

EXHIBIT NO. 1 - 20  
6-13-09

~~14~~  
~~5-26-09~~

City of Alexandria, Virginia

MEMORANDUM

**UPDATED MEMO – REPLACES DOCKET MEMO OF 5/12/09 #15**

DATE: MAY 21, 2009  
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: JAMES K. HARTMANN, CITY MANAGER *J*  
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. Incumbents as of the effective date of the ordinance who would otherwise be ineligible for reappointment because of this new limitation would be eligible for one additional term without the need for a Council resolution.

**RECOMMENDATION:** That Council pass the ordinance (Attachment 1) on first reading and schedule it for public hearing, second reading, and final passage on Saturday, June 13.

**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 Council’s October 18, 2008 public hearing, and after a discussion about whether there were legal obstacles to imposing term limits on all 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 legislative meeting, 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 pending the Charter change. The Virginia General Assembly approved the Charter amendment on March 27, 2009, and it 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 all of Council's boards and commissions.

The terms for members of the Community Services Board (CSB) are set by state law and Section 37.2-502 of the Code of Virginia provides that "No person shall be eligible to serve more than three full terms; however, a person first appointed to fill an unexpired term may serve three additional full three-year terms." The statute also provides that "after a three-year period has elapsed since the end of the member's last three-year term, the governing body may reappoint that member." The normal term limit for CSB members is nine years.

Also attached are the updated chart of staff actions on all of the Council Committee on Boards and Commissions report recommendations (Attachment 2) and a copy of the May 13 letter notifying committee chairpersons of the requirement to submit their annual report with the annual attendance report (Attachment 3).

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

Attachment 1. Proposed Ordinance

Attachment 2. Recommendations from Report and Public Hearing Chart

Attachment 3. May 13 letter from Rose Williams Boyd to Committee Chairpersons

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

1 Introduction and first reading: 05/26/09  
2 Public hearing: 06/13/09  
3 Second reading and enactment: 06/13/09  
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.  
13

14 Summary  
15

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

22 Sponsor  
23  
24  
25

26 Staff  
27

28 Rose Williams Boyd, Director, Citizen Assistance  
29 Christopher P. Spera, Deputy City Attorney  
30

31 Authority  
32

33 §3.04(g-01), Alexandria City Charter  
34

35 Estimated Costs of Implementation  
36

37 None  
38

39 Attachments in Addition to Proposed Ordinance and its Attachments (if any)  
40

41 None

EXHIBIT NO. 3

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

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

6  
7 (1) hold at least one regular meeting each year and as many additional meetings as may  
8 be required by its enabling legislation or as the business of the committee may require.

9  
10 (2) prepare and submit to the city council an annual report within 60 days after the close  
11 of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited  
12 to, a listing of the members of the committee, a description of the committee's principal activities  
13 during the reporting period and any recommendations of the committee for improving its  
14 functions and duties or making changes in other laws, procedures, policies or programs within the  
15 subject matter of its jurisdiction, including recommendations for additional federal or state  
16 legislation. These reports shall become available for public inspection and copying after  
17 submission to the city council.

18  
19 (3) in addition to its annual report, any committee is authorized to make additional or  
20 special reports, oral or written, to the city manager of the city council at any other time that the  
21 committee determines that such reports may be needed, except that, no report requesting  
22 additional city funds or staff shall be submitted to the city council until it shall first have been  
23 submitted to the city manager for his comments and recommendations.

24  
25 (4) prepare, in consultation with the city manager an annual budget, showing both the  
26 funding and staff directly assigned to the committee and estimated sums and staff time that may  
27 be used by the committee but are not directly assigned to it.

28  
29 Section 2. That this ordinance shall become effective upon the date and at the time of its  
30 final passage.

31  
32 WILLIAM D. EUILLE  
33 Mayor

34 Attachment

35  
36 Introduction: 5/12/2009  
37 | First Reading: 5/12/2009  
38 Publication:  
39 Public Hearing:  
40 Second Reading:  
41 Final Passage:

