment: Excerpt, Rules of Procedure, Section 3-8

Summary: When appointing citizens to serve on boards, committees, commissions and councils the Board of Supervisors uses a public process. The position is advertised and if multiple individuals express interest in the position a public interview process is used. Using scripted questions, the Supervisors each read a question to the interviewee in open session. All persons being interviewed answer the exact same questions. In the presence of the individuals who have been interviewed, the Supervisors vote on who will be appointed to the vacant seat.

Does the Board wish to employ a different process and/or conduct interviews in closed session?

Recommendation: That the Board direct staff to schedule future interviews as they have been conducted in the past//in closed sessions.

EXCERPT

Amherst County Board of Supervisors Rules of Procedure

January 2017

SECTION THREE – AGENDA AND ORDER OF BUSINESS

Section 3-8. Closed Session

The Board is fully committed to maintaining an open and transparent government. The Board also recognizes that the public interest may be served by confidentiality, including when necessary to protect the County's financial bargaining position while discussing the acquisition or disposition of public property, to protect the County's strategic position in litigation or other legal matters, or to promote frank communications connected to the selection or evaluation of Board appointees. To balance the greatest openness in government with the corollary need to protect the public interest, the Board will adhere to the following procedures.

A. The Board shall go into closed session only when permissible pursuant to the Virginia Freedom of Information Act ("VFOIA"), Virginia Code §§ 2.2-3700 et seq. Any closed session shall be identified on the final published Board agenda. The Board may amend the agenda to add a closed session subject to approval by a vote of a majority of the Board members. Any motion adding a closed session to the Board agenda shall be approved as to form by the County Attorney.

B. The Board shall not go into closed session until it has by majority vote in open session agreed to do so. The motion shall state specifically the purpose or purposes which are the subject of the closed session and shall reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption under the VFOIA, which authorizes the closed session.

C. No resolution, ordinance, rule, contract, regulation, or motion considered in a closed session shall become effective until the Board reconvenes in open session and votes on the resolution, ordinance, rule, contract, regulation, or motion.

D. At the conclusion of a closed session, the Board shall reconvene in open session immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the VFOIA and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place. In the event a Board member comes to believe after certification that non-exempt issues were discussed during the closed session, or that some other violation of the FOIA occurred, he or she shall communicate such belief to other members of the Board, the County Attorney, and the County Administrator.

In either circumstance, the County Attorney shall supply an opinion as to whether a violation occurred. If the County Attorney opines that a violation has not occurred, the Board Chairman shall announce that publicly. If the County Attorney opines that a violation has occurred, the Board Chairman shall announce that publicly, shall state the specifics of the violation, and shall describe the steps that will be taken in the future to avoid similar or related violations.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the closed session shall not affect the validity or confidentiality of those matters properly discussed in that closed session in accordance with the VFOIA.

F. The Board may permit non-members to attend a closed session if their presence would reasonably aid the Board in its consideration of an issue. All individuals attending a closed session should respect the Board's decision that the subject matter is too sensitive for public discussion and should treat the closed session discussion as confidential.

G. As public disclosure of information generated in closed session may hamper effective communication, all closed session participants shall maintain as confidential all information generated in closed session until such time as the Board by majority vote declares that confidentiality is no longer necessary or appropriate. The intentional disclosure by a Board member of the content of closed session discussions prior to such majority vote may subject him or her to fines or punishment pursuant to Virginia Code § 15.2-1400, in such amount or in such form as the Board may deem appropriate.