

# VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

## CHAPTER 159

*An Act to amend and reenact §§ 3.04, 3.05 and 3.10 of Chapter 47 of the Acts of Assembly of 1986, which provided a charter for the Town of Pulaski, relating to election of town council.*

[H 209]

Approved March 24, 2000

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

**1. That §§ 3.04, 3.05 and 3.10 of Chapter 47 of the Acts of Assembly of 1986 are amended and reenacted as follows:**

§ 3.04. Composition and qualifications.

The council shall be composed of ~~eight~~ *six* council members and the mayor, to be elected from the town at large. The council members and the mayor shall be qualified voters of the town.

§ 3.05. Election and term of office of council members.

The council shall be elected in the manner provided by Virginia election laws. ~~Four~~ *Three* council members shall be elected on the first Tuesday in May ~~1986~~ *2000*, and every four years thereafter. The other ~~four~~ *three* council members shall be elected on the first Tuesday in May ~~1988~~ *2002*, and every four years thereafter.

The term of office for all council members shall begin on July 1 next following their election, and each shall serve for a term of four years or until his successor shall have been elected and qualified. The council members may succeed themselves as often as the voters may choose.

§ 3.10. Vacancies; forfeiture of office; suspension and removal; filling of vacancies.

A. Vacancies. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this charter or forfeiture of his office.

B. Forfeiture of offices. A council member shall forfeit his office if he:

1. Lacks at any time during his term of office any qualification for the office prescribed by this charter or by law;

2. Violates any express prohibition of this charter;

3. Is convicted of a felony or crime involving moral turpitude; or

4. Fails to attend three consecutive regular meetings of the council without being excused by the council.

C. Suspension and removal. The council shall suspend or remove elected town officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense as set forth below. Removal of a council member shall require a unanimous vote of the remaining members of the council.

D. Filling of vacancy in office of mayor. A vacancy in the office of mayor shall be filled within forty-five days, for the unexpired term, by majority vote of the remaining members. A council member or other qualified voter of the town may be so appointed. Should a member of council be chosen to serve for such unexpired term, such councilman shall be deemed to have surrendered his or her office of councilman forthwith upon qualification as mayor, and the office of such councilman shall thereafter be vacant.

E. Filling of vacancies other than office of mayor. A vacancy on the council shall be filled within forty-five days, for the unexpired term, by a majority vote of the remaining members. Notwithstanding any other provision of this charter, if at any time the membership of the council is reduced to less than ~~four~~ *three*, the remaining members shall petition the circuit court to issue a writ for a special election to fill the vacancies for the unexpired terms. Such special election shall be held not less than sixty days after the date on which the writ is entered and shall not be held within sixty days prior to any primary or general election.

**2. That an emergency exists and this act is in force from its passage.**