

ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use tax as provided by law and capitation taxes; to require a business license tax on local telephone service provided to subscribers within the city; unless prohibited by general law to require business licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect to all businesses, professions, vocations and callings which cannot, in the opinion of the council be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets, 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. Notwithstanding § 58.1-3916 of the Code of Virginia, the city by ordinance may require tangible personal property taxes to be paid on July 1 for the succeeding fiscal year.

In addition to the other powers conferred by law, the city of Emporia shall have the power to impose, levy and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility service within the city or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1968, c. 78; 1972, c. 806; 1986, c. 49)

§ (3.1) Eminent Domain

A. Generally.

(a) The powers of eminent domain set forth in Title 15.1, Chapter 1.1 of Title 25 and Chapter 1 of Title 33.1 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the city of Emporia.

(b) In any case in which a petition for condemnation is filed by or on behalf of the city, a true copy of the ordinance or resolution duly adopted by the council, declaring the necessity for any taking or damaging of any property within the city, for the purposes of the city, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the city.

B. Certificates.

(a) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, may be issued by the city, signed by the city manager. Such certificate shall have the same effect as certificates issued by the State Highway and Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful purpose, whether within or without the city.

(b) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition or motion of the city, at any time after the filing thereof, provided that the court shall have jurisdiction to make such order for the payment of costs and damages, if any,

or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the city or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the city.

C. Alternate method.

(a) In addition to the other powers conferred by law, the city may, in exercising the right of eminent domain, make use of the procedure prescribed by the general law or may elect to proceed as hereinafter provided. Upon the adoption of an ordinance or resolution directing acquisition of any property, the city may file a petition for condemnation in the clerk's office of a court having jurisdiction.

(b) Upon the filing of the petition and the funds provided for the purpose having been duly deposited to the credit of the court, if the court is of the opinion that the property or interest or estate therein to be acquired is for the purpose of the city as provided by law, it may order that the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the order and deliver or transmit the same to the clerk of the court in which deeds are admitted to record who shall record the same in his deed book and index it in the name of the record title owner of such property and in the name of the city.

(c) All other proceedings under this section shall be had in accordance with the provisions of the Virginia General Condemnation Act insofar as they are then applicable and not inconsistent with the provisions of this section; provided, however, that the provisions of § 25-233 of the Code of Virginia, as now or hereafter in effect, shall apply to any property belonging to any corporation possessing the power of eminent domain that may be taken hereunder. (1975, c. 354)

ADMINISTRATION AND GOVERNMENT

THE MAYOR

§ (4) Chief Executive. The mayor shall be a qualified voter and a bona fide resident of the city. By virtue of his office, the mayor shall be the chief executive officer of the city. He shall receive such annual compensation as may be fixed by the council in accordance with the laws of the State. (1968, c. 78)

§ (5) Duties. The mayor shall preside over the meetings of the council and shall have the same right to speak therein as other members. He shall have no vote in the proceedings of the council except in case of a tie. He shall have authority to appoint such committees of the council as deemed necessary and expedient to the proper administration of the city government.

He shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law and the service of civil process. He shall authenticate, by his signature such instruments as the council, this charter or the laws of the State shall require. (1968, c. 78)

§ (6) President of Council. The council of the city of Emporia, at its first meeting after each councilmanic election, shall elect from its membership one of its members as President of Council who shall, in the absence or inability of the mayor to act, have all the powers and duties of the mayor, and shall perform all of his functions.

At the first meeting of each new and succeeding council elected hereunder, such President of Council shall be elected. (1968, c.78; 1972, c. 806)

§ (7) Mayor and Council.--In addition to a mayor who shall be elected at large, the city of Emporia shall be governed, beginning July 1, 1992, by a City Council which shall be composed of seven members elected from districts and who shall be qualified voters and bona fide residents of the city. More than one member of the City Council may be apportioned to a single district, but each such district shall be constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. Candidates seeking election to the City Council shall be residents of the district for which they qualify to run and shall be elected solely by the voters of that district.

The districts to be used for electing the members of Council, the number of members to be elected from each district, and the terms of office of the members of Council shall initially be as prescribed in the consent decree entered on January 12, 1988, by the United States District Court for the Eastern District of Virginia (the "Consent Decree") in the civil action styled Thomas M. Person, et al. v. William H. Ligon, et al. (Civil Action No. 84-0270-R).

Vacancies in either the office of the mayor or in the Council shall be filled within thirty days by a recorded majority vote of the council for the unexpired term.

