

961328308

## HOUSE BILL NO. 20

House Amendments in [ ] — January 30, 1996

A *BILL to amend and reenact §§ 4.03, 4.07, 4.09, 4.10, 5.03, 5.04, 7.02, 7.06, 8.02, 8.03 and 8.04 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to meetings, appointments, ordinances, resolutions, general powers of the city manager, the budget, the comptroller, the public works department, the school board and the planning commission.*

Patrons—Johnson; Senator: Wampler

Referred to Committee on Counties, Cities and Towns

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

**1. That §§ 4.03, 4.07, 4.09, 4.10, 5.03, 5.04, 7.02, 7.06, 8.02, 8.03 and 8.04 of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:**

**§ 4.03. Meetings.**

At nine o'clock a.m. on July 1 following a regular municipal election, or if that should be *Saturday*, Sunday or a legal holiday, then on the first business day following, the council shall hold an inaugural meeting at the usual place for holding the meetings of the council.

At that meeting newly elected councilmen shall be sworn and assume the duties of their office, and then shall make such elections and appointments as are otherwise provided for in this charter.

At nine o'clock a.m. on July 1 in each year when no municipal election has been held, or if such day be *Saturday*, Sunday or a legal holiday, then the first business day following, the council shall have an organizational meeting for the purpose of making such appointments and transacting such other business as this charter shall provide shall be made or transacted on July 1 of each year.

Council shall thereafter regularly meet at such times as may be prescribed by ordinance, provided that it shall meet not less than once each month.

The mayor, any member of the council, or the city manager may call a special meeting of the council at any time, upon twelve hours written notice stating the purpose of the meeting served upon each member personally, or left at his usual place of business or residence. The called meeting may be held without written notice, provided all members of the council attend. At such special meeting, no business other than that mentioned in the call shall be considered.

All meetings of the council shall be public as provided for by the Virginia Freedom of Information Act, with executive sessions as permitted therein at the discretion of the majority of council. The council shall keep written minutes of its proceedings but does not have to keep minutes of its executive session. Citizens may have access to the minutes and records of all public meetings at any reasonable time.

**§ 4.07. Appointments and removals.**

The council in making appointments and removals shall act only by affirmative vote of at least three members. It may remove any person appointed by it for an indefinite term, provided that the person to be removed shall have been served with written notice of the intention of the council to remove him at least ten days prior to the action becoming final. If two or more members of council shall be disabled to vote pursuant to the provisions of the Virginia *State and Local Government* Conflict of Interests Act (§ 2.1-639.1 *et seq.*) or its successors, as the same may be amended from time to time, council may act by an affirmative vote of those members of city council not so disabled to vote. No hearing shall be required.

Any member of the council or any member of a board or commission, ~~including the school board~~, and any other person appointed by the council for a specified term may be removed during that term by the council but only for malfeasance or neglect of duty. The person to be removed shall be entitled to notice of the intention of the council to remove him, containing a clear statement of the grounds for such removal, and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed, and at which he may be represented by counsel, the decision of the council shall be final. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. Any officer, elective or appointed, including councilmen, or an employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken, or which has been affirmed by a court of last resort, on a charge involving moral turpitude, whether felony or misdemeanor, shall forfeit his office or employment. Council shall also have the power to otherwise punish its own members and to compel their attendance.

**§ 4.09. Ordinances—form and procedure.**

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60 Every ordinance, except an ordinance making appropriations or authorizing the contracting of an  
61 indebtedness, shall be confined to one subject. Each proposed ordinance or resolution shall be introduced  
62 in written or printed form and the enacting clause of all ordinances passed by the council shall  
63 substantially be "Be it ordained by the council of the City of Bristol, Virginia."

64 No ordinance or resolution having the effect of an ordinance, or resolution permitting the violation of  
65 an ordinance, unless it be an emergency measure, shall be passed until it has been read at two meetings  
66 not less than one week apart, one of which shall be a regular meeting of council. *The requirement of a*  
67 *first reading of an ordinance which is determined to be overly lengthy by the city manager or the city*  
68 *council may be by caption only, as long as sufficient copies are made available for members of the*  
69 *public that wish to examine the ordinance and time is provided to them to do so prior to action by city*  
70 *council.* The requirement of a second reading may be confined to the reading of the title only, called  
71 "by caption only." Any ordinance or resolution read at one meeting may be amended and passed as  
72 amended and read at the next meeting at which it is considered, provided the amendment does not  
73 materially change the ordinance. Adoption of an ordinance can be at the same meeting as that at which  
74 the second reading takes place, at a later meeting, or at the meeting at which it is first read in the case  
75 of an emergency ordinance as hereinafter set out.

76 No adopted ordinance shall be amended unless such section or sections as are intended to be  
77 amended shall be repealed and reenacted as amended.

78 No ordinance adopted by the council shall take effect until thirty days from the date of its adoption,  
79 unless council shall specify an effective date more than thirty days from the date of adoption or unless  
80 council, by affirmative vote of three of its members, shall pass the ordinance as an emergency measure  
81 to take effect less than thirty days after passage as specified in the ordinance.

82 An emergency measure is an ordinance for the immediate preservation of the public peace, property,  
83 health or safety or for providing for the operation of a municipal department. The specific emergency  
84 and the effective date of the ordinance shall be expressly stated in the ordinance.

85 A copy of every ordinance and written minutes of every act of council having the effect of an  
86 ordinance shall be kept in the office of the city clerk open to inspection at reasonable times by the  
87 public. A record or entry made by the city clerk or a copy of such record or entry duly certified by him  
88 shall be prima facie evidence of the terms of the ordinance and its due publication. All ordinances and  
89 resolutions of the council may be read into evidence in all courts and in all other proceedings in which  
90 it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified  
91 by the city clerk, or from any volume of ordinances printed by authority of the council. The adopted  
92 ordinances of the city shall be published annually with a suitable index, and copies shall be kept by the  
93 city in all of its libraries. Copies shall be made available to the public at a reasonable cost.

94 § 4.10. Resolutions and motions.

95 A statement of the official position of the council shall be by written resolution, which shall require  
96 only one reading prior to adoption. *The requirement for a reading at the meeting shall be waived, and*  
97 *the resolution may be adopted after reading by caption only if, in the opinion of the city manager or*  
98 *city council, the resolution is overly lengthy and provided that sufficient copies of the resolution are*  
99 *made available to the public at the meeting, with time to examine the same before adoption.* It may be  
100 adopted at the same meeting at which it is read.

101 All other acts of the council not required to be by ordinance or written resolution may be by oral  
102 motion, second and vote in accordance with this charter, the motion, second and vote all being at the  
103 same meeting, unless tabled by council to a subsequent meeting.

104 § 5.03. General powers and duties.

105 The city manager shall have the power and it shall be his duty:

106 1. To see to the enforcement of all laws and ordinances of the city.

107 2. To exercise supervision and control over all departments, now or hereafter created by council,  
108 except the legal, clerical, and judicial departments and any other office or department directly attendant  
109 upon council.

110 3. To exercise supervision and control over all public improvements, works and undertakings, except  
111 as otherwise expressly provided in this charter.

112 4. To attend all public city council meetings with the right to speak, but not to vote.

113 5. To recommend for adoption such measures as are necessary for the health and safety of the city's  
114 citizens and the orderly and expedient operation of the city.

115 6. To prepare and submit the annual budget to council and be responsible for its administration after  
116 adoption by council.

117 7. To keep council regularly advised of the financial condition and future needs of the city.

118 8. To make all authorized contracts in behalf of the city.

119 9. To perform such other duties as may be prescribed by this charter or required of him by the  
120 general law of the Commonwealth or by ordinance, resolution or direction of the council.

121 10. To have prepared and submit to city council by its first meeting in ~~October~~ December an audited

report of the previous fiscal year's financial transactions and its financial condition as of the last day of the previous fiscal year.

§ 5.04. Powers and duties with respect to the budget.

A. The city manager shall direct the department directors to prepare departmental estimates and other data necessary or useful to the city manager in the preparation of the budget. The city manager shall examine from time to time the departments, divisions, boards, commissions, offices and agencies of the city, in relation to their organization, personnel and other requirements; ascertain the manner in which their respective budgets are carried out and their functions performed; call the attention of the directors thereof to any improvements or economies which might be made in their administrative practices; and cooperate with the directors thereof in the preparation of their budget estimates for each ensuing year.

B. Not later than the second Tuesday in ~~March~~ May, the city manager shall have prepared and submit to the council an annual budget estimate for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government.

§ 7.02. Comptroller department.

A. Generally. - There shall be a comptroller's department headed by a department head known as the comptroller, who shall be in charge of the accounting and finances of the city.

B. General powers and duties of comptroller. - The comptroller shall have general management and control, subject to the direction and control of the city manager, of the administration of the financial affairs of the city and to that end shall have authority and be required to:

1. Keep books of account of the receipts from all sources and expenditures of all departments, courts, boards, commissions, offices and agencies of the city and prescribe the form of receipts, vouchers, bills or claims to be used and accounts to be kept by all departments, courts, boards, commissions, offices and agencies of the city; ~~including the school board~~. The comptroller in so doing shall consult with the retained public auditor for the city so that his books of account and other items mentioned herein produce the requisite information for auditing purposes;

2. Maintain suitable records to keep an accurate account with the city treasurer, making entries therein, where practical, on the same date which they occur, and said records shall be kept so that an examination of them will show the condition of the treasury;

3. Cooperate with the city manager and budget director in compiling estimates for the current expense and capital budgets;

4. Require daily, or at such intervals as he may deem expedient, report of receipts and a remission of the same from each department, court, board, commission, office and agency, ~~including the school board~~, and shall on the proper in-paying warrant remit the same to the treasurer;

5. Examine all contracts, purchase orders and other documents which create financial obligations against the city ~~or the school board~~, to determine that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available and such appropriation and allotment to meet the same;

6. Audit before payment for legality and correctness all accounts, claims and demands against the city and no money shall be drawn from any bank account of the city ~~or school board~~ except by warrant or check signed by the city manager and treasurer, based upon a voucher prepared by him;

7. Submit to the city manager for presentation to the council ~~and to the superintendent of schools for presentation to the school board~~, not later than the 15th day of each month, a statement concerning the financial transactions of the city ~~and of the school board, respectively~~, prepared in accordance with accepted principles in municipal accounting and budgetary procedure and showing:

(a) The amount of each appropriation with transfers to and from the same, the allotment thereof to the end of the preceding month, encumbrances and expenditures charged against such appropriation during the preceding month, the total of such charges for the fiscal year to the end of the preceding month and the unencumbered balance remaining in such appropriation; and

(b) The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected;

8. Furnish the head of each department, court, board, commission, office or agency of the city a copy of such portion of the statement relating to such department, court, board, commission, office or agency;

9. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city; ~~and to the school board a complete financial statement and report of the financial transactions of the school board~~;

10. Protect the interest of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted; and

11. Perform such other duties as may be required of him by this charter, by the city manager or by

183 the city council.

184 C. Annual audit. - The council shall cause to be made annually an independent financial audit of all  
185 accounts, books, records and financial transactions of the city by the auditor of public accounts of the  
186 Commonwealth or by a firm of independent certified public accountants to be selected by council. The  
187 audit shall be of sufficient scope to express an opinion as to whether the books and records and the  
188 financial statements prepared therefrom as contained in the annual financial report of the city present  
189 fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of  
190 municipal accounting and applicable government laws. The report of such audit shall be always available  
191 for public inspection in the office of the city clerk and in the office of the city manager during regular  
192 business hours. The comptroller shall cooperate with and provide the necessary information to the  
193 auditor for the purpose of producing the annual audit.

194 D. Other audits of accounts. - Upon the death, resignation, removal or expiration of the term of any  
195 officer of the city, the comptroller, under the supervision of the city manager, shall audit the accounts of  
196 such officer and report the result of the audit to the council. The comptroller shall also audit the  
197 accounts of any office or department of the city upon the request of the council, under the supervision  
198 of the city manager. Any such audit, at the direction of the council, may be made by an independent  
199 certified public accountant rather than by the comptroller if they so direct.

200 E. Commissioner of revenue. - There shall be elected, pursuant to Chapter 3 of this charter and the  
201 general law of the Commonwealth, a commissioner of revenue as provided for in the Constitution of the  
202 Commonwealth of Virginia who shall perform such duties as are not inconsistent with the laws of the  
203 Commonwealth in relation to the assessment of property and license taxes as may be required by the  
204 council for the purpose of levying city property and license taxes. He shall perform such other duties  
205 within the City of Bristol, Virginia, as are prescribed for him by the general law of the Commonwealth  
206 of Virginia and as may be prescribed for him by this charter or by the city council for the City of  
207 Bristol, Virginia, and are not inconsistent with his office. The commissioner of revenue shall have the  
208 power to administer oaths in the performance of his official duties.

209 F. City treasurer. - There shall be elected, pursuant to Chapter 3 of this charter and the general law  
210 of the Commonwealth, a city treasurer, as provided for in the Constitution of Virginia who shall, except  
211 as otherwise provided in this charter, be the custodian of all funds of the city and the city's comptroller's  
212 bond, and pursuant thereto shall:

213 1. Deposit all funds coming into the treasurer's hands to the account of the city, in such separate  
214 accounts as may be provided for by council, in such banks as may be designated for that purpose by the  
215 council. However, the city manager may authorize any department or agency of the city to maintain a  
216 petty cash fund not to exceed \$300. Such fund authorized shall be reimbursed by the treasurer only  
217 upon presentation of vouchers approved by the comptroller;

218 2. Receive all moneys belonging to and received by the city and keep a correct account of all such  
219 receipts;

220 3. Be subject to the supervision of the council, perform such other duties not inconsistent with the  
221 office as council may from time to time direct, and have such powers and duties as are now or may  
222 hereafter be prescribed by the general law of the Commonwealth or ordinance of this city;

223 4. Make all such reports to the comptroller with respect to receipts and expenditures in the city  
224 treasury as may be required by the comptroller to properly keep the financial records of the city up to  
225 date;

226 5. Pay out no money from the city treasury except as may have been approved by the city manager  
227 and the comptroller on forms prescribed by the comptroller, all in accordance with the provisions of this  
228 charter;

229 6. Present annually to council the treasurer's account with the State Auditor;

230 7. Receive no money or permit the payment of the same into the treasury, except upon the  
231 presentation of a proper form authorizing such payment and receipt, which form shall show the source  
232 and amount of such money and shall be signed by the comptroller or his designee. No license, permit or  
233 other authorization for which the party receiving same is required to pay money to the city shall be  
234 valid unless and until the treasurer receipts the same giving the amount and date of such receipt; and

235 8. Report a list of real and personal properties delinquent as of June 30, 1989, for taxes to the city  
236 manager and to city council no later than July 1 of each year.

237 § 7.06. Public works department.

238 A. Department generally.—There shall be a public works department which shall consist of a public  
239 works director and such other officers and employees as may be provided for by council. The  
240 department shall be divided into three divisions, a ~~public works~~ *street and maintenance* division, an  
241 engineering division and a ~~sanitation~~ *solid waste* division. Each division *or subdivision* shall be headed  
242 by a division *or subdivision* superintendent *or manager*. The public works director may ~~personally~~  
243 as superintendent *or manager* of the ~~public works~~ *street and maintenance* division or the engineering  
244 division, but not both.

B. Functions of the ~~public works street and maintenance~~ division. - The ~~public works street and maintenance~~ division shall be responsible for:

1. Supervision of the execution and performance of all contracts for capital improvement projects by the city. No payment shall be made by the city upon any such contract without the certificate of the Public Works Division that the work or that portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of the contract. When plans and specifications for any capital improvement project have been prepared under the authority of the school board or the Bristol, Virginia, utility board by some person or agency other than the engineering division, the contract may be supervised and the certificate above-required shall be issued by a person or agency to be designated by the school board or the director of the Bristol, Virginia, utility board, as the case may be;

2. 1. The construction of any capital improvement project by employees of the public works department when ordered, as hereinafter provided by this charter, by council or by the city manager;

3. 2. The maintenance and cleaning, including snow removal, of streets, alleys, other public places, bridges, viaducts, subways and underpasses;

4. 3. The maintenance of storm sewers, drains and culverts;

5. 4. The determination, in accordance with such applicable ordinances of the conditions under which street surfaces may be cut by the Bristol, Virginia, utility board or any person, firm or corporation, for the purpose of laying, relocating, removing, reconnecting or repairing of pipes or conduits therein, and the time within and the manner in which such work shall be completed and such cuts filled and the street surface restored;

6. 5. The maintenance, heating, lighting and janitorial service for all city-owned buildings, except those under the jurisdiction of the school board and the Bristol, Virginia, utility board, and except when otherwise provided by this charter, law, ordinance or the directions of the city manager;

7. 6. The physical maintenance, construction, improvement and acquisition of physical data for all traffic engineering in the city, all of such work to be done at the direction of the city engineer; and

8. 7. Such other duties and powers as may be assigned to the division generally by council, or specifically by the city manager or the public works director.

The city manager shall have the power to assign personnel from other departments to accomplish any function set forth herein.

C. Functions of the engineering division. - The engineering division shall be responsible for:

1. The making of such surveys, reports, maps, drawings, plans, specifications and estimates as may be requested from time to time by the council, the city manager or the head of any department, or any board, commission or agency of the city; provided that the city manager may, with the approval of the council, employ consulting engineers or architects in connection with the design of any building, work or improvement;

2. The custody of all maps and plans of the city or any part thereof and all such maps or plans hereafter made and not expressly required by law or ordinance to be filed in some other place, and any map or plan of the city or any part thereof made in accordance with any law or ordinance in the custody of the engineering division or a copy thereof attested by the city engineer shall be evidence in the courts of the Commonwealth of the facts shown therein;

3. The preparation of an engineering plan for all public improvements undertaken by the employees of the city or by contract let in accordance with said plans, unless the services of a consulting engineer or architect have been used for that purpose;

4. The review and certification of all maps and plans required by the zoning code, the subdivision ordinance or any other ordinance or law of the city or law of the Commonwealth which requires the preparation of a plan and its approval by an appropriate official of the City of Bristol, Virginia;

5. To determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by Chapter 14 of the City Code and the laws and other ordinances of the city pertaining to traffic control and regulation;

6. Enforcement and maintenance of sediment and erosion control ordinances; ~~and~~

7. Supervision of the execution and performance of all contracts for capital improvement projects by the city. No payment shall be made by the city upon any such contract without the certificate of the ~~street and maintenance~~ division that the work or that portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of the contract. When plans and specifications for any capital improvement project have been prepared under the authority of the school board or the Bristol, Virginia, utility board by some person or agency other than the engineering division, the contract may be supervised and the certificate above-required shall be issued by a person

306 *or agency to be designated by the school board or the director of the Bristol, Virginia, utility board, as*  
307 *the case may be; and*

308 7. 8. Such other duties and powers as may be assigned to the division generally by council or  
309 specifically by the city manager or by the public works director.

310 D. ~~Sanitation~~ *Solid waste division.* - The ~~sanitation solid waste~~ division shall be responsible for all  
311 aspects of the collection, transportation and disposal of solid wastes within and from the City of Bristol,  
312 Virginia, and such other areas as from time to time the council may designate. It shall operate solid  
313 waste removal transportation and disposal facilities, subject to the general laws of the Commonwealth of  
314 Virginia and the ordinances and regulations of the City of Bristol, Virginia. In addition, the sanitation  
315 division shall perform such duties and have such powers as may be assigned to it generally by city  
316 council or specifically by the city manager or by the public works director *divided into two*  
317 *subdivisions, collection and disposal, and shall be responsible for all aspects of solid waste*  
318 *management. The collection subdivision shall be responsible for the collection and transport of solid*  
319 *waste within and from the City of Bristol, Virginia, and such other areas as from time to time the*  
320 *council may designate. The disposal subdivision may operate solid waste disposal facilities which may*  
321 *include landfills, incinerators, transfer stations, material recovery facilities and other solid waste*  
322 *facilities, subject to the general laws of the Commonwealth of Virginia and the ordinances and*  
323 *regulations of the City of Bristol, Virginia. In addition, the solid waste division shall perform such*  
324 *duties and have such powers as may be assigned to it generally by city council or specifically by the*  
325 *city manager or by the public works director .*

326 E. Public works director. - The head of the public works department shall be the public works  
327 director. An engineering degree shall not be required but shall be considered preferable.

328 F. Powers and duties of the public works director. - The director of public works shall have the  
329 management and control of the department. He shall appoint and remove all the officers and employees  
330 of the department, with the approval of the city manager, and shall have the power to make rules and  
331 regulations consistent with this charter and the ordinances of the city for the conduct of its business.

332 G. Grading and alignment of streets. - The council may grade or change the grade and align or  
333 change the alignment of any street, alley or public place within the city. If the work be of such nature  
334 as may cause damage to the abutting land owners, it shall be the duty of the public works director to  
335 ascertain what damages, if any, will accrue to the owners of the property likely to be so affected. It  
336 shall be the duty of the city manager, having received such ascertainment from the public works  
337 director, to give such notice and hearings and make such reports and to proceed in such manner as may  
338 be required by state law.

339 H. Public improvements. - Whenever any capital improvement project is to be undertaken by the city  
340 or any department, board, commission or agency thereof, except the school board and the Bristol,  
341 Virginia, utility board, it shall be the duty of the public works director to cause plans, specifications and  
342 estimates of cost of such capital improvement project to be made. The school board and the Bristol,  
343 Virginia, utility board may utilize the services of the public works department in preparing plans,  
344 specifications and estimates of cost for capital improvement projects relating to their respective functions  
345 with consent of the city manager or the city council. In the discretion of the city manager, any capital  
346 improvement project may be undertaken by employees of the public works department or may be  
347 constructed by contract with an independent contractor.

348 § 8.02. Boards—appointments, compensation.

349 The terms of office and the number of consecutive terms of office permitted to any individual  
350 appointee for all board appointments made by city council shall be as set forth in this charter, except for  
351 appointments to boards and commissions not created by this charter or by the council for the City of  
352 Bristol, Virginia, but which are participated in by the city. With respect to all such state, regional and  
353 federal boards participated in by the city and not created by this charter or ordinance of the City of  
354 Bristol, Virginia, the city may participate in the operation of such boards by appointment thereto and the  
355 term of office for each such appointee shall be for such length as is specified by the general laws,  
356 regulations and by-laws of such agency or board. No individual appointee to such board shall be  
357 appointed for more than two consecutive terms unless such restriction is in conflict with the general  
358 laws of the Commonwealth of Virginia, or the federal laws by which the board or commission was  
359 created or the by-laws of the board or commission.

