

MINUTES OF THE CITY COUNCIL MEETING
March 14, 2022 6:30 P.M.
WORK SESSION
Council Chambers

PRESENT: The Honorable Gordon C. Helsel, Jr., Mayor
The Honorable Herbert R. Green, Jr.
The Honorable Keith A. Feigh
The Honorable David A. Hux
The Honorable Charles M. Southall III
The Honorable Jana D. Andrews

Kimberly Healy, City Clerk
D. Wayne Moore, City Attorney
J. Randall Wheeler, City Manager

ABSENT: The Honorable Carey L. Freeman, Vice Mayor

Mayor Helsel opened the work session at approximately 6:30 p.m. in Council Chambers.

1. Proposed Standard Operating Procedure (SOP) for Appointing Members to Boards and Commissions

City Manager, Randy Wheeler, presented a draft Standard Operating Procedure (SOP) to help provide a more formal structure for City Council's appointment process. Mr. Wheeler provided background on which City of Poquoson Boards and Commissions that City Council makes appointments to (ex. Planning Commission), which Boards and Commissions are multi-jurisdictional (ex. Hampton Road Planning District Commission) and which Boards and Commissions that City Council makes a recommendation to others for (ex. Board of Equalization). Mr. Wheeler reviewed that the current appointment process is generally as follows:

- The City Clerk notifies City Council of upcoming appointments/resignations.
- The City Clerk collects Board Bank applications and disseminates them to City Council.
- The City Clerk manages the formal School Board appointment process – appointment for full term includes newspaper advertisement, electronic notice(s) and public hearing.
- City Council reviews applications, contacts applicants as needed, and makes nominations/recommendations to Council for consideration.
- Interviews are scheduled in some cases.

Mr. Wheeler reviewed the drafted recommendations for the City Council Consideration Process as follows:

- **Interviews:** City Council shall hold interviews for the full term positions of School Board and Planning Commission. The Council may also hold interviews, at its discretion, for appointments to complete the balance of an unexpired term for the

positions of City Council, School Board and Planning Commission. The Council may also hold interviews for any other appointment as may be required.

- **Precinct-Specific Nominations:** In instances where appointments are made to represent a specific precinct on a Board or Commission the Council shall look to the two members representing the precinct to work together to make, when possible, nomination(s) recommendations to Council concerning precinct appointments.
- **Application Consideration Generally:** In addition to reviewing Board Bank applications and supporting materials, Council members may individually meet with or otherwise communicate with applicants to review their qualifications for appointments. Council members may also request that some or all applicants be formally interviewed by Council by contacting the Mayor a minimum of two weeks prior to the scheduled appointment.
- **Nominations:** Any member of City Council may make a nomination for appointment of qualified persons to any City Board or Commission.
- **Board Bank Applications and Related Materials:** Board Bank applications shall remain active for four years. Annually, in January, the City Clerk shall contact each person with an active Board Bank application to determine if they wish for the application to remain active, make any updates that may be necessary to the application and update any letter of interest, resume or other supporting materials.
- **Board Bank Application Form:** Board Bank application forms will be updated to include questions generally requested by City Council.
- **Term Limits for Appointees:** In most instances the City does not have fixed term limits for City Boards and Commissions with the exception of the Poquoson School Board, which allows for an initial three year term and up to two reappointments as per the City Charter, though traditionally members of the School Board have served no more than two consecutive terms. As a general practice it is the Council's expectation that no City Board or Commission appointee shall serve more than three consecutive terms.
- **Attendance Requirements for Appointees:** It is the Council's expectation that persons appointed to City Boards or Commissions will attend all regularly scheduled meetings of the appointed body. The Clerk shall provide Council periodic reports on appointee attendance and the Council may consider any appointee whose attendance for regularly scheduled meetings in any given year which is below 75%, at its sole discretion, as having resigned his or her position to the extent permitted by law.
- **Chair Rotation:** It is Council's expectation that the chairmanship shall be rotated amongst the membership of the City Board or Commission such that no member shall serve more than two consecutive years as chair, when possible.
- **Public Advertisement/Outreach:** The City Clerk shall publicize upcoming appointments by posting upcoming vacancies on the City's website, television channel and social media.

