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**HOUSE BILL NO. 1719**

Offered January 8, 2003

Prefiled January 6, 2003

*A BILL to amend and reenact §§ 2.01, 2.02, 2.04, 2.06 and 7.10 and § 8.06, as amended, of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to city powers, telecommunications, youth services and utility board.*

Patron—Johnson (By Request)

Referred to Committee on Counties, Cities and Towns

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

**1. That §§ 2.01, 2.02, 2.04, 2.06 and 7.10 and § 8.06, as amended, of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:**

§ 2.01. General grant of powers.

The City of Bristol shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to municipal corporations under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though such powers were specifically enumerated herein, including specifically those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia. The city shall have as well any powers expressly set forth herein, including the power to provide and operate telecommunication and related services, including without limitation cable television, Internet, and all other services that might be rendered by use of the City's fiber-optic system, nor shall any enumeration of powers in this charter be exclusive or otherwise be construed to limit the powers of the city.

§ 2.02. Financial powers.

The City of Bristol shall have the following powers relative to its financial affairs:

1. To raise annually by taxes and assessments such sums of money as the council deems necessary to pay the debts and defray the expense of operation of the city; provided that such taxes and assessments are not prohibited by the laws of the Commonwealth;

2. To impose special or local assessments for local improvements and enforce payment thereof;

3. To contract debts, borrow money and make and issue evidences of indebtedness subject to the provisions of the Constitution of Virginia and of this charter;

4. To expend the money of the city for all lawful purposes;

5. To make appropriations, subject to the limitations imposed by this charter and the Constitution of Virginia, for the support of the city government and any other purposes authorized by this charter and the laws of the Commonwealth;

6. To accept and receive or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city's government, and to dispose of the same in any manner for such purpose in accordance with the terms and conditions, if any, of such gifts, grants, bequests and devices;

7. To provide, or aid in the support of, public libraries and public schools;

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

9. To provide control and management of the fiscal affairs of the city and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions or other agencies of this city's government as may be provided for elsewhere in this charter or to be set forth by ordinance or resolution;

10. To establish, impose and enforce rates and charges for public utilities, telecommunication services, including without limitation cable television or other services, products or conveniences which are operated, rendered or furnished by the city including without limitation, water and sewer rates, and to the extent permitted by law, to regulate the rates for all such services provided by public service corporations or others within the city.

The city also may assess or cause to be assessed such rates and charges for public utilities, services, products or conveniences directly against the owner or owners of the buildings or against the proper tenant or tenants. Where charged against the tenants, the city may, by ordinance, make the owner or owners directly liable in the event such tenant or tenants fail to pay when the rents or charges are assessed.

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HB1719

59 Such fees, rents and charges being in the nature of a use or service charge shall, as nearly as the  
60 council shall deem practical and equitable, be uniform for the same type, class and amount of use. In  
61 the case of consumption of water, the rate may be based on actual consumption on or in connection  
62 with the real estate, making due allowances for the commercial use of water, or on the number and kind  
63 of water outlets on or in connection with the real estate or on the number and kind of plumbing or  
64 sewage fixtures or facilities on or in connection with the real estate, or on the average number of  
65 persons residing or working on or otherwise connected or identified with the real estate, or on any other  
66 factors determining the type, class and amount of water used. Similarly, rational alternate means of  
67 determining rates for other utilities, services, products and goods provided by the city may be authorized  
68 by city council.

