

A Local Charter Lesson Plan

Target Audience: 12th grade government students
Length: 1 day (90—minute class)

Objectives

The students will:

1. Define charter.
2. Analyze a city charter and describe the relationship between local government to state and federal governments under a charter.
3. Identify and describe the duties of council members, mayor, and city manager in governing a city.
4. Compare and contrast characteristics of local and state governments.

1. Overview

A local government's charter serves to identify and codify the rules and principles of a county, city, or town in the Commonwealth. The charter often reflects the history, traditions, and development of local government institutions which are unique to a particular area or region.

In this activity, students will analyze the Charter for the City of Virginia Beach or a county, city, or town of your choice. By reading, analyzing, and discussing the city charter, students will better understand the common principles and institutions in many locations of the Commonwealth, and those that are unique to the City of Virginia Beach. Ultimately, students will understand the relationship of local government to state and federal governments.

2. Activities

- Distribute individual copies of the *Charter of the City of Virginia Beach* (also available online) to each student. Ask students to work in pairs and examine the charter closely and complete Handout #1: *The Basics of the Charter of the City of Virginia Beach*.
- As an alternative to completing Handout #1, students may write down observations, unfamiliar words or phrases, and a list of questions about the Virginia Beach Charter or a charter of your choice.
- To find charters for local governments in the state of Virginia, go to <http://dls.state.va.us/lrc/charters/>.

3. Group Discussion

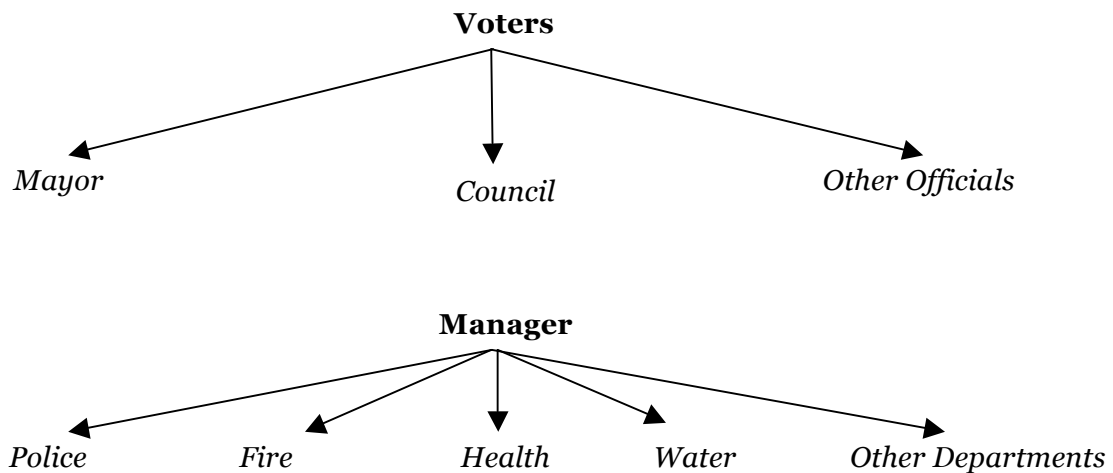
- Write three columns on the board: Notice, Questions, and Background. Using Handout #2: *Group Decision Questions* responses, fill in the columns as a class.

4. Background Information

Present this background to enhance the group's knowledge of their local government charter, and as a basis for drawing conclusions later in the activity. Write the words in bold on the board, and use the rest of the text for the guidance.

- **There are 21 chapters in the City of Virginia Beach Charter.** Each chapter defines a specific government institution and outlines its basic powers, functions, and its structure.
- **The Charter outlined a council-manager form of local government for the City of Virginia Beach.** The founders believed this type of government system would be efficient and incorporate the values and principles of a democracy. It is simple in form, it is clear who has the responsibility for policy, and the Council-Manager form relies on highly trained experts who are skilled in budgeting, planning, and other administrative tools. This system allows for a strong council with a weak mayor. The manager is the city's chief administrative officer and is the executive arm of the council. This system is found in more than 8,000 communities and includes cities with populations of more than 25,000.

Under this type of system, voters elect council members and a mayor, who then appoints a city manager. The city manager is the chief administrative officer and appoints the heads of the major departments, which in turn, run the day-to-day operations of the city. The council is the city's policymaking body. Ultimately, the council and city manager answer to the citizens of Virginia Beach.



- **Several components are unique to the City of Virginia Beach Charter.** For example, it identifies the Oceanfront as a Special District and issuing bonds for the sole purpose of constructing roads, highways, and bridges would not be incorporated into another city charter.
- **The local government is always subject to or defers to both federal and state laws.** The charter also identifies the role local government plays in the federalist system. Chapter 1 allows the City of Virginia Beach to incorporate, or become a legal government unit by the Commonwealth of Virginia, while Chapter 21 allows the City of Virginia Beach to have representation in the General Assembly which is the legislative arm of the Commonwealth of Virginia.

Article VI, Section 2 of the United States Constitution states that:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof: and all Treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land; and the judges in every state shall be bound thereby, anything in the constitution or Laws of any State to the Contrary notwithstanding.”

Therefore, the City of Virginia Beach Charter is subject to the supremacy of the national government.

Additional background information is available on Handout #3: *More Information about the City of Virginia Beach*.

5. Conclusion

What conclusions can students draw about the local government in Virginia Beach? Based on the information from the primary source document and discussion, complete Handout #4: *Crossword Puzzle* and Handout #5: *Similarities between Local and State Governments Venn Diagram*.

6. Differentiation

This activity may be modified for both advanced and remedial student. The advanced student may compare elements from another city charter and identify the similarities and differences of each. Advanced students may also compare the United States Constitution or the Commonwealth of Virginia’s Constitution to the Charter of Virginia Beach. Students should be able to identify key similarities (democratic election systems, courts, etc.) and differences (no supremacy clause in local government charters).

Remedial students may want to complete the charter activity as a class, or in a small group setting. The crossword puzzle may also be done collectively. A jigsaw activity (groups would each take a section or group of terms, then switch the answers with the other groups) for completing both Handout #1 and Handout #4 would also allow students to complete the activity while retaining important information from the charter.

To extend the activity, students may wish to develop their own charter. Placing students on a deserted island or on a colony to the moon would allow students to identify various principles and structures from the Virginia Beach Charter.

7. SOL Skills

The student will demonstrate mastery of the social studies skills citizenship requires, including the ability to

- analyze primary and secondary source documents (GOVT.1a);
- distinguish between relevant and irrelevant information (GOVT.1d);
- evaluate information for accuracy, separating fact from opinion (GOVT.1e);
- identify a problem and prioritize solutions (GOVT.1f);
- select and defend positions in writing, discussion, and debate (GOVT.1g).

8. SOL Content

The student will demonstrate knowledge of the organization and powers of the state and local governments described in the Constitution of Virginia by

- examining the legislative, executive, and judicial branches (GOVT.8a);
- examining the structure and powers of local (county, city, and town) governments (GOVT.8b);
- analyzing the relationship between state and local governments and the role of regional authorities, governing boards, and commissions (GOVT.8c).

The student will demonstrate knowledge of the process by which public policy is made by

- examining different perspectives on the role of government (GOVT.9a);
- describing how the national government influences the public agenda and shapes public policy (GOVT.9b);
- describing how the state and local governments influence the public agenda and shape public policy (GOVT.9c);
- describing the process by which policy is implemented by the bureaucracy at each level (GOVT.9d).

The student will demonstrate knowledge of the role of government in the Virginia and United States economies by

- describing the creation of government provided goods and services that are not readily produced by the market (GOVT.16b);
- examining environmental issues, property rights, contracts, consumer rights, labor-management relations, and competition in the marketplace (GOVT.16c).

9. Materials

- *Charter of the City of Virginia Beach*
- *Handout #1: The Basics of the Charter of the City of Virginia Beach*
- *Handout #1A: The Basics of the Charter of the City of Virginia Beach Answers*
- *Handout #2: Group Decision Questions*
- *Handout #3: More Information about the City of Virginia Beach*
- *Handout #4: Terms to Know Crossword Puzzle*
- *Handout #4A: Terms to Know Crossword Puzzle Answers*
- *Handout #5: Local and State Governments Venn Diagram*

VIRGINIA BEACH, CITY OF
City of First Class.
Incorporated as a town by a 1906 Act of Assembly.
Consolidation of City of Virginia Beach (Second Class) and County of Princess Anne
into City of First Class, January 1, 1963.

