

CITY OF NEWPORT NEWS.

City of First Class.

Cities of Newport News and Warwick consolidated effective July 1, 1958, as City of Newport News.

Newport News incorporated and charter, 1895-96.

Warwick City incorporated and charter, 1952.

Newport News charter, 1895-96, c. 64; repealed 1958, c. 141.

Warwick City charter, 1952, c. 706; repealed 1958, c. 141.

Consolidated charter, 1958, c. 141; repealed 1978, c. 576, except for portions of Chapter 27.

Charter, 1978, c. 576.

Amended 1980, c. 78 (§§ 6.03, 6.04, 6.05, 6.07, 6.08, 6.11, 6.13, 6.14, 8.01, 8.04, 8.05, 8.11, 8.12)

1982, c. 76 (§§ 4.01, 5.05, 7.03, 7.04, 8.04)

1983, c. 45 (§§ 5.05, 9.01)

1988, c. 146 (§ 10.02)

1988, c. 612, 631 (§§ 3.01, 3.02, 3.04, 4.03, 4.05)

1989, c. 654 (§ 17.07 [added])

1990, c. 305 (§§ 3.01, 3.02, 3.04, 4.03, 4.05)

1990, c. 653 (§ 2.06 [added])

1993, c. 862, 874 (§ 2.05 [added])

1999, c. 799, 827 (§§ 3.01, 3.04, 4.03, 4.05, 11.02)

2003, c. 183 (§ 2.02)

2007, c. 319, 766 (§§ 4.05, 5.05, 8.12).

CHAPTER 1.

TERRITORY COMPRISING CITY.

§ 1.01. Area; boundaries to embrace military and government reservations, etc.

The territory comprising the consolidated city shall consist of all the territories comprising the former cities of Newport News and Warwick, as the same now are or may hereafter be established by law. The boundaries of such city shall be construed to embrace all United States military and government reservations within such city and all wharves, docks and other structures of every description that have been or may hereafter be erected along the waterfront of the city, and any contiguous territory heretofore or hereafter ceded to the Commonwealth of Virginia by any government or agency thereof. (1978, c. 576)

CHAPTER 2.

POWERS OF CITY.

§ 2.01. General grant.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not inconsistent with the Constitution and laws as fully and completely as though such powers were specifically enumerated in this charter, and no

enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition, the powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1978, and as hereafter amended, are hereby conferred on and vested in the city. (1978, c. 576)

§ 2.02. Relative to finance.

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

A. Taxes and assessments generally; licenses, etc. 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. In addition to, but not as a limitation upon this general grant of power, the city shall 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 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 license.

B. Borrowing. To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

C. Appropriations generally. To make appropriations, subject to the limitations imposed by this charter, for the support of the city government and any other purposes authorized by this charter or by the general laws of the Commonwealth. In lieu of an ordinance, and unless otherwise specifically provided for by this charter, the code of the city of Newport News, the laws of the Commonwealth of Virginia or the United States of America, appropriations provided for in this subsection may be passed by a resolution of council with the affirmative vote of a majority of the members of council.

D. Emergency appropriations. To appropriate, without being bound by other provisions of this charter, not more than \$500,000 in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least four affirmative votes of the council and that the resolution making such appropriation shall contain a clear statement of the nature and extent of the emergency.

E. Acceptance or refusal of gifts, etc. 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. Public libraries and schools. To provide, or aid in the support of, public libraries and public schools.

G. Military units; charitable, etc., institutions and corporations. 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. Pensions. 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 various 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 any such benefits be enforceable in any court, provided, however, that no vested rights of any person in any of the retirement systems in existence at the time of consolidation in the cities of Warwick or Newport News shall be adversely affected. However, the right to receive payments of retirement benefits from a system of pensions created pursuant to this subsection which have been deemed to be marital property pursuant to Chapter 6 (§ 20-89.1 et seq.) of Title 20 of the Code of Virginia, 1950, as amended, or like provisions of the state code of another state, and which are payable to the spouse who is a member of the pension system, may be allocated by a court of competent jurisdiction by direct assignment of all or part of such benefit payments to a spouse or former spouse of the member.

I. Control of fiscal affairs; accounts, etc. To provide for control and management of the fiscal affairs of the city, and prescribe 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 chapter or otherwise by laws as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and handling, use and disposal thereof. (1978, c. 576; 2003, c. 183)

§ 2.03. Relative to port operation and properties.

In addition to the powers granted by other sections of this charter, the city shall have the power 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, switching, 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 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 any river, stream or body of water within or contiguous to the city; prevent and remove obstructions from the harbor of such river, stream or body of water 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, dock, landing 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. (1978, c. 576)

§ 2.04. Licenses and permits where advisable in judgment of council.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee, and require from that licensee or permittee a bond and/or an insurance policy of such character and in such amount and upon such terms as it may determine. (1978, c. 576)

§ 2.05. Residency requirement.

The city council shall have the power to adopt by ordinance as a requirement of the position that all heads of city departments or their equivalents be residents of the city during their tenure in such positions irrespective of by whom appointed.

The city council, at the time of the adoption of such an ordinance, may exempt from its operation current nonresident department heads or their equivalents. (1993, c. 862, 874)

§ 2.06. Land development and site plan.

In order to provide for the orderly and proper development of land within the City of Newport News and to protect the public safety, health, and welfare, the city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land, except a detached dwelling located on a single lot and designed for or intended to be occupied by one family. Such regulations and restrictions may prescribe standards and requirements which provide for, but are not limited to, the following: access for fire, police, emergency, and service vehicles; width, grade, elevation, location, alignment, and arrangement of streets and sidewalks with relation to existing streets and sidewalks, planned streets and sidewalks, and the comprehensive plan; easements for public utilities; facilities for off-street parking; laying out, constructing, and improving streets, alleys, and sidewalks; access to adjacent land and to existing or proposed streets; water mains for servicing fire hydrants; disposition of storm water; disposition of sewage and waste; control of flooding through site elevation or otherwise; control of slippage, shifting, erosion, accretion, and subsidence of soil; dedication of public streets, alleys, sidewalks, curbs, gutters, sewers, drains, and other public improvements; protection to other land, structures, persons, and property; guarantee of payment by the developer of all costs or a proportionate share of costs for

public streets, alleys, sidewalks, curbs, gutters, sewers, and drains; the submission and approval of site plans and plats prior to development of land; and procedures, enforcement, and penalties for violation of any such ordinance or ordinances. The procedures may include, but shall not be limited to, consideration of site plans and plats in light of the regulations and restrictions applicable thereto, and approval or disapproval of site plans and plats in accordance therewith and may include the requirement of dedication of necessary public streets and easements in accordance with the comprehensive plan for the city. The provisions of this section shall in nowise repeal, amend, impair, or affect any other power, right, or privilege conferred by this charter or any other provisions of general law. (1990, c. 653)

CHAPTER 3.  
ELECTIONS, ETC.

§ 3.01. Election and terms of mayor and members of council.

A. On and after July 1, 2000, the council shall consist of seven members, a mayor and six members of council elected as herein provided. The city shall be divided into such districts as shall be provided by ordinance in accordance with the general laws of the Commonwealth. As hereinafter provided, the mayor shall be elected at large by the qualified voters of the city and the six members of council shall be elected by the qualified voters of the districts in which they reside, respectively.

