

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Article A (General Provisions) Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of 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 Title 2, Chapter 4, Article A of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 2-4-1 - Purpose.

The city council recognizes that the several citizen boards, committees and commissions provide useful and meaningful citizen participation in and assistance to the government of the city and that such participation should be enhanced and strengthened. To improve the existing committee system and to enhance its role in the discussion and resolution of important matters of public policy, the council finds that it is desirable and necessary to establish certain basic procedures for the conduct of the committees' work, to provide a mechanism for the provision of adequate staffing and funding and to consolidate and reorganize the relationships between the city council, the city manager and the several committees. The purpose of this article is to accomplish the foregoing and nothing in this article is intended as or shall be deemed to be a derogation of any substantive right, function or power enjoyed by any committee under any provision of law.

Sec. 2-4-2 - Definitions.

As used in this article, unless otherwise stated or the context otherwise requires:

- (1) City council means the Alexandria City Council.
- (2) Committee means any board, committee, commission, authority or similar body established by the city council or established pursuant to, or required by, any provision of the laws or regulations of the Commonwealth of Virginia or the United States, which has one or more members appointed or designated by the city council, and which has (i) a fixed membership, including at least one person who is not a city employee, (ii) a defined purpose and (iii) regular or periodic meetings.
- (3) Head of a committee means the chairman, chairperson or other person designated or elected as the presiding officer of any committee.
- (4) Action means any decision, recommendation, ruling or advice of a substantive nature made by a committee in accordance with section 2-4-5, which a committee is, by the terms of its enabling legislation, authorized to make.
- (5) Enabling legislation means any constitutional provision, statute, city charter provision, resolution, ordinance or regulation or other provision of law enacted by the city council,

1 the Commonwealth of Virginia or the United States which establishes the committee and
2 determines its composition, functions and powers.

3
4 (6) Standing committee means any committee established pursuant to law whose functions
5 are established on a permanent, ongoing basis for an indefinite period of time.

6
7 (7) Temporary committee means any committee established for a fixed and definite purpose
8 and for a limited and fixed period of time, include any ad hoc committee, task force or
9 group created by ordinance or resolution.

10
11 (8) Designated member means a person appointed to a committee, pursuant to the terms of
12 its enabling legislation, on behalf of, or as the representative of, another committee,
13 organization or group.

14
15 (9) Executive secretary means the person and the functions described in section 2-4-9 of this
16 article.

17
18 (10) Regional committee means a committee, the majority of whose members are
19 appointed by one or more states or political subdivisions other than the city.

20
21 (11) **Rules of Decorum means the customs of formality and courtesy observed by**
22 **the members of the board or commission in conducting business.**

23
24 **Sec. 2-4-3 - Application.**

25 (a) Except as provided in subsection (b) of this section, the provisions of this article shall apply to
26 all committees having one or more members appointed by the city council, notwithstanding other
27 provisions of law to the contrary.

28
29 (b) Except for the provisions of section 2-4-7, relating to the making of appointments, the
30 provisions of this article do not apply to:

- 31 (1) any regional committee.
32 (2) the Alexandria School Board.
33 (3) the Alexandria Redevelopment and Housing Authority.
34 (4) the Alexandria Sanitation Authority.
35 (5) the Alexandria Industrial Development Authority.
36 (6) the Visit Alexandria Board of Governors.

37
38 **Sec. 2-4-4 - Composition, terms and duties of committees.**

39 (a) **Composition.** The composition, term of office, mission and function and other
40 substantive duties relating to the work of any committee are those set forth by the terms
41 of a committee's enabling legislation together with any additional functions or duties that

1 may be assigned to a committee from time to time by the city council or other appropriate
2 local authority.

- 3
4 (b) **Term and Term Limit.** Whenever the city council has heretofore made or hereafter
5 makes an appointment or reappointment of any person to any committee, and neither the
6 law governing the appointment nor the council specifies any term of office for the person
7 appointed then the appointment shall be deemed to be made for a term of two years
8 beginning on the date of appointment. Unless otherwise specified in city code, state law
9 or in a document creating the committee, no person shall be eligible for reappointment to
10 any committee after having served ~~10 consecutive years~~ **three (3) consecutive terms** as
11 a member thereof. Individuals may be eligible for appointment to the committee one
12 calendar year after their term ends.

- 13
14 (c) **Duties of the Board of all Committees.** In addition to any other function or duty that
15 may be vested in a committee by its enabling legislation or otherwise, each committee
16 shall:

17
18 (1) designate one of its members as head of the committee and one member to act
19 as the secretary of the committee for the purpose of keeping and preparing
20 minutes or reports of all meetings or actions taken at any meeting and designate
21 such other officers as required by its enabling legislation. Where an officer or
22 employee of the city has been assigned to assist a committee, such officer or
23 employee may be designated as secretary unless the assignment is inconsistent
24 with other tasks being performed by such officer or employee. The committee
25 may also appoint any additional officers as it may deem proper.

26
27 (2) prepare minutes or reports not more than 30 days after the conclusion of any
28 meeting of the committee. A notation shall appear on the minutes indicating
29 whether they have been officially approved by the committee.

- 30
31 (d) **Additional Duties for Standing Committees.** In addition to any other function or duty
32 that may be vested in a committee by its enabling legislation or otherwise, each standing
33 committee shall:

34
35 (1) hold at least one regular meeting each year and as many additional meetings as may
36 be required by its enabling legislation or as the business of the committee may require.

37
38 (2) prepare and submit to the city council an annual report within 60 days after the close
39 of the fiscal year or as shortly thereafter as possible. The report shall include, but not be
40 limited to, a listing of the members of the committee, a description of the committee's
41 principal activities during the reporting period and any recommendations of the
42 committee for improving its functions and duties or making changes in other laws,
43 procedures, policies or programs within the subject matter of its jurisdiction, including

1 recommendations for additional federal or state legislation. These reports shall become
2 available for public inspection and copying after submission to the city council.
3

4 (3) in addition to its annual report, any committee is authorized to make additional or
5 special reports, oral or written, to the city manager of the city council at any other time
6 that the committee determines that such reports may be needed, except that, no report
7 requesting additional city funds or staff shall be submitted to the city council until it shall
8 first have been submitted to the city manager for his comments and recommendations.
9

10 (4) prepare, in consultation with the city manager an annual budget, showing both the
11 funding and staff directly assigned to the committee and estimated sums and staff time
12 that may be used by the committee but are not directly assigned to it.
13

14 (5) prepare by-laws consistent with this code regulating procedures regarding the
15 committee mission, membership, meetings, officers, committees, and amendments. Such
16 by-laws should be filed with the office of the city clerk and reviewed by the committee
17 annually.
18

19 **Sec. 2-4-5 - Procedure for committee meetings.**
20

21 (a) Except as otherwise provided in this section, each committee may hold and conduct its
22 meetings in the form and manner set forth in its enabling legislation and by-laws. Unless
23 otherwise required by this article or other provision of law, all questions of procedure at
24 any meeting shall be governed by Robert's Rules of Order.
25

26 (b) No action shall be taken nor business conducted by a committee without the presence of a
27 quorum and such quorum shall consist of a majority of the voting members of the
28 committee. A member present but not voting shall be considered in counting a quorum.
29

30 (c) No action which:

- 31 (1) is administratively final at the committee level without further appeal;
32 (2) may be appealed to either the city council or a court of competent jurisdiction; or
33 (3) constitutes a recommendation or proposal for action by the city council or any
34 other city board or commission,
35

36 shall be taken by a committee without the affirmative votes of a majority of the
37 committee present unless a larger majority is required by the committee's enabling
38 legislation. All votes shall be taken in public session and no proxy votes will be
39 permitted.
40

41 (d) Any committee desiring to submit written or oral testimony to any federal or state
42 legislative body or regulatory agency, other than the city council, in an official capacity
43 shall first receive the approval of the city council. If time does not permit such
44 submission, the committee shall state in its testimony to the legislative body or regulatory

