


City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 8, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: PROPOSED ORDINANCE IMPOSING TERM LIMITS FOR COUNCIL APPOINTED BOARDS AND COMMISSIONS

ISSUE: Consideration of proposed ordinance that imposes a maximum service period of 10 consecutive years for any member of a board, committee, commission, unless the term of service is otherwise governed by state law, City Code, or another document that creates the committee, board or commission. The maximum service term may be waived by City Council by resolution.

RECOMMENDATION: That Council pass the ordinance on first reading and schedule it for public hearing, second reading, and final passage on May 16.

DISCUSSION: The June 2008 Report from the Council Committee on Boards and Commissions recommended that unless specified by federal, state or City legislation, after serving 10 consecutive years on any board, commission or committee, at the expiration of the current term, the incumbent would not be eligible for immediate reappointment to that group, but can apply for the next vacancy. The report also recommended that: (1) any incumbents as of the effective date of the ordinance would be eligible for at least one more consecutive term; and (2) the limitation would not apply to the following groups: Planning Commission, both panels of the Board of Architectural Review, the Board of Real Estate Assessments, Board of Zoning Appeals, Community Services Board, and the Building Code Board of Appeals.

Following the October 18, 2008 public hearing, and after a discussion about whether there were legal obstacles to imposing term limits on Council-appointed groups, the Council requested a Charter change be proposed in the City’s Legislative Package to provide Council with the clear authority set term limits, and also requested the City Attorney to propose an ordinance immediately following the signing of the legislation by the Governor.

During the December 9, 2008 Council meeting, the Council approved the Committee’s recommendation to impose term limits of a maximum of 10 consecutive years and voted to exclude only the Planning Commission, the Board of Zoning Appeals, and the Building Code Board of Appeals from the ordinance. The Virginia General Assembly approved the Charter amendment on March 27, 2009, and provides that “notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the Council to any or all governmental or advisory boards or commissions.” The proposed ordinance will provide the legal basis for imposing a term limit of ten consecutive years on the

members of most of Council's boards and commissions. The ordinance would not apply to members of the Planning Commission, the Board of Zoning Appeals, and the Building Code Board of Appeals.

FISCAL IMPACT: None.

ATTACHMENT Ordinance

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

1 Introduction and first reading: 05/12/09
2 Public hearing: 05/16/09
3 Second reading and enactment: 05/16/09
4

5 INFORMATION ON PROPOSED ORDINANCE
6

7 Title
8

9 AN ORDINANCE to amend and reordain Section 2-2-4 (COMPOSITION, TERMS AND
10 DUTIES OF COMMITTEES), Article A (GENERAL PROVISIONS), Chapter 4
11 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL
12 GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.
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14 Summary
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16 The proposed ordinance imposes a maximum service period of 10 consecutive years for
17 any member of a board, committee or commission, unless the term of service is otherwise
18 governed by state law, City code or by another document that creates the committee,
19 board or commission. There is a phase in period for incumbents impacted as of the
20 effective date. The maximum service term may be waived by City Council by resolution.
21 The Planning Commission, Boar of Zoning Appeals and Building Code Board of Appeals
22 are expressly exempted from the term limits imposed by the proposed ordinance.
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24 Sponsor
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28 Staff
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30 Rose Williams Boyd, Director, Citizen Assistance
31 Christopher P. Spera, Deputy City Attorney
32

33 Authority
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35 §3.04(g-01), Alexandria City Charter
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37 Estimated Costs of Implementation
38

39 None
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41 Attachments in Addition to Proposed Ordinance and its Attachments (if any)
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43 None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 2-2-4 (COMPOSITION, TERMS AND DUTIES OF COMMITTEES), 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.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 2-4-4 Composition, terms and duties of committees.

(a) The composition, term of office, mission and function and other substantive duties relating to the work of any committee are those set forth by the terms of a committee's enabling legislation together with any additional functions or duties that may be assigned to a committee from time to time by the city council or other appropriate local authority.

(b) Whenever the city council has heretofore made or hereafter makes an appointment or reappointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment.

(b.1) Unless otherwise specified in City Code, state law or in a document creating the committee, or with respect to a member of the Alexandria Planning Commission, the Alexandria Board of Zoning Appeals or the Alexandria Building Code Board of Appeals, no person shall be eligible for reappointment to any committee after having served ten consecutive years as a member thereof. This provision may be waived by City Council by resolution. Notwithstanding the foregoing, any person serving on a committee serving as of the effective date of this ordinance who would be rendered ineligible for reappointment by operation of this section shall be eligible for reappointment for one additional term without resolution of City Council.