**RECOMMENDATIONS FROM REPORT AND PUBLIC HEARING**

REPORT RECOMMENDATIONS	ACCEPT	REJECT
1. Modify reference session of Personal Data Form to include list of names and addresses of four references that applicant has contacted and support their application	Change was made immediately following Council's approval of recommendation during 10/18/08 public hearing.	
2. Codify all standing committees created via resolution or docket item and task forces that have become ongoing groups	Ordinances to be docketed for June 9 meeting	
3. Require annual reports to be submitted that include a statement of specific goals for the coming year and submit report with Annual Attendance Report	Committee Chairs notified of this change via May 13 letter.	
4. Do not change the current residency waiver policy	Accepted by Council on 12/9/08	
5. Unopposed non-resident incumbents and staff in designated position appointments should be docketed as uncontested appointments.	Change was implemented with appointments at October 28, 2008 Council meeting	Council requested staff during the public hearing to docket all requests for residency waivers as a contested appointment. <b>No further action is needed on this recommendation.</b>
6. Groups that meet on a monthly basis should determine whether they can meet on a bi-monthly or quarterly basis	Comments from groups summarized in Docket Item #28 from 12/9/08 meeting.	
7. Abolish the following groups that have completed their tasks (Ad Hoc Task Force to Review New Police Facility Sites, Ad Hoc Transportation Policy and Program Task Force, Potomac Yard Fire Station and Affordable Housing Task Force, and Transportation Safety Commission)	Council approved and the groups were abolished.	
8. Expand the role of the Beautification Commission to deal with beautification of City portals and tie this effort to the City's overall marketing efforts	Ordinance to be docketed for June 9 meeting.	

5

ATTACHMENT 2

<b>RECOMMENDATIONS FROM REPORT AND PUBLIC HEARING</b>		
<b>REPORT RECOMMENDATIONS</b>	<b>ACCEPT</b>	<b>REJECT</b>
<p>9. Rewrite the mission statement of the IT Commission to reflect 21<sup>st</sup> century technology with the City using the group as sounding board. IT Comm. To discuss whether and to what extent telecommunications issues and complaints stay with the IT Comm. or be transferred to Consumer Affairs Commission. <b>IT Comm. Agrees with recommendation that its mission statement should be updated and recommends the responsibility for reviewing telecommunication (including cable) subscriber complaints be retained by the Office of Citizen Assistance without additional review by a board or commission. The Consumer Affairs Comm. Indicated they are willing to accept any additional responsibilities assigned by the City Council.</b></p>	<p>Approved the transfer of telecommunications issues and complaints to the Consumer Affairs Commission. Ordinance will be docketed for June 9 meeting.</p>	
<p>10. Restructure the membership of the Commission on HIV/AIDS by broadening the positions and reducing its size. <b>The Commission's response noted that it reviewed its membership in 2007 and selected four seats for removal and one seat was broadened. These changes were approved by the City Council in June 2007 but have not been codified as requested. The Commission feels that the remaining designated seats are valuable and should remain.</b></p>	<p>Ordinance will be docketed for June 9 meeting.</p>	
<p>11. Fair Housing Testing Program Advisory Committee and Affordable Housing Advisory Committee (AHAC) should be combined for better efficiency of operations. <b>AHAC decided that the group's mission was not a "good fit" with AHAC's mission and that the Human Rights Commission is better suited to handle any required oversight of the fair housing testing program. The Human Rights Commission is willing to assume responsibility for</b></p>	<p>Ordinance transferring responsibility to Human Rights Commission will be docketed for June 9 meeting.</p>	

<b>the functions of the Fair Housing Testing Program Advisory Committee.</b>		
12. 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. Incumbents as of the effective date of the ordinance would be eligible for at least one more consecutive term. Limitation would not apply to policy-making and/or regulatory authority.	Ordinance to be introduced at May 28 meeting.	
<b>RECOMMENDATIONS FROM THE PUBLIC HEARING</b>	<b>ACCEPT</b>	<b>REJECT</b>
1. Need for more transparency in board and commission operations	Addressed in the City's Legislative Package. Charter change approved by General Assembly and signed by Governor.	
2. Need for an articulated policy on term limits	Proposed in Legislative Package. Charter change approved by General Assembly and signed by Governor.	
3. Add a sentence to the letter notifying incumbents of term expirations that encourages them to look for other opportunities to serve	Pending adoption of term limits, sentence will be added.	
4. Request that each advisory group develop a strong recruiting mechanism to attract the best candidates for board and commission vacancies	Done in May 13 letter to Committee Chairs.	
5. Request each group to develop leadership plan and make that plan and the recruitment plan a required element of their annual report	Done in May 13 letter to Committee Chairs.	
6. Limit the number of task forces that one person can serve on	Ordinance to be introduced on June 9.	

4





CITIZEN ASSISTANCE OFFICE

P. O. Box 178  
Alexandria, Virginia 22313

Phone (703) 838-4800  
Fax (703) 838-6426

alexandriava.gov

May 13, 2009

Dear Committee Chairperson:

It's time for the Annual Attendance Report to be completed. As we implement the Council's administrative changes for board and commission operations, please be sure to include a copy of your committee's annual report with the completed attendance sheet. Instructions for the Annual Report are included below.