1 agency that its testimony reflects the position of the committee and does not necessarily
2 represent the position of the city council. In such case a summary of testimony shall then
3 be provided by the committee to the council for its information.
4

- 5 (e) **All Committees must follow the Rules of Decorum for public meetings prepared by**
6 **and published in the Office of the City Clerk.**
7

8 **Sec. 2-4-6 - Public participation in committee meetings.**

- 9 (a) All committee meetings shall be open to the public except as to matters which, by law,
10 may be the subject of an executive session or a closed meeting. In determining to hold an
11 executive session or a closed meeting, the head of a committee shall first consult with the
12 city attorney as to the appropriateness of such a meeting and the procedure to be
13 followed.
14
15 (b) Except as may be permitted by law, all books, papers and reports or other documents
16 produced by or under the control of a committee shall be open for public inspection and
17 copying. A reasonable charge may be made for the cost of copying, printing or
18 distribution of any such books, papers, reports or other documents.
19
20 (c) (c)In consultation with the executive secretary, each committee shall provide for
21 reasonable public notice of the time and place of its meeting together with an agenda of
22 the matters to be discussed and which, if any, items will be the subject of public
23 testimony or comment. No recommendation by a committee for action by the city council
24 shall be made without first affording an opportunity for public comment.
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27

28 **Sec. 2-4-7 – Appointments to committees**
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- 30 (a) **City Council to Appoint.** Unless an appointment or reappointment to a committee is
31 expressly vested by law in the courts or in some other body, all appointments shall be
32 made by the city council. No person shall be appointed to any committee without the
33 affirmative votes of at least four members of the council.
34
35 (b) **Public Notice of Appointments.** Before appointing or reappointing any person to a
36 committee, the executive secretary shall give public notice of the impending appointment
37 and cause the same to be advertised in the form and manner prescribed by law for public
38 notices at least 21 days prior to consideration by the city council of the appointment or
39 reappointment. Insofar as practicable, the notice shall indicate the name of the committee,
40 the number of positions to be filled, any special occupational, professional or other
41 qualifications that may be required for a particular position and the time within which the
42 application required by subsection (c) of this section must be filed. Where a position can

1 be filled only by a designated member, the notice shall also include the name of the
2 organization, group or committee from which such member must be designated.
3

4 (c) **Appointment Application Form and Deadline.** No person shall be appointed or
5 reappointed by the city council to any committee until there is first submitted and filed
6 with the executive secretary an application form. No person shall submit an application
7 for membership for more than one committee position at any city council meeting at
8 which appointments to committees are considered. Such application ~~shall~~ **may** include
9 personal data with respect to the applicant's name, address, age, educational background,
10 practical experience, length of residency, employment of the applicant or any relative by
11 the city, ~~and~~ any special qualifications that the applicant possesses for a particular
12 position, **and any other information the executive secretary deems necessary in order**
13 **for City Council to make its appointment.** Applications must be filed with the
14 executive secretary not less than seven days prior to the date that the appointment will be
15 considered by the city council.
16

17 (d) **Residency Requirement.** Unless its enabling legislation expressly so provides, or unless
18 waived by a majority of the city council when it deems such waiver in the best interest of
19 the city and such waiver is not prohibited by any provision of law, no person shall be
20 appointed to a committee unless at the time of the appointment the person is a resident of
21 and residing in the city **or the person is filling a position designated for a particular**
22 **profession and the person works in the city even if not a resident of the city,** ~~and~~ the
23 person shall cease to be a member of a committee upon becoming a resident of any other
24 jurisdiction **or no longer working in the city, as applicable.**
25

26 (e) **Appointment of Persons holding Compensated Positions in the City.** No person who
27 holds any office or position in the city for compensation shall be appointed to any
28 committee ~~which is involved in, responsible for, oversees or regulates the subject~~
29 ~~matter, policy or rules of the city department or agency by which the person is~~
30 ~~employed~~ **unless the appointment is a Designated Member.** The executive secretary
31 shall review all applications for appointments to committees. The executive secretary
32 shall advise the council whether, in his or her opinion, the appointment of the person to
33 the committee for which application has been made would result in such a situation.
34

35 (f) **Limitation on Number of Appointments.** No person shall be appointed by the city
36 council to more than one standing committee, or to more than one standing committee
37 and one temporary committee, at the same time except as a designated member. This

subsection shall not apply to any committee exempt from this article pursuant to section 2-4-3.

