

EXHIBIT NO. 1

18B
11-27-01 ~~18B~~
~~11-17-01~~

2002 SESSION
VIRGINIA ACTS OF ASSEMBLY -- CHAPTER ___

An Act to amend and reenact §§ 3.07 and 15.10, as amended, of Chapter 536 of the Acts of Assembly, 1950, which provided a Charter for the City of Alexandria, relating to the induction of members of council and to the school board and school division, and to amend the said Chapter 536 of the Acts of Assembly, 1950, by adding thereto §§ 2.04.3, 5.29 and 5.30, relating to membership in the local housing authority board of directors, imposition of a local recordation tax and calculation of land area for open space taxation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.07 and 15.10 of Chapter 536 of the Acts of Assembly of 1950, as amended, are amended and reenacted, and that the said Chapter 536 of the Acts of Assembly, 1950, is amended by adding thereto §§ 2.04.3, 5.29 and 5.30, as follows:

Sec. 2.04.3. Alexandria redevelopment and housing authority board of directors.

Notwithstanding any contrary provision of law, general or special, the council may, by ordinance adopted from time to time, alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority.

Sec. 3.07. Induction of members.

The council members in office at the time this charter takes effect shall continue in office through the thirtieth of June, 1952, or until their successors shall have been elected and take office. The first meeting of a newly elected council shall take place at 7:30 P.M. on the first day of July following their election, or if such day shall fall on Saturday, Sunday or a legal holiday then on the next business day following the fourth day of July. (Acts 1968, ch. 510, § 1; Acts 1971, Ex. Sess., ch. 166, § 1)

Sec. 5.29. City recordation tax.

In addition to the state recordation tax imposed by law, the council may impose by ordinance and levy a city recordation tax in an amount up to two-thirds of the amount of state recordation tax. No tax shall be levied pursuant to such ordinance when the state recordation tax imposed under § 58.1-800 et seq. of the Code of Virginia, 1950, as amended, is fifty cents. Any amount collected attributable to the maximum recordation tax authorized pursuant to this section, above the maximum local recordation tax authorized under general law, shall be used exclusively for acquisition or preservation of open-space land as defined in the ordinance, or the acquisition of development rights to real property for the purpose of acquiring or preserving open-space land. No increase in the maximum authorized recordation tax pursuant to this section above that authorized under general law shall be effective until the increase shall have been approved by referendum by the qualified voters of the city, as provided in section 3.13 of this charter.

Sec. 5.30. Calculation of real estate area devoted to open space use.

The council may provide by ordinance that, in calculating the area of land categorized as real estate devoted to open space use pursuant to § 58.1-3230 of the Code of Virginia, 1950, as amended, the director of real estate assessments shall round the amount of land otherwise eligible for such categorization, of one quarter of an acre but less than two acres in size, to two acres.

Sec. 15.10 School board and school districts.

- (a) The City of Alexandria shall constitute a single school division.
- (b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting of between seven and nine members, as provided by ordinance adopted by the council. Members of the school board shall be selected by direct election by the voters, unless and until a referendum is passed in favor of changing the method of selecting board members to appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended. The school board members shall be elected at large or from election districts, or a combination thereof, as provided by ordinance, and ~~the council shall establish by ordinance~~ shall establish the number and boundaries of the election districts, if any. The ordinance may provide for the election of the school board chairman by the voters at large. Elections for school board members shall be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this charter, are held every three years on the first Tuesday of May. The terms of office of school board members shall commence on the July 1 following the members' elections, shall be for three years and shall run concurrently. Elections for school board members shall be held in accordance with the general laws of the Commonwealth relating to general elections; however, where the provisions of such laws are inconsistent with the provisions of this section, the provisions of this section shall apply.
- (c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause in the office of school board member filled by direct election by the voters shall be filled as follows:
- (1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board election shall be filled by a special popular election for the unexpired term of the office. In the event of such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria, and the said court shall order a special election to be held not less than 40, nor more than 60 days after the filing of the resolution to fill the vacancy. Candidates shall file their declarations of candidacy and any statements or petitions required by general law not less than 30 days before said election. The election shall be conducted, and the results thereof ascertained, in the manner provided by law for the conduct of elections and by the regular election officials of the city;
 - (2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria;
 - (3) Unless the chairman of the school board is elected by the voters at large, ~~W~~ when a vacancy on the school board is created by the departure of the board chairman, the remaining members of the board shall, as soon as practicable and by majority vote, select a new chairman

from among the members. When a vacancy on the school board is created by the departure of board chairman elected by the voters at large, the vice chairman shall serve as chairman, until a new chairman is elected as provided in subsection (c)(1), or until the next regular school board election, which ever occurs first. (Acts 1962, ch. 61, § 1; Acts 1964, ch. 288; Acts 1972, ch. 808, § 1; Acts 1976, ch. 669; Acts 1996, ch. 885, § 1)