Attached is the form for the Annual Attendance Report. Section 2-4-7(i)(1) of the City Code requires the head of all committees to keep attendance records and forward a copy of the attendance record to the Executive Secretary on an annual basis. This Code section also requires appointees to committees to attend at least 75 percent of the committee meetings.

Excused absences should not be considered when determining who has met these requirements. Remember, absences are excused for the following reasons: personal illness or serious illness of members of the immediate family; death of a family member, unscheduled or unforeseen business trips, and emergency work assignments. All other absences should be recorded as unexcused.

Your committee's annual report should include a summary of activities for the past year, statement of the group's specific goals for the coming year, your recruitment and leadership plans, and cycle for ensuring turnover in leadership. The turnover interval is at the Committee's discretion.

Please forward the completed form with the Annual Report to the Office of Citizen Assistance by July 24, 2009. If you should have any questions, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Rose Williams Boyd".

Rose Williams Boyd  
Executive Secretary for  
Boards and Commissions

cc: City Staff



"Chet and Sabra Avery"  
<cs.avery@comcast.net>  
05/19/2009 12:56 PM

To "Matt Harris" <matsharris@hotmail.com>, "Jim McClellan"  
<jmcclellan@nvcc.edu>, "Jean Niebauer"  
<jean.niebauer@alexandriava.gov>, "Nathir"  
cc <delpepper@aol.com>, "Michele Evans"  
<michele.evans@alexandriava.gov>, "Jim Hartmann"  
<jim.hartmann@alexandriava.gov>, "Justin Wilson"  
bcc

Subject Re: GoodbyeTerm Limits and

20  
6-13-09

Mat, I fully support your request and hope you do not mind if I share your request with City Council as well.

Chet

Chet & Sabra Avery  
16 East Linden St  
Alexandria VA 22301  
703-549-4617

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

**From:** Matt Harris

**To:** Jim McClellan ; Chet Avery ; Jean Niebauer ; Nathir ; j.ates@ateslaw.com ; Karen Gautney ; Collette Harrell ; David Horne ; Raymond Johnson ; joann.maldonado@alexandriava.gov ; Pat Spurlock ; Nancy Turner ; Jenny Wade

**Cc:** delpepper@aol.com

**Sent:** Tuesday, May 19, 2009 11:07 AM

**Subject:** RE: Goodbye

Jim, obviously I echo Chet's words and wonder if our City Council members may revisit the issue that resulted in our Commission losing such a valuable member. As much as Del's extensive experience is a value to council, so too is/was Jim's long tenure to the the least powerful citizens among us. Del, please bring this issue up again for the best interests of the city.

-Matt

Subject: RE: Goodbye

Date: Tue, 19 May 2009 08:31:02 -0400

From: jmcclellan@nvcc.edu

To: cs.avery@comcast.net; Jean.Niebauer@alexandriava.gov; etcsmgmtgroup@msn.com; j.ates@ateslaw.com; thgirls@comcast.net; harrellc@howrey.com; matsharris@hotmail.com; DHAtaLaw@aol.com; tatumtenk@aol.com; JoAnn.Maldonado@alexandriava.gov; ipspurlock@comcast.net; TURNERN@THEIACP.ORG; JENNYRWADE@YAHOO.COM

CC: delpepper@aol.com

Chet,

Thanks for your very kind words.

Jim

**From:** Chet and Sabra Avery [mailto:cs.avery@comcast.net]

**Sent:** Tue 5/19/2009 12:30 AM

**To:** McClellan, Jimmie R.; [Jean.Niebauer@alexandriava.gov](mailto:Jean.Niebauer@alexandriava.gov); [etcsmgmtgroup@msn.com](mailto:etcsmgmtgroup@msn.com); [j.ates@ateslaw.com](mailto:j.ates@ateslaw.com); [thgirls@comcast.net](mailto:thgirls@comcast.net); [harrellc@howrey.com](mailto:harrellc@howrey.com); [matsharris@hotmail.com](mailto:matsharris@hotmail.com); [DHAtaLaw@aol.com](mailto:DHAtaLaw@aol.com); [tatumtenk@aol.com](mailto:tatumtenk@aol.com); [JoAnn.Maldonado@alexandriava.gov](mailto:JoAnn.Maldonado@alexandriava.gov); [jpspurlock@comcast.net](mailto:jpspurlock@comcast.net); [TURNERN@THEIACP.ORG](mailto:TURNERN@THEIACP.ORG); [JENNYRWADE@YAHOO.COM](mailto:JENNYRWADE@YAHOO.COM)

**Cc:** [delpepper@aol.com](mailto:delpepper@aol.com)

**Subject:** Re: Goodbye

Jim,

I am deeply saddened as are the other members of the Human Rights commission and City Council should be on your inability to reapply for the Commission for your outstanding leadership have made many, many distinguished contributions to Alexandria to advance Human Rights during your terms on the Commission. As I look back at the many contributions the Human Rights Commission has made during your twenty years of service, I know of few Commission contributions if any that do not have the fingerprints of James McClellan on them.

