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HOUSE BILL NO. 1536

Offered January 11, 1995

A BILL to amend and reenact §§ 12 and 143(a) as severally amended of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to meetings of council and pension and retirement systems.

Patron—Copeland (By Request)

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 12 and 143(a) of Chapter 34 of the Acts of Assembly of 1918 is amended and reenacted as follows:

§ 12. Meetings of council.—At eight o'clock P.M. on the first day of July next following the regular municipal election, or if such day be Saturday or Sunday, then on the following Tuesday at one o'clock P.M., the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected councilmen shall assume the duties of their office. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. It shall hold at least one regular meeting each week, provided that it may, by the affirmative vote of a majority of its members, dispense with any ~~four~~ six such regular meetings in any calendar year. The president of the council, any member thereof, or the city manager, may call special meetings of the council at any time upon at least twelve hours' written notice to each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend. All meetings of the council shall be public, and any citizen may have access to the minutes and records thereof at all reasonable times.

§ 143(a). Pension funds—Generally.—In addition to the other powers conferred by law, the council of said city shall have the right and power to establish and maintain, in such manner and to such extent and in such combination thereof as said council may deem desirable, a system or systems of pensions and retirement allowances for, and death benefits for the designated beneficiaries of, the officers and employees of said city, including policemen and firemen and such other officers and employees whose entire compensation is paid directly by said city, but not to include officials elected by the people or the General Assembly, except that the council of said city may, in its discretion, include therein *members of the city council*, the city treasurer and the employees in his office, the commissioner of the revenue and the employees in his office, the city sergeant and the employees in his office, the clerks of the courts of record of the city and the employees in their respective offices, the commonwealth's attorney of the city and the employees in his office, the civil justice of the city, the judge of the juvenile and domestic relations court of the city, the employees in the welfare department of the city, and any person who becomes a State employee by virtue of an agreement between the city and the State, or any department, board or agency thereof, affiliating the city's department of public health with the State Health Department, provided such person was a city employee and a member of the employees' retirement system of the city on the effective date of any such agreement and does not elect, in writing, and within sixty days after the effective date of any such agreement, to become a member of the State's retirement system, or any of them, and to that end, shall have authority to establish a fund or funds for the payment of such pensions, retirement allowances and death benefits by making appropriations out of the treasury of said city, by requiring contributions from time to time from those participating in any such system, or by any other mode not prohibited by law, or by any combination of said methods, to make rules and regulations for the management, investment and administration of such fund or funds, and the payment of such pensions, retirement allowances and death benefits, and to do all such other things that may be deemed necessary or advisable to carry into effect the provisions of any such system or systems.

The pensions accruing and to accrue to any such officer or employee or to the beneficiary thereof, under any such system, and the accumulated contributions, securities, moneys and assets of any such fund, are hereby exempted from State, county and municipal taxation, and shall not be subject to execution, attachment or garnishment, or any other process whatsoever, and shall be unassignable except as provided by a regulation of such system.

The council shall have the continuing right and power to amend at any time any ordinance adopted pursuant to the provisions hereof, which right and power is expressly reserved to them, but no such amendment shall be adopted which will reduce the then accrued benefits of such officers and employees and beneficiaries covered by any such system or systems below the extent they may be then covered by accumulative reserves in any such fund or funds, which shall constitute a trust fund or funds for the

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60 payment of such benefits.

61 The inclusion in the system of pensions, retirement allowances and death benefits heretofore
62 established by the city or any of the officers or employees embraced within the provisions of this
63 section as above amended, but not embraced within the provisions thereof prior to the above
64 amendment, by an ordinance effective January ~~one, nineteen hundred fifty-four~~ 1, 1954, are hereby
65 authorized, ratified and confirmed, and said ordinance shall have the same force and effect as if this act
66 had become effective on January ~~one, nineteen hundred fifty-four~~ 1, 1954.

67 In addition to the foregoing powers the council is hereby authorized to make the necessary
68 appropriation for the supplemental payments to retired city employees or to other persons retired under a
69 city pension system. Such payments are in addition to their regular retirement benefits. The amount,
70 manner, and terms and conditions of payment shall be as the council may prescribe. In so doing, the
71 council may create or designate classes of the foregoing persons and may distinguish with respect to the
72 amount of payment or otherwise between such classes. No person or class of persons receiving such
73 supplemental payment shall have any vested interest in the same beyond the fiscal year in which the
74 appropriation for such payment is made.

75 **2. That an emergency exists and this act is in force from its passage.**