

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 99

An Act to amend and reenact § 8.06, as amended, of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to the utilities board.

[S 349]

Approved March 2, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 8.06, as amended, of Chapter 542 of the Acts of Assembly of 1990 is amended and reenacted as follows:

§ 8.06. Bristol Virginia Utilities Board.

There shall be a Bristol Virginia Utilities Board consisting of seven members, six of whom shall be residents of the City of Bristol, Virginia. Two of the members of the board shall be members of the city council selected by the council and four shall be non-council-member citizens of the City of Bristol, Virginia, appointed by the council. The term of office for the council members shall coincide with their terms on council with no other limitation on the number of terms they may serve. The terms of office of the citizen members shall be for three years. No citizen member shall be appointed to more than two successive terms of office. In addition to the six resident members above, there may be a seventh member of the Bristol Virginia Utilities Board appointed for a term of one year at the discretion of the city council, who shall be appointed from among the members of the Board of Supervisors for Washington County, Virginia. That member's role shall be to represent the interests of those citizens of Washington County, Virginia, who purchase electricity from Bristol Virginia Utilities. Therefore, that county member shall have the right to vote only on matters before the Board affecting the operation of the electrical system. Unless invited by a majority of the other members to do so, that member will not be entitled to attend closed meetings (as defined by § 2.2-3711 of the Code of Virginia of 1950, as amended) that are closed for the purpose of discussing matters unrelated to the electrical system.

The members of the Bristol Virginia Utilities Board may be allowed their expenses while engaged in the business of the board in accordance with this charter. Such expense and allowance shall constitute a cost of operation and maintenance of such utility systems and shall be prorated equally among each of the systems it manages.

The Bristol Virginia Utilities Board shall have the power and duty to manage a division of the city to be known as Bristol, Virginia Utilities, or "BVU." BVU shall operate the electric, public lighting, water and sewerage, telecommunications, Internet and other communications and information systems and services of the City directly or it may subcontract such functions. BVU shall construct, maintain and operate all facilities necessary thereto, shall sell and distribute to the public electric power, light, water and sewer services, telecommunications, Internet and communication, information and other services as authorized, and shall collect the rates and charges provided for such services, *except electric power*, by city council. With respect to any service managed and controlled by the Bristol Virginia Utilities Board, the council may, by contract or otherwise, delegate or abrogate its rate-making power.

The Board may appoint a president of BVU and may provide for such other employees and officers as to it may be deemed expedient and proper, and the board shall have sole control and management of such employees and the operations of utilities for which it is responsible, except for rate-making powers which, *except for electric power*, are reserved to city council, notwithstanding the provisions of §§ 5.03, 5.05, 7.01, 7.03 and 7.04, and any other sections of this charter.