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**SENATE BILL NO. 1319**

Offered January 11, 2017

Prefiled January 10, 2017

*A BILL to amend and reenact § 2, as amended, of Chapter 18 of the Acts of Assembly of 1946, which provided a charter for the Town of Wytheville, relating to vacancies in office.*

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Patron—Carrico (By Request)

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Referred to Committee on Local Government**Be it enacted by the General Assembly of Virginia:**

**1. That § 2, as amended, of Chapter 18 of the Acts of Assembly of 1946 is amended and reenacted as follows:**

§ 2. The government of the Town of Wytheville shall be vested in one body to be known as the council of the Town of Wytheville, which body shall consist of five members, one of whom shall also be mayor, to be elected at large and all of whom shall be residents and qualified voters of the town. The council shall be elected, in the manner provided by law, as follows:

At the regular municipal election to be held on the first Tuesday in May, 1976, and every four years thereafter, two councilmen shall be elected each for a term of four years beginning on the first day of July next following their election. At the regular municipal election to be held on the first Tuesday in May, 1978, and every four years thereafter, two councilmen shall be elected each for a term of four years and one additional councilman shall be individually elected to serve for a term of four years as both councilman and mayor of the Town of Wytheville, the term of each of the three beginning on the first day of July next following their election. Each councilman shall serve until his successor shall have been elected and qualified.

Vacancies in the office of mayor or on council shall be filled by majority vote of the remaining members, and the person so elected shall serve the remainder of the unexpired term; ~~or, if the vacancy is subsequently filled for the unexpired term by popular election as hereafter provided, until his successor is elected and has qualified. Notwithstanding any contrary provision of general law, if a vacancy occurs in the office of mayor during the first two years of the term, and more than 120 days prior to the next regular municipal election, a successor shall be elected for the unexpired term at the next regular municipal election and the council shall petition the circuit court for a writ of election for that purpose. If a vacancy occurs in the office of councilman under the same circumstances, then three rather than two members of council shall be elected at the next regular municipal election and the council shall petition the circuit court to so order the election. Those three persons receiving the largest number of votes shall be elected. Of those three, the person receiving the least number of votes shall be elected to serve the unexpired term of the vacancy.~~

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 its members. The council shall, by ordinance, fix the time for their regular meetings. Special meetings shall be called by the clerk of the council upon request of the mayor or any three councilmen; reasonable notice of each special meeting shall be given each member of the council; no business shall be transacted at a special meeting except that for which the special meeting is called, except by a majority vote of all of the members of the council. The council itself shall elect one of its members as vice-mayor, who shall perform the duties and functions of the mayor when the mayor is absent or otherwise unable to perform. In addition to their other duties, the mayor, vice-mayor, town manager and all members of the council shall be ex officio conservators of the peace within the town and within one mile of the corporate limits thereof. The mayor shall preside over the council.

INTRODUCED

SB1319