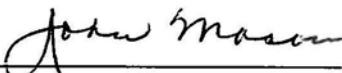



**CITY OF FAIRFAX
CHARTER REVIEW COMMISSION
REPORT**

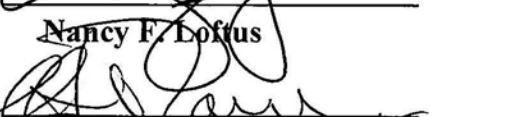
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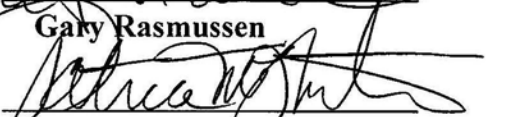
Chairman John Mason




Nancy F. Loftus



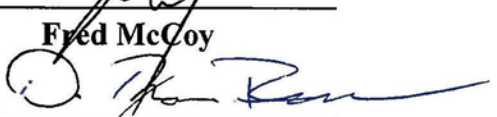
Gary Rasmussen



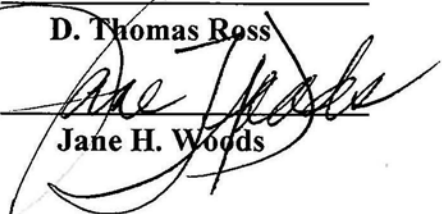
Patrice M. Winter



Fred McCoy



D. Thomas Ross



Jane H. Woods

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Principal Recommendation

After thoughtful review and analysis, the Commission agreed that the existing City Charter has served our community well. We agreed that our City governing process has worked well and that any significant changes must be based on a strong case for change.

With above in mind, our principal recommendation for change is to shift from two (2) year terms to four (4) year terms. It should be noted that the 1983 Charter Review Commission also recommended four (4) year terms.

Our rationale for this recommendation centers on the appreciation that the City of Fairfax is no longer a “town,” albeit we like to retain the ambiance of a town. It is a competitor in the Northern Virginia region for a strong business base, the key to sustaining our quality of life with low tax rates. This requires a strategic approach to planning and implementing in a complex land use and planning environment. This, in turn, requires dynamic leadership from the Mayor – especially in the regional context -- and both the Mayor and City Council having a stable understanding of the issues, regional engagement, and appreciation for budgetary planning. Longer terms allow for enhanced strategic thinking and ability to implement plans.

This recommendation was not unanimous, with one Commission member voting for three (3) year terms and two Commission members recommending that the City Council and Mayor retain two (2) year terms. The two dissenting members believe that dynamic leadership and strategic thinking depend more on the quality of the candidates than on the length of their terms and feel strongly that absent a clearly demonstrated benefit to the citizens, the historic and fundamental form of the City should not be altered.

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Approach to Charge

Our approach to the charge to review current City Charter consisted of a logical set of steps:

- Agree organizational approach and a work plan.
- Review Charter and identify potential issues; agree issues.
- Research issues, with a view to developing any appropriate recommendations.
- Agree initial set of recommendations.
- Conduct outreach.
- Review outreach comments and refine recommendations as appropriate
- Draft final report for presentation to Mayor and City Council.

In the course of executing the above plan, we held six Commission meetings, held one structured outreach session, and used multiple approaches to invite comments.

Organizational approach and work plan. In our first meeting we agreed a work plan as outlined above. To ensure efficiency while at the same time focus, we organized research teams as follows:

- | | |
|---|-------------------------------|
| • Chapter 1. Incorporation and Boundaries | No team needed. |
| • Chapter 2. Powers | Nancy Loftus/Patrice Winter |
| • Chapter 3. Elections | Tom Ross/Jane Woods |
| • Chapter 4. Other City Officers | Patrice Winter/Nancy Loftus |
| • Chapter 5. Mayor and Council | Gary Rasmussen/Patrice Winter |
| • Chapter 6. City Manager | Gary Rasmussen/Tom Ross |
| • Chapter 7. Budgets | Jane Woods/Fred McCoy |
| • Chapter 8. Borrowing | Fred McCoy/Jane Woods |
| • Chapter 9. Department of Law | Nancy Loftus/Fred McCoy |
| • Chapter 10. Public Safety | Patrice Winter/Nancy Loftus |
| • Chapter 11. Law Enforcement | Nancy Loftus/Patrice Winter |
| • Chapter 12. Public Education | Jane Woods/Nancy Loftus |

Analysis and Recommendations. The teams listed above researched the referenced chapters and drafted papers that generally followed the outlines of:

- Issue identified. The aim was to be identified any issues that merited research. We were careful not express or leap to a recommendation at this stage.

- Code cite (if relevant). In a few cases, the City's latitude is bounded by the Virginia Constitution or State Code.
- Current provision. The existing City Charter was our baseline.
- Options to explore. Lead team for each chapter posited initial options. These were refined and agreed by all members of the Commission. These were consolidated in a paper titled Analysis of Issues and Recommendation (Draft). See Section 4.
- Outreach. An extensive effort was made to ensure broad awareness of the Commission's charge. Principal methods included letters to City leaders (former and present plus City senior staff), Cityscene articles, Web site presence, and an advertised outreach session. Comments received were minimal: 7 email comments and three (3) speakers at public outreach session on April 10.
- Draft final report. Following outreach session, Commission reviewed comments and agreed basis for draft report.
- Final report. Following another round of Commission comments, this report was finalized.

Commission Outreach

Summarized below are the few comments the Commission received with respect to the City Charter:

- Mayoral vote. One comment recommending that Mayor vote on all issues. This is addressed in our analysis section.
- Disclosure of interests. One comment recommending an enforcement mechanism to ensure disclosures of interest before voting on a related matter. As Charter already requires disclosure, the burden is on the Mayor and Council members to comply (as they must also comply with annual disclosures as required by State Code).
- Powers. One comment was received urging that the Charter reflect that “the People have the power, and are the basis for city government.” No action taken as the comment reflects a misunderstanding of the construct of federal-state-local constitutional arrangements. Local government is a creature of State government. In Virginia, cities are granted charters by the General Assembly. Presumably the General Assembly represents the will of the people.
- Council as judge of elections. One comment suggested that a council should not judge results of its elections. No action taken as this is the general practice of legislative bodies in the United States.
- Resume of budget. One comment received noted that writer had not seen a “resume” of budget. Commission agreed that word “resume” is unusual in this context and is recommending more modern phraseology.
- Election of School Board members. One comment was received recommending that Chapter 12 – Public Education provide information on requirement for City residency for School Board members. This requirement is stated in Chapter 3. Although Commission did not make an explicit recommendation for change, it did not comment in report.
- One resident provided a marked-up copy of the existing City Charter with multiple observations and comments. These were reviewed and, if applicable to our review, considered in the discussion of appropriate chapter.

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Analysis of Issues and Recommendations

Part I of the City Code

Chapter 2 – Powers

- No change is recommended with exception of updating state code reference in §2.3 to reflect recodification of Title 15.1 as Title 15.2.

Chapter 3 - Elections

- **§ 3.1. Election of Councilmen¹ and Mayor**
 - 1983 Commission recommendation. Change term from two (2) to four (4) years, with elections every two (2) years for three (3) of six (6) councilmembers (alternating).
 - Current provision. First Tuesday in May, for two (2) year terms.²
 - State code. Code of Virginia §24.2-222
 - Options.
 1. No change - two (2) year term.
 2. Four (4) year term; elections every four (4) years
 3. Four (4) year term; staggered for Council with Mayor being elected in alternate election cycles
 4. Three (3) year term for Mayor and Council
 5. Four (4) year term for Mayor; two (2) year term for Council
 - Analysis.
 1. Option 1 – No change – two (2) year term
 - Pro
 - ✓ Allows voters to react quickly to changing conditions and decisions of Mayor and Council
 - ✓ May encourage additional candidates to run for office who prefer shorter terms of office or who would like to have short experience before determining longer run aspirations
 - ✓ May encourage interest in local issues by having shorter time frame between elections.

¹ Gender should conform with current practice.

² Consideration was given to shifting elections from May to November, however Commission unanimously rejected. The sense of community and importance of retaining a non-partisan standard were of import in taking this position.

- Con
 - ✓ May discourage Council members from taking more deliberative positions on issues given the short time before next election
 - ✓ May discourage some potential candidates who would like to make a longer term commitment to public service
 - ✓ May discourage some potential candidates who cannot afford the time and effort associated with organizing and running a multi-month campaign and raising the requisite funds. [Note: All Commission members were concerned over the level of fundraising now becoming routine in City elections.]
- 2. Option 2 – Four (4) year term; elections every four (4) years
 - Pro
 - ✓ Affords opportunity for Mayor and Council to think more strategically; to focus on long term decisions for the City
 - ✓ Provides for more stable understanding of budgetary and planning issues
 - ✓ May raise the importance of City elections, resulting in increased voter turnout
 - ✓ Allows for more experienced decision making, especially for newly elected members who in the first year are “learning the ropes.”
 - Con
 - ✓ Decreases ability of electorate to vote individuals out quickly and/or change the makeup/policy of the Council
 - ✓ May discourage potential candidates from “giving it a try”
 - ✓ May discourage electorate to be engaged.
- 3. Option 3 – Four (4) year term; staggered for Council
 - Pro
 - ✓ May afford opportunity for Mayor and Council to think more strategically, albeit this may be adversely affected by staggered terms
 - ✓ Provides for more stable understanding of budgetary and planning issues
 - ✓ Allows for more experienced decision making, especially for newly elected members who in the first year are “learning the ropes”
 - ✓ Allows for redirection of Council as three new members of a differing view than the existing Council is likely to send a strong message of concern to entire Council.
 - Con
 - ✓ Presents major concern with respect to potential of four (4) candidates and three (3) candidates in alternating elections
 - ✓ May lead to factions, especially in the years in which mayoral candidates are running
 - ✓ Has the potential of being confusing to voters.
- 4. Option 4 – Three (3) year term for Mayor and Council
 - Pro
 - ✓ Is a “compromise” between two (2) and four (4) year options

- Con
 - ✓ May cause confusion with elections occurring in both even and odd numbered years.
 - 5. Option 5 – Four (4) term for Mayor; two (2) year term for Council
 - Pro
 - ✓ Recognizes the advantage of stability in having a Mayor that – in today’s environment – must create and sustain on behalf of the City good working relationships with regional leaders
 - ✓ Provides for leadership continuity
 - ✓ Retains ability to affect Council composition quickly.
 - Con
 - ✓ Lessens the ability to make quick adjustments in mayoral leadership
 - ✓ May be somewhat confusing to electorate.
 - Other considerations.
 - Options 2 – 4 would also require a change for School Board elections to conform to Mayor/Council cycle and term lengths.
 - As noted elsewhere, elections should remain non-partisan and City-wide.
 - Recommendation. Mayor and Council elected for four (4) year term.
 - Minority recommendations.
 - Retention of existing two (2) year term
 - Three (3) year term.
- **§ 3.1. City-wide vs. Precinct Elections**
 - Issue identified. Representation of citizens throughout the City
 - Current provision. City-wide elections
 - Options
 1. Continue with City-wide elections
 2. Establish precinct voting.
 - Analysis. As reflected on attached map (Exhibit 1) reflecting distribution of all elected officials from 1960 to date City-wide elections have resulted in a broad-based representation.
 - Recommendation. No change

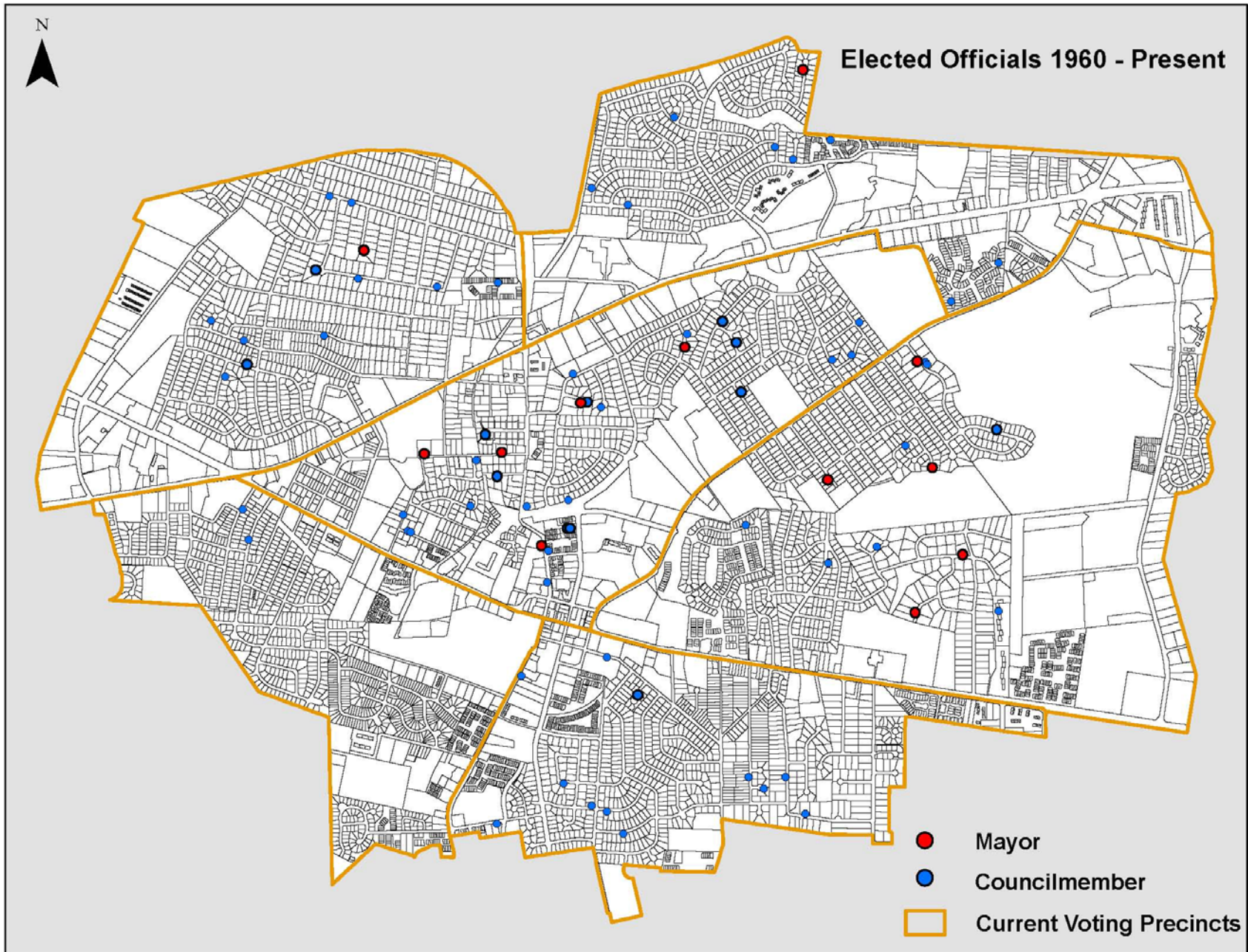


Exhibit 1 – Elected Officials Distribution by Precinct – 1960 – 2012

- **§ 3.2. Nomination of Candidates**
 - Issues identified. None
 - Recommendation. No change
- **§ 3.3. Conduct of General Municipal Elections**
 - Issues identified. None
 - Recommendation. No change
- **§ 3.4. Vacancies in Office of Mayor or Councilmember**
 - Issues identified. None
 - Recommendation. No change
- **§ 3.5. Election of Other City Officers**
 - Issues identified. None
 - Recommendation. No change
- **§ 3.6. Residence of Elected Officials**
 - Issues identified. None
 - Recommendation. No change
- **§ 3.7. Eligibility of Federal Employees**
 - Issues identified. None
 - Recommendation. No change
- **§ 3.8. Advisory Referendum**
 - Issues identified. None
 - Recommendation. No change
- **§ 3.9. Voting Machines**
 - Issues identified. None
 - Recommendation. No change

Chapter 4 – Other City Officers

- No change is recommended. Although there is mention of a City Collector, its retention makes sense in the event that at some point in the future, constitutional officers are not retained. It would avoid having the City petition the General Assembly for a Charter change.

Chapter 5 - Mayor and Council

- **§ 5.1. Composition**

- **Current provision.** Council consists of six (6) members; Mayor is not a member of Council
- **Options.**
 1. Retain current composition with Council being the legislative body
 2. Legislative body to consist of Council members and Mayor; Mayor elected separately in general election
 3. Legislative body to consist of Council members and Mayor; Mayor elected by Council.
- **Comparative review.** By way of comparison, Exhibit 2 survey reflects a limited summary of cities and towns in Virginia. Consensus of Commission was that it had little bearing on City of Fairfax.
- **Analysis.**
 1. Retain current composition
 - Pro
 - ✓ Mayor is “above the fray,” not mired in issues, has significant “soft power,” providing opportunity to lead in the context of the “big picture”
 - ✓ Less focused on having to constantly build a “win” for him/herself, Mayor may more readily facilitate the process
 - ✓ Mayors have exercised a great deal of “power” under current system
 - ✓ In the regional/multi-jurisdictional environment, Mayor is strengthened by not being beholden to any he may “owe” on Council because of voting patterns
 - ✓ Current system has worked well for 50 years; change requires a compelling argument.
 - Con
 - ✓ Less accountability for Mayor’s positions on every issue
 - ✓ Potential 4:3 relationship (the A and B teams’ effect) will change the “mixing” that has historically existed; may lessen the dialog and negotiating.

2. Legislative (“Governing”) body to consist of Council members and Mayor elected at large
 - Pro
 - ✓ Mayor is “on the record” for all issues
 - ✓ More direct engagement in process.
 - Con
 - ✓ Gives Mayor more power, thus diluting individual Council member role.
 3. Legislative body to consist of Council members and Mayor, with Mayor elected by Council. It was unanimously agreed that this option did not merit further discussion.
- Recommendation. No change; retain current composition.

Mayoral Power/Role Matrix

Jurisdiction	Mayoral Role/Powers
Alexandria - City of	Presides over meetings, Ceremonial head of government, no veto power
Charlottesville - City of	A member of the City Council who sets the agenda, presides over meetings, calls special meetings, ceremonial head of government
Dumfries - Town of	A member of the City Council who presides over meetings, ceremonial head of government
Falls Church - City of	A member of the City Council who presides over meetings, ceremonial head of government
Herndon - Town of	All rights and duties of other councilmembers and no veto power, ceremonial head of town government
Lynchburg - City of	A member of the City Council who presides over meetings, ceremonial head of government
Manassas - City of	Ceremonial Head of government, no voting rights except in every case of a tie vote, has veto power with 2/3 council vote to override veto
Manassas Park - City of	All legislative powers are vested in the mayor and council
Middleburg - Town of	Mayor votes only in case of a tie
Richmond - City of	A member of the City Council and provides council direction, leads meetings and is ceremonial head of government
Roanoke - City of	Has little executive authority and essentially is the "first among equals" on the City Council
Vienna - Town of	all rights and duties of other councilmembers and no veto power, ceremonial head of town government
Virginia Beach - City of	all rights and duties of other councilmembers and no veto power, ceremonial head of city government

Exhibit 2 – Survey of Cities and Town Mayor/Council Organization

- **§ 5.3. Mayor – Veto**

- Current provision. Mayor may veto Council actions; however requires automatic reconsideration at next Council meeting.

- Options.

1. No change; maintain veto provision
2. Eliminate veto provision
3. Require supermajority to override veto.

- Analysis.

- In recent years, no history of Mayors’ use of veto
- It does provide the Mayor an opportunity to make a statement and force reconsideration of an issue.

- Recommendation. No change; retain current veto option.

- **§ 5.1. Mayor – Absence**

- Current provision. Mayor appoints “Acting Mayor” in his/her absence.

- Options.

1. No change; continue with Mayoral appointment
2. Create a Vice Mayor position

- Analysis.

- Creation of a Vice Mayor from within Council may create some unnecessary tensions
- System has worked for 50 years.

Recommendation. No change; retain practice of Mayor appointing an “Acting Mayor” in his/her absence. Add this verbiage (Acting Mayor) to this section.

Chapter 6 – City Manager

- No change is recommended.

Chapter 7 - Budgets

- **§ 7.2. Submission of Budgets.**

- Recommend that word “resume” be revised to reflect intended purpose, e.g., “summary.”

- Recommend that requirement to publish budget summary in a “newspaper” be revised to reflect “newspaper of general circulation and/or other media as permitted by State Code.”

Chapter 8 – Borrowing

- No change is recommended.

Chapter 9 – Department of Law

- No change is recommended other than to change title of chapter to “City Attorney.”

Chapter 10 – Public Safety

- Recommend the addition of Fire Department to chapter.

Chapter 12 – Public Education

- Recommend considering the addition of a residency requirement consistent with that for Mayor/Council. It is appreciated that §3.6 states that elected officers are required to be City residents, however some might not realize that if looking only at Chapter 12.

FAIRFAX, CITY OF City
of Second Class.

Providence established as Fairfax County Courthouse in 1805.

Name changed 1859 to Fairfax. Originally
incorporated as a town in 1874. Became City of
Fairfax by Court Order 1961.

Charter, 1892, c. 282; repealed 1954, c. 357.

Charter, 1954, c. 357; repealed 1962, c. 468.

Charter, 1962, c. 468; repealed 1966, c. 319.

Charter, 1966, c. 319.

Amended 1970, c. 125 (§§ 8.5, 8.6)
1971, c. 58 (§ 11.11)
1972, c. 12 (§§ 3.1, 11.4, 11.11)
1975, c. 93 (§§ 3.8, 10.5 [added], 11.1 through 11.12 [repealed])
1976, c. 101 (§§ 2.8 [repealed], 2.8:1 [added], 3.6, 6.3)
1977, c. 274 (§§ 2.2, 7.4, 12.2)
1978, c. 514 (§ 8.6)
1981, c. 368 (§§ 5.1, 5.2)
1982, c. 8 (§ 6.3)
1984, c. 205 (§§ 1.2, 2.2, 2.4, 2.5, 2.6, 2.7, 3.1, 3.4, 3.5, 4.1, 4.2,
4.4 [repealed], 5.3, 5.6, 5.9 [added], 5.10 [added], 6.1, 6.3,
6.5, 7.2, 7.3, 8.1, 8.3, 8.5, 8.8, 9.2, 9.3, 10.2, 10.3,
10.4 [repealed], 10.5 [repealed], 13.1, 13.4, 13.9 [repealed],
13.11 [added])
1989, c. 21, 116 (§ 12.2)
1992, c. 30 (§ 13.12)
1992, c. 281 (§ 1.2)
1994, c. 130 (§§ 1.2, 12.2)
2002, c. 5 (§ 1.2)
2004, c. 19, 161 (§§ 5.1, 5.2)
2005, c. 641, 673 (§§ 2.2, 5.5, 9.3)
2011, c. 425, 454 (§§ 5.5, 8.8)
2012, c. 221, 422 (§ 3.4).

CHAPTER 1 INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Fairfax as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Fairfax and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1966, c. 319)

§ 1.2. Boundaries.

The corporate limits of the City of Fairfax, Virginia, as heretofore established, are hereby reestablished and the said corporate limits shall be as set forth in the final order entered on August 7, 1958, by the Circuit Court of Fairfax County, sitting as a duly constituted Annexation Court, in *Town of Fairfax v. County of Fairfax*, At Law 7597, Circuit Court of Fairfax County, the order entered on December 15, 1980, by the Circuit Court of Fairfax County, pursuant to Code of Virginia, § 15.1-1031.1, et seq., in *City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners*, At Law 51496, Circuit Court of Fairfax County, the order entered on October 18, 1991, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in *City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners*, At Law 108937, Circuit Court of Fairfax County, and the order entered on October 22, 1993, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in *City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners*, At Law 127258, Circuit Court of Fairfax County, and the order entered on March 16, 2001, by the Circuit Court of Fairfax County, pursuant to Article 2 (§ 15.2-3106 et seq.) of Chapter 31 of Title 15.2 of the Code of Virginia, in the *City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners*, At Law 194160, Circuit Court of Fairfax County, and as thereafter lawfully changed. (1966, c. 319; 1984, c. 205; 1992, c. 281; 1994, c. 130; 2002, c. 5)

CHAPTER 2 POWERS

§ 2.1. General Grant of Powers.

The City shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and Laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said Constitution and Laws and which in the opinion of the Council are necessary or desirable to promote the general welfare of the City and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1966, c. 319)

§ 2.2. Financial Powers.

In addition to the powers granted by other sections of this Charter, the City shall have the power:

(a) To raise annually by taxes and assessments, as permitted by General Law, in the City such sums of money as the Council shall deem necessary to pay the debts and defray the expenses of the City, in such manner as the Council shall deem necessary or expedient. In addition to but not as a limitation upon this general grant of power, the City shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect gross receipts taxes against public utilities; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the City, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; unless prohibited by General Law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the Council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, and other public places in the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the City without such license.

(b) To budget, borrow, appropriate and expend, without being bound by other provisions of this Charter, in an amount not in excess of ten percent of the total General Fund Budget of the preceding fiscal year, for the purpose of meeting a public emergency; provided that any such action shall require the affirmative votes of two-thirds of the entire Council and shall be in the form of an ordinance containing a clear statement of the nature and the extent of the emergency.

(c) To levy a transient occupancy tax on hotels, motels and boarding houses. Such tax shall be in such amount and on such terms as the Council may, by ordinance prescribe; provided, that such tax shall not exceed four percent of the amount of charge for the occupancy of any room occupied. The tax imposed hereunder shall not apply to rooms rented for continuous occupancy for thirty or more days in hotels, motels, and boarding houses. (1966, c. 319; 1977, c. 274; 1984, c. 205; 2005, c. 641, 673)

§ 2.3. The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, § 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia (1950), as amended, as in force January 1, 1966, and any acts amendatory thereof or supplementary thereto are hereby conferred on and vested in the City of Fairfax. (1966, c. 319)

§ 2.4. Property Assessments.

(a) The City Council shall provide for the annual assessment and reassessment of real estate for taxation.

(b) All real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

(c) The Assessor shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed in respect to real estate assessments. The Clerk of the Circuit Court of Fairfax County, Fairfax, Virginia, shall furnish to the Assessor the list of real estate transfers within the City of Fairfax.

(d) Notwithstanding the provisions of § 58.1-3370 of the Code of Virginia, the Circuit Court of Fairfax County, Virginia, or the judge thereof in vacation, shall appoint for the City a Board of Equalization of Real Estate Assessments, to be composed of three members, who shall be freeholders of the City, and who shall be selected by the court or judge from the citizens of the City. Initially one member shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each succeeding year thereafter one member shall be appointed for a term of three years. All terms shall run from the first day of December in the year of appointment until the thirtieth day of November in the year of expiration, the terms of the members first appointed shall begin on the day of appointment. Members shall hold over until a successor is appointed and qualifies. Such court or judge thereof in vacation may reappoint any member upon the expiration of his term and shall fill any vacancy upon the Board for the unexpired term. The members of the Board shall receive per diem compensation for the time actually engaged in the duties of the Board, to be fixed by the Council, and paid out of the Treasury of the City; provided, however, the Council, may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the Board. Such Board of Equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the Assessor in the calendar year in which they serve and to that end shall have all the powers conferred upon Boards of Equalization by Article 14 of Chapter 32 of Title 58.1 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such Chapter, however, the Board of Equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the Board.

(e) The City of ~~Fairfax~~ and any person aggrieved by any correction or assessment made by the Assessor or the Board of Equalization may apply for relief in the manner provided by §§ 58.1-3382, 58.1-3982 and 58.1-3984 of the Code of Virginia and any acts amendatory thereof and supplemental thereto.

(f) This section shall not apply to any real estate assessable under law by the State Corporation Commission.

(g) All provisions of law relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessment made pursuant thereto. (1966, c. 319; 1984, c. 205)

§ 2.5. The City may receive and accept from any source, including any federal agency, aid, contributions, money, property, labor or other things of value, to be held, used and applied for any lawful purpose. (1966, c. 319; 1984, c. 205)

§ 2.6. Contractual Relationships.

The City of ~~Fairfax~~ may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, with other political subdivisions, with

authorities, including regional authorities, and with private agencies on such terms and for such periods as the Council may determine to be in the public interest in order to promote the education, health, safety, and general welfare of its residents.

Such contracts may include, but shall not be limited to, schools, libraries, sewage collection and disposal, water supply, police and fire protection, mass or rapid transit, parks, playgrounds and open spaces. (1966, c. 319; 1984, c. 205)

§ 2.7. Eminent Domain.

The powers of eminent domain set forth in Title 15.2, Title 25, Chapter 1.1 and Title 33.1, Chapter 1, of the ~~1950 Code of Virginia, as amended~~, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fairfax.

(a) In any case in which a petition for condemnation is filed by or on behalf of the City, a true copy of a resolution or ordinance duly adopted by the ~~City Council~~ declaring the necessity for any taking or damaging of any property, within or without the City, for the public purposes of the City, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the City. The City may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, and § 33.1-119, of the Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the ~~City Council~~, signed by the Mayor and countersigned by the City Treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the City proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the City; provided, however, that the provisions of § 33.1-119, of the Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto, shall not be used for the acquisition of lands, easements or related interests in property located outside of the City except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the Court having jurisdiction of the proceedings, upon petition of the City, at any time after the filing thereof, provided that the Court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The Court shall have jurisdiction to require refunding bonds, for good cause shown by the City or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the City. (1966, c. 319; 1984, c. 205)

§ 2.8. (1966, c. 319; repealed 1976, c. 101)

§ 2.8:1. Board of Architectural Review.

The Council shall have power to create by ordinance a board of architectural review which shall perform the functions, duties and responsibilities more particularly set forth hereinafter.

(a) Old and Historic Districts.—In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the City, the Council may provide by ordinance for old and historic districts in which no building or structure shall be erected, reconstructed, altered, restored or razed until approved by the board of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be erected, reconstructed, altered or restored in any old and historic district established in the City, and to prohibit the razing of any building in such a district that was erected prior to or during the year 1900 and is of such architectural or historical interest that its removal would be to the detriment of the public interest.

(b) Architectural Control Districts.—In order to encourage the construction of attractive buildings, to protect and promote the general welfare, and to prevent deterioration of the appearance of the City which would tend to create hazards to public health, safety and morals, destroy the opportunity for development of business and industry, and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, the Council may provide by ordinance for architectural control districts in which no structure, building or major improvement, or major landscape features surrounding such structure, building or major improvement shall be erected, reconstructed, altered or restored until the plans for such have been approved by the board of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of structures, buildings, or major improvements, or major landscape features surrounding such building, structure or major improvement to be erected, reconstructed, altered or restored in any architectural control district established in the City. (1976, c. 101)

CHAPTER 3 ELECTIONS

§ 3.1. Election of Councilmen ~~Members~~ and Mayor.

On the first Tuesday in May, 1972, and in every second year thereafter there shall be held a general City election at which shall be elected by the qualified voters of the City at large six members of the Council and a Mayor for terms of two years. Commencing with the general City election on the first Tuesday in May, 2016, and in every fourth year thereafter, there shall be held a general City election at which shall be elected by the qualified voters of the City at large six members of the Council and a Mayor for terms of four years. The terms of Council members and Mayor are to begin on the first day of July following their election.

All elections held pursuant to the prior provisions of this section are hereby ratified and confirmed. (1966, c. 319; 1972, c. 12; 1984, c. 205)

§ 3.2. Nomination of Candidates.

Candidates for the office of Councilmen members and Mayor may be nominated under general law. There shall be printed on the ballots used in the election of Councilmen members the names of all candidates who have been so nominated. (1966, c. 319)

§ 3.3. Conduct of General Municipal Election.

The ballots used in the election of Councilmen members and Mayor shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many as six Council candidates and no more. In counting the vote, any ballot found to have been voted for more than six Council candidates shall be void as to those votes but no ballot shall be void for having been voted for a less number. The six Council candidates and the candidate for Mayor receiving the highest number of votes cast in such election shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1966, c. 319)

§ 3.4. Vacancies in Office of Mayor or Councilmember.

A vacancy in the office of the Mayor or in the Council, from whatever cause arising, shall be filled in accordance with the general laws of the Commonwealth relating to the filling of vacancies in such local offices, so far as pertinent. (1966, c. 319; 1984, c. 205; 2012, c. 221, 431)

§ 3.5. Election of Other City Officers.

All other City officers required by the laws of the Commonwealth to be elected by the qualified voters of the City shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of Commissioner of Revenue or City Treasurer shall be filled by the Council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1966, c. 319; 1984, c. 205)

§ 3.6. Residence of Elected Officers.

Except as otherwise provided herein, every elected officer of this City and every appointed member of any board or commission shall, at the time of his election or appointment, be a qualified voter in the City and have resided in the City for at least one year prior to his appointment or election. If any such officer or appointee moves from the City, his office shall thereupon be deemed vacant.

Provided, however, that in the event it is required that one or more positions on any board or commission be filled by an individual engaged in a particular professional or technical occupation, then such professional or technical member need not be a qualified voter in or resident of the City, if such professional or technical member maintains an office within the City. (1966, c. 319; 1976, c. 101)

§ 3.7. Eligibility of Federal Employees.

No person, otherwise eligible, shall be disqualified by reason of his accepting or holding an office, post, trust, or emolument under the Government of the United States from serving as Mayor or Councilman ~~member~~, officer or employee of the City, or as a member of any board or commission. (1966, c. 319)

§ 3.8. Advisory Referendum

The City Council, by majority vote of the entire Council, may submit to the qualified voters of the City for advisory purposes, any question or group of questions relating to the affairs of the City. Any such advisory referendum shall be conducted in the manner provided for bond elections, but the results thereof shall not be binding upon the City Council. There shall be no right of appeal from or recount of the results of an advisory referendum. (1966, c. 319; 1975, c. 93)

§ 3.9. Voting Machines.

The Council, by ordinance, may authorize the use of voting machines in all elections, and wherever the term "ballot" shall appear herein the same shall be interpreted in a manner consistent with the use of said machines. (1966, c. 319)

CHAPTER 4 OTHER CITY OFFICERS

§ 4.1. City Collector.

The Council may appoint a City Collector for an indefinite term and shall fix his salary, which shall be paid from the City Treasury. All of the duties theretofore performed by the Treasurer of the City of Fairfax in connection with the collection of taxes, special assessments, license fees, and other revenues of the City shall devolve upon the City Collector, when appointed. The City Collector shall be required to take an oath of office and shall furnish a bond with corporate surety in the manner and amount required by City ordinance. The City Collector shall have the following powers and shall be charged with the following duties and functions:

- (a) The collection of all taxes, special assessments, license fees and other revenues of the City or for the collection of which the City is responsible.
- (b) To transfer to and place in the custody of the City Treasurer all public funds belonging to or under the control of the City and to receive and maintain complete and accurate receipts and records thereof.
- (c) The City Collector shall have any and all powers which are now or may hereafter be vested in any officer of the Commonwealth charged with the collection of State taxes in order to collect all City taxes, special assessments, license fees and other revenues of the City and may collect the same in the same manner by which State taxes are collected by an officer of the Commonwealth.
- (d) The City Collector shall have power to use all legal means of collecting all delinquent City taxes, levies, special assessments, license fees, charges and other revenues of the City. The City Collector shall have the power to conduct public sales of real estate upon which delinquent taxes, levies or charges assessed thereon have not been paid for three consecutive years and may institute suits in equity to enforce any lien in favor of the City

against any property within the City to which such lien may lawfully attach. The Council may determine by ordinance the procedure for the conduct of such sales not inconsistent with general law and the City Collector shall comply therewith. (1966, c. 319; 1984, c. 205)

§ 4.2. Department Heads.

All department heads shall be chosen on the basis of their executive, technical, and administrative qualifications, with special reference to their actual experience in or knowledge of accepted practices with respect to the duties of the offices for which they are appointed. All department heads will be appointed and removed by the City Manager after he has received the concurrence of the ~~City~~Council. At the time of the appointment said officials need not be residents of the City or the Commonwealth, but the Council, where deemed necessary, may require any City official during his tenure to reside within the City. (1966, c. 319; 1984, c. 205)

§ 4.3. Assistant Registrars.

Whenever, in the judgment of the ~~City~~Council, the Office of the Registrar shall require additional personnel the ~~City~~Council may appoint such assistant registrars as may be required for the proper and efficient conduct of that office. The term and compensation for such appointments shall be determined by the ~~City~~Council and paid from the City Treasury. (1966, c. 319)

§ 4.4. (1966, c. 319; repealed 1984, c. 205)

CHAPTER 5 MAYOR AND COUNCIL

§ 5.1. Composition.

The Council shall consist of six members elected as provided in Chapter 3. They shall receive as compensation for their services as members of the Council in accordance with § 15.2-1414.6 of the Code of Virginia. It shall be lawful for the Council to increase the amount of such compensation provided the increase does not become effective until the end of the Council term then current. (1966, c. 319; 1981, c. 368; 2004, c. 19, 161)

§ 5.2. Powers.

All Powers vested in the City shall be exercised by the Council except as otherwise provided in this Charter. In addition to the foregoing, the Council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the City.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions and offices.

(c) To designate the time and place for all Council meetings; provided, that special meetings of the Council may be called at the request of the Mayor or of not less than three members thereof.

(d) To provide for the number, titles, qualifications, power, duties and compensation of all officers and employees of the City, and to supplement the salary of any elected official and his deputies and employees other than the Mayor and Councilmen members, provided that any such supplement shall not exceed the maximum permitted by general law.

(e) To provide for compensation of the Mayor in accordance with § 15.2-1414.6 of the Code of Virginia.

(f) To provide for compensation of members of boards or commissions in an amount not to exceed \$50 per meeting. (1966, c. 319; 1981, c. 368; 2004, c. 19, 161)

§ 5.3. Mayor.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak. The Mayor shall have the power of veto which veto may be overridden by the ~~City~~ Council as provided herein. He shall not have the right to vote except in case of a tie and, in the event of a tie, only when not expressly prohibited under the Constitution or general laws of the Commonwealth of Virginia. 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, and he shall be the principal representative of the City in interjurisdictional matters. In the absence or disability of the Mayor, the Mayor may designate a member of the Council to serve as Acting Mayor and perform the duties of Mayor and if he fails to do so the Council shall, by majority vote of those present, choose one of their number to serve as Acting Mayor and perform the duties of Mayor.

Each ordinance and resolution having the effect of an ordinance, before it becomes operative, shall be transmitted to the Mayor for his signature. The Mayor shall have five days, Sundays excepted, to sign it or veto it in writing. If the Mayor fails to sign it or veto it in writing within such five days, such ordinance or resolution shall become operative as if he had signed it, unless his term of office or that of the ~~City~~ Council shall expire within such five days. If the Mayor vetoes such ordinance or resolution in writing, such written veto shall be returned to the Clerk to be entered on the City Council's record and the ~~City~~ Council shall reconsider the same at the next regular meeting. Upon such reconsideration, if such ordinance or resolution is approved by two-thirds of all members of the ~~City~~ Council, it shall become operative, notwithstanding the veto of the Mayor. The votes of the ~~City~~ Council shall be determined by yeas and nays and the names of the members voting for and against such ordinance or resolution shall be entered on the record. (1966, c. 319; 1984, c. 205)

§ 5.4. City Clerk.

The Council shall appoint a City Clerk for an indefinite term. He shall be the Clerk of the Council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. 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 during regular business hours. He shall receive

compensation to be fixed by the Council and all fees received by him shall be paid into the City Treasury. (1966, c. 319)

§ 5.5. Induction of Members.

The City Clerk shall administer the oath of office to the duly elected members of the Council and to the Mayor on or before June thirtieth immediately following their election. In the absence of the City Clerk the oath may be administered by any judicial officer having jurisdiction in the City. The Council shall be the judge of the election and qualification of its members. The first meeting of a newly elected Council shall take place in the Council chamber in the City Hall on the second Tuesday of July following their election, or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first. (1966, c. 319; 2005, c. 641, 673; 2011, c. 425, 454)

§ 5.6. Procedure for Passing Ordinances.

Except in the case of zoning ordinances, the following procedure shall be followed by the City Council in adopting ordinances of the City:

(a) Any ordinance may be introduced by any member of the Council 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 has been approved by a two-thirds vote of all members of the Council present at such special meeting. Upon introduction, the ordinance shall receive its first reading, verbatim, unless waived by a two-thirds vote of those Council members present, and, provided a majority of members present concur, the Council shall set a place, time and date, not less than three days after such introduction for a public hearing thereon. A copy of the proposed ordinance shall be delivered to the Mayor and each member of City Council and shall be made available to the public prior to its introduction.

(b) The public hearing may be held at a regular or special meeting of the Council and may be continued from time to time. The City Clerk shall publish in a newspaper of general circulation a notice containing the date, time and place of the hearing and the title or subject matter of the proposed ordinance. On direction of the Council the Clerk shall also publish the full text of the proposed ordinance which shall be available to citizens of the City.

(c) A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon the completion of the public hearing.

(d) Amendments or additions to a proposed ordinance may be made at any time. Publication of an amendment shall not be required except that if said amendments or additions introduce an entirely new subject matter or radically change the overall purpose of the original ordinance, they shall be introduced and treated 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 enactment.

(e) If, in the opinion of Council, an emergency exists, an ordinance pertinent to the emergency may be passed with or without amendment at the same meeting at which it is

introduced and no publication, hearing or specific time interval between introduction and passage shall be necessary. An emergency ordinance must contain a specific statement of the emergency upon which it is based, and must be passed by a two-thirds affirmative vote of the members of City Council present. Every emergency ordinance shall automatically stand repealed as of the 91st day following the day upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner prescribed for ordinances not related to an emergency. An emergency ordinance may also be repealed by adoption of a repealing ordinance. The repeal of an emergency ordinance shall follow the procedure specified for the adoption of an emergency ordinance. (1966, c. 319; 1984, c. 205)

§ 5.7. Record and Codification of Ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the Clerk in a properly indexed book kept for that purpose. The Council may cause to be prepared, under the direction of the City Attorney, a codification of all general ordinances in force. Such codification may be passed by the Council as a single ordinance and without hearings or prior publication. This codification, to be known and cited officially as the City Code, shall be printed and distributed as the Council may direct.

In so codifying such ordinances, the Council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printers' errors or other unmistakable errors, make consequential changes in the title of officers, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified Code of Ordinances in force shall be presented, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1966, c. 319)

§ 5.8. No member of the Council shall cast any vote without first disclosing what interest, if any, he has in the outcome of the vote being taken. The City Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and appointed City officials not inconsistent with the general law. (1966, c. 319)

§ 5.9. Actions requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt or amend the City Code or establish, alter or abolish any City department, office or agency;
- (b) Establish a law or regulation and fine or other penalty for the violation of such;
- (c) Levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget;
- (d) Grant, review or extend a franchise;
- (e) Regulate the rate charged for the services provided by a City public utility;
- (f) Convey or lease or authorize the conveyance or lease of any lands of the City; (g) Amend or repeal any ordinance previously adopted, except for emergency ordinances; and

(h) Other such acts as provided for by law to require an ordinance.

Acts other than those referred to in the preceding sentence may be done by ordinance or by resolution. (1984, c. 205)

§ 5.10. Independent audit.

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. The Council shall employ such accounting firm in accordance with procedures and regulations required by law. If the Commonwealth makes such an audit, the Council may accept it as satisfying the requirements of this section. (1984, c. 205)

CHAPTER 6
CITY MANAGER

§ 6.1. Appointment and Qualifications.

There shall be a City Manager who shall be the executive officer of the City and shall be responsible to the Council for the proper administration of the City government. He shall be appointed by the Council for an indefinite term. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the City or the Commonwealth, but during his tenure of his office he shall reside within the City, except as may be waived by Council. (1966, c. 319; 1984, c. 205)

§ 6.2. Temporary Transfer of Personnel Between Departments.

The City Manager shall have power, whenever the interests of the City require, irrespective of any other provisions of this Charter, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency. (1966, c. 319)

§ 6.3. Duties.

It shall be the duty of the City Manager to: (a) attend all meetings of the Council with the right to speak but not to vote; (b) keep the Council advised of the financial condition and the future needs of the City, and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the Council as provided in Chapter 6 of this Charter and be responsible for its administration after its adoption; (d) ~~(Repealed.)~~ (e) present adequate financial and activity reports as required by the Council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Council; (g) with the concurrence of the Council to appoint and remove all department heads; (h) supervise and issue orders for the performance of the functions of public safety and civil defense; (i) appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees provided for by or under this Charter, except as otherwise provided by law or this Charter; and may delegate

this power to an appointing authority as defined by the City Code; (g~~3~~i) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law; and (h~~j~~) perform such other duties as may be prescribed by this Charter or required of him in accordance therewith by the Council or which may be required of the chief executive officer of a Ccity by the general laws of the Commonwealth other than the duties conferred on the Mayor by this Charter. (1966, c. 319; 1976, c. 101; 1982, c. 8; 1984, c. 205)

§ 6.4. Relations With Boards, Commissions and Agencies.

The City Manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this Charter or by ordinance, except the School Board, and any other board or commission the Council may designate. (1966, c. 319)

§ 6.5. Acting City Manager.

The Council, by ordinance, shall establish a procedure whereby an acting City Manager is appointed in case of the absence, incapacity, death, resignation, or other vacancy in the position of City Manager. (1966, c. 319; 1984, c. 205)

CHAPTER 7 BUDGETS

§ 7.1. Fiscal and Tax Years.

The fiscal year of the City shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the Council by ordinance. The rates of all taxes and levies, except on new sources of tax revenue, shall be fixed at the time of adoption of the general fund budget. (1966, c. 319)

§ 7.2. Submission of Budgets.

On a day to be fixed by the Council, but in no case later than the first day of March in each year the City Manager shall submit to the Council and make available to the public a budget that presents a comprehensive financial plan for all City departments and for all City funds and activities for the next fiscal year. Such a plan shall contain, but not be limited to, a budget for the general operation of the City government hereinafter referred to as the general fund budget, including the total budget for the support of the public schools as filed by the School Board; a budget for the debt service of the City and reserve requirements therefor; a budget for proposed capital expenditures; a budget for all City enterprise activities; and a budget message by the City Manager presenting a concise and comprehensive view of City activities as proposed in the next fiscal year and the budget message of the School Board. A summary resume of the budget shall be published in a newspaper having general circulation in the City of Fairfax and/or other media as permitted or prescribed by the Code of Virginia, at least fifteen days prior to the public hearing at which the budget is adopted. (1966, c. 319; 1984, c. 205)

§ 7.3. Preparation of Budgets.

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the City, including offices of the Commissioner of Revenue and the Treasurer to file with the City Manager or with the Director of Finance designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. (1966, c. 319; 1984, c. 205)

§ 7.4. School Budget.

