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SENATE BILL NO. 122

Offered January 13, 2016

Prefiled December 28, 2015

A BILL to amend and reenact § 2, as amended, of Chapter 91 of the Acts of Assembly of 1948, which provided a charter for the Town of Damascus in Washington County, relating to time of elections.

Patron—Carrico

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 2, as amended, of Chapter 91 of the Acts of Assembly of 1948 is amended and reenacted as follows:

§ 2. Town officials.

(1) The officers of said town shall be a mayor, six councilmen, clerk, treasurer, chief of police, assessor and such other officers as the council may deem necessary and proper. The mayor shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1990, and every two years thereafter, in the manner prescribed by law, for a term of two years beginning on July 1 next following his election, and shall serve until his successor shall have been elected and qualified.

However, beginning with the election to be held in 2016, the mayor shall be elected at the time of the November general election with a term of two years beginning on January 1 next following his election. The mayor in office who was elected at the May general election and whose term is to expire as of June 30 shall continue in office until his successor has been elected at the November general election and has been qualified to serve.

In the year 1990, six councilmen shall be elected 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 the full four-year term. Those three elected members receiving the fewest number of votes shall serve until the year 1992.

Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1992 for four-year terms. Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1994 for four-year terms; thereafter all councilmen shall be elected every four years, 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.

However, beginning with the election to be held in 2016, the councilmen shall be elected at the time of the November general election with a term of four years beginning on January 1 next following their election. The councilmen in office who were elected at the May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

Each officer of said town shall take the oath prescribed by State law, and execute the required bond, prior to entry upon his duties. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of the members. Vacancies in the office of mayor and on the council shall be filled for the unexpired term by a majority vote of the remaining members. The present mayor and council shall continue in office until the expiration of the terms for which they were respectively elected.

(2) The council shall appoint a clerk, a treasurer and such other officers as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council, and shall qualify for their respective offices as required by law, and shall furnish such bonds as may be required by the council. The same person may hold two or more of these offices at the discretion of the council.

The officers as appointed by the council shall perform such services, and receive such compensation, as the council may provide.

(3) The council shall appoint a chief of police who shall qualify and give bond in such amount as the council may require. The chief of police shall be vested with the power of a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town, and to a distance of one mile beyond, as was formerly had and performed by constables. He shall perform such other duties, and receive such compensation as the council may provide. The council may appoint such other persons as policemen and assistants of the chief of police, and pay them such compensation as the council may think necessary and proper. Any reference to the town sergeant in any ordinance of the Town of Damascus heretofore adopted shall be deemed a reference to the chief of

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police.

(4) The mayor shall preside at all meetings of the council and perform such other duties as may be prescribed by this charter, and by the general laws, and such as may be imposed by the council consistent with his office. He shall be entitled to vote upon measures pending before the council only in event all the other members are present and voting and are equally divided for and against such measure. He shall see that peace and order are preserved, and that persons and property within the town are protected. He shall perform such other services and functions as may be necessary or proper, and shall receive such compensation as may be provided by the council. In event of the mayor's absence, or disability to act, his duties shall be performed by the president of the town council, who shall be selected by the council for that purpose.

(5) Repealed.

(6) The administration and government of the Town of Damascus shall be vested in the town council, with the mayor as the executive and tie-breaker as herein provided, all of whom shall be residents and qualified voters of the town. The council shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all legal laws and ordinances relating to its municipal affairs. Each member of the council may receive a salary, or per diem allowance, for his services as such member, the amount thereof to be fixed by the council. The council may create, appoint, or elect such boards, bodies, departments, or officers as may be permitted or required by this charter or the general laws of the Commonwealth of Virginia, and fix their compensation and define their duties.

(7) The council shall have one regular meeting each month, the time for such meeting being fixed by ordinance. Special meetings shall be called by the clerk of the council upon the request of the mayor or any four councilmen. The reasonable notice of such special meetings shall be given to each member of the council and the mayor. No business shall be transacted at a special meeting except that for which the special meeting is called, unless the council be all present and unanimous. A majority of said councilmen shall constitute a quorum for the legal transaction of its business.