

# VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

## CHAPTER 948

*An Act to amend and reenact § 3.08 of Chapter 155 of the Acts of Assembly of 1962, which provided a charter for the City of Franklin, relating to powers of city council.*

[H 17]

Approved April 9, 2000

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.08 of Chapter 155 of the Acts of Assembly of 1962 is amended and reenacted as follows:**

§ 3.08. Powers of City Council.

All powers of the City of Franklin as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy determining body of the city and shall be vested with all the rights and powers conferred on councils in cities, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

(a) To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements, and expenses of any city employee; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(b) To provide for the performance of all the governmental functions of the city; and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any city functions, activities, or departments.

(c) After the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the city by the Auditor of Public Accounts of the Commonwealth or by an independent certified public accountant or accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours.

Either the council or the city manager with the consent of the council may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the death, resignation, removal, or expiration of the term of any officer of the city, the council may cause an audit and investigation of the accounts of such officer to be made. In case of the death, resignation, or removal of the director of finance, the council may cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

(d) The council shall fix a schedule of compensation for all city officers and employees. The council may by ordinance define certain classes of city employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments, and judges.

(e) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may designate.

(f) *Commissioners of the Franklin Redevelopment and Housing Authority shall be not less than five nor more than nine in number and shall hold their offices at the pleasure of the council for terms not to exceed four years; however, the council may at any time, and from time to time, adopt an ordinance adding one or more council members as commissioners of the Franklin Redevelopment and Housing Authority or terminating the terms of any or all of the commissioners and designating one or more council members as commissioners of the Franklin Redevelopment and Housing Authority; however, the number of council members serving on the Authority shall not comprise a majority. The remaining members of the Board shall be appointed by council from the citizenry of the city. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by general law. Notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as commissioner of such authority; nor shall a council member continue to serve as a commissioner after ceasing to be a member of council.*