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SENATE BILL NO. 405**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Counties, Cities and Towns
on February 24, 2006)

(Patron Prior to Substitute—Senator Hanger)

A BILL to provide a new charter for the Town of Elkton, in Rockingham County, and to repeal Chapter 550 of the Acts of Assembly of 1926, Chapter 580, as amended, of the Acts of Assembly of 1954, Chapter 220 of the Acts of Assembly of 1960, and Chapter 37 of the Acts of Assembly of 1974, which provided a charter and amendments thereto for the Town of Elkton.

Be it enacted by the General Assembly of Virginia:

1.

TOWN OF ELKTON**TOWN CHARTER****CHAPTER 1.****INCORPORATION AND BOUNDARIES.**

§ 1.1. *Incorporation.* The inhabitants of the territory comprised within the present limits of the Town of Elkton, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Elkton (the Town), and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance.

§ 1.2. *Boundaries.* The boundaries of the Town until altered shall be as follows:

a. All that area which constituted the Town of Elkton, Virginia, prior to January 1, 2004, which is more particularly described by metes and bounds as set out and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, as Instrument Number 04035858 at Deed Book 2573, page 216;

b. All that area annexed on January 1, 2004, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2415, page 117, dated December 22, 2003; and

c. All that area annexed on January 1, 2005, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2602, page 105, dated December 28, 2004.

CHAPTER 2.**POWERS.**

§ 2.1. *General Grant of Powers.* The Town 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, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation.

§ 2.2. *Adoption of Powers Granted by the Code of Virginia.* The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.2-900 through 15.2-975 and §§ 15.2-1100 through 15.2-1132, including subsequent amendments.

CHAPTER 3.**MAYOR AND COUNCIL.**

§ 3.1. *Election, Qualification and Term of Office for Mayor and Council.* The Town shall be governed by a town council composed of six council members and the mayor, all of whom shall be qualified voters of the Town and shall be elected from the Town at large by the qualified voters of the Town in the manner provided by law. The council and the mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. An election for three council members and the mayor shall be held on the Tuesday after the first Monday in November, 2008, and for three council members and the mayor on the Tuesday after the first Monday in November, 2010. Elections shall be held on the Tuesday after the first Monday in November every two years thereafter. The council members shall serve for a term of four years, and the mayor shall serve for a term of two years, or until their successors are elected and qualified; however, those persons elected in November 2008, shall not take office until the first day of January, 2009, following their respective elections. Subsequently, commencing in 2010, the term of each person elected under this section shall begin on the first day of January next following their election.

60 § 3.2. Vacancies. Any vacancy in the council shall be filled within 30 days, for the unexpired term,
61 by a majority of the remaining voting members, provided that if the term of office to be filled does not
62 expire for two years or more after the next regular election for councilmen following such vacancy and
63 such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period
64 then remaining until such election, and a qualified person shall then be elected by the qualified voters
65 and shall from and after the date of his election and qualification succeed such appointee and serve the
66 unexpired term. The number of candidates for council equal to the number of vacancies to be filled for
67 full terms receiving the highest number of votes shall be entitled to such full terms and the candidate
68 receiving the next highest number of votes shall be entitled to the unexpired term, caused by such
69 vacancy.

70 § 3.3. Council.

71 a. A Continuing Body. The council shall be a continuing body, and no measure pending before such
72 body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of
73 the term of office or removal of any council member.

74 b. Management of Town's Affairs. The town council shall collectively have, subject to the provisions
75 of this charter and to general laws of the Commonwealth, the management and control of the assets,
76 fiscal and municipal affairs, and day to day operations, of the Town. The council may delegate its
77 control from time to time as the council may deem necessary and appropriate.

78 § 3.4. Mayor. The mayor shall be the chief executive officer of the Town. The mayor shall have and
79 exercise all the privileges and authority conferred by general law not inconsistent with the charter. The
80 mayor shall preside over and maintain orderly meetings of the town council and shall have the right to
81 speak therein as a member of the council. The mayor shall not have a vote as a member of council
82 except to break a tie vote. The mayor shall be the head of the town government for all its ceremonial
83 purposes and shall perform such other duties consistent with the office as may be imposed by the town
84 council. The mayor shall authenticate the mayor's signature on such documents or instruments as the
85 council, this charter, or the laws of the Commonwealth shall require.

86 § 3.5. Vice Mayor. The town council shall, by a majority of all of its voting members, elect a vice
87 mayor from its membership at its first meeting to serve for a term of two years. In the absence of or
88 during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties
89 of the mayor when serving as mayor.

