

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 633

An Act to amend and reenact §§ 2.1 and 11, § 13, as amended, and § 15 of Chapter 477 of the Acts of Assembly of 1954, which provided a charter for the Town of Middletown, in Frederick County, relating to elections; council.

[H 1243]

Approved April 5, 2012

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1 and 11, § 13, as amended, and § 15 of Chapter 477 of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 2.1. Election of mayor and council members.

Six residents and qualified voters of the town of Middletown shall be elected as ~~councilmen~~ *council members* of the town ~~on the first Tuesday in May, 1972. In this election, three councilmen shall be elected to terms of two years' duration and three councilmen to Successors to the three members of the present council whose terms expire in 2014 shall be elected on the first Tuesday following the first Monday in November of 2014 for terms of four years' duration, and every four years thereafter; the three councilmen council members receiving the greatest number of votes in said the election to fill the four-year terms. Thereafter, as their terms expire, three councilmen shall be elected each two years for terms of four years each; such elections to be held on the first Tuesday in May, 1974 and each two years thereafter. The successors to the three members of the present council whose terms expire in 2012 shall be elected on the first Tuesday following the first Monday in November 2012 and every four years thereafter; the three council members receiving the greatest number of votes in the election to fill the four-year terms.~~ On the first Tuesday ~~in May, 1972 following the first Monday in November 2012,~~ and every four years thereafter, there shall be elected one qualified voter of the town ~~who shall be denominated~~ *as mayor*. The mayor and ~~councilmen~~ *council members* shall constitute the town council and be the governing body of the town of Middletown. 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 qualified. Every person elected as ~~councilman~~ *council member* shall take an oath ~~administered by the clerk of the Frederick County Circuit Court that they shall faithfully to execute the duties of his the office to the best of his their judgment and ability.~~ The person elected as mayor shall take the oath prescribed by law for ~~State~~ *state* officers.

§ 11. The council shall appoint at its first regular meeting ~~in September~~ 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 reports and ordinances as are required to be published and shall perform such other duties as the council may require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

§ 13. The council shall appoint at its first *regular* meeting ~~in September~~ after its election, or as soon as practicable thereafter, a treasurer who shall hold office for a term of two years. The council may 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. 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 appointed by a certified public accountant, such examination and audit to be reported to the council.

§ 15. The council ~~may~~ *shall* appoint at its first regular meeting ~~in September~~ or as soon as practicable thereafter, a town sergeant, who shall also be chief of police and have all the powers vested in town sergeants by general law. He 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.

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