



**HANDBOOK**

**FOR**

**BOARDS, COMMISSIONS AND ADVISORY**

**COMMITTEES**

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## **INTRODUCTION**

Thank you for agreeing to serve your community through an appointment to one of Middleburg's boards, commissions and advisory committees, hereinafter referred to as "advisory groups", established by the Town Council. This Handbook is designed to acquaint you with the Town's policies in regard to advisory groups and the particular roles and responsibilities of advisory group members.

As background, advisory groups are established by local ordinance of the Council to serve an indispensable role in providing recommendations concerning Town operations. Advisory groups increase community input to the Council and enable the Council to focus more clearly on community needs and issues.

By accepting this appointment, you are now in a position to work directly with your local government, on behalf of your fellow residents, to enrich community life on a wide variety of issues. The greater your participation in the work of the group, the greater the effectiveness of the group in carrying out its charge and improving the community.

The purpose of this Handbook is to set minimum standards for operations and provide valuable guidance to each advisory group member.

While the Town Council alone sets policy and makes decisions affecting its constituency, it considers citizen participation a vital aspect of good government. Working in partnership with the Town Council, Town staff and your fellow group members, we can continue to set standards for excellence in good government and community livability.

## **PROCESS**

### **A. Policy**

- ▶ With limited exceptions, policy decisions are made by the Town Council.
- ▶ Principal functions of advisory groups are to increase community input to the Council and staff in order to enable them to focus more clearly on community needs and problems. Advisory groups contribute toward policy by:
  - Recommending new programs or revisions to existing programs;
  - Identifying policy decisions that need to be made;
  - Providing individual expertise;
  - Encouraging communication between the Town and the residents of Middleburg;
  - Providing a creative source of ideas.
- ▶ Advisory groups, when asked to articulate Town policy in official testimony or in other forums, must ensure in advance that the policies presented are in fact Town policy. In addition, advisory group members should coordinate with the Town staff when asked to participate in testimony or other such forums to ensure presentations are not in conflict.

### **B. Membership**

- ▶ The term of advisory group members, unless specifically noted, shall be as identified by the Town Council upon their appointment, but shall continue after the end of the term until a replacement is appointed.
- ▶ An appointment to fill a vacancy shall be for the unexpired term.

### **C. Appointment of Members**

The following applies to all advisory groups, with the exception of the Board of Zoning Appeals:

- ▶ In the event of a vacancy, inclusive of the conclusion of regular terms, the Town Clerk shall advertise such vacancy. Submitted letters of interest/applications shall be forwarded to the respective committee for their review in closed session. The group shall then offer an informal recommendation on who should fill the vacancy to the Town Council. Applications are considered to be personnel related and shall be confidential. As such, members shall not disclose the details of an applicant(s) or the closed session discussion to the public.
- ▶ The Town Council shall approve appointments to advisory groups.
- ▶ Advisory group members shall serve at the pleasure of the Town Council, except for members of the Planning Commission, who pursuant to state law may only be removed for malfeasance and/or nonfeasance.

#### **D. Orientation of Members**

With the letter of appointment, each new member shall receive:

1. The Handbook for Boards, Commissions and Advisory Committees;
2. Contact information for the advisory group's staff liaison;
3. Meeting time and location of the monthly meeting;
4. A copy of the Virginia Freedom of Information Act, the State and Local Government Conflict of Interest Act and the Virginia Public Records Act;
5. A copy of the Town's Code of Ethics/Standards of Conduct; and
6. Town Council's charge to the advisory group when available.

- ▶ The staff liaison is responsible for providing the appropriate orientation on the advisory group's work program. In the event a staff member is not assigned to the advisory group, the Council representative for the group shall be responsible for doing so.
- ▶ The Town of Middleburg will conduct an orientation/training session during each groups' first meeting of the year. All members of the advisory group are encouraged to attend.
- ▶ FOIA/COIA training sessions are held annually to give more insight into those regulations. All members of each group are strongly encouraged to attend.