90 § 3.6. Meetings of Council.

91 a. The council shall fix the time of its regular meetings, which shall be at least once each month,
92 and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules
93 of procedure necessary for the orderly conduct of its business, except where inconsistent with the laws
94 of the Commonwealth.

95 b. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public
96 unless an executive session is called according to law.

97 c. The mayor or any other two members of the council, may call a special meeting upon a 36-hour
98 written notice or an emergency meeting upon a 12-hour written notice to each council member stating
99 the time, place, and purpose for the meeting and served personally or left at the council members' usual
100 place of business or residence by the Chief of Police. No business shall be transacted by the council in
101 such special or emergency meeting which has not been stated in the notice; however, these requirements
102 shall not apply when all members of the council attend such meetings or waive notice thereof, nor shall
103 this regulation apply to an adjourned session from a regular meeting.

104 d. The agenda for a regular scheduled monthly council meeting shall include a provision for public
105 comments as defined in the town ordinances.

106 e. A majority of the six voting members of the council shall constitute a quorum.

107 § 3.7. Compensation. Compensation for the mayor and council members shall be set by the council
108 subject to any limitations placed thereon by the laws of the Commonwealth.

109 CHAPTER 4.

110 APPOINTIVE OFFICERS.

111 § 4.1. Appointments. The town council may appoint the following officers:

112 a. Town Manager. A town manager who shall be responsible to the council for the proper
113 administration of all affairs of the Town, for the control and supervision of all town departments,
114 employees and property, for the preparation and implementation of an annual budget, and for any other
115 duties as prescribed by the council.

116 b. Town Treasurer. A town treasurer, whose duties shall be to receive all money belonging to the
117 Town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible
118 for the collection of all license fees, taxes, levies and charges due to the Town, to disburse the funds of
119 the Town as the council may direct, and other such duties as prescribed by the council.

120 c. Town Attorney. A town attorney who shall be an attorney at law licensed to practice under the
121 laws of the Commonwealth. The town attorney shall receive such compensation as provided by the

council and shall have such duties as prescribed by the council.

d. Chief of Police. The council in its discretion may provide for a chief of police whose duties shall be as prescribed by the council.

e. Other Officers. The council may appoint such other officers as permitted by the laws of the Commonwealth.

§ 4.2. Term of Office. Appointees under this chapter shall serve at the pleasure of the council. The council may fill any vacancy in any appointive office.

CHAPTER 5.

FINANCIAL PROVISIONS.

§ 5.1. Fiscal Year. The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the year following.

§ 5.2. Appropriation of Funds. No ordinance or resolution appropriating money exceeding the sum set by the general laws of the Commonwealth shall be valid until at least three days intervene between the council meeting at which the resolution or ordinance is introduced and the council meeting at which it is adopted.

CHAPTER 6.

MISCELLANEOUS.

§ 6.1. Burial Places for the Dead. The Town shall have the authority to provide, in or near the Town, lands to be used as burial places for the dead; to improve and care for the land and the approaches, and to charge for and regulate the use of the ground land; to cooperate with any nonprofit corporation in the improvement and care of burial places and approaches; and to provide for the perpetual upkeep and care of any plots or burial lots. The Town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept and invested only for the perpetual upkeep and care of the said cemetery.

§ 6.2. Ordinances Continued in Force. All ordinances now in force in the Town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council.

§ 6.3. Severability of Provisions. 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 the charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 6.4. Title and Delivery of Documents. Any person who has been an officer of the Town, shall deliver without notice or demand to their successor in office all property, books, and papers belonging to the Town or appertaining to such office, in their possession or under their control within 10 days after vacating or being removed from office.

§ 6.5. Execution of Bonds. All bonds evidencing debt by the Town shall be signed by the mayor and countersigned by the clerk of the council. The clerk of the council shall affix the Town's corporate seal to all bonds and attest to the same.

§ 6.6. Continuance of Officers in Office. The present officers of the Town shall remain in office until expiration of their terms or until their successors have been duly elected and qualified.

§ 6.7. Amendment of Charter. Amendments to this charter may be made only in accordance with the procedure specified in the laws of the Commonwealth.

§ 6.8. How Act Cited. This act shall be referred to or cited as the Elkton Charter of 2006.

2. That Chapter 550 of the Acts of Assembly of 1926, Chapter 580, as amended, of the Acts of Assembly of 1954, Chapter 220 of the Acts of Assembly of 1960, and Chapter 37 of the Acts of Assembly of 1974 are repealed.