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SENATE BILL NO. 1691

Offered January 14, 2019

A BILL to amend and reenact § 1.02, § 3.01, as amended, §§ 3.02, 3.03, 3.04, 3.06, 4.03, 6.02, 6.04, and § 10.03, as amended, of Chapter 99 of the Acts of Assembly of 1994, which provided a charter for the Town of Dumfries in Prince William County, and to amend Chapter 99 of the Acts of Assembly of 1994 by adding in Article I a section numbered 1.03 and by adding in Article IV sections numbered 4.04, 4.05, and 4.06, relating to boundaries, form of government, town council, mayor, town powers, town officers, budget, and taxation.

Patron—Surovell

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 1.02, § 3.01, as amended, §§ 3.02, 3.03, 3.04, 3.06, 4.03, 6.02, 6.04, and § 10.03, as amended, of Chapter 99 of the Acts of Assembly of 1994 are amended and reenacted and that Chapter 99 of the Acts of Assembly of 1994 is amended by adding in Article I a section numbered 1.03 and by adding in Article IV sections numbered 4.04, 4.05, and 4.06 as follows:

§ 1.02. Boundaries.

The present boundaries of the Town of Dumfries are as set out in a decree entered in Prince William County Circuit Court Law Case No. 2285, styled "In the Matter of the Annexation of Part of the Territory Known as Dumfries [now known as Potomac] Magisterial District to the Town of Dumfries," on the 30th day of December, 1966. Future boundaries shall be the same unless changed in accordance with law.

§ 1.03. Form of government.

The municipal government provided by the charter shall be known as the "council-manager government" pursuant to its provisions and subject only to the limitations imposed by the Constitution of Virginia and by its charter. All powers of the town shall be vested in an elective council hereinafter referred to as the council, which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall serve at the will of council and shall execute the laws and administer the government of the town. All powers of the town shall be exercised in the manner prescribed by this charter or, if the manner be not prescribed, then in such manner as may be prescribed by the ordinances of the town and laws of the Commonwealth.

§ 3.01. Election, qualification, and term of office.

(a) The Town of Dumfries shall be governed by a town council elected at large and composed of a mayor and six other members, all of whom shall be qualified voters of the town, at least 18 years of age, and residents of the Town of Dumfries residing within the corporate limits of the Town. Candidates for town offices shall not be identified on the ballot by political affiliation. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506 of the Code of Virginia (1950), as amended.

(b) No person shall be a candidate simultaneously for the office of mayor and council member. No council member shall be eligible for qualification or election to the office of mayor unless (i) the council member's term of office will expire on December 31 of the year of the election for mayor or (ii) if the council member's term of office will expire after December 31 of the year of the election for mayor, the council member submits his written resignation to the council at least 120 days before the day of the election for mayor, in which case such resignation shall become effective on December 31 of the year of the election for mayor.

(c) On the first Tuesday in May 1994 after the first Monday in November 2022, and every four years thereafter, there shall be elected by the qualified voters of the town a mayor and three council members from the town at large. On the first Tuesday in May 1996 after the first Monday in November 2020, and every four years thereafter, there shall be elected three council members from the town at large.

(e) (d) The persons elected shall take office on July January 1 succeeding their election and remain in office until their successors have qualified and taken office.

§ 3.02. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of the Commonwealth of Virginia, and shall have the power in their discretion to appoint a town manager and, a town attorney, a town clerk, and a town treasurer. The person so appointed shall have such duties and shall serve for such terms and at such compensation as the council may determine. One person may be appointed to more than one office.

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59 § 3.03. Mayor.

60 The mayor shall preside at meetings of the council and shall be recognized as head of the town
61 government for ceremonial purposes and by the governor for the purposes of military law. ~~He~~ *The*
62 *mayor shall have the:*

63 (a) *The same powers and duties as other members of the council with a vote, but no;*

64 (b) *No veto powers; and*

65 (c) *The power to authenticate his or her signature to such documents and instruments as the council,*
66 *Constitution, or general law permits or requires.*

67 § 3.04. Vice mayor.

68 At its first meeting in July of every even-numbered year the council shall select from its membership
69 one member to serve as a vice mayor. The vice mayor shall preside over meetings of council in the
70 absence of the mayor. *If the mayor cannot perform the duties of his or her office, the vice mayor shall*
71 *perform the duties and be vested with all powers, authority, and jurisdiction of mayor, and in the event*
72 *of a vacancy for any reason in the office of mayor, he or she shall act as mayor until a mayor is duly*
73 *appointed in accordance with provisions of this charter and the Code of Virginia.*

74 § 3.06. Procedure.