2. That an emergency exists and this Act shall be in force from its passage.

President of the Senate

Speaker of the House of Delegates

Approved:

Governor

*City of Alexandria, Virginia**18 (a) + (b)
11-27-01***MEMORANDUM**

DATE: NOVEMBER 26, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: STUDY RECOMMENDATIONS: (1) GOVERNOR'S COMMISSION ON TAX REFORM; (2) EDUCATION STANDARDS OF QUALITY (SOQ) FUNDING (JLARC)

Last week, recommendations for two studies of significance to local government were announced: those of the Governor's Commission on Government Finance Reform for the 21st Century (also referred to as the Bliley Commission, or the Governor's Commission on Tax Reform); and the JLARC (Joint Legislative Audit and Review Commission) study of the education Standards of Quality funding. Both studies included recommendations for significant new State aid to local governments. Although it is unlikely that the State will be able to implement many of these studies' recommendations in the short run (due to major State revenue shortfalls), they do provide the framework for significant modifications to the amount of revenue the State provides to local governments, if the incoming Governor and General Assembly choose to accept and implement them. Major recommendations of the two studies are described below.

1. The Governor's Commission on Tax Reform (created several months ago by Governor Gilmore to "study and recommend fundamental reforms to the Virginia Constitution and tax and spending policies with the purpose of modernizing government finances in Virginia to meet the new and unprecedented challenges in the 21st Century") proposed:

- An amendment to the State Constitution to eliminate the personal property tax on privately owned vehicles and replace it with a share of the revenues from the State's individual income tax beginning in 2005 (this is estimated to be about 15 percent of the revenues the State receives from the individual income tax). Localities would continue to be reimbursed for their lost personal property tax revenues on a dollar for dollar basis.
- Additional sharing of State individual income tax revenues with localities, phased in at the rate of one percent each year, until 20 percent of all State income tax revenues (including those used for reimbursement of lost car tax revenues) are given to localities. These additional (non-car tax reimbursement) revenues would be distributed using the VML/VACO

"50/40/10" plan.¹ For each one percent of State individual income tax revenue distributed under the 50/40/10 plan, VML projected (last year) that the City would receive approximately \$2.27 million.

- Creation of a study commission to recommend changes to state and local telecommunications tax policy. Among the issues to be considered are "simplification and uniformity" of local telecommunication taxes; reduction of telecommunication tax rates; and "reasonable limits" on the imposition of E-911 taxes, especially as this applies to multiple phone lines to a single residence.

2. The JLARC Study of the Education Standards of Quality Funding was released on November 20. Among the study's findings were the following:

- For the next biennium, an additional \$1.06 billion in additional revenue will be required to fully fund the current State-mandated Standards of Quality (SOQ). This is in addition to the \$2.4 billion that the State is spending on SOQ funding in the current biennium. Among the reasons for the large increase is the State's failure to use up-to-date data for salaries, and the need to restore State funding for local administrative costs (these were inadvertently dropped in 1993, and have never been restored).
- The General Assembly should consider (1) providing a portion of the funding for elementary school resource teachers (music, art, and physical education); (2) lowering the pupil-teacher ratio for public schools, and paying a portion of the cost of the salaries for the teachers that would be required to implement this; (3) increasing State payments for pre-school programs serving at-risk four-year-olds.
- The General Assembly may wish to further examine the issue of an appropriate teacher salary goal for the Commonwealth.

If you have questions about any of this information, please call me.

cc: Michele Evans, Assistant City Manager
Mark Jinks, Assistant City Manager
Dan Neckel, Director of Finance
Gene Swearingen, Director, OMB

¹Fifty percent of new revenue would be distributed among localities based on the relative share of the total state income tax paid by each locality's residents (i.e., where the taxpayer lives); 40 percent would be distributed based on where the income was earned (i.e., where the taxpayer works); and 10 percent of would be divided equally among Virginia's 135 cities and counties.

FR, 11/27/01

ROUGH DRAFT

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA
Regular Meeting — November 27, 2001
Partial Verbatim of Docket Item No. 18
City Council Discussion**

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- 18.(a) Consideration of the Proposed City Legislative Package for the 2002 General Assembly Session.
- (b) Consideration of the City of Alexandria's Proposed 2002 Charter Bill.

Mayor: Okay, we had a work session with the members of our Legislative Delegation, including State Senator Dick Saslaw and Karen Darner who are new to our delegation this year as they represent parts of the city as well as State Senator Patsy Ticer, Delegate Marian Van Landingham, and Delegate Brian Moran. We have completed our public hearing on the legislative package. We have a number of items, did make some changes in the, the legislative package. I'm going to run through them real quick and see if, if we've got consensus. The one change is to item 31 which is VHDA loan eligibility. We have changed that to support legislation and will be writing a letter to the governor requesting changes to some of their regulations regarding loan eligibility. We will change item 37 which exempts, which are exemptions from the Virginia Landlord Tenant Act to, rather than proposed legislation, to support legislation. No. 38, Notice of Termination of a Lease, we will change that to support legislation should any be introduced rather than proposed legislation. On a sort of a divided consensus on item 40, School Board Elections, we, we have, let's say deferred that or it's, or it's not in the package at this time. We have asked staff to tighten that up a little bit and potentially bring something back for further Council consideration. I know that we've got some Charter issues and, you know, we might have to, to you know quickly hold some public hearings or whatever we need to do, but, but at least some of the members who did not support the, the current version have indicated at least a willingness to, to look at something that might be a little bit more, more specific although I'm not really sure what, what we may or may not be able to do in, in that regard. Mr. Caton, I think that covers a lot of the changes, does it not?

Caton: That covers everything.

Mayor: Okay. Any comments from members of Council? Okay. We do need a motion on the two items.

Speck: So move.

Euille: Second.

Mayor: A motion by Mr. Speck, seconded by Mr. Euille to, and I'm just going to take that as a motion on item (a). Is there any further discussion? All those in favor say aye. It passes unanimously. We would need to make a change, however, to item (b), 18(b), because those Charter amendments do carry the, the flexibility relative to school board and school district elections. Let me ask you a question, and maybe it should go to the city attorney. Should we go ahead and, and adopt these tonight or could we defer these?

Pessoa: Yeah. You, you can defer this. The Charter bill has to be introduced by the first day of the session so if, if you wanted to defer this and we'll handle it in December we should –

Mayor: Okay.

Eberwein: Move deferral.

Caton: There's, if I could, there is another problem. General Assembly starting last year adopted deadlines for having bills drafted, and in order not to count against the very small number that members can have drafted after the first deadline, they'd have to have all the requests in by December 10.

Euille: So December 7.

Mayor: No, we don't have a meeting. Our meeting is the eleventh.

Euille: Oh. That's right.

Caton: Now, there's no reason if it's drafted one way it couldn't be amended once it came up for, or, or if it's something that Council felt strongly enough, something that we could ask once of the members to, to use their small number of requests they can put in later.

Speck: No, we don't want to do that. I, I'm, Mr. Mayor, I don't think we want to use up any chits on, on getting this in if there's something else that comes

up. I think if, if that's the case, and I forgot about that deadline, it's better to get it in and then modify anything that needs that after the deadline than run the risk of not being able to get it in at all. We, there's, from our work session there were a few things that we needed to be sure we were clear on in, in going forward with this particular Charter bill, but I think we need to, to go forward with some language that gives us the opportunity to make any final changes we want to but to be sure we don't lose that December 10th deadline also. So, what, City Attorney?

Pessoa: Well, Mr. Mayor, I mean, the language as drafted gives the Council the maximum flexibility in terms of the organization of the School Board. You, you get to elect between seven and nine, whether they're from districts and how many districts, whether there's a mix of some districts, some at-large. You know, unless Council is, wants to discard one or more of those items of flexibility in drafting the bill, I am not sure we're in a position at this point or by December to make that decision.

Mayor: Is it my, my understanding that we could submit and then change?

Caton: We could amend it but then the one thing we'd have to be careful of is to meet all the requirements for notice and hearing on any Charter changes. So –

Mayor: Yeah.

Pessoa: That, that we can meet in the, on the December cycle.

Caton: Yeah.

Pessoa: And we could certainly get the amendments in so that the bill, as the patron, I mean, Senator Ticer is, I think going to be the patron of the Charter bill, we could get the amendments to her in time to meet the first day of the session Charter bill deadline, special legislation deadline, after we go through the December cycle so if she could get the bill drafted as it is and then we could amend it after Council acts in December.

Mayor: So one option would be to adopt this, I'm just trying to take care of everybody's concerns here. One option would be to adopt this as we've had a hearing, we've had a public hearing, we've had discussion, adopt this as, as presented with the, with the understanding, and that's just to get it in on the deadline, but with the understanding that it's going to come back to

us potentially with some changes on the eleventh. Is that, does everybody sort of understand?

Woodson: No. I don't.

Pepper: Does that also that it could be totally withdrawn?

Mayor: Sure.

Pessoa: Yeah. I mean if on the eleventh you wanted to strike that portion of the Charter bill that dealt with the School Board, Council could make that decision at that time and then the, the Charter bill as finally submitted on the first day of the session would lack that language.

Mayor: See, the operative things here are, number one, members have to submit their legislation with, by a, by a prescribed deadline. After that time they have but a few chances to submit additional legislation. We're also constrained in that we have to have the Charter bill introduced by the first day of the session so, so and then we need, we have a hearing schedule that we need to meet as well. So one option would be to go ahead and submit this now as presented because you can always amend it later on, and, and, but given the, given the discussion that we had at our work session, the notion would be that we would go ahead and, and pass this, submit it now to sort of get our place in line and then we would consider some changes that could be made after it's submitted.

