

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	September 7, 2021
<b>Action Required:</b>	Ordinance Change
<b>Presenter:</b>	Heather Hill, Council Member
<b>Staff Contacts:</b>	Lisa Burch, Human Resources Benefits Coordinator Allyson Davies, Deputy City Attorney
<b>Title:</b>	<b>Retirement Commission Member Term Changes</b>

**Background:**

The Retirement Commission is responsible for oversight of the City’s retirement plans. Currently the board is composed of a member of City Council, the City Manager, the Director of Finance, the Director of Human Resources, the City Treasurer, three employees, one retiree of the plan and two community members. Pursuant to the existing provisions of City Code Sec. 19-59, employees and retirees can serve two (2) three-year terms, community members can serve three (3) two-year terms.

The general rule set forth within the City Code is that “unless otherwise provided, no person shall be appointed by the city council to any board or commission for more than two (2) complete terms. For boards and commissions with two-year terms, no person shall be appointed by the city council for more than four (4) complete terms, unless otherwise provided.” *See* City Code Sec. 2-8(a).

**Discussion:**

At present, the various members of the Retirement Commission serve for different periods, and their terms end at various times of the year. This appointment schedule creates issues with member continuity. The Retirement Commission proposes to modify members’ terms to conform with the general provisions of City Code Sec. 2-8(a). Each member of the Retirement Commission would serve up to four (4) separate two-year terms consecutively. There are several advantages to adopting the proposed change:

1. Administratively, it’s simpler if all appointed members of the Commission serve the same length terms and have the same limits. The appointment anniversary can be staggered to prevent too much turnover in any given year while making it simpler and clearer to know when appointments end.
2. Changing the term limits allows for continuity on a Commission that has a long learning curve for new members but allows for flexibility for members who choose not to continue serving.
3. The transition proposed will result in all appointed members finishing terms in June on a

staggered schedule. This is important so that not all appointed members rotate off at the same time but there is a regular anniversary for appointments to the Commission. Going forward, vacancies should be filled in a manner that establishes the date on which the individual's appointment will *expire*, and the individual's term should not be measured from the actual date of Council appointment (i.e., if Council fails to appoint a member prior to the expiration of the term of someone who is ineligible for reappointment, then that appointee should be treated as filling a term that has already commenced).

**Alignment with City Council's Vision and Strategic Plan:**

This change to the City Code aligns with the Council's vision for a Smart, Citizen-Focused Government. Establishing clear and consistent terms for the Retirement Commission will allow for consistent and sustained citizen and retiree participation. Further, this change aligns with the Council's plan to transition board appointments being made primarily on an annual basis in June.

**Community Engagement:**

The Retirement Commission discussed this matter at two meetings. Commission meetings are open for the public to attend. The motion to present this change to the Council passed unanimously.

**Budgetary Impact:**

This has no budgetary impact on the General Fund.

**Recommendation:**

Staff recommends approval of the Commission's recommendations.

**Alternatives:**

Council may decide to approve the changes as proposed or direct the Retirement Commission to research other options.

**Attachments:**

- (1) Proposed Amended Ordinance
- (2) Proposed Staggered Appointment Schedule with comments.
- (3) Current list of members and schedule of terms.

**AN ORDINANCE**  
**TO AMEND AND RE-ENACT THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, CHAPTER 19 (PERSONNEL), ARTICLE III (RETIREMENT PLAN COMMISSION), SECTION 19-59 (APPOINTMENT AND TERMS; FILLING OF VACANCIES), TO CHANGE THE LENGTH AND NUMBER OF TERMS FOR MEMBERS OF THE CITY’S RETIREMENT COMMISSION**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that:

**1. Section 19-59 of Chapter 19 (Personnel), Article III of the City Code of Charlottesville (1990) is amended and re-enacted, as follows:**

**Sec. 19-59. - Appointment and terms; filling of vacancies.**

(a)The three (3) employee at-large members of the commission shall be appointed by the city council from a list of eligible candidates certified to the council by the city manager. They shall be appointed for terms of two (2) years ~~three (3) years~~, and shall be eligible to serve up to four (4) consecutive terms; for two (2) terms; provided, that each of the employee at large members shall serve no more than four full terms. ~~of~~ The three (3) members initially so appointed, one (1) shall be appointed for a one-year term, and one (1) shall be appointed for a two-year term; and provided, that those employees initially appointed for terms of less than ~~three (3) two (2)~~ years and those appointed to fill unexpired terms shall be eligible for reappointment to four (4) full two year terms. ~~two (2) full three-year terms.~~

(b)....

(f) The one (1) retiree member of the commission shall be appointed by the city council from the list of current retirees certified to the council by the city manager. The appointment shall be for a term of two (2) years ~~three (3) years~~ and shall be eligible to serve ~~for two (2) terms.~~ four (4) full two-year terms.

**AND**

**2. The terms of the current membership of the Retirement Commission are hereby modified, to allow for staggered appointments, as follows:**

Appointed Commissioner	Role	Current Reappointment Schedule	Revised Reappointment Schedule	Proposed 2 Year Terms Remaining After Revised Reappointment	Comments
Cullop	Community	Nov 2021	June 2022	3	Currently finishing term of prior member
Hughes	Community	June 2021	June 2021	2	Will have 3 years complete in June 2021
Elias	Retiree	June 2022	June 2022	1	Will have 6 years complete in June 2022
Hatter	Employee	January 2022	June 2022	2	Will have 3.5 years complete in June 2022
Hendrix	Employee	August 2022	June 2022	1	Will have 6 years Complete in June 2022
Henderson	Employee	Nov 2022	June 2023	2	Will have 3.5 years complete in June 2023

**AND**

- 3. On and after the effective date of this Ordinance, and notwithstanding the date of actual appointment, each individual's term on the Retirement Commission shall expire according to the schedule set forth within Section 2, above, so that all of the the terms of appointment will remain staggered.**

**Retirement Commission - Proposed Updates to Term Lengths and Appointment Schedules**

- Currently we have (2) three-year terms for employees/retirees and (2) two-year terms for community members. City Code allows for Boards and Commissions that have two-year terms; appointments can be made for no more than four completed terms.
- **We are proposing that we have all appointed members transition to (4) two-year terms.** This will allow for continuity while also giving appointees the opportunity every two years to not seek another term. The remaining members are part of the commission based on the role they fill in the City (i.e. Treasurer, Director of Finance, etc).
- **We are also proposing that any current member would be given the option to extend their time to the full eight years.** For example, an employee/retiree that is on their second three-year term could extend for the additional two-year term and any community appointee that is on their second two-year term could reapply for the additional terms to fulfill up to four terms.
- The Council office is working to transition to appointments being made primarily on an annual basis in June. Therefore, **we will also be considering the extension of current terms to bridge to this annual appointment timeline as well as staggering of terms to ensure not all appointments.**
- **For the current membership, adjustments would be made as follows:**

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