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SENATE BILL NO. 149

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 5 and §§ 8 and 9, as amended, of Chapters 406 and 521 of the Acts of Assembly of 1999, which provided a charter for the Town of Bluefield in Tazewell County, relating to elections; mayor.

Patron—Puckett

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 5 and §§ 8 and 9, as amended, of Chapters 406 and 521 of the Acts of Assembly of 1999 are amended and reenacted as follows:

§ 5. Composition of council and vacancies.

The council shall consist of five members and a mayor. The five council members, who shall be voted for at large, shall have terms of office of four years. At the ~~May~~ *November* election, ~~1982~~ *2012*, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who will serve for terms of four years from ~~July 1, 1982~~ *January 1, 2013*, and thereafter until their successors have been elected and qualified. At the ~~May~~ *November* election, ~~1984~~ *2014*, and every four years thereafter, two council members shall be elected, being the two candidates who receive the largest number of votes, individually, at such election, who shall serve for terms of four years from ~~July 1, 1984~~ *January 1, 2015*, and thereafter until their successors have been elected and qualified.

The mayor and members of council the terms of whom would have expired on June 30, 2012, shall continue to serve until December 31, 2012, unless their term of office is otherwise terminated. The members of council the terms of whom would have expired on June 30, 2014, shall continue to serve until December 31, 2014, unless their term of office is otherwise terminated.

All elections for members of council shall be held at the time and in the manner provided for by general law.

Vacancies in the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining *mayor and the* council members.

§ 8. Council; organization.

A. At a time designated by the council on the first day of ~~July~~ *January, or at some other times as designated by council,* following a regular municipal election, or if such a day be a Sunday, then on the day following, the council shall meet at the usual place for holding the meetings of the legislative board of the town, at which time the newly elected council members and the mayor, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet not less than once each month. The mayor, any member of the council, or the town manager may call special meetings of the council, at any time at least twelve hours after written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. Notice of any meeting of council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.

B. All meetings of the council shall be public, and any citizens may have access to the minutes and records thereof at all reasonable times; however, by majority vote of the council, it may convene an executive session to consider such matters as may be the appropriate subject of an executive session as provided by the Code of Virginia.

C. The council shall appoint a town manager and a town clerk. During the organizational meeting, the council shall appoint one of the members of council as vice-mayor to act in the absence or disability of the mayor. The vice-mayor shall be appointed by a majority vote of all members of council *and the mayor* and shall serve for a period of two years until the next organizational meeting of council.

D. The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedures, may punish its own members for misconduct and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees. All

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elections by council shall be viva voce and the vote recorded in the journal of the council.

E. Council shall fix the compensation of the members of the council, the mayor, and all other officers the compensation of whom is not otherwise provided for herein.

§ 9. Council; mayor generally.

A. At the ~~May~~ *November* election, 2012, and every four years thereafter, the candidate for mayor who receives the largest number of votes at such election shall be elected and shall serve for a term of four years from ~~July 1, 2012~~ *January 1, 2013*, and thereafter until a successor has been elected and qualified.

B. The mayor shall preside at meetings of the council and perform such other duties consistent with the office as may be imposed by the council and shall have a vote ~~only for the purpose of breaking a tie among the council members~~ and voice in the proceedings, but no veto. The mayor shall be the official head of the town; however, he shall have no jurisdiction or authority to hear, determine or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the town manager, may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. During the mayor's absence or disability, except as above provided, the mayor's duties shall be performed by the vice-mayor. The mayor shall authenticate by his signature such instruments as the council, this charter, or the laws of the Commonwealth shall require.

C. A vacancy on the office of mayor or vice-mayor shall be filled, within thirty days for the unexpired term, by a majority vote of the council *and mayor*.