Caton: And it possibly would be printed as we submit it but the amendments would come once it comes up in committee so I don't want to mislead you. I'm not sure that the changes could be made between the time.

Mayor: Well, but, but what I'm, what I'm trying to assure the members of Council is that, is that we can make changes once it's in. What we can't do is, is miss a deadline or miss the opening day session when it needs to be introduced. We, I mean, that's, and, and that affects more than just the School Board provision, but everything else in here because it has to go in as one bill.

Caton: That's correct.

Mayor: Okay.

Speck : During, during the, Mr. Mayor, during the, the process of, of a bill becoming law, there are numerous opportunities for, for amendment and, and modification. But as you said, I mean, we have to make sure that, that we don't miss the deadlines imposed by the General Assembly simply to have the bill properly in place, so I, I think we should go ahead to get our cycle started and be sure we don't get off schedule, I'm going to move approval.

Woodson: Mr. Mayor.

Mayor: Motion by Mr. Speck, seconded by Ms. Eberwein. Further discussion. Joyce.

Woodson: Yes, yes, Mr. Mayor. This strikes me as a, a foot in the door that, you know, that I thought that we had settled in the earlier session and it seems to me that we're opening this again and finding yet another way to allow it to happen. It, I'm having a really difficult time finding the value that is being presented in this amendment, I guess is what it would be called, to the City Charter. Because the only change, the only change that doesn't affect everything is a change for at-large or not at-large because if you change to seven then you automatically have to go to at-large. At least one person will have to be at-large or you will have to have it by districts according to the number of people perhaps in the district and say, well, one district will have three and the others will have two, which, I've lived here quite awhile. I can't imagine the City of Alexandria, I can't imagine the central or the east district saying, Oh, I'm okay with that. I just don't see that happening so that's a whole nother can of worms that we're opening when we don't have one now. Otherwise you're looking at one person, and I think that's what's more likely to happen, that will run at-large. And, as we've had this conversation, and I will yet broach it again, it is clearly a financial issue. It is an issue that affects pocketbooks. As we talked in that session and as we're, you know, discussing this same issue again, nothing has changed between then and now so I'm very confused. Now, I appreciate the fact that you want to get something in the door by the tenth but I heard the first in there, now I'm hearing the tenth. I'm confused why we're getting it, why we got it at such a late date in the first place. I have not had one citizen comment to me on this but I did go out and talk to people. I went out and talked to a lot of peoplem, so where is the, the energy behind this issue? I don't see any energy behind this issue. At least I don't see any constituent energy behind this issue.

Mayor: Well, I'm, the, well, let me, let me sort of answer in two ways, and Ms. Eberwein did bring this to the Council about a month ago. It was part of the, the public hearing. It was published as, as part of the public hearing, and it is presented on the docket tonight, so, so the reason why I'm calling for the clarification is because a motion just to approve does not suit the purpose of the discussion that we had in the work session. Now one opportunity that, that you could always exercise would be a motion to amend the motion that's on the floor to strike that provision of the Charter bill. But, but, you know, as a matter of procedure, the, the hearing was held on this draft, these draft amendments to the Charter bill, that's what's on the docket tonight, and so if we wanted to change it, I mean we can do so, and, and you, but, and to meet your, your goal, a motion to amend the current motion on the floor to strike that provision would be, would then be in order.

Woodson: And then I appreciate that, Mr. Mayor, but is that not what we just did? We just discussed it in the work session at which time we had four in favor and, three in favor and three against, and in that circumstance, it's out. But now here it is back again.

Mayor: Now, well, let me, let me make the distinction. You cannot, you can't take a formal vote in the work session –

Woodson: Oh, I know that.

Mayor: The formal vote is here.

Woodson: I understand that. I know that we cannot take a formal vote; however, during the work session we did make decisions on several of the things that you have made changes on this evening on this docket item. You changed several items from, from proposed to support. That was a thumbs up or a thumbs down. So decisions were made and we made this very decision in there, thumbs down, on this particular piece of this legislative package so I'm at a loss to understand the difference between a thumbs up/thumbs down on the things that we did change and a thumbs up/thumbs down on the thing that you're now telling me we didn't change when in fact we did change it.

Speck: Well.

Woodson: So I'm lost.

Speck: Mr. Mayor.

