

**REPORT OF CIVIC FEDERATION EXECUTIVE COMMITTEE
REGARDING
THE HIGHLAND PARK-OVERLEE KNOLLS VERSUS LEEWAY OVERLEE CIVIC
ASSOCIATIONS' BOUNDARY DISPUTE**

BACKGROUND

In October of 2001, the Arlington County Board requested assistance from the Arlington County Civic Federation in a boundary dispute that had arisen between two civic associations, specifically, Highland Park-Overlee Knolls and Leeway-Overlee. On September 17, 2001, the Leeway-Overlee Civic Association had contacted the County Board, via letter addressed to Toni Copeland, Clerk of the Board, requesting that, essentially, Leeway's de facto representation of the area within the boundaries of Highland Park-Overlee Knolls be reflected in fact on Arlington County's official maps of civic associations.

Precedent existed for this action in that the County Board had, in 1997, similarly requested Civic Federation guidance. It must be noted at the outset that "guidance" is the operative word. The Civic Federation has no authority, nor does it desire such authority, to mandate actions by any of its independent members other than those requirements set forth in the By-Laws of the Civic Federation governing eligibility for membership.

The dispute focuses on who shall serve the residents of the geographic area of Highland Park-Overlee Knolls, described as N. 22nd Street to the South, N. Quantico Street to the west, Four Mile Run and I-66 to the south, and N. McKinley Road, N. 18th Street, and N. Lexington Street to the east and encompassing a section directly fronting on Washington Boulevard. These boundaries are those acknowledged on the Arlington County Government map of Civic Associations.

The contention of Leeway is that it should assume responsibility for what is currently the Highland Park-Overlee Knolls Civic Association. The contention of Highland Park-Overlee Knolls (hereinafter HP-OK) is that it is an independent, fully recognized geographic area of self-governance and should be allowed to remain as such.

PHILOSOPHICAL PREMISES OF THE SUBCOMMITTEE

Civic, homeowner and condominium associations have a long history of involvement in the governmental affairs of the United States. Their abilities to evaluate and recommend on issues of immediate as well as broader concerns are indisputable. These associations are generally and historically formed for the purpose of representing a precise geographic area with common physical features, unique developmental aspects, and a commonality of interest. The history and tradition of these associations as geographically determined is of major, though not paramount, importance.

Overarching all considerations is the right of American citizens to representation, whether at the national, state, local or neighborhood level. Under no circumstances should actions be taken, by omission or commission, that would **prevent or interfere** with the ability of local residents to develop and operate a forum for the airing of concerns and the determination of solutions.

The final consideration is truth, as it can best be reconstructed. Although available documents suggest reasons for motivation, it is not the Civic Federation's responsibility to ascertain intent. This is particularly true since the boundary dispute has now persisted at varying degrees of intensity for over twenty years. It is almost impossible to determine all the pertinent facts in this debate because much, although not all, of the information is reflected memory or anecdotal.

QUESTIONS ADDRESSED BY THE SUBCOMMITTEE

The Subcommittee essentially limited itself to the following areas:

1. It is not within the purview of the Civic Federation to use quantity or quality of activity as a yardstick for representation. The question is whether the opportunity for representative participation existed within the boundaries of HP-OK as recognized on the County map.
2. Has there been question as to which civic association represents the HP-OK area for purposes of the Neighborhood Conservation Advisory Committee (hereinafter NCAC), and has there been sufficient doubt to adversely affect the ability of either Leeway or HP-OK to receive funds under the NCAC funding process?
3. In the historical context, has there been opportunity, on at least one occasion, for the residents of the HP-OK civic association to determine the question of merger, and has that opportunity been afforded on a reasonably fair and impartial basis?

LEGAL STATUS OF CIVIC ASSOCIATIONS

Civic associations are voluntary groups of individuals organized to address needs and issues of specific geographic areas or communities. To the best of our ability, and through an Internet search, we have been able to identify no statutory authority or basis under either State law or Arlington County ordinances for civic associations. The only exception is Section 23-8. Preliminary Plats, (F) in the Arlington Code: "Notification. The subdivider shall notify all persons owning property abutting or immediately across the street from the parcel to be subdivided, and the **local civic association** president and neighborhood conservation advisory committee representative that are on file with the county board office of the subdivision plan." (Copy available upon request).

