

City of Alexandria, Virginia

MEMORANDUM

UPDATED MEMO – REPLACES DOCKET MEMO OF 5/12/09 #15

DATE: MAY 21, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

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. Incumbents as of the effective date of the ordinance who would otherwise be ineligible for reappointment because of this new limitation would be eligible for one additional term without the need for a Council resolution.

RECOMMENDATION: That Council pass the ordinance (Attachment 1) on first reading and schedule it for public hearing, second reading, and final passage on Saturday, June 13.

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 Council’s October 18, 2008 public hearing, and after a discussion about whether there were legal obstacles to imposing term limits on all 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 legislative meeting, 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 pending the Charter change. The Virginia General Assembly approved the Charter amendment on March 27, 2009, and it 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 all of Council's boards and commissions.

The terms for members of the Community Services Board (CSB) are set by state law and Section 37.2-502 of the Code of Virginia provides that "No person shall be eligible to serve more than three full terms; however, a person first appointed to fill an unexpired term may serve three additional full three-year terms." The statute also provides that "after a three-year period has elapsed since the end of the member's last three-year term, the governing body may reappoint that member." The normal term limit for CSB members is nine years.

Also attached are the updated chart of staff actions on all of the Council Committee on Boards and Commissions report recommendations (Attachment 2) and a copy of the May 13 letter notifying committee chairpersons of the requirement to submit their annual report with the annual attendance report (Attachment 3).

FISCAL IMPACT: None.

ATTACHMENTS:

Attachment 1. Proposed Ordinance

Attachment 2. Recommendations from Report and Public Hearing Chart

Attachment 3. May 13 letter from Rose Williams Boyd to Committee Chairpersons

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

1	Introduction and first reading:	05/26/09
2	Public hearing:	06/13/09
3	Second reading and enactment:	06/13/09

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.

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

EXHIBIT NO. 3

ORDINANCE NO. _____

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2
3
4 AN ORDINANCE to amend and reordain Section 2-2-4 (COMPOSITION, TERMS AND
5 DUTIES OF COMMITTEES), Article A (GENERAL PROVISIONS), Chapter 4
6 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL
7 GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.
8
9

10 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:
11

12 Section 1. That Section 2-4-4 of the Code of the City of Alexandria, Virginia, 1981, as
13 amended, be, and the same hereby is, amended and reordained to read as follows:
14

15 Sec. 2-4-4 Composition, terms and duties of committees.
16

17 (a) The composition, term of office, mission and function and other substantive duties
18 relating to the work of any committee are those set forth by the terms of a committee's enabling
19 legislation together with any additional functions or duties that may be assigned to a committee
20 from time to time by the city council or other appropriate local authority.
21

22 (b) Whenever the city council has heretofore made or hereafter makes an appointment or
23 reappointment of any person to any committee, and neither the law governing the appointment
24 nor the council specifies any term of office for the person appointed then the appointment shall
25 be deemed to be made for a term of two years beginning on the date of appointment.
26

27 (b.1) Unless otherwise specified in City Code, state law or in a document creating the
28 committee, no person shall be eligible for reappointment to any committee after having served
29 ten consecutive years as a member thereof. This provision may be waived by City Council by
30 resolution. Notwithstanding the foregoing, any person serving on a committee serving as of the
31 effective date of this ordinance who would be rendered ineligible for reappointment by operation
32 of this section shall be eligible for reappointment for one additional term without resolution of
33 City Council.
34

35 (c) In addition to any other function or duty that may be vested in a committee by its
36 enabling legislation or otherwise, each committee shall:
37

38 (1) designate one of its members as head of the committee and one member to act as the
39 secretary of the committee for the purpose of keeping and preparing minutes or reports of all
40 meetings or actions taken at any meeting and designate such other officers as required by its
41 enabling legislation. Where an officer or employee of the city has been assigned to assist a
42 committee, such officer or employee may be designated as secretary unless the assignment is
43 inconsistent with other tasks being performed by such officer or employee. The committee may
44 also appoint any additional officers as it may deem proper.
45

1 (2) prepare and file with the executive secretary a copy of all such minutes or reports not
2 more than 30 days after the conclusion of any meeting of the committee. A notation shall appear
3 on the minutes indicating whether they have been officially approved by the committee.

