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SENATE BILL NO. 496

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 4 and 8 of Chapter 480 of the Acts of Assembly of 1942, as severally amended, which provided a charter for the Town of Chatham, relating to town council and mayoral elections and the appointment of a Town Manager.

 Patron—Hurt

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 4 and 8 of Chapter 480 of the Acts of Assembly of 1942, as severally amended, are amended and reenacted as follows:

§ 4. Administration and Government.

(1) The present mayor and council of the Town of Chatham shall continue in office until the expiration of the term for which they were respectively elected, or until their successors are duly elected and qualified.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government of the said town shall be vested in the council of the Town of Chatham, and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the first Tuesday in ~~May 2004~~ *November*, and every two years thereafter, there shall be elected by the qualified voters of the Town of Chatham, one ~~qualified voter~~ *elector* of the town; who shall be denominated mayor, and will serve a two-year term. ~~There shall also be elected six other qualified voters of the town, who shall be denominated the councilmen of the town and shall serve for terms of four years; and said mayor and councilmen shall constitute the town council. For the elections to be held in May 2004, the three councilmen receiving the highest number of votes shall serve four-year terms and the remaining three councilmen shall serve two-year terms. Upon the next election in May of 2006, the three expiring councilmanic terms shall be filled by election for four-year terms. Six other electors shall be denominated the council members of the town. These council members are to be elected for four-year terms. Three council members will be denominated at each election beginning November 2010. Said Mayor and council members shall constitute the town council.~~ They shall enter upon the discharge of 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 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 ~~hereof 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 are hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) All elections shall be conducted in accordance with state law. For such purposes, the local electoral board and registrar appointed pursuant to the provisions of Articles 3 through 5 (§ 24.2-106 et seq.) of Chapter 1 of Title 24.2 of the Code of Virginia of 1950, as amended, shall be responsible for the conduct and regulation of such elections for the town.

(5) The council of the town shall judge the election, qualification and return of its members; may fine them for disorderly conduct, and with concurrence of two-thirds vote of the council, expel a member. If any person returned, be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any other vacancy occurring during the term of any member of the council shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to such office.

(6) For the transaction of business by the council, four members of whom the mayor may be counted as one, shall constitute a quorum.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner, as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of \$600 annually; the mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of \$1,200 annually; and the council is also empowered to provide that the salary of the mayor shall be in lieu of any fees he is entitled to receive for acting as justice of the municipal court. The present acting

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59 council of the town shall receive no salary for their services during the remaining part of their present
60 term, but may set a salary for both mayor and councilmen to begin on and after the first day of July
61 2002. The salary of the mayor and the councilmen, when fixed, shall so continue until changed by the
62 council, and shall be payable out of the treasury of the town in monthly installments.

63 (8) The mayor shall preside at the meetings of the council and perform such other duties as may be
64 prescribed by this charter and by general law, and such as may be imposed by the council, consistent
65 with his office. The mayor shall have no right to vote in the council except in case of a tie vote, in
66 which case the mayor shall vote.

67 (9) The council shall, as soon as practicable, after qualification, choose one of its members as
68 vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability, and
69 in event of a vacancy for any reason in the office of mayor, he shall serve until a mayor is duly
70 appointed by the council or is elected. The said vice-mayor shall continue to have all rights, privileges,
71 powers, duties and obligations of councilman while performing the duties of mayor during the absence
72 or disability of the mayor of the town. In the absence of the mayor or vice-mayor, the mayor may
73 designate a member of the council to perform his duties.

74 (10) The council shall, by ordinance, fix the time for their meetings, but shall have at least one
75 meeting each month. Special meetings shall be called by the clerk at the instance of the mayor or any
76 three members of the council, in writing; no business shall be transacted at a special meeting but that
77 for which it shall be called, unless the council be unanimous. The meetings of the council shall be open
78 to the public except when in the judgment of the council the public welfare shall require executive
79 sessions.

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

82 (12) The council may adopt rules for regulating its proceedings, but no tax shall be levied or
83 corporate debt contracted except by a vote of two-thirds of the council, four votes being counted as
84 two-thirds, which vote shall be taken by yeas and nays, and recorded in the minute book. It may appoint
85 such committees as may be deemed proper for the transaction of business, and may compel attendance
86 of absent members.

87 (13) The council may require the mayor to communicate to it annually as soon after the close of the
88 fiscal year, or oftener, if necessary a general statement of the condition of the town in relation to its
89 government, finances and improvements, with such recommendations as he may deem proper. He shall
90 exercise a constant supervision over the conduct of all subordinate officers, have power and authority to
91 investigate their acts, have access to all books and documents in their offices, and may examine such
92 officer on oath. He shall have power to suspend all officers appointed by the council until the next
93 regular meeting of the council, but such suspension shall in all cases be for misconduct in office or
94 neglect of duty, to be specified in the order of suspension. In case of suspension of any officer the
95 mayor shall submit a written report of the same to the council at its next regular meeting, or any
96 meeting called for that purpose, specifically designating the charge against the officer and reasons for
97 dismissal, and in case of suspension by the mayor, he shall have power to appoint some other person in
98 his place to hold such office and perform the duties thereof until the next regular meeting of the
99 council.

100 (14) Every ordinance passed by the council for the violation of which a penalty is imposed shall be
101 published in such way as the council may order, so as to give general publicity thereto, and no order
102 may become effective until so published, either by handbills posted in at least two public places, or in a
103 newspaper published and having general circulation in the town, except in the case of an emergency, in
104 which instance the ordinance shall so state and shall become effective immediately upon its passage. If
105 published by handbill, a certification of the posting thereof shall be made by the clerk or sergeant as to
106 the time and place where the ordinance is recorded, provided however, that after the expiration of six
107 months from date of the passage of any ordinance, its publication shall not be questioned, or its validity
108 affected by any failure to publish the same.

109 § 8. Town Manager.

110 (1) The council may appoint a town manager who shall be the chief administrative officer of the
111 town. The town manager shall be chosen by the council solely on the basis of his executive and
112 administrative qualifications, and shall have some knowledge of civil, mechanical and electrical
113 engineering or its equivalent, and need not when appointed be a resident of the town or State, but
114 during his term of office he shall reside in the limits of the town, or within ten miles of the corporate
115 limits thereof; heHe shall be appointed for a term acceptable to the town council. —and the town
116 manager, not to exceed two years, to end in any event with terms of office of the council making his
117 appointment, but may be reappointed by the succeeding council.— He may be removed by the council for
118 any cause deemed sufficient to the council, but the town manager may require notice in writing, and
119 shall have the right to be heard before the council prior to a vote to remove him. The action of the
120 council in suspending and removing the town manager shall be final. The council shall have the

authority to place the control and supervision of the police force of the town under either the ~~mayor~~
town council or town manager.

(2) Except as otherwise provided in this charter, the town manager, subject to the consent of the town council, may appoint or employ, and he may remove or discharge officers, employees and assistants, as may be necessary to carry on the work of those departments of the town committed to him by ordinance, in all their respective details, in an economical and satisfactory manner. The salary and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to the approval of the town council. His actions in all respects shall be subject to review by the council, and he shall be accountable to the town council only.

2. That an emergency exists and this act is in force from its passage.

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