

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 13, 2016, at 3:00 p.m., Room 241, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from January 6, 2016.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 3:01 p.m., by the Chair, Ms. Palmer.

Agenda Item No. 2. New Board Formation.

- Acknowledge transition from electioneering to governing as new members come onto the team
- Discuss how the new Board will work together as a competent team, not a group of competent individuals
- Discuss how the new Board will keep focused on governing for outcomes and results to serve the best interests of the whole jurisdiction
- Discuss the importance of effective Board/staff relationships, with each group understanding and respecting their respective roles and responsibilities

Dr. Mike Chandler addressed the Board and said there is an established agenda relative to the topics to be addressed, and he has also brought with him a reference sheet that parallels the agenda. He stated that one of the goals of the work session is to have a conversation that will focus on the art of governance, including players, process and protocol. Dr. Chandler noted that prior to the meeting he had distributed a series of questions to the Board seeking their input, opinions and perspective relative to the subject matter addressed. He stated that each Board member had completed the survey with a summary sent back to them without attributing who had said what. Dr. Chandler said he hopes it is a useful exercise that prompts their thinking, and there may be an opportunity for them to reference the summary, which can prove instructive as they consider the ongoing dialogue related to governance.

Dr. Chandler noted there are two new Board members as of January 1, 2016, and the Board will serve as the board of record until December 31, 2017. He stated they function in a similar capacity to a corporate board of directors and asked Mr. Foley for clarification of the County's aggregate budget.

Mr. Foley clarified the County budget is approximately \$380 million, including capital and all other funds, and noted there are some regional agencies that might normally be part of local government.

Dr. Chandler stated the County is a substantial organization when considering its budget, number of employees and output generated for its intended audience. He said that because the Board is the equivalent of a corporate board of directors, it bears the fiduciary responsibility for the County as an organization and is charged with maximizing return on investment for stakeholders. Dr. Chandler asked what the return on investment (ROI) will be for the County's stakeholders.

Ms. Mallek responded the ROI will be cost-effective services.

Dr. Chandler stated there is monetary investment on the part of stakeholders in terms of taxation, so they expect a return on investment. He said that increasingly, literature is suggesting that governance is an art, the players, the process, the protocol, and he will begin with that perspective point. Dr. Chandler welcomed the new Board members and asked how many times they had met together previously.

Ms. Mallek stated this is their fourth time meeting together.

Dr. Chandler said the Board is part of a process that impresses him, as not all governing bodies will go through this type of exercise. He mentioned he had served for several years on the Blacksburg Town Council, first elected in 1984, and there was no orientation or assimilation for new council members. Dr. Chandler stated that electioneering is not governing, noting that electioneering is essentially candidates selling themselves and offering themselves to constituents, wanting to distinguish themselves from other candidates. He said that electioneering is a solo venture, but there is no "I" in governance, and asked Mr. Sheffield if he feels electioneering is different than governing.

Mr. Sheffield responded that as a Board member, he is constantly listening to constituents and staying abreast of what is going on countywide.

Dr. Chandler said that active listening is essential to political success, and governance is more of a team effort.

Mr. Dill stated that one similarity between electioneering and governing is that internally it is important to have a vision or idea about what should happen to the County, and when they are

electioneering they are expressing that to potential voters, and when on the Board they need to share it with fellow Board members as well as continuing to express it to the general population. He added the similarity is to have a vision and try to move in that direction and convince other people to make something happen.

Dr. Chandler asked for comments as to the challenge of melding six platforms into a singular, cohesive vision and direction for the jurisdiction.

Mr. Randolph responded that governance should also be viewed as an art because it requires a group of individuals to coalesce around a course of action, whereas a campaign staff is answerable to a candidate, with a campaign manager offering suggestions as to course of action, but the candidate essentially remains captain of his own ship. He stated that with governance, they are talking about coalescing around a course of action where there is a variety of individuals each with their own course of action that brings them forward. Mr. Randolph said the issue is that the concerns, philosophy and vision are different in each case, so the challenge in governance is to subsume the "I" into the imperative of the "we."

Dr. Chandler asked for reaction to Mr. Randolph's comments.

Ms. Mallek said that each Board member has special interests and can gather information on the outside and bring citizen support to the Board, and if three others join in, they can go forward from there with something to investigate.

Dr. Chandler asked if it is important that each person put on the table that which he or she values or champions, noting they have to integrate those pieces and make choices. He said as they go through the process of transition from electioneering to governing, they should consider which accomplishments they want to celebrate at the end of the next 23 months. Dr. Chandler said that part of the process is identifying what each of them wants, stating that they write their accomplishment report at the outset of their terms, not at the end. He stated that by staying true to that course and remaining focused on it, in partnership with staff, they can hopefully collectively celebrate those accomplishments at the end of their two-year cycle.

Dr. Chandler said his survey was meant to generate responses that will be valuable as they proceed over the coming weeks and months, especially as they start looking at the budget, goals and priorities. He noted that four of the Board members had been through a rigorous visioning process, and the two new Board members offer new perspective and should be informed as to what the standing Board members are thinking when defining a vision.

Dr. Chandler asked Board members to comment on whether the Board's job is a "we" thing or a "me" thing, or both.

Ms. Mallek stated it is a "we" thing when deciding policy and a "me" thing as far as what each Board member puts into making that decision happen.

Dr. Chandler said they are a "we" when it comes to big picture and policy items, but "me" when it comes to individual constituent concerns and very specific items. He stated the Board and staff need to be responsive to the needs of the people in the moment, but also need to have an eye on the longer term, which is critical in terms of coalescing around a common vision. Dr. Chandler added that they won a seat at the table in the solo sport of electioneering, but once at the table they are governing together.

Ms. Mallek stated that she agrees, and said that citizens expect it to be decided in a group at the Board level rather than having a few Supervisors deciding and then having it being a fait accompli when it gets to the meeting, as the public wants to see it play out.

Mr. Dill said that to some extent, working together is seeing it as a division of labor, and some of the work had been started decades earlier with the current Board continuing those efforts. He stated that each Board member brings a different set of skills and interests to their positions, so while they are doing their own thing they are also following the consensus of history.

Dr. Chandler commented that there are a lot of continuums associated with government, and a lot of matters will be ongoing as a jurisdiction whether the Board is together or divided. He stated there are things that have to happen by statute, state, federal, etc. Dr. Chandler noted that about 83 cents out of every federal dollar is already appropriated, and the same equation can be generated for Albemarle County with certain spending obligations, so it is at the margins where they make these adjustments. He emphasized that it is part of the Board's educational function to help constituents understand that, and while citizens may be educated about government they may not understand the full measure of how County government operates. Dr. Chandler said this can also be a learning exercise for the Board, even its veteran members, and asked Ms. Mallek how long she has served.

Ms. Mallek stated this is her ninth year, but even with that and 10 years in the audience, every day is still a learning experience to her.

Dr. Chandler agreed that there is always a lot to learn, and it is very important for Board members to be able to explain to the public what they are doing and why it is being done, the process, the construct, and the end product in the form of services.

Dr. Chandler posed the question of why a group of competent individuals become an incompetent group, and what gets lost in the translation that makes coming together difficult.

Mr. Dill said that emotions are one factor.

Ms. McKeel agreed.

Dr. Chandler stated that when individuals are eager to express their own views, it is sometimes hard to listen to others and to separate emotion, with perceived prejudice and bias being other factors. He said that talking about governing on behalf of the larger constituency as opposed to governing based on a particular political ideology or ego, being open to the possibility that you might not have the right answer or that another Board member may add more value to the question on the table. Dr. Chandler asked Board members if they are learning something every day.

Ms. Palmer responded that she learns something every day, and feels they are very lucky that they do not have personalities on the Board that feel like they know everything.

Ms. Mallek said one of the transitions from being an independent citizen to a Board member is the exposure to a new body and the information they bring forward, so it is important to get to know staff and to trust that they are working their best.

Mr. Dill stated it is interesting to try to figure out which people you are supposed to work with as a team.

Dr. Chandler said that is part of the wisdom of why staff put this session together, to introduce the Board to day-to-day players and staff, who will translate the Board's ideas and visions into actions. He stated the Board will likely interact the most with Mr. Foley and key staff, as well as the County Attorney, and asked Mr. Foley to comment on how he feels about Board members talking to department heads.

