

ORDINANCE NO. 2588

AN ORDINANCE to amend and reordain the title of Division 4; to further amend Division 4 by adding a new section numbered 2-47.1.10; to amend and reordain Sections 2-47.3, 2-47.4, 2-47.5, 2-47.6 and 2-47.7, all of Division 4, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 2 relates to ADMINISTRATION, which Article II relates to OFFICERS AND EMPLOYEES GENERALLY, which Division 4 formerly related to FINANCIAL DISCLOSURE and now relates to FINANCIAL DISCLOSURE AND CONFLICT OF INTERESTS, which new Section 2-47.1.10 relates to ADOPTION OF THE VIRGINIA CONFLICT OF INTERESTS ACT, which Section 2-47.3 relates to STATEMENT--REQUIRED, which Section 2-47.4 relates to SAME--FILING, which Section 2-47.5 relates to SAME--FORM AND CONTENTS, which Section 2-47.6 relates to SAME--PUBLIC INSPECTION; PRESERVATION and which Section 2-47.7 relates to SAME--REVIEW; VIOLATIONS AND PENALTIES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

Division 4. Financial Disclosure and Conflict of Interests.

Section 2. That Division 4, 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 a new section numbered 2-47.1.10 to read as follows:

Sec. 2-47.1.10. Adoption of Virginia Conflict of Interests Act.

There is hereby adopted and incorporated as if fully set out at length herein the Virginia Conflict of Interests Act as adopted and promulgated by the Virginia General Assembly and as hereafter amended from time to time. In case of conflict or inconsistency between this chapter and that code, the provisions of that code shall control.

Section 3. That Section 2-47.3, Division 4, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 2-47.3. Statement--Required.

In addition to those public officials and employees who may be required to file financial disclosure statements by the Virginia Conflict of Interests Act because they have a material financial interest which they believe or have reason to believe may be substantially affected by actions of the governmental or advisory agency of which they are officers or employees, all persons holding the following offices or positions in the city shall file an annual financial disclosure statement on a form prepared by the commonwealth's attorney in accordance with the provisions of the Virginia Conflict of Interests Act. Such forms shall specify the time and place at which the documents shall be filed.

- (a) Mayor and members of city council;
- (b) City manager, deputy city managers, assistant city managers and assistants to the city manager;
- (c) City attorney and deputy city attorney;
- (d) Commonwealth's attorney and deputy commonwealth's attorney;
- (e) City clerk and deputy city clerk;
- (f) Directors and deputy directors of all city departments;
- (g) Director and deputy director of the office of management and budget;
- (h) Members of the following boards and commissions of the city:
 - Planning commission,
 - School board,
 - Alexandria redevelopment and housing authority,
 - Board of zoning appeals,
 - Board of architectural review,
 - Board of equalization and assessment review,
 - Board of housing hygiene,
 - Alexandria industrial development authority,
 - Alexandria sanitation authority,
 - Building code board of examiners and
 - Community development block grant advisory committee;
- (i) Administrative assistants employed by the mayor and members of council pursuant to section 3.06.1 of the city charter; and

(j) Sheriff of the City of Alexandria.

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.

Section 4. That Section 2-47.4, Division 4, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 2-47.4. Same--Filing.

(a) All persons designated in subsections (a) through (j) of section 2-47.3 shall file in accordance with the procedure established by the commonwealth's attorney a financial disclosure statement within sixty (60) days after final passage of this division if they have not previously submitted a financial disclosure statement which substantially meets the requirements of the Virginia Conflict of Interests Act. Thereafter the form required by section 2-47.3 shall be filed during the month of January of each year for the calendar year immediately preceding.

(b) In the event a vacancy occurs in any office or position designated in section 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.

Section 5. That the first paragraph of Section 2-47.5, Division 4, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

The financial disclosure statement shall include the following information and shall be submitted on a form prepared by the commonwealth's attorney in accordance with the provisions of the Virginia Conflict of Interests Act:

Section 6. That Section 2-47.6, Division 4, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 2-47.6. Same--Public inspection; preservation.

(a) All financial disclosure statements shall be preserved for five (5) years after the date on which they are filed.

(b) Financial disclosure statements shall be available for public inspection at a location specified by the commonwealth's attorney during normal business hours.

Section 7. That Section 2-47.7, Division 4, Article II, Chapter 2 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 2-47.7. Same--Review; violations and penalties.

(a) The commonwealth's attorney shall review all financial disclosure statements filed pursuant to this division.

(b) If, upon review, the commonwealth's attorney 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 commonwealth's attorney 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(h) above and any other employee of the city appointed by the council, the commonwealth's attorney shall advise the city council of such notification.

(c) Any officer or employee who willfully violates any of the foregoing provisions of this division shall be guilty of malfeasance in office or employment. Any officer, employee or public official who willfully violates any of such provisions shall be guilty of a misdemeanor, and upon conviction thereof, shall in addition to any other penalty or fine provided by law, forfeit his office or employment.

(d) Willful failure or refusal to comply with the provisions of law herein by any city officer, city employee or board or commission member, designated in section 2-47.3, shall be grounds for removal from office. No official act performed prior to removal of a person who has failed to make the disclosures required by section 2-47.3 shall be deemed invalid.

Section 8. 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 July 1, 1981.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: June 13, 1981