

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 949

An Act to amend and reenact §§ 8.06 and 14.01 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to the Utilities Board and sale of public property.

[H 96]

Approved April 9, 2000

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.06 and 14.01 of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:

§ 8.06. Bristol Virginia Utilities Board.

There shall be a Bristol, Virginia, ~~utility~~ *Utilities* Board consisting of five members who shall be residents of the City of Bristol, Virginia. One of the members of the board shall be a member of the city council selected by the council and the remaining four shall be citizens of the City of Bristol, Virginia, appointed by the council. The term of office for the councilmanic member shall be coincident with his term in office, and the ~~term~~ *terms* of office of the citizen members shall be for three years. No citizen member shall be appointed to more than two successive terms of office. The adoption of this charter will in no way affect the term of any member of the Bristol, Virginia, ~~utility~~ *Utilities* Board currently in office and each shall serve out the remainder of his present term.

In addition to the five members above, there may, at the discretion of the city council for the City of Bristol, Virginia, be a sixth member of the Bristol Virginia Utilities Board appointed for a term of one year, who shall be appointed from among the members of the Board of Supervisors for Washington County, Virginia. That member's role shall be to represent the interests of those citizens of Washington County, Virginia, who are served by the electrical division of the Bristol Virginia Utilities Board. Therefore, that member shall have the right to vote only on matters before the Board affecting the operation of the electrical system. Unless invited by a majority of the other members to do so, that member will not be entitled to attend closed meetings (as defined by § 2.1-341 of the Code of Virginia of 1950, as amended) that are closed for the purpose of discussing matters unrelated to the electrical system.

The members of the Bristol, Virginia, ~~utility~~ *Utilities* Board may be allowed their expenses while engaged in the business of the board in accordance with this charter. Such expense and allowance shall constitute a cost of operation and maintenance of such utility systems and shall be prorated equally among the water, electrical and sewer systems.

The ~~utility~~ *utilities* board shall have the power and duty to manage the electric, power and light system, the water system and the sanitary sewage system of the city directly for subcontracting such functions. The board shall construct, maintain and operate all facilities necessary thereto, shall sell and distribute electric power, light, water and sewer services and shall collect the rates and charges provided for such services by city council. With respect to any service managed and controlled by the Bristol, Virginia, ~~utility~~ *Utilities* Board, the council may, by contract or otherwise, delegate or abrogate its rate-making power.

The Bristol, Virginia, ~~utility~~ *Utilities* Board may appoint a general manager director of the board and may provide for such other employees and officers as to it may be deemed expedient and proper, and the board shall have sole control and management of such employees and the operations of utilities for which it is responsible, except for rate-making powers which are reserved to city council, notwithstanding the provisions of §§ 5.03, 5.05, 7.01 (2), (b), 7.03 and 7.04, and any other sections of this charter.

§ 14.01. Sale of public property.

The rights of the City of Bristol in and to its real estate, public improvements and utilities, including but not limited to streets, parks, bridges, gas, water, electric and other works, shall not be sold except by ordinance duly adopted by affirmative vote of four-fifths of all the members elected to council. Any sale made pursuant to this power shall be made subject to the limitations imposed by the Constitution and the general laws of the Commonwealth of Virginia. ~~When any such property or right to be sold by the city shall exceed in value \$3,000, the sale thereof shall be by public auction, or equivalent competitive procedure. These may include, without limitation, auction, competitive sealed bids, or general listing at a firm price through the multiple listing service with no listing broker, so that sale is available through all realtors within and without the city. The competitive method shall be specified in the ordinance authorizing the sale. The city shall sell the property by whatever means in its discretion will most benefit the citizens of the city. The ordinance shall also require publication of notice of the sale for four two successive weeks in a newspaper of general circulation in the city and posting of notice at the front door of the courthouse for the same period of time. No sale of such property or right of more than \$3,000~~

~~shall be legal unless the sale thereof shall have been duly advertised as herein provided.~~ Any sale made by the city for the purpose of economic development within the city may be made without the restrictions hereinabove set forth if an ordinance to that effect is unanimously adopted by council. When, in any development of a plan for all or any part of the city in the laying out of streets and subdividing of lands pursuant thereto, the best interests of the city will be promoted by exchanging and conveying any property owned by the city for other property or rights-of-way or other valuable considerations, such property owned by the city may be exchanged and conveyed pursuant to ordinance without advertisement or competitive methods as otherwise required by provisions of this section. *A sale of property pursuant to this section shall be deemed both a contract and a transaction for purposes of Virginia's conflict of interest statutes.*