Charter, 1906, c. 76; Repealed 1952, c. 33.

Charter, 1952, c. 33; Repealed 1962, c. 147.

Charter, 1962, c. 147.

Amended 1964, c. 109 (§§ 3.05, 5.01, 6.02, 6.05, 8.07 [added])
1966, c. 39 (§§ 3.01, 3.02, 3.07, 6.05, 16.02)
1968, c. 192 (§§ 2.02, 6.05)
1970, c. 206 (§§ 3.02 [repealed], 3.02:1 [added], 3.04, 3.07)
1971, c. 86 (§ 3.02:1)
1972, c. 810 (§§ 6.05, 7.01, 10.01, 10.02, 10.03, 10.04, 11.01, 11.02,
11.03, 12.01 through 12.03 [repealed], 14.01, 14.02, 14.03,
18.04 through 18.015 [added], 20.03, 20.04, 20.07, 20.09)
1973, c. 52 (§§ 3.06, 3.07)
1974, c. 39 (§ 3.09 [added])
1974, c. 596 (§§ 6.03 through 6.05 [repealed], 6.05:1 [added])
1975, c. 61 (§§ 3.04, 7.01, 11.02, 12.04 through 12.06 [added])
1977, c. 14 (§§ 2.01, 6.05:1, 7.01, 8.07, 9.04, 10.01 through 10.04
[repealed], 11.01 through 11.03 [repealed], 12.04 through 12.06
[repealed], 15.01, 15.02, 15.03, 17.01 through 17.03 [repealed],
18.01 through 18.015 [repealed])
1978, c. 101 (§ 20.01)
1979, c. 222 (§ 3.10 [added])
1981, c. 88 (§ 3.09)
1981, c. 89 (§ 6.05:1)
1981, c. 350 (§ 3.04)
1984, c. 210 (§ 6.05:1)
1986, c. 313 (§§ 2.02, 6.05:2 [added])
1987, c. 227 (§§ 3.01, 3.02:1, 3.02:2 [added], 3.03, 3.07)
1987, c. 228 (§ 2.02)
1992, c. 416 (§§ 15.01, 15.02, 15.03)
1993, c. 594, c. 612 (§§ 16.02, 16.03 [repealed], 16.04 through 16.09
[added])
1995, c. 607 (§§ 3.04, 6.05:1, 20.11 [repealed], 20.12 [repealed])
1995, c. 697 (§§ 3.01, 3.01:1 [added], 3.02:1)
1996, c. 44, c. 564 (§ 16.04)
1996, c. 312 (§ 16.05)
1996, c. 360 (§ 20.14 [added])
2003, c. 869 (§§ 2.01, 2.02, 3.03, 3.04, 3.09, 16.02 [repealed], 16.04,
16.05, 16.06)
2007, c. 725 (§§ 3.02:1, 3.02:2, 16.04).

Chapter 1
INCORPORATION AND BOUNDARIES

§ 1.01. INCORPORATION.

The inhabitants of the territory comprised within the limits of the City of Virginia Beach, as they are or hereafter may be established by law, shall continue to be a body politic and corporate under the name of the City of Virginia Beach and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. The inhabitants of the territory comprised within the limits of Princess Anne County as it exists at the effective date of this charter shall also be a part of such body politic and corporate. (1962, c. 147)

§ 1.02. BOUNDARIES.

The boundaries of the City of Virginia Beach shall coincide with the outside boundaries of Princess Anne County so as to include all of the territory comprising Princess Anne County and the City of Virginia Beach as existing immediately preceding the effective date of this charter. (1962, c. 147)

Chapter 2
POWERS

§ 2.01. GENERAL GRANT OF POWERS.

The powers set forth in §§ 15.2-1100 through 15.2-1131 of the Code of Virginia as in force on January 1, 1977, and as hereafter amended, are hereby conferred on and vested in the City of Virginia Beach. In addition thereto the City of Virginia Beach shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to cities of the first class under the Constitution or laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated in this charter and no enumerations 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. (1962, c. 147; 1977, c. 14; 2003, c. 869)

§ 2.02. ADDITIONAL POWERS.

Without limiting the generality of the foregoing, but in addition thereto, the City of Virginia Beach shall have the following additional powers:

(a) To spend not exceeding five percent of its annual revenue from all sources in advertisement of and giving publicity to its resources and advantages.

(b) To levy a higher tax in such areas of the City of Virginia Beach as desire additional or more complete services of government than are desired in the city as a whole, provided that such higher tax rate shall not be levied for school, police or general government services but only for those services which prior to the effective date of this charter were not offered in all the territory within the boundaries of the city and provided further that the proceeds from such higher tax rate shall be so segregated as to enable the same to be expended in the areas in which raised.

(c) To levy a special tax on real property in any district, sanitary district or other special taxing district or combination thereof, for a period of not exceeding 20 years, which may be different from and in addition to the general tax rate throughout the city, for the purpose of repaying indebtedness existing on the effective date of this charter and

chargeable to such district, sanitary district or special taxing district or combination thereof.

(d) To exercise all powers possessed by the City of Virginia Beach and Princess Anne County immediately preceding the effective date of this charter, consistent with general law and not inconsistent with this charter; provided, however, that except as otherwise specifically provided in this charter, all laws heretofore applicable to Virginia Beach or Princess Anne County, respectively, shall continue to apply to the areas theretofore comprising such political subdivisions, now incorporated under this charter as a single such subdivision, until otherwise provided by law.

(e) Imposition of special fees. To establish and collect such fees as may be determined by the council to be reasonable for the rendering of special services.

(f) Special service district. A special service district of the oceanfront resort area of the City of Virginia Beach shall be created by the governing body of the City of Virginia Beach upon petition of more than 50 percent of the property owners of the proposed district. The petition shall define the boundaries of the proposed district, which shall be limited in area to the oceanfront resort district, but need not be limited to properties abutting the boardwalk, the oceanfront or Atlantic Avenue. Upon the filing of such petition, the governing body shall fix a date for a public hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the City of Virginia Beach, and the hearing shall not be held sooner than 10 days after completion of such publication.

After creating the special service district, the city council shall have the following powers and duties with respect to the service district:

1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable to provide additional governmental services and facilities, including but not limited to relocation and placement underground of utility lines and poles, landscaping, boardwalk and beach improvements, recreational facilities, parking facilities, promotion of the business district, and sidewalks and pedestrian malls for the use and benefit of the public in such service district.

2. To acquire by gift, condemnation, purchase, lease, or otherwise and to maintain and operate any such facilities and equipment as may be necessary and desirable to provide such additional governmental services in such district, and to acquire by gift, condemnation, purchase, lease, or otherwise, rights, title, interest, or easements therefor in or to real estate in such service district.

3. To contract with any person, firm, corporation, or political subdivision to provide such additional governmental services or facilities in such district and to construct, establish, maintain, and operate any such facilities and equipment, as may be necessary and desirable in connection therewith.

4. To authorize the city manager to employ and fix the compensation of any technical, clerical, or other personnel which may be necessary or desirable from time to time to provide such additional governmental services in such district or for the construction, operation, or maintenance of any such facilities and equipment as may be necessary or desirable in connection therewith.

5. To levy and collect an annual tax, which shall not be more than 15 percent higher than the general real estate tax levy, upon any property in such service district

subject to local taxation to pay, either in whole or in part, the expenses and charges for providing such additional governmental services or facilities in such district and for constructing, maintaining, and operating such facilities and equipment as may be necessary and desirable in connection therewith, provided that the proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district from which collected.

(g) To compel the abatement and removal of all nuisances within the city; to require all lands, lots and other premises within the city to be kept clean; to regulate the keeping of animals, poultry, and other fowl therein; to regulate the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to compel the removal of grass and weeds from private and public property, and snow from sidewalks; to require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of the grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures; to compel the removal of inoperative or unlicensed motor vehicles or parts thereof from private or public property; and to make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, and the city may maintain a suit to restrain by injunction the violation of any ordinance. The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now and may hereafter be possessed or enjoyed by other cities under the Constitution and general laws of this Commonwealth. If after such reasonable notice as the council may prescribe by ordinance, the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property or premises affected in any manner provided by law for the collection of taxes. (1962, c. 147; 1968, c. 192; 1986, c. 313; 1987, c. 228; 2003, c. 869)

Chapter 3 CITY COUNCIL

§ 3.01. DIVISION OF CITY INTO DISTRICTS.

