

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/7/14 work session CUT OFF DATE: 9/30/14

RESOLUTION _ ORDINANCE PUBLIC HEARING

ITEM TITLE:

Overview of Committee On Council reOrganization (COCO) Report and Recommendations

STAFF RECOMMENDATION:

Overview and discussion

PUBLIC NOTICE AND HEARING:

None required

ADVISORY BOARD RECOMMENDATION:

Reports of COCO (2000) and Citizens Committee (2002) attached.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. City Attorney	<i>[Signature]</i>		9/30/2014
2. City Manager	<i>[Signature]</i>		1 Oct 2014
3. Clerk of Council			

Initiating Department Director's

Signature: *[Signature]* 9/29/14
Tim Youmans, Planning Director



APPROVED AS TO FORM:

[Signature] 9/30/2014
CITY ATTORNEY

STAFF REPORT

(updated in September 2014 by Planning Director Tim Youmans)

TITLE

Overview of Committee On Council reOrganization (COCO) Report and Recommendations

BACKGROUND

In January of 1999, then Council President Omps appointed a Committee on Council Reorganization to consider a number of aspects pertaining to Winchester government. Philip Groves was appointed as chairman of the committee. The report of the committee was presented to City Council in 2000 as contained in report dated April 4, 2000 which is attached.

A Citizens Committee to Study City Election Districts and Procedures was appointed by the Council President in 2002 after Council decided to reduce the size of City Council from 13 down to 9 members. This committee began meeting in June of 2002 and eventually presented two recommendations for redistricting- neither of which followed the COCO recommendation calling for three wards and a Council comprised of six councilors in addition to the Mayor.

On November 19, 2002, the Citizens Committee unanimously recommended a single redistricting plan calling for four wards. The detailed recommendation is contained in a report which is attached. The report also addressed other COCO recommendations such as when elections are held, whether or not the Mayor should serve as President, and how much Council members should be compensated.

In a special session on May 27, 2003, City Council adopted a resolution expressing its intent to adopt the recommendations of the Citizens Committee to Study Election Districts and Procedures. The resolution also authorized the submission of the Plan to the U.S. Department of Justice (DOJ) for review. The Plan was ultimately approved by the DOJ.

Beginning in 2006, City Council began transitioning from a thirteen (13) member body to a nine (9) member body. The transition was completed in 2008, upon the expiration of existing council terms affected by the transition. Beginning with the November 2006 election, two council members have been elected from each of the four wards, and the Mayor continues to be elected at large.

At the December 12, 2006 Council meeting, an ordinance to increase Council salaries was adopted. The ordinance was approved to take effect on July 1, 2009.

In October of 2009, consistent with an initial COCO recommendation, City Council abolished all standing committees of Council and began holding work sessions as a 'Committee-of-the-Whole', initially with one work session a month and eventually holding two regularly scheduled work sessions each month.

CURRENT SITUATION

Following release of the 2010 Census, significant shifts in population within each of the four election districts led to state-mandated redistricting in 2011. Federal Law requires localities to

use the most recent U.S. Census redistricting data to ensure compliance with the constitutional premise of 'One Person/One Vote'. Council appointed a three-member citizen panel to work with the Voter Registrar and City Planning Director to recommend a redistricting plan that met State and Federal requirements using the 2010 U.S. Census data to delineate roughly equal sized voter wards in terms of total population. Council adopted the recommendation of the citizen panel to select 'Option C' as the preferred alternative for redistricting of population within the four voter wards and to establish a second voting precinct within the Fourth Ward due to high voter turnout in that ward.

Among the recommendations of COCO from the April 2000 report which were not implemented or otherwise modified by the Citizens Committee report of 2004 are the recommendations to:

- Have the Mayor preside over Council
- Abolish the offices of President and Vice President

FISCAL AND POLICY IMPLICATIONS

The only two fiscal implications from the COCO recommendations were the one calling for increased Council compensation and the one calling for extending the City's fringe benefits to the Mayor and Council members.

In 2000, COCO recommended salaries of \$6,500 for the Mayor and \$6,000 for Councilors. In 2004, the Citizens Committee recommended \$7,000 for the Mayor and \$6,000 for Councilors. In 2006 Council adopted salaries of \$4,800 for the Mayor and \$3,600 for Councilors.

