

# VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

## CHAPTER 711

*An Act to amend and reenact §§ 1.02, 2.02, 2.03, 2.04.1, 2.06, 3.04 and 3.05 as amended, §§ 4.02 and 4.03, § 4.04 as amended, § 4.05, § 4.10 as amended, § 4.11, § 4.13 as amended, § 4.14, §§ 4.15 and 4.16 as amended, §§ 5.01, 5.02 and 5.03, § 5.05 as amended, § 5.06, §§ 5.07 and 6.02 through 6.05 as amended, §§ 6.07 and 6.08, §§ 6.09, 6.10 and 6.11 as amended, § 6.12, § 6.13 as amended, § 6.14, § 6.16 as amended, § 6.18, §§ 6.19, 6.20, 6.21, 8.01, 8.03 and 8.10 as amended, § 13.01, §§ 13.05, 13.06 and 13.08 as amended, § 13.10, §§ 17.02, 17.06, 17.11 and 17.14 as amended, § 17.19, and §§ 17.20, 18.03, 18.05, 20.10 and 20.11 as amended, of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond; to amend Chapter 116 by adding sections numbered 3.06.1, 4.17, and 4.18; a chapter numbered 5A, consisting of sections numbered 5A.01, 5A.02, and 5A.03; a chapter numbered 5B, consisting of sections numbered 5B.01 and 5B.02; and a chapter numbered 7B, consisting of sections numbered 7B.01 through 7B.06; and to repeal §§ 3.02, 3.03, 4.12, 5.08, 5.13, 5.13.1, and 5.13.2; Chapter 5-1 (§§ 5-1.1 through 5-1.5); §§ 6.15, 6.15.1, 6.15.2, 6.17, and 6.17.1; Chapter 7A (§§ 7A.01 through 7A.13); §§ 8.02, 8.06, 8.07, and 8.09; Chapter 9 (§§ 9.01 through 9.17); Chapter 10 (§§ 10.01 through 10.04); Chapter 11A (§§ 11A.01 through 11A.05); Chapter 11B (§§ 11B.01, 11B.02, and 11B.03); Chapter 11C (§§ 11C.01 and 11C.02); Chapter 12 (§§ 12.01 through 12.08); §§ 13.03 and 13.04; Chapter 14 (§§ 14.01 through 14.06); Chapter 15 (§§ 15.01 through 15.04); Chapter 16 (§§ 16.01 through 16.06); and §§ 17.03, 17.08, 17.17, 17.18, 17.27 through 17.35, 17.37:1 through 17.37:4 and 20.02 through 20.09 of such chapter, relating to boundaries, powers, elections, city council, city manager, city departments, retirement system, budgets, borrowing, financial administration and planning.*

[H 306]

Approved April 16, 1998

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

**1. That §§ 1.02, 2.02, 2.03, 2.04.1, 2.06, 3.04 and 3.05 as amended, §§ 4.02 and 4.03, § 4.04 as amended, § 4.05, § 4.10 as amended, § 4.11, § 4.13 as amended, § 4.14, §§ 4.15 and 4.16 as amended, §§ 5.01, 5.02 and 5.03, § 5.05 as amended, § 5.06, §§ 5.07 and 6.02 through 6.05 as amended, §§ 6.07 and 6.08, §§ 6.09, 6.10 and 6.11 as amended, § 6.12, § 6.13 as amended, § 6.14, § 6.16 as amended, § 6.18, §§ 6.19, 6.20, 6.21, 8.01, 8.03 and 8.10 as amended, § 13.01, §§ 13.05, 13.06 and 13.08 as amended, § 13.10, §§ 17.02, 17.06, 17.11 and 17.14 as amended, § 17.19, and §§ 17.20, 18.03, 18.05, 20.10 and 20.11 as amended, of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and that Chapter 116 is amended by adding sections numbered 3.06.1, 4.17, and 4.18; a chapter numbered 5A, consisting of sections numbered 5A.01, 5A.02, and 5A.03; a chapter numbered 5B, consisting of sections numbered 5B.01 and 5B.02; and a chapter numbered 7B, consisting of sections numbered 7B.01 through 7B.06, as follows:**

**§ 1.02. Boundaries.**

The boundaries of the city shall be as described in the act of the General Assembly approved March 24, 1926, found in Chapter 318 at page 533 of the Acts of Assembly of 1926 as modified and enlarged by the decree of the Circuit Court of Henrico County entered February 1, 1940, in the annexation proceedings styled City of Richmond versus County of Henrico, which decree was modified, amended and enlarged by decrees of the Supreme Court of Appeals entered June 9, 1941, in accordance with the written opinion of that court in the case styled County of Henrico, Windsor Farms, Incorporated, and others versus City of Richmond, officially reported in volume 177 of the Virginia Reports at page 754, all of which decrees are recorded in the clerk's office of the Circuit Court of the City of Richmond, Division I, in Deed Book 430-C at pages 275 and 292, and as modified and enlarged by the decree of the Circuit Court of Chesterfield County entered November 6, 1941, in the annexation proceeding styled City of Richmond versus County of Chesterfield, which decree is recorded in the clerk's office of the Circuit Court of the City of Richmond, Division I, in Deed Book 429-C, page 421, and in the clerk's office of the Circuit Court of the City of Richmond, Division II, in Deed Book 86-B, page 358, *and as modified and enlarged by an order of annexation entered by the Circuit Court of Chesterfield County on July 12, 1969, which order is recorded in the clerk's office of the Circuit Court of Chesterfield County in Chancery Order Book 49, page 210.*

**§ 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 levy on and collect taxes from purchasers of any public utility service and from subscribers to franchised cable antenna television service used within the city, which taxes may be added to and collected with the bills rendered purchasers of such service; 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 licenses; provided, however, that nothing herein contained shall be construed as permitting the city to levy and collect directly or indirectly a tax on payrolls.

(b) To borrow money for the purposes and in the manner provided by Chapter 7A 7B 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 not prohibited by this charter and the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, funds 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 seven 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 school board, 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.

#### § 2.03. Powers relating to public works, utilities and properties.

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

(a) To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places.

(b) To acquire, construct, own, maintain and operate, within and without the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures.

(c) To collect and dispose of garbage and other refuse and to construct, maintain and operate, within and without the city, incinerators, dumps or other facilities for such purposes.

(d) To construct, reconstruct, improve, maintain and operate, within and without the city, sewers, drains, culverts and sewage disposal works, and stormwater control facilities.

(e) To assess the whole or part of the cost of making and improving walkways on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid in the

manner provided in § 12.06 of this charter, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement; provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners.

(f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city. The city may contract as provided by law with a private party or parties to provide the financing, site selection, acquisition, construction, maintenance, and leasing, or any of them, for a jail, juvenile detention facility, or other correctional facility. Nothing herein shall be interpreted to ~~include~~ *preclude* operation of correctional facilities by private parties.

(g) To sell, lease or dispose of, except as otherwise provided in this charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal.

(i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the James River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned; provided that no tolls or compensation shall ever be imposed or collected for the use of "Robert E. Lee Bridge" by any vehicle or pedestrian.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.

(k) To acquire, construct, own, maintain and operate, within and without the city, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, construct, own, maintain and operate, within and without the city, airports and all the appurtenances thereof; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a contract for the management and operation of the same with, any person, firm or corporation on such terms and conditions as the council may determine by ordinance.

(m) To acquire, construct, own, maintain and operate, within and without the city, stadia, arenas, swimming pools and other sport facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport facilities, including charges for any services incidental thereto; *and* lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.

(n) To acquire, construct, own, maintain and operate, within and without the city, water works, gas plants and electric plants with the pipe and transmission lines incident thereto, to be managed and controlled as provided in Chapter 13 of this charter, for the purpose of supplying water, gas and electricity within and without the city, and to charge and collect compensation therefor and to provide penalties for the unauthorized use thereof.