A. The city shall be divided into seven residence districts of approximately equal population which shall be numbered one through seven. The council shall consist of eleven members, including the mayor, one member to be elected by the city at large from the residents of each of the seven districts and three members and the mayor to be elected by and from the city at large.

B. The boundaries and names of such districts shall be established by ordinance on or before March 1, 1996, and thereafter the boundaries shall be adjusted periodically as may be necessary to ensure that the populations of the districts remain approximately equal.

C. The city council shall, no later than January 1, 1996, petition the circuit court to order an advisory referendum to be held on the question of whether the council member elected from each district shall be elected by the qualified voters of that district rather than at large. The wording of the question shall be determined by majority vote of the city council and shall be included in the petition. Upon the filing of the petition, the circuit court shall order that an advisory referendum be held on the question in the city at the municipal elections to be held in May 1996. (1962, c. 147; 1966, c. 39; 1987, c. 227; 1995, c. 697)

§ 3.01:1. IMPLEMENTATION OF DISTRICTS.

A. At the May 1996 general election, three members shall be elected by the city at large from the residents of the Blackwater, Princess Anne, and Virginia Beach boroughs as such boroughs existed on January 1, 1995. The terms of the members so elected shall expire on July 1, 1998. The terms of the mayor and council member elected by and from the city at large in May of 1996 shall expire on July 1, 2000.

B. At the general election in May of 1998, the members elected at large from districts numbered one through three shall be elected for terms of two years and the members elected at large from districts numbered four through seven shall be elected for terms of four years. The terms of the two council members elected by and from the city at large in May of 1998 shall expire on July 1, 2002. Thereafter, all members shall be elected for terms of four years. (1995, c. 697)

§ 3.02. (1962, c. 147; 1966, c. 39; Repealed 1970, c. 206)

§ 3.02:1. ELECTION OF COUNCIL MEMBERS.

Pursuant to an ordinance adopted by city council on June 27, 2006, city council elections shall take place during the general election in November 2008, and during the November general election in even years thereafter, for council members whose terms expire at the end of December of that year. Council members, including the mayor, whose terms expire as of June 30, 2008, or June 30, 2010, shall continue in office until their successors have been elected at the November election and take office on January 1. The term of office for each council member shall commence on January 1 next following the date of election and shall continue until his successor has been duly elected and qualified. Each candidate shall state, at the time of filing, whether he is running at-large, from the district of his residence or for mayor. Candidates for council shall be nominated only by petition in the manner prescribed by general law. (1970, c. 206; 1971, c. 86; 1987, c. 227; 1995, c. 697; 2007, c. 725)

§ 3.02:2. ELECTION OF MAYOR.

The mayor shall be elected at the general election in November 2008, and each fourth year thereafter, to serve for a term of four years. Candidates for mayor shall run for one of the at-large seats. A candidate running for mayor shall not run for any other seat.

In the event any councilman, including the mayor, shall decide during his term of office to be a candidate for mayor, he shall tender his resignation as a councilman not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the councilman's

intention to run for mayor, shall require no formal acceptance by the remaining councilmen and shall be final and irrevocable when tendered.

The unexpired portion of the term of any council member who has resigned to run for mayor shall be filled at the same general election. (1987, c. 227; 2007, c. 725)

§ 3.03. FILLING VACANCIES.

Vacancies in the office of councilmen, from whatever cause arising, except where such vacancy occurs due to a resignation to run for the office of mayor, shall be filled within 60 days for the unexpired portion of the term by a majority vote of the remaining members of the council, provided that so long as any councilmen are elected by and from districts the vacancy shall be filled by a qualified voter residing in the same district.

If a vacancy shall occur in the office of mayor, the council shall choose by majority vote of the remaining members thereof one of its members to be mayor until his successor is elected and qualified in accordance with general law. (1962, c. 147; 1987, c. 227; 2003, c. 869)

§ 3.04. APPOINTMENT OF MEMBER OF COUNCIL TO OFFICE OF PROFIT.

No member of the council shall be appointed to any office of profit under the city government during the term for which elected and for one year thereafter. (1962, c. 147; 1970, c. 206; 1975, c. 61; 1981, c. 350; 1995, c. 607; 2003, c. 869)

§ 3.05. POWERS.

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

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

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies, except as specifically provided herein to the contrary.

(c) To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies, except as specifically provided herein to the contrary.

(d) To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city.

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

(f) To provide for the submission of any proposed ordinance to the qualified voters of the city at an advisory referendum to be initiated by a resolution to the circuit court of the city and held not less than 30 nor more than 60 days thereafter in the manner provided by law for general elections. (1962, c. 147; 1964, c. 109)

§ 3.06. PROCEDURAL POWERS.

The council shall have power, subject to the provisions of 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 frequent than once each month. They shall also provide for the calling of special meetings by the mayor, city manager or any three members of the council and shall prescribe the methods of giving notice thereof. A majority of the council shall constitute a quorum for the transaction of business. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix the time and place of adjournment and other motions of a purely procedural nature, shall

be adopted by the council except at a meeting open to the public. (1962, c. 147; 1973, c. 52)

§ 3.07. MAYOR AND VICE-MAYOR.

At the first meeting of the term following a general election of councilmen, the council shall choose by majority vote of all the members thereof one of its members to be vice-mayor. The mayor shall preside over the meetings of the council, shall act as head of the city government for ceremonial purposes and shall have such other rights and duties as the council may prescribe, in addition to all the rights and privileges of councilmen of the city. The vice-mayor shall perform the duties of mayor in the absence or disability of the mayor. (1962, c. 147; 1966, c. 39; 1970, c. 206; 1973, c. 52; 1987, c. 227)

§ 3.08. CITY CLERK.

The council shall appoint a city clerk who shall serve at the pleasure of the council. He shall be clerk of the council and custodian of the corporate seal of the city and he shall have such further duties as the council may prescribe. (1962, c. 147)

§ 3.09. ADVISORY REFERENDUMS.

Upon the filing with the Clerk of the Circuit Court of the City of Virginia Beach of a petition signed by a number of qualified voters in Virginia Beach equaling 25 per centum of the number of voters voting in Virginia Beach at the last general election, as certified by the City Registrar; then the circuit court of the city, by order of record, shall call for an advisory referendum taking the sense of the voters on the question proposed in the petition at the next succeeding general election. The referendum shall be conducted in accordance with the provisions of § 24.2-684 of the Code of Virginia, 1950, as amended.

Following certification of the election results by the Electoral Board to the Chief Judge, the court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the governing body. (1974, c. 39; 1981, c. 88; 2003, c. 869)

§ 3.10. POWERS OF INVESTIGATION.

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

B. The council, or any committee of members of the council, when so authorized, may order the attendance of any person as a witness and the production by any person of all relevant books, papers and records of any kind. Witnesses shall be sworn by the person presiding at such investigation, and witnesses shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation. Council shall have the power to apply to the judge of the general district court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoenas to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

C. Any board or commission whose members are appointed by the council, when authorized by ordinance to do so, shall have the investigatory powers, or as much of them

as are delegated by ordinance or resolution, to make investigations in connection with the performance of their duties and functions, as may be deemed necessary. (1979, c. 222)

Chapter 4
CITY MANAGER

§ 4.01. APPOINTMENT AND QUALIFICATIONS.

The council shall appoint a city manager who shall be the executive and administrative head of the city government. He shall be chosen solely on the basis of his executive and administrative qualifications and shall serve at the pleasure of the council. (1962, c. 147)

§ 4.02. POWERS AND DUTIES.

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

(a) To appoint all officers and employees of the city and to remove such officers and employees, except as he may delegate such power to appoint and remove to his subordinates and except as otherwise provided in this charter.

(b) To perform such other duties and to exercise such other powers as may be imposed or conferred upon him by the council. (1962, c. 147)

§ 4.03. COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by his subordinates. (1962, c. 147)

Chapter 5
BUDGET

§ 5.01. FISCAL YEAR.

The fiscal year of the city shall be established by ordinance unless such fiscal year is established by general law, in which event the fiscal year established by general law shall be the fiscal year of the city. The fiscal year of the city shall also constitute the budget and accounting year. (1962, c. 147; 1964, c. 109)

§ 5.02. SUBMISSION OF BUDGET.

The city manager shall submit to the council a budget and a budget message at least 90 days prior to the beginning of each budget year. (1962, c. 147)

§ 5.03. PREPARATION OF BUDGET.

