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SENATE BILL NO. 497

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 4, as amended, of Chapter 308 of the Acts of Assembly of 1979, which provided a charter for the Town of Gretna, relating to town council and mayoral elections.

 Patron—Hurt

 Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 4, as amended, of Chapter 308 of the Acts of Assembly of 1979 is amended and reenacted as follows:

§ 4. Administration and government.

A. The administration and government of the Town of Gretna shall be vested in one body, to be called the council of the Town of Gretna, which shall consist of seven members, six of whom shall be known as councilmen and one to be known as mayor, all of whom shall be residents and qualified voters of the town. The council of the town shall have power to elect or appoint such other officers as it may deem necessary, and to define their duties, including a town manager, who shall, under the control of the council, have the general charge and management of the administrative affairs and work of the town, and who shall perform such other duties as may be required of him by the council. The manager shall receive a salary as shall be allowed him by the council, and may be dismissed at any time by the council. The council may create, appoint, or elect such other departments, bodies, boards, and other officers as are hereinafter provided for, or as are permitted or required by law to be appointed by the council.

B. The present mayor and council of the Town of Gretna 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.

C. The mayor shall be elected at large by the qualified voters of the Town of Gretna at a municipal election to be held on the first Tuesday in May in the year 2004 and every two years thereafter in the manner prescribed by law for a term of two years beginning on the July 1 next following his election and shall serve until his successor shall have been elected and qualified.

In the year 2004, six councilmen shall be elected by the qualified voters of the Town of Gretna at a regular municipal election to be held on the first Tuesday in May. Those three councilmen receiving the greatest number of votes shall serve a four-year term. Those three councilmen receiving the fewest number of votes shall serve a two-year term until the year 2006. The mayor and the six councilmen shall constitute the town council of Gretna. The members of the town council shall take office on the first day of July next following their election and shall continue until their successors have been elected and qualified.

Three councilmen shall be elected at large by the qualified voters of the Town of Gretna at a regular municipal election to be held on the first Tuesday in May in the year 2006 for four-year terms.

Three councilmen shall be elected at large by the qualified voters of the Town of Gretna at a regular municipal election to be held on the first Tuesday in May in the year 2008 for four-year terms; thereafter, all councilmen shall be elected for four-year terms, in the manner prescribed by law, for terms beginning on July 1 next following their election, each of whom shall serve until his successor shall have been elected and qualified. *The mayor and the six councilmen shall constitute the Town Council of Gretna.*

In the year 2010, and every two years thereafter, the mayor shall be elected at large by the qualified voters of the Town of Gretna at a municipal election to be held on the first Tuesday in November. The mayor shall be elected for a term of two years beginning on the January 1 next following his election and shall serve until his successor shall have been elected and qualified.

In the year 2010, and every four years thereafter, three councilmen shall be elected at large by the qualified voters of the Town of Gretna at a regular municipal election to be held on the first Tuesday in November for four-year terms beginning on the January 1 next following their election and shall serve until their successors shall have been elected and qualified.

In the year 2012, and every four years thereafter, three councilmen shall be elected at large by the qualified voters of the Town of Gretna at a regular municipal election to be held on the first Tuesday in November for four-year terms beginning on the January 1 next following their election and shall serve until their successors shall have been elected and qualified.

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59 The council shall be a continuing body, and no measure pending before such body shall abate or be
60 discontinued by reason of expiration of the term of office or removal of the members of such body or
61 any of them. Every person elected shall take an oath faithfully to execute and discharge the duties of his
62 office to the best of his judgment, and the mayor shall take an oath prescribed by law for State officers.
63 The failure of any person elected or appointed under the provisions of this charter to qualify or to take
64 the oath required, within the time prescribed for entering upon the discharge of the duties of the office
65 to which he is elected or appointed, shall vacate the office, and the council shall proceed and are hereby
66 vested with power to fill such vacancy in the manner herein prescribed.

67 Any vacancy occurring during the term of any member of the council shall be filled by the council
68 by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by
69 the council from the electors of the town as soon as possible.

70 D. For the transaction of business by the council, four members, of whom the mayor may be counted
71 as one, shall constitute a quorum.

72 E. Each member of the council may receive a salary to be fixed by the council, payable at such
73 times, and in such manner, as the council may direct. The mayor may receive a salary to be fixed by
74 the council, payable in such manner and at such times as the council may direct. No increase in salary
75 of a council member or the mayor shall take effect during the incumbent council member's or mayor's
76 term of office.

77 F. The mayor shall preside at the meetings of the council and perform such other duties as may be
78 prescribed by this charter and by general law, and such as may be imposed by the council, consistent
79 with his office. The mayor shall have no right to vote in the council, except that in case of a tie vote
80 then the mayor shall vote.

