

# Board of Supervisors

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LOB #3:

## **BOARDS, AUTHORITIES AND COMMISSIONS**

### **Purpose**

The Office of the Clerk of the Board is responsible for supporting administratively the process related to appointments by the Board of Supervisors to Boards, Authorities & Commissions (BACs), and for ensuring transparency of the BAC membership lists and legally mandated disclosures by BAC members. The Office of the Clerk of the Board is also the repository of all legally mandated financial disclosures that must be filed with this Office, including current County officeholders, certain BAC members, and key county staff.

### **Description**

There are currently 84 BACs. They range in membership from 3 members to 68 members. Membership terms vary from one year to several years, so not all appointments are required annually. Some BACs are required by federal or state law; some are policy choices of the Board of Supervisors. Additionally, “ad hoc” commissions occur as needed and impact the number of appointments in any given year.

While the Clerk’s Office does not “staff” any of the BACs, significant staff resources of the Office are devoted to: 1) keeping track of the appointments; 2) notifying members of the Board of Supervisors of vacancies for which appointments are needed; 3) managing the public process of the appointments; 4) sending out appointment letters; 5) ensuring that new BAC members are aware of the legal requirements of the appointment, such as Virginia Freedom of information Act (VFOIA), Virginia Conflict of Interest Act (VCOIA), and financial disclosure; as well as 6) ensuring the County website correctly reflects the current memberships of these BACs; 7) answering occasional questions about the BACs; and 8) maintaining records of the BACs such as by-laws, membership, and other key legal and administrative records.

Further, the Office is the repository for disclosure filings mandated by state or local law/ordinance, including financial disclosures, real estate holdings disclosures and statements of economic interests. Currently, over 1,300 BAC members, county personnel and office-holders are required to file mandated disclosure filings. Until recently, each was an annual filing; now, certain disclosures are required by state law to be filed twice a year.

### **Benefits**

In Fairfax County citizen participation on local BACs provides a key component of effective democracy, providing citizen engagement at a critical point in issue development and discussion. Some of the BACs are mandated by state or federal law, the rest are by determination of the Board of Supervisors.

Additionally, the filing and public ability to review mandated financial disclosures of those involved in the public policy debate (incumbent officeholders and BAC members) and those involved with implementation of county policy (county key staff) – help support the policy goal established by the state law mandate for public accountability, as stated in Va. Code § 2.2-3100. “The General Assembly, recognizing that our system of representative government is dependent in part upon . . . its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. . . .”

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## Mandates

Some BACs are mandated by state law and federal law. Some BACs are policy choices of the Board of Supervisors. Some financial disclosures are mandated by state law. Some of those required to file financial disclosures do so only by policy decision of the Board of Supervisors, either due to a decision to create a particular BAC, or due to a decision by the Board on which BAC members or county employees are required to file that is then incorporated into the County's ordinances.

Additionally, pursuant to the Sections § 2.2-3114 and § 2.2-3115 of the Code of Virginia, members of governing bodies and school boards, local constitutional officers, members of certain boards of local governments and some employees of local government, designated to file by the Code of Virginia or by their governing ordinance, are required to file a Statement of Economic Interests form, set forth in §2.2-3117. Effective this year, certain financial disclosures are to be filed semiannually by June 15 and December 15, while others are filed on an annual basis. Local employees and board members return the completed forms to the Clerk of the appropriate governing body, which is open for public inspection.

## Trends and Challenges

For BACs the biggest challenge is finding appropriate people with the time and interest to serve.

There are several issues with the reluctance, including 1) the well-recognized national reduction of those willing to volunteer, 2) increasing language and cultural diversity issues, 3) the increased transportation challenges to attend a meeting in-person in the DC metro region, combined with the statutory mandates of VFOIA that severely restrict virtual attendance, 4) increased public scrutiny over contentious public policy issues; and, 5) increasing mandates, such as the additional, mandated twice a year disclosure of personal information.