Commencing in May 2000, all elections to fill the offices of mayor or member of council shall be for terms of four years, except to fill vacancies which shall be for the remainder of the unexpired term as hereinafter provided. On the first Tuesday in May 2000, there shall be a general election for the election of one member of city council from each city council district by the voters thereof. On the first Tuesday in May 2002, there shall be a general election for the election of one member of city council from each city council district by the voters thereof and for the mayor by the voters of the city at large.

B. The mayor, whether elected or appointed, shall be and remain a resident and qualified voter of Newport News. All other council members, whether elected or appointed, shall be and remain residents of their respective districts and qualified voters of Newport News during the term for which they were elected or appointed. (1978, c. 576; 1988, c. 612, 631; 1990, c. 305; 1999, c. 799, 827)

§ 3.02. Printing of names of candidates on ballots in councilmanic elections; nomination by notice of candidacy.

Candidates for member of city council shall be qualified voters of the city and shall file their notice of candidacy and be nominated only by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding.

There shall be printed on the ballots the names of all candidates who have been nominated as provided herein and no others. (1978, c. 576; 1988, c. 612, 631; 1990, c. 305)

§ 3.03. Party designations on ballots in councilmanic election; conduct of general municipal election under State law as to elections.

The ballots used in the election of councilmen shall be without any distinguishing party name, mark or symbol. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1978, c. 576)

§ 3.04. Vacancies in office of mayor or member of council.

A. Vacancies in the office of member of council, from whatever cause arising, shall be filled within sixty days of the occurrence of the vacancy. Such vacancies shall be filled by the remainder of the council. The person or persons so appointed to fill the vacancy shall be a resident of the district where the vacancy occurs and shall hold office until the qualified voters shall fill the same by election at the next general election and the person so elected shall have qualified. The election to fill such vacancies shall be held as required and provided herein and by the general laws of the Commonwealth of Virginia; provided that nominations for any such vacancy shall be by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding.

B. A vacancy in the office of mayor shall be filled in accordance with the procedures set forth in subsection A above for vacancies in the office of member of council; however, the person appointed must be a resident of the city at the time of his appointment. (1978, c. 576; 1988, c. 612, 631; 1990, c. 305; 1999, c. 799, 827)

§ 3.05. Nomination, election, qualification and term 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 shall be elected in November as required and provided by the general laws of the Commonwealth of Virginia. 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. (1978, c. 576)

CHAPTER 4.

COUNCIL GENERALLY.

§ 4.01. Composition; compensation of councilmen and mayor; appointment of council member to office of profit.

The council shall consist of seven members elected as provided in Chapter 3. The compensation of council members and the mayor shall be established by ordinance within the salary ranges permitted by state statute. The compensation of council members as being paid on the effective date of this charter section shall remain in effect until the appropriate ordinance setting salaries is adopted by council; provided, however, that no such ordinance shall take effect until after the next council election following the effective date of this act. No member of the council shall, during the term for which he was elected and one year thereafter, be appointed to any office of profit under the government of the city. (1978, c. 576; 1982, c. 76)

§ 4.02. Vesting in council of powers of city; council to be policy-determining body; powers of council generally.

All powers of the consolidated city as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy-determining body of the city and shall be vested with all the rights and powers conferred on councils of cities of the first class, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

A. Official inquiries and investigations. To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements and expenses of any city employee; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers and

other evidence; subpoenas issued by the council shall be enforced by the circuit court of the city in the manner provided by general law.

B. Performance of governmental functions; creation, etc., of city departments, etc. To provide for the performance of all governmental functions of the city; and to that end, provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated by law or by ordinance what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by the city manager. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer or combine any city functions, activities or departments.

C. Auditing of accounts. After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the city by the Auditor of Public Accounts of the Commonwealth of Virginia, or by a firm of independent certified public accountants to be selected by council. 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 clerk to the council during regular business hours. Either the council or the city manager may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the death, resignation, removal or expiration of the term of any officer of the city, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the city manager and the council. In case of death, resignation or removal of the city auditor, the council shall cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

D. Schedule of compensation of city officers and employees. The council shall fix a schedule of compensation for all city officers and employees which shall provide uniform compensation for like service. The council may by ordinance define certain classes of city officers and employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments and judges.

E. Surety bonds of officers and employees. To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may prescribe. (1978, c. 576)

§ 4.03. Choice and term of vice-mayor; powers and duties of mayor generally; absence or disability of mayor and of vice-mayor.

On the first day of July 2000, 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 members having previously taken the oath of office as required by law, the council shall proceed to choose by majority vote of all the members thereof one of their number to be vice-mayor for the ensuing two years. The council shall have no authority to choose one of their members to be mayor except to fill a vacancy in the office of mayor as provided in § 3.04 of this charter.

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 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 mayor shall execute all bonds and notes issued for the purpose of borrowing money, under the direction of the council, and the seal of the corporation shall be affixed and attested by the city clerk. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor. 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. (1978, c. 576; 1988, c. 612, 631; 1990, c. 305; 1999, c. 799; 827)

§ 4.04. Appointment, term, powers and duties and compensation of city clerk; inspection of records; appointment of deputy city clerk.

The council shall appoint a city clerk for an indefinite term. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. The city clerk shall be the custodian of all official records of the city. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council and all fees received by him shall be paid into the city treasury. He shall have such other powers and duties as may be prescribed by this charter or by ordinance. The council may designate a deputy city clerk who shall act during the absence of the city clerk. (1978, c. 576)

§ 4.05. Inaugural meetings; induction of members and election of vice-mayor.

The first meeting of a newly elected council shall take place on the date of the first regularly scheduled meeting of the city council in the month of July following the election at 10:00 a.m. at a place specified for same in the notice sent to the council members in accord with the manner set forth in § 4.06 of this charter for special meetings. At or before this first meeting, the oath of office shall be administered to the duly elected members as provided by law. In the absence of the mayor, the meeting may be called to order by the city clerk. The first business of the council shall be the election of a 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. (1978, c. 576; 1988, c. 612, 631; 1990, c. 305; 1999, c. 799; 827; 2007, c. 319)

§ 4.06. Rules of procedure; notice of special meetings; quorum.

The council shall have power, subject to the provisions of the consolidation agreement and this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by unanimous consent of all the members of the council. A majority of the members of the council shall constitute a quorum for the transaction of business. (1978, c. 576)

§ 4.07. Action by council at open meetings; voting procedure.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least four members. All voting except on procedural motions shall be by roll call and the ayes and nays shall be recorded in a journal. (1978, c. 576)

§ 4.08. Certain acts of council to be by ordinance.

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department or creating, altering, assigning or abolishing any bureau, division, office, agency or employment, fixing the compensation of any officer or employee of the city, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance. Council may delegate to the city manager the power to create, alter, assign or abolish bureaus, offices and divisions within a department without the necessity of having an ordinance passed by council. (1978, c. 576)

§ 4.09. Effective date of ordinances generally.

Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the tenth day following its passage. (1978, c. 576)

§ 4.10. Procedure for introducing ordinances.

An ordinance may be introduced by any member of the council 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 been approved by the unanimous consent of all the members of the council. (1978, c. 576)

§ 4.11. Submission of propositions to the qualified voters of the city.