(o) To acquire, construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves, and docks, and from persons using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation, or contract with any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine by ordinance; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within or without the city; regulate the use of other landings, wharves and docks located on the James River within and without the city; prevent and remove obstructions from the harbor of the James River and in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation theretofore imposed by reason of such public use or easement by statute or otherwise, provided that the dock or any part thereof conveyed by the Chesapeake and Ohio Railway Company to the William R. Trigg Company, by deed dated June 1, 1901, in accordance with the provisions of the act of assembly approved February 15, 1901, and which dock is now owned by the city may be maintained and operated by the city for such other public purposes as authorized by the city council, but further provided if said dock shall be closed by the city to such public use and purpose and filled in, the city shall make provision for disposing of the water required by said dock and shall at its own cost and expense maintain the provision so made and the city shall have the right to use or dispose of the land upon which the said landing, wharf, dock or canal may be located, together with all lands or other rights appurtenant thereto, to the same extent as if the said landing, wharf, dock, canal or lands, or right thereto belonging, had never been charged with any public use or easement; improve and keep in good, safe and navigable condition the James River in the corporate limits and within twenty miles thereof, and may hold, lease, sell or otherwise dispose of all lands or interest therein acquired for the improvement of the James River and navigation and for the construction of canals or widening the river; and provide and operate such connections by ferries, bridges, or otherwise, as may be necessary for transportation between the section of land divided by such canals.

(p) To construct, own, maintain, operate and equip a visitors center and incidental parking, playgrounds and facilities.

#### § 2.04.1. Human rights commission.

The city shall also have the power:

To establish a human relations commission consisting of fifteen citizens to be appointed by the council. Of the fifteen members of the commission, five members shall be appointed for terms expiring June 30, 1973, five members for terms expiring June 30, 1974, and five members for terms expiring June 30, 1975. Thereafter appointments shall be for terms of three years, such members shall be eligible for reappointment for one additional term. The commission shall elect a chairman and may elect an executive committee and such other officers as may be required for performing its duties and responsibilities. The human relations commission shall promote mutual understanding and respect among all social, racial, cultural, ethnic and minority groups in the city and seek solutions to problems concerning citizens of the city with the objective of providing an environment in which each citizen shall have equal opportunity to grow to his maximum potential.

The powers granted the council, certain city officials, boards and commissions of the city by § 4-16 of this charter shall not apply to the human relations commission.

There may be an executive director of the human relations commission who shall be appointed by the council for an indefinite term, and who shall be a member of the unclassified service of the City of Richmond. All other employees of the commission shall be in the classified service.

*The city shall have the power to establish a human rights commission consistent with the provisions of § 15.2-965 of the Code of Virginia.*

#### § 2.06. Enforcement of regulations.

When by the provisions of this charter or the Constitution and general laws of the Commonwealth the city is authorized to pass ordinances on any subject, the council may provide suitable penalties for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. No such penalty shall exceed the maximum fine permitted under state law for violation of a Class 1 misdemeanor or confinement for twelve months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in

the penalty of not more than two thousand dollars, conditioned to keep the peace and be of good behavior and especially for the period of not more than one year not to violate the ordinance for the breach of which he/she has been convicted. From any fine or confinement imposed, an appeal shall lie as in cases of misdemeanor. Whenever any fine or penalty shall be imposed but not paid, the court trying the case may, unless an appeal be forthwith taken, issue a writ of fieri facias directed to the sergeant of the city for the collection of the amount due, returnable within sixty days from its issuance. The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation.

§ 3.04. Vacancies in office of councilman.

Vacancies in the office of councilman, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council or, if the council shall fail to fill a vacancy in its membership within thirty days of the occurrence of the vacancy, by appointment by the chief judge of the circuit court of the city of Richmond in accordance with general law applicable to interim appointments and special elections, provided that, any provision in the general law to the contrary notwithstanding, a special election may be called to fill any such vacancy if the vacancy occurs more than one year prior to the expiration of the full term of the office to be filled.

§ 3.05. Election of other city officers.

All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city other than the clerk of the court of record shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. The clerks of the court of record, the Circuit Court of the City of Richmond (Thirteenth Circuit), Division I and Division II, shall be nominated and elected at the time, for the terms and in the manner prescribed by the general laws of the Commonwealth. Vacancies in elective offices referred to in this section shall be filled by appointment in accordance with general law as follows: In the office of the clerk of a court, by the court (Circuit Court, Division I, by the judges of such division; Circuit Court, Division II, by judges of such division); in the office of sheriff, by the Circuit Court, Division I, of the city; in the office of the attorney for the Commonwealth or city treasurer, by the Circuit Court of the City of Richmond, Division I; or in any of the above cases, by the chief judge of the designated court in vacation. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified.

§ 3.06.1. Submission of proposition to voters.

*The council shall have authority to order, by resolution directed to the Circuit Court of the City of Richmond, the submission to the qualified voters of the city, for an advisory referendum thereon, any proposed ordinance or amendment to the city charter. Upon the receipt of such resolution, the Circuit Court of the City of Richmond shall order an election to be held in accordance with the applicable provisions of Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. Following certification of the election results by the Electoral Board to the Circuit Court, the Court shall enter an order proclaiming the results of the election, and a duly certified copy of the order shall be transmitted to the council, which may take such further action as it may deem advisable and in the best interests of the city.*

*If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten percent or more of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding, is filed with the clerk of the Circuit Court of the City of Richmond, he/she shall forthwith certify that fact to the Court. The process and requirements for voter petitions established under state law shall be applicable to voter petitions provided for under this section, except to the extent of any conflict with requirements set forth in this charter. Upon the certification of such petition, the Circuit Court of the City of Richmond shall determine that the proposed charter amendment pertains only to the structure or administration of the city government. When such determination has been made, the court shall order an election to be held in accordance with the applicable provisions of Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. If a majority of those voting thereon at such election approve the proposed amendment, such result shall be communicated by the clerk of the Circuit Court of the City of Richmond to the representatives of the city in the General Assembly with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.*

§ 4.02. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by this charter.

(c) To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies except where such bureaus, divisions, offices or agencies are specifically assigned by this charter.

(d) To provide for the ~~number~~, titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject in the case of members of the classified service to the provisions of ~~Chapter 9 § 5A.03~~ of this charter.

(e) To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city.

#### § 4.03. Mayor.

On the first Tuesday in September 1948, on the first day of July 1950 and on the first day of July of every second year thereafter, or if such day shall fall on Sunday then on the following Monday, the newly elected council, having taken the oath of office as hereinafter provided, shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He/She shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall by majority vote of those present choose one of their number to perform the duties of mayor.

#### § 4.04. City clerk.

The council shall appoint a city clerk for an indefinite term. He/She shall be the clerk of the council, shall keep the journal of its proceedings and shall file the original draft of all ordinances and shall maintain an index of all such ordinances. He/She shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his/her office shall be public records and open to inspection at any time during regular business hours. He/She shall receive compensation to be fixed by the council and all fees received by him/her shall be paid into the city treasury. He/She shall appoint and remove, ~~subject to the provisions of Chapter 9 of this charter~~, an assistant city clerk, who shall be authorized to act as city clerk in the absence or disability of the city clerk, and all deputies and other employees in his/her office, and shall have such other powers and duties as may be prescribed by this charter or by ordinance.

#### § 4.05. Induction of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall ~~at ten o'clock A.M. on the first day of July following their election, or if such day shall fall on Sunday then on the following Monday, provided that the council first elected under this charter shall hold its first meeting on the first Tuesday in September 1948 as provided for by general law.~~ It shall be called to order by the city clerk who shall administer the oath of office to the duly elected members. In the absence of the city clerk, the meeting may be called to order and the oath administered by any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members, but the decision of the council in this matter shall be subject to review by the ~~hustings court~~ *Circuit Court* of the City of Richmond. The first business of the council shall be the election of a mayor and vice-mayor and the adoption of rules of procedure. Until this business has been completed, the council shall not adjourn for a period longer than forty-eight hours.