It shall be the duty of the School Board to file its budget estimates with the City Manager. The action of the Council on the School Budget shall relate to its total or to such major classifications as may be prescribed by the State Board of Education. If the amount appropriated by the Council relates to the total only, the School Board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The School Board shall have power to order during the course of the fiscal year transfers from one item of appropriation to another. If the amount appropriated by the Council relates to said major classifications, the School Board shall expend such funds in accordance with said classifications. Notwithstanding anything to the contrary contained herein, nothing in this section shall be construed to be in conflict with the provisions of general law. (1966, c. 319; 1977, c. 274)

§ 7.5. Reserve for Permanent Public Improvements.

The Council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on \$100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. (1966, c. 319)

CHAPTER 8 BORROWING

§ 8.1. Borrowing Power.

The Council may, in the name and for the use of the City, incur indebtedness by issuing its negotiable general obligation bonds or notes for the purposes and in the manner provided in this chapter, and to the extent provided in this chapter and under the general law when the general law is not inconsistent with this chapter.

The full faith and credit of the City shall be pledged for the payment of the principal of and interest on such general obligation bonds and the City shall be unconditionally and irrevocably obligated to levy ad valorem taxes on all taxable property in said City without limitation as to rate or amount to the full extent necessary for the payment of such principal and interest on such general obligation bonds and for any reserve funds provided therefor. The

Council may provide by ordinance the methods and procedures for the borrowing of money, consistent with general law and this Charter. (1966, c. 319; 1984, c. 205)

§ 8.2. Purposes for Which Bonds or Notes May be Issued.

(a) Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project which is hereby defined to include any public improvement, work or utility which the City is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, work, structure or facility necessary or useful in carrying out the powers of the City, and the equipment or reequipment of the same and any and all other purposes necessary and incidental thereto, and including any other purpose authorized by general law or for which the City may lawfully make an appropriation, except current expenses.

(b) To anticipate the collection of tax revenue. Notes may be issued, when authorized by the Council, at any time during the fiscal year in anticipation of the collection of any or all tax revenues not to exceed sixty percent of such estimated revenue for the fiscal year. Said notes shall be repaid within twelve months from the date of issue and can be issued only for budgeted purposes except as hereinafter provided.

(c) Notes in anticipation of bond proceeds. Temporary notes may be issued at such times and amounts as may be deemed necessary by the Council in anticipation of the receipt of the proceeds of any bonds, either revenue or general obligation, the issuance of which had been duly authorized (herein called "bond anticipation notes"). Said bond anticipation notes shall not exceed the total principal amount of the bonds in anticipation of which they are issued, shall be dated as of the date of issuance, shall be executed by the Mayor and City Treasurer and sealed with the corporate seal of the City attested by the City Clerk, shall be in such form and denominations, shall be callable or non-callable, shall bear such rate of interest as shall be determined by the Council, and shall bear a descriptive designation referring to the bonds in anticipation of which they are issued.

Said bond anticipation notes may be sold at public or private sale in the discretion of the Council and shall mature not later than one year from the date of issuance provided that no such bond anticipation notes or renewals thereof shall mature later than three years from the date of the bonds in anticipation of which they are issued. (1966, c. 319)

§ 8.3. Limitation on Indebtedness.

In the issuance of bonds and notes, the City shall be subject to the limitations as to amount contained in the Constitution of the Commonwealth or other applicable general law. (1966, c. 319; 1984, c. 205)

§ 8.4. Issuance of Bonds. How Authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that the affirmative votes of two-thirds of the entire Council shall be necessary for its adoption. Upon adoption by the Council of a bond ordinance, the City Clerk shall forthwith certify a copy of said ordinance to the Circuit or

Corporation Court having jurisdiction or to the judge thereof, in vacation, who shall thereupon order a special election of the qualified voters of the City to be held by general law in such cases provided. If a majority of those voting therein at such election shall approve the ordinance, it shall take effect immediately, and if not, it shall be void. (1966, c. 319)

§ 8.5. Form and Execution of Bonds.

Any of said bonds shall be in such form, either registered or coupon, and shall be in such denominations as shall be determined by the Council in the proceedings authorizing the issuance of same. Said bonds may be made redeemable prior to maturity at such prices as may be determined by the Council, shall bear interest at such rate or rates as shall be determined at the sale thereof, shall mature at such time or times as shall not exceed forty years from their date or dates of issuance and shall be executed by the Mayor and City Treasurer by their manual or facsimile signature and sealed with the corporate seal of the City, either by impression or facsimile, attested by the City Clerk by his manual or facsimile signature. (1966, c. 319; 1970, c. 125; 1984, c. 205)

§ 8.6. Procedure of Sale of Bonds.

All bonds issued under this Charter shall be sold as provided by general law. (1966, c. 319; 1970, c. 125; 1978, c. 514)

§ 8.7. Short Period of Limitation.

When thirty days shall have elapsed from the date of approval of a bond ordinance by the voters, as provided in this chapter, (a) any recitals or statements of fact contained in such bond ordinance or in the preambles or recitals thereof shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the City and all other parties interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the City and to comply with the provisions of this Charter and all laws, and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such thirty days. (1966, c. 319)

§ 8.8. Revenue Bonds.

The City shall have power to construct, acquire, repair, improve, extend and operate water systems, sewer systems, gas systems, electric systems, public parking systems, including both off-street and on-street public parking facilities, and to issue from time to time revenue bonds payable from the revenues derived from such water systems, sewer systems, gas systems, electric systems, public parking systems or any other revenue producing undertakings or enterprises which the City is authorized by this Charter or any other law to construct or acquire (hereinafter referred to as "revenue undertakings"), or any combination of such systems or other revenue undertakings, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such systems or other revenue undertakings, or any combination thereof, including the acquisition of any property, real or personal, or mixed, therefor or other costs in connection therewith or the refunding of outstanding revenue bonds issued for such purposes.

(a) Any two or more of such systems or other revenue undertakings may be combined and consolidated into a single revenue undertaking, and may thereafter be operated and maintained as a single revenue undertaking. The revenue bonds authorized herein may be issued to finance any one or more of such revenue undertakings separately, or to finance two or more of such revenue undertakings and regardless of whether or not such revenue undertakings have been combined and consolidated into a single revenue undertaking as provided herein. If the Council deems it advisable, the proceedings authorizing such revenue bonds may provide that the City may thereafter combine the revenue undertakings then being financed or theretofore financed with other revenue undertakings to be subsequently financed by the City and that revenue bonds to be thereafter issued by the City to finance such subsequent revenue undertakings shall be on a parity with the revenue bonds then being issued under such terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent revenue undertakings shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent revenue undertakings.

(b) The City shall also have power to pledge as additional security for such revenue bonds issued under this article any franchise taxes, occupational license taxes, or any other excise taxes or other funds which the City may have available to pledge to the payment of the principal of or interest on such revenue bonds, and for reserves therefor, except moneys derived from ad valorem taxes, or any two or more of such excise taxes or other funds.

(c) The cost of any works, properties, improvements or other purposes financed by the issuance of bonds under this chapter shall include, but not be limited to construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or acquisition and for one year thereafter, initial reserve funds, discount, if any, on the sale of bonds, acquisition of real or personal property, including franchises, and such other costs as are necessary and incidental to the construction or acquisition of such works, properties, improvements or other purposes and the financing thereof. The City shall have power to retain and enter into agreements with engineers, fiscal agents or financial advisers, attorneys, architects or other consultants or advisers for the planning, supervision and financing of such works, properties, improvements or other purposes upon such terms and conditions as shall be deemed advisable to the Council.

(d) Any such revenue bonds, as set forth in this section, shall be deemed to be negotiable instruments, and shall be authorized, executed and sold as provided under general law, specifically the provisions of the Virginia Public Finance Act of 1991, Chapter 26 (§ 15.2-2600 et seq.) of Title 15.2 of the Code of Virginia as the same may be superseded or amended. Without limiting the foregoing, any referendum requirement contained within this Charter shall not be applicable to revenue bonds. (1966, c. 319; 1984, c. 205; 2011, c. 425, 454)

CHAPTER 9
DEPARTMENT OF LAW
CITY ATTORNEY

§ 9.1. ~~Department of Law.~~

~~There shall be a department of law which shall consist of the City Attorney and such Assistant City Attorneys and other employees as may be provided by ordinance. (1966, c. 319)~~

~~§ 9.2. Qualifications and Appointment and Qualifications.~~

~~There shall be a head of the Department of Law shall be the City Attorney who. He shall be an attorney at law licensed to practice under the laws of the Commonwealth and he need not be a resident of the City of Fairfax. He shall be appointed by the Council to serve at the pleasure of the Council. (1966, c. 319; 1984, c. 205)~~

~~§ 9.2.3. City Attorney.—Powers and Duties.~~

~~The City Attorney shall be the legal advisor of (1) the Mayor and Council, (2) the City Manager, and (3) of all departments, boards, commissions and agencies of the City, in all matters affecting the interests of the City and shall, (a) upon authorized request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the City Manager or of the Council prepare ordinances for introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the City is a party or in which it has an interest; (d) have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof, or in which the City has an interest as the Council may from time to time direct; (e) represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (f) have the power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the City, whether violations of City ordinances or the laws of the Commonwealth of Virginia; (g) attend in person or assign one of his assistants to attend all regular meetings of the Council and all other meetings of Council unless excused by a majority of the Council; (h) appoint and remove such Assistant City Attorneys and other employees as shall be authorized by the Council, ~~(h*i*)~~ authorize the Assistant City Attorneys or any of them or special counsel appointed by the Council to perform any of the duties imposed upon him in this Charter; and ~~(i)~~ have such other powers and duties as may be assigned to him by ordinance. The School Board shall have authority to employ legal counsel. (1966, c. 319; 1984, c. 205; 2005, c. 641, 673)~~

CHAPTER 10 PUBLIC SAFETY

§ 10.1. Public safety functions; contracts for fire protection.

The functions of public safety shall be performed by the Police Department, the Fire Department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the City Manager consistent therewith.

The City of Fairfax may enter into contractual relationships with neighboring political subdivisions for the support and utilization of a joint fire ~~department~~ and rescue services inclusive of hazardous materials response, technical rescue, and other ancillary services. These agreements and services shall augment the City Fire Department and provide for the protection

~~of life and property from fire within the City which shall be responsible for the protection from fire of life and property within the City, and may, at any time, establish a City fire department for such purpose. (1966, c. 319)~~

§ 10.2. Police Department.

The Police Department shall consist of the Chief of Police and such other officers and employees of such ranks and grades as may be established by the Council. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the City and all rules and regulations made in accordance therewith. The Chief of Police and the other members of the police force of the City shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1966, c. 319; 1984, c. 205)

§ 10.3. Chief of Police.

The head of the Police Department shall be the Chief of Police. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. He shall be in command of the Police Department. He shall make rules and regulations in conformity with this Charter and the ordinances of the City concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. (1966, c. 319; 1984, c. 205)

§ 10.4. Fire Department.

The fire department shall consist of the City of Fairfax Fire Department and the Fairfax Volunteer Fire Department operating as one combined department and referred to as “the Fire Department.” The Fire Department shall be made up of the Fire Chief and such other officers and employees of such ranks and grades as may be established by Council. The Fire Department shall be responsible for the protection of life and property from fire and injury through public education programs and the enforcement of applicable fire and building codes. Furthermore, the Fire Department shall provide emergency medical services, fire suppression, hazardous materials response, and technical rescue services to the public.

§ 10.5. Fire Chief.

The head of the Fire Department shall be the Fire Chief. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. The Fire Chief shall have responsibility and authority for all operational and administrative decisions of the Fire Department. The Chief of the Fairfax Volunteer Fire Department shall be known as the Deputy Chief of the Fire Department and shall be elected from and by the membership of the Fairfax Volunteer Fire Department in accordance with its corporate bylaws.

§ 10.4. (1966, c. 319; repealed 1984, c. 205)

§ 10.5. (1975, c. 93; repealed 1984, c. 205)

CHAPTER 11
LAW ENFORCEMENT

- § 11.1. (1966, c. 319; repealed 1975, c. 93)
- § 11.2. (1966, c. 319; repealed 1975, c. 93)
- § 11.3. (1966, c. 319; repealed 1975, c. 93)
- § 11.4. (1966, c. 319; 1972, c. 12; repealed 1975, c. 93)
- § 11.5. (1966, c. 319; repealed 1975, c. 93)
- § 11.6. (1966, c. 319; repealed 1975, c. 93)
- § 11.7. (1966, c. 319; repealed 1975, c. 93)
- § 11.8. (1966, c. 319; repealed 1975, c. 93)
- § 11.9. (1966, c. 319; repealed 1975, c. 93)
- § 11.10. (1966, c. 319; repealed 1975, c. 93)
- § 11.11. (1966, c. 319; 1971, c. 58; 1972, c. 12; repealed 1975, c. 93)
- § 11.12. (1966, c. 319; repealed 1975, c. 93)

CHAPTER 12
PUBLIC EDUCATION

§ 12.1. School District.

The City of Fairfax shall constitute a separate school district. (1966, c. 319)

§ 12.2. School Board.

(a) The School Board shall consist of five qualified voters of the City elected by popular vote at large and who, at the time of their election, shall have resided in the City for at least one year prior to their election. (b) The election of members of the School Board shall be held to coincide with the election of the members of the City Council and Mayor. The terms of the members of the School Board shall be the same as the terms of the members of the City Council and Mayor. The School Board shall meet annually in July at which time the board shall fix the time for holding regular meetings for the ensuing year, shall elect one of its members chairman, and, on recommendation of the superintendent, shall elect or appoint a competent person as clerk of the School Board, and shall fix his compensation. In the discretion of the School Board, the superintendent may serve as clerk. The School Board shall conduct such other business, elect such other officers and make such other appointments at the annual meeting as it may, in its discretion, deem appropriate. (1966, c. 319; 1977, c. 274; 1989, c. 21, 116; 1994, c.130)

§ 12.3. Except as provided in this Charter the School Board shall have all the powers and duties relating to the management and control of the public schools of the City provided by the general laws of the Commonwealth, including the right of eminent domain within and without the City. None of the provisions of this Charter shall be interpreted to refer to or include the School Board unless the intention so to do is expressly stated or is clearly apparent from the context. (1966, c. 319)

§ 12.4. The School Board by and with the consent of the City Council shall have the right to contract with the school board of nearby political subdivisions of the Commonwealth to provide for the education of City children on a tuition basis upon such terms and conditions as the respective school boards may agree, provided the same do not conflict with the Constitution of Virginia. (1966, c. 319)

§ 12.5. All recreation facilities and grounds located on property owned by the School Board shall be under the ~~exclusive~~ control and supervision of the School Board, except as provided by any contractual relationship entered into by the School Board or as otherwise required by applicable law. The title to property and buildings devoted to public school purposes shall be in the School Board. (1966, c. 319)

§ 12.6. The School Board may borrow subject to the approval of the City Council from the Literary Fund of Virginia or from such other sources as may be available to it by general law. (1966, c. 319)

§ 12.7. The terms "member of the School Board" and "School Board" shall have the same meaning as "School Trustee" and "School Trustees" as used in the Code of Virginia. The term "board" or "boards" as used in this Charter shall not include the School Board unless the School Board is specifically named. (1966, c. 319)

CHAPTER 13 MISCELLANEOUS PROVISIONS

§ 13.1. Enforcement of Surety Bonds.

The Council shall designate which City officers and employees shall be bonded and the amount of such bonds. In all cases where a bond is required of any officer, such bond or bonds shall be with corporate surety and conditioned for the faithful discharge by him, or his deputies, assistants or other subordinates, of the duties imposed on him by this Charter and all ordinances passed in pursuance thereof. (1966, c. 319; 1984, c. 205)

§ 13.2. Reprinting of Charter After Amendment.

Within a reasonable time after the conclusion of any session of the General Assembly and the effective date of any amendment or amendments to this Charter adopted at such session, the amendment or amendments shall be published in such number of copies as the Council shall order. (1966, c. 319)

§ 13.3. Officers to Hold Over Until Their Successors are Appointed and Qualified.

Whenever, except as otherwise provided in this Charter, any officer of the City, judge or member of any board or commission is elected or appointed for a fixed term, such officer, judge, or member shall continue to hold office until his successor is appointed and qualified. (1966, c. 319)

§ 13.4. Courtroom for District Judge and Office Space for Constitutional

Officers.

It shall be the duty of the City to provide a suitable courtroom for the District Judge of the City and suitable offices for the Commissioner of Revenue and the City Treasurer. (1966, c. 319; 1984, c. 205)

§ 13.5. Posting of Bonds Unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the City, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the City has not filed or executed the bond that might otherwise be required, and the City shall be bound to the same extent that it would have been bound had the bond been given. (1966, c. 319)

§ 13.6. Code References.

All references in this Charter are to the Code of Virginia of 1950, as amended. (1966, c. 319)

§ 13.7. Present Ordinances and Rules and Regulations Continued in Effect.

All ordinances of the City and all rules, regulations and orders legally made by any department, board, commission or officer of the City, in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.8. Validation and Ratification Bond, Taxes and Contracts.

All bonds issued and sold, all contracts, agreements and obligations made at any time prior to the enactment of this Charter or any amendment thereto by the Council and government of the City, and the former Town of Fairfax, not inconsistent with the Constitution of Virginia and general law, all taxes assessed and levied when the City was a Town, and when the City was in transition from the status of a town to that of a City of the second class to the effective date of this Charter and its amendments, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Fairfax heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this Charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this Charter as amended, or in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.9. (1966, c. 319; repealed 1984, c. 205)

§ 13.10. Severance Clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to

the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1966, c. 319)

§ 13.11. Gender.

Whenever the male gender or the pronoun "he" or "his" appears in the Charter, the same shall equally apply to the female gender or "she" or "her." (1984, c. 205)

§ 13.12. Exemptions from City-Imposed Permit Charges and Application Fees. The

Council, by ordinance, may provide that organizations exempt from taxation pursuant to § 501 (c) (8) and (19) of the Internal Revenue Code shall be exempt from the payment of permit charges and application fees imposed by the City Code. (1992, c. 30)

RESOLUTION NO. R-12-73

RESOLUTION ESTABLISHING A CITY CHARTER COMMISSION

WHEREAS, the Charter for the City of Fairfax, Virginia (the "Charter") has been in existence since 1961; and

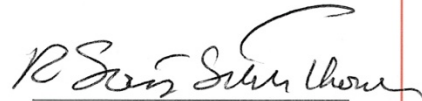
WHEREAS, the Charter has undergone two major reviews and studies, in the mid-1960s and the early 1980s, and the Charter has also been modified, from time to time, since it was promulgated by the Virginia General Assembly; and

WHEREAS, the City Council, pursuant to Section 5.2(b) of the Charter has the power to create, alter or abolish commissions of the City, and the City Council desires to establish a commission to review and study the Charter.

NOW THEREFORE BE IT RESOLVED THAT:

1. A City Charter Commission (the "Charter Commission") is established to conduct a review and analysis of the Charter.
2. The Charter Commission shall consist of the following seven (7) members: (i) John Mason (Chair); (ii) Jane Woods; (iii) Gary Rasmussen; (iv) Patrice Winter; (v) Nancy Loftus, (vi) Tom Ross, and (vii) Fred McCoy. If any member of the Charter Commission is unable or unwilling to serve, then the City Council shall, by majority vote, appoint one citizen of the City to serve in his/her stead.
3. The Charter Commission will prepare a plan and timetable for review of the Charter, and subsequently carry out its study and prepare recommendations including, where appropriate, alternatives for City Council consideration. The Charter Commission shall seek legal advice from the City Attorney, who shall be a non-voting, *ex officio* member of the Charter Commission, and from any other members of the City staff or other individuals as the Charter Commission shall deem appropriate. The study of the Charter is expected to be completed no later than March 30, 2013, and any recommendations of the Charter Commission shall subsequently be presented to and discussed with the City Council at a work session scheduled by the City Council with the Charter Commission.
4. This Resolution shall take effect immediately upon its adoption.

Adopted this 11th day of December, 2012.


 Mayor

ATTEST:


 City Clerk

The vote on the motion to approve was recorded as follows:

VOTE:

Councilman DeMarco	Aye
Councilman Drummond	Aye
Councilman Greenfield	Aye
Councilman Meyer	Absent
Councilmember Schmidt	Aye
Councilman Stombres	Aye

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**2012-2013 CITY OF FAIRFAX CHARTER COMMISSION MEETING
JANUARY 2, 2013**

MINUTES OF A REGULAR MEETING OF THE MEMBERS OF THE 2012-2013 CITY OF FAIRFAX CHARTER COMMISSION held on the 2nd day of January, 2013. The meeting commenced at 7:05 p.m.

Present at the meeting were the following members: John Mason, Chair
Jane Woods
Gary Rasmussen
Patrice Winter
Nancy Loftus
Tom Ross
Fred McCoy
Brian Lubkeman, *ex officio*

Chair Mason chaired the meeting and Mr. Lubkeman was asked to record the minutes.

Welcome and Introductions: Chair Mason called the meeting to order and welcomed the members to the initial meeting of the Charter Commission. The members then briefly introduced themselves to the other Commission members. Chair Mason also provided an updated agenda to the Commission members.

Charge to Commission: Chair Mason presented, and the Commission members discussed, the City Council Resolution (R-12-73) establishing the Commission, appointing its members, and setting forth the Commission's charge from the City Council. The Commission members also commented on the need to publicize the Commission's activities to the citizenry and it was agreed that Chair Mason would request that an information item be placed in the next issue of the *Cityscene*.

Orientation on Background Information: Chair Mason presented, and the Commission members discussed, the background information provided to the Commission by City staff and the plan to provide additional background information and additional research materials as requested by the Commission members.

Initial Commission member comments on potential issues to be addressed: The Commission members then discussed the preliminary scope of potential issues to be addressed by the Commission. Preliminary observations on potential issues included (numbers refer to Charter sections). Comments do not imply any advocacy or position; they are simply potential topics at this point.

2. Powers.

- Should Council be passing judgment on morals?
3. Elections.
- Time for elections – May or November
 - Representational spread across the City
 - Campaign financing
5. Mayor and Council
- Terms
 - Compensation
 - Role of mayor
8. Borrowing.
- Latitude for borrowing without referendum

Discussion of work plan with meeting schedule: Chair Mason presented, and the Commission members discussed and agreed a tentative work plan and meeting schedule for the Commission.

- January 2: Organizational meeting
- January 30: Homework identified/Members present preliminary issues
- February 20: Issues emerge
- March 6: Preliminary draft sections
- March 27: Preliminary draft report
- April 10: Approve final draft

It was noted this was an aggressive schedule and be challenging to achieve. Chair Mason commented that he had already mentioned to Mayor Silverthorne that the requested March delivery date is not likely.

Commission members also volunteered to review and provide initial analysis and recommendations regarding individual sections of the City Charter – initial reports to be provided prior to the next meeting of the Commission (numbers refer to Charter sections).

- 2. Powers: Nancy Loftus/Patrice Winter
- 3. Elections: Tom Ross/Jane Woods

4. Other City Officials: Patrice Winter/Nancy Loftus
5. Mayor and Council: Gary Rasmussen/Patrice Winter
6. City Manager: Gary Rasmussen/Tom Ross
7. Budgets: Jane Woods/Fred McCoy
8. Borrowing: Fred McCoy/Jane Woods
9. Department of Law: Nancy Loftus/Fred McCoy
10. Public Safety: Patrice Winter/Nancy Loftus
11. Law Enforcement: Nancy Loftus/Patrice Winter
12. Public Education: Jane Woods/Nancy Loftus

Identification of additional references required: The Commission members requested:

- Previously requested data on other cities/towns terms of office, mayoral role, compensation
- Historical data that shows distribution of candidates and elected mayor/council members in City.
- Charters from other cities, e.g., Alexandria, Falls Church, Manassas.
- Model charters that might be obtained from VML or other organizations

General comments:

- Outreach. There was general agreement that citizenry and staff should have awareness of Charter review. Article in CityScene and information on web site suggested. Chair Mason to coordinate.
- Coordination. To be compliant with constraints on a public body using email inappropriately, if members wish distribution of an email to Commission, it will be via Brian Lubkeman, City Attorney.
- City Charter version that can be edited. Chair Mason will request that Commission members be sent a version of Charter in Word that allows for changes and comments.

There being no further business to come before the meeting, it was adjourned at 8:00 p.m.

Respectfully submitted,

Brian Lubkeman

**2012-2013 CITY OF FAIRFAX CHARTER COMMISSION MEETING
JANUARY 30, 2013**

MINUTES OF A REGULAR MEETING OF THE MEMBERS OF THE 2012-2013 CITY OF FAIRFAX CHARTER COMMISSION held on the 30th day of January, 2013. The meeting commenced at 7:05 p.m.

Present at the meeting were the following members: John Mason, Chair
Gary Rasmussen
Patrice Winter
Nancy Loftus
Tom Ross
Fred McCoy
Brian Lubkeman, *ex officio*

Chair Mason chaired the meeting and Mr. Lubkeman was asked to record the minutes.

Welcome and Introductions: Chair Mason called the meeting to order and welcomed the members to the second regular meeting of the Charter Commission.

Approval of Minutes: The minutes of the January 2, 2013 regular meeting had been distributed to the Commission members prior to the meeting. Chair Mason asked the Commission members whether there were any changes to the minutes as presented, and there were none. On a motion duly made and seconded, the minutes of the January 2, 2013 regular meeting of the Commission were approved as presented.

Discussion of Reports – Potential Issues/Additional Issues: The individual Commission members tasked with identifying potential Charter issues then presented their issue identification papers, which had been distributed in advance of the meeting. Chair Mason then suggested that Commission members recommend any additional potential issues for inclusion in each of the identification papers, and several additional items were suggested and included, as follows (numbers refer to Charter chapters):

2. Powers.

- Under “Other potential issues/information needs”: Analysis of whether the Charter should also address the Board of Zoning Appeals and/or delete the current references to the Board of Architectural Review.

5. City Council.

- Under 5.3: Additional “potential outcome” item added: modify “veto” language. Also, additional issue identified: should there be language added regarding a Vice Mayor?

8. Borrowing.

- Under “Other potential issues/information needs”: Information regarding the City’s borrowing capacity and state law requirements regarding the same.

10. Public Safety.

- Under 10.3: Should corollary language be included regarding the fire department?

Identification of additional references required: The Commission members requested the following materials/references, in addition to those identified at the previous meeting:

- The bills introduced in the current session of the General Assembly regarding the transient occupancy tax (Chapter 2.8:1 of the Charter).
- An analysis by the City Attorney of any changes that must be made to the eminent domain provisions in the Charter (Chapter 2.7 of the Charter) resulting from the recent amendment to the Constitution of Virginia.
- The Code of Virginia provisions relating to the salaries of the Mayor and City Council (Chapter 5 of the Charter) and an analysis from the City Attorney of the interplay between the Charter, the City Code and the Code of Virginia regarding the same.
- Information regarding publication requirements for ordinances (Chapter 5.6 of the Charter).
- Any information that might be available from VML or other organizations regarding elections in Virginia.

Outreach plan: Chair Mason presented, and the Commission members discussed in detail, the suggested public outreach plan for the Commission, to include information being made available on the City’s website, in the *CityScene*, and direct outreach to current and former elected City officials and appointees.

Discussion of work plan with meeting schedule: Chair Mason presented the work plan and remaining meeting dates, and the Commission members discussed and reaffirmed these items.

- February 20: Issues emerge
- March 6: Preliminary draft sections
- March 27: Preliminary draft report
- April 10: Approve final draft

There being no further business to come before the meeting, it was adjourned at 8:10 p.m.

Respectfully submitted,

Brian Lubkeman

**2012-2013 CITY OF FAIRFAX CHARTER COMMISSION MEETING
FEBRUARY 20, 2013**

MINUTES OF A REGULAR MEETING OF THE MEMBERS OF THE 2012-2013 CITY OF FAIRFAX CHARTER COMMISSION held on the 20th day of February, 2013. The meeting commenced at 7:05 p.m.

Present at the meeting were the following members: John Mason, Chair
Gary Rasmussen
Patrice Winter
Nancy Loftus
Tom Ross
Fred McCoy
Brian Lubkeman, *ex officio*

Chair Mason chaired the meeting and Mr. Lubkeman was asked to record the minutes.

Welcome and Discussion of Meeting Objectives: Chair Mason called the meeting to order and welcomed the members to the third regular meeting of the Charter Commission. He noted that the purpose of this meeting was to confirm the issues relating to each Charter chapter, for the Commission members to provide their initial research results, and for the Commission to reach agreement as to next steps moving forward.

Approval of Minutes: The minutes of the January 30, 2013 regular meeting had been distributed to the Commission members prior to the meeting. Chair Mason asked the Commission members whether there were any changes to the minutes as presented, and there were none. On a motion duly made and seconded, the minutes of the January 30, 2013 regular meeting of the Commission were approved as presented.

Confirmation of Issues and Initial Research and Discussion: The individual Commission members tasked with identifying potential Charter issues then presented their updated issue identification papers, reflecting the results of their initial research and discussions. Commission members discussed, in particular, Chapters 3 (Elections), 5 (Mayor and Council) and 10 (Public Safety). Discussion of Chapters 7 (Budgets), 8 (Borrowing) and 12 (Public Education) was deferred to the next Commission meeting.

Discussion of Next Steps: Chair Mason presented, and the Commission members discussed in detail, the process for the Commission moving forward. Each of the Commission members was asked to prepare an initial analysis and recommendation(s) with respect to the Chapter(s) for which the Commission member had prepared an issue identification paper. It was agreed that Commission members should utilize a common format for such analysis and recommendation, as suggested by Chair Mason. In addition, the work plan and meeting schedule as discussed at the previous Commission meeting was reaffirmed, with the addition of a public outreach

meeting tentatively scheduled for April 10, 2013., with a final draft of a Report of the Commission targeted for April 24, 2013.

There being no further business to come before the meeting, it was adjourned at 7:52 p.m.

Respectfully submitted,

Brian Lubkeman

**2012-2013 CITY OF FAIRFAX CHARTER COMMISSION MEETING
MARCH 20, 2013**

MINUTES OF A REGULAR MEETING OF THE MEMBERS OF THE 2012-2013 CITY OF FAIRFAX CHARTER COMMISSION held on the 20th day of March, 2013. The meeting commenced at 5:30 p.m.

Present at the meeting were the following members: John Mason, Chair
Gary Rasmussen
Patrice Winter
Nancy Loftus
Tom Ross
Fred McCoy
Jane Woods
Brian Lubkeman, *ex officio*

Chair Mason chaired the meeting and Mr. Lubkeman was asked to record the minutes.

Welcome and Discussion of Meeting Objectives: Chair Mason called the meeting to order and welcomed the members to the fourth regular meeting of the Charter Commission. He noted that the purpose of this meeting was to discuss the individual recommendations and to reach consensus as to these recommendations.

Approval of Minutes: The minutes of the February 20, 2013 regular meeting had been distributed to the Commission members prior to the meeting. Chair Mason asked the Commission members whether there were any changes to the minutes as presented, and there were none. On a motion duly made and seconded, the minutes of the February 20, 2013 regular meeting of the Commission were approved as presented.

Discussion of Recommendations: The individual Commission members tasked with identifying potential Charter issues then presented their updated issue identification and recommendation papers, reflecting the updated results of their research and discussions. Consensus was reached by the Commission members as to certain recommended changes to Chapters 2, 3, 7, 9, 10 and 12. It was further recommended that Chapter 1 be reviewed by City staff for accuracy, and that the Charter be renumbered to reflect the previous repeal of Chapter 11.