In absence, or in the case of disability of both the mayor and President of the Council, one of the other councilmen selected by a majority vote of the Council shall have all of the powers heretofore conferred upon the mayor and President of the Council.

The Council shall have the right to fix salaries for the members thereof, and same shall not be increased or diminished during their respective terms of office. (1968, c. 78; 1988, c. 143; 1991, Sp. Session II, c. 1)

§ (8) Election and term of mayor and council.--At the regular municipal election to be held on the first Tuesday after the first Monday in November 2006, and every two years thereafter, there shall be elected one council member from each district having an incumbent council member whose term expires on or before the first day of January next following such election. At the regular municipal election to be held on the first Tuesday following the first Monday in November 2008, and every four years thereafter, the mayor shall be elected at large. The mayor and members of the Council shall each serve for a term of four years commencing on the first day of January next following the date of their election and until their successors have been duly elected and qualified; provided, however, that the terms of the four council members subject to expire June 30, 2006, shall be extended to December 31, 2006, and the terms of the mayor and the three council members subject to expire June 30, 2008, shall be extended to December 31, 2008. (1968, c. 78; 1972, c. 806; 1988, c. 143; 2006, c. 1)

§ (9) Powers of council. All powers of the city of Emporia as a body politic and corporate shall be vested in the city council.

The council shall be the policy determining and lawmaking body of the city and shall be vested with all the rights and powers conferred on councils in cities, not

inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

(a) 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; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(b) To provide for the performance of all the governmental functions of the city; and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter 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, by general law, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by ordinance or resolution of the council. 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) To fix a schedule of compensation for all city officers and employees. The council may by ordinance define certain classes of city 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.

(d) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may designate.

(e) To set the membership of the Emporia Redevelopment and Housing Authority. Commissioners of the Emporia Redevelopment and Housing Authority shall be not less than five nor more than nine in number and shall hold their offices at the pleasure of the council for terms not to exceed four years; however, the council may at any time, and from time to time, adopt an ordinance adding one council member as a commissioner of the Emporia Redevelopment and Housing Authority. The remaining members of the Authority shall be appointed by council from the citizenry of the city. The Authority shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by general law. Notwithstanding any other provisions of law to the contrary, a city council member shall receive no compensation for service as a commissioner of such authority; nor shall a council member continue to serve as a commissioner after ceasing to be a member of council. (1968, c. 78; 1972, c. 806; 2008, c. 326)

COUNCIL PROCEDURES

§ (10) Oath of office. The mayor and other municipal officers of the city, before entering upon the duties of their respective offices, shall be sworn in according to the laws of the State by any one authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this charter to qualify within thirty (30) days after the commencement of the term for which he was elected or appointed, or if elected or appointed to fill a vacancy, for thirty (30) days after such election or appointment shall vacate his office. (1968, c. 78).

§ (11) Council meetings generally. The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and may compel the attendance of its members, punish its members for disorderly behavior, and by a vote of two-thirds of its members, may expel a member for malfeasance or misfeasance in office. The council shall determine its own rules of procedure. All elections and appropriations of money shall be by oral vote and the vote shall be recorded in the minutes of the council. (1968, c. 78)

§ (12) Quorum. Five members of the council shall constitute a quorum for the transaction of business; but no ordinance or resolution shall be adopted, having for its object the levying of taxes or the appropriating of moneys, except by a recorded affirmative vote of a majority of all the elected members of the council. The mayor shall preside at all meetings of the council when present, but in the absence or inability of the mayor or the President of the council, the members of the council present shall select one of their body to preside over the meeting. The mayor shall not be entitled to vote except on case of a tie. (1968, c. 78; 1987, c. 27)

§ (13) Forfeiture of office upon conviction of felony. Any member of the council or other officer of the city who shall have been convicted of a felony while in office shall thereby forfeit his office. (1968, c. 78)

§ (14) Condition of discharge of officer or employee. Any officer or employee of the city may be discharged for good cause. (1968, c. 78)

§ (15) Organization meeting. On the first Thursday in January following the regular municipal election, the council shall meet in the council chambers at 7:30 P.M. at which time the newly elected councilmen and mayor, after first having taken the oath of office prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such time as may be prescribed by ordinance or resolution, except that they shall meet regularly not less than once each month. (1968, c. 78; 2006, c. 1)

§ (16) Special meetings. The mayor, or any two (2) members of the council, may call special meetings of the council, at any time, after a written notice of twelve (12) hours, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his usual place of business or residence if he be not found with due diligence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. (1968, c. 78)

§ (17) Except as hereinafter provided, all meetings of the council and of the school board, planning commission and any other board, commission, organization, agency or other public body of the city shall be public. Information as to the time and place of each such meeting shall be furnished to any citizen and to the news media upon request.