Mayor: Well, you know, let me, let me again provide a little bit of clarification. The Charter bill require, any amendments to the Charter bill is a separate procedure. The package that we just adopted was just, was just a reflection of the Council's positions on various issues. You know, when we, the Charter bill is a separate item. We have a separate public hearing; we have a separate item before us. Again, you know, to, to achieve what we wanted to do in a work session, you know, the motion could be made to adopt this with the, with the deletions. You know, but the motion that's on the floor is, is to adopt as is. Now, again, you could certainly move to amend that. You know, and again, I, you know, while I understand there may be some confusion, again you, you take formal action out here. What we did in the work session was, was outline the positions. We amended, we amended the item that we just, that we just adopted which is a reflection of our positions. We can amend this as well. Now the motion that's on the floor, and you can talk to the maker of the motion, but, but the motion that's on the floor is to adopt this. We could certainly, as I said a minute ago, amend that motion to delete, but that would require a motion and a second.

Woodson: Well, I think more what that would require would be a full discussion of this item because one member of this Council was not present for the discussion so I don't know that given his lack of information that was discussed, that he'd be able to make a vote that would really be fair to him.

Pepper: Mr. Mayor.

Speck: Mr. Mayor, I think I can –

Mayor: Mr. Speck.

Speck: Mr. Mayor, on this point, there have been several questions about what might or might not happen. One of the things that we, I think we've talked about in, in several instances as it relates to legislative authority that the City wants to have in a, in a commonwealth governed under the Dillon Rule, is to have the flexibility to do certain things when we want to and how we want to, and we know that, that there's a great deal that can only take place with the authority of the General Assembly. I have absolutely no idea what the result will be if this Charter amendment is, is passed in terms of the actual practicality of, of the way the districts will be organized or how many members or anything else. What appeals to me about it is,

number one, it gives us the flexibility in conjunction with the community to be able to draft something that will be adaptable to the changing demographics, size, geographical circumstances of the City, and I like that. I like to be able to have that, that flexibility to be able to apply that when we choose. As a practical matter, we're under some time constraints to be able to do this, and if we don't get it into the legislative cycle then we really miss it for another whole, I guess it would be for the, for the next term of the School Board.

Mayor: Well, you know, well –

Speck: No?

Eberwein: It would be until the next census.

Speck: To the next census?

Mayor: Yeah.

Speck: Okay. Well, I knew it was at least for the next School Board.

Eberwein: Ten years.

Speck: And, and it, that concerns me a lot that, that we don't have the, the time to do that. Now, in terms of the legislative process there are a whole series of circuit breakers on this. We ourselves can decide to change it at any time prior to it being submitted to the General Assembly. At our very next legislative meeting of Council or for that matter a public hearing, we can bring up on our own motion some modification if we choose to, or not. It can be submitted under the deadline of the General Assembly's rules for when legislation must be first drafted and then presented, and even after that point can be modified or pulled. I mean any bill can be pulled at any time if it's at the request of, of the sponsor of the bill or in this case the City. So, what it seems to me that we're doing, and it took me a little while to kind of get my hands around this because to be perfectly honest I had not looked at it quite as extensively as I think we have tonight is that it's providing for us something that, that I, I certainly have always argued for and that's giving us the choices to be able to kind of pick the, the kind of dynamics of how we want to structure something like this, and so from, from that standpoint I think we should go forward tonight while we're still working out what issues there may be and determine whether a majority of

Council wants to pursue that. What I sensed in the work session was a desire to, to determine whether there was consensus, and there wasn't one way or another. I mean, the, at least initially, although I had a feeling that even those that, that indicated they weren't ready to go forward at that moment won't quite clear exactly on what they were for or against. So, I'd like us to, I hope that we'll adopt this tonight, and so that we get it into the loop and then make any decisions on any changes we want to make between now and December 10.

Woodson: Mr. Speck, would you please explain how this cannot be addressed again until the next census? What does this have to do with census?

Speck: Let me ask the City Attorney to speak to that.

Pessoa: Well, the, I mean if this were to go in the, I mean we have to redistrict the School Board before the next School Board election which would be May of 2003. We have a certain lead time to do that because notice has to go out to the voters, we have to get it pre-cleared by the Justice Department, etc. If this were to be part of the 2003 legislative package and it be adopted by the 2003 General Assembly, we would likely not have time after it was adopted to go through the process here in the City of deciding what we were going to do, adopting it and having it part of the, you know, get it in place in time to meet the deadlines for the election. Now that's not to say that –

Speck: Mr. Mayor, Mr. City Attorney. I mean, I think you just spoke to the, the specifics. A 2003 Legislative Session would not mean enactment until July 1, of '03. You're talking about a municipal election in May of '03.

Mayor: Well.

Pessoa: Well, actually, since it's a Charter bill it is effective on the date it is signed by the governor.

Speck: Right. I'm sorry. I forgot.

Pessoa: But, but even given that –

Mayor: But still you're talking about March at the earliest.

Pessoa: Right, right. It wouldn't work. And that's not to say that we couldn't, you know, in, in time for the 2003 election reapportion the districts within our existing authority to meet the requirements of law and then come, and revisit it at some point in time before, you know, 2010, but practically, that's, that's a problem, no doubt.