#### § 4.10. Procedure for passing ordinances.

An ordinance may be introduced by any member or committee of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or has been approved by the unanimous consent of all the members of the council. Upon introduction it ~~shall receive its first reading and~~ a time, not less than seven days after such introduction, and place shall be set at which the council or a committee thereof will hold a public hearing on such ordinance, provided that the council may reject any ordinance on first reading without a hearing thereon by vote of six members. The hearing may be held separately or in connection with a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be ~~published~~ *printed* in a ~~daily~~ newspaper ~~of published or in general circulation published~~ in the city, not later than the fifth day before the public hearing on the proposed ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his/her duty, not later than the fifth day before the public hearing, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers to supply copies to those who individually request them, or, if the council shall so order, to cause the same to be ~~published~~ *printed* as a paid advertisement in a newspaper ~~of published or in general circulation published~~ in the city. It shall further be his/her duty to place a copy of the ordinance in a file provided each member of the council for this purpose. A proposed ordinance, unless it ~~be~~ *is* an emergency ordinance, shall be ~~read a second time and may be~~ finally passed at a regular meeting of the

council following the introduction of the ordinance and after the conclusion of the public hearing thereon. If ~~on its second reading~~ an ordinance, other than an emergency ordinance, ~~be is~~ amended as to its substance, it shall not be passed until it shall be reprinted, reproduced or published as amended, and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance.

§ 4.11. Emergency ordinances.

An emergency ordinance for the immediate preservation of the public peace, health and safety may be read a second time and passed with or without amendment at any regular or special meeting subsequent to the meeting at which the ordinance was introduced, provided that prior to its passage the full text of the original ordinance has been ~~published~~ *printed* in a ~~daily newspaper~~ *published or in* general circulation ~~published~~ in the city. An emergency ordinance must contain a specific statement of the emergency claimed and six affirmative votes shall be necessary for its adoption.

§ 4.13. Record and publication of ordinances.

Every ordinance after passage shall be given a serial number and shall be retained by the clerk in a permanent file kept for that purpose and the clerk shall maintain a permanent card or similar index. Within one year after the first Tuesday in September 1948 there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he/she deems necessary for the purpose, a codification of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed as promptly as possible after their adoption in substantially the same style and format as the codification of ordinances and sold at such prices as the council may establish.

§ 4.14. Appointments and Removals.

The council in making appointments and removals shall act only by the affirmative votes of at least five members. It may remove any person appointed by it for an indefinite term, provided that the person sought to be removed shall have been served with a written notice of the intention of the council to remove him/her, 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/she 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/she may be represented by counsel, the decision of the council shall be final.

§ 4.15. Removal of councilmen and members of boards and commissions; forfeiture of office or enforcement for certain convictions.

Any member of the council or any member of a board or commission, ~~including the school board~~, appointed by the council for a specified term may be removed by the council but only for malfeasance in office or neglect of duty. He/She shall be entitled to notice and hearing as provided by the preceding section in the case of officers appointed for indefinite terms. 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. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I. Any officer, elective or appointive, or 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 or any felony or any misdemeanor involving possession of marijuana or any controlled substances shall forfeit his/her office or employment.

§ 4.16. Powers of investigation.

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government, ~~including the school board~~, and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city.

(b) The city manager and the heads of all departments, and all boards and commissions whose members are appointed by the council and the city auditor, shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the city manager, the heads of departments, and boards and commissions whose members are appointed by the council and the city auditor, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter

under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be ~~punishable~~ *punished* by a fine not exceeding one hundred dollars or imprisonment in jail not exceeding thirty days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the ~~provision~~ *provisions* of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation.

§ 4.17. *City attorney.*

*The city attorney shall be the chief legal advisor of the council, the city manager and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The city attorney shall perform particular duties and functions as assigned by the council. The city attorney shall be appointed by the council, shall serve at its pleasure, and shall devote full time and attention to the representation of the city and the protection of its legal interests. The city attorney shall have the power to appoint and remove assistants or any other employees as shall be authorized by the council and to authorize any assistant or special counsel to perform any of the duties imposed upon him/her in this charter or under general law.*

§ 4.18. *City auditor.*

*There shall be a city auditor who shall be appointed by the council for an indefinite term. He/She shall have been certified as a certified public accountant by the Virginia State Board of Accountancy or by the examining board of any other state which extends to and is extended reciprocity by the Commonwealth of Virginia, and shall be qualified by training and experience for the duties of his/her office. In performing his/her duties, he/she shall have access at any and all times to all books, records and accounts of each department and agency subject to examination and audit by him/her.*

§ 5.01. *Appointment and Qualifications.*

There shall be a city manager who shall be the chief executive officer of the city and shall be responsible to the council for the proper administration of the city government. He/She shall be appointed by the council for an indefinite term. He/She shall be chosen solely on the basis of his/her executive and administrative qualifications, with special reference to his/her actual experience in or knowledge of accepted practice in respect to the duties of his/her office. At the time of his/her appointment he/she need not be a resident of the city or the Commonwealth but during his/her tenure of office he/she shall reside within the city.

§ 5.02. *Power of appointment and removal.*

*The city manager shall appoint for an indefinite term and remove, subject to the provisions of chapter 9 of this charter and except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city; provided that where the council is given power by this charter to establish a board or commission for any purpose the council may provide for the appointment of the members of such board or commission by the city manager or by the council, and for the appointment by such board or commission of its employees, and may specify which, if any, of such employees shall not be included in the classified service. The city manager shall have power to remove any officer or employee appointed by him except a member of the classified service, provided that the officer or employee shall have been served with a written notice of the intention of the city manager to remove him, containing a clear statement of the grounds for such removal and of 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. After such hearing, which shall be public at the option of such officer or employee, the action of the city manager shall be final. Pending final action, the city manager may suspend from duty for not more than sixty days any such officer or employee. The city manager shall appoint for an indefinite term qualified officers and employees to head all the administrative departments of the city, and shall appoint, dismiss and discipline, in accordance with the city's personnel regulations, all officers and employees in such departments, except as otherwise specifically provided by law or this charter. Department heads who are appointed by the city manager shall serve at the pleasure of the city manager.*

*The city manager shall designate himself/herself or some other officer or employee to perform the duties of any office or position of the administrative service under his/her control which is vacant or which lacks administration due to the absence or disability of the incumbent.*

§ 5.03. *Council not to interfere in either appointments, assignment or use of, or removals.*

Neither the council nor any of its members shall direct or request the appointment of any person to or his/her removal from any office or employment by the city manager or by any of his/her subordinates or in any way take part in *either the appointment of, assignment or use of, or removal of* officers and employees of the city except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman.

§ 5.05. General duties.

It shall be the duty of the city manager to:

- (a) Attend all meetings of the council with the right to speak but not to vote;
- (b) Keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him/her desirable;
- (c) Prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption;
- (d) Prepare in suitable form for publication and submit to the council ~~not later than the first regular meeting of council following submission of the report required to be made to the Auditor of Public Accounts of the Commonwealth pursuant to the provisions of § 15.1-166 of the Code of Virginia or other applicable requirement of state law;~~ a concise report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding thirtieth day of June and cause to be printed such number of copies thereof as the council shall direct;
- (e) Present adequate financial and activity reports ~~at each regular meeting of~~ *as required by* the council;
- (f) Perform such other duties as may be prescribed by this charter or required of him/her in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter; ~~provided, however, that the appointment of members of a redevelopment and housing authority in the city shall be made by the council; and~~
- (g) Issue such regulations as may be necessary in order to implement his/her duties and powers; *and*
- (h) *Fulfill the city's responsibilities for maintaining cemeteries as provided for in § 2.05(d) of the charter and § 15.2-1121 of the Code of Virginia.*

§ 5.06. Relations with boards, commissions and agencies.

