

EXHIBIT NO. 1

29
5-13-08

~~12~~
~~4-12-08~~

17
4-22-08
31
~~3-11-08~~

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 12, 2008
TO: THE HONORABLE MEMBERS OF THE CITY COUNCIL
CC: JAMES K. HARTMANN, CITY MANAGER
FROM: MAYOR WILLIAM D. EUILLE & COUNCILMAN JUSTIN M. WILSON
SUBJECT: ELECTION REFORM

The mission adopted by the City Council on September 14, 2004 states that successful government is one that "engages the entire community as it plans for the future¹." The most basic symptom of community engagement is participation in the electoral process.

Over the past 30 years, that civic engagement, as measured by the percentage of residents participating in our municipal elections, has steadily declined², from 41% in 1976 to 19% in 2006.

In 1992, the City Council expressed concern over the reduction in turnout among voters in municipal elections. At the time, a committee was appointed consisting of George Cook, Mike Holm, Myke Reid, Jack Ticer, Nancy Cox, William Hurd, and Sandra Murphy.

In April of 1993, the Committee provided their report³ to City Council—recommending three changes:

- Decreasing the number of elections by electing City Council members to four-year terms
- Changing the time of City Council elections to the fall
- Making it more convenient to vote by increasing the number of polling places

In March of 2007, again in response to concerns regarding reductions in turnout, the Mayor appointed a new committee to study the issue—this time consisting of Richard Hobson, Becky Davies, Robert Calhoun, Christopher Campagna, Lynnwood Campbell, William Cleveland, Iris Henley, Anna Leider, and Joyce Woodson.

¹ City of Alexandria, "Mayor and City Council, 2004-2015 Strategic Plan." Adopted September 14, 2004.
² Turnout in 1976 was 41%, 1979 was 39%, 1982 was 37%, 1985 was 36%, 1988 was 34%, 1991 was 30%, 1994 was 29%, 1997 was 24%, 2000 was 25%, 2003 was 27%, 2006 was 19%.
³ Ad Hoc Committee on Election Procedures, "Report of the Ad Hoc Committee on Election Procedures." April 14, 1993.

In June of 2007, the Committee provided their report⁴ to the City Council—making three recommendations:

- That the current process for Council and School Board elections not be changed
- That the Council and the School Board each have sufficient authority to decide if a pay raise for a future Council or School Board, respectively, is warranted (the process called for under current law), and see no need for this Committee to make any such recommendation.
- That the citizens of Alexandria are better served if the Mayor and Council have adequate staff assistance, and we recommend that each Council member have a Fulltime aide (each member currently has a half-time aide); also recommend that staff assistance for the Mayor be increased by the equivalent of a half-time person (the Mayor currently has the equivalent of one full-time aide).

Both the 1992/1993 and the 2007 committees grappled with a similar set of issues, including:

- Changing the municipal elections from May to November
- Changes in the length of City Council terms
- Staggering the election of City Council members
- Creation of wards/districts for the election of City Council members
- Transition to non-partisan elections for City Council
- Changes to compensation for the City Council

Of these listed changes, City Council has the authority today to accomplish a change in the election from May to November, and a change in compensation for the City Council. The remaining changes that were discussed by the two committees would require a change to the City Charter, and the concurrence of the General Assembly and the Governor.

The Code of Virginia⁵ prescribed that a City might change its elections to November by the adoption of an ordinance by the City Council or by the submission of signatures to the Circuit Court requesting a binding referendum.

Subsequent to the receipt of the 2007 report, the City Council chose to appoint two members of the Council to formulate recommendations based on the 2007 report. As those designees, and in recognition of the significant community interest in this issue, we have the following recommendations to our colleagues:

- 1) That City Council adopts a resolution addressed to the Alexandria Circuit Court, requesting an advisory referendum to appear on the ballot on November 4, 2008, containing the question: "Should the Alexandria City Council consider and adopt

⁴ Richard Hobson, Chair, "Report of the Committee Created to Review the Election Process for the Alexandria City Council and the School Board." June 21, 2007.

⁵ Code of Virginia. Section 24.2-222.1. Amended 2002.

an ordinance to change the election date of the Mayor, members of the City Council and members of the School Board from the May general election to the November general election cycle?"