Mr. Foley stated that he has no issue with the Board talking to department heads to get information or have questions answered, and he has a policy of having department heads let him know if there are any issues.

Ms. Mallek said that she found that it is nice to cc Mr. Foley when she contacts other staff, as it is important to keep him in the loop as to what is going on.

Dr. Chandler commented that Mr. Foley is the key player in administration, and the partnership the Board has with him and his team is essential for the organization to move forward. He stated the relationship they have with the County Executive needs to be explicit and understood, as he is the person they expect to make good on what a group of employees offers. Dr. Chandler asked what the process is if there is a problem with an employee or a component of the process.

Ms. Mallek said that Mr. Foley works for the Board and staff works for him, and he serves as the problem solver.

Dr. Chandler agreed that it should go to Mr. Foley, and the Board should always refrain from jumping on an employee in a public meeting setting.

Mr. Randolph added that one piece of advice he had picked up from a school headmaster where he was working as a principal was "no surprises," so the more there is clear and open communication, and the more parties knew about an issue, the better off everyone was. He stated the last thing they will want to do is put staff or a Board member in the position of being caught unaware.

Dr. Chandler agreed, and said if there is something the Board feels staff should be aware of, they should communicate it to staff, and having that as a rule is one of the most solid things they can have in place.

Ms. Mallek commented that it leads to mistakes, which they try to avoid all the time.

Dr. Chandler said when they make mistakes, they should acknowledge it, try to determine what has gone wrong, learn from it, and move forward. He asked them to address the ideal of the Board speaking with a single voice, and whether they agree with that concept.

Ms. McKeel stated that it depends on where they are in the process, and it is important for all voices to be heard. She said that once a vote is taken they have to implement the decision, and that will only happen successfully if everyone gets behind it, and to be out trying to undercut it is really not fair or helpful.

Mr. Sheffield agreed, stating there are a handful of instances in the County where things took twice as long as they should have because of the undercutting or delays resulting from disagreement beyond a vote. He said once the Board has decided on something through consensus, part of the frustration on the part of the community is that discussions continue even after a decision has been made, and sometimes people just want to see things get done.

Ms. Mallek agreed, adding that during the development of the policy it is important that people be brave and speak up even if they might not be in the majority because it is helpful to have those ideas

bounced around, and if an idea is not good enough to get four votes it needs to die or be shelved until more information can come forward that might help it get a fourth vote.

Dr. Chandler said it may be a good idea, but just not the right time for it.

Ms. Palmer stated there can also be some blurring in the implementation phase, and things can come back to the table due to a number of factors.

Mr. Randolph stated the Board should try to be a collective group as much as possible, but occasionally there may be an issue that is so deeply related to a Board member's platform and integrity, so voting consistency is important. He said that while a Board member might lose a vote, the basis of the vote can be explained to the press with the understanding that there is no attempt to undermine. Mr. Randolph stated that Board members may agree on some points but not others and end up voting differently, but they need to respect one another to know they are acting professionally and that there is a rationale behind their vote. He stated it is important that they can explain to one another and to the public in their dialogue why they voted a certain way, and his observation is that each Board member will indicate where they have concerns ahead of time, with mutual respect as to why they voted a certain way.

Dr. Chandler encouraged Board members to speak up and indicate why they support or do not support a particular item, collectively moving forward after the vote with the record clear as to why there was dissent. He said that once a vote is taken, that is the will of the Board that becomes the policy under which Mr. Foley has to operate.

Ms. Mallek stated it is extremely important from the constituents' point of view to not be afraid to be a dissenting opinion, and constituents can feel abandoned if their representatives do not stand up for the district, and a few years earlier there had been a false sense of collegiality on the Board that every vote had to be unanimous, which is a detriment to good leadership.

Dr. Chandler noted the ratification of the Constitution was marked by numerous close votes, only passing by 10 votes in Virginia, with some revered founding fathers having voted against it. He stated it is a tough thing for Board members to have to go back to constituents and tell them they are going to vote in a different direction for the good of the larger organization. He encouraged Board members when indicating their position to express cogent, reasonable, rationale sense that links back to a demonstrative point that is grounded in the budget, the Comp Plan, or their interpretation of a specific policy for the jurisdiction.

Mr. Dill stated there are a lot of ways to express yourself to state that you might feel differently about an issue, but will go along with the majority.

Dr. Chandler said that Board members need to take time to get to know each other, as it provides an insight and helps them gain perspective.

Dr. Chandler asked Board members if they are native to Albemarle County.

Mr. Randolph responded that he was from Philadelphia, Pennsylvania and came to Charlottesville to go to UVA.

Ms. Palmer responded that she had lived all over, but moved to Virginia from Pennsylvania.

Ms. McKeel stated that she was from the Shenandoah Valley but has lived in Charlottesville for 40 years, and said that she had been an educator and teacher and recently retired as a nurse at UVA.

Mr. Sheffield stated that he was born in Cleveland, Ohio, but came to Charlottesville by way of Hanover, VA.

Mr. Dill stated that he was born and raised in the Hudson River Valley, New York, and had come to Charlottesville in 1976, settling here permanently in the 1980s.

Dr. Chandler commented that part of who they are and what influences them is what they bring to the table from their history, and said that some of his fellow Blacksburg Town Council members had come from very different backgrounds and understanding of governance in Virginia.

Dr. Chandler said he had distributed to Board members a summary as to why boards may be dysfunctional, and one of those reasons was because, as elected individuals, they might feel they represent just their own district. He stated there is no accepted standard or minimum skill, knowledge or experience to be able to serve as a Board member, and each of them came to the table with a different level of understanding on the county executive form of government. Dr. Chandler noted that each of them might disagree about the role of government, and while Democrat or Republican might be of significance in electioneering, he is not sure that it matters when it comes to actually governing. He stated that resources are limited, so they have to make choices about who will pay and how much, and what the County will do with those dollars in terms of providing services. Dr. Chandler commented that this Board is far ahead of the curve in terms of a shared understanding as to the role of the Board, but some governing bodies in Virginia are all over the map. He said agreement that the Board will speak as one voice is a powerful takeaway from their time together because it establishes a standard and parameter that is important both for them and for staff.

Dr. Chandler stated that at certain times the Board votes to go into closed session and then votes to come out of it, and the nature of those sessions should not be discussed with constituents.

Ms. Mallek said it may not be illegal, but it is certainly unethical.

Dr. Chandler said that regardless of how it is viewed legally, the closed session carries with it an obligation to honor why they went into closed session to begin with, so it is privileged conversation that should not be talked about.

Ms. McKeel commented that it could be very harmful to do so because those sessions often include discussion of personnel or contractual issues.

Dr. Chandler stated that some boards abuse the use of closed or executive sessions by going into them for almost everything they are doing.

Mr. Dill said it is challenging for the Board members to get to know one another if having more than two gathered constitutes a meeting.

Mr. Davis clarified that it is a gathering to transact or discuss public business, so social gatherings are not subject to Freedom of Information Act (FOIA) notice requirements.

Mr. Sheffield stated that the chances of wanting to discuss County business increases with the presence of each additional Board member.

Dr. Chandler said that in looking at elements associated with meeting management, there is a temptation to accept all of the accolades when there has been a good meeting, or to point a finger at the chair when things do not go well. He stated that if the chair does not feel completely on top of a meeting for any reason, it is important for him or her to alert the vice-chair, or for the vice-chair to pick up on those cues. Dr. Chandler asked Board members if they assess and debrief their meetings, or talk about them when they get out in the parking lot.

Mr. Dill stated that they cannot do that because of FOIA requirements.

Ms. Mallek said they can put the discussion under Matters from the Board at the end of the agenda.

Dr. Chandler stated they can watch a video of one of their meetings as a group and evaluate or grade their performance, and include that as an agenda item as an educational item. He said that sometimes individuals may not realize they are talking too much or talking too little, and asked if it is the chair's responsibility to reach out to those members who have not spoken.

Ms. Mallek said when she was chair, she would call out to members who had not yet provided input.

Mr. Sheffield commented that words are like stock commodities, and their value is kept by keeping the commodity low.

