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HOUSE BILL NO. 1977

Offered January 11, 2017

Prefiled January 10, 2017

A BILL to amend and reenact §§ 28 and 35 of Chapters 143 and 156 of the Acts of Assembly of 2009, which provided a charter for the City of Williamsburg, relating to the redevelopment and housing authority.

Patron—Mullin

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 28 and 35 of Chapters 143 and 156 of the Acts of Assembly of 2009 are amended and reenacted as follows:

§ 28. Power and authority of council members generally.

All powers of the city as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy-determining body of the city and shall be vested with all the rights and powers conferred on councils of cities, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

1. To inquire into the official conduct of any office or officer under its control, and investigate the accounts, receipts, disbursements and expenses of any city employee that are required to be maintained in the normal course of the city's business; for these purposes the council may subpoena witnesses, administer oaths and require the production of books, papers and other evidence maintained in the normal course of business; subpoenas issued by the council shall be enforced by the circuit court of the city in the manner provided by general law.

2. To provide for the performance of all governmental functions of the city; and to that end, provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated by law or by ordinance what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by the city manager. Any activity that is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer or combine any city functions, activities or departments.

3. To order an independent audit of the accounts, books, records and financial transactions of the city by the Auditor of Public Accounts of the Commonwealth of Virginia, or by a firm of independent certified public accountants to be selected by council after the close of each fiscal year. The report of the audit shall be filed within such time as the council shall specify and one copy of the report shall be always available for public inspection in the office of the city manager during regular business hours. Either the council or the city manager may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the death, resignation, removal or expiration of the term of any officer of the city, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report the results to the city manager and the council. If, as a result of any such audit, an officer is found to be indebted to the city, the council shall proceed immediately to collect such indebtedness.

4. To fix a schedule of compensation for all city officers and employees that shall provide uniform compensation for like service. The council may define certain classes of city officers and employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments and judges.

5. To prescribe the amount and condition of surety bonds required of such officers and employees of the city as the council may prescribe.

6. To appoint a duly elected member of the city council to serve as one of the commissioners of any redevelopment and housing authority for the city created pursuant to Title 36 of the Code of Virginia. The term of the appointee shall be for two years, but shall not extend beyond the expiration of the appointee's current term on council. While serving on city council, such appointee shall not receive compensation for serving as an authority commissioner. The above notwithstanding, however, city council may by ordinance enacted in accordance with § 35 of this charter remove all currently serving commissioners of the authority and appoint the members of the council as the commissioners of the authority. City council may by ordinance enacted in accordance with § 35 herein below remove some or

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59 *all currently serving commissioners of the city's redevelopment and housing authority and appoint one*
60 *or more of themselves to serve as commissioners of the authority in the place and stead of the*
61 *commissioners so removed.*

62 7. Designate one or more areas within the city as underground utility districts if, in the opinion of
63 city council, after holding a duly advertised public hearing pursuant to the petition of at least
64 three-fourths of the landowners within the proposed district, the undergrounding of existing lines for the
65 distribution of one or more of electricity, telephone or cable television within the proposed district is in
66 the best interests of the city and of the residents of the district. After defining the boundaries thereof,
67 and notwithstanding any provision to the contrary in § 15.2-2404 of the Code of Virginia, to impose,
68 without unanimous consent of the property owners in the district, taxes and assessments upon all parcels
69 of real property within the bounds of such district in an amount not exceeding three-fourths of the total
70 cost of the undergrounding of overhead utility lines located in such district for the provision of one or
71 more of electricity, telephone and cable television services within the district. Except as here modified,
72 all other provisions of Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2 of the Code of
73 Virginia shall apply.

74 8. Make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of
75 carrying into effect the powers conferred by this charter or by any general law, and to provide and
76 impose suitable penalties for the violation of such ordinances, rules and regulations.

77 9. Do all things whatsoever necessary or expedient for promoting or maintaining the general welfare,
78 comfort, education, morals, peace, government, health, trade, commerce or industries of the city and its
79 inhabitants. Among such powers, and not in limitation thereof, shall be the power to compel the
80 abatement and removal of all nuisances within the city or upon property owned by or lying adjacent to
81 property owned by the city beyond its limits at the expense of the person or persons causing the same,
82 or of the owner or occupant of the ground or premises whereon the same may be.

83 § 35. Redevelopment and housing authority.

84 Notwithstanding any provision of law to the contrary, there shall be *five not more than seven*
85 *commissioners of the Williamsburg Redevelopment and Housing Authority, all of whom must be*
86 *residents of the city and not more than five of whom may be members of Williamsburg City Council.*
87 *Commissioners, other than commissioners who are also members of City Council, shall hold their*
88 *offices at the pleasure of the council for a term not to exceed four years; provided, however, the council*
89 *may at any time, and from time to time, adopt an ordinance terminating the term of all the*
90 *commissioners and designating the council members as the commissioners of the authority. In that event,*
91 *notwithstanding the provisions of § 36-11 of the Code of Virginia to the contrary, a council member*
92 *shall receive no compensation for serving as a commissioner nor shall the council member continue to*
93 *serve as a commissioner upon ceasing to be a member of council. The council may at any time repeal*
94 *such ordinance designating the council members as the commissioners and appoint residents of the city*
95 *to serve as the commissioners; that unless sooner terminated, the term of each commissioner who is also*
96 *a council member shall coincide with his or her term as a member of the council. A council member*
97 *shall receive no compensation for serving as a commissioner.* The establishment and organization of the
98 Williamsburg Redevelopment and Housing Authority heretofore established under the provisions of this
99 charter, together with all proceedings, acts and things heretofore undertaken are hereby validated, ratified
100 and confirmed.