

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 633

An Act to amend and reenact §§ 4.03, as amended, 4.05, 4.07, as amended, 5.01, 5.02, 5.03, as amended, 7.02, as amended, 7.03, 7.04, 7.07, as amended, 7.08, as amended, 7.11, 8.04, as amended, and 15.03 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, and to amend Chapter 542 of the Acts of Assembly of 1990 by adding a section numbered 8.06:1, relating to city powers, council meetings, city manager, city departments, planning commission, and utility board.

[H 2497]

Approved March 19, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.03, as amended, 4.05, 4.07, as amended, 5.01, 5.02, 5.03, as amended, 7.02, as amended, 7.03, 7.04, 7.07, as amended, 7.08, as amended, 7.11, 8.04, as amended, and 15.03 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, are amended and reenacted and that Chapter 542 of the Acts of Assembly of 1990 is amended by adding a section numbered 8.06:1 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.

Each July 1, at the inaugural or organizational meeting, council shall make such appointments of its own members to such boards, authorities, committees or commissions that require a representative from the members of the council. Additionally at the inaugural or organizational meeting, or as soon as possible thereafter, council shall also make such citizen appointments to the planning commission, board of zoning appeals, economic development committee, social services board, board of building code appeals, BVU Authority, Industrial Development Authority and any other boards to which the council makes appointments of members whose terms have expired as of midnight on the 30th day of June. Nothing herein is meant to preclude the filling of any vacancies on such boards, authorities, committees or commissions prior to July 1, if such opening exists prior to midnight on June 30th. The length of terms of all appointees to the BVU Authority are governed by the BVU Authority Act and not the Charter.

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 by electronic service at their city-provided electronic mail address.~~ 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.

§ 4.05. Mayor and vice mayor.

At each inaugural and each organizational meeting of council, council shall elect one of its members as chairman, who shall be entitled mayor and one of its members as vice chairman, who shall be entitled vice mayor, each of whom shall serve for a term of one year, or until his successor is elected.

The mayor shall preside over all meetings of the council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of city government for all ceremonial purposes, the purposes of military law and the service of civil process. ~~In times of public danger, or emergency, he may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant policemen as may be necessary.~~ The mayor shall have no veto power. He shall authenticate by his signature such instruments as the council, this charter or the

laws of the Commonwealth shall require.

The vice mayor shall, in the absence or disability of the mayor, perform the duties of the mayor. If a vacancy shall occur in the office of mayor, the vice mayor shall become mayor for the unexpired portion of the mayor's term. A replacement for the vice mayor may then be elected by a majority vote of the remaining council.

In the absence or disability of both the mayor and vice mayor, the council may, by majority vote of those present, choose one of their number to perform the duties of mayor and one to perform the duties of vice mayor.

§ 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, 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. *The notice provided and all associated evidence shall be made public immediately after serving said notice to the person.* After the hearing, which shall be public ~~at the option of the person sought to be removed~~, and at which ~~he~~ *the person sought to be removed* 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.

§ 5.01. Appointments and qualifications.

There shall be a city manager who shall be the administrative ~~and executive~~ head *and chief executive officer* of the city and shall be responsible to the council for the proper administration of the city government. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or the Commonwealth of Virginia. He shall be appointed by council for a term of one year, unless sooner removed by council as herein provided. The city manager's term shall commence immediately upon election by council at a meeting to be held on July 1 of each year, or if such day be on Saturday, Sunday or a legal holiday, on the first business day following. Such term shall end on June 30 of the succeeding calendar year. Vacancies during the term may be filled by the council for the remainder of the term. During the absence or disability of the city manager, the council may, by general ordinance, or specific act, designate some properly qualified person to perform the duties of the office as acting city manager in the absence of an assistant city manager.

§ 5.02. Power of appointment and removal.

The city manager shall appoint such city officers and employees as the council shall determine are necessary for the proper administration of the city and shall supervise such employees. ~~The~~ *All* employees, *including those in the police department and fire department*, may be removed by the city manager, except those employees in the clerical, legal and judicial departments and other attendants of the council. The council shall consent to the appointment or removal of all directors or heads of departments as hereinbefore provided before such appointment or removal shall become effective.

