

From: [John Wells](#)
To: [Lee Ann Green](#)
Subject: FW: Recommendations for board and commission appointments
Date: Thursday, April 03, 2014 2:54:31 PM

Lee Ann,
Please include this email in the Council's Agenda Packet.
Thanks,
John

-----Original Message-----

From: Kristen Umstatt
Sent: Sunday, March 23, 2014 9:19 AM
To: Kelly Burk; David S. Butler; Thomas Dunn, II; Katie Hammler; Marty Martinez; Kevin D. Wright
Cc: John Wells; Jeanette Irby; JOSEPH R. PRICE; Kaj Dentler
Subject: Recommendations for board and commission appointments

All,

I am going to recommend the following for Council's consideration:

Because a criminal background check of prospective board and commission nominees can disclose relevant information about the board and commission nominees prior to their appointment, staff should be prepared to advise the Council of the cost of, and time required in, doing nationwide felony criminal background checks on prospective nominees to boards and commissions. In order to protect the citizens of the Town, my recommendation is that, once a council member has decided to nominate an individual for appointment to a board or commission, a national felony criminal background check should be done on that individual prior to the Town Council's formal vote to appoint the individual. The results of that background check shall be provided to all members of the Town Council prior to a vote to appoint the individual to any Town board or commission.

Additional recommended changes to the Town Code and Town procedures:

We should require, prior to appointment, that all prospective board or commission nominees shall answer on a written form the questions, "Have you ever been convicted of a felony in any state or territory of the United States?" and "If so, please provide details, including the felony of which you were convicted, the date of the conviction, and the jurisdiction in which you were convicted. Also provide any information as to whether that conviction is under appeal and the results of any appeals that have been finalized."

Use the form to notify all prospective appointees that failure to answer the question may result in their not being appointed and any false statement on that form will be cause for their removal.

Provide a copy of the individual nominee's form to all members of the Town Council prior to the Council's vote to appoint the nominee.

Require all appointees, prior to qualifying for, and taking, office, to take an oath of office that they will uphold the U.S. and Virginia Constitutions and laws of the United States, the Commonwealth of Virginia and the Charter, Code, ordinances and laws of the Town of Leesburg.

Notify all appointees that a violation of their oath of office is cause for removal.

Kristen

P.S. Side note: Under the Town Charter, the Town Manager has the right to remove appointed officials; however I have not researched the Charter adequately to be able to report whether Council appointees to Boards and Commissions are included in that authority.

Date of Meeting: March 19, 2014

**BOARD OF SUPERVISORS
ACTION ITEM**

7

SUBJECT: Standard Application for Citizen Appointments

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACT: Danny Davis, County Administration

RECOMMENDATION:

Staff: Staff recommends the Board of Supervisors adopt a standard application form for citizens interested in serving on an Advisory Board, Commission, or Committee. Specific components of the application are at the Board's discretion. Staff also recommends the Board require background/credit checks only for nominees of certain committees with extensive financial or land-use responsibilities.

BACKGROUND:

The Board of Supervisors is responsible for nominating and approving citizens to serve on various Advisory Boards, Commissions, and Committees. Members of these advisory bodies serve terms of various lengths (generally two to four years), and some terms run concurrently with the term of the Board.

At its February 5, 2014 Business Meeting, the Board of Supervisors directed staff to draft a standard application form that could be used for all citizens interested in serving on an advisory body. The Board directed that this application include "information on a nominee's criminal record history, current and former employment and all relevant experience for the Board or Commission that the nominee is being considered for." In addition, the Board directed staff to provide options on conducting background checks on nominees.

At the March 5, 2014 Business Meeting, the Board discussed a draft standard application form and various components of the information contained therein. The Board made suggestions on revisions to the standard form and discussed which Advisory Bodies receive stipends or payments from the County.

This item provides additional information as requested by the Board and responds to questions the Board raised during its prior meeting. The standard application form, as revised, is provided as Attachment 1.

Update to Standard Application

Based on the feedback at the Business Meeting, staff has revised the draft application in the following way:

- 1) Add information on the cover page regarding the Conflicts of Interest Act and to clarify what information in the application will be made public (see discussion below)
- 2) Add a line for “Election District” to in which election district the citizen resides
- 3) Add a section asking if the citizen has had a civil suit brought against him or her in the past 5 years
- 4) Remove the “Optional Information” Page

The Board discussed what information in the standard application will be provided to the Board and what information will be kept private. As discussed with the Board, an application and any related files or documentation (including background checks) can be considered a personnel file and exempt from disclosure under the Freedom of Information Act. Nonetheless, the information requested in the first two pages of the application, such as experience, work history, volunteer experience, and other information, is valuable for the Board when considering nominees.