The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance, except the school board; ~~the personnel board;~~ and the board of zoning appeals.

§ 5.07. Acting city manager.

The council shall designate by ordinance the head of a department, bureau or other officer appointed by the city manager, to act as city manager in case of the absence, incapacity, death or resignation of the city manager, until his/her return to duty or the appointment of his/her successor. ~~The city manager shall designate from time to time an employee in each department or bureau or agency, the head of which is appointed by him, to act as director of the department or head of the bureau or agency in case of the absence, incapacity, death or resignation of the director or head of the bureau or agency, until his return to duty or the appointment of his successor, except as otherwise provided by this charter.~~

CHAPTER 5A  
ADMINISTRATION

§ 5A.01. *Creation of departments.*

*The city council may establish administrative departments, bureaus, divisions, or offices, or may alter, combine or abolish existing administrative departments, bureaus, divisions or offices; however, neither the council nor the city manager shall have the power to alter the purpose of, combine, transfer or abolish any department created by this charter.*

§ 5A.02. *Responsibility of department heads.*

*There shall be a director appointed by the city manager as the head of each administrative department. Such directors shall be chosen on the basis of their executive and administrative ability, experience and education, and shall serve at the pleasure of the city manager.*

§ 5A.03. *Personnel rules and regulations.*

*The council, upon receiving any recommendations submitted to it by the city manager, shall establish a personnel system for the city administrative officials and employees. Such system shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin, religion, sex, age, disabilities, political affiliation, or marital status. The personnel system shall consist of rules and regulations which provide for the general administration of personnel matters, a classification plan for employees, a uniform pay plan and a procedure for resolving grievances of employees as provided by general law for either local government or state government employees.*

CHAPTER 5B  
RETIREMENT SYSTEM

§ 5B.01. *Retirement system established.*

*The retirement system for the city employees hitherto established by ordinance shall continue in force and effect subject to the right of the council to amend or repeal the same as set forth in such ordinance. From and after July 1, 1978, the Board of Trustees of the Richmond Retirement System shall consist of seven members appointed by the council for terms of three years. Any vacancy shall be filled for the unexpired portion of the term. Of the members so appointed, two shall always be members of the classified service. Such members of the Board of Trustees of the Richmond Retirement System shall have*

*the responsibility of the supervision of the administration of the retirement plan, the determination of eligibility for the receipt of retirement benefits, the award of retirement benefits as authorized by ordinance of the City of Richmond, and such other duties as have heretofore been exercised by the Board of Trustees of the Richmond Retirement System other than fiduciary responsibilities concerning the management, control and investment of the financial resources of the Richmond Retirement System. The council of the City of Richmond may appoint and employ a corporation, vested with fiduciary powers under either the laws of the United States or the Commonwealth of Virginia, to be responsible for the investment of the funds of the Richmond Retirement System, which funds shall include any securities which may now or hereafter be part of the assets of such Richmond Retirement System. The director of finance shall be the disbursing officer for the payment of benefits awarded by the trustees of the Richmond Retirement System and as such shall perform such duties as may be required of him/her by ordinance but shall receive no additional compensation on account of such duties.*

*§ 5B.02. Post-retirement supplements.*

*(a) In addition to the allowance authorized to be paid under § 51.1-801 of the Code of Virginia, the council may, by ordinance, provide for post-retirement supplements, payable in accordance with the provisions of this section, to the recipients of such allowances. Such supplements shall be subject to the same conditions of payment as are such allowances.*

*(b) The amounts of the post-retirement supplements provided for hereunder shall be determined as percentages of the allowances authorized to be supplemented hereby. Such percentages may be determined by reference to the increase, if any, in the United States Average Consumer Price Index for all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, from its monthly average for the calendar year in which the allowance initially commenced as a result of the death or retirement of a member of a system of retirement authorized by § 5B.01 to its monthly average for the calendar year immediately prior to the calendar year as of which the amount of the post-retirement supplement is determined. Such supplement may be either the percentage computed from the actual increase in such index or some percentage of such actual increase.*

*(c) Amounts of post-retirement supplements shall be determined initially by the ordinance adopting the same, and thereafter as may be provided by ordinance.*

*(d) Any ordinance adopted hereunder may be retroactive to the extent that the council has heretofore appropriated funds for post-retirement supplements, which appropriation has been otherwise unexpended.*

*§ 6.02. Submission.*

On a day to be fixed by the council, but in no case later than the seventh day of April in each year, the city manager shall submit to the council: (a) separate current expense budgets for the general operation of the city government, ~~hereinafter referred to as the general fund budget~~, for the public schools and for each utility as defined in Chapter 13 of this charter; (b) a budget message; and (c) a capital budget.

*§ 6.03. Preparation.*

It shall be the duty of the head of each department, the judges of the municipal courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the attorney for the Commonwealth, to ~~file with the budget officer~~ *provide*, at such time as the city manager may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted ~~on the forms furnished by the budget officer in a form as determined by the city manager~~, and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all of the information which the city manager may require to be submitted thereon. ~~The budget officer shall assemble and compile these estimates and in cooperation with the director of finance supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets.~~ The city manager shall hold such hearings as he/she may deem advisable and ~~with the assistance of the budget officer~~ shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he/she may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board, he/she may recommend a revision only in its total estimated expenditure.

*§ 6.04. Scope of the budget.*

In respect ~~of~~ *to* each utility there shall be included in the ~~general fund~~ budget estimates only the net amounts estimated to be received from or to be appropriated to such utility in the ~~general fund~~ budget as provided in § 6.13. In respect to the public schools, there shall be included only the total amount to be appropriated by the city for their support. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques ~~and shall contain:~~

*(a) An estimate of such portion of the general fund undesignated fund balance, if any, at the end of the current fiscal year, including an estimate of expenditures, payments on principal and interest, in relation to evidences of debt to be issued during the year, as it is proposed to use for meeting*

expenditures in the general fund budget;

(b) An estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the proportion of the levy collected be no greater than the average proportion of the levy collected in the last three completed tax years;

(c) An estimate of receipts from all other sources of revenue based on an analysis by the city manager;

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year;

(e) An estimate of any deficit in the undesignated fund balance, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year;

(f) An estimate of expenditures for all other purposes to be met from the general fund in the ensuing fiscal year.

All the estimates shall be in detail showing receipts by sources and expenditures by operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing fiscal year.

*The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.*

#### § 6.05. Balanced budget required.

In no event shall the expenditures recommended by the city manager in the general fund budget exceed the receipts estimated, taking into account the estimated undesignated fund balance or deficit in undesignated fund balance at the end of the current fiscal year, as provided in the preceding section, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the general fund budget into balance. *For any fund, the total of proposed expenditures shall not exceed the total of the estimated income plus the carried-forward fund balance.*

#### § 6.07. Appropriation and additional tax ordinances.

At the same time that he/she submits the ~~general fund~~ budget, the city manager shall introduce in the council a ~~general fund~~ *any* appropriation ordinance *required*. The appropriation ordinance shall be based on the ~~general fund~~ budget but need not be itemized further than by departments and the major operating units thereof, and by courts, bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal objects of expenditure. At the same time, the city manager shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the ~~general fund~~ budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in § 6.09, shall constitute the hearing on all ordinances referred to in this section, and the appropriation ordinances for each utility.

#### § 6.08. Distribution of copies of budget message and budgets.

The city manager shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the general fund, school and utility budgets to be made to supply copies to each member of the council and each ~~daily newspaper of published or in general circulation published~~ in the city and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.