(a) Executive meetings may be held only for the following purposes:

(1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, disciplining or resignation of public officers, appointees or employees of any public body.

(2) Discussion or consideration of the condition, acquisition or use of real property for public purpose, or of the disposition of publicly held property.

(3) The protection of the privacy of individuals in personal matters not related to public business.

(4) Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating in the community.

(5) The investing of public funds where competition or bargaining is involved, where if made public initially the financial interest of the city would be adversely affected.

(6) Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to pending litigation, or legal matters within the jurisdiction of the public body, including legal documents.

(7) Discussion of any matter which will be the topic of a public hearing prior to a final decision, provided that notice of every such public hearing shall be published generally in the city not less than ten days prior to such public hearing.

(b) No meeting shall become an executive or closed meeting unless there shall have been recorded an affirmative vote to that effect by the public body holding such meeting.

(c) No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in an executive or closed meeting shall become effective unless such public body, following such meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, rule, contract, regulation or motion.

(d) Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same regulations for holding executive or closed sessions as are applicable to any other public body.

(e) Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizen of this State having a personal or legal interest in specified records during the regular office hours of the custodian of such records. Access to such records shall not be denied to any such citizen of this State, nor to representatives of newspapers published in this State, nor to representatives of radio and television stations located in this State.

(f) The following records are excluded from the provisions of subsection (e):

(1) Memoranda, correspondence, evidence and complaints related to criminal investigations, and reports submitted to the State police in confidence.

(2) State income tax returns, medical and mental records, scholastic records, welfare records, adoption records, illegitimate births and personnel records.

(3) Memoranda, working papers and correspondence held by the mayor, city manager or city attorney, or any material furnished in confidence to such officials.

(4) Memoranda, working papers and records compiled specifically for use in pending or impending litigation. (1968, c. 78; 1972, c. 806)

§ (18) Clerk of the Council. The council shall appoint a clerk of the council to serve at the pleasure of the council. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purposes. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk of the council as may be determined by the council. (1968, c. 78; 1972, c. 806)

ENACTMENTS

§ (19) Ordinances and resolutions. Each proposed ordinance or resolution shall be introduced in written or printed form. Except as otherwise provided in this charter, an affirmative vote of a majority in the members elected to the council shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting. (1968, c. 78; 1972, c. 806)

§ (20) Recordation and authentication of ordinances. Every ordinance or resolution having the effect of an ordinance when enacted by the council shall be recorded and indexed by the clerk of the council in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. (1968, c. 78)

§ (21) Publication of ordinances. Every ordinance involving a penalty for its violation shall be published one time, immediately following its passage, in some newspaper published in the city, or posted at three or more public places in the city for one week.

This section shall not be construed to require the publication or posting of any revision or codification of the ordinances of the city. It shall be sufficient, in the case of any such revision or codification of the city ordinances and any new material or ordinances included therein, to publish or post the adopting ordinance as required herein. (1968, c. 78)

§ (22) Final passage of ordinance on day of presentation and first reading. When it is proposed to place an ordinance on its final passage on the same day on which it was first presented and read, and objection is made to so doing, the ayes and noes shall be ordered on the question of so doing. In such case the ordinance shall not be placed upon its final passage at that meeting, except by the concurrence of two-thirds of the members present. (1968, c. 78)

THE CITY MANAGER

§ (22a) Appointment. There shall be a city manager who shall be responsible to the council and mayor for the proper administration of the city government. He shall be chosen by the council without regard to his political beliefs and solely upon the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of his appointment he need not be a resident of the city or the Commonwealth, but during his tenure of office he shall reside within the city. (1968, c. 78; 1972, c. 806)

§ (23) Duties.

- (1) To see that all laws and ordinances of the city are enforced.
- (2) To exercise supervision and control over all administrative departments and divisions.
- (3) To attend all regular meetings of council with the right to take part in the discussion but having no vote.
- (4) To recommend to the council for adoption such measures as he may deem necessary or desirable.
- (5) To execute all contracts on behalf of the city, which do not, by their nature, require the seal of the city.
- (6) To prepare and submit to the council the annual budget.

(7) To keep the council advised as to the present and future needs of the city and as to all operations of its government.

