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SENATE BILL NO. 591

Offered January 11, 2006

A *BILL to amend and reenact §§ 4.4, 8.3, 8.11, and 10.5, as severally amended, of Chapter 213 of the Acts of Assembly of 1960, which provided a charter for the City of Colonial Heights, relating to the city clerk, procurement, and the city attorney.*

Patron—Martin

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.4, 8.3, 8.11, and 10.5, as severally amended, of Chapter 213 of the Acts of Assembly of 1960 are amended and reenacted as follows:

§ 4.4. City Clerk.

On the first day of September, 1969, and on the first day of September of every second year thereafter, or if such day shall fall on Sunday or a holiday then on the following day, the The city council shall appoint a city clerk for a term of two years who shall serve at the pleasure of the council. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances, resolutions, and minutes, in separate books provided by council for the purpose. He 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 office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, an assistant city clerk who shall be authorized to act as city clerk in the absence or disability of the city clerk, and all deputies and other employees in his office, and shall have such other powers and duties as may be prescribed by this charter or by ordinance. He shall upon final passage, transmit to the proper departments or officials, copies of all ordinances or resolutions that may affect or relate to them or their respective departments. The city clerk shall within ten days after the results of the regular city election of councilmen have been declared, send a written notice by mail to each councilman who has been declared elected, which notice shall specify the office to which such person has been elected, the term of the office, procedures and requirements of qualification, and he shall require such councilman to appear and qualify as provided by law. The city clerk shall also send a notice by mail to any person elected or appointed by city council within ten days after such election or appointment, which notice shall specify the office to which such person has been elected or appointed, the term of office, procedures and requirements of qualification and he shall require such person to appear and qualify as provided by law.

§ 8.3. Director of Finance—Powers and Duties.

The director of finance shall have general management and control of the functions of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, excepting constitutional officers, and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. He shall have charge, subject to the direction and control of the city manager, of the administration of the financial affairs of the city, except those of the school board, unless specified in this chapter, and to that end shall have authority and be required to:

(a) Compile the departmental estimates and other data necessary or useful to the city manager in the preparation of the current expense and capital budgets.

(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) Maintain a general accounting system for the city government and each of its departments, boards, commissions, offices and agencies, in conformity with the best recognized practices in governmental accounting; and encumber each item of appropriation and the allotments thereof with the amount of each purchase order, payroll or contract which he has approved, including each advance authorization as provided in subsection (f) of § 8.3.

(d) Prescribe the form of receipts, vouchers, bills or claims to be used, and of accounts to be kept by all departments, boards, commissions, offices and agencies of the city, provided that in so doing he shall consult with any officer appointed by the council for the purpose.

(e) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, boards, commissions, offices and agencies, and prescribe the times at and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under the control of the city treasurer.

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59 (f) Examine all contracts, purchase orders and other documents, except bonds and notes authorized as
60 provided in Chapter 7, which create financial obligations against the city and approve the same only
61 upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and
62 unencumbered balance is available in such appropriation and allotment to meet the same, provided that
63 the director of finance may give advance authorization for the expenditure from any appropriation for
64 the purchase of supplies, materials or equipment of such sum, within the current allotment of such
65 appropriation, as he may deem necessary during a period of not to exceed three months for the purchase
66 of items not to exceed in cost twenty-five dollars for any one item, and immediately encumber such
67 appropriation with the amount of such advance authorization, and thereafter, within the period specified,
68 purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without
69 the prior approval of the director of finance endorsed thereon, but each such purchase order shall be
70 charged against such authorization and no such purchase order, which, together with all such purchase
71 orders previously charged within the period specified, shall exceed the amount of such authorization,
72 shall be valid.

73 (g) Audit before payment, for legality and correctness, all accounts, claims and demands against the
74 city, and no money shall be drawn from any bank account of the city or school board except by warrant
75 or check, signed, if from an account of the city, by the director of finance, based upon a voucher duly
76 approved by him as above provided.

