

Legal Identity: "an independent local entity without political subdivision status"

- Local (not state) entity
- Tax exempt by definition; do not require incorporation

1. Legal counsel

- Can request in writing guidance on specific legal issues from local government counsel if desired and determined not to be a conflict of interest
- Local government legal specialty available commercially

2. Immunity and Liability

- Generally the same as elected officials
- Commission and Commissioners should have liability insurance (D&O)
- Commission should consider

3. Conflict of Interest

- Operate under the Virginia FOIA, COIA, and Public Procurement Acts
- Chair states at each meeting:

*I remind the members of the Rivanna River Basin Commission that as a local public body, we operate under the Virginia Conflict of Interest and Freedom of Information Acts. Should any member have a personal interest in any specific matter before the Commission, that member is asked to state this for the record and abstain from discussion and vote as appropriate.*

- Where Commissioners stand to benefit materially from a decision, Commissioner should state this publicly and remove him or herself from the meeting table to physically demonstrate distance from the decision
- Clarify conflict of interest issue by obtaining guidance from State Attorney General (in process)
- Researching need for Conflict of Interest annual certification for Commissioner
- "personal interest" – see Virginia COIA handout to Commissioners

4. Employer status and issues

- Employer ID (Federal) and State Tax ID (obtained)
- Use contractors sparingly, especially when tasks are highly directed
- Executive Director and other staff should be hired under an "at will" or other type of employment contract,
- Required to offer unemployment benefit
- Optional but recommended: Workers compensation insurance
- Optional: health insurance, life insurance, retirement benefits

5. Fiscal Agent

- Fiscal Agent operates under Commission's direction and guidance

- Written agreement essential
6. Tax Exempt, Not-for-profit Status
- May want to explore 501(c)4 status at a later date

Commissioner Handbook (under development) will contain relevant documents and background materials.