On March 12, 2013, Council voted 7-0-1 (Buettner absent, Weber abstained) to increase the salaries of the Mayor and the members of Council. The salary of the members of the Common Council will be increased to Seven Hundred and Fifty Dollars (\$750) per month, and the salary of the Mayor and Council President will be increased to Nine Hundred Dollars (\$900) per month. Such increases will take effect July 1, 2015. Virginia Code Section 15.2-1414.6 permits a city of Winchester's size to pay its Common Council members up to Twelve Thousand Dollars (\$12,000) per year and its Mayor up to Thirteen Thousand Dollars (\$13,000) per year

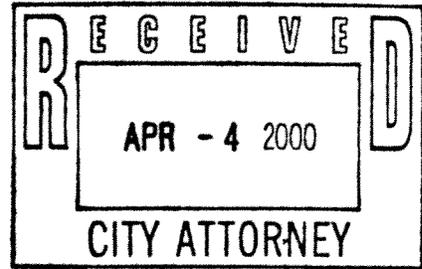
The issue of extending the City's fringe benefits to the Mayor and Council members was addressed in a presentation by former HR Director Joel Davis at the November 20, 2012 Council Work Session. A 'Resolution to Provide Health and Dental Benefits to Members of Common Council' was adopted by Council at the December 11, 2012 Council meeting.

STRATEGIC PLAN RELEVANCY

Goal#3: Develop a High Performing Organization

Means to Citizens#6: Opportunities to become involved in City governance and service delivery

PHILIP E. GROVES



April 4, 2000

Honorable Larry Omps, President
Common Council of the City of Winchester
Winchester, Virginia

Dear President Omps:

It is my pleasure to submit the attached report of the Committee on Council Reorganization to you and members of council.

The committee appreciates the opportunity you gave us to consider these matters, and we look forward to discussing our recommendations with all of you.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip E. Groves". The signature is fluid and cursive, with a large initial "P" and "G".

Philip E. Groves, Chairman

The Committee on Council Reorganization was appointed by the President of the Winchester City Council in January 1999 and was charged with considering the following aspects of Winchester's government:

- Committee organization
- Council size
- Consolidation of the Mayor and President positions
- Election procedures
- Election timing
- Council member compensation

After meeting periodically over the past 14 months to discuss these topics, consider various written materials, and hear from various invited persons, the committee makes the following recommendations.

(It should be pointed out that the Committee felt strongly that the recommendations should be considered, voted upon, and presented in the order in which this reports sets them forth. Each recommendation depended on the outcome of the vote taken on the previous question.)

Council should operate as a committee of the whole.
Standing committees should be abolished. Vote: unanimous.

The Committee felt that the question of committee organization was the most important issue to be considered, and put it ahead of all other matters.

The majority of this committee (7 members) is currently or has previously served on Council, and other members have served on major boards which had similar committee structures. While the experiences of those members varied widely with regard to their experience and satisfaction with a committee system, it was generally felt that operating as a committee of the whole would provide for more viewpoints and greater diversity of opinion at decision-making time.

In addition, the sharing of information, communication among members and staff, efficiency of administration, and quality of debate would all be enhanced.

There was some concern that the time requirements on councilors might increase, but it was felt that this should not be the deciding factor, for a number of reasons. Several present councilors stated that the current council often functions as a committee of the whole, and that their work load would not be increased. Many items on current committee agendas can safely be delegated to staff. The public perception of Council's decision-making process would be improved.

The committee also felt that it would be appropriate for the various city departments to have a member of council designated as liaison with council, to relay information and concerns.

Council should consist of 7 members, which number includes the Mayor. Vote: 8 in favor, 2 opposed.

Again, the experience of the members of the committee and of various persons who communicated with or appeared before the committee varied widely. There was strong sentiment from some that the present size of 13 should be retained. The majority (9 of 11 members) felt, however, that a reduction in size would be preferable, either to 9 with a committee structure, or to 7 without a committee structure.

As discussed above, the abolition of the committee structure was felt to be very important, and therefore the majority favored a council of 7.

The committee was also optimistic about the increased accountability and quality of service which a smaller council would require; about the public's perception that their representation is not diffused and that they have a closer connection with their government; full slates resulting in increased public interest in elections.

The Mayor should be elected at large. Vote: unanimous.

The committee saw no reason to change the current procedure.

The publicly elected Mayor should preside over Council.
Vote: unanimous.

The committee felt that the public perception that in electing a "Mayor" they were electing the head of their government should be correct. It was felt that there has been considerable confusion in the past over the role of the Mayor if he or she was not the head of Council, and was not a member of any committees.

