

City of Alexandria, Virginia

MEMORANDUM

26
9-28-04

DATE: SEPTEMBER 21, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: CONSIDERATION OF RESOLUTION IMPLEMENTING PROPOSED CHANGES TO THE MEMBERSHIP REPRESENTATION FORMULA OF THE NORTHERN VIRGINIA REGIONAL COMMISSION

ISSUE: Request to approve the proposed changes to the membership representation formula for the Northern Virginia Regional Commission (NVRC) which are designed to control the size of the Commission and modify voting provisions to address proportionality of votes (Attachment 1).

RECOMMENDATION: That Council adopt the proposed resolution (Attachment 2) which approves the amendments to the Northern Virginia Regional Commission's Charter Agreement to (1) revise the membership representation formula by requiring that all representatives of the governing bodies be elected members of the respective boards and councils; and (2) allow any member to call for weighted voting based on a population formula on any matter before the Commission.

DISCUSSION: At the July 22 meeting of the NVRC, Commission members adopted a resolution recommending that the NVRC Charter Agreement be amended. The resolution recommends that changes be made in the membership representation formula to control the size of the Commission. If the formula is not changed, the Board of Commissioners will grow to 44 persons by July 1, 2005, and to a projected 51 persons by 2030. Under the proposed changes, the size of the Commission would be reduced to 25 representatives and would not be subject to change until July 2010.

The proposed formula also provides that all NVRC's member governments appoint only elected members of the respective governing bodies (there will be no citizen representatives). Alexandria's two elected representatives (Vice Mayor Pepper and Councilman Smedberg) would continue to represent the City under the new formula. The citizen representative position (currently filled by Natalie Mosher) would be eliminated. (Note: the Commission has formed a special committee composed of current Commissioners [both elected and non-elected] to develop a plan for effective citizen involvement in NVRC's future activities.)

Because the proposed formula alters the “proportionality” of the votes by member government representatives, the recommended Charter changes also include a provision that would allow a member to call for weighted voting on any matter before the Commission. The specific method for assigning weights will be established in the NVRC Bylaws after the Charter amendments are approved.

I recommend that the Council approve these amendments.

ATTACHMENTS:

Attachment 1. July 28 Letter from Kristen Umstattd to William Euille

Attachment 2. Proposed Resolution

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Annandale, Virginia 22003-2937
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Northern Virginia Regional Commission

July 28, 2004

Chairman
Hon. Kristen C. Umstatt
Vice-Chairman
Hon. Barbara A. Favola
Treasurer
Hon. Gerald E. Connolly
Executive Director
G. Mark Gibb

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City of Alexandria
Natalie Mosher
Hon. Redella S. Pepper
Hon. Paul C. Smedberg

City of Fairfax
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City of Manassas Park
Jesse Ludvigsen
Hon. William R. Wren

Town of Dumfries
Hon. Melvin Bray

Town of Herndon
Hon. Michael L. O'Reilly

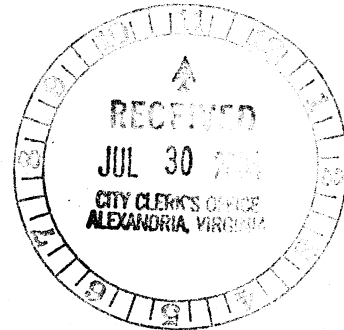
Town of Leesburg
Hon. Kristen C. Umstatt

Town of Purcellville
Hon. William T. Druhan, Jr.

Town of Vienna
(vacancy)

(as of June 25, 2004)

Hon. William Euille
Mayor
City of Alexandria City
301 King Street, #2300
Alexandria, VA 22314



Dear Mayor Euille:

At its July 22, 2004, meeting, the Northern Virginia Regional Commission (NVRC) adopted a resolution recommending that the NVRC Charter Agreement be amended. To become effective, the recommended amendments require concurrence of the governing bodies of all participating governmental subdivisions. I am therefore sending the adopted resolution and the proposed Charter changes to you, and to all thirteen other mayors and chairs, requesting formal endorsement by your boards and councils.

