

MEMORANDUM

DATE: MAY 12, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES L. BANKS, JR., CITY ATTORNEY

SUBJECT: ORDINANCE TO CHANGE THE ELECTION OF THE MAYOR AND CITY COUNCIL TO THE NOVEMBER GENERAL ELECTION CYCLE

ISSUE: Consideration of an ordinance to change the election of the Mayor and City Council to the November general election cycle.

RECOMMENDATION: None

DISCUSSION: On February 13, 2008, Mayor William D. Euille and Councilman Justin M. Wilson submitted a memorandum to the members of the City Council analyzing various issues (including the changing of the election date). The matter was deferred for later consideration and action.

Va. Code § 24.2-221.1 (1950 as amended) authorizes a city or town to move its election for Mayor and Council to the November general election date. Once the elections are moved to the November cycle, the then newly elected officials will commence their term on the January 1 immediately following the election. The code provision is a general grant of authority and does not appear to require any further Charter amendment.

The grant of authority is a limited one on the face of the statute. It provides that the elections may be moved from May to November but does not grant any authority to move the elections back from November to May. There is also an alternative proceeding that is authorized whereby the registered voters of the city or town may file a petition with the circuit court asking for a referendum on the question of changing the election to the November general election cycle. The two procedures are exclusive of each other and either one may be used.

Finally, if the elections are moved to the November cycle, the Mayor and Council Members then in office at the time of the new November cycle shall continue to serve until their successors have been elected and qualified to serve.

FISCAL IMPACT: None

ATTACHMENTS: Proposed Ordinance and Memorandum from Mayor William D. Euille & Councilman Justin M. Wilson to City Council, February 12, 2008, ELECTION REFORM.

STAFF: James L. Banks, Jr., City Attorney, Christina Zechman Brown, Assistant City Attorney

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Introduction and first reading: 5/16/09
Public hearing:
Second reading and enactment:

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to adopt Section 2-2-1 (NOVEMBER ELECTION OF MAYOR AND COUNCILMEN) of the Code of The City of Alexandria, Virginia, 1981 as amended.

Summary

The proposed ordinance changes the election of the Mayor and City Council from the May general election cycle to the November general election cycle.

Sponsor

Justin M. Wilson, Councilman

Staff

James L. Banks, Jr., City Attorney
Christina Zechman Brown, Assistant City Attorney

Authority

Va. Code § 24.2-221.1 (1950 as amended)

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

Memorandum from Mayor William D. Euille & Councilman Justin M. Wilson to City Council, February 12, 2008, ELECTION REFORM

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AN ORDINANCE to change the date of the election of the Mayor and City Council from the May general election date to the November general election date.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Charter of the City of Alexandria, Virginia, § 10.01, 1950 as amended (“Charter”), provides that the election of the Mayor and City Council be held during the May general election cycle every third year after May, 1973.

Section 2. That the General Assembly of the Commonwealth of Virginia granted to the council of a city or town with a charter that provided for the election of a mayor and council the right to change those elections to the November general election date by properly adopted ordinance of said city or town. Va. Code § 24.2-222.1 (1950 as amended).

Section 3. That the election of the Mayor and City Council of Alexandria shall take place in the November general election cycle starting in November 2012 and continuing every third year thereafter.

Section 4. That Section 2-2-1 of the Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same is hereby is adopted to read as follows:

Sec. 2-2-1 November election of mayor and councilmen.

The mayor and council shall be elected at the November general election date every third year beginning in 2012. The terms of office for those so elected shall commence on January 1 immediately following said election.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: 5/16/09
First Reading:
Publication:
Public Hearing:
Second Reading:
Final Passage: