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## HOUSE BILL NO. 1794

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns  
on January 22, 1999)

(Patron Prior to Substitute—Delegate Williams)

A BILL to amend and reenact §11 as amended, § 49, and § 88 as amended, of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to powers of the city council and appointed officers.

Be it enacted by the General Assembly of Virginia:

1. That § 11 as amended, § 49, and § 88 as amended, of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:

§ 11. Elections by council; when held, terms, etc.—Prior to the first day of December, 1918, and prior to the first day of December of every fourth year thereafter, the council shall elect appoint a city manager, a city assessor, a city clerk, a city attorney, a city auditor and a high constable, each of whom shall serve for a term of four years from the first day of January next following the date of his election, and until his successor shall have been elected and qualified be appointed for an indefinite period and serve at the will of the council.

§ 49. Appointment, qualification, etc.—The city manager shall be the administrative head of the municipal government. He shall be chosen by the council without regard to his political beliefs, and solely upon the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or State, unless otherwise required by the Constitution of the State. The city manager shall receive such compensation as shall be provided by the council by ordinance. He shall be appointed for an indefinite period, and shall serve at the will of the council, provided, however, that he may not be removed within twelve months from the date on which he assumed his duties, except for incompetence, malfeasance, misfeasance or neglect of duty. In case of his removal within said period he may demand written charges and a public hearing thereon before the council prior to the date on which his final removal shall take effect; but the decision and action of the council on such hearing shall be final, and pending such hearing the council may suspend him from duty in the manner and for the term prescribed in section 11 of this charter. During the absence or disability of the city manager the council shall designate some properly qualified person to perform his duties.

§ 88 (a). Assessment and equalization of assessments of real estate.—The council of said city shall have the right and power, in lieu of any other method prescribed by law, to provide for the annual assessment and reassessment of real estate for taxation, and to that end may appoint in the manner and for the term prescribed in section 11 of this charter a single assessor to assess such real estate for taxation, may prescribe the duties and term of office of said assessor, may require that he shall give his entire time to the duties of his office, may remove him for cause, may fix his compensation, which shall be payable out of the local treasury, and may likewise provide for such technical and clerical assistance as may be necessary or advisable and for the payment of any other expenses that may be properly incident thereto. Such person so appointed shall be the city assessor and shall have such number of assistants as the council by ordinance may provide, such assistants to be nominated by him and confirmed by the council. Said annual assessments or reassessments shall be completed by said assessor by the thirty-first day of March of the year in which they are made.

All such real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

Notwithstanding any of the provisions of §§ 58-895 and 58-899 to 58-901, inclusive, of the Code of Virginia, the circuit court of said city or the judge thereof in vacation shall, annually, appoint for the city a board of review of real estate assessments, to be composed of three members, who shall be freeholders of said city. The terms of such members shall commence on their appointment and shall expire on the thirtieth day of November of the year in which they are appointed unless such terms are extended. Such court or the judge thereof in vacation may extend the terms of the members of the said board of review and shall fill any vacancy therein for the unexpired term. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board, to be fixed by the council of said city, and to be paid out of the treasury of said city, provided, however, that the council of said city may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

Such board of review shall have and may exercise the power to revise, correct and amend any assessments of real estate made by said assessor in the year in which they serve, and to that end shall have all the powers conferred upon boards of equalization by §§ 58-903 and 58-912, inclusive, of the

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60 Code of Virginia. Notwithstanding any provision of said sections, however, the board of review may  
61 adopt any regulations providing for the oral presentation, without formal petitions or other pleadings of  
62 requests for review, and looking to the further facilitation and simplification of proceedings before the  
63 board.

64 Any person of said city aggrieved by any assessment made by said assessor or board of review may  
65 apply for relief in the manner provided by §§ 58-1145 to 58-1151, inclusive, of the Code of Virginia.

66 This section shall not apply to the assessment of any real estate assessable under the law by the State  
67 Corporation Commission.