

ORDINANCE NO. 2452

AN ORDINANCE to repeal Section 2-47.1, Division 3, to amend Division 3 by adding new sections numbered 2-47.1:1, 2-47.1:2, 2-47.1:3, 2-47.1:4, 2-47.1:5, 2-47.1:6, 2-47.1:7, 2-47.1:8 and 2-47.1:9, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 2 relates to ADMINISTRATION, which Article II relates to OFFICERS AND EMPLOYEES GENERALLY, which Division 3 relates to BOARDS, COMMISSIONS, COMMITTEES, AUTHORITIES AND SIMILAR BODIES, which Section 2-47.1 formerly related to TERM OF OFFICE OF COUNCIL APPOINTEES WHERE APPOINTMENT MADE FOR INDEFINITE TERM, which new Section 2-47.1:1 relates to PURPOSE, which new Section 2-47.1:2 relates to DEFINITIONS, which new Section 2-47.1:3 relates to APPLICATION, which new Section 2-47.1:4 relates to COMPOSITION, TERMS AND DUTIES OF COMMITTEES, which new Section 2-47.1:5 relates to PROCEDURE FOR COMMITTEE MEETINGS, which new Section 2-47.1:6 relates to PUBLIC PARTICIPATION IN COMMITTEE MEETINGS, which new Section 2-47.1:7 relates to APPOINTMENTS TO COMMITTEES, which new Section 2-47.1:8 relates to CREATION OF NEW COMMITTEES and which new Section 2-47.1:9 relates to EXECUTIVE SECRETARY.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-47.1, Division 3, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is repealed.

Section 2. That Division 3, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding new sections numbered 2-47.1:1, 2-47.1:2, 2-47.1:3, 2-47.1:4, 2-47.1:5, 2-47.1:6, 2-47.1:7, 2-47.1:8 and 2-47.1:9 to read as follows:

Sec. 2-47.1:1. 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 of Alexandria 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 division is to accomplish the foregoing and nothing in this division 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. 2-47.1:2. Definitions.

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

(a) "City council" means the Alexandria City Council.

(b) "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 (1) a fixed membership, including at least one person who is not a city employee, (2) a defined purpose and (3) regular or periodic meetings.

(c) "Head of a committee" means the chairman, chairperson or other person designated or elected as the presiding officer of any committee.

(d) "Action" means any decision, recommendation, ruling or advice of a substantive nature made by a committee, which a committee is, by the terms of its enabling legislation, authorized to make.

(e) "Enabling legislation" means any constitutional provision, statute, city Charter provision, resolution, ordinance or regulation or other provision of law enacted by the city council, the Commonwealth of Virginia or the United States which establishes the committee and determines its composition, functions and powers.

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

(g) "Temporary committee" means any committee established for a fixed and definite purpose and for a limited and fixed period of time.

(h) "Designated member" means a person appointed to a committee, pursuant to the terms of its enabling legislation, on behalf of, or as the representative of, another committee, organization or group.

(i) "Executive secretary" means the person and the functions described in section 2-47.1:9 of this division.

Sec. 2-47.1:3. Application.

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

(b) Except for the provisions of section 2-47.1:7, relating to the making of appointments, the provisions of this division do not apply to:

(1) Any committee the majority of whose members are appointed from other political subdivisions in addition to the City of Alexandria.

(2) The Alexandria School Board.

(3) The Alexandria Redevelopment and Housing Authority.

(4) The Alexandria Sanitation Authority.

(5) The Alexandria Industrial Development Authority.

Sec. 2-47.1:4. 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.

(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 such assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint such 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 thirty (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 sixty (60) days after the close of the fiscal year or as shortly thereafter as possible. Such 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. Such 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 or 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.

Sec. 2-47.1:5. Procedure for committee meetings.

(a) Except as otherwise provided in this section, each committee may hold and conduct its meetings in the form and manner set forth in its enabling legislation and establish procedures as may be most conducive to the conduct of its business. Unless otherwise required by this division or other provision of law, all questions of procedure at any meeting shall be governed by Roberts' Rules of Order.

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

(c) No action which:

(1) is administratively final at the committee level without further appeal; or

(2) may be appealed to either the city council or a court of competent jurisdiction; or

(3) constitutes a recommendation or proposal for action by the city council or any other city board or commission; shall be taken by a committee without the affirmative votes of a majority of the committee present unless a larger majority is required by the committee's enabling legislation. All votes shall be taken in public session and no proxy votes will be permitted.

(d) Any committee desiring to submit written or oral testimony to any federal or state legislative body or regulatory agency, other than the city council, in an official capacity shall first receive the approval of the city council. If time does not permit such submission, the committee shall state in its testimony to the legislative body or regulatory agency that its testimony reflects the position of the committee and does not necessarily represent the position of the city council. In such case a summary of testimony shall then be provided by the committee to the council for its information.

Sec. 2-47.1:6. Public participation in committee meetings.

(a) All committee meetings shall be open to the public except as to matters which, by law, may be the subject of an executive session or a closed meeting. In determining to hold an executive session or closed meeting, the head of a committee shall first consult with the city attorney as to the appropriateness of such a meeting and the procedure to be followed.

(b) Except as may be permitted by law, all books, papers and reports or other documents produced by or under the control of a

committee shall be open for public inspection and copying. A reasonable charge may be made for the cost of copying, printing or distribution of any such books, papers, reports or other documents.

(c) In consultation with the executive secretary, each committee shall provide for reasonable public notice of the time and place of its meeting together with an agenda of the matters to be discussed and which, if any, items will be the subject of public testimony or comment. No recommendation by a committee for action by the city council shall be made without first affording an opportunity for public comment.