However, many courtesies and much information are provided civic association presidents of record. It is extremely important that County records are as up-to-date as possible to insure a steady flow of information to the associations.

HISTORICAL SUMMARIES OF THE TWO CIVIC ASSOCIATIONS

Highland Park-Overlee Knolls

What is known is that Highland Park (presumably also known at that time as Fostoria) became a geographic entity in 1907. Overlee was added with the construction of the Washington Boulevard corridor. Highland Park-Overlee Knolls joined the Civic Federation in 1946, at which time its boundaries were presumably well established. Its by-laws, as updated in 1979, specifically delineate its geographic parameters: "The boundary of the community served by this association shall be as follows: beginning at the intersection of North Quantico Street and North 22nd Street to North Lexington Street; then southeast along North Lexington Street to North 18th Street, along North 18th Street to McKinley Road; then southwest along McKinley Road to the Interstate 66 right-of-way to North 22nd Street. The boundary shall be the center of each named roadway".

Its by-laws further delineate eligibility for membership, specifically "Each person of voting age residing in a household within, or business organization located within, the community is eligible for membership and may become a member of this Association upon payment of annual dues. The membership of any person or business that has not paid by the first association meeting in each calendar year shall terminate." (Appendix 1) Its dues are \$2 per annum.

Highland Park-Overlee Knolls submitted a letter of intent to participate in the NC Planning process in 1979. It was given standing in the Neighborhood Conservation process with the adoption of its NC Plan by the County Board in 1982. (Plan available upon request.)

Leeway

Residential development in Leeway, by the 1870's and 1880's part of two tracts of land owned by Henry Febrey and Joseph Fought, began in earnest in the 1920's, with the exception of land owned by AT & T and the then-radio station which was developed in 1914. According to maps, developments were added up to the 1950's, although it is unknown to the authors of this report when a later-added section of the civic association, bounded by Lexington, Lee, N. 27th Street and George Mason, were developed.

Its boundaries are defined in several documents: "The majority of the area lies between Lee Highway and 22nd Street North from North George Mason Drive westward to North Quantico Street. The remaining portion runs from Lee Highway northward to 27th Street between North John Marshall Drive and North Kenilworth Street" (NCAC Plan, 1993). The maps in the NCAC Plan comport with the boundaries currently (2002) delineated on the official civic association map of Arlington County.

Membership is open to "all individuals eighteen years of age and older living within the boundaries of the Leeway Overlee (name changed in 1997) community (as amended and enlarged, dated April 2, 1980) or owning real property therein are de facto members of the Association. Other individuals and local businesses and organizations may be admitted to membership on proper application to the Executive Committee or the general membership. Members may vote on any matter.... The annual payment of dues, in an amount established by the Executive Committee or the general membership,

is encouraged from all Leeway Overlee members but is not a prerequisite for voting on Association matters". (Appendix 2)

Leeway filed a letter of intent to participate in the NC Planning process in 1979. It was given standing in the Neighborhood Conservation Process with the acceptance of its plan in 1993. (Plan available upon request.)

CHRONOLOGY/NARRATIVE OF A DISPUTE

From the outset, members of this Subcommittee wish to go on record as regretting that the situation between two associations, neighbors, has reached this level. Throughout the past twenty-three years, at the very least, there were numerous opportunities for reconciliation and cooperative effort. Arlington has always prided itself on its level of civic participation, effort to achieve consensus, and willingness to settle matters in a reasonable and straightforward manner.

The 1970's

Documentation, undoubtedly incomplete, goes back to 1979 vis a vis this dispute. In a letter dated April 30, 1979, Waltern D. Dryer, Jr., then President of Highland Park-Overlee Knolls, wrote to Leeway's then-President, Robert Swennes, stating in part: "I have been instructed by the Board of Directors of the Highland Park-Overlee Knolls Civic Association to formally and emphatically request that the Leeway Civic Association cease and desist from its current attempts to represent itself as the civic association of the Highland Park-Overlee Knolls neighborhood. This includes member drives in our neighborhood, inclusion of our neighborhood in the map of your claimed area in "The Leeway Leader", and any other actions...designed to absorb the Highland Park-Overlee Knolls area into the Leeway Civic Association." The letter went on to state: "At a public meeting held late last year at Lee Center, your proposal to absorb the HP-OK Civic Association was defeated in open voting. Instead of accepting this decision, Leeway issued a new set of By-Laws which unilaterally increased it's [sic] area to include the total HP-OK neighborhood". (Appendix 3)