The council shall have authority to request by resolution directed to the court of record the submission to the qualified voters of the city of an advisory referendum on any proposed ordinance. Upon receipt of such resolution, the court of record, or the judge thereof in vacation, shall order an election to be held at a regular or special election as provided by the order of the court. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of such elections and by regular election officials of the city. (1978, c. 576)

§ 4.12. Numbering, recordation, codification and printing of ordinances.

Every ordinance, after passage, shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. Within one year after the first day of July, 1958, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he deems necessary for the purpose, a codification of all ordinances in force. Such codification may 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. (1978, c. 576)

§ 4.13. Required vote in making appointments and removals; procedure for removal of person appointed by council for indefinite term.

The council in making appointments and removals shall act only by the affirmative votes of at least four 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, containing a clear statement of the grounds for such removal and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed and at which he may be represented by counsel, the decision of the council shall be final. (1978, c. 576)

§ 4.14. Emergency ordinances.

The council may by the affirmative vote of four of its members pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the reasons for the emergency are set forth and defined. Ordinances appropriating money for such emergency may be passed as emergency measures, but no measure for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or the regulation of the rate to be charged for its services by any public utility shall be so passed. (1978, c. 576)

## CHAPTER 5.

### CITY MANAGER.

§ 5.01. Establishment of position of city manager; to be chief administrative officer; provision for assistant city manager or assistant city managers; appointment, term and qualifications; residence requirements.

There shall be a city manager who shall be the chief administrative officer of the city and shall be responsible to the council for the proper administration of the city government. He shall be appointed by the council for an indefinite term. He shall be appointed solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. There may be one or more assistant city managers as authorized by the council. Such assistant city manager, or assistant city managers, shall be appointed by and responsible to the city manager.

At the time of appointment, the city manager or his assistant or assistants, if any, need not be a resident or residents of the city or the Commonwealth, but during the tenure of their respective offices they shall reside within the city. (1978, 576)

§ 5.02. Appointment and removal of department heads, etc., generally.

The city manager shall appoint for an indefinite term and remove except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city, provided the city manager may delegate such powers as he sees fit to heads of the departments under his supervision. (1978, c. 576)

§ 5.03. Interference by council in appointments or removals; dealings between council and administrative services.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, any office or employment by the city manager or by any of his subordinates or in any way take part in the appointment 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 Class 4 misdemeanor and upon conviction thereof, shall cease to be a councilman. (1978, c. 576)

§ 5.04. Temporary transfer of personnel between departments.

The city manager shall have the power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the city manager, to the temporary performance of duties in another department, bureau, office or agency. (1978, c. 576)

§ 5.05. 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 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 thirty-first day of December of each year, a concise, comprehensive 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. Prepare and submit to council quarterly statements of all revenues, expenditures and encumbrances of funds in sufficient detail to show the exact financial condition of the city; council may by ordinance prescribe more frequent financial reporting;
- F. Perform such other duties as may be prescribed 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;
- G. Execute, under the direction of the council, all contracts, deeds and other papers, and the seal of the corporation shall be affixed, and attested by the city clerk; and
- H. Have direction of and control over all departments of the city except as otherwise provided by this charter. (1978, c. 576; 1982, c. 76; 1983, c. 45; 2007, c. 319)

§ 5.06. Absence or disability of the city manager; acting city manager; limitation on appointment of council member.

During the absence or disability of the city manager, the council may designate some properly qualified person to perform his duties until his return to duty or the appointment of his successor. Upon the death or resignation of the city manager, the council shall designate an acting city manager to serve until the appointment of a city

manager. Provided that in no instance shall a member of council be appointed as city manager or acting city manager. (1978, c. 576)

CHAPTER 6.  
BUDGET, ETC.

§ 6.01. Fiscal year; definition of "budget year".

The fiscal year of the city government shall be established by ordinance. Such fiscal year shall also constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. (1978, c. 576)

§ 6.02. Submission of general budget.

The city manager, at least sixty days prior to the beginning of each budget year, shall submit to the council a general budget. (1978, c. 576)

§ 6.03. Estimates of revenue and expenditures filed by department heads, etc.

It shall be the duty of the head of each department, the judges of all courts, each board or commission, including the school board, and each other officer or agency supported in whole or in part by the city, including the commissioner of revenue, the treasurer, the sheriff, the Attorney for the Commonwealth and clerks of courts to file with the city manager or with his/her designee for budget preparation, at such time as the 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 city manager's designee for budget preparation and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the city manager may require to be submitted thereon. The city manager's designee for budget preparation shall assemble and compile these estimates and 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 may deem advisable and with the assistance of the city manager's designee for budget preparation, shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he 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 may recommend a revision only in its total estimated expenditures. (1978, c. 576; 1980, c. 78)

§ 6.04. Contents and form of general budget.

The general budget shall contain:

A. An estimate of such portion of the general fund balance, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general budget.

B. An estimate of the revenues from current ad valorem taxes on real estate and personal property during the ensuing fiscal year.

C. An estimate of revenues from all other sources of revenue.

D. A statement to be furnished by the director of finance of the debt service requirements for the ensuing year.

E. An estimate of the city's general fund balance deficit, 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 in the ensuing fiscal year.

All the estimates shall be in detail, showing revenues by sources and expenditures by operating units, functions, character and object, so arranged as to show revenues and expenditures as estimated for the current fiscal year and actual revenues and expenditures for the last preceding fiscal year in comparison with estimated revenues and recommended expenditures for the ensuing year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget. (1978, c. 576; 1980, c. 78)

§ 6.05. Balancing of budget.

In no event shall the expenditures recommended by the city manager in the general budget exceed the receipts estimated, taking into account the estimated general fund balance or deficit at the end of the current fiscal year, as provided in the preceding section, unless property assessments have been raised or 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. (1978, c. 576; 1980, c. 78)

§ 6.06. Budget message.

The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget years. (1978, c. 576)

§ 6.07. Appropriation and additional tax ordinances.

At the same time that he submits the general fund budget, the city manager shall present to the council a general appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by administrative units. At the same time, the city manager shall also present any ordinance or ordinances altering the tax rate on real estate and 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. Nothing contained herein shall prohibit the adoption of an ordinance altering the tax rate on real estate or personal property or the levying of a new tax or altering the rate of any other tax, at a time other than when the general fund budget

and general appropriation ordinance is presented to council, when necessary for the efficient operation of the city. The hearing on the budget plan as a whole, as provided in this section shall constitute the hearing on all ordinances presented at the same time the budget is presented. (1978, c. 576; 1980, c. 78)

§ 6.08. Budget, etc., as public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been made public by the city manager; provided, however, that no department or agency, head or judge or board or commission shall divulge details of the proposed budget nor make public statements regarding budget estimates until the budget has been publicized by the city manager and made public by him. Provided, however, that nothing in this section shall be construed as prohibiting the city manager from discussing budget estimates with city council. The city manager on authorization from the council shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons. (1978, c. 576; 1980, c. 78)

§ 6.09. Publication of notice of public hearing.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall be at least thirty days prior to the beginning of each budget year, and shall cause to be published a notice of the place and time, not less than fifteen days prior to the date of the public hearing. (1978, c. 576)

§ 6.10. Public hearing on budget.

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (1978, c. 576)

§ 6.11. Action by the council on general budget.