I am extremely disappointed in the decision of the Council to arbitrarily impose term limits which has the unforeseen consequence of rewarding the exceptional contributions of outstanding volunteers like yourself by firing them after ten years of service. Such a policy is a slap in the face for the City's reward for thoughtful devotion and the sacrifices made by volunteers is a "notice that contributions of community minded citizens is not to reapply after 10 years of service.

Fortunately for those of us who have had the opportunity and pleasure of serving on the Commission with you is a recognition that we have served with one of America's giant human rights champions of our time.

I want you to know, Jim, that when I think of human rights and the meaning of freedom, Jimmy McClellan and what would you think or do and feel enables me to be more aware of the meaning of freedom, opportunity and justice and better prepared to deal with violations and to right wrongs. You are a fine mentor, freedom fighter, teacher and friend Jimmy McClellan.

Chet

Chet & Sabra Avery  
16 East Linden St  
Alexandria VA 22301  
703-549-4617

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

From: "McClellan, Jimmie R." <jmcclellan@nvcc.edu>

To: <[Jean.Niebauer@alexandriava.gov](mailto:Jean.Niebauer@alexandriava.gov)>; <[etcsmgmtgroup@msn.com](mailto:etcsmgmtgroup@msn.com)>; <[j.ates@ateslaw.com](mailto:j.ates@ateslaw.com)>; <[cs.avery@comcast.net](mailto:cs.avery@comcast.net)>; <[thgirls@comcast.net](mailto:thgirls@comcast.net)>; <[harrellc@howrey.com](mailto:harrellc@howrey.com)>; <[matsharris@hotmail.com](mailto:matsharris@hotmail.com)>; <[DHAtaLaw@aol.com](mailto:DHAtaLaw@aol.com)>; <[tatumtenk@aol.com](mailto:tatumtenk@aol.com)>; <[JoAnn.Maldonado@alexandriava.gov](mailto:JoAnn.Maldonado@alexandriava.gov)>; <[jpspurlock@comcast.net](mailto:jpspurlock@comcast.net)>; <[TURNERN@THEIACP.ORG](mailto:TURNERN@THEIACP.ORG)>; <[JENNYRWADE@YAHOO.COM](mailto:JENNYRWADE@YAHOO.COM)>

Cc: <[delpepper@aol.com](mailto:delpepper@aol.com)>

Sent: Monday, May 18, 2009 6:25 PM

Subject: Goodbye

Dear Fellow Commissioners,

I have enjoyed serving on the Commission but, as you may have heard, I am not seeking a ninth term. The deadline to fill was last Friday.

I am sad to leave a Commission that possesses less tools to fight injustice than when I joined it. But I am happy to leave it with as capable a group of Commissioners as it has ever had.

It is disappointing that Council has moved to enact term limits. It is an act of cowardice in that it relieves the members of their duty to make a decision and an act of hypocrisy in that it does not apply to the Council also.

I have served twenty years, which is ten longer than Council deems useful.

I am leaving the Commission, but I am not leaving behind my life-long commitment to human rights. You know where to find me if I can be of assistance.

Jim

---

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.329 / Virus Database: 270.12.33/2120 - Release Date: 05/18/09  
06:28:00

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.339 / Virus Database: 270.12.34/2122 - Release Date: 05/19/09 06:21:00



**Dave Cavanaugh**  
<dacava1@yahoo.com>

05/30/2009 10:03 PM

Please respond to  
Dave Cavanaugh  
<dacava1@yahoo.com>

To william.euille@alexandriava.gov,  
timothy.lovain@alexandriava.gov, councilmangaines@aol.com,  
council@krupicka.com, delpepper@aol.com,

cc

bcc

Subject COA Contact Us: Proposed TERM Limits FOR COUNCIL  
Appointed Commissions

20  
6-13-09

**Time: [Sat May 30, 2009 22:03:49] IP Address: [76.21.192.117]**

**Issue Type:** Mayor, Vice Mayor, and Council Members  
**First Name:** Dave  
**Last Name:** Cavanaugh  
**Street Address:** 4008 Fort Worth Avenue  
**City:** Alexandria  
**State:** VA  
**Zip:** 22304  
**Phone:** 703-461-3310  
**Email Address:** dacava1@yahoo.com

**Subject:** Proposed TERM Limits FOR COUNCIL Appointed Commissions  
I support the proposed ordinance. There is flexibility for exceptional  
commission members to be reappointed.