69 City council shall have the right and power to combine charges for water and sewer services *and all*  
70 *other services provided by Bristol Virginia Utilities directly, or through an independent contractor*, on  
71 one statement, separate or together, with a bill for electrical services and to bill the beneficiary of such  
72 services therefor in such manner as to require the payment of all charges as a unit and to enforce the  
73 payment of such charges by discontinuing the water service, the sewer service, the electrical service or  
74 all others. In the event that fees, rents and charges charged for furnishing water, or for the use of  
75 services of the sewer disposal system, for furnishing electricity or any other utility in connection with  
76 any real estate shall not be paid when due, a reasonable penalty to be set by the council may at that  
77 time be added thereto, and the owner or tenant, as the case may be, of such real estate shall, until such  
78 fees, rents and charges for the same be paid together with such penalty, cease to use water, to dispose of  
79 sewage or industrial waste by discharge thereof directly or indirectly into the sewage disposal system or  
80 any other utility *or service* otherwise being used and furnished by the city. If such owner or tenant shall  
81 not have paid such fees, rents and charges together with such penalty within ten days after the same  
82 shall have become due, the supplier of water, electricity or other utility *or service* for the use of such  
83 real estate shall cease supplying same thereto. When the water for the use of such real estate has been  
84 shut off, it shall not be turned on again until the delinquent charges together with the penalty and a  
85 reasonable service charge to be fixed by council for shutting it off and turning it on again has been  
86 paid.

87 Such fees, rents, charges and penalty may be recovered by the city, by action at law or suit in  
88 equity. The council may designate a person, persons, board or commission, as the collector and  
89 custodian of all fees, rents and charges payable and paid to the city for public utilities and for other  
90 public services, products or conveniences, provided that any person or persons so designated and  
91 appointed shall keep a correct account of all such receipts and expenditures therefrom and shall take the  
92 oath of office and give bond as required by this charter; and

93 11. To charge and collect fees for permits to use public facilities and for the provision of public  
94 services and privileges.

95 § 2.04. Powers relating to public works, utilities and properties.

96 The city shall have the power to acquire, construct, own, maintain, regulate, operate, hold, improve,  
97 manage, sell, encumber, donate or otherwise dispose of any property, real or personal, or any estate or  
98 interest therein, and any structure or improvement thereon, within or without the city and within or  
99 without the Commonwealth of Virginia for:

100 1. Public parks, parkways, playing fields and playgrounds including laying out, equipping and  
101 improving them with all suitable devices, buildings and other structures, and to landscape the same;

102 2. Incinerators, dumps, landfills and other facilities for the collection and disposal of offal, ash,  
103 garbage, carcasses of dead animals, refuse, demolition waste materials and any and all other manner of  
104 tangible things which have a cause of being of no further purpose to the municipality or to any of its  
105 citizens or to any other person from whom the city acquires such material, and therefore needs to be  
106 disposed of.

107 The city may permit and regulate the operation of all of the same by private enterprise subject to  
108 such permitting requirements and other laws as are applicable in this Commonwealth and to such zoning  
109 and other requirements as may be required by ordinance duly passed by the city;

110 3. Sewers and sewer disposal and sewage treatment services.

111 (a) The city may join with the City of Bristol, Tennessee, and other political subdivisions within and  
112 without Virginia in the construction, maintenance, use and operation of sanitary sewer lines and sewage  
113 disposal plants either within the Commonwealth of Virginia or the State of Tennessee; use Beaver Creek  
114 and Little Creek and all other creeks flowing within the jurisdiction of the city as part of its storm sewer  
115 system, to the extent permitted by law, and to this end council may order the channel of such creeks to  
116 be altered, widened, deepened, straightened, improved or the location thereof changed, as it may think  
117 proper, and such wall or walls to be constructed along its banks as will tend to prevent overflow. The  
118 city may condemn, in a manner provided by law, any land, or interest in land or any riparian rights or  
119 property rights necessary for the purpose of so altering, widening, deepening, straightening, improving or  
120 changing the location of the channel of such creeks.

(b) The city shall have the power to require the owner, tenant or occupant of each lot or parcel of land which contains a sanitary sewer owned by the city or which abuts upon a street or other public way which contains such sanitary sewer and upon which lot or parcel of land a building exists for residential, commercial, industrial or other human use, to connect such building's sewer with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matters.

