

**City of Alexandria
City Council Special Meeting
Wednesday, March 17, 2021 7:00 PM
Virtual Meeting
Meeting Minutes**

Present: Mayor Justin M. Wilson, Vice Mayor Elizabeth Bennett-Parker, Members of Council Canek Aguirre, John Taylor Chapman, Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldein.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Hudson, Outside Counsel; Ms. Triggs, Deputy City Manager; Ms. Collins, Deputy City Manager; Ms. Baker, Deputy City Manager; Mr. Gonsalves, P3 Coordinator, City Manager's Office; Ms. S. Taylor, Legislative Director/Assistant City Manager; Ms. Roberts, Assistant City Attorney; Mr. DiBeneditto, Assistant City Attorney; Fire Chief Smedley, Police Chief Brown, Ms. McLean, Executive Assistant to the City Manager; Ms. Quinn, Management Analyst; City Manager's Office; Mr. Moss, Information Technology Services (ITS); Mr. Smith, ITS; and Ms. Demeke.

Recorded by: Gloria Sitton, City Clerk and Clerk of Council.

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All the members of Council were present via Zoom webinar.

Mayor Wilson stated that due to the COVID-19 pandemic emergency, the March 17, 2021 Special Meeting of the Alexandria City Council is being held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 and Section 4.0-00(g) in HB29 and HB30 to undertake essential business. All members of the City Council and staff are participating from remote locations through a video conference call on Zoom. This meeting is being held electronically, unless a determination is made that it is safe enough to be held in person in the City Council Chamber at 301 King Street, Alexandria, Virginia. The meeting can be accessed by the public through the live broadcast on the government channel 70, streaming on the City's website, and can be accessed via Zoom.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Marcus Downey, Alexandria, representing police union, spoke about changes to the collective bargaining ordinance.
2. Del. Mark Levine, Alexandria, spoke in support of the collective bargaining ordinance and responded to questions from members of Council.
3. Heidi Meinzer, Alexandria, attorney representing IUPA Local 5 and IUPA Local 5005, spoke in opposition to several points of the collective bargaining ordinance.
4. Ingris Moran, Alexandria, representing Tenants and Workers United, spoke in support of the Community Policing Review Board ordinance and in support of structural changes to law enforcement.
5. James Rodriguez, Alexandria, spoke about the need for a collective bargaining ordinance for City employees.
6. Lindsey Lawson Battaglia, Alexandria, spoke about changes to law enforcement and in support of the Community Policing Review Board.
7. Tara May, Alexandria, spoke about collective bargaining ordinance and how it will affect law enforcement and suggested changes to the ordinance to address concerns of sworn employees.
8. Mark Blackwell, Alexandria, spoke at the need for body-worn cameras for police and changes to Community Policing Review Board ordinance allowing full access to information.
9. Christopher E. Brown, Alexandria, spoke in support of the Community Policing Review Board ordinance and offered some suggestions for amendments to the ordinance.
10. John Silverwood, Alexandria, spoke in support of a fair collective bargaining ordinance for City employees.
11. Velicia Tucker, Woodbridge, spoke in support of a collective bargaining ordinance for City employees.
12. Jonathan Krall, Alexandria, representing Grassroots Alexandria, spoke in support of the Community Policing Review Board ordinance.
13. Josh Turner, Alexandria, representing Alexandria Firefighters, Inc., spoke about the collective bargaining ordinance.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

PLEASE NOTE: The public hearings for the following items will occur at a subsequent meeting. Tonight is the introduction of the proposed ordinances.

3. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Title 2 of the Code of the City of Alexandria, Virginia, General Government, Chapter 5, Officers and Employees, by adding Article E, Collective Bargaining.

(A copy of the City Manager's memorandum dated March 3, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 3; 03/17/21, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 3; 03/17/21, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 3; 03/17/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Aguirre and carried unanimously, City Council passed the ordinance on first reading and scheduled it for public hearing on April 17, 2021, with the following amendments from the draft ordinance circulated by Vice Mayor Bennett-Parker:

- Expanded the scope for discipline to resolve employee grievances and strikeout the 6 months expiration
- P. 4, Line 7 – delete “in the sole and final determination of the city manager”
- P. 4, Line 23 – amended definition to match FLSA
- P. 4, Line 35 – delete similar to line 7 deletion
- P. 5, Lines 3 and 4 – adding public safety employees back
- P. 5, Line 15-19 – strike language related to meet and confer
- P. 4, Line 40 – parties are to follow negotiated agreements
- Add language about City retaining authority during emergencies
- P.8 -mutual agreement terms are not just solely with City Manager
- Impasse agreement – moved to Union's position and incorporated that language into the document

Councilman Aguirre offered an amendment to remove from p.10 Line 5 – language “for certification without election.”