(8) To perform all such duties as may be prescribed by the charter or be required of him by the council. (1968, c. 78; 1972, c. 806)

§ (24) Absence or disability. During the absence or disability of the city manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability or vacancy. (1968, c. 78)

§ (25) Council-manager relationship. Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. (1968, c. 78)

§ (26) Councilmen not to succeed to office of city manager. No councilman shall be appointed as city manager during the term for which he shall have been elected nor within one year after the expiration of his term. (1968, c. 78)

FINANCIAL ADMINISTRATION

§ (27) Fiscal Year. The fiscal year of the city shall be from July 1 through June 30 inclusive. (1968, c. 78)

§ (28) Submission and adoption of budget, hearings and tax levy. No later than the first day of May annually the city manager shall prepare and submit to the council a budget presenting the financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as council, by ordinance or resolution, may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the Commonwealth. The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted prior to the first day of the fiscal year for which they were made or adopted. (1968, c. 78; 1972, c. 806)

§ (29) Reserved. (1968, c. 78; 1972, c. 806)

§ (30) Reserved. (1968, c. 78; 1972, c. 806)

§ (31) Audits generally. At 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 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 clerk of the council during regular business hours. Upon the death, resignation or termination of employment of any city officer or employee, council may order an audit of the accounts, books, records and financial transactions of that office. (1968, c. 78; 1972, c. 806)

§ (32) City Attorney. There shall be a city attorney appointed by council and shall hold office at the pleasure of the council and he shall receive such compensation as council may determine. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal adviser 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 interest of the city. He shall represent the city in all civil proceedings. It shall be his duty to perform all services as

may be required by the laws of the Commonwealth, this charter or by ordinance. (1968, c. 78)

MUNICIPAL COURT

§ (33) Municipal Court Judge and Qualifications. There shall be within the city of Emporia a municipal court which shall have jurisdiction and other judicial powers as are conferred on such courts by general law.

There shall be a judge of the municipal court of the city of Emporia and such associate and substitute judges as may be deemed necessary by the council. Such judges shall be appointed by the council for terms of four (4) years. Vacancies in the office of the judge of the municipal court or associate or substitute judge shall be filled by the council for the unexpired term. The municipal court judge, associate or substitute judge shall be an attorney at law qualified and authorized to practice in this Commonwealth.

The judge, associate and substitute judges of any other city or county court may be appointed as judge, associate or substitute judge of the Municipal Court of the city of Emporia. (1968, c. 78; 1972, c. 806)

§ (34) Municipal Judge, Compensation. The municipal judge shall receive such compensation as council may determine, which salary is to be paid in the same manner as salaries of other officials are paid and he shall receive no other compensation for his services as municipal judge. (1968, c. 78)

§ (35) Juvenile and domestic relations court. The municipal judge, associate and substitute judge, at the time of his appointment and during his term of office, may also serve as judge, associate or substitute judge of the juvenile and domestic relations court. The council may appoint a judge of the juvenile and domestic relations court of the city of Emporia in the same manner and for the same term as the judge of the municipal court.

The juvenile and domestic relations court shall possess such jurisdiction and other judicial authority as is conferred on juvenile and domestic relations court by general law. (1968 c. 78)

§ (36) Fees, costs and fines. Fees, costs and fines shall be assessed, fixed and collected by the municipal court in the manner provided by general law. All such fees, costs and fines shall be paid into the city treasury for the benefit of the city; provided that fines, costs and fees due to the Commonwealth shall be paid to the proper officials of the Commonwealth. (1968, c. 78; 1972, c. 806)

§ (37) Municipal court clerk. The clerk of the municipal court and of the juvenile and domestic relations court shall be appointed by the judge or judges of such courts and serve at the pleasure of the judge or judges thereof. The clerk of the municipal court may also serve as clerk of the juvenile and domestic relations court. The clerk shall receive such compensation as the council may prescribe, and shall take such oath and give such bond as may be prescribed by general law. The powers, authority and duties of the clerk shall be the same as are now or may hereafter be conferred or imposed upon clerks by the laws of the Commonwealth in civil and criminal matters including violations of city ordinance.