§ 5.03. General powers and duties.

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

1. To see to the enforcement of all laws and ordinances of the city.
2. To exercise supervision and control over all departments, now or hereafter created by council, except the legal, clerical, judicial departments and any other office or department directly attendant upon council.
3. To exercise supervision and control over all public improvements, works and undertakings, except as otherwise expressly provided in this charter.
4. To attend all public city council meetings with the right to speak, but not to vote.
5. To recommend for adoption such measures as are necessary for the health and safety of the city's citizens and the orderly and expedient operation of the city.
6. To prepare and submit the annual budget to council and be responsible for its administration after

adoption by council.

7. To keep council regularly advised of the financial condition and future needs of the city.
8. To make all authorized contracts in behalf of the city.
9. To perform such other duties as may be prescribed by this charter or required of him by the general law of the Commonwealth or by ordinance, resolution or direction of the council.
10. To have prepared and submit to city council by its first meeting in 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.

11. *To serve as the local Director of Emergency Management in accordance with the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (§ 44-146.13 et seq. of the Code of Virginia).*
§ 7.02. Finance department.

A. Generally. There shall be a finance department headed by a department head known as the chief financial officer, who shall be in charge of the accounting and finances of the city. The chief financial officer shall function as budget director, which position shall require skill in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget.

B. General powers and duties of chief financial officer. The chief financial officer 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. The chief financial officer 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 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, 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 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 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, not later than the 25th day of each month, a statement concerning the financial transactions of the city 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;

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. *Develop and maintain financial policies, subject to the approval of city council. These policies shall include, but are not limited to, the following:*

- (a) *Debt as a percentage of assessed value;*
- (b) *Debt as a percentage of operating expenditures;*
- (c) *Balanced budget;*

(d) *Capital improvement program; and*

(e) *Fund balance.*

Compliance with financial policies developed and maintained under this subdivision shall be incorporated into the annual budget document so that city council is able to benchmark the city's progress.

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

C. Annual audit. The council shall cause to be made annually an independent financial audit of all 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 council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the city present fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable government laws. The report of such audit shall be always available for public inspection in the office of the city clerk and in the office of the city manager during regular business hours and shall be posted on the city's website for public viewing. The chief financial officer shall cooperate with and provide the necessary information to the auditor for the purpose of producing the annual audit.

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

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

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

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

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

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

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

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

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

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

8. Report a list of delinquent real and personal property taxes for the next preceding year to the city manager and to city council no later than July 1 of each year.

§ 7.03. Personnel department.

A. Generally. There shall be a personnel department which shall consist of the personnel director, and such employees as may be provided for by the council. Until the city council for the City of Bristol, Virginia, shall, by written resolution, direct that the office of personnel director shall be otherwise filled, the city manager shall serve as personnel director.

B. Powers and duties of the personnel director. The personnel director shall have the following powers and duties:

1. To formulate and propose a comprehensive personnel policy to the city council for adoption, and as the need may arise, to propose to the council amendments, additions and deletions to the comprehensive personnel policy, and to oversee and enforce the uniform application of the personnel policy to all the employees of the city. Nothing in this charter, nor in any policy manual promulgated pursuant to this charter, nor in any ordinance or act of the council of the City of Bristol, Virginia, shall be construed to create any contractual relationship between the City of Bristol, Virginia, and any of its employees or agents. The comprehensive personnel policy adopted pursuant to this provision shall not be a contract with the employees of the city and so may be amended from time to time as the needs of the city may require, no rights being vested in any city employee by virtue of this section or any policy adopted pursuant thereto.

2. To, with the cooperation of each department head, formulate and promulgate standard operating procedures in addition to a comprehensive personnel policy that may be needed and applicable to the individual departments and the employees thereof as such requirements may exist and submit to the council for adoption and from time to time for amendment.