Dr. Chandler acknowledged that efficiency has its place, but said they also want to remain effective. He stated that trust must be present among Board members, and has to be earned but also should be given freely. Dr. Chandler said they will not want to dismiss the new Board members, and the tradition in this jurisdiction has been for a unit that attempts to work together. He asked for them to share their opinions as to why competent individuals might not function well as a group.

Mr. Sheffield stated that six strong or Type-A personalities in a room will generate conflict, and you do not run for office if you are a follower.

Dr. Chandler agreed that if they remained independent personalities, it can lead them to go in six different directions, but they have to find a way to put ego aside and coalesce. He stated if they can have agreed-upon standards as to operational performance and guidelines via a governance model that clearly articulates process and how they will work with staff, they can avoid the ditch that sometimes turns competent people into an incompetent board.

Mr. Dill asked if the reason for this dysfunction is personality or ideology.

Dr. Chandler responded it can be either of those things, or be due to differences in professional backgrounds and skill sets, and said the Board members can help bring one another along.

Mr. Randolph said this conversation has reminded him of Irving Janis and his research on "groupthink," and said if they focus solely on reaching a point of mutuality of thought, they are in to group thinking and will lose objectivity and questioning. He recalled an Austrian colleague at a school where he had been employed who would always raise a philosophical question at every meeting, and while it was annoying to the head of the school, the entire decision was sounder because she had raised questions.

Dr. Chandler stated that some organizations actually recommend having a designated "devil's advocate," a person who has been charged with raising questions.

Ms. Mallek commented that is Mr. Davis's job.

Dr. Chandler mentioned the work of Edward de Bono and the "Six Thinking Hat," which involved role playing a specific point of view based on the hat you were wearing, a construct that is still used in some board rooms. He stated a good solid staff report can serve in the capacity of devil's advocate, as it will present the issue, the options, the frame of reference, and the assessment offered by staff. Dr. Chandler said the staff may advocate for approval, but there is nothing that says the Board has to vote that way, and if a report is inadequate, that needs to be communicated back to staff.

Ms. Mallek said one thing that staff cannot do is to make a decision easier for the Board, and it is unreasonable to think that staff is going to get all the information and make it easier for the Board to decide.

Dr. Chandler stated that Harvard Business School had done a lot of research on 50/50 decisions, an approach can be so balanced that it basically boils down to a coin toss. He stated that while there might be overwhelming public sentiment to do something, good governance and effective leadership means being conscious of the impact of a decision in the future. Dr. Chandler emphasized the Board is obliged to arrive at a judgement based upon the input received with one eye on the future, and must balance the issue in light of present circumstances, but also with its impact down the road, which sometimes does not sit well with constituents. He said it is very hard to raise taxes, especially when the economy is sluggish, but to advocate for a cut in services is not easy either.

Dr. Chandler referenced the responses to the survey he had distributed to the Board, which he said can serve as a springboard for another round of discussions as the Board comes together as a team. He mentioned Benjamin Disraeli, who had served as prime minister of Great Britain during the reign of Queen Victoria, and said that Disraeli's message was that leadership needed to take control of the future or choose to be reactive. Dr. Chandler said he feels the Board members want to be proactive and steer the organization in a particular direction, not just be responsive to whims. He stated that in looking at the role of leadership, Board members provide the vision in an organization by championing a mission, direction and purpose, and to help define goals they want to achieve. Dr. Chandler said that Board members have advocated platforms politically when electioneering and share those platforms, coalescing around what they want to get done as a governing body, and that becomes the basis of writing the accomplishment report 23 months ahead of time. He asked them to consider what they might give as reasons to be re-elected, adding that it is important to articulate the values they hold individually and as a Board and what they want to accomplish over the next two years. Dr. Chandler noted that he does not know how this aligns with their existing strategic initiatives, but it should be considered as part of their overall agenda.

Dr. Chandler stated that leaders manage by ensuring the right people are in the right place doing the right job the right way, and referenced the Jim Collins book, *Good to Great*. He said that while there are a lot of faces in County government, the Board members will be front and center, adding that Albemarle is a leader among counties in Virginia. Dr. Chandler said the root of the word "manage" means to handle, and the County Executive has to manage people and dollars, and staff always needs to be concerned with the bottom line. He stated the root of the word "leader" means to move, and you become a leader when you believe you can make a difference. Dr. Chandler said that credibility is foundational, and having confidence in themselves and one another translates to voter confidence in the Board. He stated that each Board member has earned the respect and confidence to sit at the table, and that should be shared with fellow Supervisors as co-equals even though they might see the world differently. Dr. Chandler stated that values drive commitment, and while they have gone through that process they will also continue to do it individually, and their charge is to envision tomorrow today while delivering quality services today, which may not endear accolades from the public. He said that trust is the social glue that holds organizations and communities together, and while it has to be earned sometimes it has to be given before it can be received. Dr. Chandler stated that Board members must function as leaders and set the example, and then commit to learning because it is a master skill exhibited by good leaders.

Dr. Chandler referenced materials provided on creating a governance model, and said it is the Board's job to govern and they have that commensurate authority, but not as individual Board members.

Ms. Mallek noted the Board implements through the County Executive.

Dr. Chandler said the ownership is their citizenry, and the Board has to describe the criteria that will signify success, while holding staff accountable and maintaining a dialogue with the County Executive. He stated it is important for them to clarify their purpose and avoid what is unacceptable, putting the Board's emphasis on ends and not becoming entangled in operational details. Dr. Chandler said that a policy-oriented Board will state the means that are acceptable while allowing staff to perform and monitoring them to ensure the boundaries agreed to are honored, stating practices, conduct activities and methods that are outside of the authority granted to a manager.

Dr. Chandler asked Mr. Randolph to draw the "sphere" graphic that he and Mr. Dill had shared at the Supervisors' conference the previous weekend.

Mr. Randolph proceeded to draw a sphere representing the spheres of influence of the Board, the County Executive, and emphasized that it is easy to perceive them as separate, but they share responsibility because the system is set up to allow for an area of consensus and partnership and cooperation. He stated that to fully embrace the form of government they have, they have to understand

that they are not looking at separate spheres, but two spheres where there is a lot of shared opportunity to achieve cooperation, partnership and consensus.

Dr. Chandler stated the politics/administration dichotomy includes areas of overlap, so the Board needs to decide and delineate the distinct responsibilities of the County Executive and those that rest with the Board, both with a shared trust and an agreement as to how to manage the overlapping areas. He encouraged Board members to read the Board of Supervisors manual and also referenced the "principles of good governance" responses generated from his survey, perhaps revisiting them at a future meeting.

Dr. Chandler concluded his presentation and offered to answer any questions they might have in the future.

Ms. Mallek commented that Dr. Chandler had complimented Albemarle's history and culture, but she wants to emphasize that it is a living thing that can easily be either destroyed or strengthened, so they need to understand the details of that and not throw it away.

Dr. Chandler agreed, adding that it took years to develop culture within an organization, and a culture that was committed to providing quality public service while being prudent in their decision making was a work in progress for 40 years. He stated that part of what the Board is inheriting is the ability to add value to the organization, and there is always room for that improvement.

Board members thanked him for his presentation.

NonAgenda. The Board recessed their meeting at 4:44 p.m., and reconvened 4:50 p.m.

Board Support Resources

- Communications
- Community Engagement
- Research/Analysis/Constituent Response

Ms. Lee Catlin, Assistant County Executive, addressed the Board and thanked them for the input they had provided on improvements to Board orientation, and stated that she will talk with them about Board support resources, with Greg Kamptner covering Freedom of Information Act and conflict of interest information. Ms. Catlin said that Board members and staff are the visible faces of governance in Albemarle County, so it is important for staff to fulfill its role of supporting them to the greatest extent possible. She noted the Board works closely with the Clerk and Deputy Clerk, but staff wants to ensure that Board members are familiar with others as well. Ms. Catlin introduced Jody Lewis, Communications Specialist; Emily Kilroy, Community Engagement Specialist; James Cathrow; and Elizabeth Jones, Management and Policy Analyst. Regarding the Board's strategic plan goal, "To successfully engage citizens so that local government reflects their values and aspirations," Ms. Catlin said that staff takes its work of supporting the Board in this capacity very seriously.