## **OPERATION**

- ▶ The advisory group shall elect a chair and any officers it deems necessary on an annual basis.
- ▶ In accordance with the Council's Rules of Procedure, the chair shall remind members who have two (2) consecutive unexcused absences from regular meetings that if they have a third consecutive unexcused absence, their appointment will be automatically rescinded. The chair shall report any attendance issues to the Town Clerk, who shall follow the Council's Rules of Procedure as adopted.
- ▶ The advisory group shall meet as required under the ordinance that established it.
- ▶ The advisory group shall provide, at least annually, a report to the Town Council on the activities and accomplishments of the group.
- ▶ The advisory group shall adopt rules/bylaws governing the conduct of its business and meetings.
- ▶ All group members shall be knowledgeable of the requirements of the Virginia Freedom of Information Act, the State and Local Government Conflicts of Interest Act, the Virginia Public Records Act and the Town's Code of Ethics/Standards of Conduct and the Handbook for Boards, Commissions and Advisory Committees.
- ▶ Unless otherwise noted, all actions of an advisory group shall be subject to Town Council approval.
- ▶ The advisory groups shall assist in and carry out such other duties as may be assigned by the Town Council.

## **ROLES AND RESPONSIBILITIES**

The roles and responsibilities listed below are general guidelines. It is important that dialogue take place between the members, chair and staff liaisons on how the group can function at an optimum level. Members and chairs serve as advisors to the Council and receive their charge through the Council. The staff liaison is an employee of the Town, with other job responsibilities, and is ultimately accountable to the Town Administrator.

### **Advisory Groups**

Advisory group members are an important part of Middleburg's Town government process. They are appointed to be part of a group that advises the Town Council on pertinent issues, policy-making and project development and implementation. This role can be accomplished in the following ways:

- Know the reason for the existence of your group as defined in the ordinance that created it;
- Be aware of the time, energy and commitment involved in being a part of an advisory group;
- Regularly attend meetings and actively participate in discussions. A majority of the voting members constitute a quorum. A quorum is necessary to conduct business;
- Notify the chair or staff liaison if you cannot attend a meeting and/or if you plan to resign the appointment;
- Any resignations must be provided to the Town Clerk, the chair of your group and your staff liaison;
- Prepare materials that are substantive and meet required deadlines;
- Complete specific tasks as assigned;
- Vote on recommendations and actions of the group unless a potential conflict of interest exists;
- Know legal obligations and operate within legal constraints (state and local codes);
- Work in the spirit of cooperation and negotiation in order to reach consensus when possible. Ensure each member of the group, public and Town staff are treated with courtesy and respect.
- Keep up-to-date on information related to the advisory group's area of interest;
- Contribute to the development of reports for Council as appropriate;
- Communicate with elected officials regularly.

### **Advisory Group Chairs**

Advisory group chairs are elected by members of their group and act as a link between Council, group members and the community. The chair's responsibilities include the following:

- Establish and review goals and objectives of the advisory group annually;
- Become familiar with Council's visions, goals and strategic plan;
- Assist in the orientation of new members and encourage participation in training organized by the Town;

- Delegate assignments to members recognizing skill, experience and interest of individuals in the group; make sure all members get a chance to participate;
- Preside over meetings using Roberts Rules of Order as a guide, and act as a facilitator to keep to the agenda;
- Ensure all meetings are open to the public;
- Ensure that citizen input is reflected in the group's recommendations;
- Use consensus-building techniques to find optimum recommendations. Ensure each member of the group, the public and the Town staff are treated with courtesy and respect;
- Prepare timetables for completion of projects if appropriate;
- Develop, in cooperation with all group members, an annual work plan, which shall be submitted to the Town Clerk in December for review by the Town Council. Ensure that all reports, minutes and timetables are complete and sent in a timely fashion.
- Serve as a liaison between the advisory group and the Town Council on program direction;
- Keep the Council apprised of all controversial issues, either directly or through the staff liaison;
- Encourage the Town staff to give professional advice, clarify Town policy and Council direction, and make recommendations to the group on specific issues;
- Advise members with two (2) consecutive unexcused regular meeting absences of the policy on meeting attendance and notify the Town Clerk per the Council's Rules of Procedure;
- Recognize and encourage individual contributions of your members.

### Council Representative

Council representatives are assigned to each advisory group at the beginning of each new Council term. Council representatives are non-voting members who provide an important link between the advisory group and the Council. Their responsibilities include reporting relevant Town Council actions to the advisory group on which they serve and reporting advisory group matters to the Council.

