

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 183

An Act to amend and reenact § 2.02 of Chapter 576 of the Acts of Assembly of 1978, which provided a charter for the City of Newport News, relating to pensions.

[H 1665]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 2.02 of Chapter 576 of the Acts of Assembly of 1978 is amended and reenacted as follows:

§ 2.02. Relative to finance.

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

A. Taxes and assessments generally; licenses, etc. To raise annually by taxes and assessments 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 and 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 bills rendered purchasers of such service; to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions 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, alleys 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. Borrowing. To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

C. Appropriations generally. To make appropriations, subject to the limitations imposed by this charter, for the support of the city government and any other purposes authorized by this charter or by the general laws of the Commonwealth. In lieu of an ordinance, and unless otherwise specifically provided for by this charter, the code of the city of Newport News, the laws of the Commonwealth of Virginia or the United States of America, appropriations provided for in this subsection may be passed by a resolution of council with the affirmative vote of a majority of the members of council.

D. Emergency appropriations. To appropriate, without being bound by other provisions of this charter, not more than \$500,000 in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least four affirmative votes of the council and that the resolution making such appropriation shall contain a clear statement of the nature and extent of the emergency.

E. Acceptance or refusal of gifts, etc. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

F. Public libraries and schools. To provide, or aid in the support of, public libraries and public schools.

G. Military units; charitable, etc., institutions and corporations. To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

H. Pensions. To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the school board, judges, clerks, deputy clerks, bailiffs and other employees of the various courts, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever, nor shall any assignment of any such benefits be enforceable in any court, provided, however, that no vested rights of any person in any of the retirement systems in existence at the time of consolidation in the cities of Warwick or Newport News shall be adversely affected. *However, the right to receive payments of retirement benefits*

from a system of pensions created pursuant to this subsection which have been deemed to be marital property pursuant to Chapter 6 (§ 20-89.1 et seq.) of Title 20 of the Code of Virginia, 1950, as amended, or like provisions of the state code of another state, and which are payable to the spouse who is a member of the pension system, may be allocated by a court of competent jurisdiction by direct assignment of all or part of such benefit payments to a spouse or former spouse of the member.

I. Control of fiscal affairs; accounts, etc. To provide for control and management of the fiscal affairs of the city, and prescribe the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this chapter or otherwise by laws as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and handling, use and disposal thereof.