The clerk and deputy clerk of any other city or county court may be appointed as clerk and deputy clerk of the Municipal Court of the city of Emporia and as Clerk and Deputy Clerk of the Juvenile and Domestic Relations Court of the city of Emporia. (1968, c. 78; 1972, c. 806)

§ (37a) Circuit Court. The city of Emporia shall be and continue in every respect within the jurisdiction of the circuit court of Greenville County and there shall be one and the same circuit court for the county of Greenville and the city of Emporia. There shall be for said county of Greenville and the city of Emporia but one circuit courthouse and circuit court clerk's office and the circuit court clerk of the county of Greenville shall continue in all respects as the clerk of such circuit court. Such court shall have the same jurisdiction in the city of Emporia in all respects as corporation courts have in other cities of its class. (1968, c. 78)

DEPARTMENT OF PUBLIC SAFETY

§ (38) Reserved. (1968, c. 78; 1972, c. 806)

§ (39) Reserved. (1968, c. 78; 1972, c. 806)

§ (40) Reserved. (1968, c. 78; 1972, c. 806)

DEPARTMENT OF PUBLIC WORKS

§ (41) Department of Public Works. There may be a department of public works which shall consist of the Director of Public Works who may be the city manager or a person appointed by the city manager with the approval of the council and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1968, c. 78)

§ (42) Functions. The department of public works shall be responsible for the construction and maintenance of all public buildings, streets, roads, bridges, drains, sewers, garbage and refuse collection and disposal, and all other public works and constructions; the care of public buildings; the custody of such equipment and supplies as the city manager may require; and such other powers and duties as may be assigned to the department by the city manager. (1968, c. 78)

DEPARTMENT OF PUBLIC UTILITIES

§ (43) Department of Public Utilities. There may be a department of public utilities which shall consist of the director of public utilities, who may be the city manager or a person appointed by the city manager with the approval of the council, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1968, c. 78)

§ (44) Functions. The department of public utilities shall be responsible for: the water, sewer, gas and operation of the water, sewer, gas and electric departments and such other powers and duties as may be assigned to the departments by the city manager. (1968, c. 78)

DEPARTMENT OF HEALTH

§ (45) Department of Public Health. There may be a department of public health which shall consist of the director of public health, to be appointed by the city manager with the approval of the council and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1968, c. 78)

§ (46) Functions. The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other functions as may be assigned to the department. (1968, c. 78)

§ (47) Director of Public Health. The head of the department of public health shall be the director of public health. He shall have general management and control of the

several bureaus, divisions, and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as the powers and duties conferred or imposed on him by this charter and the ordinances of the city. (1968, c. 78)

§ (48) Board of Health. The council may select two or more qualified citizens of the city, who together with the director of public health shall constitute the board of health. The board of health shall advise and cooperate with the department of health and shall have power to adopt necessary rules and regulations, not in conflict with law, concerning the department. The provisions of general law relating to the establishment of local boards of health shall not apply to the city of Emporia. (1968, c. 78)

§ (49) Contractual services. The council may, in its discretion, effectuate the powers, duties, and functions assigned to the department of public health in this chapter through contractual agreements with the State Department of Health, neighboring cities and counties. (1968, c. 78)

DEPARTMENT OF PUBLIC WELFARE

§ (50) Department of Public Welfare. There shall be a Department of Public Welfare consisting of three (3) members, elected by the council of the city of Emporia, one of whom shall be appointed annually. The first appointment hereunder shall be for one (1) year, one for two (2) years and one for three (3) years, beginning July 1, 1968, and thereafter all appointments shall be for terms of three (3) years.

The department of public welfare shall appoint the Superintendent of Public Welfare and such other employees of the department as may be necessary.

The Superintendent of Public Welfare of Greenville County may be appointed Superintendent of Public Welfare of the city of Emporia.

The Department of Public Welfare shall be responsible for carrying out the duties and functions imposed on local boards and superintendents of public welfare by general law and such other duties as may be assigned by council. (1968, c. 78)

CITY CONSTITUTIONAL OFFICERS

§ (51) Election, terms, powers, duties and compensation. On the first Tuesday after the first Monday in November, 1969, and every four (4) years thereafter, the qualified voters of the city shall elect a Treasurer, City Sergeant and a Commissioner of the Revenue for the city who shall have such powers and perform such duties and receive such compensation as are provided by general law. (1968, c. 78)

§ (52) Vacancies. Vacancies in the office of Treasurer, City Sergeant and Commissioner of the Revenue shall be filled by the council for the unexpired portion of the term of office. (1968, c. 78)

§ (53) Duties of Commissioner of Revenue. The commissioner of revenue shall perform such duties not inconsistent with the laws of The Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of licenses taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. He shall perform such other duties as may be required of him by the council. (1968, c. 78)

