

# The Committee of 100 on the Federal City



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The Honorable Muriel Bowser, Mayor  
District of Columbia  
1350 Pennsylvania Ave., N.W.  
Washington, DC 20004

Dear Mayor Bowser,

The Committee of 100 on the Federal City fully endorses your commitment to attract the best talent for participation on the District's boards and commissions. A number of these bodies have responsibility to fairly judge land use changes that often pit ordinary citizens against development interests, determine the protections guaranteed for historic buildings and properties, and evaluate when zoning laws should be waived for some greater goal. The District citizenry has a keen interest in ensuring the quality and fairness of individuals who serve on these types of boards and commissions. Thus, it is critical that your appointments present those individuals who have demonstrated knowledge of the city, the ability to make balanced decisions, and expertise in the laws and regulations that pertain to the subject matter.

The Committee of 100 has observed the transition from an executive office of boards and commissions to the current Mayor's Office of Talent and Appointments (MOTA). We are concerned that the new process of identifying talent is not as open, transparent, and engaged with citizens as your announcement of the reorganized office envisioned. I want to summarize our experience with two important openings on significant boards to illustrate our concerns.

The Historic Preservation Review Board ("HPRB") archaeologist member stepped down last fall. This expert member is a statutorily-required member of the board. Failure to appoint an archeologist that meets the Professional Qualification Standards established by the Department of the Interior jeopardizes over \$500,000 in federal funding that supports the work of the DC Historic Preservation Office and the ability to nominate sites to the National Register of Historic Places. The position is still not filled. Despite inquiries to MOTA and the Historic Preservation Office, as well as to your chief of staff, the Committee of 100 could not learn why the position was not listed as vacant and why applications to fill the vacancy were not being accepted. Recently, a vacancy for the HPRB was listed on MOTA's website with a quick deadline for applying, but there was no information that the vacancy could only be filled by a qualified archaeological expert.

The Honorable Muriel Bowser, Mayor  
May 27, 2015  
Page Two

We respectfully recommend that vacancies or expired terms for boards and commissions be posted immediately and that specific details about qualifications for the position be posted. We also recommend that the public be given at least one month to notice the vacancy and apply for the position. There should also be a process that allows the public to suggest or nominate qualified District residents for consideration. This last suggestion is perhaps the most important because it maximizes your opportunity to choose the best and the brightest people that DC has to offer. There is a recent example of District residents' efforts to bring to your attention a candidate for a vacancy on the Zoning Commission that shows how public engagement is being frustrated and discouraged.

In February 2015, the term of a member of the Zoning Commission expired. The Committee of 100 and other organizations and individuals reached out to you and the MOTA to recommend Laura Richards, a noted DC attorney and land use expert, who previously served on the Board of Zoning Adjustment, as an exemplary candidate to fill the expired term. Ms. Richards submitted an application and received an email acknowledgement. Later she was told that the position was not open as it had never been posted and that the slew of endorsements sent on her behalf would not be considered.

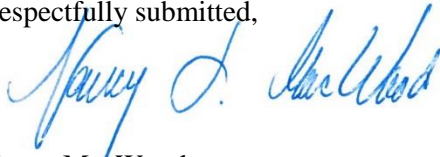
When I asked the MOTA director about this case at a Federation of Citizens Association meeting, he explained that the application was received after the vacancy notice had expired. This is surprising information since to my knowledge neither the vacancy nor term expiration has ever been posted.

There are two important issues that surface from this experience. One, a vacancy should not be defined by posting on the MOTA website. It is a predictable consequence of the term period and when that period has expired. Second, residents who seek to engage in the appointment for a specific position should not be ignored, but rather be encouraged to engage in identifying meritorious candidates for important board and commission positions.

One explanation for why vacancies and term expirations are not automatically noticed to the public is that MOTA wants to allow department heads with an interest in the board or commission's operations to settle in and presumably to offer candidates or vet those who are being considered. While having this type of vetting may be helpful to you in making a decision about an appointment, it should not prevent the public notice of a vacancy or term expiration at the time it occurs. There is no legal requirement that appointments have to be made within a fixed time after notice of a vacancy, so allowing comment from a new director should not be an issue.

We realize that some fine tuning of processes is needed with a new administration; however, appointments to land use regulatory boards and commissions are of such high importance and so infrequently made, that we felt it was critical to bring these issues to your attention immediately. We would greatly appreciate hearing from you about how the MOTA system will be improved and how citizens' engagement will be incorporated into your decisions on appointments.

Respectfully submitted,



Nancy MacWood  
Chair

Cc: Phil Mendelson  
Karl Racine