I would like to see the City

place less attention on commissions and groups and instead provide staff  
with the training and skills necessary to invite direct participation by  
interest groups and members of the public. Often the Commission process  
inhibits an open and constructive discussion of ideas and issues.

I

serve on one Commission, have attended meetings of other commissions and  
serve on Advisory Groups. Unfortunately, I have found some commissions are  
dominated by a few people, chairs and co-chairs have served in their  
position for years. Hopefully the new ordinance will revitalize interest

**Comments:** in serving on commssions.

Commission should be less parochial, less

insulated. They can be the deliberative resource that can assist City

staff and provide advice to the City Council.

Frequently commission

members are willing to accept poor leadership so as not to potentially upset the incumbent.

The City Manager should also find a way to

influence yearly strategic planning for various commissions to ensure

Commissions and Advisory Groups are providing a worthwhile

service.

Sincerely,

20  
6-13-09



**Dave Cavanaugh**  
<dacava1@yahoo.com>

05/30/2009 10:03 PM

Please respond to  
Dave Cavanaugh  
<dacava1@yahoo.com>

To william.euille@alexandriava.gov,  
timothy.lovain@alexandriava.gov, councilmangaines@aol.com,  
council@krupicka.com, delpepper@aol.com,  
cc  
bcc  
Subject COA Contact Us: Proposed TERM Limits FOR COUNCIL  
Appointed Commissions



**Time: [Sat May 30, 2009 22:03:49] IP Address: [76.21.192.117]**

**Issue Type:** Mayor, Vice Mayor, and Council Members  
**First Name:** Dave  
**Last Name:** Cavanaugh  
**Street Address:** 4008 Fort Worth Avenue  
**City:** Alexandria  
**State:** VA  
**Zip:** 22304  
**Phone:** 703-461-3310  
**Email Address:** dacava1@yahoo.com

**Subject:** Proposed TERM Limits FOR COUNCIL Appointed Commissions  
I support the proposed ordinance. There is flexibility for exceptional  
commission members to be reappointed.  
  
I would like to see the City  
place less attention on commissions and groups and instead provide staff  
with the training and skills necessary to invite direct participation by  
interest groups and members of the public. Often the Commission process  
inhibits an open and constructive discussion of ideas and issues.  
  
I  
serve on one Commission, have attended meetings of other commissions and  
serve on Advisory Groups. Unfortunately, I have found some commissions are  
dominated by a few people, chairs and co-chairs have served in their  
position for years. Hopefully the new ordinance will revitalize interest  
**Comments:** in serving on commssions.  
  
Commission should be less parochial, less  
insulated. They can be the deliberative resource that can assist City

staff and provide advice to the City Council.

Frequently commission

members are willing to accept poor leadership so as not to potentially upset the incumbent.

The City Manager should also find a way to

influence yearly strategic planning for various commissions to ensure

Commissions and Advisory Groups are providing a worthwhile

service.

Sincerely,



20  
6-13-09



Dave Cavanaugh  
<dacava1@yahoo.com>

05/30/2009 10:03 PM

Please respond to  
Dave Cavanaugh  
<dacava1@yahoo.com>

To william.euille@alexandriava.gov,  
timothy.lovain@alexandriava.gov, councilmangaines@aol.com,  
council@krupicka.com, delpepper@aol.com,

cc

bcc

Subject COA Contact Us: Proposed TERM Limits FOR COUNCIL  
Appointed Commissions



Time: [Sat May 30, 2009 22:03:49] IP Address: [76.21.192.117]

**Issue Type:** Mayor, Vice Mayor, and Council Members  
**First Name:** Dave  
**Last Name:** Cavanaugh  
**Street Address:** 4008 Fort Worth Avenue  
**City:** Alexandria  
**State:** VA  
**Zip:** 22304  
**Phone:** 703-461-3310  
**Email Address:** dacava1@yahoo.com

**Subject:** Proposed TERM Limits FOR COUNCIL Appointed Commissions  
I support the proposed ordinance. There is flexibility for exceptional  
commission members to be reappointed.

I would like to see the City  
place less attention on commissions and groups and instead provide staff  
with the training and skills necessary to invite direct participation by  
interest groups and members of the public. Often the Commission process  
inhibits an open and constructive discussion of ideas and issues.

I  
serve on one Commission, have attended meetings of other commissions and  
serve on Advisory Groups. Unfortunately, I have found some commissions are  
dominated by a few people, chairs and co-chairs have served in their  
position for years. Hopefully the new ordinance will revitalize interest  
**Comments:** in serving on commssions.

