

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 156

An Act to amend and reenact §§ 3.1, as amended, and 3.6 of Chapter 35 of the Acts of Assembly of 1974, which provided a charter for the Town of Fincastle, relating to the town mayor and town council, and to amend such Chapter by adding a section numbered 4.8, relating to a town manager.

[S 503]

Approved March 11, 2010

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, as amended, and 3.6 of Chapter 35 of the Acts of Assembly of 1974 are amended and reenacted and that such Chapter is amended by adding a section numbered 4.8 as follows:

§ 3.1. Election, Qualification and Term of Office of Councilmen and Mayor.

(a) The town of Fincastle shall be governed by a town council composed of ~~eight~~ **six** councilmen and a mayor, all of whom shall be qualified voters of the town. ~~However, in the municipal election in May 1994 and every two years thereafter, there shall be elected six councilmen and a mayor who shall compose the council.~~

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified. ~~An election for mayor and councilmen shall be held on the first Tuesday in May 1974 and the mayor and councilmen shall constitute the town council, who shall hold office for a term of two years from July 1, next following the date of their election and until their successors have been duly elected and qualified. Elections of mayor and councilmen shall be on the first Tuesday in May 1974 and on such Tuesday each two years thereafter. However, beginning in 2010, the town's councilmen and mayor shall be elected at the time of the November general election and shall hold office for a term of two years from January 1, next following the date of their election and until their successors have been duly elected and qualified. Those councilmen and the mayor whose terms are set to expire on July 1, 2010, shall have their terms extended for six months until January 1, 2011. Beginning in November 2010, an election for mayor and councilmen shall be held at the time of the November general election. Following the November 2010 general election, the candidate for mayor and three candidates for town council receiving the highest votes will serve four-year terms and the candidates receiving the next three highest votes will serve two-year terms, from January 1, next following the date of their election and until their successors have been duly elected and qualified. Beginning with the November 2012 general election, the council members shall be elected for four-year terms, from January 1, next following the date of their election and until their successors have been duly elected and qualified.~~

§ 3.6. Powers and Duties of Mayor. The mayor shall be the chief executive officer of the town, ~~unless the town has in its employ a town manager, as set forth in § 4.8 of this charter. If and when a town manager is appointed, all executive powers as well as the supervisory powers of the mayor as to Town employees shall devolve upon him. He~~ **Unless otherwise noted, the town mayor shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak and vote therein as members of the town council, but shall not vote, except in the case of tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with this office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require.**

§ 4.8. Town Manager. *The town council may appoint a town manager on the basis of executive and administrative qualifications, who shall serve at the pleasure of the council. The town manager shall be the executive officer of the town, and shall be responsible to the town council for the proper administration of the town government. The salaries and compensation paid to the town manager shall be fixed by the council.*

It shall be the duty of the town manager to:

(a) *Appoint such employees as the council shall determine are necessary for the proper administration of the affairs of the town and, when deemed necessary, suspend or remove any town employees, except as otherwise provided by the laws of the Commonwealth or this charter;*

(b) *Direct and supervise employees of the town and the administration of all departments, offices,*

and agencies of the town, except as otherwise provided by the laws of the Commonwealth or this charter;

(c) Attend all meetings of the town council, with the right to speak but not to vote;

(d) See that all laws, provisions of this charter, and acts of the council subject to enforcement by the manager are faithfully executed;

(e) Prepare and submit to the town council the annual budget and capital program of the town and be responsible for their administration and execution after its adoption;

(f) Make reports as the council may require upon the affairs of the town and keep the council fully advised of the town's financial condition and its future financial needs;

(g) Ensure that adequate and accurate financial and personnel records are maintained with respect to the financial transactions and employees of the town, respectively; and

(h) Perform such other duties as may be prescribed by this charter, or required of him in accordance therewith by the town council, or which may be required of the chief executive officer of a town by the general laws of the Commonwealth of Virginia.