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HOUSE BILL NO. 1452

Offered January 9, 2013

Prefiled December 27, 2012

A BILL to amend and reenact § 4, as amended, of Chapter 377 of the Acts of Assembly of 1946, which provided a charter for the Town of Chase City in Mecklenburg County, relating to salaries.

Patrons—Wright; Senator: Ruff

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 4, as amended, of Chapter 377 of the Acts of Assembly of 1946 is amended and reenacted as follows:

§ 4. Administration and Government.

(1) The present mayor and councilmen of the town of Chase City shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. The present mayor and councilmen whose terms expire in 1975 shall continue in office until their successors are elected and qualify in 1976, and the councilmen whose terms expire in 1977 shall continue in office until their successors are elected and qualify in 1978.

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

(3) On the first Tuesday in May, 1976, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and three other electors, who shall be denominated councilmen. The elector elected as mayor shall serve for a term of two years, and the three other electors at such election shall serve for a term of four years. On the first Tuesday in May, 1978, there shall be elected by the qualified voters of the town an elector who shall be denominated mayor and three other electors, who shall be denominated councilmen. Such electors shall serve a term of four years, except for the mayor who shall serve a term of two years. Thereafter each two years, there shall be elected by the qualified voters of the town from the electors, a mayor to serve for a term of two years and three electors to serve for a term of four years, denominated as councilmen. They shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute the duties of his office and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provision 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 is hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) There shall be appointed for the town a registrar and officers of elections in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(5) The council shall be the judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one 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 fill such vacancy.

(6) A majority of the members of the council shall constitute a quorum for the transaction of business.

(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 \$200 per annum. 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 \$1,800 per annum; and such salary shall be in lieu of any fees he is entitled to enter up as part of the costs and receive in the trial of cases for violation of the ordinances of the town as hereinafter provided for.

(8) The mayor shall preside at the meetings of the council and perform such other duties as are

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59 prescribed by this charter and by general law, and such as may be imposed by the council consistent
60 with his office. The mayor shall have no right to vote in the council except in case of a tie he shall
61 have the right to break the same by his vote; but he shall have no right of veto. He shall take care and
62 see that the bylaws, ordinances, acts, and resolutions of the council are faithfully executed and obeyed,
63 and shall have and exercise all power and authority conferred by general law on mayors of towns not
64 inconsistent with this charter. He shall be ex officio a conservator of the peace within the town and
65 within one mile of its corporate limits; and shall have jurisdiction to issue process for arrest of persons
66 charged with violation of town ordinances; and to grant bail to persons charged with ordinance
67 violations; and to issue summons for witnesses in pending cases for such violations; such processes;
68 bonds, and summons to be returnable to the court authorized to try such cases hereunder. The mayor
69 shall authenticate, by his signature, such documents as the laws, or this charter, require. The council is
70 expressly authorized to elect a municipal judge for the town, who, upon such election, and execution of
71 oath to faithfully discharge the duties of his office, shall have jurisdiction to issue process for, and to try
72 all cases for the violation of town ordinances; and to impose such punishment, or fines as may be
73 prescribed for violation of the same; to issue executions for fines and costs, so imposed; to commit such
74 party to jail upon default in the payment of fine and costs, but not in excess of twelve (12) months in
75 any case. He may release persons confined by him, or convicted in his court, for ordinance violations;
76 upon taking appeals to the Circuit Court of Mecklenburg County, and upon giving sufficient bail, to be
77 fixed by him, or he may, for cause appearing, order the release of any person sentenced to jail, when
78 less than full sentence has been served. The council is hereby authorized, in its discretion, and by its
79 resolution, to unite with Mecklenburg County in the operation of the Mecklenburg County court and to
80 employ the judge of the county court of said county, as provided by law, to preside over its municipal
81 court; and to try all cases arising under the laws pertaining to towns, as authorized by law, or under the
82 ordinances of the town. If and when the judge of the county court be so employed to try town cases
83 hereunder, then all such trials shall be held in the town, and the judge shall have jurisdiction and
84 authority in all matters and proceedings as is authorized herein for a municipal judge, but all fines and
85 costs collected by the judge shall accrue to the town. The mayor shall not be eligible to election as
86 municipal judge during his term of office.

87 ~~(9)~~ (8) The council shall, as soon as practicable after qualification, appoint one of its members as
88 vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and
89 be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy
90 for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the
91 council or is elected.

92 ~~(10)~~ (9) The council shall, by ordinance, fix the time for their regular meetings, which shall be held
93 at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any
94 two members of the council in writing; and no other business shall be transacted at a special meeting
95 except that stated in the call, unless all members be present and consent to the transaction of such other
96 business. The meetings of the council shall be open to the public except when in the judgment of the
97 council the public welfare shall require executive meetings.

98 ~~(11)~~ (10) The council shall keep a minute book, in which the clerk shall note the proceedings of the
99 council, and shall record proceedings at large on the minute book and keep the same properly indexed.

100 ~~(12)~~ (11) The council may adopt rules for regulating its proceedings, but no tax shall be levied,
101 corporate debt contracted, or appropriation of money exceeding the sum of \$300 be made, except by a
102 recorded affirmative vote of a majority of all the members elected to the council.

103 ~~(13)~~ (12) There shall be appointed by the council at its first regular meeting in July after the
104 election of councilmen, or as soon as practicable thereafter, a treasurer, who shall hold office for a term
105 of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety
106 and in such penalty as the council prescribes. He shall receive all money belonging to the town, and
107 keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall
108 be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall
109 disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

110 ~~(14)~~ (13) The treasurer shall make such reports and at such time as the council may prescribe. The
111 books and accounts of the treasurer shall be examined and audited at least once a year by a competent
112 accountant selected by the council, such examination and audit to be reported to the council.

113 ~~(15)~~ (14) The council may in its discretion designate the place of deposit of all town funds, which
114 shall be kept by the treasurer separate and apart from his personal funds.

115 ~~(16)~~ (15) There shall be appointed by the council, at its first regular meeting in July after its
116 election of councilmen or as soon as possible or as practical thereafter, a clerk of the council, who shall
117 hold office for a term of two years. He shall attend the meetings of the council and keep its minutes and
118 records and have charge of the corporate seal. He shall keep all papers required to be kept by the
119 council, shall publish such reports and ordinances as are required to be published, and shall perform
120 such other duties as the council may from time to time require. His compensation shall be fixed by the

121 council. Any vacancy in this office shall be filled by the council.

122 ~~(17)~~ *(16)* There shall be appointed by the council at its first regular meeting in July after the
123 election of councilmen or as soon as practicable thereafter, a town sergeant, who shall also be chief of
124 police, and shall hold office for two years. His duties shall be such as the council prescribes. He shall
125 be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

126 ~~(18)~~ *(17)* The council may appoint or elect such other officers as may be necessary, including a
127 business manager for the town, and fix their salaries and define their duties.

128 ~~(19)~~ *(18)* The council may appoint a justice of the peace for the town, who shall be clothed with all
129 the powers and authority of other justices of the peace within his territorial jurisdiction. The term of
130 office of such justice of the peace shall not be for a term beyond that of the mayor in office at the time
131 of his appointment.