### Advisory Group Staff Liaisons

Staff liaisons provide important resources to advisory groups. Resources and staff time available to advisory groups vary. Advisory groups report to the Town Council and the staff liaisons ultimately report to the Town Administrator, an arrangement that works most effectively when the chair and the staff liaison have a clear understanding of the resources available to implement the group's work plan. Any performance issues regarding the staff liaison should be brought to the attention of the Town Administrator. The staff liaisons carry out their responsibilities in the following ways:

- Orient new members to the work plan of the advisory group;
- Notify the Town Clerk of vacancies due to resignations;
- Gather information and make it available to the group for report development and project completion;

- Research and provide requested data to members;
- Provide technical expertise to the group;
- Keep a record of attendance for all proceedings. Notify the Town Clerk if members accrue three or more consecutive unexcused absences;
- Work with the chair to prepare each agenda and the necessary meeting materials;
- Notify all members of upcoming meetings and new developments;
- Ensure the groups take minutes at each meeting and distributes them to the members, Town Clerk and other interested parties;
- Prepare draft reports and correspondence, as agreed upon with the chair, and ensure all Town Council reports are prepared and presented in the appropriate format;
- Keep the Town Administrator informed on the work of the advisory group – particularly in areas calling for more resource allocation for Town Council requested projects;
- Assist the group in making budget recommendations/requests to Council;
- Ensure compliance with all state and local code sections pertaining to, but not limited to, open meetings, conduct of meetings and records retention.

## COMMUNICATIONS

Advisory groups communicate with many entities to gather data to complete work plans and advise Town Council. To ensure that communications with Town and outside agencies are in agreement with Town Council policy and program direction, the following guidelines should be used:

- a. Town Departments: The chair will work with the staff liaison to set up meetings, draft correspondence and follow-up on information requests.
- b. Town and/or State Policy or Legislative Matters: The advisory group chair or staff liaison may consult directed with the Town Clerk for clarification of the Town's position on such matters.
- c. Federal or Other Local Government Agencies: The advisory group chair or staff liaison may consult with the Town Administrator for clarification on the Council's position on such matters.
- d. Press/Media:
  - Advisory group members should refer the press/media to the Town Administrator for an official statement on issues involving Town policy or program direction.
  - Staff liaisons must provide the Town Clerk with a list of changes to the meeting dates, times and locations for inclusion in the monthly meeting calendar.
  - Staff liaisons are responsible for posting meeting agendas at the same time they are made available to the advisory group. Agendas must be posted at least three business days in advance of the meetings on the Town's website, on the official bulletin board in the Town Office and on the agenda display in the hallway of the Town Office.
- e. Town Council:
  - Memoranda and/or status reports are sent to the Town Council on an as-needed basis. The annual report need not be made in person and may be transmitted to Council in writing.
  - Advisory group members may contact any Councilmember to discuss issues of interest to the group. The Council liaison may be the most appropriate member to contact in this respect.
- f. Legal Advice: When an advisory group needs legal advice, the advisory group chair should contact the staff liaison who will then contact the Town Attorney on the group's behalf, with the approval of the Town Administrator.

## **STATE AND LOCAL CODE REQUIREMENTS**

### **Public Facilities**

In compliance with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990, it is the policy of the Town of Middleburg that qualified persons with disabilities shall not be excluded from participation in, be denied the benefits of or be subjected to discrimination in Town programs or activities. Inquiries regarding this policy should be directed to the Town Clerk.

- Physical Access: Locations where all public meetings and activities are held must be fully accessible. This means that accessible parking, routes to entrance, program area and restrooms must be able to accommodate a wheelchair user.
- Communications Access: Sign language interpreters are provided for Town services and programs by calling a minimum of three (3) full business days in advance to the Town Clerk's Office at (540) 687-5152.

### **Meetings**

Public access to advisory group meetings is a legislated right of the public pursuant to the Virginia Freedom of Information Act Section 2.2-3702 of the Code of Virginia, as amended. The following are relevant excerpts from that section which apply to advisory group meetings:

- All meetings are to be public, including meetings and work sessions during which no votes are cast or any decisions made;
- No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business;
- All public bodies must give notice of date, time and location of meetings by placing the notice on the bulletin board in the Town Office, on the Town's website and in the agenda display located in the hallway in the Town Office at least three (3) working days prior to the meeting;
- All agenda packets and materials furnished to the members of the advisory group shall be made available to the public at the time they are furnished to the advisory group members, excluding items that are protected under the exceptions of the Virginia Freedom of Information Act, by posting them to the Town's website. A hard copy shall also be available in the Town Office;
- Minutes shall be recorded at all open meetings. Minutes shall be in writing and include the date, time and location of the meeting; members present; summary of the discussion; and a record of any votes taken;
- More than two advisory group members may not meet to discuss Town business, regardless of location, without a proper meeting notice and public access to the meeting.