On May 8, 1979, NC Executive Secretary William C. Thomas wrote to Mr. Dryer asking for clarification on boundaries, specifically that both HP-OK and Leeway's letters of intent to participate claimed the HP-OK territory. He stated: "As far as I am concerned, your Civic Association boundaries are legitimate and the attendance at your meeting attests to the viability of your group". He asked for "some agreement" between the two "so that the Neighborhood Conservation Advisory Committee is not in the position of settling jurisdictional disputes". (Appendix 4)

In June and July of that year, two newspaper articles appeared in the Arlington Journal – specifically June 20th and July 20th 1979. Among the salient features of the first article: "Last year, the Leeway Civic Association and the Highland Park-Overlee Knolls Civic Association both reorganized after many years of inactivity.The Leeway association...rewrote its bylaws to include the entire area once represented by the Highland Park-Overlee Knolls group... The fight between the two associations...has taken on new importance because the area is being considered for inclusion in the county neighborhood conservation program." It continues: "Leeway President....said his group changed its boundaries only after citizens from what has been the other group's

turf petitioned to join Leeway...At the time, Overlee Knolls was not active, and we felt those people had a right to some representation,” [the Leeway president] said.

During this phase of the dispute, the county planning commission wrote that it...“will not make a ruling on who is right.If that [an agreement between the two] can’t be done, the civic federation is the body that should decide”. (Appendix 5)

On July 20, 1979, the same newspaper reported that “Civic ‘Border War’ Continues to Flare”, “[a]n Arlington civic association, accused last month of trying to annex the territory of a neighboring group on the south, is now under fire for allegedly poaching on the territory of a civic group to the east” where the president of Leeway “incurred the ire of the Northwest Arlington Civic Association for allegedly soliciting new members within Northwest’s boundaries”. Leeway’s president responded, “it would be very presumptive on our part to encroach on any area they represent. The Highland Park-Overlee Knolls’ group, he noted, was not active and still isn’t a very strong association”. (Appendix 6)

In August of that year, the HP-OK newsletter stated: “NCAC has authorized Leeway’s delegates to represent only the area between the north side of N. 22nd St. and Lee Highway. [Leeway has] assured NCAC that they will not distribute this questionnaire in the HP-OK area, south of 22 St.” (Appendix 7)

The Subcommittee has access to no additional records for that period of time.

The 1980’s

The 1980’s appeared quiet. The only documentation we have been able to identify is Civic Federation records that indicate that both Leeway and Highland Park-Overlee Knolls were active associations in the life of the Civic Federation.

Highland Park-Overlee Knolls Neighborhood Conservation Plan was also submitted to the County and accepted by the county. Presumably, a great deal of work was being conducted between 1979 and 1982 in preparation of submission of that report. The boundaries reflected in the 1982 plan are those currently recognized by Arlington County.

The Early 1990’s

The early 1990’s appeared quiet as well. The only reference to the lingering dispute is found in one article in the Washington Post, dated November 13, 1993. It focused primarily on the charming homes in what was originally called Fostoria, and reported: “Highland Park-Overlee Knolls Civic Association **also** (emphasis added) claims Fostoria in its territory, President Roger Morton said. But he said the group only meets when it has a project that requires community participation such as the Neighborhood Conservation Plan that was worked out with the county 10 years ago and more recently updated”. (Appendix 8)

In 1993, Leeway’s Neighborhood Conservation Plan was accepted by the County. All maps in the conservation application reflect those boundaries currently recognized by Arlington County on its map of civic associations (2002).

The Late 1990's

1997

A letter dated November 21, 1997 was sent from then-Civic Federation President William Nolden to then-County Board member Ellen Bozman vis-a-vis letters from the NC Coordinator on the boundaries of these two associations. We do not know the contents of the letters from NC and hence can only reasonably estimate their contents. The response stated, in part, "At this time, there is no request before the ACCF for Leeway to represent, in whole or in part, the area of Highland Park/Overlee Knolls". ... "Mr. Ross and members of the Leeway Executive Board determined that appropriate NCAC representatives for the Highland Park/Overlee Knolls Neighborhood Conservation area are those identified by the Highland Park/Overlee Knolls citizens' association". (Appendix 9)

The HP – OK News, dated June 1997, reports on the community's efforts regarding Reed School, Washington Boulevard Curb and Gutter project, plans for Neighborhood Day, and the arrival of the new school superintendent.