The offices of President and Vice President of Council should be abolished. Vote: unanimous.

With the Mayor presiding over Council, there is no need for these offices.

The City should be divided into 3 voting districts, each district to elect two councilors, for a total of 6 councilors. These councilors would serve with the Mayor who would be elected from all districts (at large). Terms would be for 4 years, staggered to provide for elections every 2 years. Vote: Unanimous.

The committee was hopeful that increasing the districts from the current 2 wards will engender greater diversity and opportunity for election to council, and will foster greater interest in elections. When voting for a council representative, each voter will be presented with maximum of 2 names to choose between. Only one lever will be pulled. This contrasts with the present system of being presented with up to 6 names, with 3 levers to be pulled.

Council elections must remain in May.

It was thought that voter turnout might be increased by

holding elections in November, but Mr. Robinett, city attorney, has advised that this is impermissible by statute and so the idea was not discussed further.

The Mayor should be allowed and paid a salary of \$6,500 annually for his services. Council members should be paid \$6,000 annually. Vote: 7 in favor, 2 opposed, 1 abstention.

There was some sentiment that these positions should not be compensated. However, Virginia law provides that "each member of the council of each city shall be allowed and paid out of the city levy an annual salary in equal monthly installments...for his services in attending the meetings of the council and in discharging the duties imposed by law upon him. (15.2-1414.5, effective 1998)

Virginia has set a limit of \$13,000 for Mayors and \$12,000 for councilors in cities of Winchester's size. After reviewing the compensation paid in other cities comparable to Winchester, it was felt that an appropriate level would be half of the statutory maximum.

The Mayor and Council members should be compensated with such benefits as are provided city employees by the City. Vote: 8 in favor, 1 opposed, 1 abstention.

The committee also felt that extending the city's fringe benefits to council members would be appropriate, and possibly of greater value than the salary allowance.

One committee member felt strongly that as councilors are not city employees, they should not be accorded these benefits as a matter of principle.

Other Considerations

The Committee discussed the current suit which has been filed to bring the City out of "preclearance" requirements of the

Voting Rights Act; feasibility of changes to City Charter; considerations in redrawing electing district lines; and effect on other boards, such as the School Board, whose members are appointed by precinct as well as at large.

It was felt that the ease or difficulty of implementing the committee recommendations, and the ramifications of its opinions, were matters within Council's purview, and should not influence the committee's considerations.

Communications

In addition to phone calls and personal conversations, the committee received a number of letters and heard from a number of speakers. Copies of the letters are attached. The speakers included:

James Longerbeam, then Chairman of the Frederick County Board of Supervisors.

With Frederick County having more than twice population of Winchester but with a board less than half the size of council, the committee was interested in talking to its head to discern any problems which council could avoid and to learn of any benefits it might take advantage of.

The board operates with a committee system: there are 8 standing committees; each supervisor serves on 3 committees; each committee has 1 or 2 supervisors; and each committee has 3 or 4 non-elected citizen members, chosen by the chairman.

Anita Shull, member of Frederick County's Finance Committee and Vice President of Marshall National Bank & Trust Company.

Mrs. Shull was appointed to the county's finance committee as a non-elected citizen representative. She spends several hours a month reading finance materials, and several more in attending committee meetings. She stated that she gets phone calls from

county residents just like the elected representatives do, and that she, like all non-elected committee members, are privileged to vote on committee recommendations. (The county finance committee consists of 2 elected representatives and 3 non-elected representatives.)

Michael Foreman, former council member and presently Clerk of the Circuit Court of the City of Winchester.

Mr. Foreman's remarks are attached in a printed release.

Charles McDaniel, former council member, City of Fredericksburg.

Mr. McDaniel led the effort to reduce the size of Fredericksburg's city council from 12 members (including a non-voting Mayor) to its current membership of 7. Previously, the Mayor presided at council, and all members were elected at-large. Council members (and staff) were generally not satisfied with the committee system then in place, and issues were debated both in committee and again in full council. A citizens' group was organized to reform council, making the committee system an issue. By referendum, 70% of the city was in favor of a smaller council. Fredericksburg now has 4 voting districts, with 1 councilor from each district, and another 3 (including the mayor) elected at large.

Mr. McDaniel was strongly in favor of a smaller council operating without committees, and for increased delegation to staff with council concentrating on policy issues.