Woodson: Mr. Mayor, these are all different issues, however. You know, the, the reapportioning of the school districts versus whether or not we're going to have at-large elections, whether or not we're going to have school boards that are seven or nine seats. I have no problem with the School Board being seven seats. It could be five seats. Where our City is so small, I don't understand why it's nine seats, but I appreciate the fact that it is now equally balanced with three districts. I have a real problem and will continue to have a problem with the at-large issue because I think we are trying to correct something that was broken when we changed from appointed to elected School Boards.

Mayor: And I don't think any –

Woodson: And this isn't going to do it.

Mayor: And I don't think anybody's making an argument for, for at-large elections. I, I think what, what we're trying to do is, is to make an argument for flexibility. I mean in, in my, in my way of thinking, forget School Board for a minute. Just plain forget the School Board or method of election. You know, this quite frankly, boils down, to me, to be a local government issue. We here in the City of Alexandria should decide how we want to elect our School Board. Quite frankly, I would like to retain the authority on, you know, we here in the City of Alexandria should be allowed to, to prohibit weapons in rec centers. You know, and we shouldn't have to traipse down to Richmond every time we want to have to change something, and that is the current law. This changes that law. So, regardless of the merits of the argument, one way or another, and this is not the time nor the place to have that debate, all we're talking about is, is an amendment to the Charter bill that would enable that debate to happen. That's, that is, that is the intent of this legislation, that is the affect of this legislation. It does not prescribe, it does not proscribe, any particular method of election. In my, in my estimation this is nothing more than a local government issue, shouldn't be seen anything more than a local government issue. You know, we can sit around and debate this version of election versus this method of election. We could have the debate again

about whether to have an appointed or an elected system, but quite frankly, we're not going to, we're not going to, going to solve anything by having those debates and we're not going to solve anything by having those debates at this juncture. This, in my estimation, is a local government issue. We're asking for more local government authority, and that's why I support the motion.

Speck: Mr. Mayor, if I may very briefly, I think the, the issue of debating at-large versus district size are all constructive and healthy and positive because they will involve the community talking about the most effective way to have an, an elected School Board. That debate will never take place if we do not pass this Charter amendment. It, it's moot.

Mayor: We have a motion and a second to adopt this. Mrs. Pepper.

Pepper: When I asked if we, I guess I didn't realize how firm the, the deadlines were for whatever goes into our Charter bill. That was not clear to me. Now it is. That really does concern me. One of the things I asked was if we decide that we want, you know, that we want time really to think about this and it's put in tentatively, could the whole, this whole number 40, or whatever number it becomes, be withdrawn if we decide to do that, you shook your head and he frowned. So, I'm reading body language and I want to know did I misunderstand because it sounded to me like what you were saying is if it's in, it's in. You can amend it but you can't take the whole thing out.

Caton: Once the bill is introduced, any amendments can be made, and if, if the City asked the patron, I'm sure that the patron would go ahead if we wanted to strike the entire Charter bill and do that, and that's a courtesy the General Assembly extends.

Pepper: Well, an amendment could be striking number 40.

Caton: Correct.

Pepper: The whole thing.

Speck: We can pull anything.

- Caton: And it may be that the General Assembly itself would make that amendment to that or any of the other four items that are under consideration.
- Mayor: Okay. Mr. Euille and then I think Mr. Cleveland wants to say something. Oh, you didn't? Okay.
- Euille: Again, this triggered some very uneasy discussion in the work session but on, on this whole legislative package, but given the fact that, you know, we've learned some additional time tables that we didn't know, at least weren't, weren't spelled out for us at, during the work session, and we just learned them a few moments ago, it certainly, at least initially changes my perspective in terms of how, you know, what position we should take and how we should proceed. The question I have and I had some brief discussion afterwards prior to coming into the chamber with the City Attorney and City Manager relative to process. And looking at the memo from the City Manager to the Members of Council dated November 12, on this particular issue, the last sentence says, If these, or this Charter amendment is approved by the General Assembly, additional action must be taken by the City Council before it can be implemented. Can someone speak to the process for implementation because I think this may address some of Mrs. Woodson's concerns.
- Pessoa: Mr. Mayor, if this amendment to the Charter were to be adopted by the General Assembly and signed by the governor, then Council would have to adopt an ordinance, go through the process of adopting an ordinance to change to status quo. That would be true both as to the redistricting the current three-district, three-member scenario, that would also be true as to any changes to that scenario that Council would make. So you would have the process that, you know, the, the very minimal process would be the ordinance adoption, introduction and first reading and then public hearing. Typically, for major changes like this, there is a lot of public input that precedes the formal ordinance adoption process.
- Pepper: Mr. Mayor. I guess –
- Mayor: Ms. Pepper.
- Pepper: I guess the problem I have with that is that if people are reacting to something the City has already sent to the legislature and ask them to fight for, that makes it sound like that's the direction we're going and that's what

we want is some kind of change. And I, and I guess the problem that I have is that the, the lack of any kind of communication from anybody. There's no member of the School Board. There's no advisory body. There's no PTSA, and I'm a member of one at T.C. Williams. No PTA has called me. No constituent has called me. It's deafening out there.