The Civic Federation Membership report of December 1997 indicates that both Highland Park-Overlee Knolls and Leeway were active members of the Civic Federation. (Appendix 10)

The Civic Federation's resident historian, Sherman Pratt, also published his book, "Arlington County Virginia: A Modern History" in 1997. In his book he observes, "Neighborhood associations have been known to spring into existence, or fade away into inactive status from time to time, depending on the emergence, or resolution, of some particular problem or controversy over which the citizenry becomes concerned." He also had observations on boundaries: "The resolution of disputes by associations as to their boundaries are attempted by the Membership committee, but not always successfully. There have been instances when two adjoining associations claimed the same street or block in which case a resident could claim membership in either or both of the associations" (p. 114). He listed in his appendix the members of the Civic Federation, which included both Highland Park – Overlee Knolls and "Leeway Citizens Association" (p. 479). (Note: It appears that Leeway changed its name to Leeway-Overlee during this period, and the Civic Federation's records so reflect.)

Mr. Pratt also listed the "Dormant or Dead Assns.": Buckingham Tenants, John M. Langston, Pro-Bolivian Committee, Waverly Hills Civic Assn., Wilde Oaks Homeowners Assn., Alcova Heights Civic Assn., Barcroft Apt. Tenants Assn., Columbia Pike Citizens Assn., GlebeWood Civic Assn. (p. 479).

1999

The Civic Federation records of the period show an attendance of 2 members of the Highland Park-Overlee Knolls Civic Association at seven of the ten regularly scheduled Civic Federation meetings. The records for Leeway indicate an attendance of between 2 and 5 at nine of the ten regularly scheduled meetings. (Appendix 11)

2000

No materials available.

Early to mid-2001

Two items are in our possession: A flyer announcing HP-OK's general meeting for April 25th with topics including Westover Shopping Area Streetscape Project and Neighborhood Conservation- 18th Street improvements; prioritization of projects. August newsletter updating on status of NCAC, Reed School status, and brief history. (Appendix 12)

September 2001

In a letter to the Clerk to the County Board Toni Copeland, Mr. Chips Johnson of the "Leeway Overlee Civic Association" requested "that Arlington County revise its civic association map to reflect the boundaries of our civic association as they have existed for over twenty years." "We request that the map be revised to reflect the fact that Leeway Overlee actively represents residents in – and indeed has long had a large membership in – the area identified as HPOK." The letter gives an historical perspective that the 1979 by-laws were amended to include the area between Washington Boulevard and Four Mile Run and that this action was initiated "at the request of residents living in that area who advised the civic association officers at the time that they were not represented by a civic association – indeed they were not aware of any civic group in that area." Leeway requested petitions, which were gathered, and enlarged its boundaries accordingly.

The letter states, "Since 1979, the boundaries of our civic association have remained unchanged, and Leeway Overlee has actively represented the entire identified area between 27th Street N. and Four Mile Run. (Editor's Note: The boundaries include HP-OK. These were not the boundaries in the 1993 NC Plan submitted and approved by the County.)

The letter continues by enumerating many of the efforts Leeway has undertaken in the past as a civic association.

It also mentions the inclusion of a list of paid members in the HP-OK boundaries – which Leeway's by-laws permitted prior to the name and boundary change in the by-laws. There is some concern about this list. While we cannot establish the veracity of either side without actually seeing the list and querying signatories, it has been charged that the list includes those individuals who attended the Greenway Community Day and gave a "\$2 donation". The list apparently includes active members and officers of the HP-OK Civic Association who do NOT consider themselves members of Leeway (Appendix 13, Vogel memorandum).

