

LD7541484

HOUSE BILL NO. 1088

House Amendments in [] — February 15, 1994

A *BILL to effectuate the creation of the Richmond Metropolitan Government, a unit of general government organized as provided herein and deemed a regional government for the benefit of the citizens of the City of Richmond, Chesterfield County and Henrico County.*

Patrons—Watkins, Ball, Cox, Cunningham, Hall and Rhodes; Senators: Benedetti, Lambert, Russell and Stosch

Introduced at the request of the Governor

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

*CHARTER OF THE RICHMOND METROPOLITAN GOVERNMENT**Chapter 1.**Incorporation.*

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Richmond, Chesterfield County and Henrico County are hereby granted a charter with powers, duties, privileges, and immunities as set forth herein. From and after the effective date of this charter there shall be a regional government which shall be identified as Richmond Metropolitan Government, hereinafter called the regional government, a unit of general government and a body corporate and politic and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure.

§ 1.2. Boundaries.

The boundaries of the regional government shall coincide with the outer boundaries of the counties of Chesterfield and Henrico so as to include all of the territory comprising the City of Richmond, Chesterfield County and Henrico County as existing immediately preceding the effective date of this charter.

§ 1.3. Purpose.

It is the purpose of the regional government to assume the ownership of the assets, liabilities, and operational responsibilities of the City of Richmond, Chesterfield County and Henrico County for the following:

1. *water and sewer;*2. *waste disposal; and*3. *transportation, including streets and roads, public transportation, and airports.*

Until such time as the regional government delivers a resolution to each jurisdiction stating its readiness to assume operational responsibility for one or more of the listed services, each jurisdiction shall continue to operate and maintain the service.

*Chapter 2.**Powers.*

§ 2.1. Powers.

Except as expressly restricted by this charter, the regional government shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to counties under the Constitution of Virginia or by the laws of the Commonwealth and all such other powers pertinent to the conduct of a county government which, in the opinion of the governing body, are necessary or expedient to promote or maintain the health, safety and general welfare of the regional government or its inhabitants.

§ 2.2. Revenue powers.

The regional government shall levy no taxes. Its revenues shall be limited to the sale of services, fees and charges related to such services, appropriations made to each jurisdiction by the Commonwealth for or related to such services and grants from the federal government.

§ 2.3. Additional powers.

In addition to the powers granted by other sections of this charter, the regional government, upon a showing of public necessity, may acquire property within or without its boundaries for any of its facilities or functions, in fee simple, or lesser interest or estate, by purchase, gift, devise, bequest, lease, lease/purchase, or, within its boundaries only, by eminent domain, and may sell, lease, mortgage,

ENGROSSED

HB1088E

60 *pledge, hold, manage, and control such property as the regional government's interest may require. No*
61 *judicial process need precede the exercise of these powers except for acquisition of property by eminent*
62 *domain.*

63 *Chapter 3.*
64 *Governing Body.*

65 *§ 3.1. Powers.*

66 *The powers of the regional government as a body politic and corporate shall be vested in its*
67 *governing body, which shall be known as the board of commissioners.*

68 *§ 3.2. Additional powers.*

69 *The board shall be the policy-determining body of the regional government and shall be vested with*
70 *all rights and powers conferred on governing bodies of counties by general law not inconsistent with*
71 *this charter.*

72 *The board shall provide for the performance of all governmental functions of the regional*
73 *government and to that end shall provide for and establish all departments of government that it deems*
74 *necessary, not inconsistent with the provisions of this charter.*

75 *§ 3.3. Composition.*

76 *The board shall consist of nine members elected for four year terms. Three members shall be elected*
77 *at large by and from each of the three local governments comprising the regional government. The*
78 *board members, at their initial meeting in January following their November election, shall select from*
79 *their membership a chairman and a vice chairman, both to serve four year terms. The office of*
80 *chairman shall rotate equally among the three local governments.*

81 *§ 3.4. Qualifications.*

82 *Members of the board shall be qualified voters of that local government, reside therein, and be*
83 *elected by the qualified voters thereof.*