77 (h) Supervise and be responsible for provision of tax maps, property descriptions and such other
78 information as may be necessary or convenient for the scientific assessment of property for taxation
79 within the city.

80 (i) Have custody of all investments and invested funds of the city or in its possession in a fiduciary
81 capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and
82 the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes
83 for transfer, registration and exchange.

84 (j) Submit to the city manager for presentation to the council not later than the tenth day of each
85 month, a statement concerning the financial transactions of the city and each utility respectively,
86 prepared in accordance with accepted principles of municipal accounting and budgetary procedure, and
87 showing: (1) the amount of each appropriation with transfers to and from the same, the allotments
88 thereof to the end of the preceding month, the encumbrances and expenditures charged against such
89 appropriation and the allotments thereof during the preceding month, the total of such charges for the
90 fiscal year to the end of the preceding month, and the unencumbered balance remaining in such
91 appropriation and the allotments thereof; (2) the revenue estimated to be received from each source, the
92 actual receipts from each source for the preceding month, the total receipts from each source for the
93 fiscal year to the end of the preceding month, and the balance remaining to be collected.

94 (k) Furnish to the head of each department, court, board, commission, office and agency of the city a
95 copy of that portion of the statement relating to such department, court, board, commission, office or
96 agency.

97 (l) Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a
98 complete financial statement and report of the financial transactions of the city.

99 (m) Protect the interests of the city by withholding the payment of any claim or demand by any
100 person, firm or corporation against the city until any indebtedness or other liability due from such
101 person, firm or corporation shall first have been settled and adjusted.

102 *Notwithstanding any other provision of this section, the city council may establish a procurement*
103 *policy consistent with Virginia law.*

104 § 8.11. Same; Duty to Give Opportunity for Competitive Bidding.

105 Before making a purchase or contract, the purchasing agent shall give opportunity for competitive
106 bidding under such rules and regulations as may be established by the council. ~~All single purchases or~~
107 ~~contracts which shall involve an expenditure of \$2500 or less shall, whenever practicable, be based on~~
108 ~~three or more competitive bids which may be informal, but of which there shall be a written record, and~~
109 ~~shall be awarded to the lowest responsible bidder, except as hereinafter provided.~~ If any single purchase
110 or contract involves an expenditure of more than \$2500, it shall be made ~~on the basis of sealed bids~~
111 after such public notice as may be prescribed by the council. The city manager, however, shall have the
112 power in respect of all purchases or contracts involving an expenditure of \$10,000 or less, and the
113 council in all other cases, to authorize the purchasing agent to reject any or all bids, to readvertise for
114 bids, or to make the purchase or contract in the open market after the rejection of all bids. The council
115 shall further have power in the rules and regulations provided for in § 8.9 to authorize the purchasing
116 agent, with the approval of the city manager, to purchase or make contracts for professional services and
117 for services for which the rate or price is fixed by a public authority authorized by law to fix rates or
118 prices, without recourse to competitive bidding. All sales by the purchasing agent shall be made on the
119 basis of competitive bids after such public notice as may be prescribed by the council, and all sales shall
120 be to the highest responsible bidder. A record of all bids, showing the names of the bidders and the

amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents, pertaining to the award of contracts, shall be preserved by the purchasing agent for ~~six~~ *three* years in a file which shall be open to public inspection during regular business hours. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section.

§ 10.5. Qualifications and Appointment.

~~On the first day of September, 1969, and on the first day of September of every third year thereafter or if such day shall fall on Sunday or a holiday then on the following day, the~~*The* city council shall ~~elect~~ *appoint* a city attorney ~~for a term of three years to serve at the pleasure of the council.~~ He shall be an attorney at law licensed to practice under the laws of the Commonwealth. In addition to the other powers conferred upon the city by general law, the city council shall have the power to elect or appoint by resolution a city attorney who shall not be required to reside in or be a resident of the city at the time of his election or appointment or during the term of his office for which he was elected or appointed.