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## SENATE BILL NO. 356

Offered January 10, 2018

Prefiled January 8, 2018

A BILL to amend and reenact § 4.16, as amended, and § 4.18 of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, and to amend Chapter 116 of the Acts of Assembly of 1948 by adding a section numbered 4.19, relating to establishing the office of the inspector general; city auditor.

Patron—McClellan

Referred to Committee on Local Government

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

**1. That § 4.16, as amended, and § 4.18 of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and that Chapter 116 of the Acts of Assembly of 1948 is amended by adding a section numbered 4.19 as follows:**

**§ 4.16. Powers of investigation.**

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city.

(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, ~~and~~ the city auditor, ~~and the inspector general~~ shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the mayor, ~~the~~ chief administrative officer, the heads of departments, ~~and~~ boards and commissions whose members are appointed by the council ~~and~~, the city auditor, ~~and the inspector general~~, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100 or imprisonment in jail not exceeding 30 days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the provisions of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation.

**§ 4.18. City auditor.**

There shall be a city auditor who shall be appointed by the council for an indefinite term. ~~He/she~~ *The city auditor* shall have been certified as a certified public accountant by the Virginia State Board of Accountancy or by the examining board of any other state which extends to and is extended reciprocity by the Commonwealth of Virginia, and shall be qualified by training and experience for the duties of ~~his/her office~~ *the city auditor*. ~~The city auditor shall have the power to appoint such accountants and other assistants for the performance of the duties of the city auditor's office as the council may provide for. It shall be the duty of the city auditor to examine and audit all accounts, books, records, and financial transactions of the city or any department, board, commission, office, or agency thereof, including all trust funds, special funds, and other funds. In performing his/her the city auditor's duties, he/she the city auditor shall have access at any and all times to all books, records, and accounts of each department and agency subject to examination and audit by him/her the city auditor.~~

**§ 4.19. Inspector general.**

*There shall be an inspector general who shall be appointed by the council for an indefinite term and who shall be qualified by training and experience for the duties of the office. The inspector general shall have the power to appoint such assistants for the performance of the duties of the inspector general's office as the council may provide for. It shall be the duty of the inspector general to conduct*

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**59** *such investigations as may be authorized by § 15.2-2511.2 of the Code of Virginia.*