

Minutes November 14, 2017
ACCF General Meeting

Call to Order: Federation Vice President Wavro noted the presence of a quorum and called the meeting to order at 7:00 PM in the Hazel Auditorium at the Virginia Hospital Center. Vice President Wavro led the meeting in reciting the Pledge of Allegiance. The meeting's agenda and the October 3, 2017 Membership Meeting Minutes were approved as submitted.

October Executive Meeting: Vice President Wavro announced that September Executive Committee Meeting would be held at 6:30 PM on November 19 at Fire Station 2, 4805 Wilson Blvd.

December 2017 Membership Meeting: Vice President Wavro announced that the December 5, 2017 Membership Meeting will be held in the Hazel Auditorium at the Virginia Hospital Center. The meeting will begin at 7:00 PM.

Treasurer's Report: Vice President Wavro announced on behalf of Treasurer Sarah Shortall that the October Treasurer's report was available on the back page of the draft minutes for the October 3 Membership Meeting. Treasurer Sarah Shortall announced that a list of member associations in arrears paying their 2017-2018 membership dues had been distributed. She said that these organizations would be given thirty-day notice effective December 31, 2017 to come into compliance with regard to their dues or they would be dropped from the Federation's rolls and they would have to reapply for membership.

New Delegate: Vice President Wavro welcomed new delegate Laura Kirkconnell of the Bluemont Civic Association.

Career Center Video recording of this Meeting: Vice President Wavro thanked Career Center students Campbell Hamilton-Howard and Jake Perez and their Career Center instructor Tom O'Day for making a video recording of this Federation meeting.

Community Energy Plan: Rich Dooley, Arlington County's Community Energy Coordinator, and Joe Pelton, a member of the ACCF Environmental Affairs Committee, gave presentations on Arlington's Community Energy Program. A panel composed of Rich Dooley, Elenor Hodges, Executive Director of Arlingtonians for a Clean Environment, Joe Pelton, and John Seymour, Chair of the ACCF Environmental Affairs Committee, discussed Arlington's Community Energy Plan. Delegates and alternates asked panel members about programs that educated people on the impact of their personal behavior on the environment; and the use of micro turbines in Arlington's many waterways to generate electricity.

Accessory Dwellings: Martha Moore, Chair of the ACCF Planning & Zoning Committee and Eric Brescia, Chair of the ACCF Housing Committee, gave a presentation on proposed Zoning Ordinance revisions designed to increase the number of Accessory Dwellings in Arlington that would be considered by the Arlington County Board at its carryover meeting at 5:30 PM on Monday, November 27. Delegates and alternates asked Ms. Moore and Mr. Brescia if property owners could sell exterior ADUs separate from their homes; parking associated with ADUs; should the ADU program be considered a flop given that so few AD units had been created since its inception in 2008; could a property be converted to 100% AD units; the increase the number of people allowed to use an AD unit; separate rules governing interior and exterior AD units.

Liability Insurance: President Banks updated delegates and alternates on efforts to obtain assistance from Arlington County for civic associations to get liability insurance and problems obtaining commercial general liability insurance for the Civic Federation. President Banks thanked Ric Birch of Arlington Mill and Ed Hilz of Columbia Heights for suggestions on obtaining insurance.

Modernizing ACCF Governance: President Banks and Pantea Stevenson, a lawyer with Bean, Kinney and Korman, discussed draft Articles of Incorporation and draft By-Laws that conform with the Virginia Nonstock Corporation Act prepared by Ms. Stevenson. Delegates and alternates asked how incorporation and new bylaws would affect standing committees; does the Nonstock Corporation Act require the Board of Directors approve new associations and members association delegates and alternates; why does the Nonstock Corporation Act require the Board of Directors to approve new associations and members association delegates and alternates; does the Nonstock Corporation act require the Board of Directors elect the Federation’s officers; what are best practices for the election of board members and best practices for keeping them focused on serving the Federation’s membership; what are the risks facing the Federation that justify incorporation; how do the draft bylaws deal with vacancies; why do the draft bylaws specify a range of five to fifteen board members; suggestions for where CivFed can buy insurance; are resolutions passed by the Board of Directors legally binding; are there bylaws for different types of organization, for example, flatter, less hierarchical associations, that would reduce risk for the Federation; is legislation that would reduce risk possible; could the board of directors be renamed as the “Executive Committee” in the incorporation documents and new bylaws; will delegates and alternates still be able to nominate members of the board of directors and the nominating committee from the floor; what are the pitfalls the Federation might encounter if it incorporated and continued to use its existing bylaws, even if only on a temporary basis; individuals, perhaps even nonmembers, that Board of Directors could elect as officers; insurance and incorporation; do incorporation and new bylaws give the membership more or less control of the Federation?