The letter concludes by stating "The inaccurate representation of the Leeway...boundaries on the County's published map of civic groups has created many

problems for the association. ...Because of the map's confusion we are often not consulted by County staff on matters of particular interest to our community. In addition, neighbors in the southern half of the association are misled and bewildered when they see the County map. ... We request the County to depict on its civic association map the Leeway Overlee Civic Association with geographic boundaries as shown in each issue of its newsletter and in its bylaws." (Appendix 14)

The September issue of the Leeway Leader lists Cliff McCreedy and Rogers Morton as NCAC delegates from the Leeway Overlee Civic Association. Both Mr. McCreedy and Mr. Morton (HP-OK Acting President and Immediate Past President respectively), take issue with this characterization. This is rendered even more peculiar in a September 16th e-mail from Mr. Johnson to Mr. Morton, "Since this is a Leeway NC project and not a Leeway Overlee CA initiative, I am not tracking it." Another e-mail from Mr. McCreedy to Mr. Johnson of that date implies a different focus of priorities of the two civic associations on NC projects with HP-OK clearly favoring curbs and gutters. A September flyer from HP-OK once again attempts to clarify boundaries and announces an October meeting to prioritize NC projects. (Appendix 15)

October 2001

The Civic Federation is asked by the County government to attempt to facilitate a solution to the boundary dispute between HP-OK and Leeway Overlee. After a brief discussion, where concerns about the level of activity (or inactivity) are considered, the Executive Board agrees that it is important to know the will of the majority of the residents.

An election, independent of Civic Federation involvement, is held in the HP-OK Civic Association, electing officers for the coming year.

The HP-OK newsletter again seeks to clarify boundary confusions, announces a Candidates Night co-sponsored by HP-OK and nine other associations, updates residents on NCAC, etc.

Leeway's October 18th Flyer announcing co-sponsored Candidates Night excludes HP-OK.

October 24th Minutes of HP-OK indicate a broad discussion of NCAC issues and a presentation by Jim Pebley, President of the Civic Federation, discussing Leeway's request to the County for boundary "clarification". (Appendix 16)

November 2001

HP-OK seeks clarification from Mr. John Bennett, Chair of the NCAC, on recognition of representatives to NCAC. His response is essentially that each has separate representation and separate boundaries, "that for NC purposes 'Leeway residents from the HPOK district is meaningless and will not be recognized'." Furthermore, Ms. "Chris Nixon [County staff] will ensure one NC rep and one alternate is on the official membership list from each association, no more." (Appendix 17)

November meeting of the Civic Federation Executive Committee is cancelled because of conflicts.

November 15th e-mail to/from Jim Pebley to Chips Johnson and Rob Swennes indicates that the meeting to determine (or try to) the status of HP-OK was to be set at November 29th, Leeway expressed concern that that date should be moved to the first week in December “so that both groups have a fair opportunity to contact the residents”. Leeway asked that the language be changed to “LO requested that LO’s boundaries be expanded on the County’s Civic Association map to include the area currently SHOWN AS represented by HPOK”. The e-mail continued, “This area has in fact been represented by LO for many years. The County’s map of civic associations has just not reflected this fact. Thus we were asking in the September letter that this long-standing de facto representation be acknowledged de jure.” Mr. Pebley responded “the wording stands as written. There is no precedence for de facto representation, unilateral or otherwise. This can only change if decided by a majority of the residents and not by the actions of organizations without an elected mandate. As we recommended the last time on this – HP-OK was recognized as the representative for the area – as depicted on the County maps.” In this e-mail, Leeway also expressed concern about referring to HP-OK as HP-OK instead of HPOK/Overlee area “so that no civic association has a ‘verbal advantage’”. (Appendix 18)

HP-OK released its November newsletter which included its original agenda: zoning on infill development; business meeting and affirmation; neighborhood conservation status; and status of Washington Boulevard (Appendix 19). (According to the minutes of the meeting, only the vote occurred.)

The Leeway Overlee Leader of November 2001 was a “Special Meeting Notice”. The Executive Committee members should consider reading this in its entirety. Leeway enumerated its services to the community in comparative terms, i.e., “The HPOK newsletter, whenever issued, is only a single sheet of paper. The quality of the publication and its factual accuracy have improved, however, during the past year.” Of even greater concern to this subcommittee are several statements:

1. “You may be puzzled by this request that you attend a meeting and join an organization that you don’t currently belong to in order to help in dissolving it.”
2. “The short answer is that this is the method DIRECTED (emphasis added) by the Arlington County Civic Federation for settling...”
3. “The longer answer is that the method DICTATED (emphasis added) by the ACCF is one that ensures....”
4. “You will need to pay dues of \$2.00 per adult that evening so that you can join that association on the spot....”
5. “If the HPOK membership (as of that evening) votes to disband, it could be then moved and approved that all the dues collected that evening be refunded to those attending.”