The resolution adopted by the Commission recommends that changes be made in the membership representation formula, to control the size of the Commission. If the formula is not changed, the board of Commissioners will grow to 44 persons by July 1, 2005, and to a projected 51 persons by 2030. Under the proposed revised formula, the size of the Commission would be reduced presently to 25 representatives and would not be subject to change again until July 2010. Please see the enclosures that show current appointees to NVRC, and how the number of representatives by jurisdiction would change if the revised formula is made effective.

The proposed formula for representation also provides that all NVRC's member governments appoint only elected members of the respective governing bodies. The first appointee would be the chair or his/her designee unless another member of the board or council is designated by the governing body.

Because the proposed formula would alter the "proportionality" of votes by representatives of the member governments, the recommended Charter amendments also include a provision that would allow a member to call for weighted voting on any matter before the Commission. The specific method for assigning weights will be established in the NVRC Bylaws, after the Charter amendments are approved.

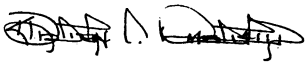
Finally, because the proposed representation formula specifies that all representatives of the governing bodies be elected members of the respective boards and councils, the Commission has formed a special committee composed of current Commissioners – both elected and non-elected appointees of member governments – to formulate a plan for effective citizen involvement in NVRC's future activities. This special committee's first meeting is scheduled for September 23, 2004.

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I hope you will expedite action on consideration of NVRC's Charter changes by your governing body, to avoid prolonged uncertainty on the important matters of jurisdictional representation that are pending. Please do not hesitate to contact me or NVRC Executive Director Mark Gibb if you have any questions about this request for your action, or if you need any other information. I may be reached at 703-771-1369. Contact Mr. Gibb at 703-642-0700 (phone) or gmg@novaregion.org (email).

Thank you for your prompt attention to this request.

Sincerely,



Kristen C. Umstattd
Chairman

Enclosures (4):

NVRC Resolution No. 05-01
Proposed Amendments to the Charter Agreement of Northern Virginia Regional Commission
Current and Proposed Representation of Member Governments on NVRC
Board of Commissioners (Roster of Current Appointees to NVRC)

cc: Philip G. Sunderland, City Manager, w/ enclosures



Northern Virginia Regional Commission

RESOLUTION

Resolution No. 05-01

PATRON: Sharon Bulova, Chairman
ad hoc Membership Committee
DATE: July 22, 2004

PROPOSED AMENDMENTS TO NORTHERN VIRGINIA REGIONAL COMMISSION CHARTER AGREEMENT REVISING MEMBERSHIP AND VOTING PROVISIONS

WHEREAS, the Charter Agreement of the Northern Virginia Regional Commission requires that the population on which representation on the Commission is based shall be reviewed every five years from the effective date of the Charter (September 30, 1969) and that appropriate adjustments in membership shall be made on the first day of the following July; and

WHEREAS, as part of its charge, the *ad hoc* Membership Committee has considered projected changes in the size of the Commission if the representation formula remains the same for the next 25 years; and

WHEREAS, the size of the Commission is expected to grow by two more representatives in July 2005, to a total of 44 persons, and to a total of 51 representatives by 2030; and

WHEREAS, it is the consensus of the Membership Committee that continued growth in the size of the Commission, under the current representation formula, will not only impair the Commission's effectiveness but also will eventually impose a requirement on Fairfax County to appoint all of the members of its governing board to the Commission; and

WHEREAS, the Membership Committee recommends revising the representation formula to stipulate that (1) all appointees shall be elected members of the respective governing bodies of member jurisdictions; (2) the first representative from each member government shall be its chief elected officer or his/her designee, except when another elected official of the local governing body is designated by the governing body; (3) counties and cities shall no longer appoint a second (citizen) representative, which has been allowed regardless of population; and (4) the population increment to qualify any member government for appointment of additional representatives shall be increased from 75,000 to 150,000 population, or fraction thereof, in excess of 100,000 population; and