84 *§ 3.5. Election of the board; limited powers.*

85 *The board of the Richmond Metropolitan Government shall be elected on the county election*
86 *schedule and take office on January 1 following its election.*

87 *§ 3.6. Vacancy.*

88 *In the event a vacancy occurs on the board, it shall be filled by the remaining members of the board*
89 *within thirty days of such vacancy with the replacement member serving until the vacancy can be filled*
90 *in accordance with the provisions of § 24.2-226 of the Code of Virginia. The person appointed to fill the*
91 *vacancy shall be a qualified voter of the election district in which the vacancy occurred and shall hold*
92 *office until the qualified voters shall fill the same by election, and the person so elected shall have*
93 *qualified. If a majority of the remaining members cannot agree or do not act, then the judges of the*
94 *circuit court where the vacancy occurred shall make the appointment in accordance with § 24.2-228 of*
95 *the Code of Virginia.*

96 *§ 3.7. Procedural powers.*

97 *The board shall have the power, subject to the provisions of this charter, to adopt its own rules of*
98 *procedure. Such rules shall provide for the time and place of holding regular meetings of the board,*
99 *which shall not be less frequent than once a month. The rules of the board shall provide for the calling*
100 *of special meetings by the chairman or two or more members of the board and shall prescribe the*
101 *methods of giving notice thereof. A majority of the board shall constitute a quorum for the transaction*
102 *of business.*

103 *§ 3.8. Office of the chairman.*

104 *The chairman shall have the power to administer an oath to any person concerning any matter*
105 *submitted to the board or connected with its powers or duties.*

106 *The chairman shall preside over the meetings of the board and shall represent the Richmond*
107 *Metropolitan Government at official functions and ceremonial events; the chairman shall have the same*
108 *rights, privileges, and duties as other members of the board. The chairman shall be recognized by the*
109 *courts for the purpose of serving civil process and by the Governor for military or other emergency*
110 *purposes. The chairman shall perform all other functions or requirements arising from federal or state*
111 *law. The vice chairman shall preside in the absence of the chairman; except as hereinabove stated, the*
112 *vice chairman shall have the same rights, privileges, and duties as other members of the board.*

113 *§ 3.9. Investigations by board.*

114 *The board shall have the right to make such investigations relating to the financial affairs and*
115 *internal operations of the regional government as it may deem necessary. The provisions of § 15.1-801*
116 *of the Code of Virginia shall apply, mutatis mutandis.*

117 *§ 3.10. Compensation.*

118 *The board shall establish the salary, not to exceed the limits established by § 14.1-46.01:1 of the*
119 *Code of Virginia, and allowances of its members provided that no increase in such salary shall be*
120 *effective until:*

121 *1. A public hearing shall be held on the salaries to be established.*

2. The adoption of an ordinance establishing the salary of its members for the ensuing fiscal year not to exceed the limits established by general law.

In addition, the board may fix annually by ordinance an additional sum to be paid to the chairman and vice chairman in an amount not to exceed \$1,800 and \$1,200, respectively, without regard to the maximum salary limits.

§ 3.11. Officers appointed by board.

The board shall appoint a chief executive officer to be known as the metropolitan manager, a clerk, a director of finance and an attorney. The board shall establish the powers, duties, and responsibilities of these officers. The board shall fix the compensation for these officers. The chief executive officer shall serve at the pleasure of the board; each other officer appointed pursuant to this section shall serve at the pleasure of the board. These officers need not be residents of the regional government at the time of their appointment but must become actual residents and in due course bona fide residents of the regional government. In the case of the vacancy or long-term disability of any of these officers, the board may designate some responsible person without regard to residence on an interim basis to perform the duties of the office and fix the compensation, if any, for the person so designated. The board shall also appoint the members of boards and commissions as are necessary.

§ 3.12. Limitations on board actions.

Neither the board nor any of its members shall direct the appointment or removal of any person from any office or employment by the chief executive officer or by that officer's subordinates, nor interfere with the chief executive officer in the exercise of his judgment.