Speck: You know why, in my opinion?

Pepper: Nobody cares?

Speck: No, I think they care but I think they read the ordinance, I think they read the, the language.

Woodson: Not hardly.

Mayor: Well, all right.

Speck: I mean read what, what it – Mr. Mayor, if I just may. Just read what it says. I mean it says the School Board members shall be elected at large or from election districts or a combination thereof as provided by ordinance. I think people read that and said, Okay. Nothing's going to happen without –

Woodson: Mr. Speck, that's not true. I've talked to many, many people --

Speck: Me. too.

Woodson: And none of them had read it. None of them knew about it. All of them wanted to know where did that come from? What's it about?

Speck: Well, I've certainly talked to some that had a contrary point of view, but that doesn't make any difference. We all talk to different people.

Woodson: Exactly.

Mayor: Ms. Eberwein, and then we're going to vote.

Eberwein: Yeah, I just want to say that I've spoken to the chairman of the School Board, exchanged e-mails with them, and I know they discussed this as a group. They are aware of it, and they were working with the Mayor and the Vice Mayor through the City/Schools Committee to support the opportunity to sit down with the Council and be briefed by the Board of Electors as to

the various options that the Board of Electors looked at. I think part of the problem here is that nobody quite was tracking on the fact that when the City received the census, it required us to redistrict the School Board only. It didn't affect the Council because we're elected at large. Therefore, many people weren't really tracking on it. So, all this does is gives us flexibility to do nothing or to do something, but it makes no decisions. As the Mayor has already stated, by not passing this tonight because of all the legislative deadlines, it boxes us into not making a change except that that has, that, that not making a change to the three-district system still will create a very large change in the boundaries because of the population shift, and it will cause different things to happen within the City. It will not be the old boundaries that most people are used to. That may indeed be fine, but we have no opportunity to allow the public to give us input as to whether they would prefer that. They will no options. If they say this is not what we like, we can offer them nothing because we will have eliminated the options by not acting tonight.

Mayor: Yeah, regarding, one, one final comment and then we decide this up or down. Regarding the, the merits of one version or another, I actually think that, that Ms. Woodson's argument about the, the cost and, and running from districts is, is actually a very persuasive argument. My departure, however, is the fact that I don't think we have to, I don't think should have to go down to Richmond to ask the General Assembly every time we want to hiccup around here, and, and that's why I support the, the flexibility and it's consistent with –

Pepper: Mr. Mayor.

Mayor: Ms. Pepper, you have the –

Pepper: Mr. Mayor, if we did have this opportunity to pull this back, when would that opportunity come?

Mayor: At anytime during the session. Anytime before final adoption you could ask that it be pulled.

Speck: Any bill can be pulled.

Pepper: But I mean, would our Council take this up again? I don't think so.

Mayor: Council can take it up. All, you know, if, if a member of Council wants, wants further consideration and they want to ask that it be docketed, it's a very simple process. You call up and you ask that it be docketed.

Caton: I'll be reporting back on all the bills in the package at each Council meeting during January and February too.

Mayor: Okay. We have a motion –

Woodson: One, one last question.

Mayor: Okay.

Woodson; I, I really have got to get this clear. So now we're just passing this as it is with the assumption that it's just going to go forward. I thought that we had directed staff to sort of revisit this language and come back. So now it's really, none of that's going to happen.

Mayor: Well, no, wait a minute, wait a minute. My, the motion on the floor is to adopt. You know, again, what I tried to get people to do initially was, and I mean this is fine if we, if we want to do this, is, is reflecting the, the discussion at the work session was, was to adopt this tonight so we could keep it on track, get it in and then have staff bring back additional language that we could consider and then potentially submit an amendment later on. Again, this is an amendment to the legislative body in Richmond. You know, again, you know, that's fine with me. I have no problem with that. I, I know that people have, have concern about the specific language. I mean you're more than happy to, to bring alternative language or a motion to, to amend the current motion that's on the floor to strike this provision is also in order. Okay. Is there any other discussion? We have a motion and a second. All those in favor of the motion say "aye"; those opposed "no." The motion passes six to one. [Councilwoman Woodson voting "no."] I would like staff to, to give some thought to the language and bring potentially some additional, additional—again, I'm not going to give you any direction because I'm not really sure what, what it is we're trying to achieve here other than having a discussion for 30 minutes about sort of this, this nebulous concept, but you know if, if Councilwoman Woodson or Ms. Pepper or for that matter Mr. Speck has, has some language that they want to add, bring it back for our consideration but let's go ahead and keep it on track. By the same token, if a Member wants to, to submit something and

then, or submit a proposal to delete this from the Charter bill, they are free to do so.