3. To oversee and aid each department head in the formulation and promulgation of competitive examinations for all original appointments to department jobs and for promotions within each department to provide for the hiring and promotion of the best qualified personnel available to the city.

4. To oversee the maintenance by each department of a list of eligible employees based upon examination and other hiring criteria for each department and to promulgate regulations to assure that such lists are kept current, that all vacancies are well publicized and that the best possible employees of the City of Bristol, Virginia, be hired for each such vacancy.

5. To formulate and recommend to the council for adoption such additions, deletions, and amendments of the current city pay plan covering all employees of the city as may from time to time be advisable.

6. To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city of such personnel records of employees of such departments, boards, etc., as the personnel director shall prescribe.

7. To establish a temporary employment list for filling positions which are temporarily vacant.

8. To oversee and advise the department heads in the promulgation of a systematic program of in-service training for all employees qualifying them for advancement in the service of the city.

9. To oversee and enforce the operation of an employee grievance procedure in accordance with the laws of the Commonwealth.

10. To investigate any and all matters relating to conditions of employment in the service of the city and to make at least annually a report of his findings to the council.

11. *To oversee and advise department heads in all cases of adverse employment decisions before any disciplinary actions are taken.*

12. Such other powers and duties as may be assigned him from time to time by council.

§ 7.04. Police department.

A. Generally. The police department shall consist of the chief of police and such other officers and employees at such ranks and grades as may be established by the council. The police department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police department of the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth and more particularly, each police officer is invested with all the power and authority which formerly belonged to the office of the constable at common law in taking cognizance of, and in enforcing the criminal laws of the Commonwealth and ordinances and regulations of the city. Each of such policemen shall use his best endeavors to prevent the commission within the city of offenses against the laws of the Commonwealth and against the ordinances and regulations of the city; shall observe and enforce all such laws, ordinances and regulations; shall detect and arrest offenders against the same; shall preserve the good order of the city; and shall secure the inhabitants thereof from violence and the property therein from injury. Such policemen shall have no power or authority in civil matters, except that they may execute and serve a temporary detention pursuant to § 37.1-67.1 of the Code of Virginia and he shall in all other cases comply with the orders of any court of proper jurisdiction and execute such warrants or summons as may be placed in said police officer's hands by any clerk of the court, magistrate or trial judge of the city and shall make due return thereof. The criminal investigations of the department shall be under the ultimate authority of the attorney for the Commonwealth, who shall be the chief law-enforcement officer

of the city.

B. Powers and duties of the chief of police. The head of the police department shall be the police chief. Under the supervision of the city manager, he shall be in direct command of the police department. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. *Upon notice of a complaint about an officer's conduct and determination that an internal affairs investigation shall be conducted, the city manager will be immediately notified of the internal affairs investigation in writing. The chief of police will investigate the matter and report the findings and recommended disposition to the city manager and city attorney within a reasonable period of time. If the city manager disputes the recommendation of the chief of police and an agreement is not made, a three-person panel will be convened to review allegations and proposed disposition. The panel will be made up of a captain or lieutenant from the police department that is not a direct supervisor of the officer involved, a city department head chosen by the city manager, and a city department head chosen by the chief of police. The panel will then make a recommendation to the city manager and chief of police. The decision of the panel will be final pending any other administrative or legal remedies the officer may have pursuant to the general laws of the Commonwealth or the City of Bristol. The chief of police shall maintain all records, recordings, and statements of the investigation.* The police chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager shall be transmitted in all cases through the police chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience to the lawful commands of the police chief or a violation of the rules and regulations made by him, shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Division of animal control. Within the police department, there shall be a division of animal control which shall consist of a city animal warden, appointed pursuant to § 3.1-796.104 of the Code of Virginia, by the city manager, who shall be supervised by the police chief. The animal warden shall serve at the will and pleasure of the city manager and shall not be considered a department head. The city animal warden shall be paid and otherwise compensated as the city council shall from time to time prescribe. The animal warden shall have such powers and duties and responsibilities as are set out in Chapter 27.3 (§ 3.1-796.66 et seq) of Title 3.1 of the Code of Virginia and all other acts and ordinances enacted by the Commonwealth or the city for the control and protection of animals. The city manager shall have the power to appoint one or more deputy animal wardens to assist the city animal warden as the council shall provide.