After the conclusion of the public hearing on the general budget, the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service as required by law shall be reduced or stricken out. The council shall in no event adopt a general budget in which the total expenditures exceed the revenues, estimated as hereinbefore provided, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference. (1978, c. 576; 1980, c. 78)

§ 6.12. Adoption of budget.

The budget shall be adopted by ordinance by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the fifteenth day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (1978, c. 576)

§ 6.13. Additional appropriations.

An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by not less than a majority

affirmative vote of the members present, only if there is an available funding source to meet such appropriation. (1978, c. 576; 1980, c. 78)

§ 6.14. Reserve 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 balance not otherwise appropriated at the close of any fiscal year. It may likewise assign to such 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. (1978, c. 576; 1980, c. 78)

#### CHAPTER 7. BORROWING.

§ 7.01. Power of council to issue bonds and notes.

The city council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1978, c. 576)

§ 7.02. Purposes for which bonds may be issued.

Bonds may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project, and to refund outstanding bonds. A capital improvement is hereby defined to include any public improvement or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure, or facility, necessary or useful in carrying out the powers of the city, and in the equipment or re-equipment of the same. (1978, c. 576)

§ 7.03. Limitation on indebtedness.

Except as otherwise provided in §§ 7.07 and 7.08 of this chapter, the city shall not issue bonds or other interest bearing obligations to an amount which, including existing indebtedness, shall, at any time, exceed ten percent of the assessed valuation of real estate in the city subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that in determining the limitations to the power to incur indebtedness, there shall not be included the classes of indebtedness especially described in Article VII, Section 10 of the Constitution of Virginia. (1978, c. 576; 1982, c. 76)

§ 7.04. Notes in anticipation of bonds.

Whenever an issue of bonds has been authorized as provided in this charter, the mayor, when authorized by resolution, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes shall be authenticated by the signature of the mayor and the city treasurer and shall mature not later than five years after the date of issue. (1978, c. 576; 1982, c. 76)

§ 7.05. Form of bonds.

All bonds issued pursuant to this charter shall be issued in accordance with the general laws of Virginia relating to the issuance of bonds by municipalities. (1978, c. 576)

§ 7.06. Payment of bonds and notes generally.

The faith and credit of the city and all taxes and revenues paid thereto are hereby pledged for the payment of principal of and interest on all bonds and notes of the city issued pursuant to this charter, except bonds for revenue producing utilities issued

pursuant to this charter and which bonds are by their terms payable solely from the revenues derived from such utilities, whether or not such pledge be stated in the bonds or notes or in the bond ordinances authorizing their issue. (1978, c. 576)

§ 7.07. Bond issues for revenue producing utilities.

The city is hereby empowered to issue from time to time in the manner prescribed by Article VII, Section 10 of the Constitution of Virginia, bonds of the city, for the purpose of acquiring, establishing, constructing, improving or enlarging any sewage disposal system, waterworks, gas plant, electric plant, garbage and trash disposal system, incinerator, toll bridge, motor vehicle parking area or building, airport or other public utility, from which the city may derive a revenue; for the purpose of reimbursing the general fund or any other fund of the city for monies paid from such fund or funds for such purposes; and/or for the purpose of funding or refunding any existing indebtedness incurred for such purposes. Such bonds shall not be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia or § 7.03 hereof; but, from and after a period to be determined by the council, not exceeding five years from the date of the election authorizing such bonds, whenever and for so long as any such revenue producing utility fails to produce sufficient revenue to pay for cost of operation and administration, including the interest and amortization of such bonds, and the cost of insurance against loss by injury to persons or property, all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness under any provision of this charter or under the provisions of Article VII, Section 10 of the Constitution of Virginia. The city may, however, issue bonds from time to time for any or all of such purposes, including reimbursement of funds and the funding or refunding of existing indebtedness, in the manner prescribed by Article VII, Section 10 of the Constitution of Virginia, the principal and interest of which bonds shall be payable exclusively from the revenue of such revenue producing utilities and for which payment of principal and interest the full faith and credit of the city shall not be deemed to be pledged, notwithstanding any other provision of this charter, and such bonds shall never be included in determining the limitation of the power of the city to incur indebtedness under the provisions of this charter or under the provisions of Article VII, Section 10 of the Constitution of Virginia. (1978, c. 576)

§ 7.08. Contents of bond ordinance for revenue producing utilities.

The ordinance authorizing the issuance of any bonds for any revenue producing utility shall state either:

A. That the bonds shall be payable from the ad valorem taxes without limitation of rate or amount; the full faith and credit of the city is deemed to be pledged for the payment of principal and interest thereof; and the bonds are to be issued pursuant to the provisions of Article VII, Section 10 of the Constitution of Virginia and are not to be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia; provided, however, that from and after a period specified in such ordinance not exceeding five years from the date of the election authorizing the bonds, whenever and for so long as such revenue producing utility fails to produce sufficient revenue to pay for the cost of operation and administration, including the interest on bonds issued therefor, the cost of insurance against loss by injury to persons or property, and an annual amount to be placed into a

sinking fund sufficient to pay the bonds at or before maturity, all outstanding bonds issued on account of such revenue producing utility shall be included in determining such limitation; or

B. That the principal and interest of such bonds shall be payable exclusively from the revenue of such revenue producing utility, the faith and credit of the city shall not be deemed to be pledged for the payment of such principal and interest; and the bonds are to be issued pursuant to the provision of Article VII, Section 10 of the Constitution of Virginia and are never to be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia. (1978, c. 576)

§ 7.09. Borrowing to pay judgment.

In the absence of unappropriated available revenues to pay a final judgment for money which may be recovered against the city, the council may by resolution authorize the issuance of a note or notes, the proceeds of which shall be used to pay such judgment, which note or notes may be renewed from time to time, but such note or all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which such judgment was recovered. (1978, c. 576)

§ 7.10. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 19.." (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the third fiscal year after the budget year in which the original notes have been issued. (1978, c. 576)

§ 7.11. Borrowing in anticipation of other revenues.

In any budget year, in anticipation of the collection or receipt of other revenues of that year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue notes for the year 19.." (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes shall have been issued. (1978, c. 576)

§ 7.12. Notes redeemable prior to maturity.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note. (1978, c. 576)

§ 7.13. Sales of notes.

All notes issued pursuant to the provisions of this chapter when authorized by the council, may be sold at not less than par and accrued interest at private sale without previous advertisement by the director of finance, with the approval of the city manager. (1978, c. 576)

§ 7.14. Payment of notes.

The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to the provisions of this chapter shall be unlimited and the city shall levy ad valorem taxes on all the taxable property within the city for the payment of such notes and interest thereon without limitation of rate or amount. (1978, c. 576)

§ 7.15. Supplemental method of borrowing and payment.

In addition to any other indebtedness of the city and certificate of debt, or bonds, which the council of the city has issued, the council of the city, by the affirmative vote of not less than four members thereof, may, from time to time, borrow an additional sum, or sums of money, not exceeding in the aggregate, however, under this authority, the sum of \$500,000 (provided, however, such sum shall not be in excess of the amount fixed by law which it may borrow), and may, in the name and for the use of the city, cause to be issued certificates and notes, evidencing the indebtedness, which certificates and notes, however, shall be payable in not more than five years from their date and upon payment, or redemption of such certificates of debt, or notes, the council may again, by the affirmative vote of not less than four of the members thereof, from time to time, borrow a like sum and issue like certificates, or notes, evidencing the indebtedness thereof, which shall likewise be payable not more than five years from their date. (1978, c. 576)

§ 7.16. Inclusion of certain notes, etc., in determining Constitutional debt limit.

