

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 673

An Act to amend and reenact §§ 2.2, as amended, 5.5, and 9.3, as amended, of Chapter 319 of the Acts of Assembly of 1966, which provided a charter for the City of Fairfax, relating to taxes, council meetings, and powers of city attorney.

[S 994]

Approved March 23, 2005

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2, as amended, 5.5, and 9.3, as amended, of Chapter 319 of the Acts of Assembly of 1966 are amended and reenacted as follows:

§ 2.2. Financial Powers.

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

(a) 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 necessary or 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 gross receipts taxes against public utilities; 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; 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 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.

(b) To budget, borrow, appropriate and expend, without being bound by other provisions of this Charter, in an amount not in excess of ~~40%~~ *ten percent* of the total General Fund Budget of the preceding fiscal year, for the purpose of meeting a public emergency; provided that any such action shall require the affirmative votes of two-thirds of the entire Council and shall be in the form of an ordinance containing a clear statement of the nature and the extent of the emergency.

(c) To levy a transient occupancy tax on hotels, motels and boarding houses. Such tax shall be in such amount and on such terms as the Council may, by ordinance prescribe; provided, that such tax shall not exceed ~~4%~~ *four percent* of the amount of charge for the occupancy of any room occupied. The tax imposed hereunder shall not apply to rooms rented for continuous occupancy for thirty or more days in hotels, motels, and boarding houses.

§ 5.5. Induction of Members.

The City Clerk shall administer the oath of office to the duly elected members of the Council and to the Mayor on or before June thirtieth immediately following their election. In the absence of the City Clerk the oath may be administered by any judicial officer having jurisdiction in the City. The Council shall be the judge of the election and qualification of its members. The first meeting of a newly elected Council shall take place in the Council chamber in the City Hall ~~at eight o'clock P.M.~~ on the first Tuesday of July following their election.

§ 9.3. City Attorney.—Powers and Duties.

The City Attorney shall be the legal advisor of (1) the Council, (2) the City Manager, and (3) of all departments, boards, commissions and agencies of the City, in all matters affecting the interests of the City and shall, (a) upon authorized 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 of the Council prepare ordinances for 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 as the Council may from time to time direct; (e) represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (f) ~~with the approval of the Council, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the City and prosecute all misdemeanors committed in violation of the City Code within the City~~ *have the power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations*

committed within the city, whether violations of city ordinances or the laws of the Commonwealth of Virginia; (g) attend in person or assign one of his assistants to attend all regular meetings of the Council and all other meetings of Council unless excused by a majority of the Council; (h) appoint and remove such Assistant City Attorneys and other employees as shall be authorized by the Council, (h1) authorize the Assistant City Attorneys or any of them or special counsel appointed by the Council to perform any of the duties imposed upon him in this Charter; and (i) have such other powers and duties as may be assigned to him by ordinance. The School Board shall have authority to employ legal counsel.