§ 7.07. Building code ~~department~~ division.

A. Building Code Division ~~Generally code division generally.~~ There shall be a building code division which shall consist of the building code official and such other officers and employees as may be provided for by city council and the environs control official. ~~The building code division~~ The building code official and residential inspector shall be part of the community development department of ~~planning~~ and supervised by the ~~planning~~ community development director. The building code official may be removed from office for cause after full opportunity to be heard on specific and relevant charges in a hearing before city council. The city manager is authorized to designate an employee as deputy who shall exercise all the powers of the building code official during the temporary absence or disability of the building code official.

B. Restriction of employees. Neither any building code official nor any employee connected with the building code division, except members of the board of survey or the board of appeals, shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or the specifications thereof built or to be built within the city, unless that person is the owner of the building. No officer and employee may engage in any work which conflicts with the official duties or interests of the building code division.

C. Personal liability. The building code ~~official~~ division, and any officer or employee of the building code division, shall not, while acting for the jurisdiction, thereby be rendered liable personally for any damage accruing to persons or properties as a result of any act required or permitted in the discharge of their official duties, nor shall ~~any employee of the building code official or any subordinate of the building code official~~ be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of the building and maintenance codes. They shall be free from liability for acts performed under any of the provisions of or by reason of any act or omission in the performance of their official duties in connection with the provisions of the Uniform Statewide Building Code. ~~This limitation of liability shall extend to the environs control division's enforcement of the Uniform Statewide Building Maintenance Code.~~

D. Functions. The building code division shall:

1. Enforce all the provisions of the Uniform Statewide Building Code and act on any question

relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of all buildings and structures situate in the City of Bristol, Virginia;

2. Receive applications and issue permits for the erection and alteration of buildings and structures, including passing on whether a requested building permit may be issued in compliance with the zoning ordinances of the city, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the Uniform Statewide Building Code;

3. Issue all necessary notices or orders to remove illegal or unsafe conditions and structures, require the necessary safeguards during construction, require adequate exit facilities in existing buildings and structures and insure compliance with all the code requirements for the health, safety and general welfare of the public;

4. Make all the required inspections, or accept reports of inspection by approved agencies on individuals in writing and certified by a responsible officer of such approved agency or by the responsible individual, and engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, if such engagement is approved by ~~council~~ *the community development director*;

5. Adopt and promulgate rules and regulations to interpret and implement the provisions of the Uniform Statewide Building Code, to secure the intent thereof and designate requirements applicable because of local climatic or other conditions, but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided by the Uniform Statewide Building Code or violating accepted engineering practices involving public safety;

6. Keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued so long as the building to which they pertain remains in existence;

7. Report in writing annually to the ~~city manager~~ *community development director* a statement of operations as may be prescribed by the ~~city manager~~ *community development director*;

8. Perform such other duties as from time to time may be required of the building code official by the Uniform Statewide Building Code and the ~~city manager~~ *community development director*;

9. Enforce all local ordinances pertaining to buildings, unsafe structures, the abatement of nuisances created by unsafe structures and such other local ordinances as may from time to time be adopted and passed relative to buildings or structures situate in the city by the council, to the extent that such are not superseded and repealed by an act of the General Assembly; and

10. Perform such other duties as may from time to time be assigned to the building code division by ~~city council~~ *the city manager or community development director*.

~~E. Environs control: The position of environs control official, whose duties shall be to enforce state law and local ordinances pertaining to garbage, trash, weeds, junk, and litter and the Statewide Uniform Building Maintenance Code within the City of Bristol, Virginia, shall be an employee of the building code division and shall be under the supervision of the building code official. The environs control official shall meet the requirements imposed for the position by state law.~~

§ 7.08. ~~Planning department~~ *Community development department*.