All notes or other evidences of debt issued pursuant to §§ 7.09 through 7.15, inclusive, of this chapter shall, unless payable within one year of their issue, or the date of the original obligation if the issue is a renewal, and not past due, be included in determining the limitation on indebtedness in accordance with Article VII, Section 10 of the Constitution. (1978, c. 576)

CHAPTER 8.  
FINANCE GENERALLY.

§ 8.01. Establishment of department of finance; functions.

There shall be a department of finance, which shall include the functions of accounting and control, and such other functions as may be provided by ordinance. (1978, c. 576; 1980, c. 78)

§ 8.02. Director of finance generally; to be head of department of finance; appointment and qualifications.

The head of the department of finance shall be the director of finance, who shall be appointed by the city manager. He shall be a person skilled in accounting and financial control. (1978, c. 576)

§ 8.03. Same; bond.

The director of finance shall provide a bond with such surety and in such amount as the council may require. (1978, c. 576)

§ 8.04. Same; powers and duties.

The director of finance, under the supervision of the city manager, shall have authority and shall be responsible for the department of finance in order to discharge the following functions:

A. [Repealed.]

B. [Repealed.]

C. Disbursements and expenditures. Supervise and authorize the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded.

D. Accounts and accounting. Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial accounting control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid thereon, the unpaid obligations against it and the unencumbered balance; and require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient.

E. [Repealed.]

F. Annual statement and report. Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report.

G. Certification of unencumbered balance. No appropriation shall be encumbered and no expenditure shall be made unless the director of finance shall certify that there is an unencumbered balance of appropriated and available funds. (1978, c. 576; 1980, c. 78; 1982, c. 76)

§ 8.05. Departmental, etc., work programs and requested allotments.

Before the beginning of the fiscal year, the head of each office, department or agency may be required to submit to the city manager or his/her designee for budget preparation, at such time as may be set by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, for such periods as may be designated by the city manager, for the entire budget year. The city manager shall review the requested allotments and may

revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to such office, department or agency for the budget year. (1978, c. 576; 1980, c. 78)

§ 8.06. Approved departmental, etc., allotments as basis for expenditures.

The director of finance shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotment so as to prevent the making of expenditures in excess of such income. (1978, c. 576)

§ 8.07. Transfer of unencumbered balance of appropriation.

The city manager may at any time transfer any unencumbered appropriation balance or portion thereof within the same general classification of expenditures within an office, department or agency. (1978, c. 576)

§ 8.08. Supervision and control of accounting.

The Director of finance shall have power and shall be required to:

A. Forms. Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.

B. Contracts, etc. Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that funds have been appropriated and allotted and will be available when the obligation shall become due and payable.

C. Bills, etc. Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with advice of the city attorney, determine the regularity, legality and correctness of such claims, demands or charges. (1978, c. 576)

§ 8.09. Certain contracts and expenditures prohibited.

No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Any officer or employee of this city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (1978, c. 576)

§ 8.10. Lapse of appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. (1978, c. 576)

§ 8.11. Disposition of fees received by officers or employees.

All fees received by any officer or employee shall belong to the city government and shall be paid to the city treasurer as and when directed by the director of finance, and the officer or employee shall notify the director of finance and pay same to the treasurer as and when directed by the director of finance. (1978, c. 576; 1980, c. 78)

§ 8.12. Contracts for city improvements.

Any city improvement costing more than \$1,000, except where such improvement is executed directly by a city department, shall be executed by contract. All such contracts for more than \$50,000 shall be awarded to the lowest responsible bidder, or if the council should so determine, to such bidder whose bid is more acceptable to the public interest, after such public notice and competition as may be prescribed by ordinance, provided the city manager shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the council upon the written recommendation of the city manager. (1978, c. 576; 1980, c. 78; 2007, c. 766)

§ 8.13. Effectiveness of bond ordinances prerequisite to execution of certain contracts.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law. (1978, c. 576)

§ 8.14. Periodic independent audits.

After the close of each fiscal year, the council shall cause to be made an independent audit of all accounts, books, records and financial transactions of the city, including the school board, 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 report of such audit shall be filed within such time as the council shall specify and one copy thereof shall always be available for public inspection in the office of the city manager during regular business hours. (1978, c. 576)

§ 8.15. Collection of taxes generally; taxes paid by tenant; recordation of list of delinquent real estate taxes.

The city treasurer or city collector, if designated by council, shall have any or all of the powers which are now or which may be hereafter vested in any officer of the Commonwealth charged with the collection of State taxes, and may collect the same in the same manner in which State taxes are collected by any officer of this Commonwealth. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed thereon, no matter in whose possession such goods and chattels may be found. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. The council may require a list of all real estate in the city delinquent for the nonpayment of taxes thereon for the preceding year to be recorded in a book of delinquent taxes to be kept in the office of the director of finance. (1978, c. 576)

§ 8.16. Penalties for nonpayment of taxes; distress; garnishment, etc., after addition of penalty; collection when delinquent taxpayer is or contemplates moving.

The council may impose penalties for the nonpayment of city taxes and levies and for the failure to make any return required by law for the assessment of taxes, and may

cause such penalties to be added to the amount of taxes and levies due from taxpayers, as it may by ordinance or resolution from time to time prescribe; and after such penalty has been added, the city treasurer or the city collector if designated by the council shall have the power of distress, garnishment or action and any other power now possessed or that may hereafter be given to any person charged with the collection of State taxes after the penalty for the nonpayment of State taxes has been added. Should it come to the knowledge of the city treasurer or the city collector that any person, firm or corporation owing taxes or levies to the city is moving or contemplating moving therefrom prior to the time such penalty may be added by the council, he shall have the right to collect taxes by distress, garnishment, suit or action or otherwise at any time after such bills for taxes have come into his hands. (1978, c. 576)

#### CHAPTER 9. CITY AUDITOR.

§ 9.01. Establishment of position; appointment; term; qualifications; powers and duties.

The council may appoint a city auditor for a four-year term. He shall be qualified by training and experience for the duties of his office, and shall have supervision and control of the personnel in his department. The city auditor's duties and responsibilities shall be those set out by council in an ordinance. (1978, c. 576; 1983, c. 45)

#### CHAPTER 10. DEPARTMENT OF LAW.

§ 10.01. Establishment; composition.

There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. (1978, c. 576)

§ 10.02. City attorney; to be head of department; qualification; appointment; term.

The head of the department of law shall be the city attorney. He shall be an attorney-at-law licensed to practice law in the Commonwealth. He shall be appointed by the council and shall serve at its pleasure. He shall not engage in the private practice of law. (1978, c. 576; 1988, c. 146)

§ 10.03. Same; powers and duties.

