



P.O. Box 270
McLean, Virginia 22101

March 23, 2022

McLean Community Center Governing Board
1234 Ingleside Avenue
McLean, Virginia 22101

Dear Governing Board Members,

I write on behalf of the McLean Citizens Association regarding the Governing Board contemplating revisions to its Memorandum of Understanding (MOU) with the Fairfax County Board of Supervisors. The McLean Citizens Association, the Center's principal founding benefactor, urges the Governing Board not to proceed with this effort and believes several of the specific proposed changes inappropriate. In any event, given the fundamental and long-term nature of the MOU it should have substantial addition review and comment by the public and other interested persons.

The McLean Community Center (MCC) was founded by the Greater McLean community, which donated land and agreed to a real estate surcharge for the MCC's construction and operation. The MCC's original 1971 MOU was revised in 1984, following an attempt¹ by the Fairfax County Board of Supervisors to seize operational control of the MCC from the Governing Board and the resulting significant public outcry. The current 1984 MOU enshrines the principle of pairing taxation with public accountability, through an elected Governing Board and strong protections for each resident's right both to vote and to comment on the MCC's policies and operations.

There are two strong reasons that no Governing Board since 1984 has even considered comprehensively reopening the MOU. Firstly, the MOU is fit to purpose, providing clarity without the level of specificity that might unduly constrict the Governing Board's role or the Center's operations. Secondly, and perhaps more importantly, in any renegotiation the MCC Governing Board would, as a practical matter, be dramatically overmatched by the authority of the Fairfax County Board of Supervisors. The Board of Supervisors would not be required to restrict its revisions to those discrete items suggested by the Governing Board. Instead, in reopening the MOU, the Governing Board could see its prerogatives reduced, or, worse, the entire governance of the Center could be irreparably transferred from McLean to Fairfax.

¹ <https://www.washingtonpost.com/archive/local/1981/07/08/mclean-fights-to-keep-control-of-center/a4d81072-fd19-4341-ac9a-1d9c15ce4f7a/>

This latter fact should likely outweigh even strong rationale for revision, but the Governing Board has simply not even presented such. Instead, its proposed revisions range from the trivially editorial, to the superfluous, to the outright problematic. We shall provide a few examples. As to the first category, we note the suggestion that “Small District #1” be changed to “Small District #1A”². As to the second category, there is the suggestion that the MOU should be changed to allow for virtual meetings³. The Governing Board already has statutory authority to enact a Remote Participation Policy *without* revising the MOU.

As to the final category, the Governing Board is being asked to consider several problematic changes. The proposal suggests the MCC study and replicate the Reston Community Center model, wherein its Board is not chosen in an ‘election’ but a ‘preference poll.’⁴ It is unclear if the Governing Board is aware that, in Reston, not every adult even has a vote; voting is by household⁵. Such a change would represent a dramatic and unreasonable limitation on the voting rights of McLean residents⁶. Perhaps most problematic, the Governing Board is being asked to consider a proposal to curtail the rights of the public to comment on the policies and operations of the MCC, whose existence and operations it underwrites. Under the MOU, the public has a right to comment at each and every meeting of the Governing Board and of its committees. This proposal to potentially adopt the Board of Supervisors’ policy⁷, wherein each citizen is limited to commenting once every *six months* is very problematic. At present, residents of the Greater McLean community have *many* opportunities annually; under this proposal, residents would be reduced to as few as *two*. While a policy to place time limits for speakers at public meetings is reasonable, the proposal to impose a drastic limitation of the number of times someone can speak would be unduly restrictive in the context of our Community Center, and doesn’t address the legitimate concern the Governing Board may have to deal with disrespectful speakers.

Please understand that while these particularly problematic provisions should not be supported, the more fundamental point we wish to raise for your consideration at this moment is this: The McLean Citizens Association does not doubt that there are provisions of the MOU that *could* be changed, but there has been no demonstration of any provisions that have been demonstrated to be so significantly problematic or burdensome on the overall direction and operations of the Community Center that they *need* to be changed. This is a particularly urgent distinction as we noted in light of the comparative state of

² MCC MOU Revision Decomposition, p. 16. https://mcleancenter.org/images/GBPPDF/Secured_Minutes_and_Agendas/3-23-22-Pre-Reads/pre-read_Mar_23_MCC_MOU_Revision_Decomposition.pdf

³ MCC MOU Revision Decomposition, p. 29.

⁴ MCC MOU Revision Decomposition, p. 19.

⁵ “All residential property households and each commercial property address in Small District No. 5 shall be eligible to cast *one vote per property address*” (*emphasis added*). Memorandum of Understanding Between the Board of Supervisors of Fairfax County, Virginia, and the Governing Board of the Reston Community Center. Section 4.A. (p. 5). [https://www.restoncommunitycenter.com/docs/default-source/default-document-library/usermanual2019-\(final\).pdf?sfvrsn=154e7aa3_4](https://www.restoncommunitycenter.com/docs/default-source/default-document-library/usermanual2019-(final).pdf?sfvrsn=154e7aa3_4), p. 17.

⁶ In this connection, we are particularly alarmed that at an earlier meeting, one member enunciated the following without any objection from colleagues: “The board could be changed to an *appointed* board – by our county supervisor. *It doesn’t have to be elected*; it can be changed. That is on the table: it is written into the MOU that we are an elected board. But it changing [*sic*] the governing structure could be on the table.” (*emphasis added*). Minutes. McLean Community Center Governing Board. October 13, 2021, p. 8.

https://mcleancenter.org/images/GBPPDF/Secured_Minutes_and_Agendas/Board_meeting_MINUTES_101321_Strategic_consultants_AMS.pdf

⁷ MCC MOU Revision Decomposition, p. 30.

powerlessness in which the Governing Board would find itself if pitted against Fairfax County in a negotiation. Is the Governing Board willing to risk the potential of its own demise or the radical reduction of its responsibilities and authority simply because the MOU is “old” and there are some “nice to have” changes? We don’t believe that it is prudent for the Governing Board to take that risk. The legacy of generations of McLean residents to build, operate, govern and enjoy the McLean Community Center is too important. Accordingly, the McLean Citizens Association requests you table further consideration of revising the MOU.

Thank you.

Scott Spitzer
President