- 2) If the November referendum is successful, an ordinance to move municipal elections to November shall be introduced at the Tuesday November 11, 2008 Legislative Meeting, and scheduled for public hearing and adoption at the Saturday November 15, 2008 Public Hearing.
- 3) At the November 15, 2008 Public Hearing, the City Council shall solicit input as to additional changes to our elections that may be required.
- 4) At the November 25, 2008 Legislative Meeting, the City Council shall adopt a resolution including any desired changes to the City Charter. That resolution shall be forwarded to the City's General Assembly delegation for introduction during the 2009 General Assembly session.
- 5) If changes to the City Charter are requested, City Council shall hold the required public hearing at the December 13, 2008 Public Hearing.

cc: Ignacio Pessoa, City Attorney
Bernard Caton, Legislative Director
The Alexandria School Board
Mary LaMois, Secretary, Alexandria Electoral Board
Senator Patsy Ticer
Senator Richard Saslaw
Delegate Brian Moran
Delegate Adam Ebbin
Delegate David Englin

RESOLUTION NO. ____

WHEREAS, Section 24.2-222.1 of the Code of Virginia authorizes the Alexandria City Council, by ordinance, to change the election date of the Mayor, members of the City Council and members of the School Board from the May general election cycle to the November general election cycle; and

WHEREAS, Section 3.13 of the Alexandria City Charter provides that the City Council has the authority to submit any proposed ordinance, question or issue to the qualified voters of the City for an advisory referendum; and

WHEREAS, Section 3.13 of the City Charter and Section 24.2-684 of the Code of Virginia further provide (1) that any such advisory referendum be initiated by resolution of the City Council, addressed to the Circuit Court of the City of Alexandria, Virginia, and (2) that, if the request is found by the Court to be in proper order, the Court shall order the advisory referendum election to be held in within a reasonable time and on a date in conformance with state law; and

WHEREAS, Section 24.2-682(A) of the Code of Virginia permits such advisory referendum election to be held on the same day as a general election; and

WHEREAS, the City Council has concluded that it is necessary and desirable to submit to the qualified voters of the City an advisory referendum on the question of whether the City Council should change the election date of the Mayor, members of the City Council and members of the School Board from the May general election cycle to the November general election cycle; and

WHEREAS, the City Council has concluded that such advisory referendum question should be placed on the ballot at the November 4, 2008 general election, in order that as many qualified voters as possible participate in the referendum election;

NOW, THEREFORE BE IT RESOLVED, that the City Council does hereby request that the Circuit Court of the City of Alexandria, Virginia, order and direct that the following advisory referendum question be submitted to the qualified voters of the City at the November 4, 2008 general election:

Should the Alexandria City Council consider and adopt an ordinance to change the election date of the Mayor, members of the City Council and members of the School Board from the May general election to the November general election cycle?

AND BE IT FURTHER RESOLVED, that the City Council does hereby direct the City Clerk to attest, and the City Attorney to file this resolution with the Circuit Court, in the manner provided by law.

ADOPTED:

WILLIAM D. EUILLE, MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk

OFFICE OF THE CITY ATTORNEY
REFERENDUM ELECTION
DRAFT MAY 13, 2008
INCORPORATING VICE MAYOR
PEPPER'S AMENDMENTS

29

5-13-08

RESOLUTION NO. ____

WHEREAS, Section 3.13 of the Alexandria City Charter provides that the Alexandria City Council may submit any question or issue to the qualified voters of the City for an advisory referendum thereon; and

WHEREAS, Section 3.13 of the Alexandria City Charter and Section 24.2-682 of the Code of Virginia (1950), as amended, provide that the Council direct a resolution to the Circuit Court of the City of Alexandria, Virginia, requesting that the Court order the referendum election to be held within a reasonable time, and on a date in conformity with Section 24.2-682 of the Code of Virginia; and

WHEREAS, the City Council has requested that such referendum election be held on Tuesday, _____, _____;

NOW, THEREFORE BE IT RESOLVED, that the City Council does hereby submit to the Circuit Court of the City of Alexandria, Virginia, the following questions for an advisory referendum election by the qualified voters of the City:

The City Council is seeking public input regarding possible changes to the city charter to determine if the community prefers the present process or a different process to elect the City Council and School Board. The following questions represents four approaches to conduct local elections. All options are designed to avoid overlap with federal elections. Please vote "yes" or "no" on each question.

1) Do you support continuing the existing three-year terms of service for the City Council and School Board with May elections for all members?

