



Rivanna River Basin Commission

A CONFLUENCE OF INTERESTS

July 17, 2009

706 G FOREST STREET
CHARLOTTESVILLE, VA 22903
(434) 975-0224
(434) 975-1367 (FAX)
www.rivannariverbasin.org

Office of the Attorney General
900 East Main Street
Richmond, VA 23219

Dear Sir,

The Rivanna River Basin Commission was created by Acts of Assembly in 2004. The Commission is comprised of fourteen members who represent four local jurisdictions and various other governmental and non-profit organizations in the area served by the Commission (see § 62.1-69.47 of the *Code of Virginia*).

The Commission is funded through various sources such as federal and state grants and private donations. The Commission has both advisory and advocacy responsibilities. It also serves as a conduit for funding various water conservation projects in the area. The members of the Commission vote on the actions associated with seeking and disbursing of the funds received. Often the ultimate recipient of the funding is one or more of the political subdivisions or the non-profit entities whose officers or staff serve as Commission members.

The Commission members request guidance on the applicability of the Conflict of Interest Act on their participation in the transactions and contracts that are awarded. For example, would a member of a Board of Supervisors or City Councilor who is compensated for such services in excess of \$10,000 per year have a conflict of interest if he or she voted as a Commission member on applying for a grant or awarding grant funds to which his or her political subdivision is the ultimate recipient? Similarly, would a Supervisor or Councilor who is compensated for such services up to and including \$10,000 per year have a conflict of interest if he or she voted as a Commission member on applying for a grant or awarding grant funds to which his or her political subdivision is the ultimate recipient? Finally, would an unpaid officer of a non-profit or the unpaid board member of the Soil and Water Conservation District serving on the Commission be able to participate or vote as a Commission member on transactions or contracts that award funds to or contract for services from his or her non-profit organization?

We look forward to obtaining your opinion on this matter. If you have any questions, please do not hesitate to contact me at (434) 975-0224.

ALBEMARLE COUNTY

Sally Thomas (Chair)
Lindsay Dorrier, Jr.
John Martin

CITY OF CHARLOTTESVILLE

Holly Edwards
Satyendra Huja
Keith Lancaster

FLUVANNA COUNTY

Marvin Moss (Vice-Chair)
John Gooch
Andy Wilson

GREENE COUNTY

Clarence Peyton
Carl Schmitt
Roberta Savage

CULPEPER SWCD

Robert Runkle

THOMAS JEFFERSON SWCD

John E. Easter, II

EXECUTIVE DIRECTOR

Leslie Middleton

Sincerely,

Leslie Middleton,
Executive Director