This challenge of finding appropriate people is really a challenge for the Board of Supervisors, and their staff, more than the Clerk's Office, but it is impactful on the work of the Clerk's Office.

Additionally, there is significant turnover of the voluntary membership of BACs, which creates a significant challenge for staff to timely keep up with the changes. Over time, the Office hopes that technology and business process reengineering will help to better manage this.

For the mandated filings, the challenge is a significant increase in workload due to the new twice yearly filing requirement. Over time, the Clerk's Office hopes that technology and business process reengineering will help to manage the new normal in workload.

In the near future, the Clerk's Office will focus on making more materials available online to increase the public access and understanding of County government; work with other County departments/agencies to anticipate changes that may occur as a result of videoconferencing of certain meetings and events; and continue to provide superior customer service to the Board of Supervisors, Boards, Authorities and Commissions and the community.

# Board of Supervisors

## Resources

| Category   | FY 2014 Actual  | FY 2015 Actual  | FY 2016 Adopted  |
|--|-----------------|-----------------|------------------|
| <b>LOB #3: Boards, Authorities and Commissions</b> |                 |                 |                  |
| <b>FUNDING</b>                                     |                 |                 |                  |
| <u>Expenditures:</u>                               |                 |                 |                  |
| Compensation                                       | \$54,725        | \$55,978        | \$111,084        |
| Operating Expenses                                 | 10,000          | 10,000          | 10,000           |
| <b>Total Expenditures</b>                          | <b>\$64,725</b> | <b>\$65,978</b> | <b>\$121,084</b> |
| General Fund Revenue                               | \$0             | \$0             | \$0              |
| <b>Net Cost/(Savings) to General Fund</b>          | <b>\$64,725</b> | <b>\$65,978</b> | <b>\$121,084</b> |
| <b>POSITIONS</b>                                   |                 |                 |                  |
| Authorized Positions/Full-Time Equivalents (FTEs)  |                 |                 |                  |
| <u>Positions:</u>                                  |                 |                 |                  |
| Regular  | 1 / 1           | 1 / 1           | 1 / 1.5          |
| <b>Total Positions</b>                             | <b>1 / 1</b>    | <b>1 / 1</b>    | <b>1 / 1.5</b>   |

## Metrics

| Metric Indicator  | FY 2013<br>Actual | FY 2014<br>Actual | FY 2015<br>Actual | FY 2016<br>Estimate | FY 2017<br>Estimate |
|---|-------------------|-------------------|-------------------|---------------------|---------------------|
| Number of BAC Financial Disclosures available for public review | 212               | 208               | 301               | 300                 | 300                 |
| Number of Appointments/Reappointments                           | 445               | 443               | 351               | 400                 | 400                 |

### **3-01 Number of BAC Mandated Disclosures available for public review**

This output measure helps show the volume of activity that the office has to take to 1) remind members of BACs of the requirement to file, and 2) keep organized for public review the filed disclosures. While the majority of the office activity can be done 1-2 times a year, creating some efficiencies, as BAC membership changes on an irregular basis, this requires some year-round attention. The recent trend here is up for filings by BAC members, as state law now requires twice yearly filing of the “long form” financial disclosure. The other two filings (“short form” financial disclosures and the “real estate holdings” form) only require a once a year filing. These filings are mandated by state law and/or local ordinance, as is the ability for public review.

### **3-02 Number of Appointments/Reappointments**

This output measure also helps indicate the volume of work required to support the Board of Supervisors to support citizen participation, and “a culture of engagement” in the County. An engaged citizenry is a factor in a healthy democracy. A few of these appointments are made by persons/entities other than the Board of Supervisors, so are not reflected in this metric, which only indicates appointment by the Board of Supervisors. Even if appointments are not made by the Board of Supervisors, however, the Office is required to keep up with the appointments for public transparency, and to ensure the mandated disclosure filings. Additionally, “ad hoc” commissions occur as needed and impact the number of appointments in any given year. While the standard appointments have been stable recently, there has been an increase in the number of “ad hoc” BACs over the past few years.