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HOUSE BILL NO. 840

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact § 5.02 of Chapter 640 of the Acts of Assembly of 2011, which provided a charter for the City of Portsmouth, and to amend Chapter 640 by adding a chapter numbered 7.1, consisting of a section numbered 7.04, relating to the budget and city auditor.

Patron—James

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 5.02 of Chapter 640 of the Acts of Assembly of 2011 is amended and reenacted and that Chapter 640 is amended by adding a chapter numbered 7.1, consisting of a section numbered 7.04, as follows:

§ 5.02. Powers and Duties.

The City Manager shall be responsible to the City Council for the efficient and professional administration of all affairs of the city. The Manager shall have power and duty:

- a. To see that all laws and ordinances are enforced.
- b. Except as otherwise provided in this Charter or by law, to appoint and manage all employees in all departments, offices, and agencies of the city. The Manager may delegate this authority among the Manager's appointees. For all such persons appointed by the Manager, the Manager shall have the power of discipline, subject to applicable law. Assistants and deputies to the Manager and department heads appointed by the Manager shall serve at the pleasure of the Manager.
- c. To transfer or reassign employees under the Manager's control to other departments or agencies of the city, when the Manager deems such action to be in the best interests of the city.
- d. To exercise supervision and control over all departments and divisions of the city for which the Manager appoints the head.
- e. To appoint Fire Marshals, who shall have such authority as is provided at common law or by statute or regulation.
- f. To attend all regular meetings of the City Council, with the right to take part in the discussion, but having no vote. He or she shall be entitled to notice of all special meetings.
- g. To recommend to the City Council for adoption such measures as the Manager may deem necessary or expedient.
- h. To make and execute in the ordinary course of business all contracts on behalf of the city, and also such other contracts as may be authorized by the City Council.
- i. At the direction of City Council, to prepare and submit an annual or biennial budget after receiving estimates made by the heads or directors of the departments and any board or commission not within a department; *the City Manager shall not submit a budget, and the City Council shall not adopt a budget, in which the total of expenditures exceeds the receipts, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year sufficient to make up this difference.*
- j. To keep the City Council at all times fully advised as to the financial condition and needs of the city.
- k. To perform all such other duties as may be prescribed by this charter or other laws of the Commonwealth of Virginia, or be required by ordinance or resolution of the City Council.

CHAPTER 7.1.**CITY AUDITOR.****§ 7.04. City Auditor.**

The City Auditor shall be appointed by and serve at the pleasure of the City Council. The City Auditor shall be responsible for providing internal accounting and auditing controls to assure compliance with applicable laws, contractual obligations, and accepted accounting practices to safeguard against loss or inefficiency. The City Auditor shall have access to all city records or documents subject to applicable law.

INTRODUCED

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