

EXHIBIT NO. 1

City of Alexandria, Virginia

MEMORANDUM

17  
11-27-07

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11-19-07~~

DATE: NOVEMBER 15, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

SUBJECT: CONSIDERATION OF LEGISLATION TO ALLOW ALTERNATE REPRESENTATIVES FOR COUNCIL MEMBERS WHO SERVE ON CITY BOARDS AND COMMISSIONS

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**ISSUE:** Request to modify the City Code so that Council members would be allowed to designate a representative to attend and participate in City board and committee meetings on their behalf.

**RECOMMENDATION:** That Council approve the proposed ordinance on first reading and set it for public hearing, second reading, and final passage on November 27.

**DISCUSSION:** During oral presentations at the September 25 legislative meeting, Councilman Krupicka expressed concern about multiple meetings on the same night or prior commitments that can preclude or hinder the full participation of Council members who serve on various City boards and commissions. Councilman Krupicka requested the City Attorney and the Executive Secretary for Boards and Commissions to work together and prepare an amendment to the City Code which would allow the Council members to designate a representative to attend board and commission meetings on their behalf.

The proposed ordinance permits a member of City Council, who serves on other City boards and commissions, to appoint an alternate to represent the council member on the group. In the absence of the Council member, the alternate would be able to fully participate in the group discussions and deliberations, as well as vote on matters before the body. I recommend that Council approve the proposed amendment.

**FISCAL IMPACT:** None.

**ATTACHMENT:** Proposed Ordinance

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

Introduction and first reading: 11/19/07  
Public hearing: 11/27/07  
Second reading and enactment: 11/27/07

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 2-4-7 (APPOINTMENTS TO COMMITTEES), of Article A (GENERAL PROVISIONS), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new subsection (k) (COUNCIL ALTERNATES).

Summary

The proposed ordinance permits a member of city council, who serves on other city boards and committees, to appoint an alternate to represent the council member on the board or committee. In the absence of the council member, the alternate may exercise any or all of the council member's rights, privileges and duties on the committee.

Sponsor

The Honorable K. Rob Krupicka, Member of Council

Staff

Rose Boyd, Executive Secretary, Boards and Commissions  
Ignacio B. Pessoa, City Attorney

Authority

§ 3.04(g), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Section 2-4-7 (APPOINTMENTS TO COMMITTEES), of Article A (GENERAL PROVISIONS), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new subsection (k) (COUNCIL ALTERNATES)

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-7 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by adding thereto a new subsection (k) to read as follows:

Sec. 2-4-7 Appointments to committees.

(a) Unless an appointment or reappointment to a committee is expressly vested by law in the courts or in some other body, all appointments shall be made by the city council. No person shall be appointed to any committee without the affirmative votes of at least four members of the council.

(b) Before appointing or reappointing any person to a committee, the executive secretary shall give public notice of the impending appointment and cause the same to be advertised in the form and manner prescribed by law for public notices at least 21 days prior to consideration by the city council of the appointment or reappointment. Insofar as practicable, the notice shall indicate the name of the committee, the number of positions to be filled, any special occupational, professional or other qualifications that may be required for a particular position and the time within which the application required by subsection (c) of this section must be filed. Where a position can be filled only by a designated member, the notice shall also include the name of the organization, group or committee from which such member must be designated.

(c) No person shall be appointed or reappointed by the city council to any committee until there is first submitted and filed with the executive secretary an application form. No person shall submit an application for membership for more than one committee position at any city council meeting at which appointments to committees are considered. Such application shall include personal data with respect to the applicant's name, address, age, educational background, practical experience, length of residency, employment of the applicant or any relative by the city and any special qualifications that the applicant possesses for a particular position. Applications must be filed with the executive secretary not less than seven days prior to the date that the appointment will be considered by the city council.

(d) Unless its enabling legislation expressly so provides, or unless waived by a majority of the city council when it deems such waiver in the best interest of the city and such waiver is not prohibited by any provision of law, no person shall be appointed to a committee unless at the time of the appointment the person is a resident of and residing in the city, and the person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction.

