

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 594

An Act to amend and reenact §§ 2.1, 3.4 and 4.6 as amended, and §§ 4.8 and 5.1 of Chapter 432 of the Acts of Assembly of 1964, which provided a charter for the Town of Vienna, relating to town powers, elections, salaries, town clerk and town manager.

[S 1]

Approved April 6, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1, 3.4 and 4.6 as amended, and §§ 4.8 and 5.1 of Chapter 432 of the Acts of Assembly of 1964 are amended and reenacted as follows:

§ 2.1. General Grant of Powers.

The town of Vienna shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to an incumbent on the town as a municipal corporation.

The powers set forth in §§ ~~45.1-838~~ 15.2-1100 through ~~45.1-907~~ 15.2-1131, inclusive, of Chapter 48 11 of Title ~~45.1~~ 15.2 of the Code of Virginia as now exist, and as hereafter amended, are hereby conferred on and vested in the town of Vienna.

§ 3.4. Conduct of Municipal Elections.

Elections in the town of Vienna shall be conducted pursuant to, and in accord with all applicable provisions of Title ~~24.1~~ 24.2 of the Code of Virginia, except insofar as same are amended by ~~subsection~~ subsections (a) and (b) of this section of the charter.

(a) The mayor shall issue to those elected certificates of election which shall be countersigned by the Town Clerk. Tie votes shall be decided by lot, and contests shall be tried and finally determined by a majority vote of all members of council in office and serving at the time the contested election is held, provided that any member or members of the council who are parties to any such contest shall not participate in the trial of or vote in the determination of the contest to which they are parties.

(b) *Candidates for town offices shall not be identified on the ballot by political affiliation.*

§ 4.6. Council to Fix Salaries Generally; Limitations on Salaries of Mayor and Councilmen.

The council is hereby authorized to fix the salary of the mayor, members of the council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the ~~State Commonwealth~~ of Virginia; ~~provided, that the salary of the mayor shall not be fixed at an amount greater than three thousand six hundred dollars per annum and the salary of each member of the council shall not be fixed at an amount greater than two thousand four hundred dollars per annum.~~

§ 4.8. Town Clerk.

The clerk shall be the clerk of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. ~~He shall be the clerk of the municipal court unless otherwise provided by the council.~~ He shall perform such other duties and keep such other records as the council or the general laws of the State require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours.

§ 5.1. Duties and Qualifications.

The town manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, *and for the six months next following his appointment*, he need not be a ~~resident of~~ *domiciled in* the town or the Commonwealth, ~~but~~ *Thereafter and during his remaining tenure of office he shall reside within* be a domiciliary of the town. The town manager shall be the chief administrative officer and head of the administrative branch of the town government. He shall execute the laws and ordinances and administer the government of the town and be responsible therefor to the council. He shall:

(1) Except with respect to § 4.7 above, appoint all directors, or heads of the administrative departments, and all other administrative officers and employees of the town;

(2) When deemed necessary and in accordance with policies approved by the council, suspend, demote or remove all such directors or heads and all other administrative officers and employees of the town appointed by him except as he may authorize the head of a department, an officer or an agency to

exercise such powers respecting subordinates in such department, office or agency;

(3) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees of the town; and when directed by the council he shall examine the records and books of the office of Treasurer;

(4) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;

(5) Submit to the council a complete report as of the end of the fiscal year on the finances and administrative activities of the town for the preceding year;

(6) Keep the council advised of the financial condition and future needs of the town, and make such recommendations on matters of policy and other matters to the council as may seem to him desirable;

(7) Have power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency;

(8) Have such other powers and duties consistent with the town charter as the council may prescribe.