Except for the purpose of inquiry, the members of the board shall deal with the administrative service solely through the manager, and no member of the board shall give orders to or direct any of the subordinates of the chief executive officer.

No member of the board of commissioners shall, during the term for which elected and for one year following the expiration of such term, be appointed chief executive officer.

Chapter 4.

Metropolitan Manager.

§ 4.1. Appointment; qualifications.

The board shall appoint a manager who shall be the chief executive officer and chief administrative officer of the regional government. The manager shall be chosen solely on the basis of executive and administrative qualifications and without regard to political beliefs and shall serve at the pleasure of the board, and removal of the manager shall require an affirmative vote of the majority of all of the members of the board. The board shall fix the compensation of the manager. The manager shall devote his full time to the work and service of the regional government under the direction of the board of commissioners to whom he shall be accountable.

§ 4.2. Powers and duties.

The manager shall have the following powers and duties:

1. To designate an officer or employee of the regional government to exercise the powers and perform the duties of the metropolitan manager during the manager's temporary absence or disability; the board may revoke such designation at any time and appoint another officer of the regional government to serve until the manager returns;

2. To appoint department heads, deputies, and assistant managers within funds appropriated by the board for each department of the regional government with each department head to serve at the pleasure of the manager;

3. To appoint and, when necessary for the good of service, suspend or remove all officials and employees appointed by the manager except as otherwise provided for by law, this charter, or personnel rules adopted pursuant to this charter;

4. To direct and supervise the administration of all departments, offices, and agencies of the regional government, except as otherwise provided by this charter or by general law;

5. To attend all meetings of the board of commissioners with the right to take part in the discussion but shall not vote;

6. To see that all laws, provisions of this charter, and ordinances of the board of commissioners, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed;

7. To prepare and submit the annual budget and capital program to the board of commissioners;

8. To submit to the board of commissioners and make available to the public a yearly complete report of the administrative activities of the regional government at the end of each fiscal year;

9. To make such other reports as the board of commissioners may require concerning the operations of the regional government's departments, offices, and agencies subject to the manager's direction and supervision;

10. To make recommendations to the board of commissioners concerning the operations of the

183 regional government; and

184 11. To perform such other duties and to exercise such other powers as may be imposed or conferred
185 by the board of commissioners.

186 Chapter 5.

187 Department of Finance.

188 § 5.1. Composition and functions.

189 The department of finance shall consist of the director of finance, who shall be the head of the
190 department of finance, and such deputies and other employees as may be authorized by the board and
191 appointed by the director of finance.

192 § 5.2. Appointment; qualifications.

193 The manager shall appoint the director of finance who shall be a person skilled in governmental
194 financial management, accounting, and financial controls and shall have charge of the financial affairs
195 of the regional government. The compensation of the director of finance shall be fixed by the board.

196 § 5.3. General powers and duties.

197 The director of finance shall:

198 1. Have charge and shall maintain control of the keeping of all accounts and financial records of the
199 regional government, in accordance with generally accepted accounting principles.

200 2. Be charged with and shall exercise general fiscal supervision over all the officers, departments,
201 offices, agencies, and employees of the regional government charged in any manner with the assessment,
202 receipt, collection, or disbursement of metropolitan revenues, and with the collection and return of such
203 revenues into the metropolitan treasury; and he shall prescribe such systems and regulations as are
204 necessary for the proper reporting and accounting for all metropolitan revenue and receipts.

205 3. Examine and audit all accounts, claims, and demands for or against the regional government,
206 and, unless otherwise provided by law or by this charter, no money shall be drawn from the treasury or
207 be paid by the regional government to any person unless the balance due and payable be certified by
208 the director of finance.

209 4. Draw the proper financial instrument on the treasury for such money as is determined by him to
210 be due and payable to any person, stating the particular fund or appropriation to which the same is
211 chargeable and the person to whom payable, and no money shall be drawn from the treasury except by
212 proper financial instrument of the director of finance, countersigned by the metropolitan manager; the
213 director of finance shall not issue payment of any money in excess of the appropriation on account of
214 which such money is drawn.

