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SENATE BILL NO. 119

Offered January 12, 2000

A BILL to amend and reenact § 2.02 and § 7.03 as amended of Chapter 471 of the Acts of Assembly of 1970, which provided a charter for the City of Portsmouth, and to amend such chapter by adding sections numbered 5.04 and 7.02.1, relating to courthouse facility assessments, city manager, and city attorney.

Patron—Quayle

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 2.02 and § 7.03 as amended of Chapter 471 of the Acts of Assembly of 1970 are amended and reenacted, and that such chapter is amended by adding sections numbered 5.04 and 7.02.1 as follows:

§ 2.02. Additional Powers.

In addition to the powers granted by other sections of this charter, the city shall have the power 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 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, tangible personal property and machinery and tools; 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; to levy and collect privilege and capitation taxes; to levy and collect taxes from purchasers of any public utility service used within the city, which taxes may be added to and collected with the bills rendered purchasers of such service; 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 all 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.

In addition, the city may by ordinance assess an additional sum not in excess of two dollars above the sums authorized to be assessed under § 17.1-281 of the Code of Virginia (1950), as amended, or any successor thereto, in (i) each civil action filed in the district courts located within the city and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. Any such sum collected shall be used only for the construction, renovation or maintenance of courthouse or jail and court-related facilities and to defray increases in the costs of providing heating, cooling, electricity, and ordinary maintenance.

§ 5.04. Appointment of secretary to the city manager.

The city manager shall have the power to appoint one or more secretaries to the city manager who shall serve at the pleasure of the city manager.

§ 7.02.1. City attorney; certain appointees.

Every deputy city attorney, assistant city attorney and secretary to the city attorney shall serve at the pleasure of the city attorney.

§ 7.03. Powers and Duties.

The city attorney shall:

(a) Be the chief legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city and shall upon 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 any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after 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, and represent the city as counsel

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- 60 in any civil case in which it is interested and, together with the attorney for the Commonwealth, in
61 criminal cases in which the constitutionality or validity of any ordinance is brought in issue;
62 (e) Institute, prosecute, defend, compromise and settle all legal proceedings he may deem necessary
63 or proper to protect the interests of the city, subject to the authority of city council;
64 (f) Attend in person or assign one of his assistants to attend all meetings of the council;
65 (g) Appoint and remove ~~such deputy and assistant city attorneys and other~~ all employees as shall be
66 ~~authorized by the council of the Department of Law~~;
67 (h) Authorize the deputy or assistant city attorneys or any of them or special counsel to perform any
68 of the duties imposed upon him; and
69 (i) Have such other powers and duties as may be assigned to him by the council.