Discussion of Next Steps: Chair Mason presented, and the Commission members discussed in detail, the process for the Commission moving forward. Chair Mason and Mr. Lubkeman will prepare a clean set of recommendations and circulate the same to the Commission members (to ensure that the intent of the Commission members is fulfilled and that proposed phrasing is accurate). Following approval of the same by the Commission members, Mr. Lubkeman will then prepare a redline version of the Charter, showing all consensus recommended changes. Chair Mason also distributed draft remarks for the April 10, 2013 public outreach session.

Commission members reaffirmed the suggested April 24, 2013 target date for a draft of a Report of the Commission.

There being no further business to come before the meeting, it was adjourned at 6:35 p.m.

Respectfully submitted,

Brian Lubkeman

**2012-2013 CITY OF FAIRFAX CHARTER COMMISSION MEETING
MARCH 27, 2013**

MINUTES OF A SPECIAL MEETING OF THE MEMBERS OF THE 2012-2013 CITY OF FAIRFAX CHARTER COMMISSION held on the 27th day of March, 2013. The meeting commenced at 5:30 p.m.

Present at the meeting were the following members:

- John Mason, Chair
- Gary Rasmussen
- Patrice Winter
- Nancy Loftus
- Tom Ross
- Fred McCoy
- Jane Woods
- Brian Lubkeman, *ex officio*

Chair Mason chaired the meeting and Mr. Lubkeman was asked to record the minutes.

Welcome and Discussion of Meeting Objectives: Chair Mason called the meeting to order and welcomed the members to a special meeting of the Charter Commission. He noted that the purpose of this meeting was for the limited purpose of having additional discussion regarding Chapter 3 of the City Charter, and in particular, length of terms of the Mayor and the City Council.

Discussion Paper on Chapter 3: The Commission members discussed in detail a draft Discussion Paper prepared by Mr. Ross regarding the length of terms for the Mayor and the City Council. Consensus was reached on the benefits and detriments of the individual options, and a majority of the Commission members agreed to recommend one of the options (four year terms for both the Mayor and the City Council). The Commission members agreed that the minority positions would be reported as well in the Report of the Commission.

There being no further business to come before the meeting, it was adjourned at 6:20 p.m.

Respectfully submitted,

Brian Lubkeman

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**2012-2013 CITY OF FAIRFAX CHARTER COMMISSION PUBLIC OUTREACH MEETING
APRIL 10, 2013**

MINUTES OF A PUBLIC OUTREACH MEETING OF THE 2012-2013 CITY OF FAIRFAX CHARTER COMMISSION held on the 10th day of April, 2013. The meeting commenced at 7:00 p.m.

Present at the meeting were the following members: John Mason, Chair
Gary Rasmussen
Patrice Winter
Nancy Loftus
Tom Ross
Fred McCoy
Jane Woods
Brian Lubkeman, *ex officio*

Chair Mason chaired the meeting and Mr. Lubkeman was asked to record the minutes. The meeting was televised live on City Channel 12.

Welcome and Introductions: Chair Mason called the meeting to order and welcomed the general public to a public outreach meeting of the Charter Commission, and then proceeded to introduce each of the Commission members. Chair Mason then reminded both the television audience and the public in attendance that that an “Information Paper for Charter Commission Public Outreach Session” was available through the City’s internet portal, with hard copies present for outreach attendees.

Review of Information Paper: Chair Mason then reviewed various elements of the Information Paper (background information, discussion of approach, general consideration and issue identification, each as set forth in the Information Paper) before turning to the major preliminary recommendation for change to the Charter: a change in the term of office for the Mayor and City Council (and School Board) from two years to four years (with no staggering of terms). Chair Mason noted the rationale behind this recommendation, as well as the arguments in favor of retaining two year terms. Chair Mason then briefly summarized the additional issues addressed by the Charter Commission, before opening up the discussion to the members of the public in attendance.

Comments from Public:

1. John Spears (10633 Ashby Place, Fairfax, VA 22030) thanked the Commission members for their service, and then expressed his concern that the Mayor only has a limited power to vote. He urged the Commission to consider recommending that the Mayor have the power to vote on financial matters.
2. Jerry O’Dell (3920 Bradwater Street, Fairfax, VA 22030) expressed his position that: (i) terms should remain as currently set (two year terms); (ii) that individuals should be permitted to run for Mayor and City Council at the same time; (iii) that terms should not

be staggered under any circumstances; (iv) that the date for City elections should be changed to late May; (v) that the election ballot should be organized in “mixed” fashion, rather than alphabetically; (vi) that the eminent domain section of the Charter be modified to reflect the recent Constitutional amendment; (vii) that individuals selected to fill vacancies on City Council not be permitted to run for election in the subsequent election; and (viii) that referenda be made mandatory (binding) not merely advisory.

3. Kate Bennett (3858 University Drive, Fairfax, VA 22030) suggested that advisory referenda should be more of a requirement, particularly in the areas of selling City utilities and other City properties. She also suggested that the Mayor and City Council should be elected to differing term lengths.

Comments by Commission members and Final Comments by Chair Mason: Commission members were then invited to make any closing comments, and Chair Mason noted, for the benefit of the viewing public and those individuals in attendance, the remaining schedule of meetings and action by the Charter Commission. He also encouraged members of the public to continue to submit comments to the Charter Commission for its consideration, by no later than April 20, 2013.

There being no further business to come before the meeting, it was adjourned at 8:00 p.m.

Respectfully submitted,

Brian Lubkeman

**FAIRFAX, CITY OF City
of Second Class.**

Providence established as Fairfax County Courthouse in 1805.

Name changed 1859 to Fairfax. Originally
incorporated as a town in 1874. Became City of
Fairfax by Court Order 1961.

Charter, 1892, c. 282; repealed 1954, c. 357.

Charter, 1954, c. 357; repealed 1962, c. 468.

Charter, 1962, c. 468; repealed 1966, c. 319.

Charter, 1966, c. 319.

Amended 1970, c. 125 (§§ 8.5, 8.6)
1971, c. 58 (§ 11.11)
1972, c. 12 (§§ 3.1, 11.4, 11.11)
1975, c. 93 (§§ 3.8, 10.5 [added], 11.1 through 11.12 [repealed])
1976, c. 101 (§§ 2.8 [repealed], 2.8:1 [added], 3.6, 6.3)
1977, c. 274 (§§ 2.2, 7.4, 12.2)
1978, c. 514 (§ 8.6)
1981, c. 368 (§§ 5.1, 5.2)
1982, c. 8 (§ 6.3)
1984, c. 205 (§§ 1.2, 2.2, 2.4, 2.5, 2.6, 2.7, 3.1, 3.4, 3.5, 4.1, 4.2,
4.4 [repealed], 5.3, 5.6, 5.9 [added], 5.10 [added], 6.1, 6.3,
6.5, 7.2, 7.3, 8.1, 8.3, 8.5, 8.8, 9.2, 9.3, 10.2, 10.3,
10.4 [repealed], 10.5 [repealed], 13.1, 13.4, 13.9 [repealed],
13.11 [added])
1989, c. 21, 116 (§ 12.2)
1992, c. 30 (§ 13.12)
1992, c. 281 (§ 1.2)
1994, c. 130 (§§ 1.2, 12.2)
2002, c. 5 (§ 1.2)
2004, c. 19, 161 (§§ 5.1, 5.2)
2005, c. 641, 673 (§§ 2.2, 5.5, 9.3)
2011, c. 425, 454 (§§ 5.5, 8.8)
2012, c. 221, 422 (§ 3.4).

CHAPTER 1 INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Fairfax as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Fairfax and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1966, c. 319)

§ 1.2. Boundaries.

The corporate limits of the City of Fairfax, Virginia, as heretofore established, are hereby reestablished and the said corporate limits shall be as set forth in the final order entered on August 7, 1958, by the Circuit Court of Fairfax County, sitting as a duly constituted Annexation Court, in *Town of Fairfax v. County of Fairfax*, At Law 7597, Circuit Court of Fairfax County, the order entered on December 15, 1980, by the Circuit Court of Fairfax County, pursuant to Code of Virginia, § 15.1-1031.1, et seq., in *City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners*, At Law 51496, Circuit Court of Fairfax County, the order entered on October 18, 1991, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in *City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners*, At Law 108937, Circuit Court of Fairfax County, and the order entered on October 22, 1993, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in *City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners*, At Law 127258, Circuit Court of Fairfax County, and the order entered on March 16, 2001, by the Circuit Court of Fairfax County, pursuant to Article 2 (§ 15.2-3106 et seq.) of Chapter 31 of Title 15.2 of the Code of Virginia, in the *City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners*, At Law 194160, Circuit Court of Fairfax County, and as thereafter lawfully changed. (1966, c. 319; 1984, c. 205; 1992, c. 281; 1994, c. 130; 2002, c. 5)

CHAPTER 2 POWERS

§ 2.1. General Grant of Powers.

The City shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and Laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said Constitution and Laws and which in the opinion of the Council are necessary or desirable to promote the general welfare of the City and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1966, c. 319)

§ 2.2. Financial Powers.

In addition to the powers granted by other sections of this Charter, the City shall have the power:

(a) To raise annually by taxes and assessments, as permitted by General Law, in the City such sums of money as the Council shall deem necessary to pay the debts and defray the expenses of the City, in such manner as the Council shall deem necessary or expedient. In addition to but not as a limitation upon this general grant of power, the City shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect gross receipts taxes against public utilities; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the City, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; unless prohibited by General Law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the Council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, and other public places in the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the City without such license.

(b) To budget, borrow, appropriate and expend, without being bound by other provisions of this Charter, in an amount not in excess of ten percent of the total General Fund Budget of the preceding fiscal year, for the purpose of meeting a public emergency; provided that any such action shall require the affirmative votes of two-thirds of the entire Council and shall be in the form of an ordinance containing a clear statement of the nature and the extent of the emergency.

(c) To levy a transient occupancy tax on hotels, motels and boarding houses. Such tax shall be in such amount and on such terms as the Council may, by ordinance prescribe; provided, that such tax shall not exceed four percent of the amount of charge for the occupancy of any room occupied. The tax imposed hereunder shall not apply to rooms rented for continuous occupancy for thirty or more days in hotels, motels, and boarding houses. (1966, c. 319; 1977, c. 274; 1984, c. 205; 2005, c. 641, 673)

§ 2.3. The powers set forth in § 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia (1950), as amended, as in force January 1, 1966, and any acts amendatory thereof or supplementary thereto are hereby conferred on and vested in the City of Fairfax. (1966, c. 319)

§ 2.4. Property Assessments.

(a) The City Council shall provide for the annual assessment and reassessment of real estate for taxation.

(b) All real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

(c) The Assessor shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed in respect to real estate assessments. The Clerk of the Circuit Court of Fairfax County, Fairfax, Virginia, shall furnish to the Assessor the list of real estate transfers within the City of Fairfax.

(d) Notwithstanding the provisions of § 58.1-3370 of the Code of Virginia, the Circuit Court of Fairfax County, Virginia, or the judge thereof in vacation, shall appoint for the City a Board of Equalization of Real Estate Assessments, to be composed of three members, who shall be freeholders of the City, and who shall be selected by the court or judge from the citizens of the City. Initially one member shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each succeeding year thereafter one member shall be appointed for a term of three years. All terms shall run from the first day of December in the year of appointment until the thirtieth day of November in the year of expiration, the terms of the members first appointed shall begin on the day of appointment. Members shall hold over until a successor is appointed and qualifies. Such court or judge thereof in vacation may reappoint any member upon the expiration of his term and shall fill any vacancy upon the Board for the unexpired term. The members of the Board shall receive per diem compensation for the time actually engaged in the duties of the Board, to be fixed by the Council, and paid out of the Treasury of the City; provided, however, the Council, may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the Board. Such Board of Equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the Assessor in the calendar year in which they serve and to that end shall have all the powers conferred upon Boards of Equalization by Article 14 of Chapter 32 of Title 58.1 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such Chapter, however, the Board of Equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the Board.

(e) The City of Fairfax and any person aggrieved by any correction or assessment made by the Assessor or the Board of Equalization may apply for relief in the manner provided by §§ 58.1-3382, 58.1-3982 and 58.1-3984 of the Code of Virginia and any acts amendatory thereof and supplemental thereto.

(f) This section shall not apply to any real estate assessable under law by the State Corporation Commission.

(g) All provisions of law relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessment made pursuant thereto. (1966, c. 319; 1984, c. 205)

§ 2.5. The City may receive and accept from any source, including any federal agency, aid, contributions, money, property, labor or other things of value, to be held, used and applied for any lawful purpose. (1966, c. 319; 1984, c. 205)

§ 2.6. Contractual Relationships.

The City of Fairfax may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, with other political subdivisions, with

authorities, including regional authorities, and with private agencies on such terms and for such periods as the Council may determine to be in the public interest in order to promote the education, health, safety, and general welfare of its residents.

Such contracts may include, but shall not be limited to, schools, libraries, sewage collection and disposal, water supply, police and fire protection, mass or rapid transit, parks, playgrounds and open spaces. (1966, c. 319; 1984, c. 205)

§ 2.7. Eminent Domain.

The powers of eminent domain set forth in Title 15.2, Title 25, Chapter 1.1 and Title 33.1, Chapter 1, of the 1950 Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fairfax.

(a) In any case in which a petition for condemnation is filed by or on behalf of the City, a true copy of a resolution or ordinance duly adopted by the City Council declaring the necessity for any taking or damaging of any property, within or without the City, for the public purposes of the City, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the City. The City may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, and § 33.1-119, Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the City Council, signed by the Mayor and countersigned by the City Treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the City proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the City; provided, however, that the provisions of § 33.1-119, Code of Virginia, 1950, as amended, shall not be used for the acquisition of lands, easements or related interests in property located outside of the City except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the Court having jurisdiction of the proceedings, upon petition of the City, at any time after the filing thereof, provided that the Court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The Court shall have jurisdiction to require refunding bonds, for good cause shown by the City or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the City. (1966, c. 319; 1984, c. 205)

§ 2.8. (1966, c. 319; repealed 1976, c. 101)

§ 2.8:1. Board of Architectural Review.

The Council shall have power to create by ordinance a board of architectural review which shall perform the functions, duties and responsibilities more particularly set forth hereinafter.

(a) Old and Historic Districts.—In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the City, the Council may provide by ordinance for old and historic districts in which no building or structure shall be erected, reconstructed, altered, restored or razed until approved by the board of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be erected, reconstructed, altered or restored in any old and historic district established in the City, and to prohibit the razing of any building in such a district that was erected prior to or during the year 1900 and is of such architectural or historical interest that its removal would be to the detriment of the public interest.

(b) Architectural Control Districts.—In order to encourage the construction of attractive buildings, to protect and promote the general welfare, and to prevent deterioration of the appearance of the City which would tend to create hazards to public health, safety and morals, destroy the opportunity for development of business and industry, and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, the Council may provide by ordinance for architectural control districts in which no structure, building or major improvement, or major landscape features surrounding such structure, building or major improvement shall be erected, reconstructed, altered or restored until the plans for such have been approved by the board of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of structures, buildings, or major improvements, or major landscape features surrounding such building, structure or major improvement to be erected, reconstructed, altered or restored in any architectural control district established in the City. (1976, c. 101)

CHAPTER 3 ELECTIONS

§ 3.1. Election of Councilmen and Mayor.

On the first Tuesday in May, 1972, and in every second year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the City at large six members of the Council and a Mayor for terms of two years. The terms of Council members and Mayor are to begin on the first day of July following their election.

All elections held pursuant to the prior provisions of this section are hereby ratified and confirmed. (1966, c. 319; 1972, c. 12; 1984, c. 205)

§ 3.2. Nomination of Candidates.

Candidates for the office of Councilmen and Mayor may be nominated under general law. There shall be printed on the ballots used in the election of Councilmen the names of all candidates who have been so nominated. (1966, c. 319)

§ 3.3. Conduct of General Municipal Election.

The ballots used in the election of Councilmen and Mayor shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many as six Council candidates and no more. In counting the vote, any ballot found to

have been voted for more than six Council candidates shall be void as to those votes but no ballot shall be void for having been voted for a less number. The six Council candidates and the candidate for Mayor receiving the highest number of votes cast in such election shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1966, c. 319)

§ 3.4. Vacancies in Office of Mayor or Councilmember.

A vacancy in the office of the Mayor or in the Council, from whatever cause arising, shall be filled in accordance with the general laws of the Commonwealth relating to the filling of vacancies in such local offices, so far as pertinent. (1966, c. 319; 1984, c. 205; 2012, c. 221, 431)

§ 3.5. Election of Other City Officers.

All other City officers required by the laws of the Commonwealth to be elected by the qualified voters of the City shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of Commissioner of Revenue or City Treasurer shall be filled by the Council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1966, c. 319; 1984, c. 205)

§ 3.6. Residence of Elected Officers.

Except as otherwise provided herein, every elected officer of this City and every appointed member of any board or commission shall, at the time of his election or appointment, be a qualified voter in the City and have resided in the City for at least one year prior to his appointment or election. If any such officer or appointee moves from the City, his office shall thereupon be deemed vacant.

Provided, however, that in the event it is required that one or more positions on any board or commission be filled by an individual engaged in a particular professional or technical occupation, then such professional or technical member need not be a qualified voter in or resident of the City, if such professional or technical member maintains an office within the City. (1966, c. 319; 1976, c. 101)

§ 3.7. Eligibility of Federal Employees.

No person, otherwise eligible, shall be disqualified by reason of his accepting or holding an office, post, trust, or emolument under the Government of the United States from serving as Mayor or Councilman, officer or employee of the City, or as a member of any board or commission. (1966, c. 319)

§ 3.8. Advisory Referendum

The City Council, by majority vote of the entire Council, may submit to the qualified voters of the City for advisory purposes, any question or group of questions relating to the affairs of the City. Any such advisory referendum shall be conducted in the manner provided for bond elections, but the results thereof shall not be binding upon the City Council. There shall be no right of appeal from or recount of the results of an advisory referendum. (1966, c. 319; 1975, c. 93)

§ 3.9. Voting Machines.

The Council, by ordinance, may authorize the use of voting machines in all elections, and wherever the term "ballot" shall appear herein the same shall be interpreted in a manner consistent with the use of said machines. (1966, c. 319)

CHAPTER 4
OTHER CITY OFFICERS

§ 4.1. City Collector.

The Council may appoint a City Collector for an indefinite term and shall fix his salary, which shall be paid from the City Treasury. All of the duties theretofore performed by the Treasurer of the City of Fairfax in connection with the collection of taxes, special assessments, license fees, and other revenues of the City shall devolve upon the City Collector, when appointed. The City Collector shall be required to take an oath of office and shall furnish a bond with corporate surety in the manner and amount required by City ordinance. The City Collector shall have the following powers and shall be charged with the following duties and functions:

(a) The collection of all taxes, special assessments, license fees and other revenues of the City or for the collection of which the City is responsible.

(b) To transfer to and place in the custody of the City Treasurer all public funds belonging to or under the control of the City and to receive and maintain complete and accurate receipts and records thereof.

(c) The City Collector shall have any and all powers which are now or may hereafter be vested in any officer of the Commonwealth charged with the collection of State taxes in order to collect all City taxes, special assessments, license fees and other revenues of the City and may collect the same in the same manner by which State taxes are collected by an officer of the Commonwealth.

(d) The City Collector shall have power to use all legal means of collecting all delinquent City taxes, levies, special assessments, license fees, charges and other revenues of the City. The City Collector shall have the power to conduct public sales of real estate upon which delinquent taxes, levies or charges assessed thereon have not been paid for three consecutive years and may institute suits in equity to enforce any lien in favor of the City against any property within the City to which such lien may lawfully attach. The Council may determine by ordinance the procedure for the conduct of such sales not inconsistent with general law and the City Collector shall comply therewith. (1966, c. 319; 1984, c. 205)

§ 4.2. Department Heads.

All department heads shall be chosen on the basis of their executive, technical, and administrative qualifications, with special reference to their actual experience in or knowledge of accepted practices with respect to the duties of the offices for which they are appointed. All department heads will be appointed and removed by the City Manager after he has received the concurrence of the City Council. At the time of the appointment said officials need not be residents of the City or the Commonwealth, but the Council, where deemed necessary, may require any City official during his tenure to reside within the City. (1966, c. 319; 1984, c. 205)

§ 4.3. Assistant Registrars.

Whenever, in the judgment of the City Council, the Office of the Registrar shall require additional personnel the City Council may appoint such assistant registrars as may be required for the proper and efficient conduct of that office. The term and compensation for such appointments shall be determined by the City Council and paid from the City Treasury. (1966, c. 319)

§ 4.4. (1966, c. 319; repealed 1984, c. 205)

CHAPTER 5
MAYOR AND COUNCIL

§ 5.1. Composition.

The Council shall consist of six members elected as provided in Chapter 3. They shall receive as compensation for their services as members of the Council in accordance with § 15.2-1414.6 of the Code of Virginia. It shall be lawful for the Council to increase the amount of such compensation provided the increase does not become effective until the end of the Council term then current. (1966, c. 319; 1981, c. 368; 2004, c. 19, 161)

§ 5.2. Powers.

All Powers vested in the City shall be exercised by the Council except as otherwise provided in this Charter. In addition to the foregoing, the Council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the City.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions and offices.

(c) To designate the time and place for all Council meetings; provided, that special meetings of the Council may be called at the request of the Mayor or of not less than three members thereof.

(d) To provide for the number, titles, qualifications, power, duties and compensation of all officers and employees of the City, and to supplement the salary of any elected official and his deputies and employees other than the Mayor and Councilmen, provided that any such supplement shall not exceed the maximum permitted by general law.

(e) To provide for compensation of Mayor in accordance with § 15.2-1414.6 of the Code of Virginia.

(f) To provide for compensation of members of boards or commissions in an amount not to exceed \$50 per meeting. (1966, c. 319; 1981, c. 368; 2004, c. 19, 161)

§ 5.3. Mayor.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak. The Mayor shall have the power of veto which veto may be overridden by the City Council as provided herein. He shall not have the right to vote except in case of a tie. 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. In the absence or disability of the Mayor, the Mayor may designate a member of the Council to perform the duties of Mayor and if he fails to do so the Council shall, by majority vote of those present, choose one of their number to perform the duties of Mayor.

Each ordinance and resolution having the effect of an ordinance, before it becomes operative, shall be transmitted to the Mayor for his signature. The Mayor shall have five days, Sundays excepted, to sign it or veto it in writing. If the Mayor fails to sign it or veto it in writing within such five days, such ordinance or resolution shall become operative as if he had signed it, unless his term of office or that of the City Council shall expire within such five days. If the Mayor vetoes such ordinance or resolution in writing, such written veto shall be returned to the Clerk to be entered on the City Council's record and the City Council shall reconsider the same at the next regular meeting. Upon such reconsideration, if such ordinance or resolution is approved by two-thirds of all members of the City Council, it shall become operative, notwithstanding the veto of the Mayor. The votes of the City Council shall be determined by yeas and nays and the names of the members voting for and against such ordinance or resolution shall be entered on the record. (1966, c. 319; 1984, c. 205)

§ 5.4. City Clerk.

The Council shall appoint a City Clerk for an indefinite term. He shall be the Clerk of the Council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. 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 during regular business hours. He shall receive compensation to be fixed by the Council and all fees received by him shall be paid into the City Treasury. (1966, c. 319)

§ 5.5. Induction of Members.

The City Clerk shall administer the oath of office to the duly elected members of the Council and to the Mayor on or before June thirtieth immediately following their election. In the absence of the City Clerk the oath may be administered by any judicial officer having jurisdiction in the City. The Council shall be the judge of the election and qualification of its members. The first meeting of a newly elected Council shall take place in the Council chamber in the City Hall on the second Tuesday of July following their election, or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first. (1966, c. 319; 2005, c. 641, 673; 2011, c. 425, 454)

§ 5.6. Procedure for Passing Ordinances.

Except in the case of zoning ordinances, the following procedure shall be followed by the City Council in adopting ordinances of the City:

(a) Any ordinance may be introduced by any member of the Council 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 has been approved by a two-thirds vote of all members of the Council present at such special meeting. Upon introduction, the ordinance shall receive its first reading, verbatim, unless waived by a two-thirds vote of those Council members present, and, provided a majority of members present concur, the Council shall set a place, time and date, not less than three days after such introduction for a public hearing thereon. A copy of the proposed ordinance shall be delivered to each member of City Council and shall be made available to the public prior to its introduction.

(b) The public hearing may be held at a regular or special meeting of the Council and may be continued from time to time. The City Clerk shall publish in a newspaper of general circulation a notice containing the date, time and place of the hearing and the title or subject matter of the proposed ordinance. On direction of the Council the Clerk shall also publish the full text of the proposed ordinance which shall be available to citizens of the City.

(c) A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon the completion of the public hearing.

(d) Amendments or additions to a proposed ordinance may be made at any time. Publication of an amendment shall not be required except that if said amendments or additions introduce an entirely new subject matter or radically change the overall purpose of the original ordinance, they shall be introduced and treated 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 enactment.

(e) If, in the opinion of Council, an emergency exists, an ordinance pertinent to the emergency may be passed with or without amendment at the same meeting at which it is introduced and no publication, hearing or specific time interval between introduction and passage shall be necessary. An emergency ordinance must contain a specific statement of the emergency upon which it is based, and must be passed by a two-thirds affirmative vote of the members of City Council present. Every emergency ordinance shall automatically stand repealed as of the 91st day following the day upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner prescribed for ordinances not related to an emergency. An emergency ordinance may also be repealed by adoption of a repealing ordinance. The repeal of an emergency ordinance shall follow the procedure specified for the adoption of an emergency ordinance. (1966, c. 319; 1984, c. 205)

§ 5.7. Record and Codification of Ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the Clerk in a properly indexed book kept for that purpose. The Council may cause to be

prepared, under the direction of the City Attorney, a codification of all general ordinances in force. Such codification may be passed by the Council as a single ordinance and without hearings or prior publication. This codification, to be known and cited officially as the City Code, shall be printed and distributed as the Council may direct.

In so codifying such ordinances, the Council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printers' errors or other unmistakable errors, make consequential changes in the title of officers, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified Code of Ordinances in force shall be presented, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1966, c. 319)

§ 5.8. No member of the Council shall cast any vote without first disclosing what interest, if any, he has in the outcome of the vote being taken. The City Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and appointed City officials not inconsistent with the general law. (1966, c. 319)

§ 5.9. Actions requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt or amend the City Code or establish, alter or abolish any City department, office or agency;
- (b) Establish a law or regulation and fine or other penalty for the violation of such;
- (c) Levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget;
- (d) Grant, review or extend a franchise;
- (e) Regulate the rate charged for the services provided by a City public utility;
- (f) Convey or lease or authorize the conveyance or lease of any lands of the City; (g) Amend or repeal any ordinance previously adopted, except for emergency ordinances; and
- (h) Other such acts as provided for by law to require an ordinance.

Acts other than those referred to in the preceding sentence may be done by ordinance or by resolution. (1984, c. 205)

§ 5.10. Independent audit.

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. The Council shall employ such accounting firm in accordance with procedures and regulations required by law. If the Commonwealth makes such an audit, the Council may accept it as satisfying the requirements of this section. (1984, c. 205)

CHAPTER 6

CITY MANAGER

§ 6.1. Appointment and Qualifications.

There shall be a City Manager who shall be the executive officer of the City and shall be responsible to the Council for the proper administration of the City government. He shall be appointed by the Council for an indefinite term. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the City or the Commonwealth, but during his tenure of his office he shall reside within the City, except as may be waived by Council. (1966, c. 319; 1984, c. 205)

§ 6.2. Temporary Transfer of Personnel Between Departments.

The City Manager shall have power, whenever the interests of the City require, irrespective of any other provisions of this Charter, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency. (1966, c. 319)

§ 6.3. Duties.

It shall be the duty of the City Manager to: (a) attend all meetings of the Council with the right to speak but not to vote; (b) keep the Council advised of the financial condition and the future needs of the City, and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the Council as provided in chapter 6 of this Charter and be responsible for its administration after its adoption; (d) (Repealed.) (e) present adequate financial and activity reports as required by the Council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Council; (g) with the concurrence of the Council to appoint and remove all department heads; (g1) supervise and issue orders for the performance of the functions of public safety and civil defense; (g2) appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees provided for by or under this Charter, except as otherwise provided by law or this Charter; and may delegate this power to an appointing authority as defined by the City Code; (g3) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law; and (h) perform such other duties as may be prescribed by this Charter or required of him in accordance therewith by the Council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the Mayor by this Charter. (1966, c. 319; 1976, c. 101; 1982, c. 8; 1984, c. 205)

§ 6.4. Relations With Boards, Commissions and Agencies.

The City Manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this Charter or by ordinance, except the School Board, and any other board or commission the Council may designate. (1966, c. 319)

§ 6.5. Acting City Manager.

The Council, by ordinance, shall establish a procedure whereby an acting City Manager is appointed in case of the absence, incapacity, death, resignation, or other vacancy in the position of City Manager. (1966, c. 319; 1984, c. 205)

CHAPTER 7
BUDGETS

§ 7.1. Fiscal and Tax Years.

The fiscal year of the City shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the Council by ordinance. The rates of all taxes and levies, except on new sources of tax revenue, shall be fixed at the time of adoption of the general fund budget. (1966, c. 319)

§ 7.2. Submission of Budgets.

On a day to be fixed by the Council, but in no case later than the first day of March in each year the City Manager shall submit to the Council and make available to the public a budget that presents a comprehensive financial plan for all City departments and for all City funds and activities for the next fiscal year. Such a plan shall contain, but not be limited to, a budget for the general operation of the City government hereinafter referred to as the general fund budget, including the total budget for the support of the public schools as filed by the School Board; a budget for the debt service of the City and reserve requirements therefor; a budget for proposed capital expenditures; a budget for all City enterprise activities; and a budget message by the City Manager presenting a concise and comprehensive view of City activities as proposed in the next fiscal year and the budget message of the School Board. A resume of the budget shall be published in a newspaper having general circulation in the City of Fairfax at least fifteen days prior to the public hearing at which the budget is adopted. (1966, c. 319; 1984, c. 205)

§ 7.3. Preparation of Budgets.

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the City, including offices of the Commissioner of Revenue and the Treasurer to file with the City Manager or with the Director of Finance designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. (1966, c. 319; 1984, c. 205)

§ 7.4. School Budget.

It shall be the duty of the School Board to file its budget estimates with the City Manager. The action of the Council on the School Budget shall relate to its total or to such major classifications as may be prescribed by the State Board of Education. If the amount appropriated by the Council relates to the total only, the School Board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an

appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The School Board shall have power to order during the course of the fiscal year transfers from one item of appropriation to another. If the amount appropriated by the Council relates to said major classifications, the School Board shall expend such funds in accordance with said classifications. Notwithstanding anything to the contrary contained herein, nothing in this section shall be construed to be in conflict with the provisions of general law. (1966, c. 319; 1977, c. 274)

§ 7.5. Reserve for Permanent Public Improvements.

The Council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on \$100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. (1966, c. 319)

CHAPTER 8
BORROWING

§ 8.1. Borrowing Power.

