

# Ordinance No. 778

AN ORDINANCE to amend and reordain Chapter III as amended by Ordinance No. 589, and Ordinance No. 742 of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, which said Chapter III relates to the council, which ordinance No. 589 relates to the order of business, and which ordinance No. 742 relates to regular meetings, and which said Chapter now contains penalties for violations.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section. 1. That Chapter III as amended by Ordinance No. 589 and Ordinance No. 742, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, be and the same hereby is amended and reordained to read as follows:

## CHAPTER III THE COUNCIL

### Sec. 1. Composition.

The Council shall consist of seven members elected as provided for in Chapter 10 of the Charter for the city.

### Sec. 2. Term of Office.

The members of the Council elected shall serve for terms of three years from the first day of July following their election or until their successors shall have been elected and take office. Any vacancy in the membership of the council shall be filled as provided for in Chapter 10 of the Charter for the city.

### Sec. 3. Mayor and Vice-Mayor.

The member of the council elected who receives the largest popular vote shall be the mayor of the city, and the member of the council elected who receives the second largest popular vote shall be the vice-mayor of the city. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. If a vacancy shall occur in the office of mayor or vice-mayor, the council shall elect one of its members to the office for the unexpired term. In the absence or disability of the mayor, the vice-mayor shall perform the duties of mayor.

### Sec. 4. Induction of Members.

The first meeting of a newly elected council shall take place at 7:30 p.m. on the first day of July following their election and shall be called to order by the city clerk, or in his absence by any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members except as provided for in Sec. 5 of this Chapter.

### Sec. 5. Compensation.

Members of the council shall receive in full compensation for their services the sum of one hundred dollars per month; provided, however, that the mayor shall receive in full compensation for his services the sum of one hundred twenty-five dollars per month; provided further, that the rate of compensation for the members of the council and the mayor may be changed by ordinance, except that no such rate of compensation shall be increased to become effective during the term for

which a member of the council voting on the question of such increase shall have been elected.

**Sec. 6. Regular Meetings.**

The regular meeting sessions of the council shall be the second and fourth Tuesdays in each month at 7:30 o'clock, p.m., and the council shall, except during the months of July and August hold regular meetings in the Council Chamber on the second and fourth Tuesdays in each month at 7:30 o'clock, p.m., provided, however, that when any such day shall fall on a legal holiday the meeting shall be held on the next succeeding day.

**Sec. 7. Special Meetings.**

The mayor, the city manager, or any two members of the council may call a special meeting at any time, provided that at least twelve hours written notice of such special meeting is served personally on each member or left at his usual place of business or residence, which notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting, except by the unanimous consent of all the members of the council; provided, however, that a special meeting may be held at any time without notice if all members of the council attend said meeting or waive notice thereof.

**Sec. 8. Special Qualifications of Council Members.**

If a councilman shall cease to reside within the territorial limits of the City of Alexandria or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant. Neither the Mayor or any other member of the council shall during the term for which he was elected and for one year thereafter be appointed to any office of profit under the government of the city.

**Sec. 9. Powers.**

The council shall have all of the powers granted by the city charter, the constitution and general laws of the Commonwealth of Virginia and any other applicable laws or decisions.

**Sec. 10. Clerk of Council.**

The council shall appoint a city clerk and shall have power to remove him from office. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a properly indexed book kept for the purpose. He shall also give every ordinance after passage a serial number. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time. He shall receive compensation to be fixed by the council and shall perform such additional duties as the council may from time to time designate.

**Sec. 11. Journal of Minutes and Ordinance Book.**

After the minutes have been approved they shall be signed by the mayor, or in his absence the vice-mayor and attested to by the clerk of the council, and all ordinances filed in the ordinance book shall be similarly signed and attested.

**Sec. 12. Docket.**

The city clerk under the direction of the city manager shall prepare and present at each meeting of the council a docket of the matters to be considered by the council.

**Sec. 13. Order of Business.**

At every regular meeting of the council the order of business shall be as follows:

1. Invocation
2. Calling the roll
3. Reading and acting upon the minutes of the previous meeting. If the clerk of the Council at least two days before the meeting shall transmit to each member of Council at his business or residence address a copy of the minutes of such previous meeting for inspection, reading thereof before the Council assembled may on motion be dispensed with and such minutes so inspected may be acted upon.
4. Report of the city clerk.
5. Consideration of and action upon the docket.
6. Consideration of resolutions, petitions, correspondence and other new business.

The above order of business shall not be departed from except by the consent of the majority of the council members present at any meeting.

**Sec. 14. Quorum.**

A majority of the members of the council shall constitute a quorum for the transaction of business. If a quorum fails to attend at any meeting, regular or special, the mayor shall adjourn the meeting to some later date, and notice of such adjournment shall be given to each member of the council by the city clerk.

**Sec. 15. Open and Executive Meetings.**

The meetings of the council shall be open to the public except when by a majority vote of the members present, the council may meet in closed executive session. No ordinance, resolution, motion or vote shall be adopted by the council however except when the meeting is open to the public.

**Sec. 16. Voting.**

No ordinance, resolution, motion or vote shall be adopted unless it shall have received the affirmative vote of a majority of the members of council present. Voting by proxy shall not be allowed.

**Sec. 17. Recording Votes.**

In addition to instances where it is required by law, the ayes and noes on any question shall be recorded at the desire of any member of council.

**Sec. 18. Reconsideration of Questions.**

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. No vote or question decided by the council shall again be brought forward at any subsequent regular or special meeting during the period of 30 days thence ensuing unless there be a motion to reconsider it before the council adjourns. No motion to reconsider a question which has been decided shall be entertained unless it be made by a member voting with the prevailing side.