Yes ____ No ____

2) Do you support a change to four-year terms of service for the City Council and School Board with November elections every four years for all members held at the same time as state delegate and state senate elections?

Yes ____ No ____

3) Do you support a change to four-year, staggered terms of service for the City Council and School Board with November elections every two years for a portion of the Council and School Board held at the same time as state elections?

Yes ____ No ____

4) Do you support a change to four-year, staggered terms of service for the City Council and School Board with May elections every two years for a portion of the Council and School Board?

Yes ____ No ____

AND BE IT FURTHER RESOLVED, that the City Council does hereby request that the Circuit Court order and direct that such referendum election be held on Tuesday, _____, _____;

AND BE IT FURTHER RESOLVED, that the City Council does hereby direct the City Clerk to attest, and the City Attorney to file this resolution with the Circuit Court, in the manner provided by law.

ADOPTED:

WILLIAM D. EUILLE,
MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk



Linda Dwyer
<ouibike@verizon.net>

05/12/2008 11:19 AM

Please respond to
Linda Dwyer
<ouibike@verizon.net>

To alexvamayor@aol.com, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,

cc

bcc

Subject COA Contact Us: Docket Item #29: Referendum on Local
Elections

29
5-13-08

Time: [Mon May 12, 2008 11:19:59] IP Address: [70.108.155.143]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Linda
Last Name: Dwyer
Street Address: 604 Melrose St
City: Alexandria
State: VA
Zip: 22302
Phone:
Email Address: ouibike@verizon.net
Subject: Docket Item #29: Referendum on Local Elections

Dear Mayor Euille and Members of Council:

Thank you for your responses

to my letter of 5/9/08 on this issue. Rather than respond to each
individually, I thought I would send one response to all of you prior to
tomorrow's meeting.

Regrettably, no one addressed the issue of why this
referendum is necessary. My understanding from the report included with
the docket is that Council has the authority to change the date of local
elections via the adoption of an ordinance. It notes that other changes,
such as term lengths, would have to be approved by the General Assembly.
Is Council unable to make this decision without such a
referendum?

Councilman Wilson and Councilman Krupicka cited the
precedent of other advisory referendum: the question of an elected vs.

appointed School Board in 1993 and the changes in 1948 that resulted in a
Comments: reduction in the number of Council members as well as the change to a
totally at-large council, eliminating the ward system in place at the time.
I would simply note that those are far more significant changes than that
which is proposed in this referendum to move the date of the
election.

Please note that the School Board referendum occurred in 1993
not in a Presidential election year (Information from city's web site on
election results) . If Council cannot make this decision without such a
referendum, would it consider postponing the date by one election
cycle?

I look forward to the discussion Tuesday on this issue. Perhaps
questions heretofore not answered will be addressed at that
time.

Sincerely,

Linda Dwyer



Linda Dwyer
<ouibike@verizon.net>

05/13/2008 11:42 AM

Please respond to
Linda Dwyer
<ouibike@verizon.net>

To alexvamayor@aol.com, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,

cc

bcc

Subject COA Contact Us: Docket Item #29: Referendum on Local
Elections

29
5-13-08

Time: [Tue May 13, 2008 11:42:13] **IP Address:** [70.108.155.143]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Linda
Last Name: Dwyer
Street Address: 604 Melrose St
City: Alexandria
State: VA
Zip: 22302
Phone: 703-549-3263
Email Address: ouibike@verizon.net
Subject: Docket Item #29: Referendum on Local Elections
Dear Mayor Euille and Members of Council:

My letter on this issue and

subsequent responses to your comments was written when the proposal was one
question for the November ballot. In checking the docket today, I see
Councilman Krupicka's memo that now proposes four questions each of which
requires careful reading and consideration and sorting out before the voter
can make a decision.

You do the math.

Again, if Council is unable

or unwilling to make this decision without even more input than it has
already received, please consider doing this

a) via another format (see

Comments: earlier suggestions) or
b) on another ballot other than a presidential
election year.

You are proposing choices that do not include local elections taking place in a Federal election year so why would you survey voters in such a year other than it's the next general election on the docket? Your referendum on elected school boards occurred in a state election year.

Thank you for your consideration of my concerns.