The city attorney shall:

A. be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city, including the school board, in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties;

B. at the request of the city manager or any member of the council, prepare ordinances for introduction at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof;

C. draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest;

D. have the management and control of all the law business of the city and the department, boards, commissions and agencies thereof or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested and in

criminal cases in which the constitutionality or validity of any ordinance is brought in issue;

E. institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city;

F. attend in person or assign one of his assistants to attend all meetings of the council;

G. appoint and remove such assistant city attorneys and other employees as shall be provided by the council, and authorize the assistant city attorney or any of them or special counsel to perform any of the duties imposed upon him in this charter; and

H. have such other powers and duties as may be assigned to him by ordinance. (1978, c. 576)

§ 10.04. Filing of statement of claim prerequisite to maintenance of action for damages against city.

No action shall be maintained against the city for injury to any person or property, or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received, shall have been filed with the city attorney or with the mayor or chief executive within six months after such cause of action shall have accrued, except if the complainant, during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted, that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from the injury so as to be able to give such notice. Neither the city attorney or any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them. (1978, c. 576)

## CHAPTER 11.

### DEPARTMENT OF EDUCATION.

§ 11.01. Composition; powers and duties of school board, division superintendent of schools, etc.

The department of education shall consist of the city school board, the division superintendent of schools, and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools, and the officers and employees thereof, shall exercise all the powers conferred and perform all the duties imposed upon them by general law. (1978, c. 576)

§ 11.02. Composition of school board; choice, term and qualifications of members; filling of vacancies.

The school board of the city shall be composed of seven members who shall be elected as required by the general laws of the Commonwealth of Virginia pertaining to the popular election of school boards. Any vacancies occurring on the school board shall be filled as required by the general laws of the Commonwealth of Virginia pertaining to the popular election of school boards. All members shall be residents of the city and, furthermore, residents of the district within the city which they represent, if not elected at large. (1978, c. 576; 1999, c. 799, 827)

## CHAPTER 12.

## ASSESSMENT OF REAL ESTATE FOR TAXATION.

§ 12.01. Annual assessment, etc., of real estate for taxation; authority of council.

The council shall have the power, in lieu of the means and methods prescribed by law, to provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation. (1978, c. 576)

§ 12.02. Basis of assessment of real estate for taxation.

Such assessment or reassessment shall be made on the same basis as real estate is required to be assessed under the provisions of the Code of Virginia, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made under the provisions of the Code of Virginia; provided, however, that nothing contained herein shall prevent the assessment or reassessment of real estate at more frequent intervals when so authorized by the Code of Virginia. (1978, c. 576)

§ 12.03. Board of review; composition; appointment, term and compensation of members; vacancies.

Notwithstanding any provision of §§ 58-895 to 58-902 and 58-914 of the Code of Virginia, as amended, the courts of record en banc of the city or the judges thereof in vacation shall, annually, appoint for the city, a board of review of real estate assessments to be composed of three members, who shall be freeholders of the city for which they serve. The terms of such members shall commence on September 1 of the year in which they are appointed and shall expire on the thirtieth day of November of the year in which they are appointed, unless their terms are extended. Such courts or the judges thereof in vacation may extend the terms of the members of the board of review and shall fill any vacancy therein for the unexpired term. The members of the board shall receive per diem compensation for the time actually engaged in the duties of the board to be fixed by the council of the city, and to be paid out of the treasury of the city, and the council may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board. (1978, c. 576)

§ 12.04. Same; powers; procedural regulations.

Such board of review shall have and may exercise the power to revise, correct and amend any assessment of real estate made in the year in which they serve, and to that end shall have all powers conferred upon boards of equalization by §§ 58-903 to 58-912, inclusive, of the Code of Virginia, as amended. Notwithstanding any provisions of such sections, however, the board of review may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplifications of proceedings before the board. (1978, c. 576)

§ 12.05. Same; Appeal.

Any person, or the city, aggrieved by any assessment made by the board of review may apply for relief in the manner provided by §§ 58-1145 to 58-1171, inclusive, of the Code of Virginia, as amended. (1978, c. 576)

§ 12.06. Real estate assessable by State Corporation Commission.

This charter shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission. (1978, c. 576)

## CHAPTER 13.

## PORT AND INDUSTRIAL AUTHORITY.

§ 13.01. Establishment authorized.

There may be established a port and industrial authority for the consolidated city. (1978, c. 576)

§ 13.02. Grant of powers under Acts 1952, Chapter 46.

All of the provisions and powers set forth in Chapter 46, Acts of Assembly, 1952, as amended, are hereby granted to the consolidated city as though the consolidated city were the city set forth in such chapter. (1978, c. 576)

#### CHAPTER 14.

#### COURTS OF RECORD.

§ 14.01. Appointment by judges of the court of record.

The judges of the court of record shall act en banc in making appointments to fill vacancies occurring in any office in the city which are filled or to be filled by the judges of the court of record, and, in case of disagreement, the vote of a majority of such judges shall be binding. (1978, c. 576)

#### CHAPTER 15.

#### CLERKS' OFFICES OF COURTS OF RECORD.

§ 15.01. Compensation of clerk; expenses and fees.

The clerk of the court of record of the city of Newport News shall be paid a salary of not less than \$12,000 per annum. Such salary shall be in full compensation for services and shall be in lieu of the retention by such officer of any and all official fees, commissions or compensation of whatever kind or character, and from whatever source derived; and the city council of the city shall provide for the payment of such salary out of the city treasury.

The expenses of office of such officer, including the compensation of deputies and employees, shall be likewise paid out of the city treasury on duly authenticated vouchers, when and as such expenses are incurred, or may become due and payable, or at least twice monthly. The maximum amount of such expenses in the case of the officer shall be fixed by the State Compensation Board, and the State Compensation Board shall fix the number and compensation of the deputies and employees of such officer.

All fees and commission of every kind or character received or collected by such clerk and from whatever source derived, shall be paid into the city treasury by such clerk monthly. All fees and commissions of every kind and character, whether payable by the Commonwealth, the United States, or private persons, firms or corporations, now or hereafter made receivable by law or ordinance by such clerk shall continue to be paid to and collected by him, and shall be paid into the city treasury monthly, except that the city aforesaid shall not be required to pay such clerk any fees or commissions for services performed for such city. (1978, c. 576)

§ 15.02. Location of records.

Commencing on the effective date of consolidation, the clerks' offices, and the records thereof, of the courts of record of the consolidated city shall be located and maintained in or adjacent to the building in which the clerk's office of the circuit court is located. (1978, c. 576)

#### CHAPTER 16.

#### ARCHITECTURAL REVIEW BOARD.

§ 16.01. Creation of the Hilton Village Architectural Review Board.

There may be created by ordinance a Hilton Village Architectural Review Board which shall have the authority and power to review all building and construction plans pertaining to the Hilton Village Historical Zoning District. The architectural review board shall have the power to review all plans pertaining to the Hilton Village Historical Zoning District, notwithstanding any other provision of law to the contrary, and the city council may enact by ordinance such rules and regulations pertaining to the review board as it deems necessary. (1978, c. 576)

CHAPTER 17.  
MISCELLANEOUS PROVISIONS.

§ 17.01. Severability of charter provisions.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of the charter not expressly held to be invalid shall remain in full force and effect. (1978, c. 576)

§ 17.02. Maximum length of service for members and trustees of boards and commissions.

