

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 79

An Act to amend and reenact §§ 2.02, 5.021, and 6.02, § 12.01, as amended, and § 15.03 of Chapter 227, as amended, of the Acts of Assembly of 1954, which provided a charter for the City of Covington, and to amend and reenact § 22.1-32 of the Code of Virginia, relating to consolidated school board of Alleghany County and the City of Covington; school board salaries.

[H 2091]

Approved March 11, 2021

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.02, 5.021, and 6.02, § 12.01, as amended, and § 15.03 of Chapter 227, as amended, of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall, when not prohibited by the laws of the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to establish, impose, and enforce water and sewerage rates and rates and charges for garbage and refuse collection and disposal, or other services, products or conveniences, operated, rendered or furnished by the city; to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license.

(b) To borrow money for the purposes and in the manner provided by Chapter 5 of this charter.

(c) To make appropriations, subject to the limitations imposed by this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, not more than one hundred thousand dollars in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least four affirmative votes in the council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

(f) To provide, or aid in the support of, public libraries and public schools.

(g) To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

(h) To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the *former city school board, the consolidated school board of Alleghany County and the City of Covington, or both*, judges, clerks, deputy clerks, bailiffs and other employees of the municipal courts, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

(i) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the

departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof.

§ 5.021. Collection, custody and disbursement of local funds by director of finance.

The council may, notwithstanding any other provision of this charter, by ordinance provide that the director of finance and not the city treasurer shall collect, have custody of and disburse all local taxes, revenues and funds which belong to the city and the *consolidated* school board or to which they or either of them are entitled. In event such an ordinance is adopted, the director of finance shall have all the rights, powers and authority conferred upon, and shall be subject to all the duties and liabilities imposed upon the city treasurer by the general laws of the Commonwealth and this charter with respect to local taxes, revenues and funds.

§ 6.02. City attorney.

The head of the department of law shall be the city attorney who shall be appointed by the council. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions, and agencies of the city; ~~including the school board~~, in all matters affecting the interests of the city. He shall represent the city in all civil proceedings. It shall be his duty to perform all services incident to his position as may be required by the laws of the Commonwealth, this charter, or by ordinance. He shall have general management and control of the department.

Chapter 12. ~~Department of Education~~ *Consolidated School Division*.

§ 12.01. ~~School board and superintendent of schools~~ *Contracts regarding the consolidated school division*.

The department of education shall consist of the city school board, the division superintendent of schools, and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

The school board of the city of Covington shall consist of five trustees, who shall be residents and qualified voters of the city, and shall be appointed by a majority vote of all the members of the council. The three school trustees of the city in office at the present time shall continue in office for the terms for which they were appointed. The first appointments hereunder for the two additional school trustees provided for herein shall be made one for the term beginning on the date of appointment and continuing until July 1, 1958, and the other shall be for a term beginning on the date of appointment and continuing until July 1, 1959. After the expiration of the terms of the present three members and the terms of the two additional members herein provided for all five appointments, except appointments to fill an unexpired term, shall be for the term of three years. Appointment to fill a vacancy occurring otherwise than by expiration of term of office shall be for the remainder of the unexpired term. Any vacancy occurring in said school board by expiration of term of office or other reason shall be filled by a majority vote of all members of the council.

The division superintendent of schools shall be appointed and serve for a term of office as prescribed by general law. The person holding office as division superintendent of schools of Alleghany County and the City of Covington at the time this charter takes effect shall continue as division superintendent of schools of Alleghany County and for the City of Covington and serve for the remainder of the term he would have served, unless said division of Alleghany County and the City of Covington be terminated by the State Board of Education before the expiration of his present term. After the expiration of said present term or the termination of said division by the State Board of Education, whichever shall occur first, the division superintendent of schools for the City of Covington shall be appointed as prescribed by general law.

The City of Covington may, at the option of the council, enter into contractual relationships with the governing body of Alleghany County, the school board for the consolidated school division, or both, for the purposes of effectuating the consolidation of the school divisions or otherwise regarding the operations of the consolidated school division, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. Nothing in this section shall be construed to limit the city's authority to enter into contractual relationships consistent with § 15.03 of this charter.

§ 15.03. Contractual relationships.

~~The city~~ City of Covington ~~or the school board thereof~~ may, at the option of the council, ~~or school board~~ enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of or all of the functions, or purposes of the city, ~~or school board~~, on such terms and for such periods as the council ~~or school board~~ may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth.

2. That § 22.1-32 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-32. Salary of members.

A. Any elected school board may pay each of its members an annual salary that is consistent with

the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter.

B. The appointed school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Accomack — \$3,000.00;
 Alleghany — \$1,500.00;
 Amherst — \$2,200.00;
 Brunswick — \$1,800.00;
 Cumberland — \$3,600.00;
 Essex — \$1,800.00;
 Greenville — \$1,800.00;
 Hanover — \$8,000.00;
 Isle of Wight — \$4,000.00;
 Northampton — \$3,000.00;
 Prince Edward — \$2,400.00;
 Richmond — \$5,000.00;
 Southampton — \$5,300.00.

C. The appointed school board of the following cities and towns may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Charlottesville — \$3,000.00;
 Covington — \$1,500.00;
 Danville — \$600.00;
 Emporia — \$240.00;
 Fries — \$240.00;
 Hopewell — \$3,600.00;
 Lexington — \$600.00;
 Lynchburg — \$2,400.00;
 Manassas Park — \$3,000.00;
 Martinsville — \$2,400.00;
 Poquoson — \$3,000.00;
 Roanoke — \$4,200.00;
 Salem — \$4,800.00;
 South Boston — \$600.00;
 Winchester — \$4,500.00.

D. Any school board may, in its discretion, pay the chairman of the school board an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or town whose school board is comprised solely of appointed members.

E. Any school board may in its discretion pay each of its members mileage for use of a private vehicle in attending meetings of the school board and in conducting other official business of the school board. Its members may be reimbursed for private transportation at a rate not to exceed that which is authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid, however, shall be the same for school board members and employees of the board.

F. No appointed school board shall request the General Assembly's consideration of an increase in its annual salary limit as established in subsections B and C unless such school board has taken an affirmative vote on the requested increase. Further, no elected school board shall be awarded a salary increase, unless, upon an affirmative vote by such school board, a specific salary increase shall be approved. Local school boards shall adopt such increases according to the following procedures:

1. A local school board representing a county may establish a salary increase prior to July 1 of any year in which members are to be elected or appointed, or, if such school board is elected or appointed for staggered terms, prior to July 1 of any year in which at least 40 percent of such members are to be elected or appointed. However, a school board serving a county having the county manager plan of government and whose membership totals five may establish a salary increase prior to July 1 in any year in which two of the five members are to be elected or appointed. Such increase shall become effective on January 1 of the following year.

2. A local school board representing a city or town may establish a salary increase prior to December 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall become effective on July 1 of the year in which the election or appointment occurs if the election or appointment occurs prior to July 1 and shall be become effective January 1 of the following year if the election or appointment occurs after June 30.

No salary increase may become effective during an incumbent member's term of office; however, this restriction shall not apply if the school board members are elected or appointed for staggered terms.

G. The members of the consolidated school board representing Alleghany County and the City of Covington shall be paid an annual salary not to exceed \$1,500.

3. That nothing in this act shall be construed to impair any contract entered into between the governing bodies or school boards of Alleghany County and the City of Covington prior to the consolidation of the Alleghany County and City of Covington school divisions.

4. That this act shall become effective on July 1, 2022, provided that the consolidation of the Alleghany County and City of Covington school divisions is approved by the Board of Education prior to that date.