

ORDINANCE NO. 2589

AN ORDINANCE to amend and reordain Sections 11-1, 11-3, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, 11-12, 11-13 and 11-14, Chapter 11 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 11 relates to ETHICS, which Section 11-1 relates to CONFLICT OF INTEREST PROHIBITED GENERALLY, which Section 11-3 relates to ACCEPTANCE OF GIFTS, FAVORS, ETC., PROHIBITED, which Section 11-5 relates to REPRESENTATION OF PRIVATE INTERESTS, which Section 11-6 relates to DISCLOSURE OF CONFIDENTIAL INFORMATION PROHIBITED, which Section 11-7 relates to USE OF CONFIDENTIAL INFORMATION FOR GAIN PROHIBITED, which Section 11-8 relates to SALE OF GOODS AND MATERIALS TO CITY, which Section 11-9 relates to MORE THAN ONE SALARY, which Section 11-10 relates to CONFLICTS OF INTEREST; DISQUALIFICATION, which Section 11-12 relates to DISCLOSURE OF OWNERSHIP OF REAL ESTATE REQUIRED IN CERTAIN POSITIONS, which Section 11-13 formerly related to NOTICE TO APPOINTEES and now relates to NOTICE TO PUBLIC OFFICIALS AND EMPLOYEES and which Section 11-14 relates to VIOLATIONS OF CHAPTER.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-1, Chapter 11 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. 11-1. Conflict of interest prohibited generally.

(a) No public official or employee shall engage, directly or indirectly, in any business transaction or arrangement for personal profit or advantage which accrues from or is based upon his or her position. All references to a public official or employee shall be construed to mean a public official or employee of the City of Alexandria.

(b) No public official or employee shall accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her city duties.

(c) No public official or employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his or her duties. This subsection shall not be construed to prevent any such public official or employee from investing or holding investments if such investing or holding investments constitutes a minority share and does not create a conflict with his or her duties.

(d) No public official or employee shall, in his or her private or public affairs, conduct himself or herself in such a way as to reflect on his or her ability to discharge the duties of his or her position or do anything which is incompatible with the proper discharge of his or her duties.

(e) No public official or employee shall act in any city matter with respect to which there exists a personal interest incompatible with an unbiased exercise of his or her duties.

Section 2. That Section 11-3, Chapter 11 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. 11-3. Acceptance of gifts, favors, etc., prohibited.

No public official or employee shall accept any valuable gift, favor, service, loan, thing or promise from any person who, to his or her knowledge is, directly or indirectly, transacting business with the city or is interested in the outcome of any matter pending before the city.

Section 3. That Section 11-5, Chapter 11 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. 11-5. Representation of private interests.

No public official or employee shall act as attorney, agent, broker or employee for any person, directly or indirectly, in dealings with the agency with which the public official or employee serves.

Section 4. That Section 11-6, Chapter 11 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. 11-6. Disclosure of confidential information prohibited.

No public official or employee shall disclose confidential information concerning or affecting the affairs of the city or any of its agencies.

Section 5. That Section 11-7, Chapter 11 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. 11-7. Use of confidential information for gain prohibited.

No public official or employee shall use confidential information concerning or affecting the city or any of its agencies to advance the financial interests of himself or herself or others.

Section 6. That Section 11-8, Chapter 11 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. 11-8. Sale of goods and materials to city.

No paid or salaried public official or employee shall sell goods or materials to the city. The prohibition of this section shall not apply to nonsalaried members of boards and commissions with respect to goods and materials, provided they do not participate in the negotiation for or recommend such goods or materials while acting in their capacity as a member of a board or commission.

Section 7. That Section 11-9, Chapter 11 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. 11-9. More than one salary.

In instances where a public official or employee holds more than one (1) full-time position in the city service, such public official or employee shall not receive salary for more than one (1) such position, except by specific authorization of the city council.

Section 8. That Section 11-10, Chapter 11 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. 11-10. Conflicts of interest; disqualification.

Any public official or employee, in a matter before him or her for consideration or determination which involves a conflict of interest, shall promptly disqualify himself or herself from consideration and determination and state the nature of his or her interest. The determination of whether a conflict of interest exists shall be made in accordance with the provisions of division 4, chapter 2 of this Code and with the provisions of the Virginia Conflict of Interests Act.

Section 9. That Section 11-12, Chapter 11 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. 11-12. Disclosure of ownership of real estate required in certain positions.

No person shall be appointed by the city council to the redevelopment and housing authority, the board of housing hygiene, the planning commission, the board of zoning appeals or any board or other body constituted pursuant to the present or any future city building code unless such person shall have first filed a full and complete list of all real estate that he or she owns in accordance with the provisions of section 2-47.5(b) of this Code on a form prepared by the commonwealth's attorney in accordance with the provisions of the Virginia Conflict of Interests Act. Such form shall specify the time and place at which the document shall be filed. Every person appointed by the city council to the redevelopment and housing authority, the board of housing hygiene, the planning commission, the board of zoning appeals or any board or other body constituted by virtue of the present or any future city building code shall, during the month of January of each year for so long as he or she remains on such authority, board or body, file a full and complete list of all real estate that he or she owns within the city on a form prepared by the commonwealth's attorney in accordance with the provisions of the Virginia Conflict of Interests Act.

Section 11. That Section 11-13, Chapter 11 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. 11-13. Notice to public officials and employees.

The city clerk shall forward a copy of this chapter to all future city council appointees at the time of their appointment. The city clerk shall make a copy of this chapter available to all other city officials and employees upon request.

Section 12. That Section 11-14, Chapter 11 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. 11-14. Violations of chapter.

Any public official or employee who willfully violates any of the foregoing provisions of this chapter shall be guilty of malfeasance in office or employment. Any public official or employee 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 or her office or employment.

Willful failure or refusal to comply with the provisions of section 11-12 by any person designated in that section 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 11-12 shall be deemed invalid.

Section 13. 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