

ORDINANCE NO. 5346

AN ORDINANCE to amend 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 as follows, by deleting the language shown in strikethrough and adding the language shown as underlined:

**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, the

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

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

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

(8) 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.

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

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

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

(a) Except as provided in subsection (b) of this section, the provisions of this article 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 2-4-7, relating to the making of appointments, the provisions of this article do not apply to:

- (1) any regional committee.
- (2) the Alexandria School Board.
- (3) the Alexandria Redevelopment and Housing Authority.
- (4) the Alexandria Sanitation Authority.
- (5) the Alexandria Industrial Development Authority.

**Sec. 2-4-4 - 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.~~ Individuals may be eligible for appointment to the committee one calendar year after their term ends.

(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 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 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.

(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.

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

**Sec. 2-4-5 - 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 by-laws. ~~establish procedures as may be most conducive to the conduct of its business.~~ Unless otherwise required by this article or other provision of law, all questions of procedure at any meeting shall be governed by Robert's 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;

(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. 2-4-6 - 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 a 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. 2-4-7 - 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 section 2-5-11 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, 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)(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.

**Sec. 2-4-8 - Creation of new committees; term of temporary committees.**

(a) Any new standing committee shall be established by ordinance.

(b) Any new temporary committee shall be established by ordinance or resolution which shall specify the term during which the committee shall remain in existence. No temporary committee shall be established for a term of more than 365 days, the period to run from the date the 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. A temporary committee shall cease to exist upon (i) the completion of its designated task or assignment, (ii) the date it submits its final oral or written report to council, (iii) the expiration of the term specified in the ordinance or resolution creating the committee or of any extension of its original term, or (iv) three years from the date of its initial meeting, whichever occurs first.

(c) No new committee shall be established until the city manager has issued a report with comments and recommendations regarding the creation of the committee. The manager may delegate responsibility for preparing this report to any department head. The report required by this subsection 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 impact that creation of the committee will have on city staff resources, including:
  - (i) the estimated total amount of city staff time that will be required on an annual or other basis to staff the committee;
  - (ii) whether the committee can accomplish its assigned work with existing staff; and
  - (iii) if new staff will be required, the total amount of additional staffing that will be required and the projected annual cost of such additional staff.

**Sec. 2-4-9 - Executive secretary.**

(a) The city clerk appointed pursuant to Charter Section 3.06, or a person designated by him/her, shall be the executive secretary to all committees subject to this article. Where a person other than the city manager is designated, the person shall report to the city clerk. 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 provisions 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 budgeted 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 article and upon approval by the city attorney, make the summary available to all members of any committee or applicants for appointment; and

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

**Sec. 2-4-10 - Staff assistance.**

No committee may request the assistance of city staff or make an assignment to city staff except pursuant to committee action, as defined in section 2-4-2(4). Unless acting pursuant to committee action, no member of a committee may request staff assistance, or make an assignment to staff, relating to committee business.

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

Section 2. That Article A (General Provisions) of Chapter 4 (Committees, Boards and Commissions) of Title 2 (General Government), as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

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

JUSTIN M. WILSON  
Mayor

Final Passage: May 15, 2021