(c) The city shall have the power to regulate in any manner required by the laws of the United States, or the Commonwealth of Virginia or as the city may be determined necessary for the health, safety and welfare of the citizens of the City of Bristol, Virginia, and individuals in jurisdictions contiguous thereto, what materials may be placed in the city's sanitary and storm sewer system. The city may promulgate regulations upon property owners placing materials in the sanitary sewer system or from whose property water flows into the storm water system to require said owners to prevent the placing of said materials in either system or to pretreat certain substances prior to their introduction into either the sanitary or storm sewer system;

4. All buildings and other structures necessary or useful in carrying out the powers and duties of the city for parking or storage of vehicles by the public which shall include without limitation parking lots, garages, buildings and other land, structures, equipment facilities necessary to relieve congestion in the use of streets and to reduce hazards incident to such use and to provide for the management, regulation and control of such facilities by special board, commission or agency;

5. An airport, and to join with other political subdivisions within and without the Commonwealth for the purpose of jointly owning, operating and maintaining such property for airport purposes;

6. ~~Stadia~~*Stadiums*, arenas, swimming pools and other sports facilities and to provide for the control, regulation, maintenance and management of the facilities by board or commission or by contract with any person, firm or corporation;

7. Municipal and other buildings, armories, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city;

8. Waterworks, gas plants and electric plants, water supply and pipe and transmission lines for water, electricity, *telecommunication, including without limitation cable television, Internet, and any and all services that can be rendered through use of the city's fiber-optic system*, and gas supplies and any other utility or utilities, *and such other services as the city by its council shall determine are necessary or expedient to its citizens and are lacking or lacking in adequate competition* within and without the city.

(a) The city shall have the power to make all necessary rules and regulations to promote the purity of its water supply, to protect the same from pollution, both within and without the city, to exercise full police power over all lands comprised within the limits of the watershed tributary to such water supply wherever such lands may be located in the Commonwealth.

(b) The city may impose and enforce penalties for the violation of such rules and regulations, to prevent by injunction any pollution or threatened pollution of such water supply by any and all acts likely to impair the purity thereof.

(c) The city may acquire lands, interest in lands, water power properties, reservoirs, pumping stations, filtering plants, purification processes, auxiliary steam plants and other works, property rights and riparian rights or personal property for such use by eminent domain.

(d) The city shall also have the powers to merge such systems as it may have with the City of Bristol, Tennessee, or any entity owned and controlled by the City of Bristol, Tennessee, or any other political subdivision within and without the Commonwealth under joint ownership, control and operation, either incorporated or unincorporated or as any authority, and to join with the City of Bristol, Tennessee, or such other political subdivision in acquiring and developing additional water supplies, electric transmission or production facilities, gas production or transmission facilities and water and sewer transmission, disposal and purification facilities either within or without the Commonwealth.

(e) The city may place the operation, maintenance and control of its individually or jointly operated facility under a board, commission, or entity other than the city council;

9. Rail tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, including the power to perform any services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, etc., of wares and merchandise;

10. Lands for rock quarries, gravel pits, sand pits and any other public purpose within or without this Commonwealth.

The city shall have the power to install thereon all necessary machinery and equipment to operate the same for producing materials required for construction, repair and maintenance of public properties, to sell any surplus of such materials for private purposes and to build and operate a plant or plants for the preparation and mixing of materials for the construction of all public improvements and the maintenance and repair thereof; and

11. A storm water sewer system operated individually, or jointly with the City of Bristol, Tennessee, or any other political subdivision within or without the Commonwealth.

(a) The city may construct, maintain, use and operate such storm water sewer lines, ditches, intake basins, storm water sewer easements and any and all other plants, equipment or property necessary to the successful operation of a storm water sewer system for the City of Bristol, Virginia.

(b) The city shall have the power to require any developer subdividing or developing any real property within the City of Bristol, Virginia, to provide such lines, intake basins, ditches, and other incidents of a storm water sewer system as are necessary to provide for the orderly handling of storm water from the properties so developed or subdivided.