Commission should be less parochial, less  
insulated. They can be the deliberative resource that can assist City

staff and provide advice to the City Council.

Frequently commission

members are willing to accept poor leadership so as not to potentially upset the incumbent.

The City Manager should also find a way to

influence yearly strategic planning for various commissions to ensure

Commissions and Advisory Groups are providing a worthwhile

service.

Sincerely,

20  
6-13-09

June 13, 2009

Comments by the Landlord Tenant Relations Board concerning Item 20 – An Ordinance Imposing Maximum Terms of Service for Boards Committees and Commissions

In September 2008 by the Landlord Tenant Relations Board responded to the report from the City Council Committee on Boards and Commissions recommending term limits. A copy of our letter on this subject is attached for the record. The Board was, and still is, concerned that the implementation of these term limits as stated will greatly impact our ability to serve the Council and the citizens of Alexandria.

Five of the current nine members of the Landlord-Tenant Relations Board's members have served more than 10 years. Of the remaining members, one was appointed in 2003, one in 2006, one in 2007 and one in 2008 after a two year vacancy in the designated seat.

While we recognize the need to allow all members of the community to serve, we note that Boards and Commissions with specific member affiliation requirements have greater difficulty in recruiting qualified and willing members that meet the requirements of these positions. This is particularly true in the case of Boards requiring a professional affiliation for volunteer service in a member's area of employment. In November 2006 a member occupying a landlord-designated seat on the Board resigned. Despite regular advertising and active recruitment by other members of the Board and staff, there were no applicants, and the seat was not filled until November 2008.

In addition to general recruitment issues, the nine member Landlord-Tenant Relations Board was created by ordinance, and City Code specifies that the presence of a minimum of six members is required for a quorum. Unlike Boards and Commissions for which a quorum may be more than half of occupied positions, the Landlord-Tenant Relations Board cannot exclude a vacant position in determining a quorum.

The Landlord Tenant Relations Board is a working Board, and has had a positive impact on improving the lives of tenants in Alexandria in a number of ways. Our Board undeniably has impacted local rental practices through our work with City Council on issues of interest to tenants. We regularly identify and articulate the City's expectations for reasonable, professional property management standards through periodic communication with landlords and through the City's Voluntary Rent Guidelines and Conversion Assistance Policy oversight and review. We provide training and education through the Apartment Managers' Seminar to assist and encourage landlords in legally compliant and professional management of Alexandria's rental communities.

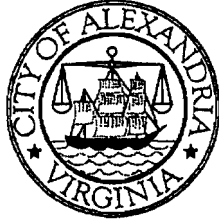
In addition, the Landlord-Tenant Relations Board has influenced state legislation both through direct advocacy, and by working with City's staff and other jurisdictions. The Alexandria Landlord Tenant Relations Board was one of the few supporters of local rental inspection programs, which were opposed by legislators throughout Virginia. Our Board works closely with the Apartment and Office Building Association and other organizations to seek out reasonable legislative solutions that will protect the interests of tenants without burdening landlords.

One example of our work is an effort we began in the mid 1990's to require air conditioning in rental apartments. Based on the Board's advocacy, this issue was studied by the Virginia Housing Commission, and subsequently referred to the Code Commission. We continued to regularly comment and advocate for air conditioning standards, and these were finally adopted in 2003.

During the conversion of nearly three thousand rental apartments to condominiums between 2004 and 2007, we found that protections for elderly and disabled tenants does not include protection against severe rent increases, even though state law requires that these tenants be offered long term leases of up to three years in the properties they occupy. The law provides only that they be offered a comparable market rent after the property is converted, which can be considerably higher than what the tenants currently pay. We proposed

legislation to allow these protected tenants to assign their statutory exclusive right to purchase their own unit to a government agency or non profit housing provider who would provide a long term affordable rental to that tenant. This legislation was adopted in 2007 amending the Virginia Condominium Act.

As noted in the attached letter, we ask that the Landlord Tenant Relations Board be exempt from all term limits established for Boards and Commissions. However, if Council rejects this recommendation and decides that term limits should apply to the Landlord-Tenant Relations Board, we request that incumbents unopposed for appointment be exempted from any term limits imposed.



OFFICE OF HOUSING  
LANDLORD/TENANT RELATIONS

421 King Street, Suite 200  
Alexandria, Virginia 22314  
alexandriava.gov

Voice: (703) 838-4545  
TTY: (703) 838-5056  
Fax: (703) 706-3904

September 30, 2008

Rose Williams Boyd  
Executive Secretary for  
Boards and Commissions  
Citizen Assistance Office  
P. O. Box 178  
Alexandria, Virginia 22313

Dear Ms. Boyd,

At its September 3, 2008, meeting, the Landlord-Tenant Relations Board reviewed the report from the City Council Committee on Boards and Commissions. The Board is extremely concerned with the recommendation to implement term limits of no more than 10 consecutive years. Most of the Landlord-Tenant Relations Board's members have served more than 10 years. While we recognize the need to allow all members of the community to serve, we note that in some instances positions on the Landlord-Tenant Relations Board have been vacant for several months, and in the case of a current vacancy, more than one year.