215 5. Be authorized to require all officers in receipt of regional government funds to submit reports with
216 required support documents on a daily, weekly, or monthly basis, or at such times as may be otherwise
217 provided by ordinance; and if any such officer shall neglect to make adjustment of his accounts when
218 required and to pay over such moneys as required, to issue notice in writing, directed to such officer,
219 and take other appropriate actions to ensure all regional government moneys are properly accounted
220 for.

221 6. Prepare an annual report, at the end of each fiscal year, giving full and detailed statement of all
222 receipts and expenditures during the year.

223 7. Perform such other duties and exercise such other powers as may be imposed or conferred by the
224 board of commissioners.

225 § 5.4. Certification of funding.

226 No contract, agreement, or other obligation involving the expenditure of money shall be entered into
227 nor shall any ordinance of the board or order of any officer of the regional government authorizing the
228 government's obligation for expenditure of money be effective until and unless the director of finance or
229 his designee has certified that such moneys required for such contract, agreement, obligation, or
230 expenditure are available for such purpose.

231 Chapter 6.

232 Personnel Rules and Regulations.

233 § 6.1. Personnel system.

234 A personnel system shall be established by the board of commissioners for administrative officials
235 and employees. Such a system shall provide that appointment and promotion shall be based on merit
236 and fitness alone without regard for race, national origin, religion, handicap, sex, or political affiliation.

237 § 6.2. System includes.

238 The personnel system shall include a classification plan for service, a staff development plan, a
239 uniform pay plan and a procedure for resolving grievances for employees of the regional government
240 pursuant to § 15.1-7.1 of the Code of Virginia.

241 § 6.3. Personnel director.

242 There shall be a personnel director appointed by the manager as provided in § 4.2 who shall
243 administer the personnel system of the regional government under the general direction of the manager.

244 The department of personnel shall be responsible to the manager for the formulation and administration

of the personnel policies of the regional government.

Chapter 7.

Administration.

§ 7.1. Administrative departments.

The board of commissioners may establish and create departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this charter specifically so provides, assigned to any other. The board may combine or abolish existing departments and distribute the functions thereof or establish temporary departments for special work to the extent not inconsistent with this charter.

§ 7.2. Department heads.

There shall be a department head who shall administer each department. Each department head of each department shall be appointed by the manager and shall be subject to the general supervision of the manager.

Chapter 8.

Other Appointed Officers.

§ 8.1. Officers appointed by board.

Pursuant to the provisions of § 3.12 of this charter, the board shall appoint a clerk. The powers, duties, and responsibilities of this officer shall be as provided for herein, and such other powers and duties as shall be required by ordinance adopted by the board.

§ 8.2. Clerk.

The clerk shall have the following powers and, duties:

1. To function as clerk to the board of commissioners;
 2. To keep a record of the proceedings of the board and to keep all books and papers as required by this charter or as directed by the board;
 3. To attend all meetings of the board;
 4. To keep the seal of the regional government and to affix and attest the same as so directed by the board;
 5. To transmit copies of all resolutions or ordinances to the parties affected thereby and to inform parties of the board's final actions on communications, requests, or petitions;
 6. To publish or cause to be published reports, ordinances, or documents as required by this charter or as directed by the board; and
 7. To perform such other duties as shall be required by ordinance adopted by the board.
- In the performance of the foregoing duties, the clerk may appoint a deputy and such assistants and other employees as may be authorized by the board.

Chapter 9.

Department of Law.

§ 9.1. Composition and functions.

The department of law, if established, shall consist of the metropolitan attorney, who shall be the head of the department of law, and such deputies and assistant metropolitan attorneys and such other employees as may be authorized by the board and appointed by the metropolitan attorney.

§ 9.2. Appointment; term; qualifications.

The board shall appoint the metropolitan attorney, who shall be an attorney at law licensed to practice law in the Commonwealth of Virginia. The compensation of the metropolitan attorney shall be fixed by the board.