Sincerely,

Linda Dwyer



Councilmangaines@aol.com

05/13/2008 12:30 PM

To Tom.Parkins@alexandriava.gov, Alexvamayor@aol.com,
DELPepper@aol.com, PaulCSmedberg@aol.com,
council@krupicka.com, Timothylovain@aol.com,
cc AnnaLeider@aol.com, Eric.Spicer@alexandriava.gov,
Jim.Hartmann@alexandriava.gov,
Ignacio.Pessoa@alexandriava.gov,
bcc

Subject Re: Electoral Board concerns regarding referendum

Colleagues:

Our registrar and electoral board (as well as a number of residents via e-mail and phone calls) have raised serious concerns about the length of the possible referendum issues and the impact on voting logistics that merit our equally serious consideration. We've made some strides towards compromise recently. That is good.

This said, I believe this item is NOT ripe for consideration. We must take a closer more reasoned look at the issue. Yes it seems to have taken on a life of its own. But for such a fundamental issue impacting the way we govern, I believe we owe it to the electorate to present the question(s) in the very best way possible. I applaud the attempts to date to do this and believe we can move even closer in the right direction. I suggest we defer the item and form a subcommittee to work with the electoral board and other stakeholder groups where appropriate to formulate the best strategy going forward. Yes, for some, time may be of the essence, but we and the City would be better served by taking the time to get this right.

Ludwig

In a message dated 5/13/2008 12:13:45 P.M. Eastern Daylight Time, Tom.Parkins@alexandriava.gov writes:

(See attached file: council on adv. referendum, 5-13-08.doc)

Tom Parkins
General Registrar
132 North Royal Street, Suite 100
Alexandria, VA. 22314
703 838 4050 - Fax 703 838 6449
www.alexandriavoter.org

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Councilmangaines@aol.com

05/13/2008 12:33 PM

To Councilmangaines@aol.com, Tom.Parkins@alexandriava.gov,
Alexvamayor@aol.com, DELPepper@aol.com,
PaulCSmedberg@aol.com, council@krupicka.com,
cc AnnaLeider@aol.com, Eric.Spicer@alexandriava.gov,
Jim.Hartmann@alexandriava.gov,
Ignacio.Pessoa@alexandriava.gov,
bcc

Subject Re: Electoral Board concerns regarding referendum

At a minimum, I would recommend we schedule a work session with the registrar and electoral board to discuss the matter. They are our resource and we should avail their expertise before going forward.
LPG

In a message dated 5/13/2008 12:30:21 P.M. Eastern Daylight Time, Councilmangaines writes:
Colleagues:

Our registrar and electoral board (as well as a number of residents via e-mail and phone calls) have raised serious concerns about the length of the possible referendum issues and the impact on voting logistics that merit our equally serious consideration. We've made some strides towards compromise recently. That is good.

This said, I believe this item is NOT ripe for consideration. We must take a closer more reasoned look at the issue. Yes it seems to have taken on a life of its own. But for such a fundamental issue impacting the way we govern, I believe we owe it to the electorate to present the question(s) in the very best way possible. I applaud the attempts to date to do this and believe we can move even closer in the right direction. I suggest we defer the item and form a subcommittee to work with the electoral board and other stakeholder groups where appropriate to formulate the best strategy going forward. Yes, for some, time may be of the essence, but we and the City would be better served by taking the time to get this right.

Ludwig

In a message dated 5/13/2008 12:13:45 P.M. Eastern Daylight Time, Tom.Parkins@alexandriava.gov writes:

(See attached file: council on adv. referendum, 5-13-08.doc)

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OFFICE OF VOTER REGISTRATION AND ELECTIONS
ALEXANDRIA, VIRGINIA

Integrity • Neutrality • Accuracy • Transparency

REGISTRAR OF VOTERS
TOM PARKINS

ELECTIONS ADMINISTRATOR
ERIC L. SPICER

May 13, 2008

ELECTORAL BOARD
MARY TRIPP LAMOIS
DONALD E. LEDWIG
ANNA LEIDER

The Honorable Mayor and Members of City Council
301 King Street, Room 2300
Alexandria, VA 22314

Dear Mayor and Members of Council,

Please be advised that the Alexandria Electoral Board has serious concerns regarding the potential placement of four questions on the November 4, 2008, Presidential ballot. While we are committed to administering the election in accordance with your choices under law and City Charter it would be irresponsible for us not to inform you of risks to the effective administration of the election.


We are anticipating a record turnout with up to two hour waits possible in many polling places during peak periods. Adding four questions to the ballot will increase those waits significantly and could cause voters to leave the polling place without casting a vote.

