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## HOUSE BILL NO. 2738

Offered January 12, 2005

A BILL to amend and reenact §§ 4.03, 4.04, 4.17, 5.03, 5.05, 5.06, 6.11, 6.14, 7B.06, and 17.16, as severally amended, of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, relating to the mayor, city council, chief administrative officer, city clerk, city attorney, personnel decisions and the board of zoning appeals.

Patrons—Marrs and Hall

Referred to Committee on Counties, Cities and Towns

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

**1. That §§ 4.03, 4.04, 4.17, 5.03, 5.05, 5.06, 6.11, 6.14, 7B.06, and 17.16, as severally amended, of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted as follows:**

§ 4.03. President of the council.

At the time of the council's January organizational meeting, the council shall elect from among its members a ~~vice mayor~~ *president of the council* to preside at council meetings for a ~~one-year~~ *two-year* term. Should a vacancy occur in the office of mayor, the ~~vice mayor~~ *president of the council* will become acting mayor until a successor is elected to fill out the remainder of the unexpired term in accordance with § 3.04. An acting mayor shall have the same powers and responsibilities as the elected mayor. In addition, notwithstanding the provisions of § 3.01.1, any acting mayor shall retain his or her city council position, including the right to vote.

§ 4.04. City clerk.

The council shall appoint a city clerk for an indefinite term. He/she shall be the clerk of the council, shall keep the journal of its proceedings and shall file the original draft of all ordinances and shall maintain an index of all such ordinances. He/she shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his/her office shall be public records and open to inspection at any time during regular business hours. He/she shall receive compensation to be fixed by the council and all fees received by him/her shall be paid into the city treasury. He/she shall appoint and remove ~~an assistant~~ *a deputy* city clerk, who shall be authorized to act as *acting* city clerk in the absence or disability of the city clerk, and all deputies and other employees in his/her office, and shall have such other powers and duties as may be prescribed by this charter or by ordinance.

§ 4.17. City attorney.

The city attorney shall be the chief legal advisor of the council, the mayor, the chief administrative officer and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The city attorney shall perform particular duties and functions as assigned by the council. The city attorney shall be appointed by the ~~council~~ *chief administrative officer with the advice and consent of the council*, shall serve at ~~its~~ *the chief administrative officer's* pleasure, and shall devote full time and attention to the representation of the city and the protection of its legal interests. The city attorney shall have the power to appoint and remove assistants or any other employees as shall be authorized by the ~~council~~ *chief administrative officer* and to authorize any assistant or special counsel to perform any of the duties imposed upon him/her in this charter or under general law.

§ 5.03. Council not to interfere in either appointments, assignment or use of, or removals.

Neither the mayor, council nor any of its members shall direct or request the appointment of any person to or his/her removal from any office or employment by the chief administrative officer or by any of his/her subordinates or in any way take part in either the appointment of, assignment or use of, or removal of such officers and employees of the city except *that the mayor may participate in the appointment of, assignment or use of, and removal of department heads, and as otherwise specifically provided in this charter*. Except for the purpose of inquiry, the mayor, council and its members shall deal with the administrative services solely through the chief administrative officer, and neither the mayor, council nor any member thereof shall give orders either publicly or privately to any subordinate of the chief administrative officer. Any mayor or councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a mayor or councilman.

§ 5.05. General duties; mayor.

It shall be the duty of the mayor to:

(a) Attend, *or appoint a designee to attend*, all meetings of the council with the right to speak but not to vote;

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59 (b) Keep the council advised of the financial condition and the future needs of the city and of all  
60 matters pertaining to its proper administration, and make such recommendations as may seem to him/her  
61 desirable;

62 (c) Oversee preparation of and submit the annual budget to the council as provided in Chapter 6 of  
63 this charter;

64 (d) Perform such other duties as may be prescribed by this charter or which may be required of the  
65 chief executive officer of a city by the general laws of the Commonwealth; however, the appointment of  
66 members of a redevelopment and housing authority in the city shall be made by the council; and

67 (e) Issue such regulations as may be necessary in order to implement his/her duties and powers.

68 § 5.06. Relations with boards, commissions and agencies.

69 The mayor, *or the mayor's designee*, shall have the right to attend and participate in the proceedings  
70 of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by  
71 ordinance, except the school board and the board of zoning appeals.

72 § 6.11. Adoption of budget, appropriation ordinance and ordinances for additional revenue; mayor's  
73 veto.