A. ~~Planning~~ *Community development* director. The ~~community development department of planning~~ shall consist of a ~~planning community development~~ director and such other officers and employees of the department as provided for by city council and the building code official and the employees of the building code division.

B. Department functions. The ~~community development department of planning~~ shall have the responsibility for:

1. Administration of all programs funded by federal, state or other monies as such be assigned to the ~~community development department of planning~~ by city council for administration;

2. Administration of the zoning ordinance and the subdivision ordinance and as such, the ~~planning community development~~ director shall ~~serve as~~ *provide* staff for the board of zoning appeals, the planning commission and city council on zoning matters that are before each of such entities. Nevertheless, it shall remain the duty of the building code official ~~to determine division, with the assistance of the zoning administrator, to insure~~ the proper zoning of all proposed developments for purpose of issuance of requisite building permits, site plan permits and other required permits;

3. Development of the comprehensive city plan and the amendments thereto for approval by city council;

4. ~~Transportation planning of road improvements on major thoroughfares;~~

5. ~~Serving as staff to the metropolitan planning organization board created by Bristol, Virginia; Bristol, Tennessee; Sullivan County, Tennessee and Washington County, Virginia;~~

6. ~~4. Serving as staff to the joint Bristol, Tennessee/Virginia Planning Commission;~~

5. ~~Enforcing state law and local ordinances pertaining to garbage, trash, weeds, junk and litter, and the Statewide Uniform Building Maintenance Code within the City of Bristol, Virginia;~~

7. ~~6. Supervise the operations and performance of the building code division officer, city planner, community development block grant coordinator, code compliance officer, residential inspector,~~

community development administrative assistant; and

8. 7. Such other duties as may from time to time be assigned to the ~~planning~~ *community development* department by ~~the city council~~ or the city manager.

§ 7.11. Transit department.

A. Generally. The transit department shall consist of the ~~transit director~~ *transportation planner* and such other officers and employees of the department as the council shall approve.

B. Function. The transit department shall provide public bus service to the City of Bristol, Virginia, to the extent such provision is funded by city council. ~~The transit department shall operate the school bus system for the school board of the City of Bristol, Virginia, unless the Bristol, Virginia, school board shall take over the operation, management and maintenance of its own school bus system. The transit department shall operate the city mechanical garage and therein provide service to all city vehicles and to any other city equipment for which the garage is equipped with men and materials to perform maintenance thereon. The city transit garage shall also provide maintenance service to the Bristol, Virginia, sheriff's office vehicles and equipment.~~

C. Duties of the transportation planner:

1. Administration and management of the transit system;
2. Coordination with state and federal transit agencies;
3. Transportation planning of road improvements on major thoroughfares;
4. Serve as staff to the metropolitan planning organization board created by Bristol, Virginia; Bristol, Tennessee; Sullivan County, Tennessee; and Washington County, Virginia;
5. Coordination of special events on city property and rights of way; and
6. Such other duties as may from time to time be assigned by city council or the city manager.

§ 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 selected by the council for an indefinite term~~ and the remaining members shall be citizens appointed by city council for ~~three-year~~ *four-year* terms, *to be staggered beginning July 1, 2019.* 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.

§ 8.06:1. Bristol Virginia Utilities Authority.

The Bristol Virginia Utilities Authority shall be organized and have the powers as set out in the BVU Authority Act (§ 15.2-7200 et seq. of the Code of Virginia).

§ 15.03. Investigation into city affairs.

The council, the city manager, and any officer, board or commission authorized by them or either of them, shall have power to make investigation as to city affairs. For that purpose, the council, city manager or any such officer, board or commission shall have the power to subpoena witnesses, administer oaths and compel the production of ~~books and papers~~ *evidence*. Any person refusing or failing to attend or to testify or to produce such books and papers may be summonsed by such board or officer before the judge of the General District Court for the City of Bristol, Virginia, by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be found guilty by the judge of the general district court of a Class 2 misdemeanor and

fined or jailed accordingly. Such persons shall have the right to appeal to the circuit court of the city any conviction pursuant hereto. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.