Sec. 2-47.1:7. Appointments to committees.

(a) Unless an appointment or reappointment to a committee is expressly vested by law in the courts or in some other body, all appointments or reappointments shall be made by the city council. No person shall be appointed to any committee without the affirmative votes of at least four (4) members of the council.

(b) Before appointing or reappointing any person to a committee, the executive secretary shall give public notice of the impending appointment and cause the same to be advertised in the form and manner prescribed by law for public notices at least twenty-one (21) days prior to consideration by the city council of the appointment or reappointment. Insofar as practicable, such notice shall indicate the name of the committee, the number of positions to be filled, any special occupational, professional or other qualifications that may be required for a particular position and the time within which the application required by subsection (c) of this section must be filed. Where a position can be filled only by a designated member, the notice shall also include the name of the organization, group or committee from which such member must be designated.

(c) No person shall be appointed or reappointed by the city council to any committee until there is first submitted and filed with the executive secretary, an application form. Such application shall include personal data with respect to the applicant's name, address, age, educational background and practical experience, length of residency, employment of the applicant or any relative by the city and any special qualifications that the applicant possesses for a particular position. Applications must be filed with the executive secretary not less than seven (7) days prior to the date that the appointment will be considered by the city council. Late filed applications may be considered if a majority of the city council so determines.

(d) Unless its enabling legislation expressly so provides, or unless waived by a majority of the city council when it deems such waiver in the best interests of the city and such waiver is not prohibited by any provision of law, no person shall be appointed to a committee unless at the time of such appointment such person is a resident of and residing in the City of Alexandria, and any such person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction.

(e) No person shall be appointed to any committee who holds any office or position in the City of Alexandria for compensation unless such compensation is expressly permitted or required by a committee's enabling legislation or other provision of law.

(f) No person shall be appointed by the city council to more than one (1) standing committee or more than one (1) standing committee and one (1) temporary committee at the same time except as a designated member.

(g) Any person appointed to a committee shall, upon appointment, agree to comply with the provisions of chapter 11 of this Code, concerning ethics, conflicts of interest and ownership of real property and, where applicable, the provisions of sections 2-47.2 to 2-47.7 of this Code.

(h) 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 before the clerk of the circuit court or other officer authorized to administer oaths or affirmations:

I do solemnly swear (or affirm)
that I will support the Constitution
of the United States and the Consti-
tution 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).

(i) 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 the first of July of each year, forward to the executive secretary in writing, a copy of each attendance record for the immediately preceding twelve (12) months. Appointees to committees shall attend at least seventy-five percent (75%) 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 seventy-five percent (75%) of said 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 seventy-five percent (75%) of said meetings. The executive secretary shall also forthwith notify the appointee of such 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 above-mentioned council meeting in September. If at any time during a year, a majority of the committee concludes that an appointee will be, based upon the appointee's attendance record, unable to meet the seventy-five percent (75%) attendance requirement, it may immediately direct the committee head to request the city council to declare the position vacant. If council determines that sufficient meetings have already been missed such that the seventy-five percent (75%) attendance requirement will not be met, it may declare the position vacant and may make an appointment to fill the vacancy for the remainder of the existing term of office of the appointee whose position was declared vacant.

The committee head may excuse the absence of an appointee from a meeting or meetings if informed by the appointee of the absence within a reasonable period of time in advance of the meeting. Such excused absences shall not be considered by the committee

head when preparing the appointee's attendance record but shall be noted as "excused absences" on the record.

(j) Any person appointed to a committee by the city council may be removed by the city council for neglect of duty or violations of this division or any other provision of law.

Sec. 2-47.1:8. Creation of new committees.

(a) On and after the effective date of this division no new standing committee shall be established except by ordinance, and no temporary committee, which may be established by ordinance or resolution, shall be established for a term of more than 365 days, such period to run from the date such committee holds its initial meeting. The term of a temporary committee may be extended by council by ordinance or resolution for additional periods of up to 365 days each.

(b) No new committee shall be established until after the receipt of a report and recommendations of the city manager. Such report shall include comments and recommendations concerning:

(1) the need for the committee and possible duplications or conflicts with other committees;

(2) the appropriateness of a committee format to deal with the issues involved; and

(3) the estimated requirements in staff and funding required to service the committee.

Sec. 2-47.1:9. Executive secretary.

(a) The city manager, or a person designated by him, shall be the executive secretary to all committees subject to this division. Where a person other than the city manager is designated, such person shall report to the city manager. The executive secretary may attend and participate in all meetings of a committee but is not a member of any committee.

(b) The duties of the executive secretary shall include:

(1) subject to the availability of funds and staff, the provision of appropriate staff and other resources necessary for a committee's effective performance;

(2) the review and establishment, insofar as possible, of uniform procedures and formats for the preparation of the attendance records, annual and other reports and minutes of committees;

(3) the monitoring of the effectiveness and efficiency of particular committees and the committee system as a whole on an annual basis and the making of appropriate recommendations to the city council for action;

(4) assisting, as requested, a committee in the preparation of its budget and other matters relating to the conduct of its work;

(5) the maintenance and publishing, annually, in cooperation with the city clerk, of a roster of the members of

each committee and other pertinent information relating to the committee system;

(6) the preparation of a summary of the terms of this division and upon approval of the same by the city attorney, make such summary available to all members of any committee or applicants for appointment; and

(7) such other matters as may be assigned by the city manager or the city council.

Section 3. That the title of and informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective July 1, 1980.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: April 8, 1980