74 Not later than the thirty-first day of May in each year the council shall adopt the budget, the  
75 appropriation ordinances and such ordinances providing for additional revenue as may be necessary to  
76 put the budget in balance. If for any reason the council fails to adopt the budget on or before such day,  
77 the budget as submitted by the mayor shall be the budget for the ensuing year and the appropriation  
78 ordinance and the ordinances providing additional revenue, if any, as recommended by the mayor shall  
79 have full force and effect to the same extent as if the same had been adopted by the council,  
80 notwithstanding anything to the contrary in this charter.

81 *The mayor shall have the power to veto any particular item or items of any budget, appropriations,*  
82 *or revenue ordinances, by written notice of veto delivered to the city clerk within 14 calendar days of*  
83 *council's action. Council may thereafter override the mayor's veto with a vote of six or more of the*  
84 *currently filled seats on council at any regular or special meeting held within 14 calendar days of the*  
85 *city clerk's receipt of the notice of veto; provided, that if no meeting is held within such period, then*  
86 *council may act at its next regular or special meeting, whenever held. Vetoes of any one or more items*  
87 *shall not affect other items not vetoed.* § 6.14. School budget. It shall be the duty of the school board  
88 to submit its budget estimates to the mayor at the same time as other departments and in the form  
89 prescribed by the mayor. ~~The action of the mayor and council on the school budget shall relate to its~~  
90 ~~total only and the school board shall have authority to expend in its discretion the sum appropriated for~~  
91 ~~its use, provided that if it receives an appropriation greater or less than its original request, it shall~~  
92 ~~forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The~~  
93 ~~mayor and council may take any action on the school budget permitted by § 22.1-94 of the Code of~~  
94 ~~Virginia or any other provision of general law not in conflict with this charter.~~ The school board shall  
95 before the beginning of the fiscal year file with the director of finance its budget as finally revised and  
96 its appropriations based thereon. It shall have power to order during the course of the fiscal year  
97 transfers from one item of appropriation to another, notice of which shall be immediately transmitted to  
98 the director of finance. The director of finance shall have the same authority to require expenditures to  
99 be made by school officers in accordance with the school budget as he/she is given by this charter to  
100 require expenditures by other city officers to be made in accordance with the general fund or utility  
101 budgets.

102 § 7B.06. Procedures for sale and terms of bonds and notes.

103 All bonds and notes shall be sold in such manner, either at public or private sale, for such price and  
104 upon such terms, including without limitation amounts, principal maturities, sinking fund requirements,  
105 maturity dates, interest rates and redemption features, as the council may determine by ordinance or  
106 resolution, or as the director of finance, with the approval of the ~~city manager~~ *chief administrative*  
107 *officer*, may determine, when authorized to do so by ordinance or resolution. Furthermore, interest rates  
108 may be determined by reference to indices or formulas or agents designated by the council under  
109 guidelines established by it, or, when authorized to do so by ordinance or resolution, such determination  
110 and designation may be made by the director of finance, with the approval of the ~~city manager~~ *chief*  
111 *administrative officer*.

112 § 17.16. Board of zoning appeals—composition.

113 (a) There shall be a board of zoning appeals which shall consist of five regular members and two  
114 alternates. They shall be qualified voters of the city, shall hold no office of profit under the city  
115 government and shall be appointed by the chief judge of the Circuit Court of the City of Richmond for  
116 terms of four years. Vacancies shall be filled by the chief judge of such court for the unexpired portion  
117 of the term. A regular or alternate member may be removed by the chief judge of the said court for  
118 neglect of duty or malfeasance in office, upon written charges and after public hearing. ~~Members of the~~  
119 ~~board of appeals shall serve without compensation.~~ *City council may, in its sole discretion, provide for*  
120 *compensation of members of the board in the city's budget.*

121 (b) The city may by ordinance create a separate division of the board which shall be empowered  
122 only to hear appeals concerning interpretations of sections of the zoning ordinance dealing expressly  
123 with preservation of the Chesapeake Bay. This division shall consist of five regular members and two  
124 alternates appointed as provided in paragraph (a) of this section and subject to the same conditions of  
125 office. This division shall have only the powers set forth in § 17.20 (a). In all other respects, it shall be  
126 governed by those sections of this charter and of law which are generally applicable to the Board of  
127 Zoning Appeals.

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