

## **ANNOUNCEMENT OF TRUSTEE VACANCY JULY 2008**

### **Lake Barcroft Watershed Improvement District (WID)**

Tony Bracken has submitted his intention to resign as a Trustee and treasurer of WID. Mr. Bracken's resignation will become effective upon the appointment of his replacement. The following provides background on WID, outlines the roles and responsibilities of WID Trustees, and specifies the qualifications anticipated in a new trustee to fill the duties Mr. Bracken will be vacating.

#### **Background on WID**

WID is a "governmental subdivision of the State and a public body corporate and politic exercising public powers" that maintains and operates the Lake Barcroft Dam and Lake Barcroft's water resource. State code allows an area within a soil and watershed conservation district such as WID to create a special governmental unit overlying the county government to perform certain governmental functions including to levy tax and borrow money. Its purpose is to promote "the construction of improvements to check erosion, provide drainage, collect sediment or stabilize the runoff of surface water." WID's territory includes the lake and dam and specifically defined residential areas in the immediate lake area.

The directors of the Northern Virginia Soil and Water Conservation District sit in dual capacities as the governing body of both NVS&WCD and WID. Pursuant to the enabling statute, they appoint three WID trustees, who must be Lake Barcroft property owners and who are charged with the budgeting and operation of WID. The trustees elect a chairman, secretary and treasurer from their number and may engage agents and consultants and hire employees as required. The trustees employ a Director of Operations and a full and part time staff to carry out the day-to-day operations relating to the dam and the lake

The trustees propose an annual budget and secure approval from NVS&WCD. The Commonwealth of Virginia through the Virginia Soil and Water Conservation board of the Department of Conservation and Recreation must, in turn, also approve the annual budget.

State law provides that the real estate within the boundaries of WID is appraised for WID taxes by Fairfax County, setting the value of each lot identical to its value for Fairfax County real estate taxes. When the WID budget is approved, the tax rate is calculated to meet the income budgeted and is based on the overall assessed value of the approximately 1,000 lots within WID geography. Fairfax County bills each homeowner within the District for WID tax as an addition to their property tax billing, turning the money received over to WID.

The Lake Barcroft Association (the homeowners association) owns the lake, dam, beaches and certain other common properties through a subsidiary, Barcroft Beach, Inc. (BBI). There is a permanent agreement between BBI and WID, which grants WID sufficient easements and rights in the lake and the dam to perform its public soil and

water conservation functions including operation of the dam, silt removal from the bed of the lake and to otherwise manage the physical aspects of the lake.

Thus, WID and the community organizations are conveniently married. WID, a public organization, whose public consists of the residents of the Lake Barcroft community, and LBA/BBI, private organizations with the same constituency, serve different, but complementary, functions and provide for a continuity of management for all aspects of Lake Barcroft.

### **WID and LBA Agreement Relating to Trustees**

Although NVS&WCD by law appoints WID trustees, WID and LBA serve in an advisory capacity and jointly inform NVS&WCD of their recommendation to fill any trustee vacancy. Thus, in practice trustees are selected by the Lake Barcroft community. When a Trustee vacancy exists or is imminent, WID and LBA appoint a trustee nominating committee (committee) to advance a single name to NVS&WCD as the nominee of the Lake Barcroft community to fill the vacancy.

The committee consists of four members, two selected by WID Trustees and two by LBA. The resigning trustee may not sit on the committee, but may be called upon by the committee for advice and counsel during its deliberations.

The committee, with the advice of WID trustees, establishes appropriate qualifications to use in selecting a nominee and is not bound by previously established criteria, although it should take them into account. By law, a trustee must be a property owner within WID's boundaries.

The committee announces a search for a trustee to the lake community and solicits qualified applicants from the community. At a minimum, announcements appear in both the LBA newsletter and on the community's LakeLink computer bulletin board and contain a general description of the qualifications sought.

Selection of a final nominee by committee members is by a majority vote of the committee. Upon selection, the approved nominee shall be advanced to WID and LBA and will be recommended jointly by them to NVS&WCD.

Although not in law, recommended appointees must agree to a five year term. Reappointment requires the full nomination process and committee deliberations. While no absolute term limits can be imposed, the reappointment of a trustee who has served two consecutive terms would require formal acceptance of the nominee by LBA's Board of Directors after recommendation by the committee.

### **Current Trustees and other Offices**

Current Trustees are Charles de Seve (Chairman), Tony Bracken (Treasurer—who has announced his pending resignation), and Pete Silvia (Secretary). Interested and capable lake residents also can participate in WID affairs as Associates.

Davis Grant, Director of Operations, manages the day-to-day operations of the staff in support of the dam, its systems and the lake. A small paid staff does the majority of the work, and several consultants and contractors provide external support.

### **Trustee General Responsibilities**

Trustees have overall responsibility for the activities of WID. Their primary efforts are invested in:

- ◆ Oversight of staff, operations, dam functions, lake cleaning and lake environment
- ◆ Technical and administrative oversight of the dam systems and major equipment
- ◆ Assuring proper inspections and licensing of the dam
- ◆ Contract development and oversight
- ◆ Preparing the annual budget for approval by NVS&WCD and the Virginia Soil and Water Board
- ◆ WID tax and financial matters and cash management
- ◆ Representation of WID at NVS&WCD meetings
- ◆ Communications and public relations on lake and dam issues within and outside the lake community
- ◆ Monitoring relevant environmental issues and opportunities
- ◆ Recruitment and effective participation of Associates
- ◆ Close cooperation with the Lake Barcroft Association
- ◆ Close cooperation with the political and administrative authorities of Commonwealth of Virginia, Fairfax County and the Cities of Alexandria and Falls Church.

Trustees meet regularly with the Director of Operations to stay in touch with WID operations and other emerging issues. Normal daily operations are well under control and typically require only general oversight by the trustees. WID trustees and associates currently meet on an irregular schedule depending upon the issues and opportunities that present themselves.

The time commitment for trustees is approximately 12 hours per month for ordinary business and another 20 hours annually for budget preparation. Also, they spend whatever time is necessary for special projects or problems as they arise. This can be a few hours from time to time or serious added time working on anything from storm and safety issues to capital planning to preparing policy manuals to designing equipment. Trustees have chosen to lend their special talents and experience to WID in addition to their typical oversight functions.

### **WID Trustees – General Qualifications**

Critical qualifications for the trustees collectively include management experience, financial capabilities, technical and engineering background, problem-solving skills, strong writing and organizational skills, and leadership abilities. Critical characteristics

of all trustees include integrity, strong interest in the community, responsiveness, cooperative attitude, and time, capacity and willingness to serve.

Candidates for trustee must have: Good reputation in the lake community; understanding of the lake community, WID and LBA; demonstration of community involvement; a balance between self-direction and team playing; willingness to present alternative viewpoints and suggestions; a willingness to take responsibility for WID and its activities. In addition, candidates who have participated in WID activities and projects or have been WID associates will be given special consideration.

As a group, trustees must have a wide range of abilities and experience of importance to WID. For example, currently WID trustees act in the following capacities:

For the Chair: CEO – executive ability – acts as a spokesperson, negotiation skills and experience, diplomacy, capital planning

For the Treasurer: CFO – financial background – financial oversight, operations, budgets, cash management

For the Secretary and Engineer: Solid engineering background and experience – assess the implications of technical/engineering decisions, judge the effectiveness of engineering consultants

The successful candidate to replace Mr. Bracken would fill the role of Treasurer and be expected to have financial background sufficient to assist in budget preparation and monthly monitoring of accounts as well as have a working knowledge of cash management.