Respectfully submitted,

Stephen Bauserman
Jeffrey Buettner
Betty Burkholder
Gary Chrisman
Alexander Iden

Walter Knee
Elizabeth Minor
John Schroth
Strother Shiley
Diane Sinclair
Philip Groves, Chairman

Report of the Citizens Committee to Study City Election Districts and Procedures

Organization and Mission

The Citizens Committee to Study City Election Districts and Procedures ("The Committee") was appointed by the President of the Council after The City Council, in special work session, decided to reduce the size of Council to 9 members (including the Mayor). The Committee first met for orientation on June 5, 2002. At that time The Committee was given the following charge:

1. Create a plan to elect the Council addressing such issues as the timing of the elections, single member vs. multi-member districts and the number of at-large positions.
2. Based on that plan, recommend new boundaries for the election districts.

Additionally, The Committee was given three goals to keep in mind while doing its work:

1. Provide for elections that will fit with the new 9-member Council.
2. Ensure an election process that is open and encourages the participation of citizens from various neighborhoods throughout the City.
3. Make the plan simple and understandable.

The Committee met periodically beginning on August 20, 2002. After considering several options, The Committee decided upon a plan of election and formed a subcommittee to look into new election districts. That subcommittee came up with two plans and presented them for final consideration on November 19, 2002.

The Plan of Election

The Committee unanimously recommends that the city be divided into four wards with one polling place in each. Every two years, each ward would elect one member of council, who would serve a four-year term. Therefore, each ward (and each citizen) would be represented by two councilors, each elected to staggered four-year terms.

The Committee approached the question of Council elections with several issues in mind:

- Geographic Diversity – it was hoped that we could create a system that would encourage a council with citizens from several different neighborhoods across the city.
- A Simpler System – it was our goal to eliminate the confusing system of multi-candidate elections in multi-member districts.
- Staggered Elections – it was felt that the entire city should vote every two years in order that the political pulse of all citizens is regularly measured, as it is now.

With those goals in mind, the Committee looked at several different plans, including plans to divide the city into four or eight wards. Another plan would have been modeled

after one adopted by Fredericksburg with a combination of ward and at-large members. After some back and forth discussion, the committee agreed to the recommended plan as the one best able to deliver on the criteria of diversity, simplicity and regular citywide elections.

The Committee unanimously recommends that the mayor continue to be elected at-large for a four-year term during the council elections occurring in the presidential election year.

The Election Districts

The current First Ward is divided into three precincts (Frederick Douglass, War Memorial and South End) and the current Second Ward into two (Friendship and Library). The Committee began with the assumption that the Library and Friendship precincts would provide the basis for two of the four new wards. The three more southern precincts would be divided into the two other wards.

In setting the new boundaries, The Committee was guided by the following criteria, as set out in the Division of Legislative Services' Guide to Local Redistricting:

- Population Equality – each ward must be within 5% of the median (*the median for a four-ward system is 5896 people; each ward could have from 5602 to 6190 people*)
- Compactness
- Contiguity
- Communities of Interest
- Political Fairness or Competitiveness
- Voter Convenience
- Effective Administration of elections

Using the 2000 Census information and reviewing the above criteria, The Committee decided to make the current Friendship precinct a starting point. According to the census figures, approximately 10% of the city's population is black; other minorities combined make up another 10%. Further, The Committee was aware that approximately half of the city's black population live in the Friendship precinct and took care not to dilute minority electoral strength.

The Library then became the basis for another ward. Beyond those two, The Committee looked at competing plans regarding the rest of the city. One would have divided the city along a North-South line (dividing the first ward into an east and a west district) and the other would create a central ward based out of War Memorial and a southern ward based out of Frederick Douglass school. After reviewing the plans at a meeting on November 19, a unanimous decision was reached to recommend the southern ward plan. Therefore:

The Committee unanimously recommends the following boundaries for the four wards of the City:

Ward 1 (currently voting at Handley Library)

Starting Point: Railroad tracks west of Pennsylvania Avenue where Fairmont Avenue enters the city from the north. Follow the railroad south to Wyck St.; Wyck St. east to Loudoun St.; Loudoun St. south to Valley Ave./Gerrard St.; Valley Ave. south to the railroad tracks which cross Valley Ave. south of Jubal Early Dr.; west along the tracks to the city/county line; follow the line west, then north and then east until meeting the starting point.