§ 9.3. General powers and duties.

The metropolitan attorney shall:

1. Be the chief legal advisor of and attorney and counsel for the board, the metropolitan manager, and all departments, boards, commissions, and agencies of the regional government in all matters affecting the interests of the regional government;
2. Upon request of the board, the metropolitan manager, or any officer, board, or commission, furnish his opinion on any question of law involving their respective official powers and duties;
3. Prepare or review all ordinances and resolutions presented to the board, and, at the request of the board or any member thereof, examine ordinances after introduction and offer an opinion as to the form and legality thereof;
4. Draw or approve as to form deeds, leases, contracts, franchises, or other instruments to which the regional government is a party or in which it has an interest;
5. Institute and prosecute all legal proceedings that he shall deem necessary to protect the interests of the regional government and defend all suits, actions, and legal proceedings against the regional government;
6. Control and direct legal services performed by special counsel for the regional government who

306 *may be employed from time to time to assist the metropolitan attorney in the provision of legal services*
307 *to the government;*

308 *7. Have the management and control of all law business of the regional government and the*
309 *departments thereof or in which the regional government has an interest; and*

310 *8. Perform such other duties as may be required of him by ordinance.*

311 *§ 9.4. Authority as to deputies and other employees.*

312 *The metropolitan attorney may appoint and remove deputies and assistant metropolitan attorneys and*
313 *other employees. He may authorize deputies and assistant metropolitan attorneys or special counsel to*
314 *perform any of the duties imposed upon the metropolitan attorney by this charter.*

315 *Chapter 10.*

316 *Budget.*

317 *§ 10.1. Fiscal year.*

318 *The fiscal year of the regional government shall begin on July 1 and shall end on June 30 of each*
319 *calendar year. Such fiscal year shall also constitute the budget and accounting year.*

320 *§ 10.2. Submission of operating budget.*

321 *The manager shall submit to the board an operating budget and a budget message on or before*
322 *April 30 of each fiscal year.*

323 *§ 10.3. Operating budget message.*

324 *The manager's message shall explain the budget in fiscal terms. It shall contain the recommendations*
325 *of the manager concerning the fiscal policy of the regional government for the ensuing fiscal year,*
326 *describe the important features of the budget, indicate any major changes from the current year in*
327 *financial policies, expenditures, and revenues, together with the reasons for such changes, and include*
328 *such other materials as the manager deems desirable.*

329 *§ 10.4. Operating budget preparation.*

330 *The budget shall provide a financial plan for the ensuing fiscal year and shall be in such form as*
331 *the manager deems advisable or the board may require. In organizing the budget, the manager shall*
332 *utilize the most feasible combination of expenditure classification by fund, organizational unit, program,*
333 *purpose or activity, and object. It shall be prepared in accordance with generally accepted principles of*
334 *governmental accounting and budgeting procedures and techniques. It shall be the duty of the head of*
335 *each department and each other office or agency supported in whole or in part by the regional*
336 *government, to file at such time as the manager may prescribe estimates of revenue and expenditure for*
337 *that department, office, or agency for the ensuing fiscal year. The manager shall hold such hearings as*
338 *deemed advisable and shall review the estimates and other data pertinent to the preparation of the*
339 *budget and make such revisions in such estimates as deemed proper. In no event shall the expenditures*
340 *recommended by the manager in the budget exceed the revenues estimated, unless the manager shall*
341 *recommend an increase in the charges and fees or other new or increased fees, charges or licenses*
342 *within the power of the regional government to levy and collect in the ensuing year, the revenue from*
343 *which, estimated on the average experience with the same or similar charges and fees during the three*
344 *tax years past will make up the difference. If estimated expenditures exceed estimated revenues, the*
345 *manager may recommend revisions in the charges and fees of the regional government in order to bring*
346 *the budget into balance.*

347 *The manager shall introduce and recommend to the board an appropriation ordinance which shall*
348 *be based on the approved budget before the end of the fiscal year. The manager shall also introduce at*
349 *the same time any ordinances increasing charges and fees necessary to balance the budget as provided*
350 *in this section.*

