


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 19, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: REQUEST TO APPROVE CHANGE IN BY-LAWS OF THE NORTHERN VIRGINIA REGIONAL COMMISSION

ISSUE: Request to approve a change in the member selection process based on action taken by the Northern Virginia Regional Commission (NVRC) membership (see attachment).

RECOMMENDATION: That City Council approve the amendment to Article V: Members, Section 1, Selection, of the by-laws that govern the Northern Virginia Regional Commission to provide that the chief elected officer (Mayor) from the governing body or his designee, not the Council's designee, will represent that jurisdiction on the NVRC.

DISCUSSION: The current Charter Agreement of the Northern Virginia Regional Commission allows for the member representing a governmental subdivision to 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. At its May 23 meeting, the members of the Northern Virginia Regional Commission adopted Resolution No. 08-23 that amends the NVRC's by-laws by deleting the option that the member could be designated by the governing body. (Vice Mayor Pepper and Councilman Smedberg are the City's elected representatives on the NVRC.) This means that the Mayor or the County Board Chair will serve or designate another member of the governing body to represent the jurisdiction. The Mayor will continue to designate Alexandria's representative. The Charter amendment has to be approved by all of the participating jurisdictions before it becomes effective. Other governmental representatives will continue to be added based on a population-based formula.

FISCAL IMPACT: None.

ATTACHMENT: June 12 Letter from G. Mark Gibb to William Euille

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



Northern Virginia Regional Commission

June 12, 2008

Chairman

Hon. Gerald E. Connolly

Vice-Chairman

Hon. Harry J. "Hal" Parrish, II

Treasurer

Hon. Martin E. Nohe

Executive Director

G. Mark Gibb

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

Dear Mayor Euille:

At its May 22, 2008, meeting, the Northern Virginia Regional Commission (NVRC) adopted Resolution No. 08-23, amending its Bylaws. Specifically, the amendment to Article V: MEMBERS, Section 1, Selection, provides that the chief elected officer (Mayor or Chairman) from the governing body or his/her designee — not the Council's or Board's designee — will represent that jurisdiction on NVRC. (Other members of the Board or Council may be added on a population-based formula.)

The Commission requested that each member government amend the NVRC Charter to reflect this change in the NVRC Bylaws. Therefore, a restated Charter Agreement showing the deleted language, the fourth amendment to the Charter Agreement, and your jurisdiction's signature page are enclosed.

Once this Charter amendment has been approved by your jurisdiction's governing body, please sign and return this original signature page in the enclosed pre-paid envelope. After all 14 required signatures have been returned to NVRC, a copy of the entire document will be returned to each jurisdiction for the record.))

Please contact me if you have any questions about this matter. I may be reached at 703-642-4646 or gmg@novaregion.org.

Sincerely,

G. Mark Gibb
Executive Director

GMG/lis
Enclosures

cc: James K. Hartmann, Alexandria City Manager, enc. ✓

County of Arlington
Hon. Barbara A. Favola
Hon. J. Walter Tejada

County of Fairfax
Hon. Sharon Bulova
Hon. Gerald E. Connolly
Hon. John Foust
Hon. Penelope A. Gross
Hon. Pat Herrity
Hon. Catherine M. Hudgins
Hon. Linda Smyth

County of Loudoun
Hon. Lori Waters
Hon. Scott K. York

County of Prince William
Hon. Michael C. May
Hon. Martin E. Nohe
Hon. Frank J. Principi

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

City of Fairfax
Hon. Joan Cross

City of Falls Church
Hon. Harold Lippman

City of Manassas
Hon. Harry J. "Hal" Parrish, II

City of Manassas Park
Hon. William J. Treuting, Jr.

Town of Dumfries
Hon. Fred E. Yohey, Jr.

Town of Herndon
Hon. Steve DeBenedittis

Town of Leesburg
Hon. Kristen C. Umstattd

Town of Purcellville
Hon. Robert W. Lazaro, Jr.

Town of Vienna
Hon. M. Jane Seeman

(as of February 20, 2008)

May 22, 2008

Restated
CHARTER AGREEMENT
of
NORTHERN VIRGINIA REGIONAL COMMISSION

[text below sets forth the entire language of the original Charter Agreement as enacted in 1969, and incorporating amendments 1991*, 2000**, 2004 and 2008✧]***

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.~~ In addition, each governmental subdivision shall appoint one additional representative from its governing body for each 150,000 population, or fraction thereof, in excess of 100,000 population. All county population 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

May 22, 2008

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 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.

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

May 22, 2008

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.*

**** In the Third Amendment to this Charter Agreement, paragraph five was changed to increase the increment for additional representatives, from 75,000 to 500,000 population in excess of 100,000. The Third Amendment also changed the representation of the member governmental subdivisions to all elected officials of the local governing body.*

The Third Amendment adds a provision in the seventh paragraph for weighted voting based on a population formula, provided that the motion for weighted voting is seconded by a member representing a governmental subdivision other than the governmental subdivision represented by the maker of the motion.

✧ In the Fourth Amendment to this Charter Agreement, paragraph five was changed to permit the chief elected officer from the governing body to designate another elected officer from the governing body to represent same on the Commission.

DRAFT Fourth Amendment to
CHARTER AGREEMENT
OF THE
NORTHERN VIRGINIA REGIONAL COMMISSION

In accordance with provisions of the original Charter Agreement of the Northern Virginia Regional Commission, as amended first in 1991, second in 2000, third in 2004, and fourth in 2008, the undersigned hereby certify by their signatures that the respective member governments have agreed to the following amendment to the Charter Agreement of the Northern Virginia Regional Commission.

Paragraph five is amended to read as follows:

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. In addition, each governmental subdivision shall appoint one additional representative from its governing body for each 150,000 population, or fraction thereof, in excess of 100,000 population. All county population 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.

Fourth Amendment to the
Charter Agreement of the
Northern Virginia Regional Commission
page 6 of 15

APPROVED:

BY:

DATE:

City of Alexandria
