

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 626

An Act to amend and reenact §§ 4, as amended, 5.01 and 15 of Chapter 39 of the Acts of Assembly of 1932, which provided a charter for the City of Winchester, relating to city council, budget, and purchasing.

[H 2169]

Approved March 23, 2005

Be it enacted by the General Assembly of Virginia:

1. That §§ 4, as amended, 5.01 and 15 of Chapter 39 of the Acts of Assembly of 1932 are amended and reenacted as follows:

§ 4. Composition, election, terms, etc. of council.

Except as otherwise provided in this charter, all powers of the city shall be vested in a mayor and a city council of ~~twelve members, six elected from the territory known as the first ward and six elected from the territory known as the second ward of the city, and the mayor elected at large, in the manner hereinafter provided.~~ *The general election held in the city in 2006 shall be held on the first Tuesday after the first Monday in November 2006, and every two years thereafter. Beginning in the 2006 general elections, there shall be four wards in the city with each ward electing two members from the territory of the ward in the manner provided in this section, and the mayor elected at-large. In the November 2006 general elections, four members shall be elected to the council, one from each of four wards described in §§ 7-2, 7-3, 7-3A, and 7-3B of the Code of the City of Winchester. Each of the four city council members elected in 2006 shall be elected to a term of office of four years, and that term of office shall begin on the first day of January following their election. Thereafter, in the 2008 elections, four members shall be elected to the city council, one from each of the four wards described in §§ 7-2, 7-3, 7-3A, and 7-3B of the Code of the City of Winchester. The term of office of the members of the council and the mayor shall be for a period of four years and shall begin on the first day of July next following their election, with council positions staggered such that four members of the council shall be elected every two years beginning in 2006. Council members elected in the 2002 elections whose terms expire in 2006 shall serve until their successors in office have been elected in the November 2006 general election and until their successors in office begin their term of office. Council members elected in the 2004 elections whose terms expire in 2008 shall serve until their successors in office have been elected in the November 2008 general elections and until their successors in office begin their term of office.* If a vacancy ~~occur~~ occurs in the council, it shall be filled in accordance with § 23 of this charter. Members of the council shall be qualified electors of the city and shall not hold any other public office. A member of the council ceasing to possess any of the qualifications specified in this section, or convicted of a felony or of a misdemeanor involving moral turpitude while in office, shall immediately forfeit ~~his~~ *such* office. The mayor, ~~councilmen~~ *council members* and all other officials elected by the vote of the people shall serve out the present term for which they have been elected *as specified above*, and no change *shall be* made in the compensation of salaried and fee officials during their present term of office. The mayor shall be a member of the council, with voting powers of a ~~councilman~~ *council member*, but ~~he~~ *the mayor* shall have no veto powers.

§ 5.01. Biennial Budget.

A. All officers and heads of departments, offices, divisions, boards, commissions and agencies of the city of Winchester shall, on or before the first day of April of each ~~even-numbered~~ *odd-numbered* year, beginning in ~~1994~~ *2005*, prepare and submit to the city manager an estimate of the amount of money deemed to be needed during the ensuing two fiscal years for his department, office, division, board, commission or agency. If such person does not submit an estimate in accordance with this section, the city manager shall prepare and submit an estimate for that department, office, division, board, commission or agency. The city manager shall prepare and present to council a budget for informative and fiscal-planning purposes only, containing a complete, itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowings for the city for the ensuing two fiscal years. The council shall consider and approve such budget in such final form as a majority of the councilors shall agree, no later than the date set for the beginning of the fiscal year and shall fix a tax rate for the two ensuing fiscal years at that time.

B. The fiscal year for the city shall begin on the first day of July of each year.

C. Opposite each item in the contemplated expenditures, the budget shall show in separate parallel columns the aggregate amount appropriated during the preceding two fiscal years, the amount expended during such two years, the aggregate amount appropriated and expected to be appropriated during the current fiscal year, and the increases or decreases in the contemplated expenditures for the ensuing two fiscal years as compared with the aggregate amount appropriated or expected to be appropriated for the

current year.

This budget shall be accompanied by:

1. A statement of the contemplated revenue and disbursements, liabilities, reserves and surplus or deficit of the city as of the date of the preparation of the budget; and
2. An itemized and complete financial balance sheet for the city at the close of the last preceding fiscal year.

D. The council is authorized to budget for and include in its budget a reasonable reserve for contingencies.

E. A brief synopsis of the budget which, except in the case of the budget for the Winchester city schools, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the city, and notice given of one or more public hearings, at least seven days prior to the date set forth for the hearing, at which any citizen of the city of Winchester shall have the right to attend and state his views thereon. The hearing shall be held at least seven days prior to the approval of the budget; however, with respect to the budget of the city schools, such hearing shall be held at least seven days prior to the approval of that budget as provided in § 22.1-93 of the Code of Virginia. The city council may recess or adjourn from day to day or time to time during such hearing or hearings. The fact of such notice and hearing shall be entered of record in the minute book of council.

Except in the case of the budget of the city schools, the contemplated expenditure for all purposes as contained in the budget and published under this subsection shall be for informative and fiscal planning purposes only. In no event, including the budget of the city schools, shall such preparation, publication, and, in the case of the budget of the city schools, approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made a biennial, annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by council.

F. The city council may amend its budget from time to time to increase the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. Further, the council may amend the budget for the second fiscal year of each biennial budget prior to the end of the first fiscal year of the biennial budget.

If any such amendment exceeds one percent of the total revenue shown in the currently adopted budget or the sum of \$500,000, whichever is the lesser, it must be accomplished by publishing notice of a meeting and a public hearing once in a newspaper having general circulation in the city at least seven days prior to the meeting date. The notice shall state the intent of the city council to amend the budget and to include a brief synopsis of the proposed budget amendment. The city council may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

§ 15. Buying from council members.

Neither the city ~~and none~~ nor any of its departments shall make any purchases from a city councilman council member except on a competitive basis, considering price and quality unless as a result of competitive sealed bidding where the city council has established a need for the same or substantially similar goods and services through purchases prior to the election of the council member. However, the council member shall have no involvement in the preparation of the specifications for the contract, and the remaining members of the city council, by written resolution, shall state that it is in the public interest for the council member to bid on the contract.

2. That an emergency exists and this act is in force from its passage.