



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 2, 2023

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JOANNA C. ANDERSON, CITY ATTORNEY /s/

THROUGH: JAMES F. PARAJON, CITY MANAGER
GLORIA SITTON, CITY CLERK AND CLERK OF COUNCIL

DOCKET TITLE:

Introduction and First Reading. Consideration. Passage on First Reading of 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.

ISSUE: Consideration of amendment to the City Code regarding boards and commissions to update and clarify the regulations of Boards and Commissions.

RECOMMENDATION: That City Council approve the ordinance on first reading and schedule it for second reading and public hearing on Saturday, May 13, and after public hearing, adopt the ordinance.

BACKGROUND: In March 2019, City Council established a committee to review and audit the City boards and commission. The committee reported out to City Council in January 2020 and again in April 2021. The committee made a number of recommendations to City Council, many of which have been adopted either in policy or in City Code. The docket memos from these two reports are attached for your information and review. Recently, several new changes to the City Code regarding boards and commissions have been proposed by various council members which created the opportunity for another review of the City Code. The proposed changes at this time reflect changes needed to make the process more efficient, as well as changes to clarify the code sections.

DISCUSSION: The proposed changes, in the order they appear in the revised ordinance, are as follows:

- 1. Rules of Decorum:** Recently we have seen more difficult interactions with board and commission members and believe it may be necessary to make clear the decorum expectations that City Council has for members of boards and commissions. The changes proposed would allow the City Clerk to adopt a set of rules of decorum based on the definition of these types of rules. It would also make clear that if a member violates the rules of decorum more than once, the City Council can consider removing them from the board.
- 2. Term Limits:** Recently it has become apparent that the current term limit of ten years for members of boards and commissions is difficult to administer because the ten years does not coincide with the member's actual terms and results in

members serving more than ten years because it came up in the middle of their term. The change would be to change the limit to a number of terms, rather than a number of years so that the member's term limit will coincide with their actual term. The proposed amendment changes the limit from ten years to three terms. The typical term for boards and commissions is 2 to 4 years. There is one commission with a 5-year term (Building Code Board of Appeals) and one with a 1-year term (Eisenhower East Design Review Board). This change would make the typical term limit 6 to 12 years depending on the length of the term with rare circumstances of a 15-year total term, or a 3-year total term.

3. **Information on Applications.** The current language in Section 2-4-7(c) is restrictive requiring certain information always be required on all applications. The proposed change would give some more flexibility to the City Clerk to include this information on applications where it is relevant, but to also have applications that do not include all of this information if it is not relevant to the appointment. For example, currently the applications for students who are applying for student designated appointments need to answer employment questions which are not relevant to them. The proposed change would also allow the City Clerk to ask additional questions if necessary for the Council to make its appointment.
4. **Waivers.** Currently, the residency requirement does not allow for someone who works in the city and is filling a professional related position to apply without a waiver if they don't also live in the city. The proposed change would allow anyone who lives in the city or works in the city, if they are applying for a professional position, to apply without a waiver from City Council.
5. **City Employees on Boards.** Currently the code allows for City employees to apply for boards and commissions appointments for boards that do not oversee the work they do. However, even if the city employee is on a board that does not oversee the work they do, there could be conflicts with the employee's work. Allowing a city employee to be on a board when they are not in a position designated for their position, puts them in two different relationships with the city - one of compensation under the City Manager, and one of volunteering directly for the City Council, causing some confusion with the employee's role. Therefore, this change would limit city employees' roles on boards and commissions in the city to just those that are designated for the position that employee holds.
6. **Removal Provisions.** Currently, the reasons a member of a board or commission can be removed from a board are in all different parts of the code. This change would consolidate all of those in one place so that it is clear to all what actions could cause someone to be removed from a board. Additionally, the current code indicates a member can be removed for "neglect of duty" which is not very clear. The proposed change would clarify that neglect of duty includes actions such as failure to carry out directives of city council, violations of Rules of Decorum, or criminal convictions.
7. **Addition of Headers or Catchlines.** While we have the opportunity, we have added headers to various code sections so that it is easier to identify where the various rules are and what the code addresses. Headers are not considered to be a part of the code section and are merely intended to indicate the content of the section.

FISCAL IMPACT: None.

ATTACHMENTS:

Attachment 1. April 7, 2021 Report from the Boards and Commissions Audit/Review Committee

Attachment 2. January 23, 2020 Report from the Boards and Commissions Audit/Review Committee

Attachment 3. Cover Sheet for Ordinance

Attachment 4. Ordinance

STAFF:

David Lanier, Assistant City Attorney

Keia Waters, Deputy City Clerk and Clerk of Council