#### § 6.09. Public hearings on budget plan.

A public hearing on the budget plan as a whole shall be held by the council within the time and after the notice provided for hearings on ordinances by § 4.10 of this charter, except that the notice of such hearing shall be ~~published printed~~ in a ~~daily newspaper of published or in general circulation published~~ in the city.

#### § 6.10. Action by council on budget generally.

After the conclusion of the public hearing, the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the ~~general fund~~ budget, except that no item of expenditure for debt service or required to be included by this charter or other provision of law shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget

except to correct omissions or mathematical errors, and it shall not cause the total of expenditures as recommended by the manager to be increased without a public hearing on such increase, which shall be held not less than five days after notice thereof ~~by publication~~ *has been printed* in a daily newspaper ~~of published or in general circulation~~ published in the city. The council shall in no event adopt a ~~general fund~~ budget in which the total of expenditures exceeds the receipts, estimated as provided in § 6.04, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, ~~estimated as provided in § 6.05~~, sufficient to make up this difference.

§ 6.11. Adoption of budget, appropriation ordinance and ordinances for additional revenue.

Not later than the thirty-first day of May in each year the council shall adopt the ~~general fund~~ budget, the ~~general fund~~ appropriation ordinance ~~ordinances~~ and such ordinances providing for additional revenue as may be necessary to put the budget in balance. If for any reason the council fails to adopt the ~~general fund~~ budget on or before such day, the ~~general fund~~ budget as submitted by the city manager shall be the ~~general fund~~ budget for the ensuing year and the appropriation ordinance and the ordinances providing additional revenue, if any, as recommended by the city manager shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this charter.

§ 6.12. Effective date of budget; certification and availability of copies thereof.

Upon final adoption, the ~~general fund~~ budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city manager and city clerk ~~and filed in the office of the director of finance. The general fund budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the city.~~

§ 6.13. Utility budgets and related ordinances.

Separate budget estimates for each of the utilities as defined in Chapter 13 of this charter shall be submitted to the ~~budget officer~~ *city manager* at the same time as the budgets of other departments and in the form prescribed by the city manager, subject, however, to the provisions of Chapter 13 which shall also control the action of the city manager and council thereon. The city manager shall submit with the budget of each utility an ordinance making appropriations for the operation of such utility during the ensuing fiscal year, ~~which need not be itemized further than by principal objects of expenditure.~~ He/She shall also at the same time submit any ordinance changing the rates to be charged by the utility, used in estimating receipts. The council shall have the same powers and be subject to the same limitations with regard to the adoption of such utility budgets and accompanying appropriation and rate ordinances, subject to the provisions of the said Chapter 13, as are conferred or imposed on it by § 6.10 with regard to the ~~general fund~~ budget and its accompanying appropriation and revenue ordinances. If for any reason the council fails to adopt the utility budgets or any of them before the expiration of the time set for the adoption of the ~~general fund~~ budget, such budget or budgets and the accompanying appropriation ordinance or ordinances and the ordinances changing rates, if any, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this charter. When such utility budgets and accompanying appropriation ordinances are adopted or become effective because of the council's failure to act thereon, they shall be certified to the director of finance with like effect as in the case of the ~~general fund~~ budget and its appropriation ordinance.

§ 6.14. School budget.

It shall be the duty of the school board to submit its budget estimates to the ~~budget officer~~ *city manager* at the same time as other departments and in the form prescribed by the city manager. The action of the city manager and council on the school budget shall relate to its total only and the school board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall before the beginning of the fiscal year file with the director of finance its budget as finally revised and its appropriations based thereon ~~which need not be itemized further than by operating units and principal objects of expenditure.~~ It shall have power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which shall be immediately transmitted to the director of finance. The director of finance shall have the same authority to require expenditures to be made by school officers in accordance with the school budget as he/she is given by this charter to require expenditures by other city officers to be made in accordance with the general fund or utility budgets.

§ 6.16. Amendments after adoption.

The city manager may at any time authorize, at the request of any department, court, board, commission, office or agency, the transfer of any unencumbered balance or portion thereof in any ~~general fund or utility~~ appropriation from one classification of expenditure to another within the same department, court, board, commission, office or agency, provided, that for this purpose the water, gas and electric utilities shall be deemed to be separate departments. At the request of the city manager but only within the last three months of the fiscal year the council may by resolution transfer any

unencumbered balance or portion thereof in any general fund appropriation from one department, court, board, commission, office or agency to another. During the next succeeding fiscal year and after completion of an independent year-end audit, the council may, at the request of the city manager, by resolution, adopted by not less than six affirmative votes, transfer unexpended funds from one or more departments or agencies to other departments or agencies to adjust imbalances in the general fund budget resulting from application of generally accepted accounting principles applicable to municipal funds and conform the budget to such accounting principles and practices.

(a) At any time within the fiscal year, upon the recommendation of the city manager and certification of the director of finance that there remain sufficient funds not theretofore allotted for a specific purpose, the council may, by not less than six affirmative votes, allot all or part of the funds appropriated to an account designated "Reserve for Contingencies" as authorized in § 15.1-161.1-15.2-2505 of the Code of Virginia for a designated program or project and authorize expenditure of the funds so allotted.

(b) *If at any time during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council may by not less than six affirmative votes, and only upon the recommendation of the city manager, make supplemental appropriations for the year up to the amount of such excess.*

(c) *If at any time during the fiscal year it appears probable to the city manager that the revenue or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the city manager shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it may by ordinance reduce one or more appropriations.*

(d) *At any time during the fiscal year, at the request of the city manager, the city council may by ordinance adopted by not less than six affirmative votes transfer part of or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units.*

(e) *No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.*

#### § 6.18. Lapsing of appropriations.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse, except that any balance remaining in the funds of the school board at the end of the fiscal year shall remain to the credit of that board and an estimate of any such balance shall be included in the school budget of the ensuing year as an estimated receipt. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

#### § 6.19. Capital budget.

At the same time he/she submits the current expense budgets, the city manager shall submit to the council a program which he/she shall previously have submitted to the city planning commission in accordance with § 17.08 of this charter, of proposed capital improvement projects; for the ensuing fiscal year and for the four fiscal years thereafter, with his/her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by at least six affirmative votes the program previously adopted by it or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the city manager and shall have been submitted to the city planning commission for review and such additional funds as may be required to finance the cost of the improvements are available in the general fund or in the reserve fund for permanent public improvements or in the water works, wastewater works, gas works or electric works renewal funds. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriation provided for a capital improvement purpose defined in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided the council shall have the power to transfer at any time any appropriation or any unencumbered part thereof from one purpose to another on the recommendation of the city manager. The city manager may transfer the balance remaining to the credit of any completed project to an incompleted project for the purpose of completing such project, provided the projects have been approved in the adoption of a capital budget or budgets and are within the same general purposes for which appropriations were made to finance the cost of such projects. If no such transfers are made, the balances remaining to the credit of completed or abandoned purposes and projects shall be available for appropriation and allocation in a subsequent capital budget or budgets. Any project shall be deemed

to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the funds provided therefor. The council shall have the power at any time to abandon or to reduce the scope of any project in a capital budget to the extent that funds appropriated therefor are unexpended and unencumbered.

§ 6.20. Certification of funds, penalties for violation.

Except as otherwise provided in § 13.06 of this charter, no payment shall be made and no obligation incurred by or on behalf of the city or the school board except in accordance with an appropriation duly made and no payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in subsection (e) of § 8.03 of this charter. Every expenditure or obligation authorized or incurred in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city or of the school board, shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein such action may be cause for his/her removal. Nothing in this section contained, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require, in the opinion of the council, the making of such contracts.

§ 6.21. Reserve fund for permanent public improvements.

The council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible personal property ~~not to exceed ten cents on the hundred dollars of the assessed valuation thereof or the whole or part of the proceeds of any other tax or other source of revenue.~~ Appropriations from the said fund shall be made only to finance improvements included in the capital budget.

