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**HOUSE BILL NO. 123**

Offered January 10, 2018

Prefiled December 18, 2017

*A BILL to amend and reenact §§ 3.2, 3.3, as amended, 3.4, 4.3, 4.4, 4.6, 4.7, 4.8, and 5.3 of Chapter 29 of the Acts of Assembly of 1992, which provided a charter for the Town of Buchanan, relating to elections; town council members; employees of town.*

Patron—Austin

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2, 3.3, as amended, 3.4, 4.3, 4.4, 4.6, 4.7, 4.8, and 5.3 of Chapter 29 of the Acts of Assembly of 1992 are amended and reenacted as follows:**

§ 3.2. Town council: composition, terms of office.

Each member of council shall be an elector of the municipality.

The council of the Town of Buchanan shall be elected from the town at large. ~~Councilmen~~ Council members shall serve for terms of two years.

§ 3.3. Election of council: term of office, mayor and vice-mayor.

On the first Tuesday in May, 1992, and every two years thereafter, there shall be elected by the qualified voters of the town, six electors who shall be denominated council members. In addition thereto, the qualified voters shall elect an additional elector who shall be denominated mayor. They shall enter upon the duties of their offices on the first day of July next succeeding their election. Notwithstanding the provisions of this paragraph, effective January 1, 2017, the number of council members shall be four.

However, ~~beginning~~ in 2016 and every two years thereafter 2018, the mayor and four council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election. The mayor and council members who were elected in May, 2014, and whose terms would expire on June 30, 2016, shall continue in office until their successors have been duly elected and have qualified to serve.

*In 2018, the two council members elected at the time of the November general election with the lowest total vote counts shall serve a term of one year to commence on January 1, 2018 and expire on December 31, 2019. Beginning in 2019 and every two years thereafter, two council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election. Beginning in 2020 and every two years thereafter, the mayor and two council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election.*

Council shall elect from their numbers one who shall be denominated vice-mayor, who shall serve in the absence of the mayor.

§ 3.4. Duties of mayor.

The mayor shall preside at all meetings of the council, and shall be a regular member of council. The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate by his *or her* signature such documents and instruments as the council, Constitution, or general laws require. The mayor shall be the chief executive officer of the town, unless and until a manager is appointed as hereafter provided.

§ 4.3. Town manager.

There may be a town manager who shall be the executive officer of the town responsible to the town council for the proper administration of the town government. The town manager shall be appointed by council for an indefinite term. At the time of appointment, he *or she* need not be a resident of the town or of the Commonwealth, but during his *or her* tenure of office he *or she* shall reside within the town limits.

§ 4.4. Duties.

The town manager shall:

1. Attend all meetings of town council with the right to speak but not to vote.

2. Advise town council of the financial condition and future needs of the town and of all matters pertaining to its proper administration and to make such recommendations as may seem to him *or her* requisite and proper.

3. Prepare and submit to town council the annual budget and be responsible for the administration of

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59 the budget as adopted.

60 4. Prepare in suitable form and submit to town council each year a comprehensive report of the  
61 financial transactions and administrative activities of the town government during the immediately  
62 preceding fiscal year.

63 5. Arrange for an annual audit by a certified public accountant previously approved by the town  
64 council.

65 6. Perform such other duties as may be prescribed by the general laws of the Commonwealth,  
66 required of him *or her* by town council or otherwise provided for by this charter.

67 7. Have the right to attend and participate, but not vote, in the proceedings of all boards,  
68 commissions or agencies created by this charter or by ordinance or by resolution of the town council.

69 § 4.6. Acting town manager.

70 The town council shall designate by ordinance a person to act as town manager in the case of  
71 absence, incapacity, death or resignation of the town manager until his *or her* return to duty or the  
72 appointment of his *or her* successor.

73 § 4.7. Town clerk.

74 The town clerk *shall be an employee of the town and* shall be clerk of the town council and shall be  
75 responsible for maintaining the journal of its proceedings and recording all ordinances and resolutions in  
76 the book or books kept for that purpose. The town clerk shall be custodian of the town corporate seal  
77 and shall be the officer authorized to use and authenticate it. The town clerk shall perform such other  
78 duties and keep such other records as town council *and the town manager* may require or the general  
79 laws of the Commonwealth may require. All records of the office of town clerk shall be public records  
80 and open to inspection at all times during regular business hours.

81 § 4.8. Town treasurer.

82 ~~Town council~~ *The town manager* shall appoint a municipal treasurer, who shall *be an employee of*  
83 *the town. The town treasurer shall* give such bond as may be prescribed by town council and perform  
84 such duties as may be prescribed by ~~the town council~~ *the town manager* or prescribed by the general laws of this  
85 Commonwealth.

86 § 5.3. Rates for services.

87 The town shall have the power and right to charge a different rate for any utility service rendered or  
88 convenience furnished ~~without~~ *outside* the corporate limits from the rates charged for similar services  
89 ~~within~~ *inside* the corporate limits.