



**Date of Council Meeting: March 10, 2015**

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Leesburg Diversity Advisory Commission – Public Hearing

**Staff Contact:** Kaj Dentler, Town Manager  
Barbara Notar, Town Attorney

**Council Action Requested:** A decision is necessary by Council in order to establish a Leesburg Diversity Advisory Commission, and to confirm the official duties of such a commission.

**Staff Recommendation:** Should Council decide to establish a Leesburg Diversity Advisory Commission, staff recommends that Council clearly define the mission and duties of such commission.

**Commission Recommendation:** Not applicable.

**Fiscal Impact:** The annual cost will be commensurate with other Town advisory commissions. The chair would receive \$1,350 annually, and each of the six other commissioners would receive \$1,200. As a result, total cost for the commission is \$8,550.

This amount is not currently included in the proposed general fund operating budget for Fiscal Year 2016.

**Executive Summary:** On February 10, 2015, Town Council passed a resolution initiating a public hearing to consider a Leesburg Diversity Advisory Commission. After much discussion regarding the possible commission, a duty was added to ensure that personnel matters would not be discussed by the commission if established by Council.

A public hearing must be held to enact an ordinance adding this commission to the Town Code, and all duties of a commission must be contained within the Ordinance.

**Background:** At the conclusion of the February 10, 2015 meeting discussing the resolution to initiate a Leesburg Diversity Advisory Commission, the following duties were developed for the public hearing discussion inclusive of item “b.v” which is underlined below:

Section 2-233. Leesburg Diversity Commission

- a. Established. The Leesburg Diversity Advisory Commission is hereby created and established.

- b. Duties.
  - (i) The Leesburg Diversity Advisory Commission's mission is to help foster diversity and inclusion within the Town of Leesburg government workforce, and the community at large;
  - (ii) The Advisory Commission may make recommendations to the Town Council that potentially enhance the Town of Leesburg government's ability to communicate and to deliver services more effectively to minority residents and business owners within the Town;
  - (iii) The Advisory Commission shall work with the Leesburg Economic Development Commission and Town staff on a regular outreach effort to the minority business community in order to increase awareness of Town services, and to understand potential opportunities to do business with the Town;
  - (iv) The Advisory Commission makes recommendations to Town Council that provides the Town of Leesburg with the opportunity to enhance and celebrate the Town's diverse community;
  - (v) The duties of the Advisory Commission shall not include discussion of any individual employment action or information.
- c. Membership. Exclusive of the rules outlined in division 1 of this article, membership may consist of town residents, town property owners, or town business owners. At least four members shall be town residents.
- d. Meetings. The Leesburg Diversity Advisory Commission shall meet once a month.

One area of the respective proposal that should not be incorporated into the creation and establishment of an Advisory Diversity Commission relates to personnel matters--especially the hiring of Town staff and our hiring practices. Since the Town of Leesburg is a Town Council-Manager form of government, the Town Council governing body sets policy, and the Town Manager oversees all administrative functions, including the hiring of staff. The Town Council is only authorized to hire the Town Manager and the Town Attorney.

In accordance with the Town Charter, the Town Manager serves as the Chief Executive Officer, and is responsible for hiring and all personnel related matters. The Town Council should not appoint a board to advise them on actions they themselves are not authorized to accomplish. Moreover, as was discussed by the Town Attorney in a memo delivered to the Council, potential liability issues should preclude the Council from tasking the Leesburg Diversity Advisory Commission with examining town hiring practices.

Even though the Leesburg Diversity Advisory Commission should not be tasked with discussing individual employment actions or information or examining the town's hiring practices, the Commission may provide input to the Town on potential recruitment efforts to attract minority candidates.

Loudoun County government has a "Multicultural Advisory Committee" which meets twice a year and reports to the County Administrator (not the Board of Supervisors). This Committee is comprised of up to 12 members and the written "scope" and objectives are:

**Scope:** The aim of the Multicultural Advisory Committee is to provide advice on multicultural issues and to create a greater awareness and understanding of cultural diversity in Loudoun County.

**Objectives:**

- Identify issues affecting people from culturally and linguistically diverse backgrounds and recommend strategies to address these;
- Assist the County with monitoring and implementation of the County's Limited English Proficiency (LEP) program plans.
- **Advise the County on multicultural, multilingual staff recruitment efforts;**
- Provide advice and support to projects and cultural events that enhance cross-cultural relations.
- Promote, where possible, partnerships between the County and culturally and linguistically diverse communities.

(emphasis added)

Membership of this group is somewhat similar to the proposed Diversity Commission:

- Must be a Loudoun County resident, community organization or business representative with an interest and understanding of multicultural issues with direct links to local ethnic community populations and/or organizations.
- **Or must have expertise in human resources and employment law.**
- At least 4 appointments from the business and/or diverse faith communities.

(emphasis added)

It is instructive to see that the County's committee is tasked with recruiting efforts, but is not tasked with hiring methods. It is also instructive to see that like the proposed Diversity Commission, the predominant mission is to extend outreach to the community to identify and address issues that may be affecting the Town's diverse populations.

**Attachments:** Proposed Ordinance

PRESENTED: March 10, 2015

ORDINANCE NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

AN ORDINANCE: AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS), TO ENACT NEW SECTION 2-233 (LEESBURG DIVERSITY ADVISORY COMMISSION).

WHEREAS, Code of Virginia of 1950, as amended, Section 15.2-1411 authorizes the governing body of any locality to appoint and compensate advisory boards, commissions and committees; and

WHEREAS, the Leesburg Town Code, Chapter 2, Article V, Divisions 1 and 2 establish and define certain boards, commissions and committees to advise the Town Council; and

WHEREAS, the Leesburg Town Council desires to add a Leesburg Diversity Advisory Commission to advise it on issues affecting diversity within the Leesburg community and to help foster diversity and inclusion within the Town's workforce.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

**SECTION I. Section 2-233. Leesburg Diversity Advisory Commission**

- a. Established. The Leesburg Diversity Commission is hereby created and established.
- b. Duties.
  - (i) The Leesburg Diversity Advisory Commission's mission is to help foster diversity and inclusion within the Town of Leesburg government workforce, and the community at large;
  - (ii) The Advisory Commission may make recommendations to the Town Council that potentially enhance the Town of Leesburg government's ability to communicate and to deliver services more effectively to minority residents and business owners within the Town;
  - (iii) The Advisory Commission shall work with the Leesburg Economic Development Commission and Town staff on a regular outreach effort to the minority business community in order to increase awareness of Town services, and to understand potential opportunities to do business with the Town;

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- (iv) The Advisory Commission makes recommendations to Town Council that provides the Town of Leesburg with the opportunity to enhance and celebrate the Town’s diverse community;
  - (v) The duties of the Advisory Commission shall not include discussion of any individual employment action or information, **or the investigation, examination or analysis of hiring practices by town staff.**
  - (vi) **The Advisory Commission may advise the Town on minority, multicultural and multilingual staff recruitment efforts and may track those efforts to monitor minority and multicultural recruitment efforts by the Town.**
- c. Membership. Exclusive of the rules outlined in Division 1 of this article, membership may consist of town residents, town property owners, or town business owners. At least four members shall be town residents.
- d. Meetings. The Leesburg Diversity Advisory Commission shall meet once a month.

**SECTION II.** All prior ordinances in conflict herewith are hereby repealed.

**SECTION III.** Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

**SECTION IV.** This ordinance shall be effective upon its adoption.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kristen C. Umstatt, Mayor  
Town of Leesburg

ATTEST:

\_\_\_\_\_  
Clerk of Council