360 No member of any board, including without limitation, the Bristol, Virginia, utility board, ~~the Bristol,~~  
361 ~~Virginia school board,~~ or any other board to which members are appointed by the city council for the  
362 City of Bristol, Virginia, shall receive any compensation for services on said board, said service to be of  
363 a purely volunteer nature. However, members of such boards may be reimbursed actual expenses  
364 incurred in service on such boards excluding expenses incident to the attendance at regular meetings of  
365 the board.

366 § 8.03. Bristol, Virginia, school board.

367 The City of Bristol, Virginia shall constitute a single school district and shall have a school board

composed of five members, who shall exercise the powers and perform the duties of school boards conferred by the Constitution of Virginia and laws provided for the same. The term of office for each board member shall be for a period of three years and no individual appointee to the board shall serve more than two consecutive terms on the school board. No person ineligible as a school board member under state law shall be elected or serve as a member of the school board. Any person eligible under state law and qualified to vote in the city shall be eligible for the office of school board member. The school board members shall take and subscribe to the oaths prescribed for state officers; file the same in the office of the city clerk and enter upon their duties on July 1 following their election, or as soon as practical, if elected, to fill an unexpired term.

A vacancy occurring on the school board at any time other than by expiration of term shall be filled by the council for the unexpired term.

Within thirty days preceding July 1 of each year, the council shall appoint a successor to each member whose term expires on June 30 of that year. The terms of all school board members currently serving shall be unaffected by adoption of this charter and each such member shall continue in office until the completion of his term.

[ The school board shall have all powers and duties relative to the operation, management and control of the public schools of the city provided by the general laws of the Commonwealth and in addition thereto shall perform such duties not inconsistent with their office and make such reports and keep such accounts of receipts and disbursements as the council may require. ]

*The City of Bristol, Virginia, has by referendum provided for the popular election of school boards in accordance with Title 22.1 of the Code of Virginia; therefore, this charter does not make any provision with respect to the election, vacancy in office or other matters pertaining to how the board is constituted or shall operate except as herein provided.*

The school board shall prepare its budget estimate and deal with its budget in accordance with Chapter 10 of this charter.

The title to all real estate acquired for public school purposes shall be taken and held in the name of the City of Bristol, Virginia [ ; except that the council, in order to enable the city school board to borrow money from the literary fund of the Commonwealth, may by resolution authorize and direct the title in fee simple to such real estate on which the school building is sought to be erected, altered or enlarged as prescribed in application for such loan to be conveyed by the city to the city school board ]

#### § 8.04. City planning commission.

There shall be a city planning commission consisting of seven members, one of whom shall be a member of the city council selected by the council for a term coincident with his term on the council, one of whom shall be an appropriate employee of the city selected by the council for an indefinite term, and the remaining members shall be citizens appointed by council for three-year terms. All citizens of the City of Bristol, Virginia, owning real property shall be eligible for appointment to the planning commission, and all appointees shall take the oath of office before entering into their duties. Each appointee, other than the councilmanic and employee appointees, shall be eligible for only two consecutive terms.

The planning commission's duties shall be to:

1. Exercise general supervision of and make regulations for the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its physical affairs and responsibilities, under rules and regulations as prescribed by the governing body;
4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
7. Prepare and submit an annual budget estimate in the manner prescribed by the city council;
8. Review, amend and recommend a comprehensive city plan to city council as provided for by state law and this charter and amendments thereto as needed;
9. Exercise such authority and perform such duties relative to zoning, subdivisions and other matters related to development within the City of Bristol, Virginia, as are provided for in the respective ordinances provided for the same by city council; and

10. Perform such other duties as council may from time to time assign to the planning commission.

The planning commission shall be staffed by the director of the department of planning and employees of that department until and unless the council shall by ordinance provide for a separate staff for the planning commission. The planning commission may, with the approval of the city manager, call upon the heads of other departments for staff functions as the need may arise.

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