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SENATE BILL NO. 324

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 1 of Article II and § 1, as amended, of Article III of Chapter 397 of the Acts of Assembly of 1950, which provided a charter for the Town of Amherst, relating to boundaries, elections, appointments, and salaries.

Patron—Ruff

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Article II and § 1, as amended, of Article III of Chapter 397 of the Acts of Assembly of 1950 are amended and reenacted as follows:

ARTICLE II.**CORPORATE LIMITS.**

§ 1. (1) The corporate limits of the town of Amherst are hereby established as follows:— Beginning at the Southern Railway center line, on line between Whitehead and Cunningham thence North 37 degrees 20 minutes West 965 feet to stake; thence North 47 degrees West 900 feet to corner, the Judge Meeks property; thence North 55 degrees 55 minutes East 633 feet; thence North 65 degrees 40 minutes East 470 feet; thence North 60 degrees East 1300 feet; thence North 57 degrees 25 minutes East 315 feet; thence North 48 degrees East 550 feet; thence North 36 degrees 30 minutes East 470 feet; thence North 21 degrees 50 minutes East 865 feet; thence North 42 degrees 50 minutes West 1420 feet; thence South 81 degrees 35 minutes West 4725 feet to Tribulation Creek; thence up Tribulation Creek South 15 degrees 55 minutes West 739 feet; thence South 56 degrees 45 minutes West 689 feet; thence South 57 degrees 35 minutes West 458 feet; thence South 54 degrees 50 minutes West 614 feet; thence South 40 degrees West 598 feet; thence South 36 degrees 30 minutes West 441 feet; thence North 77 degrees 30 minutes West 202 feet; thence South 74 degrees 30 minutes West 368 feet; thence South 48 degrees 40 minutes West 383 feet; thence South 32 degrees 30 minutes West 407 feet; thence South 45 degrees West 580 feet to the pumping house inlet; thence along the Northeast side of said road as it meanders for 2925 feet crossing Route 29 to corner of line of— Mrs. Effie Wills' land and Route 29; thence in a Southwest direction —along the land of said Effie Wills in a straight line crossing Route 29, to the Northeast corner of the lot belonging to the estate of Elizabeth Payne, deceased; at south edge of Route 663; thence with said Payne property on the southern edge of said Route 663 to Tripple Oaks corner on Plot of Town; a distance of 1300 feet; thence South 65 degrees 26 minutes East, 1145 feet to White Oak; thence South 57 degrees 5 minutes East 1410 feet to Lynchburg Road; thence South 63 degrees 5 minutes East 1016 feet to Southern Railway; thence South 64 degrees 20 minutes East 341 feet; thence South 85-1/2 degrees East 298 feet; thence North 7 minutes East 400 feet; thence North 22 degrees 50 minutes East 450 feet; thence North 20-1/4 degrees East, 363 feet; thence North 36-1/4 degrees East 218 feet; thence along eastern right of way line of the Southern Railway 2580 feet to beginning.—A plat depicting the corporate limits of the Town of Amherst is on file at the Amherst County Clerk of the Circuit Court's Office.

ARTICLE III.**ADMINISTRATION AND GOVERNMENT.**

§ 1. (1) The present mayor and councilmen of the town of Amherst shall continue in office and exercise all the powers conferred by this charter and the general laws of the State until ~~June 30, 1976~~ *January 1, 2011*.

(2) On the day specified by general law for the holding of municipal elections in every even-numbered year, there shall be elected for two year terms by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and five other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. They shall enter upon the duties of their offices on the first day of ~~July~~ *January* next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

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59 (3) There shall be appointed for the town a registrar and officers of election in the manner provided
60 for by general law of Virginia, and all elections held in said town shall be conducted in accordance with
61 said general law; the electorate shall be that prescribed by general law.

62 (4) The council shall judge of the election, qualification, and returns of its members; may fine them
63 for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned
64 be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as
65 the council may prescribe. Any vacancy occurring otherwise during the term for which such person was
66 elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy
67 in the office of mayor shall be filled by the council from the electors of the town, and any member of
68 the council may be eligible to fill such vacancy.

69 (5) A majority of the members of the council shall constitute a quorum for the transaction of
70 business.

71 (6) Each member of the council may receive a salary to be fixed by the council, payable at such
72 times and in such manner as the council may direct; ~~but the salary paid to any one member during any~~
73 ~~year shall not exceed the sum of one hundred dollars (\$100.00) per annum.~~ The mayor may receive a
74 salary to be fixed by the council, payable in such manner and at such times as the council may direct;
75 ~~not to exceed the sum of five hundred dollars (\$500.00) per annum; and such salary shall be in lieu of~~
76 ~~any fees he is entitled to enter up as part of the costs and receive in the trial of cases of violation of the~~
77 ~~ordinances of the town as hereinafter provided for.~~

78 (7) The mayor shall preside at the meetings of the council and perform such other duties as are
79 prescribed by this charter and by the general law, and such as may be imposed by the council consistent
80 with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall
81 have the right to break the same by his vote; but he shall have the right to veto. He shall take care and
82 see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed,
83 and shall have and exercise all power and authority conferred by general law on mayors of towns not
84 inconsistent with this charter. He shall see that peace and good order are preserved and that persons and
85 property within the town are protected. He shall authenticate by his signature such documents and
86 instruments as the council, this charter, or the laws of this Commonwealth require. He shall from time
87 to time recommend to the council such measures as he may deem needful for the welfare of the town.

88 (8) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes
89 operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with
90 his objections in writing, to the town clerk who shall enter the mayor's objections at length on the
91 minute book of the council. The council shall thereupon proceed to reconsider such ordinance or
92 resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree
93 to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the
94 mayor. In all such cases the votes of members of the council upon such reconsideration and the names
95 of the members voting for and against the ordinance or resolution shall be entered on the minute book
96 of the council. If any ordinance or resolution shall not be returned by the mayor within five days
97 (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as
98 if he had signed it, unless his term of office or that of the council, shall expire within said five days.

99 (9) The council shall, as soon as practicable after qualification, and biennially thereafter following the
100 regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the
101 absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority,
102 and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he
103 shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of
104 the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers,
105 duties and obligations of councilman even when performing the duties of mayor during the absence or
106 disability of the mayor of the town.

107 (10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at
108 least once a month. Special meetings may be called by the clerk at the instance of the mayor or any
109 two members of the council in writing; and no other business shall be transacted at a special meeting
110 except that stated in the call, unless all members be present and consent to the transaction of such other
111 business. The meetings of the council shall be open to the public except when in the judgment of the
112 council the public welfare shall require executive meetings.

113 (11) The council shall keep a minute book, in which the clerk shall note the proceedings of the
114 council, and shall record proceedings at large on the minute book and keep the same properly indexed.

115 (12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate
116 debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except
117 by a recorded affirmative vote of a majority of all the members elected to the council.

118 (13) There shall be appointed by the council at its first meeting in ~~July~~ *January*, or as soon as
119 practicable thereafter, a treasurer; ~~who shall hold office for a term of two years.~~ The council may
120 provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the

council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once during the term for which he is elected by a competent accountant selected by the council, such examination and audit to be reported to the council.

(15) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) There shall be appointed by the council, at its first regular meeting in ~~July~~ *January* after its election, a clerk of the council, who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in ~~July~~ *January* or as soon as practicable thereafter, a town sergeant, who shall also be chief of police; and shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(18) [Repealed.]

(19) The council may appoint or select such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(20) All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.