It shall be the duty of the head of each department, the judges of the courts not of record, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as he may deem advisable and shall review the estimates and other data pertinent to the preparation of the budget 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 expenditure. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques. (1962, c. 147)

§ 5.04. BALANCED BUDGET.

In no event shall the expenditures recommended by the city manger in the budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, 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 budget into balance. (1962, c. 147)

§ 5.05. BUDGET MESSAGE.

The budget message shall contain the recommendations of the city manager concerning the fiscal policy of the city, a description of the important features of the budget and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years. (1962, c. 147)

§ 5.06. APPROPRIATION AND ADDITIONAL TAX ORDINANCES.

At the same time that he submits the budget the city manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. He shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in § 5.04. (1962, c. 147)

§ 5.07. PUBLIC HEARING.

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. The council shall cause to be published a notice of the time and place of the hearing not less than seven days prior to the date of the hearing. (1962, c. 147)

§ 5.08. ADOPTION OF BUDGET.

After the public hearing the council may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted. The budget shall be adopted by the vote of at least a majority of all members of the council not later than 30 days prior to the end of the current fiscal year. Should the council take no action prior to such day, the budget shall be deemed to have been finally adopted as submitted. In no event shall the council adopt a budget in which the estimated total of expenditures exceeds receipts, unless at the same time it adopts measures to provide additional revenue estimated to be sufficient to make up the difference. (1962, c. 147)

§ 5.09. ADDITIONAL APPROPRIATIONS.

Appropriations in addition to those contained in the general appropriation ordinance may be made by the council only if there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations. (1962, c. 147)

Chapter 6
BORROWING

§ 6.01. BORROWING POWER.

The council may, in the name of 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. (1962, c. 147)

§ 6.02. PURPOSES FOR WHICH BONDS OR NOTES MAY BE ISSUED.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general laws. Notes may be issued, when authorized by the council, at any time during the current fiscal year in anticipation of the collection of revenue of such year. (1962, c. 147; 1964, c. 109)

§ 6.03. (1962, c. 147; Repealed 1974, c. 596)

§ 6.04. (1962, c. 147; Repealed 1974, c. 596)

§ 6.05. (1962, c. 147; 1964, c. 109; 1966, c. 39; 1968, c. 192; 1972, c. 810; Repealed 1974, c. 596)

§ 6.05:1. AUTHORITY FOR ISSUANCE OF BONDS.

A. No bonds of the city shall be issued until their issuance shall have been authorized by an ordinance adopted by the affirmative vote of two-thirds of all members of the council and approved by the affirmative vote of a majority of the qualified voters of the city voting on the question at an election called and held for the purpose and in the manner provided by law for submitting any question or proposition to the voters.

B. No election shall be called pursuant to subsection A of this section unless the calling of such an election is approved by the affirmative vote of two-thirds of all members of the council.

C. Bonds and other obligations shall not be subject to the requirements of subsection A of this section if they are (i) of a type excluded from the computation of indebtedness of cities and towns under Section 10 (a) of Article VII of the Constitution and are authorized and issued so as to satisfy the conditions for exclusion set forth therein, or (ii) refunding bonds; provided, further, that the council may, without submitting the question of their issuance to the qualified voters, issue bonds or other obligations in any calendar year for any proper purpose in such amounts as shall not increase the total indebtedness of the city, as determined in the manner set forth in Section 10 (a) of Article VII, by more than ten million dollars above the amount of such indebtedness at the beginning of such calendar year. For the purposes of this subsection the terms "bonds," "other obligations" and "indebtedness" shall not include contractual obligations of the city other than bonds and notes. For purposes of determining the amount of bonds or other obligations that may be issued in any calendar year without an election, there shall not be included (i) bonds or other obligations that were approved at an election and (ii) refunding bonds, in each case issued in such year. Authorized bonds or other obligations which could have been issued without an election on December thirty-one in the year they were authorized may be issued in a subsequent year without affecting the annual limitation for such subsequent year.

D. The total indebtedness of the city as determined in accordance with the provisions of Article VII, Section 10 of the Constitution shall not at any time exceed ten per centum of the assessed valuation of the real estate in the city subject to taxation, as

shown by the last preceding assessment for taxes, nor shall the limitations imposed by the preceding subsection on the issuance of bonds or other obligations in any calendar year without a referendum be increased, until after such questions shall have been submitted to the voters of the city in a referendum held pursuant to § 3.09 of this charter. (1974, c. 596; 1977, c. 14; 1981, c. 89; 1984, c. 210; 1995, c. 607)

§ 6.05:2. SUPPLEMENTAL AUTHORITY FOR ISSUANCE OF BONDS.

Notwithstanding any other provision of law, special or general, the city may after a public hearing issue up to eight million dollars of general obligation bonds in any calendar year for road, highway or bridge purposes, provided that not less than twenty percent of the amount of bonds authorized without an election under § 6.05:1 of this charter for the same calendar year shall have been designated for road, highway and bridge purposes. For purposes of computing such eight million dollar limitation there shall not be included (a) bonds issued in such year that were authorized under this section in a prior year and (b) refunding bonds. The provisions of this section shall expire December 31, 1996. (1986, c. 313)

§ 6.06. PAYMENT OF BONDS AND NOTES.

The power and obligation of the city to pay any and all bonds and notes issued pursuant to this charter, except revenue bonds made payable solely from revenue producing properties, shall be unlimited and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and the interest thereon, without limitation as to rate or amount. The full faith and credit of the city are hereby pledged for the payment of the principal of and interest on all bonds and notes of the City of Virginia Beach and of Princess Anne County and any sanitary districts therein issued and outstanding on the effective date of this charter, and of the city hereafter issued pursuant to this chapter, except revenue bonds made payable solely from revenue producing properties, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1962, c. 147)

Chapter 7
ADMINISTRATIVE DEPARTMENTS

§ 7.01. CREATION OF DEPARTMENTS.

The following administrative departments are hereby created:

- (a) [Repealed.]
- (a1) Department of Finance
- (b) [Repealed.]
- (b1) Department of Law
- (c) [Repealed.]
- (c1) Department of Social Services
- (d) [Repealed.]
- (d1) Department of Agriculture
- (e) [Repealed.]
- (e1) Department of Education
- (f) [Repealed.]
- (f1) Department of Public Health
- (g) [Repealed.]
- (h) [Repealed.]

- (i) [Repealed.]
- (j) [Repealed.]
- (k) [Repealed.]
- (l) [Repealed.]
- (m) [Repealed.]
- (n) [Repealed.]
- (o) [Repealed.]
- (p) [Repealed.]

The Council may create new departments or subdivisions thereof, combine or abolish existing departments and distribute the functions thereof or establish temporary departments for special works; provided, however, that the Council shall not have the power to abolish, transfer or combine the functions of the departments of finance, law and education. (1962, c. 147; 1972, c. 810; 1975, c. 61; 1977, c. 14)

§ 7.02. DEPARTMENT HEADS.

There shall be a director at the head of each department, and the same person may be the director of several departments. The director of each department, except the departments of law and education, shall be appointed by the city manager and may be removed by him at any time; provided, however, that the council may provide that the city manager shall be director of one or more departments. The director of each department shall be chosen on the basis of his general executive and administrative ability and experience and of his education, training and experience in the class of work which he is to administer. (1962, c. 147)

§ 7.03. RESPONSIBLE TO CITY MANAGER.

The directors of each department, except the departments of law and education, shall be immediately responsible to the city manager for the administration of their respective departments, and their advice may be required by him on all matters affecting their departments. They shall make reports and recommendations concerning their departments to the city manager under such rules and regulations as he may prescribe. (1962, c. 147)

Chapter 8 FINANCIAL ADMINISTRATION

§ 8.01. DEPARTMENT OF FINANCE.

The department of finance shall consist of a director of finance, a comptroller or accounting officer, the city treasurer and the commissioner of revenue and their respective offices, insofar as inclusion of these offices is not inconsistent with the Constitution and general laws of the Commonwealth of Virginia, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1962, c. 147)

§ 8.02. DIRECTOR OF FINANCE.

The head of the department of finance shall be the director of finance who may also be the city manager. He shall be a person skilled in municipal accounting and financial control. He shall have charge of the financial affairs of the city, including such powers and duties as may be assigned by the council not inconsistent with the Constitution and general laws of the Commonwealth of Virginia. (1962, c. 147)

§ 8.03. CITY TREASURER.