WHEREAS, these revisions are expected to reduce the size of the Commission presently to approximately 25 representatives and should slow future increases in size while providing for an effective deliberative body; and

WHEREAS, because the Membership Committee has recognized that such a change will alter the proportionality of votes by representatives of the member governments, the Committee also recommends adding a new provision to the Charter Agreement that would allow any member to call for weighted voting on any matter before the Commission; and

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Proposed Amendments to
CHARTER AGREEMENT
of
NORTHERN VIRGINIA REGIONAL COMMISSION

[restated text below sets forth the entire language of the Charter Agreement as enacted in 1969, except that it incorporates the adopted first amendment (1991) and second amendment (2000)** and highlights the further amendments proposed for approval in 2004]*

The governmental subdivisions signatory hereto do hereby organize, establish and charter a planning district commission pursuant to the provisions of Section 15.1-1403 of the Virginia Code, subsequently renumbered by action of the Virginia General Assembly to be Section 15.2-4203, and do hereby agree that:

The name of the planning district commission shall be the Northern Virginia Regional Commission, hereinafter referred to as "the Commission."

The principal office of the Commission shall be located in the County of Fairfax, Virginia. The location of the principal office may be changed by the concurrence of a majority of the Commission members present at a regular meeting, provided that at least a thirty-day written notification has been sent to the clerk of the governing body of each member governmental subdivision.

The effective date of the organization of the Commission shall be the same day this Charter Agreement is adopted and signed by that governmental subdivision whose population when added to the aggregate population of those who have already adopted and signed the charter embraces the majority of the population within the Northern Virginia Planning District.

The membership of the Commission shall be composed of representatives of the member governmental subdivisions, on the basis of one member of each governmental subdivision: who shall be the chief elected officer from the governing body or his/her designee, except when another elected official of the local governing body is designated by the governing body. Each city and county also shall appoint one representative who holds no office elected by the people. In addition, each governmental subdivision shall appoint one additional representative from its governing body for each 75,000 150,000 population, or fraction thereof, in excess of 100,000 population. ~~At least 50 percent of a governmental subdivision's membership shall be elected officials of the governing body with the exception that, when the governmental subdivision is entitled to only one representative, the representative must be a member of the governing body.~~ All county population

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shall be exclusive of participating towns. For the purpose of this agreement, the term "population" shall have the same meaning as set forth in Section 15.2-4202 of the Virginia Code.

The population on which the representation to the Commission is based shall be reviewed every five years from the effective date of this Charter. If upon this review a governmental subdivision attains a population warranting an increase in membership, such appointment shall take place on the first day of the following July. The determination of local financial contributions shall be based on each governmental subdivision representation on the Commission.

Each member of the Commission shall have the right to vote, but may exercise his vote only in person at and during any official meeting of the Commission, regular, special, or otherwise. Notwithstanding the foregoing provision, any member otherwise qualified to exercise voting rights shall have the right to require weighted voting based on a population formula on any matter before the Commission. The motion for weighted voting must be seconded by a member representing a governmental subdivision other than the governmental subdivision represented by the maker of the motion. In any case, the right of any member to vote is conditioned upon the payment of local financial contribution of each the member's governmental subdivision.

All members of the Commission shall be appointed by a majority vote of the governing body of each governmental subdivision for a period of three years except that the initial appointments shall expire as follows:

The term of one member from the local governing body of each governmental subdivision shall expire on June 30, 1972. The term of one member of each governmental subdivision who holds no office elected by the people shall expire on June 30, 1971. The term of any additional members shall expire on June 30, 1970.

Any member of the Commission may be removed from office, for cause shown, by action of the governing body which appointed him.