Show of Hands on Incorporation and New Bylaws: President Banks asked for a show of hands on incorporation and new bylaws for the Federation. There were 14 ayes and 14 nays.

Committee Announcements: Joe Pelton, Special Events Committee Chair, said that an announcement would be made shortly on when a commemorative plaque celebrating the Federation’s 100th Anniversary near the main branch of the Arlington County Library would be installed.

New Business:

ACCF Resolution on Criminal Justice Reform: Juliet Hiznay, a member of the Legislative Committee, introduced a resolution which states in relevant part that the Arlington County Civic Federation recommends the following state legislative changes be made:

1. *Raise the minimum threshold for felony larceny and all theft related felony offenses to \$1000.*
2. *Revise subsection C of Virginia Code § 18.2-415 (Disorderly Conduct, which is punishable by up to 1 year in jail and/or up to a \$2500 fine) (FN18), as marked below:
C. *Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) ~~prevents or interferes with the orderly conduct of the operation or activity or~~ (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.**
3. *Provide a legal means for individuals charged with offenses when under 18 years of age to expunge their records once they reach majority age.*

ACCF Resolution Regarding Virginia Grounds for Driver’s License Suspension: Juliet Hiznay, a member of the Legislative Committee, introduced a resolution which states in relevant part that the Arlington County Civic Federation recommends the following state legislative changes be made:

Repeal all provisions of state law that suspend or revoke a driver’s license that have no relationship to driving offenses or competency to drive an automobile.

Announcements

Arlington's FY2019 Budget: If you missed the County's October Budget Roundtables, you can still have your say on the FY2019 Budget by using the County's [Engage Arlington](#) web page through November 22.

NCAC: The Neighborhood Conservation Advisory will meet from 7:30 pm to 9:30 pm on November 9 in the Navy League Building at 2300 Wilson Blvd. For information about this meeting here is a link to the NCAC [website](#).

Planning Commission: The Planning Commission will be considering the Off-Street Parking Policy/Guidelines for Multi-Family Residential Projects at their Monday, November 13th carry-over hearing.

Commonwealth Coordinated Care Plus: An Arlington County Commonwealth Coordinated Care Plus (CCC+) Town Hall Meeting will be held at Central Library Auditorium on Monday, November 13 from 10:30 a.m. to 12:30 p.m.

4MRV Working Group: A meeting will be held from 7:00 pm to 10:00 pm on November 15 at the Park and Natural Resources Operations Building, 2700 S. Taylor Street

JFAC: The Joint Facilities Advisory Commission will meet from 7:00 pm to 9:00 pm on November 15 in the Navy League Building at 2300 Wilson Blvd. For information about this meeting here is a link to the JFAC [website](#).

Arlington County Board: The County Board's November meeting will be held on Saturday, November 18th starting 8:30 a.m. Click here for this meeting's [agenda](#) a few days before November 18. The Board Recessed Meeting will be held on Tuesday, November 27, starting at 6:30 p.m. There will be a second November Board Recessed Meeting held on Wednesday, November 28, starting at 3:00 p.m. All three meetings will be held in the County Board Room at 2100 Clarendon Blvd.

November Executive Committee Meeting: The CivFed November Executive Committee Meeting will be held from 6:30 to 8:30 on Sunday, November 19, in the community room of Fire Station 2 located at 4805 Wilson Blvd. Delegates and alternates are welcome to attend.

December Newsletter: The deadline for December newsletter articles is Thursday, November 23. Newsletters are published approximately 1 week before the meeting.

Selfies with Santa: Saturday, December 2, 10:00 a.m. to noon at the Glebe School, 1700 N Glebe Road. Coordinated by members of the Waverly Hills Civic Association. Parents should bring their own cameras.