The city treasurer shall be the custodian of all public monies of the city and shall have such powers and duties as are provided by general law. He shall perform such other duties as may be assigned by the director of finance or the council not inconsistent with the laws of the Commonwealth. (1962, c. 147)

§ 8.04. 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 assigned by the director of finance or the council. (1962, c. 147)

§ 8.05. DIVISION OF PURCHASING.

There shall be a division of purchasing which shall be in charge of purchasing all supplies of the city. The head of the division of purchasing shall be the purchasing agent who shall have such duties as may be assigned by the council. (1962, c. 147)

§ 8.06. ANNUAL AUDIT.

The council shall cause to be made an independent audit of the city's finances at the end of each fiscal year by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. One copy of the report of such audit shall be always available for public inspection in the office of the city clerk during regular business hours. (1962, c. 147)

§ 8.07. ANNUAL ASSESSMENT OF REAL ESTATE.

The council may, in lieu of annual, biennial or triennial assessment, reassessment and equalization of the methods prescribed by general law, provide by ordinance for the assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of July of each year in which such assessment, reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors. The judges of the circuit court shall annually appoint a board of equalization of real estate assessments to be composed of three members who shall be freeholders of the city. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, the board of equalization 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 simplification of proceeding before the board. This section shall not apply to assessment of any real estate assessable by the State Corporation Commission. (1964, c. 109; 1977, c. 14)

Chapter 9
DEPARTMENT OF LAW

§ 9.01. DEPARTMENT OF LAW.

The department of law shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by the council. (1962, c. 147)

§ 9.02. CITY ATTORNEY.

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 of Virginia. He shall be appointed by the council and shall serve at its pleasure. (1962, c. 147)

§ 9.03. POWERS AND DUTIES.

The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. He shall have such powers and duties as may be assigned by the council. (1962, c. 147)

§ 9.04. RESTRICTIONS ON ACTIONS FOR DAMAGES AGAINST CITY.

No action shall be maintained against the city for injury or damage 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, employee or agent 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 within six months after such cause of action shall have accrued, except that when the claimant, during such six months 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 months period, then the time for giving notice shall be until the claimant sufficiently recovers from said injury so as to be able to give such notice. (1962, c. 147; 1977, c. 14)

Chapter 10

DEPARTMENT OF PUBLIC SAFETY

§ 10.01. (1962, c. 147; 1972, c. 810; Repealed 1977, c. 14)

§ 10.02. (1962, c. 147; 1972, c. 810; Repealed 1977, c. 14)

§ 10.03. (1962, c. 147; 1972, c. 810; Repealed 1977, c. 14)

§ 10.04. (1962, c. 147; 1972, c. 810; Repealed 1977, c. 14)

Chapter 11

DEPARTMENT OF COMMUNITY SERVICES

§ 11.01. (1962, c. 147; 1972, c. 810; Repealed 1977, c. 14)

§ 11.02. (1962, c. 147; 1972, c. 810; 1975, c. 61; Repealed 1977, c. 14)

§ 11.03. (1962, c. 147; 1972, c. 810; Repealed 1977, c. 14)

Chapter 12

DEPARTMENT OF PUBLIC UTILITIES

§ 12.01. (1962, c. 147; Repealed 1972, c. 810)

§ 12.02. (1962, c. 147; Repealed 1972, c. 810)

§ 12.03. (1962, c. 147; Repealed 1972, c. 810)

Chapter 12.1
DEPARTMENT OF PUBLIC UTILITIES

§ 12.04. (1975. c. 61; Repealed 1977. c. 14)

§ 12.05. (1975. c. 61; Repealed 1977, c. 14)

§ 12.06. (1975. c. 61; Repealed 1977, c. 14)

Chapter 13
DEPARTMENT OF PUBLIC HEALTH

§ 13.01. DEPARTMENT OF PUBLIC HEALTH.

The department of public health shall consist of the director of public health and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1962, c. 147)

§ 13.02. 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 powers and duties as may be assigned by the council. (1962, c. 147)

§ 13.03. DIRECTOR OF PUBLIC HEALTH.

The head of the department of public health shall be the director of public health. He shall be a physician licensed to practice medicine in the Commonwealth of Virginia. 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 are conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth of Virginia. (1962, c. 147)

Chapter 14
DEPARTMENT OF SOCIAL SERVICE

§ 14.01. COMPOSITION.

The department of social service shall consist of the director of social service, a welfare board constituted as provided by general law and such officers and employees organized in such divisions, bureaus and other units as may be provided by the council or by the orders of the director consistent therewith. (1962, c. 147; 1972, c. 810)

§ 14.02. FUNCTIONS.

The department of social service shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the council. (1962, c. 147; 1972, c. 810)

§ 14.03. DIRECTOR AS HEAD OF DEPARTMENT.

The head of the department of social service shall be the director of social service. He shall have general management and control of the several divisions, bureaus and other units of the department. (1962, c. 147; 1972, c. 810)

Chapter 15
DEPARTMENT OF AGRICULTURE

§ 15.01. DEPARTMENT OF AGRICULTURE.

The department of agriculture shall consist of a director of agriculture and such other officers and employees organized in such bureaus, divisions and other units as may be prescribed by the council or by the orders of the director consistent therewith. (1962, c. 147; 1977, c. 14; 1992, c. 416)

§ 15.02. FUNCTIONS.

The department of agriculture shall exercise all powers which are conferred upon unit chairmen employed in the extension division, Virginia Polytechnic Institute and State University. (1962, c. 147; 1977, c. 14; 1992, c. 416)

§ 15.03. DIRECTOR OF AGRICULTURE.

The head of the department of agriculture shall be the director of agriculture. He shall have general management and control of the several bureaus, divisions and other units of the department. (1962, c. 147; 1977, c. 14; 1992, c. 416)

Chapter 16
DEPARTMENT OF EDUCATION

§ 16.01. DEPARTMENT OF EDUCATION.

The department of education shall consist of the city school board, the division superintendent of schools and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law. (1962, c. 147)

§ 16.02. (1962, c. 147; 1966, c. 39; 1993, c. 594, 612; Repealed 2003, c. 869)

§ 16.03. (1962, c. 147; Repealed 1993, c. 594, 612)

§ 16.04. ELECTION OF THE SCHOOL BOARD.

A. All board members shall be elected in the same manner and according to the same schedule that council members are elected for terms of four years. The term of office for each elected board member shall commence on the first day of January next following the date of election and shall continue until a successor has been duly elected and qualified. Pursuant to an ordinance adopted by city council on June 27, 2006, board members whose terms expire as of June 30, 2008, or June 30, 2010, shall continue in office until their successors have been elected at the November election and take office on January 1. Each candidate shall state at the time of filing whether he is running at large or from the district of his residence.

B. Each of the 11 elected board members shall be elected by the voters of the city at large. (1993, c. 594, 612; 1996, c. 44, 564; 2003, c. 869; 2007, c. 725)

§ 16.05. FILLING VACANCIES ON SCHOOL BOARD.

When a vacancy occurs in the office of an elected school board member, the vacancy shall be filled in the same manner in which general law provides for the filling of vacancies of city council members pursuant to §§ 24.2-226 and 24.2-228 with the interim appointment to be made by a majority vote of the remaining members of the board. If the vacancy is that of a school board member elected from a district, the vacancy shall be

filled by a qualified voter residing in the same district. (1993, c. 594, 612; 1996, c. 312; 2003, c. 869)

§ 16.06. QUALIFICATIONS OF CANDIDATES FOR ELECTION TO THE BOARD.

In order to qualify as a candidate for election and to have his or her name placed on the ballot, a candidate for the school board shall meet the qualifications to hold public office in accordance with general law and shall be nominated by petition pursuant to § 24.2-506 of the Code of Virginia. (1993, c. 594, 612; 2003, c. 869)

§ 16.07. SELECTION, RESPONSIBILITIES, AND DUTIES OF THE CHAIRMAN AND VICE-CHAIRMAN.

The selection, responsibilities, and duties of the chairman and vice-chairman shall be as provided by general law. (1993, c. 594, 612)

§ 16.08. CHARTER PREVAILS IN THE EVENT OF A CONFLICT WITH GENERAL STATUTES.

In the event of a conflict with statutes of general application, the provisions of this charter shall prevail. (1993, c. 594, 612)

§ 16.09. SEVERABILITY OF PROVISIONS.