No member or trustee of any board or commission of the city, no matter who the appointing authority, shall be eligible to serve more than:

- A. Eight consecutive terms if the term of office is one year.
- B. Four consecutive terms if the term of office is two years.
- C. Three consecutive terms if the term of office is three years.
- D. Two consecutive terms if the term of office is four years.
- E. Two consecutive terms if the term of office is for five years or more.

Notwithstanding the above limitations, no member or trustee of any board or commission of the city shall be appointed so as to serve more than ten years on a board or commission, except that a person who has served on a board or commission may be reappointed to that same board or commission if one year has elapsed since the expiration of his last appointment to the board or commission.

Council is hereby authorized and empowered, but not directed, to provide by ordinance for staggered terms of all members of boards and commissions of the city to the end that there will not result a complete board or commission membership turnover on the same date.

The portion hereof concerning limitation of terms shall apply to regional boards and commissions only in those cases in which all political subdivisions appointing members to such regional board or commission are bound by a like provision.

This section shall be in effect, notwithstanding any other provision in the city code or city charter to the contrary. (1978, c. 576)

§ 17.03. Authority to create library board.

There may be a Newport News Public Library Board, as provided by the council of the city of Newport News, which shall consist of such number of members or trustees as the council may provide. Vacancies on the library board shall be filled by the council for the unexpired portion of the term. The library board shall have such authority, powers and duties as may be provided by ordinance. (1978, c. 576)

§ 17.04. Power to contract with and receive aid from federal government.

In addition to the other powers conferred by this charter, the city of Newport News shall have the power and authority to accept contributions, grants and other financial assistance from the federal government and other agencies and agency or instrumentality thereof for or in aid of the local federally assisted programs. To these ends, the city of Newport News shall have the power to comply with such conditions and to execute such agreements as may be necessary, convenient or desirable and not in conflict with any other provision of this charter. (1978, c. 576)

§ 17.05. Continuance of Acts 1926, Chapter 530.

All of the provisions, obligations, and directions of Chapter 530, Acts of Assembly, 1926, and all amendments thereto, except as otherwise changed by this chapter, concerning the waterworks system shall continue in full force and effect as though the consolidated city was in the original act the city set forth in such act. (1978, c. 576)

§ 17.06. Continuation of rights, powers, etc., in Regional Redevelopment and Housing Authority for Hampton and Warwick, Virginia, and the Newport News Housing and Redevelopment Authority.

All rights, powers, liabilities and benefits of the former city of Warwick resulting from agreement or arising by law in the Regional Redevelopment and Housing Authority for Hampton and Warwick, Virginia, shall inure to the consolidated city, and the representative of the former city of Warwick to such authority at the time of the effective date of the consolidation shall continue on the commission as if the consolidated city had originally been a party to the agreement and action creating the Regional Redevelopment and Housing Authority for Hampton and Warwick, Virginia; and all the rights, powers, liabilities and benefits of the former city of Newport News resulting from agreement or arising by law in the Newport News Redevelopment and Housing Authority shall inure to the consolidated city and the representatives of the former city of Newport News on the authority at the time of the effective date of the consolidation shall continue as the representatives of the consolidated city as if the consolidated city had originally been a party to the agreement and action creating the Newport News Redevelopment and Housing Authority. (1978, c. 576)

§ 17.07. Courts not of record.

The City of Newport News shall provide suitable quarters for the general district court and its clerk, the juvenile and domestic relations court and its clerk, social services staff and a suitable room or rooms for the sessions of the courts at the places designated for such purpose. The City shall also provide all necessary furniture, filing cabinets and other equipment necessary for the efficient operation of the courts.

All fees, fines and commissions of every kind and character received or collected by the judges or clerks of such courts and from whatever source derived shall be paid promptly to the clerk of the circuit court. All fees, fines and commissions of every kind and character, whether payable by the Commonwealth, the United States, or private persons, firms or corporations, now or hereinafter made receivable by law or ordinance by such judge or clerk, shall continue to be paid to and collected by him, and shall be promptly paid to the clerk of the circuit court, except that the city aforesaid shall not be required to pay such judge or clerk any fees or commissions for services performed for such city. (1989, c. 654)

CHAPTER 27.

## MISCELLANEOUS AND TRANSITION PROVISIONS.

### § 27.01. Ownership of Commissions, Authorities, etc.

All of the ownership, rights, title, interest, powers and obligations of the former political subdivisions comprising this City or of either of them, resulting from law, by agreement, or otherwise, relative to or in any manner connected with (1) the waterworks plant or system of the former City of Newport News, (2) The Peninsula Airport Commission, (3) the Chesapeake Ferry District, (4) the Port and Industrial Authority, (5) any sewerage and sewerage disposal systems, (6) Housing Authorities, and (7) rights and privileges granted by the Commonwealth of Virginia or the United States of America, shall be vested in, enure to and be assumed by this City, and any ordinances or regulations in connection therewith which are in effect at the time of the effective date of this City shall remain in effect unless and until revoked, amended or superseded by ordinances or regulations of this City, except as otherwise provided in this charter. (1958, c. 141)

### § 27.02. Assumption of all Debts, Obligations.

Upon the effective date of consolidation all of the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts, franchises, and any other legal obligations, including but not limited to all legal obligations existing by reason of any retirement plans within the cities in effect at the time of consolidation, or debts of each of the former cities now comprising this city shall become the indebtedness and obligation of this city, and there shall enure to this city in connection therewith all of the rights and privileges therein, or by law provided for, in the same manner and to the same extent as if they were issued, made, entered into or arose, in the original instances directly by or with this city. It is a provision of this consolidation agreement that the payment of the employer's share of the obligation under existing retirement or pensions plans in effect on the date of consolidation in the cities of Warwick and Newport News, and all allowances, annuities, and benefits accruing, granted and to be paid in the future to employees of the cities pursuant to such plans, and all expenses in connection with the operation and administration thereof are hereby made obligations of the consolidated city, to the extent herein specified and in accordance with the ordinances and provisions of the various cities affecting retirement. The consolidation agreement shall be deemed an agreement between the Consolidated City and the employees and retirants covered by such retirement plans as of the date of consolidation, to the end that the right and equities of the employees and retirants, as herein specified, in service or in retirement on the date of consolidation, under the existing retirement plans, in accordance with the provisions of such plans, shall not be diminished, curtailed or impaired for services rendered as of the effective date of consolidation. This obligation on the part of the consolidated city shall include, in accordance with the provisions of the various pension or retirement plans:

(a) The continuation of retirement allowances or pension payments to retired employees.

(b) The payment of retirement allowances or pensions, when due, to those former employees who retained "vested rights."

(c) The retirement and payment of pensions to those employees who are qualified for retirement under any of the existing plans on the effective date of consolidation.

(d) The vesting of service retirement allowances for those employees who are qualified under the terms of existing plans.

(e) The payment of withdrawal benefits, as provided in existing plans, to all employees who do not qualify for pensions or vested service retirement allowances.

(f) The payment of any other benefit provided, including Social Security payments made by any employee, for which the employee has qualified, on the date of consolidation that is in the particular plan applicable to the employee.

(g) The payment of any other benefit provided to retire employees prior to consolidation to any employees receiving the same by special pension benefits not covered by a general plan.