Woodson: Mr. Mayor.

Mayor: Ms. Woodson.

Woodson: Yes. Looking at our calendar, I would like for that to come back to us, and I'd like to have it docketed for the first legislative session in January.

Sunderland: Mr. Mayor, I'd be happy to do that. Somebody has to give us some direction. We can –

Woodson: We didn't just do that?

Sunderland: We can revisit it and we can think and we can talk about it, but if you want us to come back with some different concept embodied in the language, somebody has to tell us what the concept is.

Woodson: I'll be glad to do that by the next legislative session. Thank you.

Sunderland: Okay.

Mayor: Okay. Very good.

Euille: Mr. Mayor.

Mayor: That's fine. Mr. Euille.

Euille: Yeah, what I was going to suggest and this is, as this moves forward and we have, we still have time, I honestly believe that citizens did not react to this simply because they did not know that this was even on the docket, public hearing, whatever, legislative first reading, but we still have time. We don't have to have a public hearing or anything, but I would like for staff to make this, this Charter, this particular matter relative to the proposed changes to the School Board as part of the City's Charter amendment known to various organizations, the School Board and PTA's and so forth just to solicit their comments and, yeah, and have it for the record.

Mayor: Okay. Claire, and then. and then we move on.

Eberwein; Yeah. I, I want folks to realize that, and that was actually part of the plan that should this have gone – well, it went through – but the whole idea was to, as you’ll notice in our schedule, there was, there is a date in there, two potential dates for the School Board and the City Council to be fully briefed by the Board of Electors, and when I discussed this with both the Mayor and the City Manager and the School Board chair, the idea was to, as soon as a date was set, send out letters along the very lines that, that Councilman Euille is speaking to all the interested community groups and to say we encourage you, we welcome you, we urge you to come to this briefing. Only the Board of Electors is qualified, quite frankly, to give this briefing because they’re the ones that know the numbers, know the districts, we’ve eliminated some voting places in the west end, we’ve added some new ones. They’re the ones that have to give this briefing, and so if we choose tonight to have this briefing put on our schedule, it is my understanding that the City Manager would go ahead and send letters like that to interested groups in the community, of which there are ~~money~~.

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Mayor: Mr. Sunderland.

Sunderland: Let’s, let’s distinguish between two issues. One is the drawing of the electoral district boundaries. We have three districts today. People have moved within the City. We have a one-person, one-vote requirement, so we’re going to have to at some point redraw the lines on the three districts. One might also say, let’s have four districts because it’s too complicated to draw three, we have four. You could have five. That’s what the meeting with the Electoral Board, my understanding, was designed to do. So, it’s, it’s meeting with the census data, the one-person, one-vote requirement, how do we redraw the line. That’s an entirely separate, distinct issue from going, which is the essence in, in part of the Charter bill, going to an at-large. This is giving the authority to move to at-large. That, in my opinion, is not the Electoral Board’s call. That’s not their area to get into. That’s a pure, governing body item. It’s not for them to raise, discuss, throw out in public or have a meeting on. So, when we sit down and meet with them, it is not going to be on, should one go at-large on the, on the School Board. It’s going to be, if you want three districts, here’s where you’re going to have to draw the lines. If you want four, one-person, one-vote, here’s what you might do. Okay? So, at-large is off the table as far as I’m concerned at that meeting, and it’s simply how do we achieve one-person, one-vote with three or more districts.

Woodson: Mr. Mayor, may I ask Mr. Sunderland a question? I, I don't remember if this change happened or it did not happen, but I know the City Attorney brought up the question of it, of changes going before the Justice Department because Virginia is still under the Justice Department's watch for electoral practices. As I recall, there was a, an effort to eliminate that oversight somewhat, or to simplify it somewhat so that it fell more within the Electoral Board, and that if there were problems, then it, it could of course be challenged. But is, is that what happened this year? Because it did not happen this year.

Sunderland: No. That has not happened. That's –

Woodson: Has it, have we passed that point so it is not going to happen, or it simply hasn't gotten to that point yet?

Sunderland: No, I think it's still in, in the Electoral Board to decide whether to bring it forward as a proposal to the Council, and they, they –

Woodson: Because I know they did do some investigations.

Sunderland: They had gone out, they had a report done, they met with a number of groups. My recollection is that they were going to go out with their final report to more groups and then at some point come back to the Council.

Woodson: But that hasn't happened. Okay. Thank you.

Mayor: Yeah. They had adopted a phased approach where they were going to meet, get input, come up with a final plan, go back out and then submit to, actually, you submit to the court to give a court order to get out of the pre-clearance. You know, again, it does not remove you from, from compliance with the Voting Rights Act, it's just the pre-clearance, the pre-clearance provision. Right. Okay. Very good. All right, so we'll probably discuss this yet again. Item 19.

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