The provisions of this chapter are hereby declared to be severable. If any part, section, provision, sentence, clause, or phrase be adjudged to be invalid, the remainder of the chapter shall remain in effect and its validity shall not be impaired. (1993, c. 594, 612)

Chapter 17
DEPARTMENT OF PARKS AND RECREATION

- § 17.01. (1962, c. 147; Repealed 1977, c. 14)
- § 17.02. (1962, c. 147; Repealed 1977, c. 14)
- § 17.03. (1962, c. 147; Repealed 1977, c. 14)

Chapter 18
DEPARTMENT OF PERSONNEL

- § 18.01. (1962, c. 147; Repealed 1977, c. 14)
- § 18.02. (1962, c. 147; Repealed 1977, c. 14)
- § 18.03. (1962, c. 147; Repealed 1977, c. 14)

Chapter 18.1
DEPARTMENT OF GENERAL SERVICES

- § 18.04. (1972, c. 810; Repealed 1977, c. 14)
- § 18.05. (1972, c. 810; Repealed 1977, c. 14)
- § 18.06. (1972, c. 810; Repealed 1977, c. 14)

Chapter 18.2
DEPARTMENT OF ECONOMIC DEVELOPMENT

- § 18.07. (1972, c. 810; Repealed 1977, c. 14)

- § 18.08. (1972, c. 810; Repealed 1977, c. 14)
- § 18.09. (1972, c. 810; Repealed 1977, c. 14)

Chapter 18.3
DEPARTMENT OF PUBLIC LIBRARIES

- § 18.010. (1972, c. 810; Repealed 1977, c. 14)
- § 18.011. (1972, c. 810; Repealed 1977, c. 14)
- § 18.012. (1972, c. 810; Repealed 1977, c. 14)

Chapter 18.4
DEPARTMENT OF PLANNING

- § 18.013. (1972, c. 810; Repealed 1977, c. 14)
- § 18.014. (1972, c. 810; Repealed 1977, c. 14)
- § 18.015. (1972, c. 810; Repealed 1977, c. 14)

Chapter 19
CITY PLANNING

§ 19.01. PLANNING COMMISSION.

There shall be a city planning commission which shall consist of not less than five nor more than fifteen members, and shall be organized as provided by general law. All members of the commission shall be qualified voters of the city and shall be appointed by the council for terms of four years. (1962, c. 147)

§ 19.02. FUNCTIONS OF PLANNING COMMISSION.

The planning commission shall be responsible for making recommendations to the council on all phases of city planning, including a master plan, zoning and subdivision control. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the council. (1962, c. 147)

§ 19.03. BOARD OF ZONING APPEALS.

There shall be a board of zoning appeals which shall consist of five members appointed for three-year terms by the circuit court of the city or the judges thereof in vacation. (1962, c. 147)

§ 19.04. POWERS OF THE BOARD OF ZONING APPEALS.

The board of zoning appeals shall have all powers granted to boards of zoning appeals by general law. (1962, c. 147)

§ 19.05. APPEALS FROM ACTIONS OF THE BOARD OF ZONING APPEALS.

Appeals from any action of the board of zoning appeals may be taken to the circuit court of the city in the manner prescribed by general law. (. (1962, c. 147)

Chapter 20
ADMINISTRATION OF JUSTICE

§ 20.01. CIRCUIT COURT.

The city shall continue to be in and a part of the Second Judicial Circuit. The Circuit Court of Princess Anne County shall be known as the Circuit Court of the City of Virginia Beach and shall have the same jurisdiction in the city of Virginia Beach as is conferred by general law upon circuit courts of cities of the first class. (1962, c. 147; 1978, c. 101)

§ 20.02. TRANSITION OF CIRCUIT COURT.

All actions of every kind, criminal as well as civil, pending in the circuit court of the county on the effective date of this charter shall automatically be transferred to, and shall proceed to final judgment in the circuit court of the city. The circuit court of the city shall have full authority to issue writs, enforce judgments and decrees and exercise every manner of judicial function in relation to former actions in the circuit court of the county as though no change had been made in the status of the latter. (1962, c. 147)

§ 20.03. COURTS NOT OF RECORD--MUNICIPAL COURTS GENERALLY.

The municipal courts for the City of Virginia Beach shall be designated as Civil Court, Police Court and Traffic Court, with such civil and criminal jurisdiction, and other judicial powers as are conferred by general law on municipal courts of cities of the first class. With the approval of the city council, civil and criminal jurisdiction, other than traffic, may be exercised by a single court. (1962, c. 147; 1972, c. 810)

§ 20.04. COURTS NOT OF RECORD--JUDGES OF THE MUNICIPAL COURTS.

There shall be a judge for each municipal court and such substitute judges as may be deemed necessary by the council. The judges of such courts shall be appointed for terms of four years by the Circuit Court of the city or the judges thereof in vacation. The same person may be appointed and serve as judge of two or more municipal courts. Appointments to vacancies shall be made by the Circuit Court or the judges thereof in vacation and shall be for the unexpired term. (1962, c. 147; 1972, c. 810)

§ 20.05. JUVENILE AND DOMESTIC RELATIONS COURT.

There shall be a juvenile and domestic relations court for the city. Such court shall possess the same jurisdiction and powers as are conferred by law upon juvenile and domestic relations courts of cities of the first class. (1962, c. 147)

§ 20.06. JUDGES OF THE JUVENILE AND DOMESTIC RELATIONS COURT.

There shall be a judge of the juvenile and domestic relations court and such associate and substitute judges as may be deemed necessary by the council. The judges of such court shall be appointed for terms of four years by the circuit court of the city or the judges thereof in vacation. Appointments to vacancies shall be made by the circuit court or the judges thereof in vacation and shall be for the unexpired term. (1962, c. 147)

§ 20.07. JUDGES OF COURTS NOT OR RECORD.

Any judge, or substitute judge of any municipal court may also be the judge, or associate judge or substitute judge of the juvenile and domestic relations court. (1962, c. 147; 1972, c. 810)

§ 20.08. TRANSITION OF COURTS NOT OF RECORD.

All actions of every kind, criminal as well as civil, pending in the county court of Princess Anne County or the police court of the City of Virginia Beach on the effective date of this charter shall automatically be transferred to, and shall proceed to final judgment in the municipal court or the juvenile and domestic relations court of the city, as the judges thereof may determine. (1962, c. 147)

§ 20.09. CLERK OF COURTS NOT OF RECORD.

The council may, at its discretion, provide for a single clerk for all courts not of record or a separate clerk for each court not of record. The clerk or clerks shall be appointed by the court or courts he serves. (1962, c. 147; 1972, c. 810)

§ 20.10. TRANSFER OF RECORDS.

Upon the effective date of this charter all records and papers of the county court of Princess Anne County and the police court of the City of Virginia Beach shall be transferred to the appropriate courts of the city. (1962, c. 147)

§ 20.11 (1962, c. 147; Repealed, 1995, c. 607)

§ 20.12. (1962, c. 147; Repealed, 1995, c. 607)

§ 20.13. NOTARIES PUBLIC.

Notaries public for Princess Anne County shall have full power and authority in the city until their commissions expire. (1962, c. 147)

§ 20.14. HIGH CONSTABLE.

The council shall appoint a high constable who shall serve at the pleasure of the council. He shall execute all processes, warrants, summons, and notices in the general district court and shall have such other duties as the council may prescribe. The fees collected by the high constable shall be established by duly adopted ordinance, and all such fees shall be deposited into the city treasury for use in the general operation of the city. The sheriff may act as the high constable. (1996, c. 360)

Chapter 21

MISCELLANEOUS AND TRANSITION PROVISIONS

§ 21.01. ASSETS AND LIABILITIES.

Upon the effective date of this charter, all property, real and personal, of the City of Virginia Beach and Princess Anne County, including sanitary districts therein, shall be vested in and owned by the city, and any and all debts due the city and the county, including any sanitary districts therein, shall become due to the city. The city shall assume the payment of all the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts and any other obligations of the city and the county, including any sanitary districts therein, in the same manner and to the same extent as if they were originally issued, made, entered into or arose directly by or with the city. (1962, c. 147)

§ 21.02. ELECTION OF CONSTITUTIONAL OFFICERS.

The offices of clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer and city sergeant shall be elective and filled in accordance with the provisions of the Constitution of the Commonwealth and in accordance with the provisions of general law. (1962, c. 147)

§ 21.03. POWERS AND DUTIES OF CONSTITUTIONAL OFFICERS.

