



**Amherst County Board of Supervisors
County Ordinance No. 2018-0001**

AN ORDINANCE, NO. 2018-0001

Amending § 2-11 of the Amherst County Code for removal of appointee by the Board of Supervisors.

Approved as to form and legality by the County Attorney

**FIRST READING: Board of Supervisors, April 3, 2018
PUBLIC HEARING: Board of Supervisors, April 17, 2018**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Section 2-11 to the Code of the County of Amherst be and hereby is amended, as follows:

Sec. 2-11. - Removal of appointee by the board of supervisors.

- (a) The board of supervisors may by majority vote remove or suspend appointees to the following bodies, prior to the appointee's completion of an initial or subsequent term: the agricultural committee; the board of assessors; the building appeals board; the building committee; ~~the economic development authority board;~~ the library board; the parks, recreation, and cultural development board; ~~the planning commission;~~ and the social services board. Appointees may be removed (i) due to their failure to continue to meet the criteria for appointment or (ii) for malfeasance or neglect of duty, including but not limited to the following:
- (1) Missing a majority of regularly scheduled meetings in one (1) year, ~~except that a member of the planning commission may be removed from office if he or she is absent from any three (3) consecutive commission meetings, or is absent from any four meetings of the commission within any twelve-month period;~~
 - (2) Failing to declare significant conflicts of interest;
 - (3) Using the appointment for personal gain;
 - (4) Failing to pay debts owed to Amherst County; ~~and~~
 - (5) Being convicted of a felony or any crime that impairs the appointee's ability to carry out the duties of his or her appointment or otherwise represent Amherst County-; and
 - (6) Other good cause.

(b) Members appointed to the economic development authority board, the planning commission, and the social services board may be removed in the following ways for the following reasons:

(1) Economic Development Authority Board. Members may be removed by majority vote upon absence from four meetings in any 12-month period, or by a unanimous vote for any of the reasons set forth in subsections (a)(2) through (6) of this section-upon unanimous vote of the Board of Supervisors.

(2) Planning Commission. Members may be removed by majority vote of the Board of Supervisors, or for absence from three consecutive meetings or four meetings in any 12-month period, or for any of the reasons set forth in subsections (a)(2) through (6) of this section.

(c) Removal of an appointee shall be accomplished using the following process:

- (1) The county attorney shall draft a resolution, for consideration in closed session as a personnel record, identifying the appointee and the entity to which he or she is appointed, and specifying the grounds for removal.
- (2) The county administrator shall provide the affected appointee with the resolution and request a written response within fifteen (15) days after the date the resolution is delivered.
- (3) The resolution and any response shall be presented to the Board for discussion in closed session. The board may request additional information from staff or may invite the appointee into closed session for discussion of the resolution.
- (4) Removal of an appointee may be effected only by adoption of the resolution.

(Ord. No. 2016-0002, § 1, 1-19-16)

§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 17th day of April, 2018.



Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0
2

Abstentions 0