4 (d) In addition to any other function or duty that may be vested in a committee by its
5 enabling legislation or otherwise, each standing committee shall:
6

7 (1) hold at least one regular meeting each year and as many additional meetings as may
8 be required by its enabling legislation or as the business of the committee may require.
9

10 (2) prepare and submit to the city council an annual report within 60 days after the close
11 of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited
12 to, a listing of the members of the committee, a description of the committee's principal activities
13 during the reporting period and any recommendations of the committee for improving its
14 functions and duties or making changes in other laws, procedures, policies or programs within the
15 subject matter of its jurisdiction, including recommendations for additional federal or state
16 legislation. These reports shall become available for public inspection and copying after
17 submission to the city council.
18

19 (3) in addition to its annual report, any committee is authorized to make additional or
20 special reports, oral or written, to the city manager of the city council at any other time that the
21 committee determines that such reports may be needed, except that, no report requesting
22 additional city funds or staff shall be submitted to the city council until it shall first have been
23 submitted to the city manager for his comments and recommendations.
24

25 (4) prepare, in consultation with the city manager an annual budget, showing both the
26 funding and staff directly assigned to the committee and estimated sums and staff time that may
27 be used by the committee but are not directly assigned to it.
28

29 Section 2. That this ordinance shall become effective upon the date and at the time of its
30 final passage.
31

32 WILLIAM D. EUILLE
33 Mayor

34 Attachment

35
36 Introduction: 5/12/2009
37 | First Reading: 5/12/2009
38 Publication:
39 Public Hearing:
40 Second Reading:
41 Final Passage:

RECOMMENDATIONS FROM REPORT AND PUBLIC HEARING

REPORT RECOMMENDATIONS	ACCEPT	REJECT
1. Modify reference session of Personal Data Form to include list of names and addresses of four references that applicant has contacted and support their application	Change was made immediately following Council's approval of recommendation during 10/18/08 public hearing.	
2. Codify all standing committees created via resolution or docket item and task forces that have become ongoing groups	Ordinances to be docketed for June 9 meeting	
3. Require annual reports to be submitted that include a statement of specific goals for the coming year and submit report with Annual Attendance Report	Committee Chairs notified of this change via May 13 letter.	
4. Do not change the current residency waiver policy	Accepted by Council on 12/9/08	
5. Unopposed non-resident incumbents and staff in designated position appointments should be docketed as uncontested appointments.	Change was implemented with appointments at October 28, 2008 Council meeting	Council requested staff during the public hearing to docket all requests for residency waivers as a contested appointment. No further action is needed on this recommendation.
6. Groups that meet on a monthly basis should determine whether they can meet on a bi-monthly or quarterly basis	Comments from groups summarized in Docket Item #28 from 12/9/08 meeting.	
7. Abolish the following groups that have completed their tasks (Ad Hoc Task Force to Review New Police Facility Sites, Ad Hoc Transportation Policy and Program Task Force, Potomac Yard Fire Station and Affordable Housing Task Force, and Transportation Safety Commission)	Council approved and the groups were abolished.	
8. Expand the role of the Beautification Commission to deal with beautification of City portals and tie this effort to the City's overall marketing efforts	Ordinance to be docketed for June 9 meeting.	