(c) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each committee shall:

(1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

1
2 (2) prepare and file with the executive secretary a copy of all such minutes or reports not
3 more than 30 days after the conclusion of any meeting of the committee. A notation shall appear
4 on the minutes indicating whether they have been officially approved by the committee.
5

6 (d) In addition to any other function or duty that may be vested in a committee by its
7 enabling legislation or otherwise, each standing committee shall:
8

9 (1) hold at least one regular meeting each year and as many additional meetings as may
10 be required by its enabling legislation or as the business of the committee may require.
11

12 (2) prepare and submit to the city council an annual report within 60 days after the close
13 of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited
14 to, a listing of the members of the committee, a description of the committee's principal activities
15 during the reporting period and any recommendations of the committee for improving its
16 functions and duties or making changes in other laws, procedures, policies or programs within the
17 subject matter of its jurisdiction, including recommendations for additional federal or state
18 legislation. These reports shall become available for public inspection and copying after
19 submission to the city council.
20

21 (3) in addition to its annual report, any committee is authorized to make additional or
22 special reports, oral or written, to the city manager of the city council at any other time that the
23 committee determines that such reports may be needed, except that, no report requesting
24 additional city funds or staff shall be submitted to the city council until it shall first have been
25 submitted to the city manager for his comments and recommendations.
26

27 (4) prepare, in consultation with the city manager an annual budget, showing both the
28 funding and staff directly assigned to the committee and estimated sums and staff time that may
29 be used by the committee but are not directly assigned to it.
30

31 Section 2. That this ordinance shall become effective upon the date and at the time of
32 its final passage.
33

34 WILLIAM D. EUILLE
35 Mayor

36 Attachment

37
38 Introduction: 5/12/2009
39 | First Reading: 5/12/2009
40 Publication:
41 Public Hearing:
42 Second Reading:
43 Final Passage:

5

15
5-12-09

Rose Boyd/Alex
05/12/2009 12:17 PM

To Jackie Henderson/Alex@Alex
cc Michele Evans/Alex@Alex
bcc
Subject Fw: Request to Defer Docket Item 15

I forgot to copy you on this. Sorry.

----- Forwarded by Rose Boyd/Alex on 05/12/2009 12:17 PM -----

Rose Boyd/Alex
05/12/2009 12:05 PM

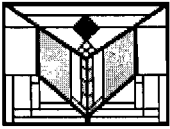
To william.euille@alexandriava.gov, delpepper@aol.com,
councilmangaines@aol.com, rob@krupicka.com,
timothy.lovain@alexandriava.gov, paulcsmedberg@aol.com,
justin.wilson@alexandriava.gov, council@krupicka.com
cc Jim Hartmann/Alex@Alex, Michele Evans/Alex@Alex,
Christopher Spera/Alex@Alex, James Banks/Alex@ALEX,
Bernard Caton/Alex@Alex
Subject Request to Defer Docket Item 15

A question has been raised regarding why staff has asked that the docket item on term limits be deferred. As we were preparing the docket item and the proposed ordinance, I reviewed the action sheet, minutes, and video of the 12/9/08 Council meeting. The minutes and the action sheet from the meeting indicate that the Council approved the term limits proposal of 10 consecutive years and note that the "limitation would not apply to policy-making and/or regulatory authority." I also reviewed the video and thought that Councilman Lovain's motion was to approve the term limits and exclude the Planning Commission, Board of Zoning Appeals, and Building Code Board of Appeals.

Bernie Caton was out of town when the docket item and ordinance was drafted. Immediately upon his return, he indicated that the ordinance, per the Charter change, was to cover ALL of the Council-appointed groups. We (Bernie, Michele Evans, and I) then reviewed the video again, and all agreed that the motion did not exclude any group. I notified the City Attorney's Office of the error. We all agreed that this was a major change from what was advertised, and expressed concern that all of Council's boards and commission chairs should be notified of the ordinance's intent to NOT exclude any group from the terms limits. To ensure that everyone is aware of the provisions and to give staff time to notify the chairs, we are suggesting that introduction of the ordinance be deferred until the May 26 meeting so that the corrected docket item and ordinance can be distributed and advertised correctly. The public hearing would be in June.

15

5-12-09



Bernard Caton/Alex
05/12/2009 12:32 PM

To Jackie Henderson/Alex@Alex
cc
bcc
Subject Fw: Docket Item 15

fyi

----- Forwarded by Bernard Caton/Alex on 05/12/2009 12:32 PM -----



Michele Evans/Alex
05/12/2009 10:54 AM

To James Banks/Alex, "Christopher Spera"
<Christopher.Spera@alexandriava.gov>
cc Bernard Caton/Alex, Rose Boyd/Alex, "Jim Hartmann"
<Jim.Hartmann@alexandriava.gov>
Subject Fw: Docket Item 15

Jim B
See the second part of Justin's email
Thanks
Justin Wilson

----- Original Message -----

From: Justin Wilson
Sent: 05/12/2009 09:01 AM EDT
To: James Banks
Cc: William Euille; paulcsmedberg@aol.com; Timothy Lovain; rob@krupicka.com; delpepper@aol.com; councilmangaines@aol.com; Michele Evans; Rose Boyd; Bernard Caton; Christopher Spera
Subject: Docket Item 15

Jim,

I'm confused by Docket Item 15 for this evening (attached). It seems to be re-doing what we already did.

We went down to Richmond and requested a Charter Amendment so that we would have the authority to apply the same term limit provisions that we adopted for City Boards and Commissions to those that are creatures of State Code (Planning Commission, Board of Zoning Appeals, Sanitation Authority, ARHA, etc).

This ordinance appears to do the opposite of that--just codifying what Council already did with the respect to the City Boards and Commissions.

What changes do we need to make tonight to ensure that Council's term limit provision applies to ALL Boards and Commissions?

Also, I believe there was also a request to bring an ordinance implementing the other Charter provisions that we requested (Financial Disclosure).

Thanks!



termlimits.pdf

Justin M. Wilson, Member
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