The Chairman of the Commission shall be elected at a regular meeting of the Commission by a majority vote of the members present. His term of office as Chairman shall be for one year. He may be re-elected in the above manner to succeed himself in office for one additional year only, provided the total consecutive tenure does not exceed two-and-one-half years. Nothing shall prevent the same person from being elected Chairman again after he has been out of that office for at least one year.

This Charter Agreement may be amended by the concurrence of the governing bodies of all of the member governmental subdivisions.

Any governmental subdivision, located within the Northern Virginia Planning District, which is not a party to this Charter Agreement may be added thereto if it meets with the necessary criteria and adopts and executes this agreement.

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Any governmental subdivision may withdraw from the Commission and from this Charter Agreement by submitting its withdrawal to the Commission along with payment in full of financial obligations for the current year.

** In the First Amendment to this Charter Agreement, paragraph five was changed to increase the increment for additional representatives, from 50,000 to 75,000 population in excess of 100,000. The First Amendment also changed the provision addressing the ratio of elected representatives to representatives "who hold no office elected by the people." The adopted language simply specifies that "at least 50 percent" of each member's representatives shall be elected officials.*

*** In the Second Amendment to this Charter Agreement, the agency name was changed from Northern Virginia Planning District Commission to Northern Virginia Regional Commission, and Virginia Code references updated.*

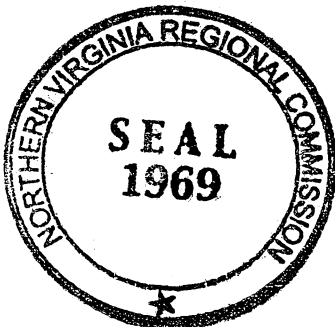
Resolution No. 05-1, continued
July 22, 2004

WHEREAS, the Charter Agreement may be amended by the concurrence of the governing bodies of all the Commission's member governmental subdivisions;

THEREFORE BE IT RESOLVED, that the Commission directs the Chairman to forward the recommendations for amending the provisions on representation and voting in the Charter Agreement to the governing bodies of all member governmental subdivisions for concurrence;

BE IT FURTHER RESOLVED, that the Commission shall be reconstituted upon amendment of the Charter Agreement by completion of member governments' actions signifying concurrence.

BE IT FURTHER RESOLVED, that no additional assessment of representation be undertaken in September 2004 when normally scheduled, but that the next review of population be completed in September 2009, for adjustments that shall be effective on July 1, 2010.



CERTIFICATION

The undersigned certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Northern Virginia Regional Commission on July 22, 2004.

A handwritten signature in black ink, appearing to read "G. Mark Gibb", is written over a horizontal line.

G. Mark Gibb, Certifying Officer

**Representation of Member Governments on Northern Virginia Regional Commission:
Recommended Representation Based on New Formula Compared to Current and Projected Representation Based on Existing Formula**

| | Current | Current and Projected Representation to 2030 Based on Existing Formula * | | | | | | Recommended Representation Based on Proposed Formula ** |
|----------------|---------|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---|
| | | As of 7/1/2005† | Based on 2010 projection | Based on 2015 projection | Based on 2020 projection | Based on 2025 projection | Based on 2030 projection | |
| Arlington | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 2 |
| Fairfax | 14 | 15 | 16 | 16 | 17 | 17 | 17 | 7 |
| Loudoun | 3 | 4 | 5 | 6 | 6 | 7 | 7 | 2 |
| Prince William | 5 | 5 | 6 | 7 | 7 | 7 | 7 | 3 |
| Alexandria | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 2 |
| Fairfax | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 |
| Falls Church | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 |
| Manassas | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 |
| Manassas Park | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 |
| Dumfries | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Herridon | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Leesburg | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Purcellville | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Vienna | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | 42 | 44 | 47 | 49 | 50 | 51 | 51 | 25 |

* Initial members: towns (1); counties and cities (2). One additional representative for each 75,000 population, or fraction, over 100,000. Provides for representation by citizen appointees as long 50% or more appointees from each member government are from the governing body.