(c) The city shall have the power to require any property owner or occupant of any lot or parcel of land within the City of Bristol, Virginia, to provide for the orderly introduction of storm water falling upon said lot or parcel of land and the improvements thereon into the storm water sewer system provided by the City of Bristol, Virginia, at the expense of the property owner.

§ 2.06. Power to make regulations for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

The city shall have the power to adopt ordinances not in conflict with the general laws of the Commonwealth for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants including without limitation:

1. To provide for the prevention of vice, drunkenness, immorality, riots, disturbances, disorderly assemblages, the suppression of houses of ill fame and gambling places, the prevention of lewd and disorderly conduct or exhibitions; and the prevention of conduct and of speech dangerous to the public.

The city may join with the City of Bristol, Tennessee, in the doing of all of the above with respect to State Street, or any other street on the state line, and in the regulation and routing of traffic along and over the same; and in the establishing or regulating of motor vehicles and other public service passenger routes, and in fixing and regulating the charges for such passenger carrying services.

2. To enforce all regulations pertaining to the city's real property, water supply and other public improvements. Wherever such properties, supplies and improvements may be situate they shall be under the police jurisdiction of the city, and any member of the police force of the city shall have the power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section.

3. To control its streets, alleys and other public properties and incident thereto:

(a) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city.

(b) To prevent any obstruction of or any encroachment over, under or in any street, alley, sidewalk or other public place.

(c) To provide penalties for maintaining any such obstruction or encroachment.

(d) To remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructed or encroaching, and collect the sum charged in any manner provided by law for the collection of delinquent taxes.

(e) To require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same and pending such removal, charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the lands so occupied if it were owned by the owner or owners of the property so obstructing or encroaching.

(f) To impose penalty for each and every day that such obstruction or encroachment is allowed to continue.

(g) To authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe.

(h) To recover possession of any street, alley, sidewalk or other public place or any other property of the city by any appropriate action at law or equity.

4. To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations payable into the city treasury.

5. To regulate use of property and incident thereto:

(a) To compel the abatement and removal of all public nuisances within the city or upon property owned by the city beyond its limit at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises whereon the same may be and collect said expense by suit or other lawful action.

(b) To require all lands, lots, sidewalks, unimproved city right-of-ways and other premises within the city to be kept clean and sanitary and free from stagnant water, weeds, snow, filth, mud and unsightly deposits by the owners and occupants thereof, or in the case of sidewalks and unimproved city right-of-ways by the owner or operator of property contiguous thereto and to make them so at the expense of the owner or occupants thereof (or contiguous owner or occupant), and to collect the expense

244 by suit or motion and to make said expense a lien upon the property collectable as other delinquent  
 245 taxes.

246 (c) To regulate or prevent slaughter houses or other noisome or offensive businesses within the city.  
 247 (d) To regulate or prevent the keeping of hogs or other animals, poultry or other fowl in the city or  
 248 the exercise of any dangerous or unwholesome business, trade or employment.

249 (e) To regulate the transportation of all articles through the streets of the city.  
 250 (f) To compel the abatement of smoke and dust and prevent unnecessary noise.  
 251 (g) To regulate the locations of stables and the manner in which they will be kept and constructed.  
 252 (h) To regulate the location, construction, operation and maintenance of billboards.  
 253 (i) To define, prohibit, abate, suppress and prevent all things detrimental to the health, morals,  
 254 aesthetics, safety, convenience and welfare of the inhabitants of the city.

255 6. To regulate, to the extent not prohibited by the laws of the Commonwealth, public health, and  
 256 incident thereto:

257 (a) To regulate the production, preparation, distribution, sale and possession of milk, other beverages  
 258 and foods for human consumption and the places in which they are produced, prepared, distributed, sold,  
 259 served or stored.

260 (b) To regulate the construction, installation, maintenance and condition of all sewer pipes,  
 261 connections, toilets, water closets and plumbing fixtures of all kinds.

262 (c) To regulate the construction and use of septic tanks and dry closets, where sewers are not  
 263 available.

264 (d) To regulate the sanitation of swimming pools and lakes.