Updating the 2005 Public Spaces Master Plan: A POPS ([A Plan for Our Places and Spaces](#)) meeting, which is designed for the public to provide input on updating the 2005 Public Spaces Master Plan, will be held from 11:00 am to 1:00 pm on Friday, December 1, at Courthouse Plaza. There will another POPS meeting from 6:30 to 8:30 pm on Wednesday, December 6, in the Navy League Building at 2300 Wilson Blvd. and a third POPS meeting from 6:30 to 8:30 pm on Thursday, December 14, at the Central Library at 1015 N Quincy St.

PAC: The Pedestrian Advisory Committee will meet from 7:00 pm to 9:00 pm on December 13 in the Chery/Dogwood Rooms in 2100 Clarendon Blvd. For more information about this meeting go to the PAC [website](#).

The meeting adjourned at 9:23 PM.

Respectfully submitted: Dennis Gerrity, Secretary

Draft Agenda
ACCF General Meeting
November 14, 2017

- 7:00 Call to order and announcements
- 7:10 Community Energy Plan (CEP)
 - Presentation by Rich Dooley
 - Panel Discussion on CEP
- 7:40 Update on Accessory Dwellings
- 8:10 Modification of CivFed Governance
 - Q&A with Pantea Stevenson
- 9:00 New Business
 - Introduce a Resolution on Criminal Justice Reform
 - Introduce a Resolution on Virginia Grounds for Driver's License Suspension
 - 9:10 Adjourn

ACCF Treasurer's Report
October 1 -31, 2017

The October 2017 ACCF Treasurer's report will be filed at the Civic Federation meeting on Nov. 14, 2017

Checking

Beginning Balance 10/1/17		\$ 7,668.14
Deposits -Dues		\$ 691.25
Checks	\$ 250.00	
PayPal	\$ 48.25*	
Expenses/Payments		\$ 828.00
Insurance	\$ 828.00	
End Balance 10/31/17		\$ 7,138.39

Savings

Beginning Balance 10/1/17		\$ 19,227.69
Deposits		.00
Interest		.00
Expenses/Payments		.00
End Balance 10/31/17		\$ 19,227.69

* - PayPal charges a fee of \$1.75 for every \$50 electronic dues payment

**DRAFT ARLINGTON COUNTY CIVIC FEDERATION RESOLUTION ON
VIRGINIA GROUNDS FOR DRIVER'S LICENSE SUSPENSION**

EXECUTIVE SUMMARY

PROCEDURAL HISTORY

This resolution of the Legislative Committee was passed unanimously, pending amendments, on September 26, 2017. Upon circulation of the resolution with amendments, these were accepted without objection. Voting members of the legislative committee were: John Seymour, Ronald Haddox, Takis Karantonis, Juliet Hiznay, Donald Gurney, and John Bloom.

BACKGROUND

Under Virginia Code § 46.2-395, the grounds for driver's license suspensions has steadily grown over the years. There are very many instances in which a driver's license can be suspended under state law without any relationship to the competency of a driver or to driving conduct. It is now linked to the payment of court costs, forfeitures, restitution and penalties for violations of local, state or federal law, both civil and criminal.

Many areas of the state have inadequate or limited public transportation systems, which means that loss of a driver's license can result in job loss. Most individuals, families and small businesses require the use of automobiles in order to carry out daily tasks.

Efforts to address the negative impact of this law on those who are unable to pay have been very limited in scope. Driving is treated legally as a privilege, when in fact it is most often a necessity. For this reason, even those who are convicted of driving under the influence of alcohol can request a judicial order permitting them to drive to and from work, if they meet conditions.

The suspension of a driver's license for non-driving behavior is coercive, limits options for obtaining and keeping employment, and bears no relationship to public safety.

For these reasons, the legislative committee of the ACCF unanimously voted in favor of the following resolution regarding reform of state law as to driver's license suspension.