The Leeway newsletter continued, discussing the consequences if HPOK were to be reaffirmed: “All Leeway Overlee activities south of N. 22nd St. might cease...[including] sponsorship of such events as the June Community Day and Yard Sale... The area could well lapse into civic dormancy in a short time....Major problems [up-zoning/townhouse density] could result from this civic weakness.”

A paragraph was devoted to the ramifications to NCAC funding, which will be discussed later. (Appendix 20)

On November 29th, the HP-OK meeting occurred with the following resolution failing on a vote of 102-65: "I move that HP-OK remain a viable independent organization that represents the HP-OK boundary to Arlington County". Because of the importance of this election, this subject will be treated separately.

December 2001

December 3rd, HP-OK requested the right to appear before the Executive Committee in an e-mail to Mr. Pebley, given the questions raised by the election and the non-resolution of representation. The e-mail noted: "For 22 years Leeway Civic Association has misrepresented itself to our community and has eight times been rebuked on its attempts to usurp the authority of the HP-OK Civic Association." (Appendix 21)

December 3rd, e-mail between an HP-OK member and Chips Johnson, again reflecting the Civic Federation's MANDATE (emphasis added). (Appendix 22)

December 4th, Mr. Pebley announced at the general Civic Federation meeting that there was a dispute, that two questions were to be answered (Do you want to be represented by HP-OK? And If not, by whom?), that only the former question was answered (60% of those voting in the negative) and that adjournment occurred before the other question could be resolved. Consequently, the Civic Federation would again be meeting with both presidents. (Smith notes, available upon request)

December 6th, at the regularly scheduled Executive Committee meeting, HP-OK and Leeway were again invited to attend. Dan Krasnegor, Executive Committee Chairman and Civic Federation Vice President, framed the meeting that we were not to come to a conclusion but to decide upon a process. It was determined that Mr. Krasnegor would serve as facilitator and work with both civic associations in an attempt to secure resolution. Again, it was stressed that the Civic Federation could not mandate ANY action on the part of its members; it could serve only in an attempt to facilitate.

At this meeting, Leeway submitted "Recommendation to ACCF" divided into two categories: ACCF recognize LO's continuing role as CA for the [HP-OK] area; that the civic association have two NC districts. (Appendix 23)

It was further requested, and agreed to by both Chips Johnson, President of Leeway, and Roger Morton, President of Highland Park-Overlee Knolls that there be a cooling off period, without lobbying or misrepresentation, of a period of three months in order to give a reasonable period of time to coming up with a solution and to allow reason to prevail.

December 6th – A letter was received by the Highland Park-Overlee Knolls president of record, Roger Morton, from County Manager Ron Carlee. This letter indicated that there are "no documents showing that the Neighborhood Conservation Program recognizes the Leeway Overlee area encompasses two neighborhood conservation districts. In addition, there are no documents showing any group in Neighborhood Conservation has more than one neighborhood conservation plan. (Appendix 24)

December 8th – The Civic Federation sent a letter to both presidents summarizing the meeting of December 6th. (Appendix 25)

The Leeway Leader produced “The Civic Association Controversy: How It Came About”. Executive Committee members may draw their own conclusions. (Appendix 26)

The Leeway Leader distributed its newsletter, which had been printed prior to the Executive Committee meeting, to households. Included was a retraction of the lead article, to the effect that HP-OK had voted to disband, signed by President Chips Johnson.

Mr. Krasnegor reported on his initial efforts to schedule meetings between the two parties.

December 31, 2001, the Civic Federation received a letter with copies to the Arlington Board, the County Manager, and both civic association presidents, protesting the lack of action on November 29th. (Appendix 27)

A petition was circulated in the neighborhood, with an explanation, signed by Jan McQueary. (Appendix 28)

January 2002

Petitions circulated by residents of either Leeway or the disputed territory raised the question as to how far the Civic Federation should go as “arbiter” of this conflict. HP-OK also questioned the validity of the petitions submitted to the County Board (Appendix 29) It also stressed the Civic Federation’s own guidelines found on its Web Site under “How to Organize a Civic Association” (Appendix 30) which request that civic associations respect one another’s boundaries.