351 *§ 10.5. Board action on the operating budget.*

352 *A. Notice and hearing. - The board shall publish in a newspaper of general circulation in the*
353 *regional government a general summary of the proposed budget and a notice stating:*

354 *1. The times and places where copies of the message and budget are available for inspection by the*
355 *public; and*

356 *2. The time and place, not less than fourteen days after such publication, for a public hearing on the*
357 *budget.*

358 *B. Amendment before adoption. - After the public hearing, the board may adopt the budget with or*
359 *without amendment. In amending the budget, it may add or increase programs or amounts, except*
360 *expenditures required by law or for debt service. In no case shall the board increase the authorized*
361 *expenditures to an amount greater than the total of estimated revenues.*

362 *C. Adoption. - The board shall adopt the budget by the vote of at least a majority of all members of*
363 *the board not later than May 15 of the current fiscal year. In no event shall the board adopt a budget*
364 *in which the estimated total of expenditures exceeds revenues, unless at the same time it adopts*
365 *measures to provide additional revenues estimated to be sufficient to make up the difference. The board*
366 *shall adopt an ordinance appropriating the amounts specified in the adopted budget from the funds*
367 *indicated and an ordinance increasing charges and fees therein proposed on or before the end of the*

fiscal year.

§ 10.6. Amendments after adoption of operating budget.

A. Supplemental appropriations. - If during the fiscal year the director of finance certifies that there are funds available in excess of those estimated in the budget, the board by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B. Reduction of appropriations. - If at any time during the fiscal year it appears probable to the director of finance that the revenues available will be insufficient to meet the amount appropriated, the director shall report such opinion to the board without delay, indicating the estimated amount of shortfall. The manager shall thereafter report to the board as to any remedial action or other steps recommended to be taken. The board shall then take such further action as it deems necessary to prevent or minimize any shortfall and it may by ordinance reduce one or more appropriations.

§ 10.7. Lapse of appropriations.

Every appropriation, except an appropriation for a project in the capital improvement program, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a project in the capital improvement program shall continue in force until the purpose for which it was made has been accomplished or abandoned.

§ 10.8. Capital improvement program.

A. Submission to board. - The manager shall prepare and submit to the board a five-year capital improvement program as required by the board.

B. Contents. - The capital improvement program shall include:

1. A general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, methods of financing, and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital projects still pending.

§ 10.9. Board action on capital improvement program.

A. Notice and hearing. - The board shall publish in a newspaper of general circulation in the regional government a general summary of the capital improvement program and a notice stating:

1. The times and places where copies of the capital improvement program are available for inspection by the public; and
2. The time and place, not less than fourteen days after such publication, for a public hearing on the capital improvement program.

B. Adoption. - The board shall adopt a capital improvement program with or without amendment after the public hearing on or before the end of each fiscal year. The capital improvement program, after adoption, shall be deemed a plan only, with the right being reserved to the board to change the same at any time.

Chapter 11.

Borrowing.

§ 11.1. Power.

The board may, in the name of and for the use of the regional government, incur indebtedness by issuing its negotiable bonds or notes for the purpose, in the manner and to the extent provided in this charter.

§ 11.2. Purposes for which bonds or notes may be issued.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which counties or regional governments are authorized to issue bonds by the Constitution or general law subject to such other limitations stated in this charter. Notes may be issued, when authorized by the board, at any time during the current fiscal year for the purpose of meeting appropriations made for such fiscal year, in anticipation of the collection of revenues of such fiscal year, and within the amount of such appropriations.

§ 11.3. Limitations on indebtedness.

In the issuance of bonds and notes, the regional government shall be subject to the limitations as to amounts contained in Article VII, Section 10 (b) of the Constitution of Virginia.

§ 11.4. Form of bonds and notes.

Bonds and notes of the regional government shall be issued in the manner provided by general law.

§ 11.5. Authority for issuance of bonds.

