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SENATE BILL NO. 396

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 9, as amended, § 10, §§ 22.1 and 22.3, as amended, of Chapter 393 of the Acts of Assembly of 1932, which provided a charter for the City of Williamsburg, relating to utilities, school board, and oaths for board and commissions.

Patrons—Norment; Delegate: Barlow

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 9, as amended, § 10, §§ 22.1 and 22.3, as amended, of Chapter 393 of the Acts of Assembly of 1932 are amended and reenacted as follows:

§ 9. The supervision of the public schools in the city shall be vested in a school board composed of not less than two when serving on a joint board with James City County, otherwise not less than three nor more than five trustees as determined by city council. Such trustees shall be appointed by the council. Vacancies on the said board shall be filled by the council. *When serving on a joint board with James City County, the two city members shall receive the same annual compensation as paid to each of the James City County members serving thereon. The compensation of trustees appointed and serving hereunder solely on the city school board shall be entitled to receipt of annual compensation as determined by city council not to exceed the highest maximum compensation then allowed for any appointed school board under subsection C of § 22.1-32 of the Code of Virginia, as amended, or any other applicable provision of the Code of Virginia.*

§ 10. All municipal officers of the city, before entering upon the duties of their respective officers, shall be sworn in accordance with the laws of the State by any one authorized to administer oaths under the laws of the State. *Notwithstanding anything in § 49-3 of the Code of Virginia to the contrary, the clerk of the city council may administer the oath to persons appointed by city council or by the judge of the circuit court, commission or other collegial body.* If any person elected or appointed to any office in said city shall neglect to take such oath before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office, fail to give such bond as may be required of him by the council, a vacancy in said office shall then exist.

§ 22.1. Adoption of certain provisions of the Code of Virginia.

The powers set forth in §§ ~~15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force January 1, 1990, Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as said article may be amended from time to time,~~ are hereby conferred on and vested in the City of Williamsburg.

§ 22.3. Power and authority of councilmen generally.

All powers of the city 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 of cities of the first class, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

1. Official inquiries and investigations.—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 which are required to be maintained in the normal course of the city's business; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers and other evidence maintained in the normal course of business; subpoenas issued by the council shall be enforced by the circuit court of the city in the manner provided by general law.

2. Performance of governmental functions; creation, etc., of city departments, etc.—To provide for the performance of all governmental functions of the city; and to that end, provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated by law or by ordinance 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, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by the city manager. 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.

3. Auditing of accounts.—After the close of each fiscal year, to order an independent audit of the accounts, books, records and financial transactions of the city by the Auditor of Public Accounts of the

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59 Commonwealth of Virginia, or by a firm of independent certified public accountants to be selected by
60 council. The report of the audit shall be filed within such time as the council shall specify and one copy
61 of the report shall be always available for public inspection in the office of the city manager during
62 regular business hours. Either the council or the city manager may at any time order an examination or
63 audit of the accounts of any officer or department of the city government. Upon the death, resignation,
64 removal or expiration of the term of any officer of the city, the director of finance shall cause an audit
65 and investigation of the accounts of such officer to be made and shall report the results to the city
66 manager and the council. If, as a result of any such audit, an officer is found to be indebted to the city,
67 the council shall proceed forthwith to collect such indebtedness.

68 4. Schedule of compensation of city officers and employees.—To fix a schedule of compensation for
69 all city officers and employees which shall provide uniform compensation for like service. The council
70 may define certain classes of city officers and employees whose salaries shall be set by the city
71 manager, except that this provision shall not apply to the constitutional officers, the heads of city
72 departments and judges.

73 5. Surety bonds of officers and employees.—To prescribe the amount and condition of surety bonds
74 required of such officers and employees of the city as the council may prescribe.

75 6. Redevelopment and Housing Authority.—In its discretion, to appoint a duly elected member of the
76 city council to serve as one of the commissioners of any redevelopment and housing authority for the
77 city created pursuant to Title 36 of the Code of Virginia. The term of the appointee shall be for four
78 years and the expiration of the appointee's term as city councilman shall not cause a termination of the
79 appointee's term as a commissioner of the authority.

80 7. *Creation of Underground Utility Districts.*—*To designate one or more areas within the city as*
81 *underground utility districts if, in the opinion of city council, after holding a duly advertised public*
82 *hearing pursuant to the petition of at least three-fourths of the landowners within the proposed district,*
83 *the undergrounding of existing lines for the distribution of one or more of electricity, telephone or cable*
84 *television within the proposed district is desirable. After defining the boundaries thereof, and*
85 *notwithstanding any provision to the contrary in § 15.2-2404 of the Code of Virginia, to impose, without*
86 *unanimous consent of the property owners in the district, taxes and assessments upon all parcels of real*
87 *property within the bounds of such district in an amount not exceeding three-fourths of the total cost of*
88 *the undergrounding of overhead utility lines located in such district for the provision of one or more of*
89 *electricity, telephone and cable television services within the district. Except as here modified, all other*
90 *provisions of §§ 15.2-2404 through 15.2-2413, inclusive, of the Code of Virginia shall apply.*