

ORDINANCE NO. 5169

AN ORDINANCE to amend and reordain Article A (GENERAL PROVISIONS) of 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 Article A of Chapter 4 of Title 2 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:

ARTICLE A - General Provisions

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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 10 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.

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Sec. 2-4-7 - 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 shall be made by the city council. No person shall be appointed to any committee without the affirmative votes of at least four 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 21 days prior to consideration by the city council of the appointment or reappointment. Insofar as practicable, the 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. No person shall submit an application for membership for more than one committee position at any city council meeting at which appointments to committees are considered. Such application shall include personal data with respect to the applicant's name, address, age, educational background, 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 days prior to the date that the appointment will be considered by the city council.

(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 interest 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 the appointment the person is a resident of and residing in the city, and the person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction.

(e) No person who holds any office or position in the city for compensation shall be appointed to any committee which is involved in, responsible for, oversees or regulates the subject matter, policy or rules of the city department or agency by which the person is employed. The executive secretary shall review all applications for appointments to committees. The executive secretary shall advise the council whether, in his or her opinion, the appointment of the person to the committee for which application has been made would result in such a situation.

(f) No person shall be appointed by the city council to more than one standing committee, or to more than one standing committee and one temporary committee, at the same time except as a designated member; provided, that, for the purposes of this subsection, a regional committee shall not be considered a standing or a temporary committee.

(g) 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 sections 2-5-11 to 2-5-16 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 either: i) verbally before the city clerk ~~of the circuit court~~, 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).

(i)(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 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 75 percent 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 75 percent 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.

(2) 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 article or any other provision of law.

(k) Notwithstanding any contrary provision of this chapter, a member of city council, who serves a member of a committee established pursuant to this code, may appoint another person to represent the council member as an alternate member of such committee. Any such alternate member shall be appointed in writing, filed with the executive secretary and city clerk. Any such alternate member shall serve at the pleasure of the council member making the appointment, and, in the absence of the council member, may exercise any or all of the rights, privileges and duties of the council member on such committee.

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Secs. 2-4-11 through 2-4-20 - reserved.

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

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

ALLISON SILBERBERG
Mayor

Final Passage: November 17, 2018