265 (e) To regulate by emergency regulation all things required to provide for the quarantine of any  
 266 person or persons afflicted with a contagious and infectious disease and for the removal of such person  
 267 to a hospital ward specially designated for contagious or infectious diseases.

268 (f) To inspect and prescribe reasonable rules and regulations with respect to private hospitals,  
 269 sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of  
 270 the sick, children, the aged and the destitute.

271 (g) To make and enforce all regulations necessary to preserve and promote public health and  
 272 sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

273 7. To provide for the care, support and maintenance of children and of sick, aged, insane or poor  
 274 persons and paupers.

275 8. To provide and maintain, either within or without the city, charitable, recreative, curative,  
 276 corrective, detentive or penal institutions.

277 9. To extinguish and prevent fires and to compel citizens to render assistance to the fire department  
 278 in case of need and incident thereto:

279 (a) To establish, regulate and control a fire department or division.

280 (b) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls  
 281 and other structures hereafter erected in such a manner as the public safety and convenience may  
 282 require.

283 (c) To remove or require to be removed or reconstructed any building, structure or addition thereto  
 284 which by reason of dilapidation, defect of structure or other causes may have become dangerous to life  
 285 or property, or which may be erected contrary to law.

286 (d) To establish and designate from time to time fire limits within which limits wooden buildings  
 287 shall not be constructed, removed, added to, enlarged or repaired and to direct that any or all future  
 288 buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or  
 289 other fireproof material.

290 (e) To enact stringent and efficient laws for securing the safety of persons from fires in halls and  
 291 buildings used for public assemblies, entertainments or amusements.

292 10. To regulate, and if necessary to acquire, maintain and operate, cemeteries, crematoriums,  
 293 columbariums and like means for the disposal of the dead and to regulate and make burials therein,  
 294 prescribe the records to be kept by the owners of such cemeteries, crematoriums, columbariums and  
 295 other facilities for the disposal of the dead, prohibit all burials except in public burying grounds and to  
 296 otherwise regulate the burial and disposition of the dead.

297 11. To acquire by any lawful means, including without limitation the exercise of eminent domain,  
 298 any property adjoining other property used by the city for any public purpose when such property to be  
 299 acquired is used and maintained in such manner as to impair the usefulness or efficiency of any such  
 300 public property; and to likewise acquire property adjacent to any street, the topography of which, from  
 301 its proximity thereto, impairs the convenient use of such street, or renders impractical, without  
 302 extraordinary expense, the improvement of the same, and the city may subsequently dispose of property  
 303 so acquired, limiting the use thereof to protect the usefulness, efficiency or convenience of such public  
 304 property.

12. To exercise full police powers and establish and maintain a department or division of police; to authorize the appointment and qualification of police officers of the City of Bristol, Tennessee, as police officers in the City of Bristol, Virginia, and to permit and authorize the appointment of law-enforcement officers of the City of Bristol, Virginia, as law-enforcement officers in the City of Bristol, Tennessee.

13. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the city.

14. To make and enforce such regulations as shall be necessary to prevent peddling, obstructing public ways or buying and selling at a higher price any food item at the same market or fair or one within four miles of the same market or fair.

15. To regulate or prohibit the manufacture, storage, transportation, possession or use of explosive or inflammable substances and the use or exhibition of fireworks and discharge of firearms and to regulate or prohibit the making of fires in the streets, alleys and other public places in the city; to regulate the making of fires on private property.

16. To compel the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. The city shall also have the power to compel the razing or repair of all public or private buildings, walls or structures which impair the beauty, value, usefulness of those properties contiguous to or in the vicinity of said public or private property which would ordinarily be encompassed within the meaning of the word "neighborhood."