1 (e) No person who holds any office or position in the city for compensation shall be  
2 appointed to any committee which is involved in, responsible for, oversees or regulates the  
3 subject matter, policy or rules of the city department or agency by which the person is employed.  
4 The executive secretary shall review all applications for appointments to committees. The  
5 executive secretary shall advise the council whether, in his or her opinion, the appointment of the  
6 person to the committee for which application has been made would result in such a situation.  
7

8 (f) No person shall be appointed by the city council to more than one standing committee, or  
9 to more than one standing committee and one temporary committee, at the same time except as a  
10 designated member; provided, that, for the purposes of this subsection, a regional committee  
11 shall not be considered a standing or a temporary committee.  
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13 (g) Any person appointed to a committee shall, upon appointment, agree to comply with the  
14 provisions of chapter 5 of this title, concerning ethics, conflicts of interest and ownership of real  
15 property and, where applicable, the provisions of sections 2-5-11 to 2-5-16 of this code.  
16

17 (h) Every person appointed by the city council to any committee shall, on or before  
18 undertaking a position on such committee, qualify by taking the following oath or affirmation  
19 before the clerk of the circuit court or other officer authorized to administer oaths or  
20 affirmations:  
21

22 I do solemnly swear (or affirm) that I will support the Constitution of the  
23 United States and the Constitution of the Commonwealth of Virginia,  
24 and that I will faithfully and impartially discharge and perform all the  
25 duties incumbent on me as (insert title of office) according to the best of  
26 my ability (so help me God).  
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28 (i) (1) The head of each committee shall keep or cause to be kept a record of each  
29 appointee's attendance at meetings of the committee, and shall, on or before July 1 of each year,  
30 forward to the executive secretary in writing, a copy of each attendance record for the  
31 immediately preceding 12 months. Appointees to committees shall attend at least 75 percent of  
32 the meetings of the bodies on which they serve each year. If the attendance record reflects that  
33 any appointee does not attend at least 75 percent of the meetings, the executive secretary shall  
34 advertise a vacancy so that city council can proceed to fill the vacancy at the first regular council  
35 meeting held in September, following any year during which an appointee has not attended at  
36 least 75 percent of the meetings. The executive secretary shall also forthwith notify the appointee  
37 of this action. The office of any appointee who has not attended the required number of meetings  
38 shall be automatically deemed vacant on the date of the abovementioned council meeting in  
39 September. If at any time during a year, a majority of the committee concludes that an appointee  
40 will be, based upon the appointee's attendance record, unable to meet the 75 percent attendance  
41 requirement, it may immediately direct the committee head to request the city council to declare  
42 the position vacant. If council determines that sufficient meetings have already been missed such  
43 that the 75 percent attendance requirement will not be met, it may declare the position vacant and  
44 may make an appointment to fill the vacancy for the remainder of the existing term of office of  
45 the appointee whose position was declared vacant.  
46

1 (2) The committee head may excuse the absence of an appointee from a meeting  
2 or meetings if informed by the appointee of the absence within a reasonable period of time in  
3 advance of the meeting. Such excused absences shall not be considered by the committee head  
4 when preparing the appointee's attendance record but shall be noted as "excused absences" on the  
5 record.  
6

7 (j) Any person appointed to a committee by the city council may be removed by the city  
8 council for neglect of duty or violations of this article or any other provision of law.  
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10 (k) Notwithstanding any contrary provision of this chapter, a member of city council, who  
11 serves a member of a committee established pursuant to this code, may appoint another person to  
12 represent the council member as an alternate member of such committee. Any such alternate  
13 member shall be appointed in writing, filed with the executive secretary and city clerk. Any such  
14 alternate member shall serve at the pleasure of the council member making the appointment, and,  
15 in the absence of the council member, may exercise any or all of the rights, privileges and duties  
16 of the council member on such committee.  
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18 Section 2. That this ordinance shall be effective upon the date and at the time of its  
19 final passage.  
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22 WILLIAM D. EUILLE  
23 Mayor  
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26 Introduction: 11/19/07  
27 First Reading:  
28 Publication:  
29 Public Hearing:  
30 Second Reading:  
31 Final Passage:  
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ORDINANCE NO. 4506

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(b) Before appointing or reappointing any person to a committee, the executive secretary shall give public notice of the impending appointment and cause the same to be advertised in the form and manner prescribed by law for public notices at least 21 days prior to consideration by the city council of the appointment or reappointment. Insofar as practicable, the notice shall indicate the name of the committee, the number of positions to be filled, any special occupational, professional or other qualifications that may be required for a particular position and the time within which the application required by subsection (c) of this section must be filed. Where a position can be filled only by a designated member, the notice shall also include the name of the organization, group or committee from which such member must be designated.