The board may issue bonds and notes pursuant to the Public Finance Act, Chapter 5.1 (§ 15.1-227.1 et seq.) of Title 15.1 of the Code of Virginia, or pursuant to the terms of this charter. No bonds or

notes of the regional government shall be issued under this charter until their issuance shall have been authorized by a majority of the qualified voters of the regional government voting on the question at an election held for the purpose in the manner provided by general law, except as otherwise provided by general law.

Chapter 12.

Power of Eminent Domain.

§ 12.1. Powers.

The powers of eminent domain as authorized and limited by general law as to counties and all acts hereafter amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Richmond Metropolitan Government.

§ 12.2. Procedure.

In any case in which petition for condemnation is filed by or on behalf of the regional government, a true copy of a resolution or ordinance duly adopted by the board declaring the necessity for any taking or damaging of any property for the public purposes of the regional government, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the regional government. The regional government may employ the procedures conferred by the foregoing laws, mutatis mutandis.

Chapter 13.

Ordinances.

§ 13.1. Ordinances of the regional government.

Except in dealing with questions of parliamentary procedure, the board shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects, respectively.

The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the board of commissioners of the Richmond Metropolitan Government." No ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two regular meetings, or the requirement of such reading has been dispensed with by the affirmative vote of six of the members of the board. Any ordinance introduced and adopted on its first reading at one meeting of the board may be amended and adopted as amended at the next such meeting or subsequent meeting, provided that the amendment does not materially change the purpose and character of the proposed ordinance. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section or subsection as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board, and every ordinance or resolution shall require, on final passage, the affirmative vote of a majority of all of the board members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial or personal interests are involved. The effective date of any ordinance passed by the board, except an emergency ordinance, shall be ten days after the second reading.

The board shall act only by ordinance (i) in authorizing the making of any public improvements; (ii) in the acquisition of real estate or any interest therein; (iii) in authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of revenue or of the sale of bonds lawfully authorized); (iv) in authorizing the sale of any property or rights in property of the regional government; or (v) in granting any public utility franchise, privilege, lease, or right of any kind to use public property or easement of any description or any renewal, amendment, or extension thereof; provided that after any such ordinance shall have taken effect, all subsequent proceedings incidental thereto and providing for the carrying out of the purposes of such ordinances may, except as otherwise provided in this charter, be taken by resolution of the board.

Chapter 14.

Miscellaneous.

§ 14.1. Offices, etc.

The seat for the regional government shall be located in the City of Richmond. The regional government may have such other offices, warehouses, plants and other facilities as may be necessary to carry out its purposes and functions anywhere in the three jurisdictions.

§ 14.2. Courts.

The regional government may sue and be sued in the courts of the City of Richmond.

§ 14.3. Amendments to charter.

This charter may be amended upon approval of any amendments by the Virginia General Assembly in accordance with the Constitution of Virginia and general laws of the Commonwealth.

§ 14.4. Immunity from liability.

The regional government and all its officers, employees, and agents shall retain all immunities from liability available to counties and officers, agents, and employees thereof in the Commonwealth of Virginia. No actions or claims shall be instituted against the regional government unless the claimant shall have complied with all procedural prerequisites to such actions or claims as are contained in the Constitution and § 8.01-222 of the Code of Virginia.

§ 14.5. Severability.

Should any part of this charter be declared unconstitutional by a court of competent jurisdiction, such declaration shall have no effect on the constitutionality or validity of any other part of this charter.

2. That upon the petition of five hundred registered voters from one of the three localities, the circuit court in that locality shall order that a referendum be held in the locality at the next general election in accordance with the provisions of general law on the question of whether this act creating the Richmond Metropolitan Government shall take effect.

3. That this act shall not become effective until approved by a majority of the qualified voters of each jurisdiction voting separately in a referendum. The referendum results of each locality shall be valid for a period of five years from certification of the results.

[4. That the provisions of this act shall not become effective unless reenacted by the 1996 Session of the General Assembly.]

ENGROSSED

HB1088E