January 7, 2002 HP-OK sent a letter to County Board Chairman Chris Zimmerman requesting that Arlington County “deny the Leeway Civic Association’s call to expand its boundaries to include our neighborhood”. (Appendix 31)

February 2002

On February 5th, Leeway introduced a resolution to the full Civic Federation, “Resolution to Resolve a Matter of Civic Representation in Arlington County”. (Appendix 32) It essentially requests a plebiscite within the final two weeks of March 2002.

HP-OK introduced a resolution to the full Civic Federation, “Respecting the Autonomy and Boundaries of Federation Members”. (Appendix 33)

Both resolutions were referred to the Executive Committee for consideration

On February 7th, the Executive Committee met. Representatives from both organizations were present, and each was encouraged to work with the other to solve the issue between themselves. In the meantime, a Subcommittee was appointed to examine the issue in full and to report to the full Executive Committee no later than the

end of February. A date of February 22 was selected as the meeting date for the Executive Committee. Members appointed to the Subcommittee were: Frances Finta, Patrick Smaldore, and Kim Smith.

The Subcommittee met on Sunday, February 10th to discuss the issue, to review county maps, Civic Federation records, various by-laws. It was determined that a position paper would be written on the controversy. The group met again on February 15th.

ISSUES DESERVING GREATER DISCUSSION

There are three issues that deserve greater discussion. The first is the election held on November 29th; the second is the Neighborhood Conservation Advisory Committee and process; the third is civic association boundaries generically.

Election

The election was to be held to reaffirm HP-OK as representative of its boundary area and to determine, in the event HP-OK was not considered representative, who should in fact represent the households within the boundary in question.

The following motion was then offered as amended: “ move that HP-OK remain a viable independent organization that represents the HP-OK boundary to Arlington County.” The motion was duly seconded.

No discussion was allowed on this motion because the question was called. Furthermore, a motion for a substitute amendment was ruled out of order.

With the call of the question and the denial of the substitute amendment being offered, the vote on the motion was held. It was 65 votes reaffirming HP-OK, 102 votes not reaffirming HP-OK. The motion failed with 61% of the vote. (Those in opposition to HP-OK being reaffirmed represented one-sixth of the households in the neighborhood.)

There are several factors that trouble the Committee. First, **Roberts Rules of Order** was violated with the denial of the substitute motion and subsequently was not followed in the conduct of the voting. Second, as we indicated to both parties in the Civic Federation letter of December 8, 2001, the language of the resolution failed to resolve the question of who would represent HP-OK. It was essentially a vote of no-confidence for the elected leadership of HP-OK. As a consequence, the vote changed nothing structurally.

Another major concern is the fact that the vote failed to garner a 2/3 majority. At the outset, the two organizations were informed that on a question as serious as this, a 2/3 majority would be necessary. Within this context, IF the motion were intended to be a motion to dissolve, and can therefore reasonably be interpreted as a by-laws amendment (the existence, name and purpose of the association are delineated in Section 1 of HP-OK by-laws and the boundaries for representation are established in Section 2 of the bylaws), it still failed to secure the necessary 2/3 vote.

Because of the wording of the motion, it essentially left the issue wide open; it is unresolved as to whether HP-OK would represent other boundaries, and, again, if it

were in fact to represent no boundaries, who would the residents wish to have represent their geographic territory.

Following the original vote, there was still opportunity to continue toward resolution. However, an adjournment motion was offered that “no further motions could be considered by the organization as there was no longer any organization”. It was seconded and passed. The meeting was adjourned.

A concern also exists that the meeting was advertised by Leeway in such a manner as to suggest that a resident of the disputed territory only needed to join that night for \$2 and then could, in all probability, get that money back.

Neighborhood Conservation Advisory Committee

Of equal concern to this subcommittee is the fact that NCAC has been characterized by Leeway to advance various positions and arguments and that the information presented on NC – both the process and funding – was and is incorrect. One can reasonably speculate that this was not done unconsciously since the history of the boundaries dispute has been commingled with NC since nearly the beginning of the dispute.