## CHAPTER 7B BORROWING

§ 7B.01. General borrowing power of city council.

*The council may, in the name of and for the use of the city, incur indebtedness by issuing its bonds, notes or other obligations for the purposes, in the manner and to the extent provided by the general law of the Commonwealth of Virginia, as supplemented by the provisions of this chapter. Bonds, notes or other obligations authorized in compliance with the provisions of the charter as in effect at the time of such authorization may be issued whether or not such authorization complied with provisions of general law in effect at the time of their authorization.*

§ 7B.02. Limitations on indebtedness.

*In the issuance of bonds, notes and other obligations, the city shall be subject to the limitations as to amount contained in Article VII, Section 10 of the Constitution of Virginia.*

§ 7B.03. Emergency expenditures.

*The city may authorize by ordinance the issuance of bonds, notes or other obligations to provide for emergency expenditures. Bonds, notes or other obligations may be issued to finance an appropriation to meet a public emergency, as provided in § 2.02 (d) of this charter, when authorized by the ordinance making such appropriation.*

§ 7B.04. Procedures for adopting ordinances authorizing the issuance of bonds or notes.

*(a) The procedure for the adoption of an ordinance authorizing the issuance of bonds shall be the same as for the adoption of any other ordinance, except that six affirmative votes shall be necessary for its adoption. No such ordinance shall take effect until the thirty-first day after publication of the notice of its adoption as hereinafter provided.*

*(b) Within ten days after the adoption of an ordinance authorizing the issuance of bonds, the city clerk shall cause a notice of the adoption of such ordinance to be printed in a newspaper published or in general circulation in the city. Such notice shall include a statement that the thirty-day period of limitation within which to file a petition for a referendum on the ordinance authorizing the issuance of bonds shall have commenced as of the date of such publication.*

*(c) The procedure for the adoption of an ordinance authorizing the issuance of notes shall be the same as for the adoption of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that six affirmative votes shall be necessary for its adoption. An ordinance authorizing the issuance of notes shall not be subject to the requirement of publication of a notice of adoption as hereinabove provided, nor shall such ordinance be subject to the provisions of § 7B.05 of this charter concerning a petition for a referendum. Such ordinance shall be effective immediately unless*

*otherwise provided by the city council in such ordinance.*

*§ 7B.05. Optional referendum on ordinance authorizing the issuance of bonds.*

*If, within thirty days after publication of notice of adoption as required by § 7B.04 (a) of this charter, a petition, signed and verified as hereinafter provided and requesting the submission to the qualified voters of the city of an ordinance authorizing the issuance of bonds, shall be filed with the clerk of the Circuit Court of the City of Richmond, such ordinance shall be so submitted at an election called for such purpose. The provisions of § 3.07 of this charter as to the qualifications of the persons who sign the petition, the number of signatures to be required, the verification thereof, the filing of the petition and the request for the election shall apply equally to the petition and election provided for in this section. The election shall be ordered, conducted, and the results ascertained and certified in accordance with general law. If a majority of those voting thereon at such election shall fail to approve the ordinance, such ordinance shall be void. If a majority of those voting thereon at such election shall approve the ordinance, such ordinance shall be effective immediately.*

*§ 7B.06. Procedures for sale and terms of bonds and notes.*

*All bonds and notes shall be sold in such manner, either at public or private sale, for such price and upon such terms, including without limitation amounts, principal maturities, sinking fund requirements, maturity dates, interest rates and redemption features, as the council may determine by ordinance or resolution, or as the director of finance, with the approval of the city manager, may determine, when authorized to do so by ordinance or resolution. Furthermore, interest rates may be determined by reference to indices or formulas or agents designated by the council under guidelines established by it, or, when authorized to do so by ordinance or resolution, such determination and designation may be made by the director of finance, with the approval of the city manager.*

*§ 8.01. Establishment and composition of department of finance.*

*There shall be a department of finance which shall include the function of accounting and control; collections of revenues; assessments of non-real property; debt management, and cash management. The department of finance shall be responsible for the administration of the financial affairs of the city, including exercise of the powers conferred and duties imposed by law upon commissioners of the revenue, collectors of taxes, license inspectors, city treasurers, and similar officers.*

*§ 8.03. General powers and duties of director of finance.*

*The director of finance, under the supervision of the city manager, shall have charge of the administration of the financial affairs of the city and to that end he/she shall have authority and shall be responsible for the department of finance in order to discharge the following functions:*

*(a) Cooperate with the city manager and budget officer in compiling estimates for the current expense and capital budgets. Manage the city's finances in a professionally accountable and responsible manner.*

*(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.*

*(c) Maintain a general accounting system for the city and each of its departments, courts, boards, commissions, offices and agencies in conformity with generally accepted accounting principles and prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, courts, boards, commissions, offices and agencies of the city, including the school board except for such accounts as are kept by employees of the school board; and in so doing he shall consult with the city auditor. Provide for regular reporting of the city's financial condition in conformance with generally accepted accounting principles.*

*(d) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, courts, boards, commissions, offices and agencies, including the school board; and prescribe the times at and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under his control.*

*(e) Examine all contracts, purchase orders and other documents, except bonds and notes authorized as provided in Chapter 7, which create financial obligations against the city or the school board, and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same; provided that the director of finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials or equipment of such sum, within the current allotment of such appropriation, as he may deem necessary during a period of not to exceed three months for the purchase of items not to exceed in cost one hundred fifty dollars for any one item, and immediately encumber such appropriation with the amount of such advance authorization, and thereafter, within the period specified, purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without the prior approval of the director of finance endorsed thereon; but each such purchase order shall be charged against such authorization and no such purchase order, which together with all such purchase orders previously charged within the period specified shall exceed the amount of such authorization, shall be valid.*

*(e-1) Tender bills or statements for, collect and receive all moneys due the city for taxes whether current or delinquent, subject to the statute of limitations, assessments or fees or charges of every kind*

including charges for the use of water, wastewater collection and treatment, gas and electricity, and other sums payable to the city except as otherwise provided by this charter or the general laws of the Commonwealth as the same may relate to the city. In so doing he shall have power to employ any procedure that is now or may hereafter be prescribed by law for the collection of state taxes or local taxes. There shall be a lien, which shall have precedence over any other lien or encumbrance thereon, on all real estate and on each and every interest therein, for the city taxes assessed thereon, from the commencement of the year for which they are assessed, including penalties and interest at such rate as from time to time may be fixed by the General Assembly, on such taxes, which may be enforced by the director of finance on behalf of the city in any manner provided by law. All goods and chattels wheresoever found may be distrained and sold for taxes, interest and penalties assessed and due thereon and for taxes, interest and penalties assessed against the owner thereof, and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes or levies assessed thereon, no matter in whose possession they may be found.

(f) (c) Have custody of all funds belonging to the city and the school board and deposit all funds coming into his hands to the account of the city or the school board, as the case may be, in such banks or savings and loan associations as may be designated for the purpose by the council and the school board, respectively, and he *Receive, deposit in legal depositories, maintain custody of and disburse all funds of the city or in the possession of the city, and prudently invest such funds as they are available for investment.* The director shall not be liable for any loss sustained as to funds of the city or the school board that are on deposit in such a designated bank or savings and loan association. The director of finance in his discretion may authorize any department or agency of the city to maintain a petty cash fund in an amount to be fixed by guidelines established by council by ordinance. Any such fund authorized shall be reimbursed only upon presentment of vouchers approved by the chief of the bureau of accounting and control of funds so deposited.

(g) Audit before payment, for legality and correctness, all accounts, savings and loan association account claims and demands against the city, and no money shall be drawn from any bank account or savings and loan association account of the city or school board except by warrant or check or draft payable on demand, signed by the director of finance, based upon a voucher duly approved by him as above provided.