ACCF RESOLUTION REGARDING VIRGINIA GROUNDS FOR DRIVER'S LICENSE SUSPENSION

WHEREAS, Virginia Code § 46.2-395 provides for automatic driver's license suspension for failure to pay lawful fines, court costs, forfeitures, restitution, and penalties assessed against a person for violations of the laws of the Commonwealth; of any county, city, or town; or of the United States;

WHEREAS, a driver's license is necessary for most residents in order to work and carry out the tasks of daily life; and

WHEREAS, the provisions of Virginia Code § 46.2-395 disproportionately burden those living in poverty, those with low income and those with no income as a result of disability or unemployment,

NOW THEREFORE, THE ARLINGTON COUNTY CIVIC FEDERATION recommends the following state legislative changes be made:

Repeal all provisions of state law that suspend or revoke a driver's license that have no relationship to driving offenses or competency to drive an automobile.

DRAFT ARLINGTON COUNTY CIVIC FEDERATION RESOLUTION ON CRIMINAL JUSTICE REFORM

EXECUTIVE SUMMARY

PROCEDURAL HISTORY

This resolution of the Legislative Committee was passed unanimously, pending amendments, on September 26, 2017. Upon circulation of the resolution with amendments, these were accepted without objection. Voting members of the legislative committee were: John Seymour, Ronald Haddox, Takis Karantonis, Juliet Hiznay, Donald Gurney, and John Bloom.

BACKGROUND

Incarceration rates in the United States outpace any other country in the world, both in absolute terms and by percentage.¹ At the same time, research has shown that a criminal record is a significant obstacle to finding gainful employment.²

Virginia is no exception. According to the National Institute of Corrections, the Virginia incarceration rate (2015) exceeded the national average by 19% at 457 individuals per 100,000 adults.³ Virginia has the 8th highest jail incarceration rate in the United States, holding 1 in every 214 adult Virginians.⁴ Racial disparities in arrest and sentencing in the United States and Virginia are well documented.⁵

According to the Virginia Department of Juvenile Justice, 6.6% of state charges brought against minors in 2016 were brought against children between 8 and 12 years of age.⁶ Virginia has the lowest felony larceny threshold in the nation. This means that children who steal items such as mobile phones, athletic shoes, or winter coats, which frequently cost \$200 or more, can carry a felony record for life.

A number of factors have made it particularly difficult for Virginia youth to recover from court involvement. Virginia has been identified as number one in the nation in referrals of school children to law enforcement.⁷ Zero tolerance policies implemented through the code of conduct in the public schools have driven court involvement. Children age 14 and older can be tried as adults. Virginia youth are unable to expunge any record of an offense that would be a felony if charged as an adult.

In addition, typical youthful behavior has been criminalized under a specific provision of the Virginia disorderly conduct statute that applies only in school or during school activities. The statute does not require intoxication in order to apply. Also, unlike other sections of the statute, Subsection C of Virginia Code Section 18.2-415 strips out the requirement that the behavior have “a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.” Instead, Subsection C permits a criminal case to proceed where the behavior merely “disrupts” the operation of the school. This could be an act as simple as interrupting a teacher, tapping a pencil, pacing in the classroom or the distracting use of fidgets or

¹ <https://www.hrw.org/world-report/2016/country-chapters/united-states>; http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All;
<http://www.prisonstudies.org/country/united-states-america>

² http://thecrimereport.s3.amazonaws.com/2/fb/e/2362/criminal_stigma_race_crime_and_unemployment.pdf

³ <https://nicic.gov/statestats/?st=va>

⁴ http://www.justicepolicy.org/uploads/justicepolicy/documents/va_justice_system_expensive_ineffective_and_unfair_final.pdf

⁵ <http://sentencingproject.org/wp-content/uploads/2015/12/Race-and-Justice-Shadow-Report-ICCPR.pdf>

<http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

⁶ http://www.djj.virginia.gov/pdf/about-djj/DRG/FY16_DRG.pdf

⁷ <https://www.publicintegrity.org/2015/04/10/17089/virginia-tops-nation-sending-students-cops-courts-where-does-your-state-rank>

school materials. Even children whose dysregulated behaviors are related to their disability have been prosecuted under this code section. These types of behaviors can be effectively addressed through school services or through school discipline and should not be treated as criminal in nature.

Due to the extreme punitive nature of the targeted provisions of Virginia law, the difficulty in finding gainful employment for those who turn their lives around, the disparate impact on those living in poverty and the working poor, as well as the high risk of permanent loss of civil rights for those charged with felonies, the legislative committee of the ACCF unanimously voted in favor of the following resolution regarding criminal justice reform in Virginia.

ACCF RESOLUTION FOR CRIMINAL JUSTICE REFORM

WHEREAS, the threshold amount for felony larceny and related offenses in Virginia is \$200, and has not been raised since 1980;⁸

WHEREAS, Virginia and New Jersey have the lowest felony larceny threshold in the nation (FN8);

WHEREAS, the penalty for grand larceny and related offenses is punishable by confinement in a state correctional facility for not less than one year and not more than twenty years (Va. Code §18.2-95(ii); Va. Code §18.2-10);⁹

WHEREAS, adults and children age 14 years or older tried as an adult for grand larceny face a minimum sentence of one year's confinement in a state correctional facility, and a maximum sentence of twenty years under Virginia law, for theft of such items as mobile telephones, eye glasses, footwear or outerwear (FN9);

WHEREAS, the penalty for petit larceny and related offenses is punishable by confinement in jail of up to 12 months and a fine of not more than \$2500, either or both (Va. Code § 18.2-11);¹⁰

WHEREAS, when children under the age of 18 are adjudicated delinquent for offenses that would be felonies if carried out by an adult, they continue to have a criminal record that is considered for future sentencing.

(Margaret A. Nelson, *Marked for Life, Virginia Lawyer, Vol. 57 pp 30-32 (December 2008)*;¹¹ Va. Code § 16.1-306¹²; Va. Code § 16.1-269.1);¹³

WHEREAS, children age 14 or older who are charged and convicted as adults lose all the same rights as adults, including the right to vote in Virginia for life, unless those rights are restored by the Governor. (FN11; FN13; Constitution of Virginia, Article 2, § 1¹⁴; Va. Code § 16.1-271¹⁵);

Whereas, children age 11 or older can be committed to juvenile detention if previously adjudicated delinquent for offenses that would be felonies if carried out by an adult (Va. Code § 16.1-278.8);¹⁶

⁸ <https://www.dcs.virginia.gov/sites/dcs.virginia.gov/files/publications/dcs/virginia-felony-larceny-threshold-35-years-later.pdf>

⁹ [https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-95/;](https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-95/)

<https://law.lis.virginia.gov/vacode/title18.2/chapter1/section18.2-10/>

¹⁰ <https://law.lis.virginia.gov/vacode/title18.2/chapter1/section18.2-11/>

¹¹ http://www.vsb.org/docs/valawyeremagazine/vl1208_juv-adjudications.pdf

¹² <https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-306/>

¹³ <https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-269.1/>

¹⁴ [https://law.lis.virginia.gov/constitution/article2/section1/;](https://law.lis.virginia.gov/constitution/article2/section1/)

¹⁵ <https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-271/>

¹⁶ <https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-278.8/>

WHEREAS, children age 14 years or older, when adjudicated delinquent for offenses that would be felonies if carried out by an adult, cannot obtain a firearm until age twenty-nine (29) (Va. Code § 18.2-308.2);¹⁷

WHEREAS, under its disorderly conduct statute, Virginia criminalizes the behavior of students at school (age 8 and older) that is not defined as criminal for adults in the community (Va. Code § 18.2-415(C));¹⁸

WHEREAS, juvenile adjudications for offenses that would be felonies if carried out by an adult are included as prior felony convictions under state and federal sentencing guidelines (FN11; Va. Code § 19.2-295.1);

WHEREAS, juvenile adjudication for drug-related offenses affect eligibility for federal student financial assistance (FN11);

WHEREAS, the loss of the right to bear arms due to an adjudication can exclude young adults from military service (FN11);

NOW THEREFORE, THE ARLINGTON COUNTY CIVIC FEDERATION recommends the following state legislative changes be made:

1. *Raise the minimum threshold for felony larceny and all theft related felony offenses to \$1000.*
2. *Revise subsection C of Virginia Code § 18.2-415 (Disorderly Conduct, which is punishable by up to 1 year in jail and/or up to a \$2500 fine) (FN18), as marked below:*
 - C. *Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) ~~prevents or interferes with the orderly conduct of the operation or activity or~~ (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.*
3. *Provide a legal means for individuals charged with offenses when under 18 years of age to expunge their records once they reach majority age.*

¹⁷ <https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-308.2>;

¹⁸ <https://law.lis.virginia.gov/vacode/title18.2/chapter9/section18.2-415/>