While we are deploying every available voting machine, recently passed legislation prohibits us from acquiring additional equipment to respond to additional voters and a longer ballot.


It is important to note that the School Board referendum that Council has referred to in previous discussions was held in a gubernatorial year. The Electoral Board believes that the risk of turning away voters could be minimized or eliminated by holding the proposed referendum in November 2009. This would involve a large segment of the Alexandria electorate without unreasonably stressing or inconveniencing voters.

The Secretary of the Electoral Board and the General Registrar will be available before and during the May 13 Council Meeting to respond to any questions. Please feel free to contact Anna Leider at 571-214-0889 or Tom Parkins at 703-838-4050.

Sincerely,


Anna Leider
Secretary, Alexandria Electoral Board

Copy: James K. Hartmann, City Manager
Ignacio Pessoa, City Attorney

29
5-13-08




"Goodale, Geoffrey M."
<GGoodale@foley.com>

05/13/2008 01:58 PM

To <alexvamayor@aol.com>, <delpepper@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<timlovain@timlovain.com>, <paulcsmedberg@aol.com>,
cc <jackie.henderson@alexandriava.gov>,
<geoff.goodale@bsvca.net>

bcc

Subject City Council Meeting of May13, 2008 -- Comments Regarding
Docket Item 29

<<BSVCA Comments on Election Issues.pdf>>

Dear Mayor Euille and Members of City Council:

Attached please find comments that the Board of Directors of Brookville-Seminary Valley Civic Association, Inc. ("BSVCA") respectfully submits for your consideration in deliberating on whether to include referendum questions on the November 2008 ballot regarding whether to change the way in which the Mayor, the Members of City Council, and the Members of the School Board are elected. As discussed in the attached letter, we urge that you defer consideration of this matter until citizens are granted an opportunity to provide comments at a future City Council public hearing regarding possible new referendum questions that have been developed since the issue was discussed at the City Council's public hearing on April 12, 2008.

Thank you for your consideration of our comments. We respectfully request that this e-mail and the attached document be included in the record relating to this proceeding, and accordingly, we are including the City Clerk as a "cc" recipient on this e-mail. If you have any questions regarding our comments, please do not hesitate to contact me at (202) 672-5341 or at (703) 618-6640.

Respectfully submitted,

Geoffrey M. Goodale
President
Brookville-Seminary Valley Civic Association, Inc.

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herein. BSVCA Comments on Election Issues.pdf

29
5-13-08



Lana Slack
<slack311@verizon.net>

05/12/2008 04:41 PM

Please respond to
Lana Slack
<slack311@verizon.net>

To alexvamayor@aol.com, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
dellepper@aol.com, paulcsmedberg@aol.com,

cc

bcc

Subject COA Contact Us: Changing Election date

Time: [Mon May 12, 2008 16:41:25] IP Address: [70.108.176.183]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Lana

Last Name: Slack

Street Address: 311 East Nelson Ave.

City: Alexandria

State: VA

Zip: 22301

Phone: 703-836-8360

Email Address: slack311@verizon.net

Subject: Changing Election date
Mr. Mayor and Members of the Council:

Alexandria is no different from

most other cities, where turnout in local elections is a low percentage of the total population. Unfortunately not everyone is interested and involved in local issues, and sometimes low turnout can even indicate general contentment with life in the city. Certainly all the regional and national recognitions the city receives indicate there is much to be contented with. The openness of the city to involvement of its citizens is extraordinary, and is reciprocated by a high level of dedicated citizen involvement. You all know that the citizens of Alexandria are not shy about coming before Council to express their feelings, and you have seen already the public's fervent opposition to the proposal to tack our local issues and races onto the bottom of the November ballot.

If we don't

have real evidence of why people don't vote, then we have no idea what to

Comments: do about it, and any change is no more than a stab in the dark. This matter is too important for that. Please consider waiting to take an action until careful study can help identify what might be done to encourage greater voter turnout. Perhaps Council could enlist volunteers from the political committees to gather input, either by canvass or by a nonpartisan and anonymous questionnaire. Such responses could provide some guidance towards the most effective measures.

The current proposal to make a fundamental change in our electoral system deserves careful study to be sure that it is the best possible solution and will not yield unintended consequences. Let's be careful not to make it worse, especially since it is not easily reversible. This issue is a challenge but not a crisis, and I urge the Council to take the time to get it right.

Thank you.
Lana

Slack