Population: 6,089

Ward 2 (currently voting at Friendship Fire Hall)

Starting Point: Northernmost point of city/county line at the railroad tracks west of Pennsylvania Avenue; follow the tracks south to Wyck St.; Wyck St. east to Loudoun St.; Loudoun St. south to Gerrard Ave./Valley Ave.; Gerrard St. east to Kent St.; Kent St. north to Pall Mall St.; Pall Mall St. east to the raised railroad tracks; railroad north to Cork St.; Cork St. east to Pleasant Valley Rd.; Pleasant Valley Rd. north to Berryville Ave.; Berryville Ave. east to Baker Lane; Baker Lane north to the city/county line; follow the line west, then north and west again until reaching the starting point.

Population: 5,834

Ward 3 (currently voting at The War Memorial Building)

Starting Point: Baker Lane at city/county line; follow the line east, then south along I-I-81 until it reaches Jubal Early Dr.; Jubal Early Dr. west to Loudoun St.; Loudoun St. north to Bellview Ave.; Bellview Ave. west to Braddock St.; Braddock St. north to Lambden Ave.; Lambden Ave. west to Valley Ave.; Valley Ave. north to Gerrard St.; Gerrard St. east to Kent St.; Kent St. north to Pall Mall St.; Pall Mall St. east to the raised railroad tracks; railroad north to Cork St.; Cork St. east to Pleasant Valley Rd.; Pleasant Valley Rd. north to Berryville Ave.; Berryville Ave. east to Baker Lane; Baker Lane north to city/county line.

Population: 5,927

Ward 4 (currently voting at Frederick Douglass Elementary School)

All areas south of the following line: Jubal Early Dr. from its eastern entry into the city, following Jubal Early Dr. west to Loudoun St.; Loudoun St. north to Bellview Ave.; Bellview Ave. west to Braddock St.; Braddock St. north to Lambden Ave.; Lambden Ave. west to Valley Ave.; Valley Ave. south to the railroad tracks south of Jubal Early Dr.; follow the railroad west to the city/county line.

Population: 5,735

Phasing of the Plan

The Committee unanimously recommends that this reform be phased in over two elections, beginning with the 2006 elections.

The reform of council elections will need to be phased in over two elections. Since the changes require assembly approval, it would appear that the earliest that the legislation would be ready for the General Assembly would be the 2004 session, too late for that year's elections. Therefore, it can be assumed that the city will still elect 6 councilors and the mayor in the two-ward system in 2004. The new four single member districts would each elect a councilor in 2006, reducing the council size to 11. In 2008, those districts would elect their second representative and the mayor, bringing the council size down to 9.

Additional Issues Addressed

The Committee followed up on some of the issues originally discussed by the Committee on Council Reorganization, which was chaired by Philip E. Groves and which submitted its recommendations to Council in April, 2000.

The Committee unanimously recommends that elections for council be moved from May to November.

The COCO report from 2000 considered this issue, but declined to take a position because it was not allowed at that time. Since then, the legislature has authorized cities to move their local elections from May to November. This can be done by ordinance. The Committee feels that moving the elections would increase voter turnout without diluting voter awareness. If the city holds elections in single member district, as proposed, this change should not complicate the voters' ballot. It will also be cheaper and more efficient for the voter registrar and the city.

The Committee recommends, by a vote of 11 to 1, with one absent, that the Mayor become the presiding officer of the council and perform the duties currently carried out by the President of Council.

The Committee majority feels that a mayor elected at-large by the voters should expect to serve as the president/presiding officer of the council. Otherwise, there does not seem to be a reason to have a separately elected mayor.

The Committee recommends, with one abstention, that members of council receive a salary of \$6,000 per year, except for the Mayor, who would receive \$7,000 per year.

The Committee feels that members of Council serve long hours well beyond the monthly business meetings and often have expenses that are not covered by the very low compensation they currently receive. Such a salary increase is not out of line with what other jurisdictions in Virginia have and it certainly seems fair to help defray the costs of a job considered mainly a public service.

Overall Advantages to The Plan

The Committee feels that this plan will encourage a more geographically diverse council. The local elections will be more neighborhood oriented. The single member districts will likely result in one on one elections, which is a benefit to both the citizens and the councilors. More citizens will know who their representatives are and councilors and candidates will find it easier to engage in retail politics (door to door canvassing, neighborhood meetings, etc). Campaigns should be clearer to the voters and less costly to the candidates. All of these factors seem likely to encourage more citizens to consider running for council.

In addition, using the current polling places, this would seem a good opportunity to eliminate one of them (likely South End), which would reduce the costs to the city of conducting the elections. Of course, choosing the appropriate polling places remains the decision of the Voter Registrar.