§ (54) Duties of Treasurer. The city treasurer shall collect and receive, all money due the city by the State and all taxes and levies due the State and collected within the city, and disburse same as provided by the general laws of the Commonwealth relating to city treasurers, and may be authorized by the council also to collect and receive all money, taxes and levies due the city and disburse the same according to this charter and the ordinances enacted by the city. (1968, c. 78)

§ (54a) Duties of City Sergeant. The city sergeant and any deputy city sergeants shall have the authority and powers and jurisdiction which is granted to sergeants of other cities of the class of Emporia by the general laws of the Commonwealth of Virginia and the ordinances of the city of Emporia and they shall perform such duties as may be prescribed by the State laws and the ordinances of the city of Emporia. (1968, c. 78)

SCHOOLS

§ (55) School District and Division. The city of Emporia may enter into an agreement with the county of Greensville for a joint school district between the city and county, subject to the approval of the State Board of Education. (1968, c. 78)

§ (56) Number and qualification of board. The school board of the city of Emporia may consist of not more than four (4) trustees, who shall be bona fide residents and qualified voters of the city and not a member of the city council. The number of said trustees on the school board shall be set by the city council. (1968, c. 78)

§ (57) Appointment and term. Members of the school board for the city of Emporia shall be appointed by the city council for a term of four (4) years, one of whom shall be appointed annually. The first trustee appointed shall be for a term expiring December 31, 1968, another for a term expiring December 31, 1969, and the others for a term expiring December 31, 1970, and thereafter all appointments shall be for a term of four (4) years. (1968, c. 78)

§ (58) Compensation. The compensation to be paid each trustee shall be fixed by a majority vote of the council, provided, however, that the annual compensation to be paid to any trustee shall not exceed the sum set by statute. (1968, c. 78)

§ (58a) Powers. The city school board shall be responsible for the employment of all personnel required for the operation of the city schools with a neighboring political subdivision. (1968, c. 78)

CONSTITUTIONAL OFFICERS

§ (59) Constitutional Officers and Election Thereof. In addition to the municipal officers provided for by the preceding provisions of this charter there shall also be a sheriff, an attorney for the Commonwealth and a clerk of said circuit court of Greensville County elected conjointly for the city and the county of Greensville by the qualified voters of said city and county. The sheriff, attorney for the Commonwealth and clerk of said circuit court of Greensville County at the effective date of this charter are hereby continued in office for the terms for which they were appointed or elected and until their successors have been appointed or elected and qualified. Subsequent elections for any of the three above-mentioned offices shall be held at the times, in the manner, and for the terms provided by general law. (1968, c. 78)

§ (60) Powers and Duties of Sheriff, Attorney for Commonwealth and Clerk of Circuit Court. The sheriff, attorney for the Commonwealth and clerk of said circuit court of Greensville County shall exercise and have the same rights and privileges, perform the same duties, have the same jurisdiction and receive the same fees therefor in the city as

they, respectively, exercise and have and receive in the county of Greenville, and shall receive such compensation as is prescribed by the general law. (1968, c. 78)

GENERAL PROVISIONS

§ (61) Contractual Relationships. The city of Emporia may, at the option of the city council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivision, and private agencies for the performance of any part of or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. The school board may, with the approval of the city council, enter into contractual relationships with the Commonwealth or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of or all of the functions, or purposes of the school board, on such terms and for such periods as the school board may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1968, c. 78; 1972, c. 806)

§ (62) Residence of Employees. Except as otherwise provided in this charter, the council shall have the power to provide by ordinance from time to time that the regular, permanent officers and employees of the city, or any of them, shall reside within the city during their continuance in such office or employment. (1968, c. 78)

§ (63) Present Ordinances and Rules and Regulations Continued in Effect. All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed. (1968, c. 78)

§ (64) Continuance of Officials and Officers. Except where this charter may otherwise provide, all officials and officers of the city holding office immediately prior to the effective date of this charter, whether such office be elective or appointive, may continue in such office until the expiration of their respective current term of office or until their successors shall have been elected or appointed and qualified or until such office may be lawfully terminated. (1968, c. 78)

§ (65) Continuance of Internal Organization of the City. Except where this charter may otherwise provide, the several departments, commissions, boards and other administrative units of the city functioning at the effective date of this charter are hereby continued until otherwise provided by ordinance. (1968, c. 78)

§ (66) Continuance of Contracts. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter may be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1968, c. 78)

§ (67) Partial Invalidity. If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said charter, but

shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

This act may for all purposes be referred to or cited as the city of Emporia Charter of 1968. (1968, c. 78)