Ms. Catlin stated she will address the communications aspect of their work, and said that staff tries to focus on the balance of staying abreast of new technologies while knowing they must maintain the traditional methods that will continue to serve as valuable communication channels. She said the County website is visiting approximately 60,000 monthly visits, double the volume from five years earlier. Ms. Catlin noted that in 2010, the percent of visitors from mobile devices or tablets was 2%, and the most recent data shows that number at 28%. She stated the County has approximately 4,500 A-mail subscribers, with an average of 11 or 12 sent each month, sometimes delineated by area of interest. Ms. Catlin emphasized there is no single silver bullet with these tools, and it is usually a menu of things put together to try to get the information out to as broad a group as possible, and said the click-through rates for A-mails are good. She stated that social media targets a distinct population that might not be captured through other avenues such as meetings, noting the County has a Facebook, Instagram, and YouTube account, with video put on the Albemarle County channel. Ms. Catlin added that Survey Monkey is another possible tool to elicit public opinion, and can provide a project micro-site with a survey or answer-back function.

Mr. Sheffield asked if she has a sense of how other departments' social media is performing, such as the police department. Ms. Catlin responded that she does not have that with her but can get it, and said that everyone started out under one County site, but departments such as police and fire ended up spinning off, and parks might do the same.

Ms. Catlin reported the world of "high touch" continues to be important, because technology does not fully constitute what the County considers to be communications. She said that last year the County sent about 100 news releases, focusing on events taking place, County-affiliated programs. Ms. Catlin stated the County uses local media outlets including radio and TV stations, *The Daily Progress*, *C-ville Weekly*, and said that Charlottesville Tomorrow is a powerful partner. She said that staff will distribute a list to the Board to see if there are any media outlets missing. She added that they try to keep their media list as up to date as possible, and said the County has offered a media training for Board members in the past. Ms. Catlin and staff distributed printed materials on specific issues such as Route 29 Solutions, and said that staff can also develop those for specific Board initiatives such as community meetings.

Ms. Catlin stated that face to face interaction with constituents is also important, and community engagement has been a real area of growth for the County. She explained that in 2007, the County adopted administrative guidelines that put forth a philosophy and approach for public engagement, and one aspect addressed is the need to create public engagement plans for activities that let the Board and public understand how a topic should be approached from a public engagement perspective. Ms. Catlin said the citizen policy workgroups on water resources, solid waste, etc. approached the Board first with their charge, and the Board will see something at their next meeting regarding Ivy MUC public engagement, because staff does not want to get too far along without some Board guidance. She added there have been targeted public engagement in the form of citizen policy work, capital project implementation, the Northside Library, the police firing range, sidewalk projects, and other initiatives, and it is really important that people feel they understand what their engagement can do in a particular process and how it will effectively be used. Ms. Catlin said the County needs to be intentional and deliberate in the public engagement for initiatives such as Route 29 Solutions and broadband, and asked that the Board let staff know when they have activities that need public engagement support.

Ms. Catlin stated there are ongoing community engagement efforts, such as community advisory committees, involving about 80 citizens, and when those groups are put together it is with the intention that they really need to be partners in solving issues. She said that because there are seven committees now, it is challenging for Ms. Kilroy to attend all of their meetings, so staff continues to organize the logistics of the meetings, works with the chair to put agendas together, and get the right staff to the meetings, but not every committee meeting will have a community engagement staff person present. Ms. Catlin noted that Ms. Mallek has worked within that structure in Crozet for quite some time now, and it is going well.

Ms. Mallek stated that as the forum for public meetings for projects it has worked quite effectively, with the staff person in charge of that application attending. She said the committees are happy to do their own meeting minutes, and it gives them a great sense of empowerment, but it is also helpful to have staff provide support and information when they are available to attend.

Ms. Catlin stated the new advisory committees are supported at a higher level than the longstanding groups, and will be supported until they are up and running. She said the Board may just want to get a group of citizens together around a specific topic, and noted the Board has been busy with town hall meetings.

Ms. Catlin stated the last area of focus for community engagement is building up better connections with neighborhoods and neighborhood associations. The County has built up its network of contacts to about 250, but there are about 700 neighborhoods in the County. She said that staff will try to keep the list as current as possible and will share it with the Board for their input.

Mr. Dill asked if staff has the list of places, such as community centers, where the associations meet. Ms. Catlin responded they do not have that level of detail for neighborhood association meetings, but the County has an annual neighborhood summit where they pull all of those people together and have a several hour update on a lot of different topics. She said they also hold a neighborhood learning series on different topics where they bring people in, and the last event drew about 60 people.

Mr. Randolph said it has been an ongoing challenge to determine who all of the HOA presidents are, and said one advantage of the community advisory councils is that there is representation from key HOAs, and it would be helpful if they can keep an updated list in their area of operation. He stated that HOA representatives can be transient, whereas CAC representatives will likely know something about the area and whether there has been a change. Mr. Randolph said that gathering private information might be easier for CACs than the County. Ms. Catlin agreed that this is a good suggestion.

Ms. Catlin stated the last area of community engagement support is the research analysis policy piece, covering matters such as use of drones and refugee financial assistance, and issues about current programs and initiatives, such as the Dominion transmission line and use of red light cameras. She said this is not about trying to change the Board's contacts with specific department heads, but rather an effort to streamline contacts. Ms. Catlin said this area will also help provide background preparation for Board members on particular issues so they feel more comfortable in their roles. She added that Board support is a work in progress and staff welcomes their feedback, with Ms. Jordan and Mr. Morris also being part of that team along with the communications staff. Ms. Catlin noted that staff has prepared a briefing book for Board members regarding ongoing projects, including district-specific information.

FOIA and Conflict of Interest.

Mr. Greg Kamptner, Deputy County Attorney, addressed the Board, stating that he will discuss the Freedom of Information Act (FOIA) with them and noting that he is providing information via slides along with two handouts distributed by Mr. Davis. Mr. Kamptner said the Freedom of Information Act has two components: records and meetings of public bodies. He stated the purpose of the Act with respect to meetings is for the government to be open and for public to have free access to meetings, with limited exceptions, for the business of the public to be transacted in public.

Mr. Kamptner explained the "rule of three" means when three or more Board members get together to discuss or transact the business of the County, it becomes a meeting of the members of the Board under FOIA. He noted this rule applies to a number of the County's public bodies, including established bodies, as well as the committees appointed by the Board, and composed of members of the

Board, or citizen committees appointed by the Board. Mr. Kamptner provided several examples for which the rule of three may or may not apply, stating the most difficult situation will be three or more Board members showing up at something like a citizen advisory committee meeting, because if a single Board member speaks, it becomes a meeting of the members of the Board regardless of whether other Supervisors participate in the discussion. He stated another example will be a Planning Commission charrette, as members of public bodies are often invited to these gatherings, and legal staff advises that these members never physically assemble, even if they might be in the same building or auditorium. Mr. Kamptner said that remaining singular is a way to avoid the rule of three and minimize public perception of Board discussion taking place. He stated if three or more Board members attend a dinner or another public function that is not arranged for the purpose of transacting or discussing County business, it will not be considered a meeting providing they do not discuss County business.

Mr. Kamptner provided additional examples of the rule of three, noting there is an express provision in FOIA that allows existing members of a body to attend public forums, candidate appearances and debates for the purpose of informing the electorate, and the fact that a particular issue relates to County business comes up at that event does not create a problem under FOIA because of that exception. He stated that work sessions with three or more Board members are always considered meetings, and discussion of County business among three or more members after the regular meeting has adjourned will be considered a meeting of the Board. Mr. Kamptner added that it is acceptable for two members of the Board to meet with members of the School Board, City Council or the Planning Commission to discuss matters.

Ms. Palmer asked how FOIA will apply if members of the Planning Commission are present as a citizen participating in a citizen advisory council meeting. Mr. Kamptner responded that once there are three or more and once they begin discussing County business, it will become a meeting of those members regardless of whether the discussion pertains to a specific application or general discussion, because they are fulfilling their directive from the Board of Supervisors.

Ms. Mallek noted that to resolve that, they can post that they are going to be there.

Mr. Kamptner stated if it turns out that three or more members are going to be going, the Commission or Board will just adjourn their regular meeting to that community meeting.

