RESTON GOVERNANCE BY REFERENDUM?

The election stump-shouting is over. The campaign squads at grocery stores are gone. Candidates’ flyers are relegated to history’s ashcan. Reston Association’s counting agent closed down receipt of ballots by post and internet last Friday. Three of the six candidates will be installed as directors of RA next Tuesday.

Will it matter which three? Yes, but not on one burning issue. All the candidates supported calling a referendum of RA’s members to vote on winterizing and renovating the existing structure at the Nature Center to permit educational programs throughout the year. Projected costs will run to some $636,000 to be raised by a nonprofit affiliate, Friends of Reston for Community Projects, which kicked off its fundraising campaign last Wednesday.

RA’s bylaws require a referendum of members to approve “any one new capital improvement” costing RA more than a ceiling determined by the consumer price index (now $326,073). In the case of this improvement, however, the membership will bear no costs whatever beyond $25,000 already incurred for preliminary engineering and related studies. All future costs will be defrayed by charitable contributions to FRCP.

On the subject of costs, expenditures to support a referendum are significant (estimated at $30,000) and will be borne by assessment of members. Is there a good reason for spending this sum instead of relying on the judgment of directors?

I vote to elect directors qualified to make such decisions and who, unlike me or other members, have a fiduciary obligation to take the time to master the relevant details required for such decisions. I’m not impressed with directors who vote to refer to their constituents decisions on matters they have full discretion to resolve themselves. Usually these are politically sensitive matters for which an elected director would prefer to duck all responsibility. Hazards of the current or next reelection campaign loom large.

So, the self-serving instinct of timorous directors is obvious: let the members pay for a referendum to let the members themselves decide all hotly contested issues. The Nature House issue is hotly contested principally by neighbors who regard the Nature Center as their own back yard and want no change which will increase public use of RA’s property and adjacent roads. Some politicians who generally oppose any new spending initiative, however beneficial to the community, have leapt to support the NIMBY banner.

The case for the Nature House is a no-brainer. The existing structure in the Nature Center is a capital asset affording little more than restrooms during warm weather. But as a winterized and renovated Nature House, its potential asset value as an educational forum year-round will far exceed project costs. As a matter of fiscal management, this project should have been undertaken long ago.
Opponents of the Nature House have always demanded a referendum, hoping to kill the project through inertia of the general electorate but assuring delay in any case. Sadly, proponents in the recent election campaign, apparently fearing voter backlash, climbed aboard the referendum bandwagon.

Two years ago an activist opponent took RA to court, seeking to overturn a proposed 4-year plan designed to improve the Nature Center in the absence of approval by referendum of members. Fairfax County Circuit Court Judge Longhorne Keith dismissed the case out of hand, finding no evidence whatever to support plaintiff’s claim.

Whether or not a referendum is undertaken will depend on the vote of all nine members of the RA board. There’s still a chance reason will prevail after all.

*William Nicoson is a former director of RA and a D.C. lawyer.*