(h) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(i) 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 fifteenth day of each month, a statement concerning the financial transactions of the city and each utility and of the school board, respectively, prepared in accordance with accepted principles of municipal accounting and budgetary procedure, and showing:

(1) The amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against such appropriation and the allotments thereof 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 the allotments thereof;

(2) 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.

(j) Furnish to the head of each department, court, board, commission, office and agency of the city a copy of that portion of the statement relating to such department, court, board, commission, office or agency.

(k) 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.

(l) Designate, with the approval of the city manager, an employee of the department of finance as deputy director of finance who during the temporary absence or incapacity of the director of finance shall have and perform all the powers and duties conferred or imposed upon the director of finance.

(m) Authorize the deputy director of finance and such other employees as he may deem necessary, and under such rules and regulations as he may establish, to affix his signature to checks and other documents.

(n) (d) Protect the interests 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.

(o) Collect all taxes, special assessments, licenses, fees and other revenues of the city or for whose collection the city is responsible and receive all deposits and all other money receivable by the city from

whatever source.

(e) Administer all debt of the city to include its issue, registration, transfer and retirement or redemption.

~~(p)~~ (f) Enforce the provisions of this charter and the ordinances of the city with regard to licenses and license taxes and examine and audit the books of all persons, firms and corporations where there is reasonable cause to believe there is a liability to pay the tax any financial matters of the city.

#### § 8.10. 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 the 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 governing laws. The report of such audit shall be filed within such time as the council shall specify, and one copy thereof shall be always available for public inspection in the office of the city clerk during regular business hours.

#### § 13.01. Department of public utilities; created; composition.

There shall be a department of public utilities which shall consist of the director of public utilities and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. *The director shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business.*

#### § 13.05. Collection of bills.

~~There shall be a customer service division in the department of public utilities, which shall be responsible for receiving inquiries concerning charges for the use of water, wastewater, gas and electricity and other services incident thereto and endeavoring to resolve same to the mutual benefit of the customer and the city.~~ The collection of unpaid bills may be enforced in the manner now or hereafter prescribed by law or ordinance by the division if so directed by ordinance, and water service may be disconnected for nonpayment of landfill refuse fees.

#### § 13.06. Each utility a separate enterprise.

The water, wastewater, stormwater, gas and electric utilities shall each be conducted as a separate enterprise, provided that nothing herein shall prevent the transfer of employees from one utility to another or the division of the time of any officer or employee between two or more of such utilities. To facilitate accurate analysis of the financial results of the operation of each utility:

(a) The customer service division shall, as directed by ordinance, bill for and collect on behalf of each utility not only the charges due from domestic, commercial and industrial users of its services but similar charges against the city and each department, board, commission, office and agency thereof, including the school board and each other utility. The rates to be charged for street lighting and for electric current furnished to the city and its departments, boards, commissions, offices and agencies, as well as any political subdivision, shall be fixed by the director of public utilities to generate such revenue as shall enable the utility to make a reasonable return on investment and meet retirement schedules and other debt service requirements in accordance with the provisions of any bond ordinance pursuant to which bonds have been issued to finance capital improvements of such utility and to comply with the terms and conditions of any documents securing any such bonds.

(b) Separate budgets shall be prepared for each utility annually at the time and in the manner prescribed in Chapter 6 of this charter, which shall include estimates of revenue and expense for the ensuing fiscal year. After the budget of a utility has been adopted, should it appear that substantial sales of the unit product of the utility can be made in excess of the sales of the unit product contemplated by the budget which were not reasonably foreseen at the time the estimates of revenue and expense were made, additional expenditures may be authorized by the city manager from the funds of the utility in an amount not exceeding the estimated cost of producing or purchasing additional units of the product of the utility to be sold upon the justification of such expenditure by and recommendation of the director of public utilities. The city manager shall report to the council as soon as practicable any such additional expenditures authorized by him/her and shall also report any such additional expenditures to the director of finance, who shall adjust the appropriation accounts accordingly. The expenditure of any other funds of any utility shall be authorized only when an additional appropriation thereof is made in accordance with ~~§ 6.17~~ 6.16 of this charter. The budget estimates of each department of the city shall include items for gas, water, wastewater, stormwater, and electric current to be used by them. An item for street lighting shall be included in the general fund budget and shall be disbursed by the director of finance on the basis of bills rendered by the customer service division.

(c) The accounting system of each utility shall conform to generally accepted principles of public utility accounting and shall be kept on an accrual basis. Expenditures shall be authorized and made in accordance with appropriations made by the council and in accordance with the provisions of Chapters 6, 8 and 13 of this charter. The records of revenues of each utility shall be kept so that the services

rendered to each class of customer according to the rate schedules adopted by the council for each utility can be obtained. After the close of each fiscal year there shall be submitted to the city manager and the council a report as to the operation of each utility containing at least the following financial statements: (1) a comparative balance sheet showing the financial condition of the utility as of the beginning and close of the fiscal year and an analysis of the surplus account showing the factors of change in the account as reflected by the comparative balance sheet; *and* (2) a comparative profit and loss statement of the last two fiscal years; and a comparative detailed analysis of operating expense for the last two fiscal years according to functional grouping. The expense of operating each utility shall include: (1) taxes, if any, lawfully accruing during the fiscal year; and (2) except for the stormwater utility, taxes not actually accruing but which would have accrued had the utility not been municipally owned, and such taxes shall be paid annually into the general fund. For the purposes of this chapter, all indebtedness of the city incurred on account of each utility shall be considered as the indebtedness of such utility.

§ 13.08. Valuation of utilities.

At such times as it shall determine, the council shall cause to be made a valuation of each of the ~~three~~ utilities, in accordance with accepted valuation principles, by a competent firm of engineers to be selected by the council on the recommendation of the city manager, showing in the case of the water utility the proportion of its valuation properly allocable to fire protection.

§ 13.10. No sale or lease of utilities except when approved by referendum.

There shall be no sale or lease of the water, *wastewater*, gas or electric utilities unless the proposal for such sale or lease shall first be submitted to the qualified voters of the city at a general election and be approved by a majority of all votes cast at such election.

§ 17.02. City planning commission, generally.

There shall be a city planning commission which shall consist of nine members. One member shall be a member of the council who shall be appointed by the council for a term coincident with his/*her* term in the council; one member shall be a member of the board of zoning appeals appointed by the board of zoning appeals for a term coincident with his/*her* term on such board; one member shall be the city manager or an officer or employee of the city designated from time to time by him/*her*; six citizen members shall be qualified voters of the city who hold no office of profit under the city government, appointed by the council for terms of three years. Vacancies shall be filled by the authority making the appointment, for the unexpired portion of the term. Members of the city planning commission, other than the member of council appointed to the commission and the city manager, or such officer or employee of the city as the city manager may designate to serve on the commission, shall be entitled to receive such compensation as may be fixed from time to time by ordinance adopted by the council.

§ 17.06. Adoption of master plan by commission and approval by council.

The commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon ~~at least fifteen days' notice of the time and place of which shall be given by one publication in a daily newspaper of general circulation published in the city. Notice of the time and place of such hearing shall be given in accordance with general law.~~ The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby shall be certified to the council, *and at least one public hearing shall be held thereon in accordance with general law.* Neither the master plan nor any part, amendment, extension or addition thereto shall become effective until the action of the commission with respect thereto set out in the resolution shall have been approved by the council by ordinance or resolution. Upon the approval of the action of the commission by the council, an attested copy of the resolution adopted by the commission accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto thereby adopted, together with the ordinance or resolution adopted by the council shall be certified to the clerk of the Circuit Court, Division I and Division II, of the city who shall file the same in his/*her* respective offices, and shall index the same in the deed index book in the name of the city and under the title: master plan of the city.

§ 17.11. Uniformity of regulations within a district; special use permits.

(a) The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout each district; ~~provided,~~ however, the regulations and restrictions applicable in one district may differ from those provided for

other districts.