Mr. Dill asked how public it needs to be, and whether minutes need to be taken. Mr. Kamptner responded that minutes are required to be taken, except for citizen committees.

Mr. Davis said if there is a majority of the Board there, minutes have to be taken, but if it is a study committee they do not have to. The longstanding policy of Albemarle County has been to take minutes at all public meetings of a County board or function. He stated the notice simply provides that the meeting is going to occur, but inherent in that is that the meeting is going to be held in a public place where people can attend it if they wish. Mr. Davis noted that an issue in the past had been where Board members were invited to a private meeting that was not open to the public, and three or more wanted to attend, because if they got together to discuss or transact public business, it had to be held in a place where people could attend.

Mr. Kamptner stated the level of detail that needs to be included in meeting minutes can vary, with the Board's regular meeting minutes being quite detailed, but sometimes meetings in another public setting may have one of the members of the body taking notes as to the general nature of the discussion and who is present.

Mr. Dill asked if that has happened in actuality. Ms. Mallek responded that it has, many times.

Mr. Sheffield noted that Mr. Foley has served in that capacity.

Mr. Foley said that since the Board is present, a meeting has to be called even if they do not engage, and he will just write down the time the meeting convened, the fact there was a presentation, and what time it adjourned.

Ms. Mallek stated the Board had called itself into session in Richmond and many other places numerous times when there were four members present, and it worked very well.

Mr. Kamptner presented information on the Conflict of Interest Act, the purpose of which is to ensure that government is fully representing the interest of the public, to maintain public trust in government, and to establish a single body of law in Virginia that identifies the permitted and prohibited conduct. He stated there is also the concept of common law conflicts of interest, where the Board might think intuitively that there was a conflict but there really was not one, and cited the hypothetical example of a presenter who was related to a Board member but not a dependent, and came before them to present on behalf of a client.

Mr. Randolph asked what would happen if there were three Board members and two of them were parent and child, and asked if they could meet as a threesome. Mr. Kamptner responded if they are discussing or transacting County business, they will be subject to the rule of three as any other group of three would be.

Mr. Kamptner stated that regarding "personal interest in a transaction," the threshold used to be at \$10,000 interest, but that has been reduced to \$5,000 or a 3% equity interest in business or property.

He said another situation in which personal interest in a transaction will arise will be when a Board member is providing services to someone or representing someone who has a matter pending before the County. Mr. Kamptner noted that disqualification is particularly going to be required when a Board member has a direct interest in the application pending. He said if a neighbor has a matter pending that might affect a Board member's property value, they will have to disclose that interest, but most likely will fall under an exception that requires disclosure only because they are a group of three or more. Mr. Kamptner stated the last exception is a broad one where neither disclosure nor disqualification are required, for matters that affect the public generally, such as adoption of the Comprehensive Plan or decisions that affect all lands within the County.

Mr. Kamptner stated there is a change in the definition of "immediate family," as it used to refer to a dependent spouse or child, but now applies to any dependent person residing in the household.

Mr. Kamptner reported there are three particular contracts in which a member of the Board may not have a personal interest, cannot have a contract as a party or due to a personal interest in a business that is a party with the Board, any governmental agency that is a component part of the County, or another government agency where the Board appoints the majority of the governing body of that other agency. He stated there are three exceptions: certain employment contracts where a Board member is also a County employee, either prior to 1983, or if the employment contract is in existence before they become a Board member; contracts for the sale of goods or services procured at uniform prices available to the public; or certain contracts awarded to a member of the Board as a result of competitive sealed bidding, which has some additional qualifications.

Mr. Kamptner reported there are prohibitions on gifts to Board members, with specific types of gifts not acceptable, regardless of value, because they might influence them in their decision making. He stated that gifts from those holding or seeking contracts are prohibited, as are those from registered lobbyists or their principals, including the firm itself. Mr. Kamptner said at the local level, it will likely be those holding or seeking contracts from the County, and the prohibition is for singular gifts of \$100 or more in value, or multiple gifts totaling \$100 in aggregate. He noted that gifts valued at less than \$20 are not subject to aggregation. Mr. Kamptner said gifts of food, beverages, entertainment or the cost of admission are exempt when the gifts are given in the context of a widely attended event, which is defined in the conflicts act as one with 25 or more people, pertaining to a matter of common interest, along with a few other criteria. He stated these gifts must be reported on the statement of economic interest required by state code section 2.2-3117.

Mr. Kamptner stated the second area of gift exemption is for gifts from foreign dignitaries in which the fair market value or a gift of greater or equal value has not been provided or exchanged. He said the code stipulates the gifts must be disclosed as having been accepted on behalf of the entire locality, and the value of the gift does not have to be disclosed.

Ms. Mallek commented that an example would be a banner from a sister city.

Mr. Davis said that has happened in the past.

Mr. Kamptner reported the third exemption is for gifts of travel, including transportation, hospitality, lodging, if the public official has pertained prior approval of the travel from the Virginia Conflict of Interest and Ethics Advisory Council. He stated this council was established and funded in 2015 to review these types of travel requests and issue advisory opinions on conflict of interest issues. Mr. Kamptner said this council is comprised of legislators, retired judges, current and former local government attorneys, and in-house staff attorneys. He added these gifts must also be disclosed on the statement of economic interest form. Mr. Kamptner stated the final exemption category is related to gifts from personal friends, with gifts made on the basis of that friendship. He said there are no opinions yet from the advisory council, but the code provides factors to be considered such as the circumstances under which the gift is offered and whether the donor sought a tax deduction.

Mr. Kamptner reported that there is also a provision prohibiting public officials from accepting certain gifts, and there is a provision that allows them to avoid a violation if the gift is unused and returned to the donor or delivered to a charitable organization, or if consideration for the value of the gift is provided to the donor within a reasonable period of time. He noted that "reasonable period of time" has not yet been defined, but the advisory council can address that. Mr. Kamptner presented a summary of gifts that must be reported, such as gifts of entertainment at a single event where the value received exceeds \$50, and gifts exceeding \$50 in aggregate value. He noted that diminimus gifts of \$10 or less are not required to be reported.

Ms. Mallek asked if that is an annual dollar figure. Mr. Davis responded it is a six-month figure, \$50 for the reporting period, and any single gift of over \$50.

Mr. Kamptner stated the reporting periods are June 15 and December 15, with a \$250 penalty for failure to timely file, and the local Commonwealth's Attorney is authorized to bring suit, if necessary.

Agenda Item No. 3. **Action:** Set Meeting Times for Budget Work Sessions.

Ms. Palmer said the Board needs to set their meeting times for budget work sessions as reflected in the list before them.

Ms. Mallek **moved** to accept the Fiscal Year 2017 Budget Calendar as proposed. Mr. Randolph **seconded** the motion

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

FISCAL YEAR 2017 BUDGET CALENDAR

February 2016

- 19 County Executive's Recommended Budget presented – **12 noon – Auditorium**
- 23 Public Hearing on the County Executive's Recommended Budget – **6:00 p.m. – Auditorium**
Stakeholder Briefing
- 25 BOS Work Session #1 – **3:00 p.m.-6:00 p.m. – Auditorium**
Employee Briefings
- 29 BOS Work Session #2 – **3:00 p.m.-6:00 p.m. – Auditorium**

March 2016

- 3 BOS Work Session #3 – 10:00 a.m.-**1:00 p.m. – Auditorium**
- 8 BOS Work Session #4 – Finalize Tax Rate for Advertisement/Approval of Board's Proposed Budget - **3:00 p.m.-6:00 p.m. – Auditorium**
- 30 Public Hearing on Board's Proposed Budget – **6:00 p.m. – Auditorium**

April 2016

- 12 Public Hearing on the 2016 Calendar Year Tax Rate – **6:00 p.m. – Auditorium**
- 12 BOS sets the 2016 Calendar Year Tax Rate
- 12 BOS adopts FY 17 budget

Agenda Item No. 4. **Discussion:** Process to Appoint County Attorney.

Mr. Foley stated that over the last seven years, the County had enhanced this process to focus more on getting Board input on the profile for positions, which is not the specific job description, but the broad elements related to what is important to them as Board members in terms of hiring this candidate. He said they had applied this to the recent DSS Director process, and said that Doug Walker and Lorna Gerome will review the recruitment process.