The clerk of the circuit court of the city, attorney for the Commonwealth, commissioner of the revenue, city treasurer, and city sergeant shall have such powers and perform such duties as are provided by the Constitution of the Commonwealth and, except as otherwise provided in this charter, as are provided by the provisions of general law for cities of the first class. (1962, c. 147)

§ 21.04. PRESENT ORDINANCES AND RULES AND REGULATIONS CONTINUED IN EFFECT.

All ordinances, rules, regulations and orders legally made by the City of Virginia Beach and Princess Anne County in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, or with the consolidation agreement between the City of Virginia Beach and Princess Anne County, shall remain in force and effect within the same area to which they were applicable at the effective date of this charter, until amended or repealed in accordance with the provisions of this charter or general law. (1962, c. 147)

§ 21.05. PRELIMINARY MEETINGS OF COUNCIL.

At any time after the General Assembly shall have enacted this charter the councilmen for the consolidated city are authorized and directed to meet at such times and places as they may determine for the purpose of considering the appointment of a city manager, the preparation of ordinances, appointments which are required of them and such other matters as may be necessary to effectuate the transition resulting from the consolidation of the city and the county. (1962, c. 147)

§ 21.06. REPRESENTATION IN THE GENERAL ASSEMBLY.

The granting of this charter shall in no way operate to affect or change the representation in the General Assembly of Virginia to which the people of the city were entitled at the time the charter was granted. (1962, c. 147)

§ 21.07. 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 this charter not expressly held to be invalid shall remain in full force and effect. (1962, c. 147)

Name _____
 Period _____ Date _____

The Basics of the Charter of the City of Virginia Beach

Directions: Working in pairs, examine the Charter of Virginia Beach and complete the chart.

Institution	Location in the Charter	Summary: Political Institutions, Legal Codes, Functions
Incorporation and Boundaries	Chapter 1	<p>Allows the City of Virginia Beach to incorporate or become legal—may enter into contracts and sue and be 1. _____.</p> <p>Establishes official 2. _____.</p> <p>(Princess Anne County and the City of Virginia Beach)</p>
Powers	Chapter 2	<p>Evidence of Federalism—State government has ultimate authority or power over the City.</p> <p>The City of Virginia Beach may:</p> <ul style="list-style-type: none"> • 3. _____ taxes (levy a special, higher, tax on real estate or other districts for no more than 20 years) • Impose Special fees • Establish a 4. _____ District (Oceanfront Resort Area) set boundaries, levy and collect a general real estate tax, establish general property rights at the Oceanfront only. • The city ensures that citizens adequately maintain their property
City Council	Chapter 3	<ul style="list-style-type: none"> • Divides the city into 5. _____ residential districts of equal population 6. _____ member city council including the mayor. 7. _____ member will be from the seven districts and 8. _____ from the city at large. (Mayor is chosen from one of the at large seats) • Term limits (9. _____ years) continuous body • Election Requirements (Mayor) • Filling Vacancies

Name _____
 Period _____ Date _____

		<ul style="list-style-type: none"> • Appointment of Member of Council to Office of Profit/Procedural Powers/Vice Mayor/City Clerk/Advisory Referendums/Powers of Investigation
City Manager	Chapter 4	<ul style="list-style-type: none"> • Executive and 10. _____ head of the city. • Chosen by the 11. _____. • Powers and Duties (implied)
Budget	Chapter 5	<ul style="list-style-type: none"> • Establishes Fiscal Year • City 12. _____ submits the budget to council • Each department will submit their budget to the city manager • Must have a 13. _____ Budget • Budget Message—sent by the City Manager • Appropriation and Additional Tax Ordinances • Public Hearing/Adoption of the Budget • Additional Appropriations as needed by the city
Borrowing	Chapter 6	<ul style="list-style-type: none"> • Borrowing Power—may borrow as necessary • Purpose for which Bonds or Notes May be Issued—any purpose • Authority for Issuance of Bonds—City Council • Supplemental Authority: May issue an additional eight million dollars in bonds for roads, highways, or 14. _____ only. • Payment of Bonds and Notes—City must repay bonds
Administrative Departments	Chapter 7	<ul style="list-style-type: none"> • Composition: Departments—Finance, Law, Social Services, Agriculture, 15. _____, and Public Health • Department Heads appointed by city manager (Except Education)

Name _____
 Period _____ Date _____

Financial Administration	Chapter 8	<ul style="list-style-type: none"> • Composition: Department of Finance: Comptroller, accounting officer, City Treasurer and Commissioner of Revenue • Director of Finance • City Treasurer
Department of Law	Chapter 9	<ul style="list-style-type: none"> • Composition: City 16. _____ (Assistant Attorneys) • Power: Chief legal advisor to city council and all departments
Department of Public Safety/ Community Services/ Public Utilities	Chapter 10 Chapter 11 Chapter 12	<p>Repealed</p> <p>Repealed</p> <p>Repealed</p>
Department of Public Health	Chapter 13	<ul style="list-style-type: none"> • Composition: Director of Public 17. _____ (a licensed physician) other officers • Function: Responsible for the exercise of all health functions in the city
Department of Social Service	Chapter 14	<ul style="list-style-type: none"> • Composition: Director and welfare board • Function: Responsible for imposing duties related to public assistance and the relief of the poor
Department of Agriculture	Chapter 15	<ul style="list-style-type: none"> • Composition: Director of Agriculture • Function: Exercise all powers which are conferred upon unit chairman employed in the extension division , Virginia Polytechnic Institute and State University
Department of Education	Chapter 16	<ul style="list-style-type: none"> • Composition: School 18. _____ and division superintendent of schools • Election of the School Board: same as council members (4 year terms, 11 members, all elected at large) • Filling vacancies

Name _____
 Period _____ Date _____

		<ul style="list-style-type: none"> • Qualifications of Board members • Selection of the Chairman and Vice Chairman • Charter prevails in the event of a conflict with general statutes • Severability of provisions: Parts of Chapter 16 may be removed- the remainder of the chapter is still valid
Department of Parks and Recreation/ Personnel, General Services, Economic Development, Public Libraries, Planning	Chapter 17 Chapter 18	Repealed Repealed
City Planning	Chapter 19	<ul style="list-style-type: none"> • Composition: Planning Commission (5-15 members) appointed by council and serve 4 year terms • Functions: Make recommendations to council on all phases of city planning, including a master plan, 19. _____, and subdivision control. • Board of Zoning Appeals (5 members serve 3 year terms) • Appeals from actions of the board of zoning appeals: Circuit Court
Administration of Justice	Chapter 20	<ul style="list-style-type: none"> • Circuit Court: Part of Second Judicial Circuit • Courts not of record: Municipal Courts- Civil Court, Police Court, Traffic Court • Courts not of record: Judges of the Municipal Courts- Judges are appointed for 20. _____ years by the Circuit Court of the City. • Juvenile and Domestic Relations Courts • Judges of Juvenile and Domestic Relations Courts serve 4 year terms and are appointed by the Circuit Court. • Transition of Courts- All courts established under Princess Anne County shall be transferred to the City of Virginia Beach

Name _____
 Period _____ Date _____

		<ul style="list-style-type: none"> • Clerk of Courts: Clerks are appointed by the 21. _____ or courts they serve • Transfer of Records: On January 1, 22. _____, all records from the County of Princess Anne will be transferred to the City of Virginia Beach • Notaries Public: Notaries of 23. _____ County have power until their commission expires • High Constable: Appointed by council and executes and process all warrants, summons, and notices. The 24. _____ may act as the high constable
<p>Miscellaneous and Transition Provisions</p>	<p>Chapter 21</p>	<ul style="list-style-type: none"> • Assets and Liabilities: Transferred to the City of Virginia Beach • Election of Constitutional Officers: Clerk of the Circuit Court, attorney for the Commonwealth, Commissioner of the Revenue, City Treasurer, and City Sergeant (Sheriff) shall be elected in accordance with the Constitution of the Commonwealth • Powers and Duties of Constitutional Officers are granted through the Constitution of the Commonwealth • Present Ordinances and Rules and Regulations continued in effect- Transferred to the City of Virginia Beach from Princess Anne County • Preliminary Meetings of Council: Once the charter is official, council may meet • Representation in the General Assembly: The people of Virginia Beach shall be represented in the Virginia 25. _____ Assembly • Saving Clause: If a portion of the Charter is declared illegal or unconstitutional, the remainder of the charter shall remain valid.