The following representations have been made (in the context that “two separate citizen associations is hard to maintain high level of functioning and has duplication of effort”) – (Appendix 34). (See also Appendices 9, 15, 17, 20, 24):

1. That the two County Board-approved neighborhood conservation plans ...cover the Leeway Overlee area (the HPOK and Leeway neighborhood conservation plans)”;
2. That “the Leeway Overlee area encompasses two neighborhood conservation districts as recognized under the County’s NC Program.
3. That there was a possibility that NCAC would allow an HPOK-Overlee Civic association to have two districts;
4. That Leeway speaks for the HP-OK area before the NCAC, despite having those claims rejected on two occasions with which we are familiar and possibly as many as eight separate times;
5. That Cliff McCreedy and Roger Morton are Leeway Overlee representatives to NCAC, representing the HP-OK territory;
6. That “this year, the residents of the Overlee area south of N. 22nd Street have selected – at the Leeway Overlee and HPOK Civic Association meetings – different projects as their first priority project. The net result has been a stalemate. **County staff has been unable to determine which organization it should listen to on this matter. Thus,** no NC program dollars have been approved for the area in the past year.”

Boundaries Generically

The Civic Federation’s own admonition to new or rejuvenating civic associations is clear: “Determine your boundaries. Do not encroach upon the territory of a neighboring association.” [Note: this is advice offered on the Federation’s web page. Since it is not guidance adopted by the full membership but rather as information historically offered at

Delegates' College, it should be considered as advice based on the author's judgment, however cogent it may be.]

Similarly, by-laws are to be established by each individual civic association. Some have chosen open memberships, i.e., available to those not living within recognized boundaries. In a few of these areas, non-resident members are allowed to vote; in others, non-resident members may not vote.

This obviously raises serious question about the integrity of civic associations, how matters of this nature should be handled, what methods exist to prevent "range wars" or judgments of "adequacy" of representation from occurring, and when and under what circumstances the Civic Federation should respond to a request to judge a boundary dispute.

Conclusions

The Subcommittee has struggled to be fair in its recommendations. The waters are now so muddied and the dispute so intense that this has become exceptionally complicated.

Leeway has obviously been an active civic association. Some of its programs have brought both recreational and neighborhood benefit to its residents. Highland Park-Overlee Knolls has chosen a more sedentary route, dealing with problems as they arise.

In the final analysis, however, our mission is strictly to determine whether the boundaries of Highland Park-Overlee Knolls should be dissolved and its households absorbed into a newly constituted Leeway-Overlee.

On the issue of boundaries, we have no doubt. Despite claims and maps and iterations and bylaws to the contrary, until late 2001, Highland Park-Overlee Knolls Civic Association, as described in its bylaws and on the County map, was clearly the recognized body for conducting civic association business for its residents. This was the opinion expressed by residents in earlier elections, by the Neighborhood Conservation Advisory Committee, and by the Civic Federation as recently as 1997. As a result, this was the position accepted by the County Board.

To help us in our considerations, we asked the fundamental question: Has anything changed sufficiently since 1997 to overturn an earlier decision by this same organization?

We have found nothing to indicate that representation has been denied the residents of the current boundaries of Highland Park-Overlee Knolls. We find that the existence of two civic associations claiming similar boundaries (in whole or in part) has not affected the ability to secure NCAC funding but rather than the lack of county-wide funding has adversely affected the projects of Highland Park-Overlee Knolls and Leeway Overlee, as well as many other civic associations working toward internal improvements.

On the issue of the election held in November of 2001, we find that the election process was fraught with inaccuracies and misrepresentations (unintentional or otherwise) to such an extent that an informed opinion would have been extremely difficult to form.

We further find that the wording of the motion failed to clarify intent. We find that the lack of a second motion failed to clarify any new affiliation or change. We find that the original motion failed to reach the 2/3 majority needed to effect the change, according to the by-laws of the HP-OK organization. We also find that a 2/3 majority is customary in by-laws for amendments to by-laws, in whole or in part.

The Subcommittee recognizes the work of the Leeway Civic Association over the years, and we understand the disappointment some of its members might feel. However, the Subcommittee must answer the central question: has HPOK conducted itself differently since 1997 in such a way as to warrant stripping them of their boundaries/representative status -- which cannot take into consideration strength of leadership or NCAC prioritization or differences of opinion.

Based on this, we find that there is not overriding evidence to indicate that the boundaries of Highland Park-Overlee Knolls should be changed and therefore recommend that Federation recommend that the Arlington County Board continue to acknowledge the boundaries as presently reflected on the official map of Arlington County civic associations.