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously, to strike 30% and move it to 50% (decertification) from p.6, line 10. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none. It becomes part of the main motion.

The vote on the main motion was as follows: In favor, Mayor Wilson, Vice Mayor

Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

****City Council took a recess at 8:38 p.m. and reconvened the meeting at 9:00 p.m.***

4. Introduction and First Reading. Consideration. Passage on First Reading of an ordinance to amend Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding a new Article AA (INDEPENDENT COMMUNITY POLICING REVIEW BOARD) and to amend Article A (GENERAL PROVISIONS) of Chapter 1 (POLICE PROTECTION) OF Title 4 (PUBLIC SAFETY) of The Code of the City of Alexandria, Virginia, 1981, as amended, to add Sections 4-1-5 (INDEPENDENT POLICING AUDITOR/INVESTIGATOR) AND 4-1-6 (INDEPENDENT POLICING AUDITOR/INVESTIGATOR DUTIES AND RESPONSIBILITIES).

(A copy of the City Manager's memorandum dated March 3, 2021 , is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 3; 03/17/21, and is incorporated as part of this record by reference.

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A motion was made by Councilman Seifeldein for City Council to pass the ordinance on first reading and schedule it for public hearing , second reading on Saturday, April 17, 2021, with the amendments from the memorandum he circulated dated March 9, 2021. The motion died for lack of a second.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman Seifeldein and carried unanimously, City Council passed the ordinance on first reading and scheduled it for public hearing on Saturday, April 17, 2021. The following amendments were offered to the proposed ordinance:

- p.2, sec. C, line 22 -23, modified the language to read, "such as personal identifiers" and deleted "authorized to remain confidential pursuant to the Virginia Freedom of Information Act...."
- p. 2, sec. 2, delete statement beginning at line 24 through line 29 substitute with the following language, "APD shall provide such documents to the Independent Policing Auditor who shall not provide it to the Board or share with the public."
- p.3, sec. B, line 23, added the word personal before experience
- p. 3, sec. b, iii, line 32 - change the language to read, "and shall be at least three years honorably removed from service.
- created a subsection (c) to address ex-officio voting members
- p. 2 sec (f) -- amend the language regarding board reports as follows:

(f) Board Reports: The Board shall produce public reports regarding the work of the Board and disseminate such reports in hardcopy and online, including, but not limited to:

- i. a written report to the City Council by September 1 of each fiscal year of its activities for the prior fiscal year under the provisions of this chapter along with any comments and recommendations as it may choose to make; and
- ii. a written report after each investigation conducted pursuant to Section 2-4-227(d) which shall not include any Personally Identifiable Information, or criminal or juvenile information prohibited from being disclosed by Virginia State Code or Federal Law. The reports of each investigation shall be provided to the public with all narratives, findings, recommendations and any disciplinary actions.

-p.4. 2-4-223, sec(c) - remove language "and the permissibility of their release shall be determined by APD in consultation with the City Attorney's office, pursuant to applicable laws."

-p.5. 2-4-225, iii. - change the language to read as follows, "iii. The City Attorney, or its designee, shall serve as legal advisor to the Board. As to a particular matter, and in the event the Board or the City Attorney determine that there is a conflict of interest that precludes effective representation by the City Attorney's Office, the Board shall retain outside counsel to advise the Board from a list of attorneys recommended by the City Attorney."

-p.5, 2-4-225, v - change the language to read as follows: "v. The City, including all city departments, boards, commissions, and staff shall make good faith effort to cooperate with and assist the Board, and shall comply with , all reasonable Board requests or expeditiously provide a reason for rejection."

-p. 7. (i) - Board Review of APD Investigations - the section should read as follows: "i. Except for matters identified in subsection (d) herein, APD shall continue to investigate all complaints submitted to APD or to the Board. APD shall complete its investigation of the complaint and provide an investigation report to the Board within sixty (60) days. The Board shall extend the 60-day period upon request of the Police Chief to protect an ongoing criminal investigation, or for other good cause, with notice to the complainant and city council."

-p.8, sec (d)(i)(2) - change the word substantial to reasonable

-p.9 -under section (e) add the word "Duties" to the tile "Board Policy Recommendations"

-p. 12, delete section (a)(i) under Exclusions.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed , none.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, the Special City Council Meeting of March 17, 2021 was adjourned at 12:04 a.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein;

Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk
Approved:
Ratified: