

RESOLUTION NO. 135

WHEREAS, Article VII, Section 4 of the Constitution of Virginia states that the General Assembly may provide for city officers and their method of selection by special act upon the request of the city affected, after approval by a majority of those qualified voters of the city voting thereon at an election held for such purposes; and

WHEREAS, Section 3.13 of the Charter of the City of Alexandria, Virginia, provides for an advisory referendum; and

WHEREAS, the City Council of the City of Alexandria, Virginia, is considering the advisability of requesting the General Assembly of Virginia to amend the City Charter to eliminate the elective offices of City Treasurer and Commissioner of Revenue, effective January 1, 1974, to eliminate the elective office of City Collector, effective September 1, 1973, and to place and consolidate the functions of each such office under the City's Department of Finance, effective on the applicable dates stated above; and

WHEREAS, the City Council desires that an advisory referendum be held on November 7, 1972, the date of the next regular election, to determine whether or not the voters of the City favor such request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY  
COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

1. That the Honorable Judges of the Corporation Court of the City of Alexandria, Virginia, be, and they are hereby requested, pursuant to Section 3.13 of the City Charter, to order an advisory referendum to be held on the date of the regular election, November 7, 1972, in accordance with the law provided for in such cases, at which time there shall be submitted to the qualified voters of the City of Alexandria, Virginia, in order to determine the sense of the electorate, the following questions:

QUESTION: Shall the City of Alexandria, Virginia, request the General Assembly of Virginia to amend the Alexandria City Charter to eliminate the elective offices of City Treasurer and Commissioner of Revenue and to place the functions of such offices under the City's Department of Finance?

QUESTION: Shall the City of Alexandria, Virginia, request the General Assembly of Virginia to amend the Alexandria City Charter to eliminate the elective office of City Collector and to place the functions of such office under the City's Department of Finance?

2. That should a majority of the qualified voters of the city, voting at such advisory referendum, vote in favor of the first question hereinabove stated, but not in favor of the second question, the General Assembly shall be asked to amend the City Charter in the following respects:

A. Amend Charter Section 4.08, entitled "Assessment and equalization" by adding to subsections (b) and (c) the following sentence:

On and after January 1, 1974, the powers, functions and duties prescribed by this subsection for the commissioner of revenue shall be performed by the director of finance.

B. Amend Charter Section 5.01, entitled "Department of Finance", by adding the following sentence:

On and after January 1, 1974, the department of finance shall include the functions formerly performed by the offices of city treasurer and commissioner of revenue.

C. Amend Charter Section 5.04, entitled "Director of Finance, powers and duties" by adding the following two new subsections:

(i) On and after January 1, 1974, except as otherwise provided by law, exercise all the powers conferred and perform all the duties imposed by the Constitution of Virginia, general law, Charter provisions, the City Code, city ordinances and resolutions upon commissioners of revenue.

(j) On and after January 1, 1974, except as otherwise provided by law, exercise all the powers conferred and perform all the duties imposed by the Constitution of Virginia, general law, Charter provisions, the City Code, city ordinances and resolutions upon city treasurers.

D. Amend the title of Charter Section 5.28, now entitled "Deputy city treasurer", to read "Deputy city treasurer; deputy director of finance", and add the following new paragraph thereto:

On and after January 1, 1974, the preceding paragraph shall be of no force and effect. On and after January 1, 1974, the city manager shall have the power to appoint and remove a deputy director of finance. The deputy director of finance shall have such powers and duties as the city manager may lawfully authorize him to perform. The deputy director of finance shall also have the power to authenticate city bonds by manual signature when the city council by resolution shall so determine.

E. Amend Charter Section 6.03, entitled "Preparation of budgets" by deleting references to commissioner of revenue and city treasurer, which deletions shall be effective January 1, 1974.

F. Amend the following Charter sections by changing the references to "city treasurer" and "deputy city treasurer", where they appear, to "director of finance" and "deputy director of finance", respectively, effective January 1, 1974: Section 7.04, entitled "Notes in anticipation of bonds"; Section 7.05, entitled "Form of bonds"; and Section 7.14, entitled "Sinking fund".

G. Amend Chapter 15, entitled "Miscellaneous Provisions" by adding thereto the following new section:

Sec. 15.12. Elimination of elective offices of city treasurer and commissioner of revenue.

The elective offices of city treasurer and commissioner of revenue are hereby eliminated, effective January 1, 1974.

3. That should a majority of the qualified voters of the city, voting at such advisory referendum, vote in favor of the second question hereinabove stated, but not in favor of the first question, the General Assembly shall be asked to amend the City Charter in the following respects:

A. Amend Charter Section 5.01, entitled "Department of finance", by adding thereto the following sentence:

On and after September 1, 1973, the department of finance shall include all of the functions formerly performed by the office of city collector.

B. Amend Charter Section 5.04, entitled "Director of finance; powers and duties", by adding the following new subsection:

(i) On and after September 1, 1973, collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all deposits and all other money receivable by the city from whatever source, place in the custody of the city treasurer all public funds belonging to or under the control of the city, and perform all functions and powers heretofore performed by the city collector as prescribed by the Charter, City Code, city ordinances and resolutions.