Staff recommends the first two pages of information from the application be made public as part of the Board’s regular Business Meeting packet. The remaining pages will be kept in the Board files and will not be disclosed publicly. Only if “red flags” are raised will the information be discussed with the nominating Board member. If necessary, and at the Board’s discretion, the citizen’s nomination can be deferred – to allow for more information to be gathered – or rescinded.

Staff does not intend to verify every statement made on the standard application form, except through background checks for the relevant groups. The application form is intended to be an opportunity for the citizen to fully disclose the information requested. If the citizen does not accurately represent his or her personal information, including criminal history, and the information provided is found to be inaccurate, it can be used as a means to request resignation or removal from the advisory body.

Advisory Bodies Receiving Stipends

In the previous item, Staff recommended the following Advisory Bodies be subject to background checks, due to their extensive financial and/or land-use responsibilities:

- Affordable Dwelling Unit Advisory Board
- Board of Equalization
- Dulles Town Center CDA Board
- Economic Development Authority
- Finance Board (citizen appointee)
- Library Board of Trustees
- Loudoun Water

- OPEB Committee (citizen appointee)
- Planning Commission

Only two other local Advisory Bodies which are appointed by the Board of Supervisors receive stipends: the Community Services Board and Family Services Advisory Board. Each member is eligible to receive \$600 per year as part of their service on these Boards. Based on the advisory nature of these Boards, staff does not believe a background check is necessary. At the Board's discretion, however, nominees to these Boards can be subject to background checks as well.

The Board also nominates citizens to certain regional Advisory Bodies. Of those, the following provide stipends or mileage reimbursement:

- Birmingham Green – stipend of \$25/meeting paid by Loudoun County (staff is still verifying this information); currently the appointee is a Loudoun County employee
- Health Systems Agency of Northern Virginia – mileage reimbursement
- NVRPA – mileage reimbursement

Staff does not believe a background check is necessary for these appointees. Nonetheless, the decision remains at the Board's discretion.

Format of the Form

The form as presented to the Board and attached to this item is a fillable PDF form. It allows anyone to use the free, Adobe Reader software to type in responses and mark the appropriate boxes, as requested. It is a preferred format to Microsoft Word and accomplishes the same purpose. Additionally, the form can be printed and hand-written, if the citizen wishes.

Staff proposes that the form also be provided as a webform on the County's website, requesting the same information as contained in the PDF application. This information can then be submitted securely to County Administration staff. Staff in County Administration and Information Technology can work together on developing this webform, unless the Board objects.

ISSUES:

Standard Application

The standard application form has been revised according to the Board's requests. Additional possible revisions could include a section regarding any outstanding tax payments or fees to the County. However, at this time, staff has not included that as part of the form.

As discussed in the prior item, staff recommends developing a "Supplemental Questionnaire" for members interested in serving on advisory bodies with specific membership requirements (such

as Loudoun Water, BOE, and Disability Services Board). These would follow the requirements laid out in the body's bylaws or as previously directed by the Board.

Background Checks

At this time, staff recommends limiting background checks to those advisory bodies responsible for extensive financial decisions or significant land use authority. These also include Boards, Commissions, and Committees that require citizens to file Conflict of Interest Statements.

- Affordable Dwelling Unit Advisory Board
- Board of Equalization
- Dulles Town Center CDA Board
- Economic Development Authority
- Finance Board (citizen appointee)
- Library Board of Trustees
- Loudoun Water
- OPEB Committee (citizen appointee)
- Planning Commission

It is at the Board's discretion whether to also include the Community Services Board, Family Services Advisory Board, and/or any other Advisory Body when conducting background checks.

ALTERNATIVES:

1. The Board may choose to adopt or edit the proposed standard application form and choose certain groups whose members should undergo background checks.
2. The Board may choose to keep the current process, which relies on the citizen to provide as much or as little information as they choose when submitting interest for an advisory body.

FISCAL IMPACT:

Depending on the number of nominees subject to background checks, there will be a slight fiscal impact. On average, as proposed, there may be 15-20 nominees subject to background checks in any given year. At a cost of \$40 per background check, this is no more than approximately \$800 per year. There is sufficient funding in the Corporate Board Budget for these costs. Adding the Community Services Board and Family Services Board would increase this total by approximately 8-10 additional nominees per year, or approximately an additional \$400 per year.

There is no fiscal impact to adopting a standard application form outside of the cost of conducting background checks.

DRAFT MOTIONS:

1. I move that the Board of Supervisors endorse the revised, standard application form for Advisory Board, Commissions, and Committees, as shown in Attachment 1. I further move that staff develop a “Supplemental Questionnaire” for advisory bodies with specific membership requirements or as previously directed by the Board.