**The Basics of the Charter
of the City of Virginia Beach
Answers**

1. Sued
2. Boundaries
3. Levy
4. Special
5. Seven
6. Eleven
7. One
8. Three
9. Four
10. Administrative
11. Council
12. Manager
13. Balanced
14. Bridges
15. Education
16. Attorney
17. Health
18. Board
19. Zoning
20. Four
21. Court
22. Transfer
23. Princess Anne
24. Sheriff
25. General

Name _____
Period _____ Date _____

Group Discussion Questions

Directions: After reviewing the *Charter of the City of Virginia Beach*, find a partner and respond to the questions.

1. How is the charter organized?
2. What do you know about the type and organization of this local government?
3. What details in the charter are probably unique to this local government?
4. What elements of the charter define the relationship to the state government?
5. What elements of the charter define the relationship to the federal government?

Name _____
Period _____ Date _____

More Information about the City of Virginia Beach

Additional information about The Charter of Virginia Beach, from the Department of Public Libraries, Virginia Beach, Virginia, 1996:

The City of Virginia Beach has a long and rich history. Originally, Virginia Beach was inhabited by the Chesepian (Native American) people who were the first to greet the English settlers from the Virginia Company at Cape Henry in 1606.

By the late 1690's, the area known as lower Norfolk had grown to include all of the land from the Elizabeth River to the Atlantic Ocean. Because of its large geographical size, lower Norfolk was divided into two districts: Norfolk County and Princess Anne County. Princess Anne County extended from the North Carolina border to Cape Henry at the mouth of the Chesapeake Bay and included all of the land along the Atlantic Ocean. For over 250 years (1691–1963), Princess Anne County operated as its own political entity.

By the end of the 19th century, the resort area of Virginia Beach had grown significantly. Noted for its modern hotels and lively vacation atmosphere, the resort area flourished. As a result, the resort of Virginia Beach was incorporated as a town in 1906 and once the highway connecting Norfolk to the Oceanfront in 1922 was completed, the population of the independent City of Virginia Beach doubled in size.

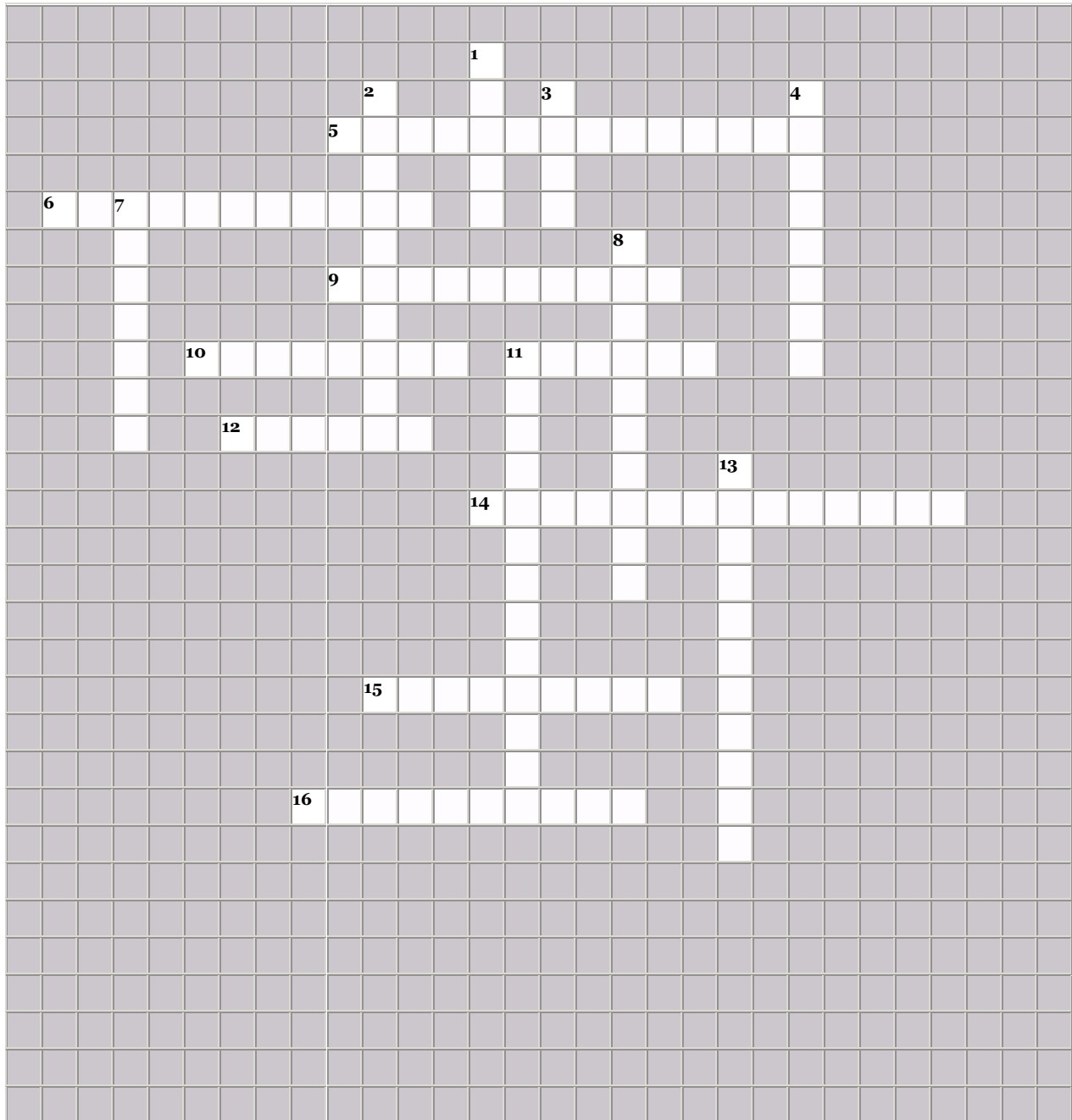
Beginning in 1952, Southeastern Virginia went through a period of geographical and political restructuring. The City of Norfolk annexed several areas of Princess Anne County. This move prompted Virginia Beach to become politically independent from Princess Anne County. Eventually, many believed that a merger between the independent City of Virginia Beach and Princess Anne County would prevent the independent City of Norfolk from annexing more of Princess Anne County.

Therefore, in 1963 the merger between Princess Anne County and the independent City of Virginia Beach became official after an approval by referendum of the voters of the City of Virginia Beach and Princess Anne County and with the approval of the Virginia General Assembly. The charter for the new independent City of Virginia Beach was adopted on January 1, 1963.

Name _____
Period _____ Date _____

Terms to Know Crossword Puzzle

Directions: Complete the puzzle using the terms provided.



Down

1. Used to raise money for public needs that cannot be financed out of current revenues
2. Outlines a broad vision for a political unit (two words)
3. The imposition of a tax
4. A law enacted by a legislature
7. A city's basic law, its constitution
8. A system of government in which a written constitution divides power between a central government and several local governments
11. A legislative grant of money for a specific purpose
13. a geographic area which sustains a system of government (two words)

Across

5. Achieved when government equates revenues with expenditures (two words)
6. The process by which a state establishes a city as a legal body
9. A law or decree which is enacted by a local governing body
10. To recall or take back
11. Taking a case from a lower court to a higher tribunal by the losing party
12. The practice of dividing a city into a number of districts and regulating the uses to which the property in each of them may be put
14. Governing body whose seats are never up for election at the same time (two words)
15. Executes and processes warrants and notices
16. A process by which a legislative measure is referred to the voters for final approval or rejection

Terms:

Appeal
Appropriation
Balanced budget
Body Politic
Bonds
Charter
Constable
Continuous Body
Federalism
Incorporate
Levy
Master Plan
Ordinances
Referendum
Statutes
Zoning

**Terms to Know
Crossword Puzzle
Answers**

Down

1. Bonds
2. Master plan
3. Levy
4. Statutes
7. Charter
8. federalism
11. appropriation
13. body politic

Across

5. Balanced budget
6. Incorporate
9. ordinances
10. repealed
11. appeal
12. zoning
14. continuous body
15. constable
16. referendum

Name _____

Period _____ Date _____

Local and State Governments Venn Diagram

Directions: Complete the diagram by identifying similarities and differences between local and state governments.