C. Amend the following Charter Sections by changing the reference to "city collector" to "director of finance", effective September 1, 1973: Section 5.19, entitled "Power to sell property for taxes"; Section 5.20, entitled "Penalties for nonpayment of taxes"; Section 5.21, entitled "Foreclosure of tax liens by city"; Section 5.22, entitled "Notice of tax sales"; Section 5.23, entitled "Tax sales"; Section 5.24, entitled "Redemption of real estate sold for taxes"; Section 5.25, entitled "Deeds to purchasers of real estate sold for taxes"; Section 5.26, entitled "Deeds to real estate sold to city for taxes"; and Section 5.27, entitled "Clearance of title to real estate redeemed after sale for nonpayment of taxes".

D. Amend Chapter 14, entitled "City Collector" by adding the following new section:

Sec. 14.04. Elimination of elective office of city collector.

On and after September 1, 1973, the provisions of Sections 14.01, 14.02 and 14.03 shall be of no force and effect.

The elective office of city collector is hereby eliminated, effective September 1, 1973.

4. That should a majority of the qualified voters of the city, voting at such advisory referendum, vote in favor of both questions hereinabove stated, the General Assembly shall be asked to amend the City Charter in the following respects:

A. Amend Charter Section 4.08, entitled "Assessment and equalization" by adding to subsections (b) and (c) the following sentence:

On and after January 1, 1974, the powers, functions and duties prescribed by this subsection for the commissioner of revenue shall be performed by the director of finance.

B. Amend Charter Section 5.01, entitled "Department of finance", by adding the following sentence:

On and after January 1, 1974, the department of finance shall include all of the functions of the administration of the financial affairs of the city including the functions formerly performed by the offices of city treasurer, commissioner of the revenue and city collector.

C. Amend Charter Section 5.04, entitled "Director of finance, powers and duties" by adding the following three new subsections:

(i) On and after January 1, 1974, except as otherwise provided by law, exercise all the powers conferred and perform all the duties imposed by the Constitution of Virginia, general law, Charter provisions, the City Code, city ordinances and resolutions upon commissioners of revenue.

(j) On and after January 1, 1974, except as otherwise provided by law, exercise all the powers conferred and perform all the duties imposed by the Constitution of Virginia, general law, Charter provisions, the City Code, city ordinances and resolutions upon city treasurers.

(k) On and after September 1, 1973, collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all deposits and all other money receivable by the city from whatever source, and perform all functions and powers heretofore performed by the city collector as prescribed by the Charter, City Code, city ordinances and resolutions.

D. Amend the following Charter sections by changing the reference to "city collector" to "director of finance", effective September 1, 1973: Section 5.19, entitled "Power to sell property for taxes"; Section 5.20, entitled "Penalties for nonpayment of taxes"; Section 5.21, entitled "Foreclosure of tax liens by city"; Section 5.22, entitled "Notice of tax sales"; Section 5.23, entitled "Tax sales"; Section 5.24, entitled "Redemption of real estate sold for taxes"; Section 5.25, entitled "Deeds to purchasers of real estate sold for taxes"; Section 5.26, entitled "Deeds to real estate sold to city for taxes"; and Section 5.27, entitled "Clearance of title to real estate redeemed after sale for nonpayment of taxes".

E. Amend the title of Charter Section 5.28, entitled "Deputy city treasurer", to read "Deputy city treasurer; deputy director of finance", and add the following new paragraph thereto:

On and after January 1, 1974, the preceding paragraph shall be of no force and effect. On and after January 1, 1974, the city manager shall have the power to appoint and remove a deputy director of finance. The deputy director of finance shall have such powers and duties as the city manager may lawfully authorize him to perform. The deputy director of finance shall also have the power to authenticate city bonds by manual signature when the City Council by resolution shall so determine.

F. Amend Charter Section 6.03, entitled "Preparation of budgets" by deleting references to commissioner of revenue and city treasurer, which deletions shall be effective January 1, 1974.

G. Amend the following Charter sections by changing the references to "city treasurer" and "deputy city treasurer", where they appear, to "director of finance" and "deputy director of finance", respectively, effective January 1, 1974: Section 7.04, entitled "Notes in anticipation of bonds"; Section 7.05, entitled "Form of bonds", and Section 7.14, entitled "Sinking fund".

H. Amend Chapter 14 entitled "City Collector" by adding the following new section:

Sec. 14.04. Elimination of elective office of city collector.

On and after September 1, 1973, the provisions of sections 14.01, 14.02 and 14.03 shall be of no force and effect.

The elective office of city collector is hereby eliminated, effective September 1, 1973.

I. Amend Chapter 15, entitled "Miscellaneous Provisions" by adding thereto the following new section:

Sec. 15.12. Elimination of elective offices of city treasurer and commissioner of revenue.

The elective offices of city treasurer and commissioner of revenue are hereby eliminated, effective January 1, 1974.

5. That the Mayor of the City of Alexandria, Virginia, is hereby authorized and directed to sign the certification set forth below.

6. That the City Clerk and Clerk of Council is hereby authorized and directed to attest to the signature of the Mayor to the certification set forth below and to affix the corporate seal of the City thereto.

7. That the City Attorney is hereby authorized and directed to submit, on behalf of the City Council, a true copy of this resolution to the Corporation Court of the City of Alexandria, Virginia, so that an advisory referendum shall be authorized and ordered held in accordance with law.

I certify that this is a true copy of Resolution No. 135, passed by the City Council of the City of Alexandria, Virginia, September 12, 1972.

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CHARLES E. BEATLEY, JR.

MAYOR

ATTEST:

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City Clerk and Clerk of Council

Adopted September 12, 1972