Long term vacancies present a problem. Unlike most Boards and Commissions which consider a quorum to be more than half of occupied positions, the Landlord-Tenant Relations Board cannot exclude a vacant position in determining a quorum. The nine member Landlord-Tenant Relations Board was created by ordinance, and City Code specifies that the presence of a minimum of six members is required for a quorum. There have been occasions meetings were canceled because of lack of a quorum due to vacancies. If at any given time two positions are vacant, a quorum cannot be established if more than one other member needs to be absent from the scheduled meeting.

At its September meeting the Landlord-Tenant Relations Board voted six to one to recommend that the Board be exempt from any term limits established for Boards and Commissions. However, if Council rejects this recommendation and decides that term limits should apply to the Landlord-Tenant Relations Board, we request that incumbents unopposed for appointment be exempted from any term limits imposed.

Thank you for the opportunity to comment and consideration of our concerns.

Sincerely,

Cynthia Clare, Chairperson  
Landlord-Tenant Relations Board



"Komoroske, John"  
<John.Komoroske@finra.org>  
06/11/2009 04:58 PM

To <Jackie.Henderson@alexandriava.gov>  
cc "Dunn, Stew" <SDunn@ipbtax.com>,  
<donna.fossum@verizon.net>, <erwagner@comcast.net>,  
<jlr@cpma.com>, <jjennings@casact.org>, "Mary Lyman"  
bcc

Subject Planning Commission Letter on Term Limits; Docket Item 20 for  
June 13, 2009 City Council Meeting

26  
6-13-09

History: This message has been forwarded:

Dear Ms. Henderson,

Below is a letter from the Planning Commission Meeting of June 2 regarding term limits.

Please distribute it to the Mayor and Council for their consideration of Docket Item 20 at their June 13, 2009 meeting.

Thank you.

Best regards,

John Komoroske

Chair

Alexandria Planning Commission

The Alexandria Planning Commission

June 11, 2009

Re: Docket Item 20, City Council June 12, 2009 Meeting

Dear Mayor and Council Members:

At its June 2, 2009 meeting, the Planning Commission unanimously voted to send you this letter, which recommends that you not enact 10 year term limits on City board and commission appointments, but if you do, that you exempt the Planning Commission from their coverage.

The Commission's analysis of why this would be inadvisable policy is in three parts: 1) why term limits are on balance a bad idea, 2) why term limits are an especially bad idea for the Planning Commission, and 3) a question about the breadth of the proposal as drafted.

First, with regard to why term limits are on balance a bad idea.

The proposal would waste valuable experience and guidance for the City and the Council. If the

proposal is enacted, Alexandria will lose many years of experienced guidance that comes from the long term members of its boards and commissions. While we fully understand the need to bring new ideas and people into boards and commissions, this proposal would automatically end the tenure of those who have more than 10 years of experience, who often provide the most knowledgeable contributions that help the Council do its job for the citizens of Alexandria.

The proposal is not necessary. The Council does not need term limits to remedy any problem “dead wood” or politically insensitive board members. The Council’s clear authority to not reappoint board and commission members is all that it needs to ensure that these positions are filled with active and interested citizens who contribute importantly to Alexandria’s governance. While not reappointing an appointee may sometimes be embarrassing for the Council to carry out, it would be less embarrassing than getting rid of all appointees with more than 10 years of experience just to get rid of a few problems.

The proposal limits the Council’s power. Under the proposal, the Council would be voluntarily curtailing its own power to retain qualified individuals with a long history of service to the City. To retain those who you wish to keep on would require a resolution of Council, a time consuming and potentially difficult obstacle to hurdle.

Second, although we are aware that it sounds self serving, we believe that term limits are nevertheless an especially bad idea for the Planning Commission.

Planning and zoning are difficult to master. The Virginia Certified Planning Commissioner program that Commissioners Komoroske and Fossum just completed stated that because of the difficulty of the body of knowledge to master and the environment of planning decisions, a planning commissioner typically takes 6 years to reach a level of mastery where they arrive at their full potential as commissioners. Under this term limit proposal, more than half of the time allowed would be used to reach that level, with only four years left to fully employ that potential for the City.