(c) No person shall be appointed or reappointed by the city council to any committee until there is first submitted and filed with the executive secretary an application form. No person shall submit an application for membership for more than one committee position at any city council meeting at which appointments to committees are considered. Such application shall include personal data with respect to the applicant's name, address, age, educational background, practical experience, length of residency, employment of the applicant or any relative by the city and any special qualifications that the applicant possesses for a particular position. Applications must be filed with the executive secretary not less than seven days prior to the date that the appointment will be considered by the city council.

(d) Unless its enabling legislation expressly so provides, or unless waived by a majority of the city council when it deems such waiver in the best interest of the city and such waiver is not prohibited by any provision of law, no person shall be appointed to a committee unless at the time of the appointment the person is a resident of and residing in the city, and the person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction.

(e) No person who holds any office or position in the city for compensation shall be appointed to any committee which is involved in, responsible for, oversees or regulates the subject matter, policy or rules of the city department or agency by which the person is employed. The executive secretary shall review all applications for appointments to committees. The executive secretary shall advise the council whether, in his or her opinion, the appointment of the person to the committee for which application has been made would result in such a situation.

(f) No person shall be appointed by the city council to more than one standing committee, or to more than one standing committee and one temporary committee, at the same time except as a designated member; provided, that, for the purposes of this subsection, a regional committee shall not be considered a standing or a temporary committee.

(g) Any person appointed to a committee shall, upon appointment, agree to comply with the provisions of chapter 5 of this title, concerning ethics, conflicts of interest and ownership of real property and, where applicable, the provisions of sections 2-5-11 to 2-5-16 of this code.

(h) Every person appointed by the city council to any committee shall, on or before undertaking a position on such committee, qualify by taking the following oath or affirmation before the clerk of the circuit court or other officer authorized to administer oaths or affirmations:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as (insert title of office) according to the best of my ability (so help me God).

(i) (1) The head of each committee shall keep or cause to be kept a record of each appointee's attendance at meetings of the committee, and shall, on or before July 1 of each year, forward to the executive secretary in writing, a copy of each attendance record for the immediately preceding 12 months. Appointees to committees shall attend at least 75 percent of the meetings of the bodies on which they serve each year. If the attendance record reflects that any appointee does not attend at least 75 percent of the meetings, the executive secretary shall advertise a vacancy so that city council can proceed to fill the vacancy at the first regular council meeting held in September, following any year during which an appointee has not attended at least 75 percent of the meetings. The executive secretary shall also forthwith notify the appointee of this action. The office of any appointee who has not attended the required number of meetings shall be automatically deemed vacant on the date of the abovementioned council meeting in September. If at any time during a year, a majority of the committee concludes that an appointee will be, based upon the appointee's attendance record, unable to meet the 75 percent attendance requirement, it may immediately direct the committee head to request the city council to declare the position vacant. If council determines that sufficient meetings have already been missed such that the 75 percent attendance requirement will not be met, it may declare the position vacant and may make an appointment to fill the vacancy for the remainder of the existing term of office of the appointee whose position was declared vacant.

(2) The committee head may excuse the absence of an appointee from a meeting or meetings if informed by the appointee of the absence within a reasonable period of time in advance of the meeting. Such excused absences shall not be considered by the committee head when preparing the appointee's attendance record but shall be noted as "excused absences" on the record.

(j) Any person appointed to a committee by the city council may be removed by the city council for neglect of duty or violations of this article or any other provision of law.

(k) Notwithstanding any contrary provision of this chapter, a member of city council, who serves a member of a committee established pursuant to this code, may appoint another person to represent the council member as an alternate member of such committee. Any such alternate member shall be appointed in writing, filed with the executive secretary and city clerk. Any such alternate member shall serve at the pleasure of the council member making the appointment, and, in the absence of the council member, may exercise any or all of the rights, privileges and duties of the council member on such committee.

Section 2. That this ordinance shall be effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: November 27, 2007