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HOUSE BILL NO. 104

House Amendments in [] — February 12, 1996

A BILL to amend and reenact § 3.08, as amended, of Chapter 167 of the Acts of Assembly of 1979, which provided a charter for the City of Hampton, relating to powers of city council.

Patrons—Behm, Christian and Crittenden; Senator: Maxwell

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 3.08, as amended, of Chapter 167 of the Acts of Assembly of 1979 is amended and reenacted as follows:

§ 3.08. Powers of city council.

All powers of the city of Hampton 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 in cities of the first class, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

A. To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements, and expenses of any city officer; for these purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a Class 1 misdemeanor.

B. To provide for the performance of all the governmental functions of the city and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter 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, by general law, then any such power shall be exercised or duly performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall, upon recommendation of the city manager, be assigned by the council to the appropriate department or agency. Notwithstanding any other provisions of this charter, the council may, upon recommendation of the city manager, create, abolish, reassign, transfer, or combine any city functions, activities, or departments by ordinance.

C. After the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours.

D. 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 retirement, death, resignation, removal, or expiration of the term of the city manager, director of finance, commissioner of revenue, or city treasurer, the director shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the city manager and the council. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

E. The council shall by ordinance define and establish a classification plan and fix a schedule of compensation for all city officers and employees other than the constitutional officers, which shall provide uniform compensation for like services.

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

G. The council may request by resolution that the circuit court for the city order a referendum held on any question set forth in such resolution. The results of the vote on the referendum shall be binding on council and shall be final on the question. The referendum shall be held and the result ascertained in accordance with applicable general law. *The council may instead request that a referendum be nonbinding on the council and for advisory purposes only [; however, There] shall be no [right of appeal from or] recount of the results of an advisory referendum.*

ENGROSSED

HB104E