81 G. The council shall, as soon as practicable, after qualification, choose one of its members as vice
82 mayor. The vice mayor shall perform the duties of the mayor during his absence or disability, and in
83 event of a vacancy for any reason in the office of mayor, he shall serve until a mayor is duly appointed
84 by the council or is elected. The vice mayor shall continue to have all rights, privileges, powers, duties,
85 and obligations of a councilman while performing the duties of mayor, during the absence or disability
86 of the mayor of the town. In the absence of the mayor or vice mayor, the mayor may designate a
87 member of the council to perform his duties.

88 H. The council shall, by ordinance, fix the time for their meetings, but shall have at least one
89 meeting each month. Special meetings shall be called by the clerk at the instance of the mayor or any
90 three members of the council, in writing; no business shall be transacted at a special meeting but that
91 for which it shall be called, unless the council be unanimous. The meetings of the council shall be open
92 to the public, except such meetings as may be permitted by general law to be closed.

93 I. The council shall keep a minute book, in which the clerk shall note the proceeding of the council,
94 and shall record proceedings at large on the minute book and keep the same properly indexed.

95 J. The council may adopt rules for regulating its proceedings, but no tax shall be levied or corporate
96 debt contracted, except by a vote of two-thirds of the council, four votes being counted as two-thirds,
97 which vote shall be taken by "Yeas" and "Nays," and recorded in the minute book. It may appoint such
98 committees as may be deemed proper for the transaction of business, and may compel attendance of
99 absent members.

100 K. The council may require the mayor to communicate to it annually as soon after the close of the
101 fiscal year, or more often, if necessary a general statement of the condition of the town in relation to its
102 government, finances and improvements, with such recommendations as he may deem proper. He shall
103 exercise a constant supervision over the conduct of all subordinate officers, have power and authority to
104 investigate their acts, have access to all books and documents in their offices, and may examine such
105 officer on oath. He shall have power to suspend all officers appointed by the council until the next
106 regular meeting of the council, but such suspension shall, in all cases, be for misconduct in office or
107 neglect of duty, to be specified in the order of suspension. In case of suspension of any officer, the
108 mayor shall submit a written report of the same to the council at its next regular meeting, or any
109 meeting called for that purpose, specifically designating the charge against the officer and reasons for
110 dismissal, and in case of suspension by the mayor, he shall have power to appoint some other person in
111 his place to hold such office and perform the duties thereof until the next regular meeting of the
112 council.

113 L. Every ordinance passed by the council for the violation of which a penalty is imposed shall be
114 published in such a way as the council may order, so as to give general publicity thereto, and no order
115 may become effective until so published, either by handbills posted in at least two public places, or in a
116 newspaper published and having general circulation in the town, except in the case of an emergency, in
117 which instance the ordinance shall so state and shall become effective immediately upon its passage. If
118 published by handbill, a certification of the posting thereof shall be made by the clerk or sergeant as to
119 the time and place where the ordinance is recorded; provided, however, that after the expiration of six
120 months from date of the passage of any ordinance, its publication shall not be questioned, or its validity

affected by any failure to publish the same.

M. The council may, in addition to a town manager, appoint a town sergeant, a clerk and a treasurer. Such officers shall qualify and give bond, if any be required, in such amount as council may deem proper. Such officers shall perform those duties as council, from time to time, may prescribe by ordinance not inconsistent with the Constitution and general laws of this Commonwealth. The clerk of the council and the treasurer may be one and the same person in the discretion of the council.

N. The council may add penalties and interest, in an amount not to exceed that provided for, if any, by State law, for failure of any person or firm or corporation to pay taxes or licenses at the time provided for by ordinances of the council, and there shall be a lien for all taxes assessed which may be enforced as provided by general law of the Commonwealth.

O. The council shall issue no bonds or certificates of debt, except in anticipation of current revenue, until it shall have first submitted to the qualified voters of the town by a court ordered election on the question of whether or not such bonds shall be issued and a majority of the qualified voters voting at any election held for such purpose shall have voted for such issue. Such election shall be held as provided for by general laws of this Commonwealth including, specifically, § 24.1-165. A copy of the court order shall be published at least five days before the election in some newspaper published in the town or having general circulation therein. The publisher of the newspaper shall certify to the publication thereof, which certification shall be recorded in the minute book of the town.

P. The council may provide for a sinking fund for the purpose of paying off as it matures, any indebtedness of the town and may make an additional levy therefor, such sinking fund to be set aside and invested as provided for hereinafter.

When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount of any additional sum, if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate.

All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not, within a reasonable time, be required for payment of any bond of the town, or cannot be used to advantage in purchase and redemption of any bond of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal, State or U. S. government bonds or obligations, or invested in any security approved by the general laws of the Commonwealth of Virginia for investment of such funds. Such sinking funds may be used in the payment or redemption of all bonds of the town, at the discretion of the council.

The town council shall act as the sinking fund commission or committee and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and may require any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond or other security.

Q. The council may provide for charging and collecting fees for permits to use public facilities and for public services and privileges. The town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar services to citizens within the corporate limits.

R. The council may establish, regulate and control a department or division of fire.

S. The council may establish, regulate and control a department or division of police.

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