Mr. Doug Walker, Deputy County Executive, addressed the Board and said that he and Lorna Gerome will be reviewing the County's standard template for recruitment for key positions, as they had exercised with filling the DSS Director position, and will with recruitment for the Police Chief job. Mr. Walker stated there are other key positions, such as the Director of Planning and County Attorney, and the County tries to apply a consistent philosophy and ideal using best practices and specific objectives. He commented that not all recruitments are treated equally, and they try to use judgment in assessing the most reasonable level of input. Mr. Walker said he will share the action plan that emerged from the selection of the new DSS Director, on which the Board had input, and the Chief of Police process that is now underway. He stated they have made some refinements over the last year or so, particularly related to involving stakeholders before the position profile is created, so there will be a connection between what the community says it wants and what is ultimately used as the benchmark for evaluating candidates when it is time to make a selection.

Ms. Lorna Gerome, Director of Human Resources, addressed the Board and said she will walk through the process used for department head leadership positions, with the objective being to hire the best candidate, based on the characteristics identified by stakeholders. Ms. Gerome said it is a three-phased process, with the first being creation of a position profile, and said that Mr. Walker had brought this expertise from his time in the private sector doing executive recruiting. She explained that creating the position profile involves identifying both the professional and personal attributes of the ideal candidate, based on talking with many, many stakeholders. Ms. Gerome said the first step typically is to talk with the department leadership team to ensure communication with that group and to hear their suggestions for stakeholders, and to talk with the resigning department head.

Ms. Gerome stated the County is in the process of developing the position profile for the Police Chief, so over the past few weeks staff has met with the command staff and have attended roll calls to talk about the process to get feedback from that staff. She noted they have developed a survey that has been distributed to employees as well as providing drop-in office hours from an HR generalist. She said the community involvement can be a significant piece depending on the role, and there were more than 30 community partners engaged in the DSS Director recruitment process, with focus groups, as well as some individual meetings. Ms. Gerome said about half that many are identified with the Police Chief process. She stated staff will be coming to the Board the following week with a survey for the Police Chief position, as they had with the DSS Director position. Ms. Gerome added that during this process, they will also update the job description and develop a community profile to talk about the attributes of Albemarle County as a location and a workplace.

Ms. Gerome said the second phase of the process is recruitment, with the decision made as to whether the search will be national or regional, with the goal of attracting a diverse pool of candidates that

have the identified characteristics. She stated they decide where to advertise, such as professional journals and websites, and look at budget and cost to decide how long they will recruit, noting the timeframe is usually about a month.

Ms. Gerome stated the last phase is selection of a candidate, and the process is structured throughout so the County ends up being able to hire the best candidate based on identified attributes. She said the initial screening is with a telephone interview, followed by several rounds of interviews and panel interviews, which includes behavioral-based questions and role-playing exercises. Ms. Gerome stated when reducing the applicant pool to the final few candidates, the County will do reference checking and "a day in the department" and tours of the County types of events. She said the final step is to come up with a salary offer they hope the candidate will accept, then present that to the Board.

Mr. Foley commented the tours are also interviews that provide an opportunity for the people in individual departments to provide input. He said there has been extensive feedback from staff in that process, which has been very valuable and has served the County well.

Ms. Mallek said the process to select the Police Chief had been very thorough and was well-developed even 5+ years ago, with about 50 people involved in the selection process.

Mr. Walker pointed out that it is important to remember that candidates are also interviewing the County.

Mr. Dill commented that it seems as though the Board is brought in after the decision is made, and he is not sure why they are brought in after departmental staff and people from community organizations. He asked why Board members will not be involved in the County tours or the meet and greet events.

Mr. Walker explained the intention with involving the Board on the front end is to get that input to help create the list of attributes to be evaluated, and on the back end the Board's role in the hiring process is to judge the recommendation that will come from the County Executive.

Mr. Foley pointed out that he is not involved in the process at all until the process brings forward candidates that are fully vetted by the profile that have received significant input, including Board input. He said there has been some discussion of including a Board liaison or a Planning Commission member or Police Advisory Committee member, and a good place for that might be at the panel stage. Mr. Foley emphasized the idea is to allow a very objective process to bring forward the best qualified candidates, and then have that selection brought to the Board.

Mr. Dill said that for some positions such as planner, it is important to have technical screening, but for other jobs it seems as though the soft skills are more valuable.

Mr. Walker stated they have not talked a lot about the KSAs, knowledge, skills and abilities, because they are defined by the nature of the job and minimal requirements, and emphasized the recruitment process is built around the other attributes and how the candidate brings professional and personal qualities to the position. He said that a candidate has to automatically pass the "price of admission" qualifications before they even become a part of the process, rather than have that vetted on the back end.

Mr. Foley said that one example as demonstrated by Colonel Sellers is the ability to go out and engage with the community, a quality that does not fit into the KSAs but is expected to be a high Board priority, so any candidate will need to bring that to the table to be considered.

Mr. Dill said that is a hard thing to identify, as things like "being friendly" are hard to quantify, and being with the person is very important in the vetting process. Ms. Gerome responded that a lot of the technical skills are assessed in the phone interview, so that determination will be made early on.

Mr. Dill commented that he would not want to talk to the first 100 candidates, and his question is why the pool is already narrowed down to one when it gets to the Board, as he would be hesitant to say "no" to a candidate at that point.

Ms. Mallek said that with a County Executive or County Attorney, it would be valid to have a different level of involvement, but the departmental staff is part of the organization for which the County Executive is responsible, and he is carrying out the Board's adopted group directive. She noted the process to vet candidates is exhausting and requires many, many hours.

Mr. Davis pointed out that this approach is also part of the statutory scheme for the County Executive form of government, with the process structured deliberately so that candidates for department heads are to be appointed by the Board, but are recommended by the County Executive. He said this establishes a separation of powers, with the County Executive reporting to the Board and making recommendations to them on specific candidates, which they, in turn, can reject.

Ms. Palmer said if there is only one candidate coming forward, the Board is basically rubber-stamping someone without seeing the top choices. She stated with a County Manager form of government, the Board has no say, whereas under the County Executive form of government, he has to recommend someone and the Board cannot choose someone who is not recommended. Ms. Palmer said if the position is important enough for the Board to see the top three candidates, that does not mean

they are telling the County Executive who to recommend, but if he recommends someone and the Board thinks someone in the top three is better, they are in a better position to tell him they would prefer that he bring another recommendation forward. She emphasized this basically gives them some ability to respond to that, and if Board members do not know any of the other candidates, they are somewhat in the dark.

Ms. Mallek commented that if they have not been part of much more of the process staff is going through, they will not have the ability to make a choice between three candidates, and this is why relying upon the process has been working very well and is a good one to stick with.

Ms. Palmer said that by the time you get the top three you have very good candidates who have been screened, and it will start to come down to the soft skills.

Ms. Mallek stated the process recently hired a natural resources person for whom the ability to do public outreach is of very high quality.

Ms. Palmer said she is not talking about getting down to that level.

Ms. Mallek commented it is all similar because people have to work together and be part of the team.

Mr. Randolph stated this comes down to efficiency, and if the Board gets involved in interviewing the three finalists for every administrative position they will find themselves in a world of hurt in terms of time commitments, and he does not feel it is their ultimate and best use. He said there is a zone shared between the Board and the County Executive, and they will be much better served to try to have a Board liaison as part of the search committee process, with that person's responsibility to report back to them on how the process is going and who some of the candidates are, within bounds of confidentiality. Mr. Randolph noted that by the time they get down to the final three, there will be a Board member that might be asked to participate, and by the time it is narrowed down to one person, there will be someone from the Board that the candidate already knows. He said he would rather have one person on the Board handle that role, so they are still in the zone of partnership but are not utilizing their time to second guess the search process. Mr. Randolph added if they are involved with every three finalists, given the number of people who are retiring, they will be spending six hours a week dealing with personnel. He emphasized this is not the Board's highest and best use and is not going in the direction of efficient government.

Ms. Palmer agreed, but said there are some positions for which they should be involved, such as the Planning Director position, as that person will probably appreciate meeting the Planning Commission and Board of Supervisors. She said at this point, the most pressing position to be filled in the near future is the County Attorney.