## Conflict of Interests

The Town Council, recognizing that our system of representative government is dependent in part upon (1) citizen legislative members representing fully the public in the legislative process and (2) its citizens maintaining the highest trust in their public officers and employees, find that the citizens are entitled to be assured that the judgement of public officials and employees will be guided by regulations that define and prohibit inappropriate conflicts and require disclosures of economic interests. To that end, the Town Council has enacted a Code of Ethics/Standards of Conduct and an ordinance pertaining to the acceptance of gifts so the standards of conduct for officers, advisory group members and employees may be uniform throughout the Town.

In addition, the Virginia State and Local Conflicts of Interests Act (COIA), Sections 2.2-3100 through 2.2-3131 of the Code of Virginia, as amended, may apply.

Advisory group members are required to read, acknowledge and agree to abide by the terms of the Town's Code of Ethics/Standards of Conduct upon their appointment, and annually thereafter. Members should also familiarize themselves with the provisions of Town Code Chapter 3, Article V pertaining to gifts and COIA.

## Public Records

In 2006, the Virginia General Assembly passed changes to the Virginia Public Records Act (VPRA), Sections 42.1-76 through 42.1-91 of the Code of Virginia, as amended, to ensure the procedures used to manage and preserve public records are uniform throughout the Commonwealth. To that end, the Act directs that any person appointed or reappointed to a governing body of any agency subject to the Public Records Act shall be furnished a copy of the Act within two weeks following appointment or reappointment. Such individuals are required to read and become familiar with the Act.

At the time of your appointment, the Town Clerk will provide you with a copy of a handbook that deals with the Virginia Freedom of Information act, the State and Local Government Conflict of Interests Act and the Virginia Public Records Act. After review of this handbook, you must sign a receipt and acknowledgement of responsibilities form which is included in your orientation packet.

In summary, the VPRA governs:

- Electronic Correspondence: All correspondence (including emails) addressed to advisory group members or generated by members is subject to the Freedom of Information Act and the Virginia Public Records Act. Any requests for electronic correspondence contained on a member's personal device(s) are the responsibility of the member to produce, as are subsequent penalties associated with failure to produce when requested.
- Written Correspondence: Copies of written correspondence (not in electronic format) should be provided to the staff liaison for proper archiving.

- Official Advisory Group Documents: The staff liaison will be responsible for complying with all VPRA requirements with respect to agendas, minutes and any documents related to the official business of the advisory group.
- Social Media Posts: Any posts made to social media by an advisory group member regarding Town business, whether posted to an official Town account or a private account, page or group, are subject to FOIA and VPRA. If advisory group members post to private accounts, pages or groups, they will be responsible for producing these records during the legal discovery process or with regard to FOIA requests.

## **EXPENDITURES**

Every budget cycle, the Town Council approves an amount of money available to its various advisory groups for project initiatives that further the mission of the group and the goals of the Council. Such expenditures can include, but are not limited to, the production of workshops designed to educate the public, training for advisory committee members to increase their understanding and knowledge of the issues pertinent to the mission of the group, and the production of literature and/or materials designed to further enhance the mission of the group.

The amount of money available can vary from budget cycle to budget cycle, depending on the economic climate of the Town. Advisory groups make their requests for funding through their staff liaison. All requests for funding must be approved by the Town Council.

Approval of travel/training for advisory group members is subject to the Travel and Training Policy as contained in Chapter VII of the Town's Employee Handbook.

**HANDBOOK FOR BOARDS, COMMISSIONS AND ADVISORY COMMITTEES  
MEMBER STATEMENT OF ACKNOWLEDGEMENT**

I have received a copy of the Handbook for Boards, Commissions and Advisory Committees, Middleburg's Code of Ethics/Standards of Conduct and the Town's gift ordinance have read them carefully. I understand that all matters set forth in those documents and agree to abide by and adhere to the policies as set forth therein during my tenure as an appointed official for the Town of Middleburg.

I further understand and agree that any provision of this handbook, Code of Ethics/Standards of Conduct and/or gift ordinance may be amended, revised or eliminated at any time.

I understand that it is my responsibility to maintain and keep my handbook updated as new policies are created and distributed and/or policies are deleted or changed.

I hereby acknowledge receipt of the Handbook for Boards, Commissions and Advisory Committees, Middleburg's Code of Ethics/Standards of Conduct and the Town's gift ordinance.

Appointed Official's Name (Please Print): \_\_\_\_\_

Appointed Official's Signature: \_\_\_\_\_

Date: \_\_\_\_\_