5

ATTACHMENT 2

RECOMMENDATIONS FROM REPORT AND PUBLIC HEARING		
REPORT RECOMMENDATIONS	ACCEPT	REJECT
<p>9. Rewrite the mission statement of the IT Commission to reflect 21st century technology with the City using the group as sounding board. IT Comm. To discuss whether and to what extent telecommunications issues and complaints stay with the IT Comm. or be transferred to Consumer Affairs Commission. IT Comm. Agrees with recommendation that its mission statement should be updated and recommends the responsibility for reviewing telecommunication (including cable) subscriber complaints be retained by the Office of Citizen Assistance without additional review by a board or commission. The Consumer Affairs Comm. Indicated they are willing to accept any additional responsibilities assigned by the City Council.</p>	<p>Approved the transfer of telecommunications issues and complaints to the Consumer Affairs Commission. Ordinance will be docketed for June 9 meeting.</p>	
<p>10. Restructure the membership of the Commission on HIV/AIDS by broadening the positions and reducing its size. The Commission's response noted that it reviewed its membership in 2007 and selected four seats for removal and one seat was broadened. These changes were approved by the City Council in June 2007 but have not been codified as requested. The Commission feels that the remaining designated seats are valuable and should remain.</p>	<p>Ordinance will be docketed for June 9 meeting.</p>	
<p>11. Fair Housing Testing Program Advisory Committee and Affordable Housing Advisory Committee (AHAC) should be combined for better efficiency of operations. AHAC decided that the group's mission was not a "good fit" with AHAC's mission and that the Human Rights Commission is better suited to handle any required oversight of the fair housing testing program. The Human Rights Commission is willing to assume responsibility for</p>	<p>Ordinance transferring responsibility to Human Rights Commission will be docketed for June 9 meeting.</p>	

the functions of the Fair Housing Testing Program Advisory Committee.		
12. 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. Incumbents as of the effective date of the ordinance would be eligible for at least one more consecutive term. Limitation would not apply to policy-making and/or regulatory authority.	Ordinance to be introduced at May 28 meeting.	
RECOMMENDATIONS FROM THE PUBLIC HEARING	ACCEPT	REJECT
1. Need for more transparency in board and commission operations	Addressed in the City's Legislative Package. Charter change approved by General Assembly and signed by Governor.	
2. Need for an articulated policy on term limits	Proposed in Legislative Package. Charter change approved by General Assembly and signed by Governor.	
3. Add a sentence to the letter notifying incumbents of term expirations that encourages them to look for other opportunities to serve	Pending adoption of term limits, sentence will be added.	
4. Request that each advisory group develop a strong recruiting mechanism to attract the best candidates for board and commission vacancies	Done in May 13 letter to Committee Chairs.	
5. Request each group to develop leadership plan and make that plan and the recruitment plan a required element of their annual report	Done in May 13 letter to Committee Chairs.	
6. Limit the number of task forces that one person can serve on	Ordinance to be introduced on June 9.	

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CITIZEN ASSISTANCE OFFICE

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alexandriava.gov

May 13, 2009

Dear Committee Chairperson:

It's time for the Annual Attendance Report to be completed. As we implement the Council's administrative changes for board and commission operations, please be sure to include a copy of your committee's annual report with the completed attendance sheet. Instructions for the Annual Report are included below.

Attached is the form for the Annual Attendance Report. Section 2-4-7(i)(1) of the City Code requires the head of all committees to keep attendance records and forward a copy of the attendance record to the Executive Secretary on an annual basis. This Code section also requires appointees to committees to attend at least 75 percent of the committee meetings.

Excused absences should not be considered when determining who has met these requirements. Remember, absences are excused for the following reasons: personal illness or serious illness of members of the immediate family; death of a family member, unscheduled or unforeseen business trips, and emergency work assignments. All other absences should be recorded as unexcused.

Your committee's annual report should include a summary of activities for the past year, statement of the group's specific goals for the coming year, your recruitment and leadership plans, and cycle for ensuring turnover in leadership. The turnover interval is at the Committee's discretion.

Please forward the completed form with the Annual Report to the Office of Citizen Assistance by July 24, 2009. If you should have any questions, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Rose Williams Boyd".

Rose Williams Boyd
Executive Secretary for
Boards and Commissions

cc: City Staff