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HOUSE BILL NO. 337

House Amendments in [] - January 26, 2010

A BILL to amend and reenact § 1.2 as amended and §§ 2.2, 3.2 [, 3.6,] and 4.1 of Chapter 423 of the Acts of Assembly of 1983, which provided a charter for the Town of Middleburg, and to repeal § 5.2 of Chapter 423, relating to boundaries, council, and town sergeant.

Patron Prior to Engrossment—Delegate Marshall, R.G.

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 1.2 as amended and §§ 2.2, 3.2 [, 3.6,] and 4.1 of Chapter 423 of the Acts of Assembly of 1983 are amended and reenacted as follows:

§ 1.2. Boundaries.

The boundaries of the Town until altered, shall be as shown on those certain plats recorded in the office of the Clerk of the Circuit Court of Loudoun County in Deed Book 10 L, p. 301, and Deed Book 454, p. 375 that certain order and plat recorded in the land records of Loudoun County as instruments No. 20060828-0073346 and 20060828-0073347, respectively, in accordance with a boundary line adjustment entered into between the Town of Middleburg and the County of Loudoun, subject of proceedings in "In Re Change of Boundary Between the Town of Middleburg, Virginia and Loudoun County, Virginia", At Law No. 42304, approved August 22, 2006.

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ ~~15.1-837 through 15.1-907~~, Chapter 11 of Title 15.2 of the Code of Virginia, as amended.

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. *For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.*

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least ~~once each month~~ *six times per year*, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with Chapter ~~24~~ 37 of Title § ~~2-1~~ 2.2 of the Code of Virginia. Four members of the council *in the absence of the mayor, or four members of the council* in addition to the mayor ~~or vice mayor~~, *as applicable*, shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any four members of the council, provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision requiring prior notice for special meetings is waived.

§ 4.1. Appointments.

The council may appoint: a town administrator, who shall be responsible to the council for the proper administration of all affairs of the town, for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice and actively practicing in Loudoun County; a town sergeant, who shall be the conservator of the peace *and may be known as the chief of police*; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper.

2. That § 5.2 of Chapter 423 of the Acts of Assembly of 1983 is repealed.

ENGROSSED

HB337E