

ORDINANCE NO. 1982

AN ORDINANCE to amend Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new Division 4; which Chapter 2 relates to ADMINISTRATION, which Article II relates to OFFICERS AND EMPLOYEES GENERALLY and which new Division 4 relates to FINANCIAL DISCLOSURE, REQUIRES A YEARLY DISCLOSURE OF FINANCIAL INTERESTS BY COUNCILMEN, CITY MANAGER, CITY ATTORNEY, MEMBERS OF CERTAIN BOARDS AND COMMISSIONS OF THE CITY AND CERTAIN EMPLOYEES OF THE CITY AND PROVIDES REMEDIES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new Division 4 to read as follows:

DIVISION 4. FINANCIAL DISCLOSURE.

Sec. 2-47.2. Findings of fact and declaration of purpose.

The city council of the City of Alexandria, Virginia finds: That representative government of the city depends, in part, upon the people of the city vesting the highest trust in their elected and appointed officers and employees; and that all the people of the city are entitled to be assured that such officers and employees are not permitting their financial interests to conflict with their public trust.

Therefore, it is hereby declared that disclosure by certain officers and employees of the city of financial interest likely to create conflicts of interest is necessary to promote the continued trust and confidence of the people of the city in their government.

Sec. 2-47.3. Financial disclosure statement required.

All persons holding the following offices or positions in the city shall file a financial disclosure statement:

- (a) Mayor and members of city council;
- (b) City Manager and Assistant City Manager;
- (c) City Attorney and Deputy City Attorney;
- (d) Directors and deputy directors of all city departments;
- (e) Director, Office of Budget and Research;
- (f) Director, Economic Opportunities Commission;
- (g) Members of the following boards and commissions of the city appointed by city council: Planning Commission, School Board, Alexandria Redevelopment and Housing Authority, Board of Zoning Appeals, Board of Architectural Review, and Board of Equalization and Assessment Review, and Board of Housing Hygiene.
- (h) Assistant city clerks employed by the mayor and members of council pursuant to Section 3.06.1 of the City Charter.

A person required to file a financial disclosure statement shall verify in writing, under oath, that to the best of his or her knowledge the information in the financial disclosure statement is true and complete.

Sec. 2-47.4. Filing of financial disclosure statement.

(a) All persons designated in Sec. 2-47.3 shall file with the city clerk a financial disclosure statement within sixty (60) days after final passage of this division and thereafter on or before the 15th day of May of each year for the calendar year immediately preceding; provided that members of the boards and

commissions specified in subparagraph (g) of Sec. 2-47.3 who are serving at the time of the adoption of this ordinance shall not be required to file a financial disclosure statement unless they are reappointed to such board or commission following the expiration of their current term, in which case the financial disclosure statement shall be filed within 60 days of such reappointment.

(b) In the event a vacancy occurs in any office or position designated in Sec. 2-47.3, the person elected or appointed to fill such vacancy shall file a financial disclosure statement within sixty (60) days of the effective date of such election or appointment.

Sec. 2-47.5 Financial disclosure statement.

The financial disclosure statement shall include the following information and shall be submitted on a form provided by the city clerk:

(a) Identity of each source, but not the amount, of income in excess of five thousand dollars (\$5,000) during the calendar year immediately preceding the filing of the statement, including income of spouse, minor children or any other relative who resides in the same household, from employment, compensated services, investment, gift or any other source whatever. In the case of income earned in the practice of a profession it shall be sufficient to identify the profession in the name of the firm, proprietorship, partnership or corporation.

(b) Schedule of interests in real property in the Commonwealth of Virginia as of the date the statement is filed. The schedule, as to each interest, shall include: nature of the property; location by street address or mailing address; and nature of interest held. Any person engaged in the business of holding a legal interest in real property in the Commonwealth of Virginia for the benefit of others is not required to list such interests in this schedule.

(c) Schedule of material financial interests, other than real property, of such person and members of his or her immediate family, including spouse, minor children or any other relative who resides in the same household, as of the date the statement is filed. For purposes of this section, material financial interest shall mean a pecuniary interest in the form of stocks, bonds, equity or creditor interests in proprietorships, partnerships, corporations or any other like entity, but shall not include an ownership interest of less than five percent (5%) of the total equity interests in any one entity unless the value as of the date the statement is filed exceeds five thousand dollars (\$5,000). The name of any such proprietorship, partnership, corporation or any other entity shall be listed in the schedule but not the amount of the interest.

(d) Schedule of each indebtedness of more than five thousand dollars (\$5,000) to any one person including any partnership, corporation or any other entity, as of the date the statement is filed, such schedule need not include amount of such indebtedness.

Sec. 2-47.6. Financial disclosure statements; records; availability to public.

(a) The city clerk shall receive and preserve all financial disclosure statements for five (5) years after the date on which they are filed.

(b) Financial disclosure statements shall be available for public inspection in the office of the city clerk during normal business hours.

Sec. 2-47.7. Financial disclosure statements; review; enforcement.

(a) The city clerk shall review all financial disclosure statements filed pursuant to this division.

(b) If, upon review, the city clerk has reason to believe a violation has occurred, he or she shall notify by certified mail the person alleged to have violated this division and advise such person of the steps necessary to comply with the provisions of law herein.

In the case of employees of the city appointed by the city manager, but excluding the city manager, the city clerk shall also advise the city manager of such notification. In the case of the city manager, appointed members of city boards and commissions designated in subsection 2-47.3(g) above and any other employee of the city appointed by the council, the city clerk shall advise the city council of such notification.

(c) Upon certification by the city clerk to the city attorney that (1) notice has been sent to the alleged violator pursuant to subsection (b) above and that (2) said alleged violator has not initiated action to comply with this division within thirty (30) days after notice has been sent, the city attorney, after notifying the city council and city manager, is hereby authorized to institute legal proceedings in a court of competent jurisdiction for a mandatory injunction against said alleged violator to comply with the provisions of this division.

(d) Wilful failure or refusal to comply with the provisions of law herein by any appointed city employee or board or commission member, designated in section 2-47.3, shall be grounds for removal from office.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: November 26, 1974