(g) **Ethics and Oath of Office.**

(1) 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 section 2-5-11 of this code.

~~(h)~~ **(2)**. 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 either: i) verbally before the city clerk, or other officer authorized to administer oaths or affirmations, or ii) in writing on a form provided by the office of the city clerk and clerk of council:

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).

~~Any person who fails to take the oath or affirmation within 60 days of appointment may be subject to removal from the committee.~~

~~(i)~~**(h) Attendance Requirements.**

(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

1 any time during a year, a majority of the committee concludes that an appointee will be,
2 based upon the appointee's attendance record, unable to meet the 75 percent attendance
3 requirement, it may immediately direct the committee head to request the city council to
4 declare the position vacant. If council determines that sufficient meetings have already
5 been missed such that the 75 percent attendance requirement will not be met, it may
6 declare the position vacant and may make an appointment to fill the vacancy for the
7 remainder of the existing term of office of the appointee whose position was declared
8 vacant.

9
10 (2) The committee head may excuse the absence of an appointee from a meeting or
11 meetings if informed by the appointee of the absence within a reasonable period of time
12 in advance of the meeting. Such excused absences shall not be considered by the
13 committee head when preparing the appointee's attendance record but shall be noted as
14 "excused absences" on the record.

15
16 ~~(j)~~ **(i) Removal.** Any person appointed to a committee by the city council serves at the pleasure
17 of city council. Notwithstanding any provision of law to the contrary, any member of a
18 committee for which the council has appointive authority may be removed from office by city
19 council for ~~neglect of duty or violations of this article or any other provision of law~~ any of
20 the following reasons:

- 21 1. **Neglect of duty including, but not limited to, failure to carry out directives of city**
22 **council, more than one violation of the Rules of Decorum for boards and**
23 **commissions meetings established by the executive secretary, or a criminal**
24 **conviction the results in a loss of confidence.**
- 25 2. **failure to complete the oath of office within 60 days of appointment in compliance**
26 **with 2-4-7(g)(2).**
- 27 3. **failure to continue to meet qualifications for the position for which they were**
28 **appointed.**
- 29 4. **failure to meet the annual 75 percent attendance requirement in compliance with**
30 **Section 2-4-7-(h).**
- 31 5. **failure to file annual financial disclosure statements, when required, in compliance**
32 **with Section 2-5-11.**

33
34 **The council in removing any committee member shall act only by the affirmative votes of**
35 **at least four members.**

36
37 ~~(k)~~ **(i) City Council Alternates.** Notwithstanding any contrary provision of this chapter, a
38 member of city council, who serves a member of a committee established pursuant to this code,

1 may appoint another person to represent the council member as an alternate member of such
2 committee. Any such alternate member shall be appointed in writing, filed with the executive
3 secretary and city clerk. Any such alternate member shall serve at the pleasure of the council
4 member making the appointment, and, in the absence of the council member, may exercise any
5 or all of the rights, privileges and duties of the council member on such committee.

6
7 Section 2. That Title 2, Chapter 4, Article A as amended pursuant to Section 1 of
8 this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City
9 Code.

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11 Section 3. That this ordinance shall become effective upon the date and at the time
12 of its final passage.

13
14 JUSTIN WILSON
15 Mayor
16

17
18 Introduction: May 9, 2023
19 First Reading: May 9, 2023
20 Publication:
21 Public Hearing: May 13, 2023
22 Second Reading: May 13, 2023
23 Final Passage: May 13, 2023
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