Planning is the City’s future. Only the Planning Commission is tasked to comprehensively plan and recommend to the City Council what the City should become in the near and distant future. To best understand all of the factors that must be considered in such comprehensive planning takes place not just over a number of meetings, but over a number of years. Comprehensive planning and zoning are two of the most difficult tasks the Council must perform. It should be able to call on highly experienced Planning Commissioners to evaluate information from staff and testimony in hearings and thus to serve like a committee of the Council in advising on legislative action.

Planning involves very large impact decisions. Unlike other boards and commissions, the Planning Commission sits squarely in the middle the City’s development process and recommends to Council where tens of millions of dollars of development should be sited, how it can be developed in consonance with City goals, how highly valuable property rights are treated,

and how income from development will fund the City's future needs. Such recommendations should not be made to Council by Planning Commissioners with artificially limited experience.

Third and finally, we have a question about the intended effect of the ordinance.

Is truncation of most appointees' last term intended by the proposal? For future appointees, boards and commissions whose terms are not evenly divided into 10 years would appear under the proposal to offer truncated last terms to their members. Using the example of the Planning Commission with 4 year terms, would reappointment to a third term at the 8 year mark allow the appointee to finish the four year term at 12 years, or must the appointee leave the Commission after only two years when the 10 year limit is reached, and thus serve only half of the third term?

In closing, the Commission believes that 10 year term limits are on balance a bad idea for Alexandria because they would waste important experience for City government, they are not necessary because the Council has the power to not reappoint, and they unduly limit the Council from retaining important appointees.

The Commission believes 10 year term limits are especially unwise in their application to the Planning Commission because they would limit the experience necessary to master this difficult area and they would hobble our role as an experienced body recommending to the City Council how the future of the City should be planned through a continuing series of very large and important decisions.

Thank you for considering our ideas in your deliberation of this important issue.

Sincerely,

John Komoroske

Chairman

Confidentiality Notice: This email, including attachments, may include non-public, proprietary, confidential or legally privileged information. If you are not an intended recipient or an authorized agent of an intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained in or transmitted with this e-mail is unauthorized and strictly prohibited. If you have received this email in error, please notify the sender by replying to this message and permanently delete this e-mail, its attachments, and any copies of it immediately. You should not retain, copy or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. Thank you



ORDINANCE NO. 4595

AN ORDINANCE to amend and reordain Section 2-4-4 (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, 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.

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

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

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

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

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

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

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

WILLIAM D. EUILLE  
Mayor

Final Passage: June 13, 2009

20  
6-13-09



"Poul Hertel"  
<poulh@erols.com>  
05/26/2009 05:03 PM

To <Jackie.Henderson@alexandriava.gov>, "Alicia Hughes"  
<aliciarhughes@gmail.com>, "Frank Fannon"  
<frank.fannon@gmail.com>, "Justin Wilson"  
cc  
bcc  
Subject Term limits for Boards and Commissions

Dear Madam City Clerk

Please find attached our comments regarding:

*RE: ITEM 14 .*

Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Impose a Maximum Service Period of 10 Consecutive Years for Any Member of a Board, Committee or Commission, Unless the Term of Service is Otherwise Governed by State Law, City Code or By Another Document That Creates the Committee, Board or Commission. (#15, 5/12/09)

Sincerely

Poul Hertel



President OTCA term limits.doc

**Old Town Civic Association, Inc.  
P.O. Box 1213  
Alexandria, Virginia 22313**

*RE: ITEM 14.*

Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Impose a Maximum Service Period of 10 Consecutive Years for Any Member of a Board, Committee or Commission, Unless the Term of Service is Otherwise Governed by State Law, City Code or By Another Document That Creates the Committee, Board or Commission. (#15, 5/12/09)

Dear Mr. Mayor and members of the City Council

The Old town Civic Association Board understands the desire to have a reasonable rotation on the Boards and Commissions, but urge you to exclude the Historic Board of Architectural Review and instead introduce a more gradual approach that will provide much smoother transition than currently envisioned.

Change should not come at the expense of continuity and under current circumstances that stewardship resides within the board itself. The framework of a historic district is not static, but does rely on reasonable accepted framework. Consequently the wholesale replacement of the main body of the board will create a significant vacuum that will increase the insecurity and risk for all parties.

One of our concerns is the fact that we, the council and residents don't have a process for vetting candidates that will fulfill the important mission of the BAR.

For this reason, we encourage the City Council to introduce the term limits over a period of time for the BAR Historic District, off at least four to six years, so that one by one, the current members with corporate memory can be slowly replace with highly qualified persons. Otherwise, we are going to throw the baby out with the bathwater.

Sincerely

Poul Hertel  
President OTCA