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HOUSE BILL NO. 847

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact §§ 3.4, 4.1, and 4.5 of Chapter 110 of the Acts of Assembly of 1978, which provided a charter for the Town of Coeburn in Wise County, and to amend Chapter 110 of the Acts of Assembly of 1978 by adding a section numbered 3.5.1, relating to the appointment of certain town officers.

Patrons—Johnson (By Request); Senator: Puckett

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.4, 4.1, and 4.5 of Chapter 110 of the Acts of Assembly of 1978 are amended and reenacted and that Chapter 110 of the Acts of Assembly of 1978 is amended by adding a section numbered 3.5.1 as follows:

§ 3.4. Powers of council.—The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of Virginia and shall have the powers in their discretion to appoint a vice-mayor, town manager, clerk, treasurer, *and* town attorney, ~~and a chief of police~~, who shall have such duties and shall serve at the pleasure of the council and shall be paid such compensation as the council may determine.

Chapter 3.5.

Appointive Officers.

§ 3.5.1. *Appointments.*—The town council shall appoint the following officers:

A. *Town Manager.*—A town manager 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 council.

With the approval of Town Council, the town manager shall appoint for indefinite terms the heads of all departments except as provided in subsections B, C, and D, and shall have authority to remove any officer or employee appointed by the town manager, with the approval of Town Council.

Not later than May 1 annually, or earlier at the request of the council, the town manager shall prepare and submit to the council a budget presenting a financial plan for the ensuing fiscal year.

B. *Town Clerk.*—A town clerk whose duties shall be to record the minutes of the town council meetings, serve as the official record keeper for the town, and such other duties as council may designate.

C. *Town Attorney.*—A town attorney who shall be an attorney-at-law licensed under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by the council.

D. *Other Officers.*—The council may appoint any other officers that the council deems necessary and proper who may serve at the pleasure of the council. The council may fill any vacancy in any office appointed by it.

§ 4.1. Eminent domain.—The powers of eminent domain as set forth in Title ~~45.4~~ 15.2 and Title 25.1 of the Code of Virginia, as amended, are hereby conferred upon the town of Coeburn.

§ 4.5. Office of town sergeant not to be created.—In accordance with the provisions of ~~§ 15.1-796~~ § 15.2-1701 of the Code of Virginia, there shall not be created in the town the office of town sergeant.