Mr. Walker responded that their discussion today is designed to frame the process of what the County does when trying to fill key positions, as not all recruitments are created equally, and the County Attorney has a different relationship with the Board than other department heads do, so the options they have to fill the vacancy will be different. He stated the Planning Director position is not department-head level but is still very key, and staff is working with that department director to structure a plan that will involve significant engagement from the Board, Commission and stakeholders, who will want to have input into the desired qualities of candidates. Mr. Walker said that staff just wants to frame the template they will use, knowing that there are two positions of great interest to the Board.

Mr. Randolph stated that with the Police Chief recruitment, it is important to have extensive outreach to underrepresented minority communities and ensure there is representation in some way so the three final candidates can meet with them as to the kind of policing they feel will be most effective for them. He said where problems have arisen nationally are areas where the police department is separated from the community, and the militarization of police has contributed to that. Mr. Randolph stated they cannot rest on the fact that everything has been good in Albemarle County, and must make sure the new Police Chief has an opportunity to have contact and develop relationships early on so that people in the communities feel they have some ownership.

Ms. Mallek said there is an existing group already.

Mr. Walker stated that in staff's work with Colonel Sellers, those constituents have been identified and will be engaged throughout the process.

Mr. Foley said he has already received feedback from Ms. Dittmar as to the importance of the minority community, and that has been incorporated into the panel, so that involvement will continue to be a priority.

Ms. McKeel commented that anytime someone is being hired at these levels, confidentiality is imperative, and there may be candidates who do not want to be identified.

Ms. Gerome stated when candidates are brought into the panels, staff does interview training with those groups, and confidentiality is a big part of that so everyone meeting the candidates understands it is critical to uphold that throughout the process.

Ms. McKeel said she had assumed that, but there has been hiring processes with other places

that have broken down completely and have played out publicly in the media.

Mr. Walker agreed that it is important to keep in mind as it can impact future recruitments, and there are candidates who will not apply out of fear their candidacy will become public and impact their current position. He stated the County emphasized the confidentiality to candidates and those involved in the process, and is not aware of any problems up to this point.

Mr. Foley added this is something the County considers all of the time, and sometimes may not bring candidates out into the community for fear of their identities being revealed.

Mr. Foley stated the County Attorney, County Executive and Clerk positions are up to the Board, and asked what process they feel make sense.

Ms. Palmer said the timing of the process for County Attorney is important.

Mr. Walker stated that he did not bring forward a specific action plan but will talk generally about the process, and said the Board can choose what process they follow. He said they can typically assume a process timeframe that lasts about six months, but with the County Attorney's position can decide that the Board is in the best position to decide the qualifications, working with staff, the County Executive, and current employees in the County Attorney's office, and the leadership council, so they will not go out to the larger community with the process. Mr. Walker noted that Mr. Davis does have a job description, which is not always the case.

Mr. Foley said in looking at the process, staff will recommend that there be a clear profile for what the Board feels are the most important elements for the County Attorney, and Mr. Davis is preparing to give them input on that, which will be valuable. He stated that staff can come back to them as quickly as necessary and Mr. Davis can help provide something so the Board can review it, and that might help move them to the next phase.

Mr. Walker said the process will include deciding where to advertise and how long to advertise, and whether to only advertise in Virginia. He stated that having an understanding of Virginia local government would seem to be a pretty important qualification for the County Attorney, but that might limit the search to within the Commonwealth, although it will reduce costs and time.

Ms. Palmer stated they can make one of the qualifications having a body of experience in Virginia, to capture those people who might have done significant work here but are living somewhere else.

Mr. Walker said that is very true, and relying on trade journals and publications to reach out to those candidates will be part of what is determined, and there is no gap in time between completing the profile and moving into advertisement.

Mr. Foley stated they will typically ask Ms. Gerome to determine those outlets, in consultation with the department head, in this case, Mr. Davis. He said the biggest question for the Board will be the next phase, and sometimes it is appropriate for staff to get the resumes and give them to the Board.

Mr. Dill asked if there are different philosophies of being a local government attorney, or whether they are just looking for knowledge and technical skills. Mr. Davis responded there are different approaches as to how a local government attorney might approach his or her job, and he has prepared a list of his "top ten qualities" for the ideal County Attorney candidate, which can serve as a starting point for the position profile along with his input. He said he has taken some of these from recruitment efforts in Fairfax and James City County, so they are not novel but have been vetted by other similar progressive localities, adding that it might be more than what they want him to review. Mr. Davis noted that it touches on philosophical qualities, such as being a leader and manager but someone who will partner with the Board to provide legal analysis and advice that appropriately assesses risk and available options while supporting the Board in meeting their priorities as they relate to County programs and services; someone who will be a trusted adviser that brings creativity and flexibility to bear on challenging legal issues, so they are giving the Board more than just static law; someone who will understand politics but not be involved in politics; a clear communicator who keeps the Board fully informed and supports transparency; someone who will have the ability to interact well with a wide variety of people from different backgrounds at all levels of the community; someone who has extensive experience in practicing law in the public sector, which is different than private sector law; someone who has knowledge of laws, legal precedence, court cases and administrative regulations pertaining to local government in the Commonwealth of Virginia, which has many unique aspects, such as Dillon's Rule and a lot of unique processes; someone who will provide sound legal advice to government officials on a wide variety of circumstances and situations; someone who is responsive and generally knows the answers to questions, or could find the correct answers promptly; someone who could plan, coordinate and provide guidance to the subordinate attorneys in his office, with four attorneys in Albemarle County's office; someone who could establish and maintain effective relationships with other County officials and employees, other attorneys, representatives of community and governmental agencies and the public in general; someone who could communicate effectively orally and in writing, and ability to prepare concise reports and legal materials; someone with a demonstrated record of building a strong, cohesive team and provide direction and motivation to move the County Attorney's office forward in a progressive, responsible and accountable way; and someone who can work collaboratively with the County Executive to advance the work of the Board, as the top two officials in local government.

Mr. Davis commented that he has worked in three localities, and in each locality he has been able to work with the County Manager or County Executive, and it is an important relationship in getting the work done. He said the ideal County Attorney may not really exist, but meeting all of these qualifications will put them well on their way to finding the best candidate.

Ms. Mallek said that long ago, there was not a confidence about being able to defend the County in a lawsuit, and asked if it is implied in his list that a candidate should already have experience in winning cases at a higher level, such as in front of the Virginia Supreme Court.

Mr. Davis responded that in the job description for the position, it will require someone with a minimum of 10 years' experience with a focus on local government law, with experience at the trial and appellate level. He noted that in his office they have litigated at all levels, and it is important for the County Attorney to be able to be the lead attorney or be able to supervise attorneys in that type of litigation.

Ms. Palmer asked Mr. Davis if he will be sending the Board that job description. Mr. Davis responded he will once it is completed.

Mr. Foley said that one way to proceed will be to have Ms. Gerome work with Mr. Davis to develop a profile that will go out to the Board, and do that in a way that does not mean waiting 30 days. He stated if the Board decides to put it out, they need a profile whether they hire from within or whether they go out, and if they decide they want to go out, then staff will also recommend places in which to post it. Mr. Foley said he does not get involved in the process until the last two or three candidates are narrowed down, and the Board can look at all 80 resumes if they want to, or have staff provide a spreadsheet of 20 or so of those who meet qualifications, as well as some of those who might have a question or two.

Ms. McKeel stated this will give them an idea of what kind of pool they are working with.

Mr. Foley said he feels it is good for them to see the whole pool, and HR will categorize them for the Board, then the Board will have to decide how many they want to interview, whether it is the top 5 or top 10. He stated they can do a telephone screening, or just decide to bring the top candidates.

Ms. Mallek asked if it might be appropriate to make that decision later, because after the matrix is developed they can determine whether they want to look at 5 candidates or 25, with Skype used in recruiting for another County agency to narrow the top 12 down to 4. She said there were 75 applicants in that process, and she anticipates that many for the County Attorney position. Ms. Mallek commented that she does not expect HR staff to make copies of all of those applications, and she realizes they do not put everything online.

Ms. Gerome stated the County does have an online application system.

Ms. Palmer commented that most of them will probably come in that way.

