



AFUT Arlingtonians for Upzoning Transparency <afut.upzoningtransparency@gmail.com>

RE: FW: Letter - Serious Concerns With Recent Assertions by County/County Attorney in Court

1 message

CountyBoard <CountyBoard@arlingtonva.us>

Fri, Nov 3, 2023 at 12:34 PM

To: Arlingtonians for Upzoning Transparency AFUT <afut.upzoningtransparency@gmail.com>

Mr. Gerck:

I am responding on behalf of the Arlington County Board to address your October 13, 2023, letter regarding the Arlington County Attorney's recent argument in court.

The September 19th statement you cite was part of an argument for the County's demurrer made in the context of court proceedings; This was not an isolated remark made for the sake of insulting anyone who disagrees with the County's position but an argument challenging the standing of the plaintiffs in their complaint.

It is the Board's position that the County held an extensive and public multi-year community engagement process that led to enacting a zoning ordinance that was informed by and considerate of all views of those that participated. We believe this public process vastly exceeded all requirements for public participation and engagement and that the Board's ultimate decision to adopt expanded housing options zoning ordinance amendments is wholly within the purview of the local legislative body, which has the constitutional authority to make county-wide land use decisions, revisions, and repeals if necessary. It is our position that the Judiciary should not substitute its judgment for decision-making expressly reserved for the local legislative body.

The Judge has now determined that this case will go to trial. As this litigation is ongoing, the Board will not comment on this matter further.

Respectfully,

Christian Dorsey, Chair
Arlington County Board

From: AFUT Arlingtonians for Upzoning Transparency <afut.upzoningtransparency@gmail.com>**Sent:** Friday, October 13, 2023 5:29 AM**To:** Christian Dorsey <cdorsey@arlingtonva.us>; Libby Garvey <Lgarvey@arlingtonva.us>; Matt de Ferranti <mdferranti@arlingtonva.us>; Takis Karantonis <tkarantonis@arlingtonva.us>; Tannia Talento <ttalento@arlingtonva.us>**Cc:** County Manager <CountyManager@arlingtonva.us>; devanshi2005@gmail.com; Stevie Kelly <skelly1@arlingtonva.us>; Catherine Miami-O'Malley <comalley@arlingtonva.us>; Amina Ait-Bella <aait-bella@arlingtonva.us>; Graham Weinschenk <gweinschenk@arlingtonva.us>; CountyBoard <CountyBoard@arlingtonva.us>; Lynne Porfiri <Lporfiri@arlingtonva.us>; AFUT Arlingtonians for Upzoning Transparency <afut.upzoningtransparency@gmail.com>**Subject:** Letter - Serious Concerns With Recent Assertions by County/County Attorney in Court**EXTERNAL EMAIL**

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EXTERNAL EMAIL

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Dear Chairman Dorsey and Members of the County Board-

Attached please find a letter from Arlingtonians for Upzoning Transparency (AFUT) in relation to inappropriate and concerning comments made by the County's Attorney on behalf of the County.

We look forward to hearing how the Board will be addressing this inappropriate conduct and associated misstatements against residents.

Sincerely,

David Gerk

Arlingtonians for Upzoning Transparency (AFUT)