It is also provided that any employee of either of the cities who is employed by the consolidated city, shall be given credit for the years of service already to his credit in Warwick or Newport News in any retirement plan enacted by the consolidated city at a cost not to exceed the withdrawal allowance to the credit of said employee at the date of consolidation.

If any employee who is entitled to retirement, or who has retired from either of the cities, is employed by the consolidated city, he shall not receive his pension during the term of his employment with the consolidated city but shall be entitled to receive such pension when his employment with the consolidated city ends. Provided, however, that independent contractors, substitute teachers, or other nonpermanent or seasonal employees shall not have their pension withheld by the provisions of this paragraph.

This provision applies to all pension or retirement systems of both cities and includes the systems that provide retirement to employees of school boards or other boards or commissions and to the city officers and their employees if such employees were included in retirement systems prior to consolidation.

Such funds, reserves, appropriation, cash and investments in the hands of either of the cities or in hands of trustees of any of the retirement funds of the cities shall, on the date of consolidation, or as soon thereafter as is practicable, be paid over to such officers or boards of the consolidated city, as the council of the consolidated city may designate, to be used to meet the obligations as herein provided.

The consolidated city is hereby authorized and directed to provide and pay such additional money as is necessary to fulfill and carry out the provisions of this portion of the consolidation agreement of the consolidated city.

The full faith and credit of the consolidated city is hereby irrevocably pledged to meet this obligation. (1958, c. 141; 1973, c. 157)

§ 27.03. All Assets and Property to be Owned by Consolidated City.

All property, real, personal or mixed, and all other assets of every kind, and wheresoever the same may be situated or located, owned by the political subdivisions comprising this city immediately preceding the effective date of this city shall become the property of this city upon its effective date, and all legal rights or interest of any kind in the aforesaid property which the said political subdivisions had at such time shall fully enure to this city. (1958, c. 141)

§ 27.04. Provisions as to Constitutional Officers.

Upon the date the consolidation agreement takes effect, there shall be terminated the terms of office of the Commonwealth's Attorney, Commissioner of the Revenue, Treasurer and Sergeant for each of the political subdivisions so consolidated.

On the second Tuesday in April, 1958, an election shall be held to select the Commonwealth's Attorney, Commissioner of the Revenue, Treasurer and Sergeant of the Consolidated City, who will take office July 1, 1958, for a term expiring December 31, 1961. In the general election to be held in November, 1961, these officers will be elected for four (4) year terms, starting January 1, 1962, and each four (4) years thereafter, these offices will be filled at the general elections in November. (1958, c. 141)

§ 27.05. Effects Upon Members of Boards, Commissions or any Agency.

The terms of all persons holding office as members of any board, commission, agency or authority created by any ordinance of either of the cities or appointed by council pursuant to any law of the Commonwealth shall terminate as of July 1, 1958, except as otherwise herein provided, and the Council of the consolidated city shall have authority and power to make new appointments for an original term as prescribed by any such ordinance or statute. (1958, c. 141)

§ 27.06. Tax Levies, Funds and Assessments.

All levies, both current and delinquent, and all school and other funds which may be held by the State to the credit of the cities of Newport News and Warwick shall become the property of this city. The tax levies, service charges and assessments made for the current or ensuing year or years by the aforesaid cities shall stand as levies and assessments of this city until superseded by levies and assessments made by this city. (1958, c. 141)

§ 27.07. (1958, c. 141; repealed 1978, c. 576)

§ 27.08. (1958, c. 141; repealed 1968, c. 448)

§ 27.09. (1958, c. 141; repealed 1978, c. 576)

§ 27.10. Election of Officers and Councilmen.

An election shall be held by the combined qualified voters of the cities of Newport News and Warwick in accordance with general law, on April 8, 1958, for the offices of Commonwealth Attorney, Commissioner of Revenue, Treasurer and Sergeant of the Consolidated City. The candidate receiving the highest number of said combined qualified votes for each of such offices shall be declared the holder of such office and their respective terms of office shall commence July 1, 1958.

The said election shall be held within the areas of the cities in all respects in the same manner and subject to the same rules and regulations as if the respective officers were being elected for such city in a general election, and the costs of such elections within the respective areas of such cities shall be borne by each such city.

In the event all matters in any way concerning or governing said election have not herein been provided for, or if any question in connection therewith is raised, the judges of the courts of record of said cities sitting en banc are authorized and directed to enter such orders concerning the same which may be necessary to provide such omission or settle such dispute.

The terms of office of the city councilmen elected by the combined qualified voters of the cities of Newport News and Warwick, in accordance with general law, on Tuesday, November 5, 1957, shall commence June 30, 1958. (1958, c. 141)

§ 27.11. Preliminary Meeting of the Council Elect to Choose a City Manager and for Other Purposes.

At any time following the ascertainment of the result of the first election of councilmen for this city, such councilmen-elect are directed and authorized to meet at

such places they may select and at such times as they may deem necessary for the purposes of considering the appointment of a city manager, the preparation of ordinances, appointments which are required of them, and all such other matters as may be necessary to effectuate the transition resulting from the consolidation of the cities into this city. All expenses of the council-elect in complying with the above provisions shall be paid by this city upon vouchers signed by such members of the council-elect as they may designate. (1958, c. 141)

§ 27.12. Transfer of Books and Papers.

If any person having been an officer of the city, shall not, within ten days after he shall have vacated or been removed from office, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of \$500, to be sued for and recovered with costs. All books, records, and documents used in any such office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior officer of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. (1958, c. 141)

§ 27.13. Notary Public.

All certificates of acknowledgments to deeds and other writings taken and certified by a Notary Public or other officer originally duly authorized to take acknowledgments in the former City of Newport News, and the former City of Warwick, prior to the normal expiration date of the commission of such Notary Public or other officer, are declared to be valid to the same extent they would have been valid as if such Notary Public or other officers had been commissioned for the Consolidated City. (1958, c. 141)

§ 27.14. (1958, c. 141; repealed 1968, c. 448)

§ 27.15. Peninsula Airport Commission.

All the rights, powers and liabilities of the former City of Newport News, and the former City of Warwick resulting from any agreement or arising by law in the Peninsula Airport Commission shall be acquired by the Consolidated City and the representation of the former Cities of Newport News and Warwick at the time of consolidation shall continue as the representatives of the Consolidated City as if the Consolidated City had originally been a party to the creation of the Peninsula Airport Commission until their successors are appointed by the council of the Consolidated City. (1958, c. 141)

§ 27.16. (1958, c. 141; repealed 1968, c. 448)

§ 27.17. Water, Sewerage and Sewage Disposal Systems.

The consolidated city shall acquire all of the rights, privileges, and liabilities of the former City of Newport News, and the former City of Warwick respective to the law under which its interest in any water supply system and any sewage disposal systems have been and are being installed, and all rights and privileges granted by the Commonwealth of Virginia or by the United States of America to the former Cities of Newport News and Warwick. (1958, c. 141)

§ 27.18. Meaning of "At the Effective Date of this Charter."

As used in this charter, the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof. (1958, c. 141)

§ 27.19. Saving Clause.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of said charter not expressly held to be invalid shall remain in full force and effect. (1958, c. 141)

§ 27.20. (1971, c. 77; repealed 1978, c. 576)

§ 27.21. (1970, c. 647; repealed 1978, c. 576)

§ 27.22. (1970, c. 647; repealed 1978, c. 576)