17. To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations, and to prevent cruelty to and abuse of animals.

18. *To acquire, own and operate all properties necessary and expedient to the provision of telecommunication services, including without limitation cable television, Internet, and such other services as the city by its council shall determine are necessary or expedient to its citizens and are lacking or lacking competition within and without the city.*

19. To do all other things whatsoever necessary or expedient to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants; and to join with the City of Bristol, Tennessee, or any other political subdivision within or without Virginia, in any plan, arrangement, contract or joint venture to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of said political subdivisions, or their inhabitants, or to secure additional water for them or their inhabitants, but this grant of power or exercise thereof shall in no event defeat, limit or abridge the right of the City of Bristol, Virginia, to exercise the power of eminent domain as provided by the general law of the Commonwealth of Virginia and this charter.

§ 7.10. Youth services department.

A. Generally. - There shall be a youth services department consisting of a youth services director and such other officers and employees of the department as may be authorized by city council. The department, under the supervision of the city manager, shall serve as staff for the Bristol, Virginia youth services citizens' board and city council on youth related matters.

B. Youth services citizens board. - There shall be a Bristol, Virginia, youth services citizens board consisting of ~~fifteen~~ fourteen members, or as required by general law or local ordinance, all of whom shall be residents of the City of Bristol, Virginia. ~~Two~~ Four of the members shall be under eighteen years of age; two of the members shall be from agencies or groups concerned with youth services; two of the members shall be from professions, including law, medicine or education, having an interest and concern with the problems of young persons; two of the members shall be members of the business community. Two members of the board will be parents and the remainder of the members of the board may be chosen by the council from the general residents of the city. The term of office shall be for three years and no member shall be appointed to more than two successive terms. The board may adopt its own by-laws for internal operation, subject to approval by city council.

C. Function. - The purpose of the youth services department and youth services citizens board is to establish goals and priorities for city-wide youth services, to assist in coordination and planning for comprehensive youth services within the public and private sector, to serve in advisory capacity to the council with respect to youth services and programs, to establish goals and objectives in compliance with all minimum standards of the Delinquency Prevention and Youth Development Act for services to youth in the City of Bristol, Virginia, and to perform such other duties and obligations as may from time to time be delegated to them by the Department of Corrections, state law and the city council for the City of Bristol, Virginia.

§ 8.06. Bristol Virginia Utilities Board.

There shall be a Bristol Virginia Utilities Board consisting of ~~five~~ seven members ~~who~~, six of whom shall be residents of the City of Bristol, Virginia. ~~One~~ Two of the members of the board shall be a member members of the city council selected by the council and the remaining four shall be

non-council-member citizens of the City of Bristol, Virginia, appointed by the council. The term of office for the ~~councilman~~ ~~member council members~~ shall be coincident coincide with his term in office, ~~and their terms on council with no other limitation on the number of terms they may serve.~~ The 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 Utilities Board currently in office and each shall serve out the remainder of his present term.~~

In addition to the ~~five six~~ resident members above, there may, at the discretion of the city council for the City of Bristol, Virginia, be a ~~sixth~~ seventh member of the Bristol Virginia Utilities Board appointed for a term of one year ~~at the discretion of the city council~~, 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 purchase electricity from~~ Bristol Virginia Utilities Board. Therefore, that county 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~~ 2.2-3711 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 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~~ each of the systems it manages.

The ~~utilities board~~ Bristol Virginia Utilities Board shall have the power and duty to manage a division of the city to be known as Bristol, Virginia Utilities, or "BVU." BVU shall operate the electric, power and light system, the water system and the sanitary sewage system of the city directly for ~~subcontracting~~ public lighting, water, sewerage, telecommunications, cable television, Internet and other communications and information systems and services of the city directly or it may subcontract such functions. The board BVU shall construct, maintain and operate all facilities necessary thereto, shall sell and distribute to the public electric power, light, water and , sewer services, telecommunications, cable television, Internet and communication, information and other services as they now exist or may exist in the future, 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 Utilities Board, the council may, by contract or otherwise, delegate or abrogate its rate-making power.

The ~~Bristol Virginia Utilities Board~~ may appoint a general manager ~~director of the board~~ of BVU 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, 7.03 and 7.04, and any other sections of this charter.