



POSSIBLE COLLECTIVE BARGAINING REFERENDUM: PUBLIC EDUCATION CAMPAIGN CONSIDERATIONS

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CITY OF
**VIRGINIA
BEACH**

WHY WE ARE HERE

- The Mayor has requested the drafting of a resolution to initiate an advisory referendum on a proposed ordinance to authorize collective bargaining
- The Mayor has also proposed the engagement of Old Dominion University to provide an independent SWOT analysis (Strengths, Weaknesses, Opportunities, and Threats) focused on the pros and cons of collective bargaining
- The proposed study would include examining the experiences of other cities that are similar to Virginia Beach to assist the City Council and the public with the decision process

TODAY'S PRESENTATION



Review:

City Charter Advisory Referendum Process & Other Possibilities

Public Education & Engagement Considerations

Timelines



The Ask:

Council Feedback, Input & Questions Prior to Council Vote

Referendum Varieties

Local referendum avenues:

1. Amend a local charter
 - Va. Code § 15.2-201
2. Bond authorization
 - Va. Code § 15.2-2610
3. Advisory referendum on proposed ordinance
 - Virginia Beach City Charter § 3.05(f)
4. Citizen initiated advisory referendum
 - Virginia Beach City Charter § 3.09
5. Other (*e.g.* activate a redevelopment and housing authority, General Assembly mandate like 1995)

City Charter § 3.05(f)

"To provide for the submission of any proposed ordinance to the qualified voters of the city at an advisory referendum to be initiated by a resolution to the circuit court of the city and held not less than thirty nor more than sixty days thereafter in the manner provided by law for general elections."

- The timing has been superseded by state law. Virginia Code § 24.2-682(B) provides the order for a referendum election must be "at least 81 days" prior to the date of the election.
- The most recent use of City Charter § 3.05(f) was an ordinance regarding light rail in 2012.
 - "Should the City Council adopt an ordinance approving the use of all reasonable efforts to support the financing and development of The Tide light rail into Virginia Beach?"
- If the City Council makes the request for an advisory referendum, the City Attorney files paperwork with the circuit court to have the referendum election ordered.

Opportunities and Restrictions (Legal)

Referendum specific:

- The governing body may provide for the preparation and printing of an explanation of a referendum question. Virginia law tasks the City Attorney with preparing such explanation, but the statute requires the explanation to be in "Plain English."
- The City may disseminate "neutral materials or advertisements concerning issues of public concern that are the subject of a referendum."
- "Materials or advertisements shall not advocate the passage or defeat of the referendum question."

Employees:

Virginia Code § 15.2-1512.2 prohibits employees from:

- participating in political activities while on duty, in uniform and on City premises.
- Using their official authority to coerce or attempt to coerce co-workers and subordinates to pay, lend, or contribute anything of value to a political party, candidate or campaign

Virginia Beach City Code § 2-90 also prohibits employees from:

- Using their status or prestige of position on behalf of or in opposition to any candidate for elected office
- Using city funds, supplies, or equipment for political purposes or wearing uniform while participating in political activities

Potential Communications Efforts

- Communication Goals:
 - Awareness of (1) Ballot Question (2) Non-Binding Status & (3) Eligible Employees
 - Effectiveness of Education Campaign = Confidence Going into the Polls...*Either Way You Vote*
- Challenges
 - Not able to communicate **all** impacts to residents (fear of unknown)
 - 70% voter turnout in 2020 election (how to increase voter participation)
 - Cannot determine or define total cost to taxpayer (consumer frustration/confusion); definitive costing is contingent upon contract negotiations and implementation
 - City's role in addressing/correcting external statements and perceptions/ "perception is reality"
 - *The City is neither for or against collective bargaining. What we ARE for is facts and information to educate residents.*
 - "Doesn't Affect Me Directly" mentality (resident disengagement)
 - Expect strong external lobbying and groups getting messaging out ahead of City; City message must be clear and neutral

Potential Communications Efforts



- Considerations:
 - Diverse audiences: Council, City Staff (7,500 employees), Public, Business Community, Union Groups
 - Secure academic third-party research & utilize for future communications
 - Potential for multiple ballot questions (Constitutional question already on 2024 ballot).

SECURING RESEARCH



Paths:

- Mayor request – ODU is government-to-government contract (no procurement process needed)
- Can secure multiple government-to-government quotes - risk not getting proposals that could impact timeline

Alternatives:

RFP process (would take 6 months)

Emergency procurement (not an option)



Key Dates:

- Aug. 13: Ballot question deadline
- Mid-August: Final research white paper deliverable
- Sept. 20: Early voting starts

Scope of Work



- SWOT analysis final paper
 - *Include examining the experiences of other cities that are similar to Virginia Beach to assist the City Council and the public with the decision process*
- Simplified SWOT analysis for post card mailing
- Facilitation of three community meetings to explain SWOT analysis, case studies and answer community questions; City staff present to answer City-specific policy or procedure questions

Public Education Campaign



Phase 1: Awareness Campaign: June – August 16

“On the Ballot: Collective Bargaining”

Drive subscribers to get updates as information is released

- How We Got Here (History/Timeline)
- Provide information already shared publicly



• Phase 2: Educate Mid-August – Nov.

- “Yes or No to Collective Bargaining?”
 - Research Findings Available Now
 - Direct Mail/Paid Advertising: SWOT Analysis
 - Use district preferences for communication from 2022 resident survey for customized outreach

PAST EDUCATIONAL CAMPAIGN SPEND

- Flood Protection Referendum Education \$240,000 (5.6 million estimated media impressions) plus \$103,500 for ODU economic analysis study
 - Redistricting 10-1 System (across two fiscal years) \$256,981.47
 - Election System Community Engagement Project \$383,178 – UVA contract, direct mail and paid advertising
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- Registered Voters: 335,000 (Census data)
 - 185,000 households

Thank You

Council Feedback & Input



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Extra Slides

KEY TERMS

- Advisory referendum – non-binding
- "Merit" employees - Per Virginia Beach City Code 2-76 all employees not identified as non-merit and whose employment with the City is governed by the policies, procedures, rules and regulations of the city merit system
- "Non-Merit" employee - Per Virginia Beach City Code 2-75:
 - (1) Members of the city council and all other elected officials or persons appointed to fill vacancies in elective offices.
 - (2) The city manager; and deputy city managers, assistants to the city manager, all heads of departments or offices, assistant or deputy directors and division managers who are appointed by the city manager.
 - (3) Constitutional officers and their employees (*Sheriff, City Treasurer, Commissioner of the Revenue, Virginia Beach Court Clerks*).
 - (4) All appointees of the city council. (*City Manager, City Attorney, City Clerk, Real Estate Assessor, City Auditor*)
 - (5) Employees of the health department.
 - (6) Employees of the school board.
 - (9) The general registrar and all assistant registrars.
 - (10) Employees of juvenile probation. (*Department of Human Services employees*)
 - (11) Members of boards and commissions.

Guidelines for Employees

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Administrative Directive 3.01 - prohibits petitioning, picketing, displaying signs or posters, solicitation, demonstrating pamphlet distribution and conducting polls in City buildings, in restricted areas adjoining such buildings and in city work areas.

- Includes exterior steps and ramps to buildings, adjacent lawns, walkways to buildings,
- Does not include public sidewalks adjacent to City streets or areas identified for expressive activity.

NO prohibition on employees talking about the subject as long as it does not interfere with work
Employees permitted to talk to Councilmembers, speak at City Council, Boards and Commission meetings.