The Council may, in the name and for the use of the City, incur indebtedness by issuing its negotiable general obligation bonds or notes for the purposes and in the manner provided in this chapter, and to the extent provided in this chapter and under the general law when the general law is not inconsistent with this chapter.

The full faith and credit of the City shall be pledged for the payment of the principal of and interest on such general obligation bonds and the City shall be unconditionally and irrevocably obligated to levy ad valorem taxes on all taxable property in said City without limitation as to rate or amount to the full extent necessary for the payment of such principal and interest on such general obligation bonds and for any reserve funds provided therefor. The Council may provide by ordinance the methods and procedures for the borrowing of money, consistent with general law and this Charter. (1966, c. 319; 1984, c. 205)

§ 8.2. Purposes for Which Bonds or Notes May be Issued.

(a) Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project which is hereby defined to include any public improvement, work or utility which the City is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, work, structure or facility necessary or useful in carrying out the powers of the City, and the equipment or reequipment of the same and any and all other purposes necessary and incidental thereto, and including any other purpose authorized by general law or for which the City may lawfully make an appropriation, except current expenses.

(b) To anticipate the collection of tax revenue. Notes may be issued, when authorized by the Council, at any time during the fiscal year in anticipation of the collection of any or all

tax revenues not to exceed sixty percent of such estimated revenue for the fiscal year. Said notes shall be repaid within twelve months from the date of issue and can be issued only for budgeted purposes except as hereinafter provided.

(c) Notes in anticipation of bond proceeds. Temporary notes may be issued at such times and amounts as may be deemed necessary by the Council in anticipation of the receipt of the proceeds of any bonds, either revenue or general obligation, the issuance of which had been duly authorized (herein called "bond anticipation notes"). Said bond anticipation notes shall not exceed the total principal amount of the bonds in anticipation of which they are issued, shall be dated as of the date of issuance, shall be executed by the Mayor and City Treasurer and sealed with the corporate seal of the City attested by the City Clerk, shall be in such form and denominations, shall be callable or non-callable, shall bear such rate of interest as shall be determined by the Council, and shall bear a descriptive designation referring to the bonds in anticipation of which they are issued.

Said bond anticipation notes may be sold at public or private sale in the discretion of the Council and shall mature not later than one year from the date of issuance provided that no such bond anticipation notes or renewals thereof shall mature later than three years from the date of the bonds in anticipation of which they are issued. (1966, c. 319)

§ 8.3. Limitation on Indebtedness.

In the issuance of bonds and notes, the City shall be subject to the limitations as to amount contained in the Constitution of the Commonwealth or other applicable general law. (1966, c. 319; 1984, c. 205)

§ 8.4. Issuance of Bonds. How Authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that the affirmative votes of two-thirds of the entire Council shall be necessary for its adoption. Upon adoption by the Council of a bond ordinance, the City Clerk shall forthwith certify a copy of said ordinance to the Circuit or Corporation Court having jurisdiction or to the judge thereof, in vacation, who shall thereupon order a special election of the qualified voters of the City to be held by general law in such cases provided. If a majority of those voting therein at such election shall approve the ordinance, it shall take effect immediately, and if not, it shall be void. (1966, c. 319)

§ 8.5. Form and Execution of Bonds.

Any of said bonds shall be in such form, either registered or coupon, and shall be in such denominations as shall be determined by the Council in the proceedings authorizing the issuance of same. Said bonds may be made redeemable prior to maturity at such prices as may be determined by the Council, shall bear interest at such rate or rates as shall be determined at the sale thereof, shall mature at such time or times as shall not exceed forty years from their date or dates of issuance and shall be executed by the Mayor and City Treasurer by their manual or facsimile signature and sealed with the corporate seal of the City, either by impression or facsimile, attested by the City Clerk by his manual or facsimile signature. (1966, c. 319; 1970, c. 125; 1984, c. 205)

§ 8.6. Procedure of Sale of Bonds.

All bonds issued under this Charter shall be sold as provided by general law. (1966, c. 319; 1970, c. 125; 1978, c. 514)

§ 8.7. Short Period of Limitation.

When thirty days shall have elapsed from the date of approval of a bond ordinance by the voters, as provided in this chapter, (a) any recitals or statements of fact contained in such bond ordinance or in the preambles or recitals thereof shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the City and all other parties interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the City and to comply with the provisions of this Charter and all laws, and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such thirty days. (1966, c. 319)

§ 8.8. Revenue Bonds.

The City shall have power to construct, acquire, repair, improve, extend and operate water systems, sewer systems, gas systems, electric systems, public parking systems, including both off-street and on-street public parking facilities, and to issue from time to time revenue bonds payable from the revenues derived from such water systems, sewer systems, gas systems, electric systems, public parking systems or any other revenue producing undertakings or enterprises which the City is authorized by this Charter or any other law to construct or acquire (hereinafter referred to as "revenue undertakings"), or any combination of such systems or other revenue undertakings, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such systems or other revenue undertakings, or any combination thereof, including the acquisition of any property, real or personal, or mixed, therefor or other costs in connection therewith or the refunding of outstanding revenue bonds issued for such purposes.

(a) Any two or more of such systems or other revenue undertakings may be combined and consolidated into a single revenue undertaking, and may thereafter be operated and maintained as a single revenue undertaking. The revenue bonds authorized herein may be issued to finance any one or more of such revenue undertakings separately, or to finance two or more of such revenue undertakings and regardless of whether or not such revenue undertakings have been combined and consolidated into a single revenue undertaking as provided herein. If the Council deems it advisable, the proceedings authorizing such revenue bonds may provide that the City may thereafter combine the revenue undertakings then being financed or theretofore financed with other revenue undertakings to be subsequently financed by the City and that revenue bonds to be thereafter issued by the City to finance such subsequent revenue undertakings shall be on a parity with the revenue bonds then being issued under such terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent revenue undertakings shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent revenue undertakings.

(b) The City shall also have power to pledge as additional security for such revenue bonds issued under this article any franchise taxes, occupational license taxes, or any other excise taxes or other funds which the City may have available to pledge to the payment of the principal of or interest on such revenue bonds, and for reserves therefor, except moneys derived from ad valorem taxes, or any two or more of such excise taxes or other funds.

(c) The cost of any works, properties, improvements or other purposes financed by the issuance of bonds under this chapter shall include, but not be limited to construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or acquisition and for one year thereafter, initial reserve funds, discount, if any, on the sale of bonds, acquisition of real or personal property, including franchises, and such other costs as are necessary and incidental to the construction or acquisition of such works, properties, improvements or other purposes and the financing thereof. The City shall have power to retain and enter into agreements with engineers, fiscal agents or financial advisers, attorneys, architects or other consultants or advisers for the planning, supervision and financing of such works, properties, improvements or other purposes upon such terms and conditions as shall be deemed advisable to the Council.

(d) Any such revenue bonds, as set forth in this section, shall be deemed to be negotiable instruments, and shall be authorized, executed and sold as provided under general law, specifically the provisions of the Virginia Public Finance Act of 1991, Chapter 26 (§ 15.2-2600 et seq.) of Title 15.2 of the Code of Virginia as the same may be superseded or amended. Without limiting the foregoing, any referendum requirement contained within this Charter shall not be applicable to revenue bonds. (1966, c. 319; 1984, c. 205; 2011, c. 425, 454)

CHAPTER 9 DEPARTMENT OF LAW

§ 9.1. Department of Law.

There shall be a department of law which shall consist of the City Attorney and such Assistant City Attorneys and other employees as may be provided by ordinance. (1966, c. 319)

§ 9.2. Qualifications and Appointment.

The head of the Department of Law shall be the City Attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth and he need not be a resident of the City of Fairfax. He shall be appointed by the Council to serve at the pleasure of the Council. (1966, c. 319; 1984, c. 205)

§ 9.3. City Attorney.--Powers and Duties.

The City Attorney shall be the legal advisor of (1) the Council, (2) the City Manager, and (3) of all departments, boards, commissions and agencies of the City, in all matters affecting the interests of the City and shall, (a) upon authorized request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the City Manager or of the Council prepare ordinances for introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases,

contracts or other instruments to which the City is a party or in which it has an interest; (d) have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof, or in which the City has an interest as the Council may from time to time direct; (e) represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (f) have the power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the city, whether violations of city ordinances or the laws of the Commonwealth of Virginia; (g) attend in person or assign one of his assistants to attend all regular meetings of the Council and all other meetings of Council unless excused by a majority of the Council; (h) appoint and remove such Assistant City Attorneys and other employees as shall be authorized by the Council, (h1) authorize the Assistant City Attorneys or any of them or special counsel appointed by the Council to perform any of the duties imposed upon him in this Charter; and (i) have such other powers and duties as may be assigned to him by ordinance. The School Board shall have authority to employ legal counsel. (1966, c. 319; 1984, c. 205; 2005, c. 641, 673)

CHAPTER 10 PUBLIC SAFETY

§ 10.1. The functions of public safety shall be performed by the Police Department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the City Manager consistent therewith.

The City of Fairfax may enter into contractual relationships with neighboring political subdivisions for the support and utilization of a joint fire department which shall be responsible for the protection from fire of life and property within the City, and may, at any time, establish a City fire department for such purpose. (1966, c. 319)

§ 10.2. Police Department.

The Police Department shall consist of the Chief of Police and such other officers and employees of such ranks and grades as may be established by the Council. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the City and all rules and regulations made in accordance therewith. The Chief of Police and the other members of the police force of the City shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1966, c. 319; 1984, c. 205)

§ 10.3. Chief of Police.

The head of the Police Department shall be the Chief of Police. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. He shall be in command of the Police Department. He shall make rules and regulations in conformity with this Charter and the ordinances of the City concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms,

arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. (1966, c. 319; 1984, c. 205)

§ 10.4. (1966, c. 319; repealed 1984, c. 205)

§ 10.5. (1975, c. 93; repealed 1984, c. 205)

CHAPTER 11 LAW ENFORCEMENT

§ 11.1. (1966, c. 319; repealed 1975, c. 93)

§ 11.2. (1966, c. 319; repealed 1975, c. 93)

§ 11.3. (1966, c. 319; repealed 1975, c. 93)

§ 11.4. (1966, c. 319; 1972, c. 12; repealed 1975, c. 93)

§ 11.5. (1966, c. 319; repealed 1975, c. 93)

§ 11.6. (1966, c. 319; repealed 1975, c. 93)

§ 11.7. (1966, c. 319; repealed 1975, c. 93)

§ 11.8. (1966, c. 319; repealed 1975, c. 93)

§ 11.9. (1966, c. 319; repealed 1975, c. 93)

§ 11.10. (1966, c. 319; repealed 1975, c. 93)

§ 11.11. (1966, c. 319; 1971, c. 58; 1972, c. 12; repealed 1975, c. 93)

§ 11.12. (1966, c. 319; repealed 1975, c. 93)

CHAPTER 12 PUBLIC EDUCATION

§ 12.1. School District.

The City of Fairfax shall constitute a separate school district. (1966, c. 319)

§ 12.2. School Board.

(a) The School Board shall consist of five qualified voters of the City elected by popular vote at large. (b) The election of members of the School Board shall be held to coincide with the election of the members of the City Council and Mayor. The terms of the members of the School Board shall be the same as the terms of the members of the City Council and Mayor. The School Board shall meet annually in July at which time the board shall fix the time for holding regular meetings for the ensuing year, shall elect one of its members chairman, and, on recommendation of the superintendent, shall elect or appoint a competent person as clerk of the School Board, and shall fix his compensation. In the discretion of the School Board, the superintendent may serve as clerk. The School Board shall conduct such other business, elect such other officers and make such other appointments at the annual meeting as it may, in its discretion, deem appropriate. (1966, c. 319; 1977, c. 274; 1989, c. 21, 116; 1994, c.130)

§ 12.3. Except as provided in this Charter the School Board shall have all the powers and duties relating to the management and control of the public schools of the City provided by the general laws of the Commonwealth, including the right of eminent domain within and

without the City. None of the provisions of this Charter shall be interpreted to refer to or include the School Board unless the intention so to do is expressly stated or is clearly apparent from the context. (1966, c. 319)

§ 12.4. The School Board by and with the consent of the City Council shall have the right to contract with the school board of nearby political subdivisions of the Commonwealth to provide for the education of City children on a tuition basis upon such terms and conditions as the respective school boards may agree, provided the same do not conflict with the Constitution of Virginia. (1966, c. 319)

§ 12.5. All recreation facilities and grounds located on property owned by the School Board shall be under the exclusive control and supervision of the School Board. The title to property and buildings devoted to public school purposes shall be in the School Board. (1966, c. 319)

§ 12.6. The School Board may borrow subject to the approval of the City Council from the Literary Fund of Virginia or from such other sources as may be available to it by general law. (1966, c. 319)

§ 12.7. The terms "member of the School Board" and "School Board" shall have the same meaning as "School Trustee" and "School Trustees" as used in the Code of Virginia. The term "board" or "boards" as used in this Charter shall not include the School Board unless the School Board is specifically named. (1966, c. 319)

CHAPTER 13 MISCELLANEOUS PROVISIONS

§ 13.1. Enforcement of Surety Bonds.

The Council shall designate which City officers and employees shall be bonded and the amount of such bonds. In all cases where a bond is required of any officer, such bond or bonds shall be with corporate surety and conditioned for the faithful discharge by him, or his deputies, assistants or other subordinates, of the duties imposed on him by this Charter and all ordinances passed in pursuance thereof. (1966, c. 319; 1984, c. 205)

§ 13.2. Reprinting of Charter After Amendment.

Within a reasonable time after the conclusion of any session of the General Assembly and the effective date of any amendment or amendments to this Charter adopted at such session, the amendment or amendments shall be published in such number of copies as the Council shall order. (1966, c. 319)

§ 13.3. Officers to Hold Over Until Their Successors are Appointed and Qualified.

Whenever, except as otherwise provided in this Charter, any officer of the City, judge or member of any board or commission is elected or appointed for a fixed term, such

officer, judge, or member shall continue to hold office until his successor is appointed and qualified. (1966, c. 319)

§ 13.4. Courtroom for District Judge and Office Space for Constitutional Officers.

It shall be the duty of the City to provide a suitable courtroom for the District Judge of the City and suitable offices for the Commissioner of Revenue and the City Treasurer. (1966, c. 319; 1984, c. 205)

§ 13.5. Posting of Bonds Unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the City, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the City has not filed or executed the bond that might otherwise be required, and the City shall be bound to the same extent that it would have been bound had the bond been given. (1966, c. 319)

§ 13.6. Code References.

All references in this Charter are to the Code of Virginia of 1950, as amended. (1966, c. 319)

§ 13.7. Present Ordinances and Rules and Regulations Continued in Effect.

All ordinances of the City and all rules, regulations and orders legally made by any department, board, commission or officer of the City, in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.8. Validation and Ratification Bond, Taxes and Contracts.

All bonds issued and sold, all contracts, agreements and obligations made at any time prior to the enactment of this Charter or any amendment thereto by the Council and government of the City, and the former Town of Fairfax, not inconsistent with the Constitution of Virginia and general law, all taxes assessed and levied when the City was a Town, and when the City was in transition from the status of a town to that of a City of the second class to the effective date of this Charter and its amendments, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Fairfax heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this Charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this Charter as amended, or in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.9. (1966, c. 319; repealed 1984, c. 205)

§ 13.10. Severance Clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1966, c. 319)

§ 13.11. Gender.

Whenever the male gender or the pronoun "he" or "his" appears in the Charter, the same shall equally apply to the female gender or "she" or "her." (1984, c. 205)

§ 13.12. Exemptions from City-Imposed Permit Charges and Application Fees. The Council, by ordinance, may provide that organizations exempt from taxation pursuant to § 501 (c) (8) and (19) of the Internal Revenue Code shall be exempt from the payment of permit charges and application fees imposed by the City Code. (1992, c. 30)