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SENATE BILL NO. 929

Offered January 14, 2009

Prefiled January 5, 2009

A BILL to amend and reenact § 3.04, as amended, of Chapter 536 of the Acts of Assembly of 1950, which provided a charter for the City of Alexandria, and to add a section numbered 9.12.2 to Chapter 536 of the Acts of Assembly of 1950, relating to term limits of board and commission members; disclosures in land use proceedings.

Patron—Ticer

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 3.04 of Chapter 536 of the Acts of Assembly of 1950 is amended and reenacted and that Chapter 536 of the Acts of Assembly of 1950 is amended by adding a section numbered 9.12.2 as follows:

§ 3.04. Powers.—All powers of the city as granted in Chapter 2 of this charter and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Appoint and remove the city manager.
 (b) Adopt the budget of the city.
 (c) Authorize the issuance of bonds by a bond ordinance.
 (d) Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs.

(e) Establish administrative departments, offices or agencies. There are hereby created the departments of finance, public works, police, fire, public health, social services, and recreation and parks, the heads of which shall be appointed by the city manager. The council by ordinance may create, change, and abolish offices, departments, or agencies. The council may not change or abolish any offices or agencies created by this charter and may not eliminate the function of any department created by this charter. The council by ordinance may assign duties or functions to the offices, departments and agencies created by this charter. When a vacancy occurs in any office to which the incumbent is elected by the council, the council is empowered to fill the vacancy, and when such vacancy occurs otherwise than by the regular expiration of the term of the incumbent, the election shall only be for the unexpired term.

(f) Appoint the members of the school board, the planning commission and the board of zoning appeals.

(g) Establish advisory boards and commissions and appoint their members.

(g-01) *Notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the council to any or all governmental or advisory boards or commissions.*

(h) Provide for an independent audit.

(i) Provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the city.

(j) Provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city.

§ 9.12.2. *Disclosure by applicants.—(a) The zoning ordinance may provide that each applicant for a land use or land development approval pursuant to such ordinance make full public disclosure of parties having an ownership interest in the real estate that is the subject of the application and of parties having any other financial interest in such application or approval.*

(b) The zoning ordinance may further provide that a party having an ownership interest in such real estate or any other financial interest in such application or approval make full public disclosure of any business or financial relationship that such party presently has, or has had within the 12-month period prior to the public hearing on the application, to each member of the planning commission, board of zoning appeals, boards of architectural review, or city council, as the case may be.

(c) The zoning ordinance may further provide that a member of the planning commission, board of zoning appeals, board of architectural review, and city council, as the case may be, who has or has had a business or financial relationship subject to disclosure under subsection B shall be ineligible to vote or participate in any way in consideration of the application; provided, however, that for purposes of this subsection, a business or financial relationship arising out of a campaign contribution, which has

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59 *been disclosed as required by law, shall not render a member ineligible to vote or participate.*

60 *(d) The ordinance may establish reasonable classifications and definitions of the nature and extent of*
61 *the ownership and other financial interests subject to the disclosures provided under subsections (a) and*
62 *(b), provided that such classifications and definitions shall not be more inclusive or stringent than the*
63 *classifications and definitions established by § 15.2-852 of the Code of Virginia.*

64 *(e) The ordinance may establish reasonable classifications and standards for the disclosures provided*
65 *under subsection (a) and (b), and for the recusal provided under subsection (c), provided that such*
66 *classifications and standards shall not be more inclusive or stringent than the classifications and*
67 *standards established by § 15.2-852 of the Code of Virginia, and may establish reasonable procedures*
68 *for the administration of the ordinance.*

69 *(f) Any person who knowingly and willfully violates the provisions of the zoning ordinance adopted*
70 *pursuant to this section shall be guilty of a Class 1 misdemeanor.*

71 *(g) The provisions of this section preempt any conflicting provisions of law, general or special,*
72 *except that any provision of the State and Local Government Conflict of Interests Act, (§ 2.2-3100 et*
73 *seq. of the Code of Virginia) that is more stringent than the provisions of any ordinance adopted*
74 *pursuant to this section shall not be preempted.*