† Based on Center for Public Service, University of Virginia, 2002 estimated population (counties and cities only; towns treated as if population = 3,500)

** Initial member: all jurisdictions (1). One additional representative for each 150,000 population, or fraction, over 100,000. Provides for representation by members of governing bodies only. "Recommended Representation" based on 2002 population estimates from Center for Public Service, University of Virginia (counties and cities) and US Census (towns). Proposed to remain in effect until 2010.

Northern Virginia Regional Commission
Fiscal Year 2005

BOARD OF COMMISSIONERS

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VICE CHAIR

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TREASURER

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Arlington County

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City of Alexandria

Natalie Mosher
Hon. Redella S. Pepper
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Fairfax County

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Prince William County

Hon. Hilda M. Barg
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Brian M. Gordon
Brian J. K. Murphy
Hon. Martin E. Nohe

Town of Leesburg

Hon. Kristen C. Umstattd

Town of Purcellville

Hon. William T. Druhan, Jr.

Town of Vienna

Hon. M. Jane Seeman

RESOLUTION NO. _____

WHEREAS, on July 22, 2004, the Northern Virginia Regional Commission adopted Resolution No. 05-01, which proposed amendments to the Northern Virginia Regional Commission Charter Agreement revising membership and voting provisions; and

WHEREAS, such amendments to the Commission’s Charter Agreement must be approved by the governing bodies of all the member jurisdictions; and

WHEREAS, the City Council of Alexandria desires to approve such amendments to the Commission’s Charter Agreement, on behalf of the City of Alexandria;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

1. That the Charter Agreement of the Northern Virginia Regional Commission, as set forth in Commission Resolution No. 05-01, attached hereto and incorporated herein fully by reference, be, and the same hereby is, approved.

2. That the Mayor be, and he hereby is, authorized to execute the Charter Agreement of the Northern Virginia regional Commission, as amended, on behalf of the City of Alexandria, and to do all other acts necessary or appropriate to effect the adoption of the said Charter Agreement as provided in Section 1.

3. That this resolution shall be effective on the date and at the time of its adoption.

ADOPTED: _____

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC City Clerk

RESOLUTION NO. 2117

WHEREAS, on July 22, 2004, the Northern Virginia Regional Commission adopted Resolution No. 05-01, which proposed amendments to the Northern Virginia Regional Commission Charter Agreement revising membership and voting provisions; and

WHEREAS, such amendments to the Commission's Charter Agreement must be approved by the governing bodies of all the member jurisdictions; and

WHEREAS, the City Council of Alexandria desires to approve such amendments to the Commission's Charter Agreement, on behalf of the City of Alexandria;

**NOW, THEREFORE, BE IT RESOLVED BY THE
COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:**

1. That the Charter Agreement of the Northern Virginia Regional Commission, as set forth in Commission Resolution No. 05-01, attached hereto and incorporated herein fully by reference, be, and the same hereby is, approved.

2. That the Mayor be, and he hereby is, authorized to execute the Charter Agreement of the Northern Virginia regional Commission, as amended, on behalf of the City of Alexandria, and to do all other acts necessary or appropriate to effect the adoption of the said Charter Agreement as provided in Section 1.

3. That this resolution shall be effective on the date and at the time of its adoption.

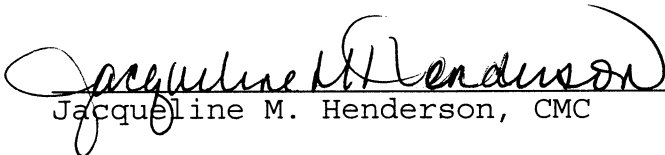
ADOPTED: September 28, 2004



WILLIAM D. EULLE

MAYOR

ATTEST:



Jacqueline M. Henderson, CMC City Clerk