Councilman Hux asked under Public Advertisement/Outreach if the new electronic sign could be used as well and Mr. Wheeler stated that it could. Mr. Hux also questioned whether or not it is necessary for someone to explain why they are abstaining from a vote. City Attorney, Wayne Moore, stated that there is no legal obligation to give a reason. Mr. Hux also questioned the number of members on each Board or Commission being different and if that can be streamlined.

Mr. Wheeler explained that in most instances the numbers of a Board, particularly an Advisory Board, are a matter of the vest of the By-Laws of the Board itself. Some Boards billets are set and some are not if there is an interest in streamlining the billets it can be reviewed.

Councilman Feigh recommended that City Council require an interview of Board Bank applicants for any Board that the member receives a stipend or when the member is required to provide a financial statement or statement of economic interest. Mr. Feigh also stated that he doesn't believe re-appointments should be automatic if there are two or more applicants for the position. If there are numerous applicants a Council member(s) can screen the applicants and select who should be interviewed. Mr. Feigh also questioned if there is only one applicant is it mandatory to appoint that applicant. He also requested that applicants be told during an interview about the attendance requirement, that re-appointment is not automatic and holding a Board leadership position is highly encouraged. Mr. Feigh also commented that the application asks for voter registration and precinct information but applicants should not be disregarded if they are not registered to vote in Virginia, such as Military personnel.

Councilwoman Andrews stated that if an applicant isn't registered to vote then they won't answer the question as to which precinct they are in. Mr. Wheeler explained that after applications are received the precincts are checked by address whether it is provided or not to be sure it is accurate.

Councilwoman Andrews recommended contacting applicants whose applications are about to expire to let them know they will need to re-apply if they are still interested. Mrs. Andrews also stated that the two Council members from each precinct could interview applicants from their precinct and choose their top candidates for all of Council to interview. She also feels that all applicants should be contacted and spoken to by Council when there is an opening on the Board the applicant is interested in. Mrs. Andrews requested further clarification on the requirements to state why someone may be abstaining from a vote.

Mr. Moore stated that a rule can be made to require a reason but there is no legal way to enforce it if someone does not follow the rule. Mr. Moore also stated that under the City Charter City Council members are required to vote and give a reason for abstaining. He also gave the example that if a member misses a Council meeting but the minutes are provided for that meeting they do not need to abstain from the vote for approval because they are voting on the minutes as written not whether or not they were there for the meeting.

Councilman Feigh stated that many By-Laws state that, according to Roberts Rule, members are required to give a reason for abstaining unless there is a legal or financial conflict of interest.

Mr. Wheeler explained that attendance is an expectation and each Board has an obligation to uphold their By-Laws and that City Council does not have an obligation to see that the By-Laws are enforced, however, Council can convey the expectations when the member is interviewed or selected.

Councilman Southall suggested putting an "S" after Board/Commission on the Board Bank application so that applicants understand that they can apply for more than one Board. Mr.

Southall also suggested informing Council of any changes to current applications when they are made.

Councilman Green suggested under the Chair Rotation on the Suggested Council Consideration Process that it should read two consecutive terms instead of two consecutive years.

Mayor Helsel stated that he does receive reports every couple of months in reference to attendance at the Board meetings and if there seems to be a problem he speaks to the Chairperson of that Board to address the issue. Mayor Helsel reviewed a conversation and email that he received from the family and friend of a recent School Board applicant that claimed an application was not handled correctly by staff. He explained that the application was handled appropriately but other applicants had already been interviewed before the application was received and a candidate had been selected. He stated that there is a position coming open that this applicant has applied for and he will be contacted at that time.

Mr. Wheeler stated that there will be another draft of the Appointment SOP for Council's review as soon as the updates are made.

ADJOURNMENT:

There being no further business, the work session was adjourned at 7:18 p.m.