

EXHIBIT NO. _____

City of Alexandria, Virginia

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5-16-09

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~~5-12-09~~

MEMORANDUM

DATE: MAY 8, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: PROPOSED ORDINANCE IMPOSING TERM LIMITS FOR COUNCIL APPOINTED BOARDS AND COMMISSIONS

ISSUE: Consideration of proposed ordinance that imposes a maximum service period of 10 consecutive years for any member of a board, committee, commission, unless the term of service is otherwise governed by state law, City Code, or another document that creates the committee, board or commission. The maximum service term may be waived by City Council by resolution.

RECOMMENDATION: That Council pass the ordinance on first reading and schedule it for public hearing, second reading, and final passage on May 16.

DISCUSSION: The June 2008 Report from the Council Committee on Boards and Commissions recommended that unless specified by federal, state or City legislation, after serving 10 consecutive years on any board, commission or committee, at the expiration of the current term, the incumbent would not be eligible for immediate reappointment to that group, but can apply for the next vacancy. The report also recommended that: (1) any incumbents as of the effective date of the ordinance would be eligible for at least one more consecutive term; and (2) the limitation would not apply to the following groups: Planning Commission, both panels of the Board of Architectural Review, the Board of Real Estate Assessments, Board of Zoning Appeals, Community Services Board, and the Building Code Board of Appeals.

Following the October 18, 2008 public hearing, and after a discussion about whether there were legal obstacles to imposing term limits on Council-appointed groups, the Council requested a Charter change be proposed in the City's Legislative Package to provide Council with the clear authority set term limits, and also requested the City Attorney to propose an ordinance immediately following the signing of the legislation by the Governor.

During the December 9, 2008 Council meeting, the Council approved the Committee's recommendation to impose term limits of a maximum of 10 consecutive years and voted to exclude only the Planning Commission, the Board of Zoning Appeals, and the Building Code Board of Appeals from the ordinance. The Virginia General Assembly approved the Charter amendment on March 27, 2009, and provides that "notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the Council to any or all governmental or advisory boards or commissions." The proposed ordinance will provide the legal basis for imposing a term limit of ten consecutive years on the

members of most of Council's boards and commissions. The ordinance would not apply to members of the Planning Commission, the Board of Zoning Appeals, and the Building Code Board of Appeals.

FISCAL IMPACT: None.

ATTACHMENT Ordinance

STAFF: Rose Williams Boyd, Executive Secretary for Boards and Commissions

1	Introduction and first reading:	05/12/09
2	Public hearing:	05/16/09
3	Second reading and enactment:	05/16/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 2-2-4 (COMPOSITION, TERMS AND DUTIES OF COMMITTEES), Article A (GENERAL PROVISIONS), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance imposes a maximum service period of 10 consecutive years for any member of a board, committee or commission, unless the term of service is otherwise governed by state law, City code or by another document that creates the committee, board or commission. There is a phase in period for incumbents impacted as of the effective date. The maximum service term may be waived by City Council by resolution. The Planning Commission, Boar of Zoning Appeals and Building Code Board of Appeals are expressly exempted from the term limits imposed by the proposed ordinance.

Sponsor

Staff

Rose Williams Boyd, Director, Citizen Assistance
Christopher P. Spera, Deputy City Attorney

Authority

§3.04(g-01), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 2-2-4 (COMPOSITION, TERMS AND DUTIES OF COMMITTEES), Article A (GENERAL PROVISIONS), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 2-4-4 Composition, terms and duties of committees.

(a) The composition, term of office, mission and function and other substantive duties relating to the work of any committee are those set forth by the terms of a committee's enabling legislation together with any additional functions or duties that may be assigned to a committee from time to time by the city council or other appropriate local authority.

(b) Whenever the city council has heretofore made or hereafter makes an appointment or reappointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment.

(b.1) Unless otherwise specified in City Code, state law or in a document creating the committee, or with respect to a member of the Alexandria Planning Commission, the Alexandria Board of Zoning Appeals or the Alexandria Building Code Board of Appeals, no person shall be eligible for reappointment to any committee after having served ten consecutive years as a member thereof. This provision may be waived by City Council by resolution. Notwithstanding the foregoing, any person serving on a committee serving as of the effective date of this ordinance who would be rendered ineligible for reappointment by operation of this section shall be eligible for reappointment for one additional term without resolution of City Council.

(c) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each committee shall:

(1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

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2 (2) prepare and file with the executive secretary a copy of all such minutes or reports not
3 more than 30 days after the conclusion of any meeting of the committee. A notation shall appear
4 on the minutes indicating whether they have been officially approved by the committee.
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6 (d) In addition to any other function or duty that may be vested in a committee by its
7 enabling legislation or otherwise, each standing committee shall:
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9 (1) hold at least one regular meeting each year and as many additional meetings as may
10 be required by its enabling legislation or as the business of the committee may require.
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12 (2) prepare and submit to the city council an annual report within 60 days after the close
13 of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited
14 to, a listing of the members of the committee, a description of the committee's principal activities
15 during the reporting period and any recommendations of the committee for improving its
16 functions and duties or making changes in other laws, procedures, policies or programs within the
17 subject matter of its jurisdiction, including recommendations for additional federal or state
18 legislation. These reports shall become available for public inspection and copying after
19 submission to the city council.
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21 (3) in addition to its annual report, any committee is authorized to make additional or
22 special reports, oral or written, to the city manager of the city council at any other time that the
23 committee determines that such reports may be needed, except that, no report requesting
24 additional city funds or staff shall be submitted to the city council until it shall first have been
25 submitted to the city manager for his comments and recommendations.
26

27 (4) prepare, in consultation with the city manager an annual budget, showing both the
28 funding and staff directly assigned to the committee and estimated sums and staff time that may
29 be used by the committee but are not directly assigned to it.
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31 Section 2. That this ordinance shall become effective upon the date and at the time of
32 its final passage.
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34 WILLIAM D. EUILLE
35 Mayor

36 Attachment

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38 Introduction: 5/12/2009
39 | First Reading: 5/12/2009
40 Publication:
41 Public Hearing:
42 Second Reading:
43 Final Passage:

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