AND

I further move that the Board of Supervisors direct staff to conduct a background check on nominees to the following advisory bodies:

- Affordable Dwelling Unit Advisory Board
- Board of Equalization
- Dulles Town Center CDA Board
- Economic Development Authority
- Finance Board (citizen appointee)
- Library Board of Trustees
- Loudoun Water
- OPEB Committee (citizen appointee)
- Planning Commission

OR

2. I move an alternate motion.

ATTACHMENT:

1. REVISED – Standard Application Form for Advisory Boards, Commissions, and Committees



Loudoun County, Virginia

www.loudoun.gov

Loudoun County Board of Supervisors

1 Harrison Street, S.E., MSC #1, 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0204 • Fax (703) 777-0421 • bos@loudoun.gov

Application for Advisory Board, Commission, or Committee

Loudoun County's many advisory boards, commissions, and committees provide opportunities for direct involvement in local government by residents of Loudoun County. The Board of Supervisors appoints citizens to fill vacancies on most of its county and regional advisory boards, commissions, and committees.

Please fill out the application below as completely as possible and return to the Office of the Board of Supervisors. Additional information may be provided as attachments. The information will be provided to the Board of Supervisors, although all applicants are encouraged to contact Board members directly to introduce themselves.

Information provided in the first two pages of the application will be made public as part of the official Board Business Meeting packet. The remaining information will be kept in a file and is protected from release to the public as a result of a public records request.

**You may request your phone number and/or email address be redacted from being posted and stored on the County website. Please check this box if you wish to have this information redacted from the public file.*

Please note: Certain Boards, Commissions, or Committees may require members to fill out one or more "Conflict of Interest Statements" regarding financial disclosures, statement of economic interest, or real estate holdings. In addition, certain advisory bodies require members to have certain qualifications or to attain certain certifications. More information may be requested of you based on the advisory body you desire to serve on.

All Boards, Commissions, and Committees are subject to the Virginia Freedom of Information Act and Conflicts of Interest Act, including electronic communication regarding public business. Chapter 37, Section 2.2-3702 of the Virginia Freedom of Information Act (FOIA) provides that upon appointment or election, or reappointment or reelection, members of a public body shall be provided with a copy of the Act. A direct internet link to the FOIA and COIA is <http://www.vml.org/LegalRes.html>. Please take time to review the Acts and to familiarize yourself with their requirements.

Send the completed form to:

Email: bos@loudoun.gov

Mail: Loudoun County Board of Supervisors
1 Harrison St., SE, MSC #01
P.O. Box 7000
Leesburg, VA 20177

Application Form: Please fill out electronically or print and handwrite legibly.
(all fields required unless stated)

Name:	Email: (optional)
Address:	City, State, Zip:
Phone Number:	Alt. Phone: (optional)
Election District (leave blank if unknown):	

Name of Advisory Board, Commission, or Committee:

Statement of Interest:

Work Experience:

Volunteer Experience:

Education:

Special Qualifications:

Other Information (optional):

Personal Information:
Have you ever been convicted of a felony and/or sex-related crime?
Yes No
If yes, please explain:
In the past 5 years, have you been convicted of a misdemeanor, other than minor traffic violations?
Yes No
If yes, please explain:
In the past 5 years, have you had a civil suit brought against you?
Yes No
If yes, please explain:
Background Check:
I understand that I may be subject to a background and/or credit check.
Yes
Is there any other information that may disqualify you from serving on this advisory body?
Yes No
If yes, please explain:

Statement of Accuracy

I affirm that, to the best of my knowledge, the information provided herein is truthful, accurate, and complete. I understand that any misrepresentation of information may result in my appointment being rescinded.

Yes



Loudoun County, Virginia

www.loudoun.gov

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Application Form: Please fill out electronically or print and handwrite legibly.
(all fields required unless stated)

Name:	Email: (optional)
Address:	City, State, Zip:
Phone Number:	Alt. Phone: (optional)
Election District (leave blank if unknown):	

Name of Advisory Board, Commission, or Committee:

Statement of Interest:

Work Experience:

Volunteer Experience:

Education:

Special Qualifications:

Other Information (optional):

Personal Information:	
Have you ever been convicted of a felony and/or sex-related crime?	
Yes	No
If yes, please explain:	
In the past 5 years, have you been convicted of a misdemeanor, other than minor traffic violations?	
Yes	No
If yes, please explain:	
In the past 5 years, have you had a civil suit brought against you?	
Yes	No
If yes, please explain:	
Background Check:	
I understand that I may be subject to a background and/or credit check.	
Yes	
Is there any other information that may disqualify you from serving on this advisory body?	
Yes	No
If yes, please explain:	

Statement of Accuracy

I affirm that, to the best of my knowledge, the information provided herein is truthful, accurate, and complete. I understand that any misrepresentation of information may result in my appointment being rescinded.

Yes