(a1) The council may, by ordinance adopted after holding one or more public hearings concerning same, establish design overlay districts, providing for such design overlay districts, a design review process applicable to exterior changes within view from public right-of-ways in order to protect developed areas of the city which are characterized by uniqueness of established neighborhood character, architectural coherence and harmony, or vulnerability to deterioration, and council may assess a reasonable fee, not exceeding the actual cost of the review process, for a determination if proposed new construction, alterations, rehabilitation, or demolition conforms to general guidelines for a particular design overlay district established by the planning commission and urban design committee after holding a public hearing.

(b) The council shall have the power to authorize by ordinance adopted by not less than six affirmative votes the use of land, buildings, and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air. No such ~~ordinance~~ *special use permit* shall be adopted until (1) ~~the ordinance has been referred to the city planning commission for investigation of has conducted a public hearing to investigate the circumstances and conditions upon which the council is empowered to authorize such use and until the commission has reported to the council the results of such public hearing and investigation and its recommendations with respect thereto, and (2) until after a public hearing in relation to such ordinance is held by the council the council has conducted a public hearing on an ordinance to authorize such special use permit at which the persons person in interest and all other persons shall have an opportunity to be heard. At least fifteen days' Notice of the time and place of such hearing public hearings shall be given by publication thereof in a daily newspaper of general circulation published in the city in accordance with general law.~~ The council shall have the power to require such ~~other~~ *greater* notice as it may deem expedient. The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom.

§ 17.14. Adoption and amendment of zoning regulations and restrictions and establishment of district boundaries.

Subject to the other provisions of this chapter *and general law*, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and ~~determine~~ *establish* the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover costs involved in the consideration of any request for amendment, supplement or repeal of any such regulation, restriction or ~~determination~~ *establishment* of boundaries, to be paid to the department of planning and community development by the applicant upon filing such request. No such ~~ordinance regulation, restriction or establishment of boundaries~~ shall be adopted until:

(a) ~~The ordinance has been referred to the city planning commission and approved by it, subject to overrule by the council, as provided in § 17.07 city planning commission has conducted a public hearing to investigate the circumstances and conditions upon which the council is empowered to authorize such regulation, restriction or establishment of boundaries, and until the commission has reported to the council the results of such public hearing and investigation and its recommendations with respect thereto; and~~

(b) ~~After a public hearing in relation thereto shall be held by~~ *The council has conducted a public hearing on an ordinance to authorize such regulation, restriction or establishment of boundaries at which the parties person in interest and other persons shall have an opportunity to be heard.*

*At least fifteen days' Notice of the time and place of such hearing public hearings shall be given by publication thereof in a daily newspaper of general circulation published in the city in accordance with general law.*

The procedures set forth in this section shall also apply to the adoption, amendment and repeal of historic district boundaries. All historic districts previously adopted by city council, except for the Church Hill North district adopted by Ordinance no. 90-197-194 and repealed by Ordinance no. 90-242-314, shall remain in full force and effect, shall be deemed to have been in continuous existence, and shall not henceforth be declared invalid by reason of a failure to follow the procedures set forth herein applicable to zoning districts.

§ 17.19. Appeals to Board of Zoning Appeals.

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by

the council to administer and enforce the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule, by filing with the said administrative officer and with the board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest and decide the issue within a reasonable time. At the hearing any party may appear in person, by agent or by attorney and shall be given an opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury.

#### § 17.20. Powers of Board of Zoning Appeals.

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.

(b) To grant variations in the regulations when a property owner can show that his/her property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation the strict application of the terms of the ordinance actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, the granting of such variations will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner, provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the city, county or state or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit the following exceptions to the district regulations and restrictions, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise unreasonably affect public safety and shall not diminish or impair the established property values in surrounding areas:

(1) Use of land or erection or use of a building or structure by a public service corporation for public utility purposes exclusively which the board finds to be reasonably necessary for the public convenience and welfare.

(2) ~~The~~ Use of land or construction or use of buildings and structures in any district in which they are prohibited by the ordinance, for cemetery purposes, airports or landing fields, greenhouses and nurseries and the extraction of raw materials from land, such as rock, gravel, sand and similar products.

(3) Use of land in dwelling districts immediately adjoining or separated from business, commercial or industrial districts by alleys, or widths to be specified in the ordinance, for parking of vehicles of customers of business, commercial or industrial establishments, provided such use shall not extend more than the distance specified in the ordinance from the business, commercial or industrial district.

(4) Use of buildings for dwelling purposes in districts specified in the ordinance for use for other purposes, where it can be shown that conditions in the specified districts are not detrimental to the health, safety, or welfare of the inhabitants of such buildings and on condition that the buildings will be removed within a time specified in the ordinance.

(5) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the district in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty per cent of their assessed taxable value, when the board finds some compelling public necessity for a continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the council or any department or officer of the city when such approval is required by any law or

ordinance.

(e) To modify the interpretation and application of the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the districts and their boundaries adopted with and as a part of the ordinance.

§ 18.03. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the state or cannot with reasonable diligence be found in the state, or if the residence of the owner or tenant be unknown, he/she may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ ~~8-71, 8-72 and 8-76~~ 8.01-316, 8.01-317 and 8.01-319 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he/she had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his/her deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he/she shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court, the court ~~or judge thereof in vacation~~ shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given to the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in §§ 25-46.19 and 25-46.20 of the Code of Virginia or as provided for in § 18.02, and all proceedings thereafter shall be had as provided in Chapter 1.1 (*§ 25-46.1 et seq.*) of Title 25 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award.

§ 18.05. Unclaimed funds in condemnation cases.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 18.02, in any condemnation proceeding instituted therein by the city,

without any claim having been asserted thereto such court shall direct the same to be paid into the treasury of the city, and a proper receipt for the payment taken and filed among the records of the proceeding. The director of finance shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and, as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he/*she* is entitled to such money. If such claim ~~be~~ *is* established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability.

§ 20.10. Courtrooms for courts of record and office space for constitutional officers.

It shall be the duty of the city to provide suitable courtrooms for the courts of record of the city and suitable offices for the ~~commissioner of the revenue (through December thirty-one, nineteen hundred eighty-one)~~, city treasurer, and attorney for the Commonwealth. The office space provided for the ~~commissioner of the revenue and for the treasurer in the area of the city south of the James River~~ may be a place or places that council deems convenient for serving the citizens of the city of Richmond residing south of the James River.

§ 20.11. Posting of bonds by city unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent ~~be~~ *are* complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given. This exemption from the requirement of posting a bond shall also apply in cases involving a city employee ~~who has been sued in his official capacity, and to whom liability coverage has been granted by the city.~~

2. That §§ 3.02, 3.03, 4.12, 5.08, 5.13, 5.13.1, and 5.13.2; Chapter 5-1 (§§ 5-1.1 through 5-1.5); §§ 6.15, 6.15.1, 6.15.2, 6.17, and 6.17.1; Chapter 7A (§§ 7A.01 through 7A.13); §§ 8.02, 8.06, 8.07, and 8.09; Chapter 9 (§§ 9.01 through 9.17); Chapter 10 (§§ 10.01 through 10.04); Chapter 11A (§§ 11A.01 through 11A.05); Chapter 11B (§§ 11B.01, 11B.02, and 11B.03); Chapter 11C (§§ 11C.01 and 11C.02); Chapter 12 (§§ 12.01 through 12.08); §§ 13.03 and 13.04; Chapter 14 (§§ 14.01 through 14.06); Chapter 15 (§§ 15.01 through 15.04); Chapter 16 (§§ 16.01 through 16.06); and §§ 17.03, 17.08, 17.17, 17.18, 17.27 through 17.35, 17.37:1 through 17.37:4 and 20.02 through 20.09 of Chapter 116 of the Acts of Assembly of 1948 are repealed.