**Sec. 19. Rules of Procedure Generally.**

The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office of or removal of the members of the body or any of them. Except as herein and in the city charter provided, the council shall establish its own rules of procedure. In passing upon any question of procedure for conducting meetings not herein or hereafter specifically provided for, the council shall be governed by Roberts Rules of Order.

**Sec. 20. Interests of Council Members in Proceedings.**

No member of the council shall participate in the vote on any ordinance, resolution, motion, or other proceeding in which he, or any person, firm or corporation for which he is attorney, officer, director, employee or agent, has a financial interest other than as a minority stockholder of a corporation or as a citizen of the city.

**Sec. 21. Appropriating Money, Imposing Taxes, Authorizing Borrowing.**

No ordinance or resolution appropriating money exceeding the sum of \$1,000.00, imposing taxes, or authorizing the borrowing of money shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and its passage.

**Sec. 22. Acts Requiring Ordinances.**

In addition to such acts of the council which are required by the constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department or creating, assigning, abolishing any bureau, division, office, agency or employment, making an appropriation in excess of five thousand dollars, except as provided by Sec. 5.16 of the City Charter, authorizing the borrowing of money, except as provided by Secs. 7.19, 7.20 and 7.21 of the City Charter, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, shall be by ordinance. No ordinance shall be amended, suspended, or repealed except by an ordinance regularly introduced and passed, nor shall any section of an ordinance be amended unless the whole section shall be reordained.

**Sec. 23. Form of Ordinances.**

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All ordinances which repeal or amend existing ordinances shall identify by title the section or subsection to be repealed or amended and, an informal memorandum explaining the repeal or amendment shall be read to council for its information. The enacting clause of all ordinances shall be: "The City Council of Alexandria hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the tenth day following its passage.

**Sec. 24. Procedure for Passing Ordinances.**

Any ordinance may be introduced by any member of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by the unanimous consent of all members of the council. Upon introduction, the ordinance shall receive its first reading and, provided it shall receive an affirmative vote of the majority of members present at this meeting, a time, not less than three days after such introduction, and place shall be set at which the council will hold a public hearing concerning it. If all members of the council present at such introduction have received a copy of the proposed ordinance not less than twenty-four hours before said introduction, then only the title need be read for the first reading, otherwise the ordinance shall be read verbatim. The hearing may be held at a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be published in a newspaper of general circulation in the

city, not later than the fifth day following the introduction of the ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his duty to have the title or the full text of the proposed ordinance printed in sufficient numbers to supply copies to meet requests or to cause it to be published as a paid advertisement in a newspaper of general circulation published in the city. It shall also be the duty of the city clerk to place a copy of the ordinance in a file provided for each member of the council for this purpose. A proposed ordinance, unless it be an emergency ordinance may be finally passed upon its second reading at either a regular or special meeting of the council following the introduction, publication and conclusion of the public hearing thereon.

Amendments or additions to an ordinance may be made at any time after introduction and further publication of an amendment is not necessary, except that if said amendments or additions introduce an entirely new subject matter and radically change the overall purpose of said ordinance, then they shall be handled separately and introduced as a new ordinance. At the second reading only the title of an ordinance need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to passage.

**Sec. 25. Emergency Ordinances.**

If, in the opinion of council, an emergency exists, an ordinance pertinent to the emergency may be read a second time and passed with or without amendment at the same meeting at which it is introduced and no publication or specific time interval between introduction and passage is necessary. An emergency ordinance must contain a specific statement of the emergency claimed, and must be passed by a two-thirds affirmative vote of the members of city council present.

**Sec. 26. Submission of Ordinances or Issues to the Qualified Voters of the City.**

The council shall have authority to submit any proposed ordinance, question, or issue to the qualified voters pursuant to Section 3.13 of the city charter.

**Sec. 27. Appointments and Removals .**

The council in making appointments and removals under its jurisdiction shall act only by the affirmative vote of at least four members.

**Sec. 28. Council and Council Members not to Interfere in Appointments or Removals or Direction of Personnel, Penalties for Same.**

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates, except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. Provided, however that nothing herein contained shall be construed as prohibiting any councilman from discussing with the city manager any appointment or removal.

Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall upon conviction be punished by a fine not to exceed \$100.00 or imprisonment in the city jail not to exceed 30 days, or both such fine and imprisonment at the discretion of the court.

**Sec. 29. Removal of Council Members.**

Any member of the council may be removed by the council but only for malfeasance in office or neglect of duty; provided that the member of the council sought to be removed shall have been served with a written notice of the intention of the council to remove him, which notice shall contain a clear statement of the ground for such removal and shall fix the time and place, not less than ten days after the service of such notice, at which he shall be given opportunity to be heard thereon. After the hearing which shall be public at the option of the council member sought to be removed and at which he may be represented by counsel, he may be removed by a vote of six members. It shall be the duty of the council, at the request of the council member sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council removing one of its members, an appeal may be had to the corporation court of the City of Alexandria. Any council member who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude shall cease to be a member of the council.

**Sec. 30. Power of Investigation.**

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, and any officer or employee of the city. The council, in an investigation or hearing held by it may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Council shall have the power to apply to the judge of the corporation court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or who refuses to produce books and papers as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoena to be issued. Any person refusing to obey the issuance of said subpoena as directed by the judge of the corporation court, upon failure to give satisfactory excuse to said judge may be fined not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days or both, such person to have the right of appeal, as in cases of misdemeanor, to the corporation court of Alexandria. Witnesses may be sworn by the officer presiding at investigations conducted by the council and shall be liable to prosecution for perjury for any false testimony given at such investigations.

Section 2. That this ordinance shall be published in a newspaper of general circulation 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 clerk of the council 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.

Marshall J. Beverley  
Mayor

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