Mr. Foley asked if the initial screening seems like a good approach, followed by the telephone screening and then in-person interviews. He suggested the panel interviews might just be done with the Board in a closed forum, but stated that it is important to get input from staff as the County Attorney spends 80% of time with staff and only 20% with the Board, so that interaction can be accomplished through interviews or some other ways.

Ms. Mallek said even for interior positions, the existing staff groups that get together for interviews can do that and make recommendations to the Board as to the chemistry with candidates, noting that it is really important to have that feedback.

Ms. Palmer said they will talk more about the matrix that is going to be provided, but for now will go into closed session to talk about some of the options.

Agenda Item No. 5. From the Board: Matters not Listed on the Agenda. **Moved to later in meeting.**

Agenda Item No. 6. From the County Executive: Matters not Listed on the Agenda. **Moved to later in the meeting.**

Agenda Item No. 7. Closed Meeting.

At 6:38 p.m., Mr. Randolph **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1): 1) to discuss the appointment of the County Attorney; 2) to discuss the appointment of a County member of the Rivanna Solid Waste Authority; and 3) to discuss the appointment of a County member of the Joint Airport Commission. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.
NAYS: None.

Agenda Item No. 8. Certify Closed Meeting.

At 7:37 p.m., Mr. Randolph **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.
NAYS: None.

Agenda Item No. 9. Appointments.

Ms. McKeel **moved** to rescind the appointment made by the Board on January 6, 2016, that appointed Trevor Henry to the Rivanna Solid Waste Authority, with the purpose of the rescension being to delay the appointment until June 1, 2016. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.
NAYS: None.

Ms. McKeel **moved** to reappoint Mark Graham to the Rivanna Solid Waste Authority for a term ending June 1, 2016. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.
NAYS: None.

Ms. McKeel **moved** to appoint Trevor Henry to the Rivanna Solid Waste Authority for a term beginning June 1, 2016 and ending April 1, 2017. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.
NAYS: None.

At this time, the Board continued its discussion on process for appointment of County Attorney.

Mr. Sheffield asked staff for a sense of the timeline, approach and cost associated with a statewide search for a County Attorney, using internal HR versus an executive search firm. Mr. Walker responded that in his experience, the process will need to be outlined by County staff and then use a consultant; the cost will be approximately \$20,000-\$25,000, which can be reduced by shaving off some elements; and the timing will begin with the procurement of professional services, with advertising, an RFP issued, and then interviewing and selection, which will take about six weeks in the best case. He stated the advantage of using a third party is that it will not require as much staff time and will provide a more objective review.

Board members agreed that keeping it internal seems to be advantageous.

Mr. Walker said he feels staff can handle it, and can do it as quickly as it possibly can be done.

Ms. Palmer asked how long it will take for that to get underway. Mr. Walker stated that given the information provided by Mr. Davis, it will be helpful to have input from the Board as to what else should be in the profile, and can have a preliminary profile within days.

Mr. Sheffield asked how much the Board wants to be involved in developing the profile.

Ms. Mallek said she would like to read it and have a chance to add things to it.

Mr. Sheffield asked if they will need to meet to discuss it, and said they can call a special meeting, if necessary. Mr. Davis said the profile can be circulated to the Board and they can be polled for feedback, with input given as to suggested changes and a re-polling if there are significant modifications.

Mr. Sheffield asked how much advanced notice is required for public meetings. Mr. Davis said that under FOIA, it is three days advance notice or whatever notice is available.

Mr. Sheffield asked how much time Mr. Walker needs to pull the profile together. Mr. Walker responded he can have a draft to them by the following week.

Mr. Sheffield suggested they look at the draft and decide from there whether they need to meet.

Board members agreed.

Ms. Palmer said the decision is that they are advertising and using HR, and Mr. Walker will get them the draft profile for input.

Mr. Foley stated they can approve it at the first meeting in February at the latest.

Mr. Sheffield said he does not want to wait any longer than necessary, and he would prefer having a special meeting rather than waiting.

Ms. Mallek agreed.

Mr. Walker stated he can circulate the profile along with a draft as to the suggested process.

Mr. Sheffield said they can each provide their thoughts.

Mr. Dill stated they can just do it as passing it around and adding comments.

Ms. Mallek suggested they use Mr. Walker as the single point of contact for the comments, then he can disseminate a version back to the Board that incorporates the suggestions.

Ms. Palmer said they can talk about it among themselves.

Ms. McKeel said the chances are that they will be fine with it and can move on.

Mr. Walker stated they can officially approve it at their February meeting.

Mr. Sheffield expressed concern about waiting until then, because even if Mr. Kamptner were selected, then his position will need to be filled and there will be a void in workload.

Ms. Mallek asked if they would consider advertising the Deputy County Attorney's position at the same time. Mr. Walker responded they should not presuppose what the outcome of the County Attorney search, but they can have the position in the queue just in case.

Ms. McKeel asked if they need a motion. Mr. Davis responded they do not need one if there is consensus.

Ms. Palmer asked if Board members are comfortable with the process.

Mr. Randolph said his only concern is that the discussion of the Deputy County Attorney remain internal, because if it goes out publicly it will appear as though the Board is going through the motions and has already made a decision.

Mr. Sheffield emphasized the goal is to not waste time to fill that position in the event it needs to be filled.

Board members agreed with the proposed process.

(The Board then took up Agenda Items No. 5 and 6, at this time.)

Agenda Item No. 5. From the Board: Matters not Listed on the Agenda.

Ms. Mallek stated that Dr. Mike Chandler had asked whether the Board had ever debriefed at the end of their meetings, and she wants them to add that to the agenda line as "Possible Debrief" or similar, in the event they feel they need that reflection.

Ms. Mallek said the County's 275th anniversary will occur in 2019, and stated they should not wait until 2018 to start planning it.

Ms. Palmer stated there are four Board members who might be going to the Southwood Community Center meeting regarding broadband, and perhaps they need to adjourn to that meeting.

Mr. Davis clarified if there are three Board members, Ms. Jordan will just need to post it; if four members are attending, they will need to adjourn to it.

Ms. Palmer said there are two separate meetings, and the one at the Southwood Community Center is to be held on January 19 at 2:30 p.m.

Mr. Davis noted it will just be an extension of this meeting, but the question is whether there is an additional meeting on January 20 at 10:00 a.m. that they will need to adjourn to.

Ms. Jordan reported that she has just received an email that the meeting on January 20 has been canceled because Matt Weaver has a conflict and cannot attend. Mike Culp has indicated that a facilitated session is not required in order for the Department of Housing and Community Development to issue the contract, so timing is not as critical as when they set the date. She noted that Mr. Weaver has reviewed the RFP and has given permission for them to issue it.

Mr. Davis asked if there is another intervening meeting before their regular February meeting. Ms. Jordan provided that there is not.

Ms. Palmer asked the Board to come to the January 19 meeting five minutes early so they can convene before it starts.

Mr. Davis stated that as long as there is someone there who will take note of when they assembled and who is in attendance, they do not need to convene and there is no legal requirement to do so.

Mr. Randolph reported that there was a Hardware River meeting the previous night, and DEQ has indicated they will need to spend \$10 million on the river over the next 10 years, primarily because of the presence of e-coli. He said the state is aware of 30 property owners that are the primary contributors of e-coli, and there was a long discussion of how farmers can engage in best management practices. Mr. Randolph commented that there is no motivation for the bad actors to turn into good actors.

Ms. Mallek asked if these are failing septic systems or bad farming practices. Mr. Randolph responded that it is both. Ms. Mallek encouraged him to contact the Health Department about it, as she has pursued them on other similar issues numerous times.

Agenda Item No. 6. From the County Executive: Matters not Listed on the Agenda. Moved to later in the meeting.

Mr. Foley said that staff has been working on trying to get a joint meeting with the Economic Development Authority, and suggested he is going to circulate the date of February 25 as a possibility.

Mr. Dill noted that he had attended the EDA meeting the day before, and stated there are some interesting things happening.

Agenda Item No. 10. Adjourn

At 7:58 p.m., Ms. Mallek **moved** to adjourn the meeting to January 19, 2016, 2:30 p.m. at the Southwood Community Center. Mr. Dill **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.
NAYS: None.

Chairman

| |
|-------------------|
| Approved by Board |
| Date: 03/02/2016 |
| Initials: EWJ |