75 (a) No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting
76 there are present as large a number of members as were present when such vote was taken.

77 (b) The council shall have the power, subject to the provisions of this charter, to adopt its own rules
78 of procedure, which rules shall be for the convenience of the council only. Such rules shall provide for
79 the time and place of holding regular meetings of the council which shall be at least once each month.
80 They shall also provide for the calling of special meetings by the mayor or any two members of the
81 council and shall prescribe the methods of giving notice thereof. A majority of the council shall
82 constitute a quorum for the transaction of business. The mayor shall count as a member of council for
83 purposes of the quorum. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix
84 the time and place of adjournment and other motions of a purely procedural nature, shall be adopted by
85 the council except at a meeting open to the public.

86 (c) *If any member of the said council shall be absent from three consecutive meetings of the council,*
87 *his or her seat may be deemed vacant by resolution of the council and thereupon his or her term shall*
88 *be filled according to the provisions of § 3.05.*

89 (d) *If any member of said council is convicted of a felony during his or her term of office, his or her*
90 *seat may be deemed vacant by resolution of the council and thereupon his or her unexpired term shall*
91 *be filled according to the provisions of § 3.05.*

92 § 4.03. Town attorney.

93 An attorney shall be appointed by and serve at the pleasure of the council. The appointed attorney
94 shall be qualified to practice law in the Commonwealth of Virginia, shall serve as chief legal advisor to
95 the council and town manager, and shall also serve as legal advisor to the town administration.

96 § 4.04. Town clerk.

97 *The town clerk shall be appointed each year by the council and serve at the pleasure of the council.*
98 *The town clerk shall attend the meetings of the council and shall keep permanent records of its*
99 *proceedings; shall be custodian of the town seal and shall affix it to all documents and instruments*
100 *requiring the seal and shall attest the same; shall keep all papers, codes, documents, and records*
101 *pertaining to the town the custody of which is not otherwise provided for in this charter; shall give*
102 *notice to all parties presenting petitions or communications to the council of the final action of the*
103 *council on such communications or petitions; shall give to the proper department or officials ample*
104 *notice of the expiration or termination of any franchise, contracts, or agreements; shall publish such*
105 *reports and ordinances as the council is required to publish and such other records and ordinances as*
106 *it may direct; shall upon final passage transmit to the proper departments or officials copies of all*
107 *ordinances or resolutions of the council relating in any way to such departments or to the duties of such*
108 *officials; and shall perform such other acts and duties as the council and town manager may, from time*
109 *to time, allow or require. The town clerk shall report directly to the town manager.*

110 § 4.05. Town treasurer.

111 *The town treasurer shall be appointed each year by the council and serve at the pleasure of the*
112 *council. The town treasurer shall be required to take an oath of office and shall furnish a bond with*
113 *corporate surety in the manner and amount as may be required by town council, conditioned upon the*
114 *faithful and true performance of all the duties placed upon the town treasurer by this charter, and*
115 *perform such duties as may be prescribed by town council and as are prescribed by general law. The*
116 *town treasurer shall have the following powers and shall be charged with the following duties and*
117 *functions: The town treasurer shall be charged with receiving and paying out of all moneys of the town.*
118 *The town treasurer shall hold such moneys and/or place the same in such depositories as the council*
119 *may by resolution direct, and shall pay out such moneys under such conditions and in such manner as*
120 *town council may by resolution direct. The town treasurer shall keep the moneys of the town in the*

name of the town. The town treasurer shall keep books showing accurately all receipts and disbursements and separate records for the several funds or accounts of the town as may be prescribed by town council from time to time. The books of the town treasurer shall be open at all reasonable times for inspection as required by law. The town treasurer is specifically charged with the preparation and delivery of all bills for tax levies and license taxes due the town and the prompt collection of such taxes. Should any tax or taxes become delinquent, the town treasurer shall promptly proceed to collect the same in such manner as prescribed by ordinance or law. The town treasurer shall immediately deliver all such moneys, records, and other property in his or her possession to his or her duly appointed or elected successor, and the bonds as herein provided shall remain in full force and effect until such moneys, records, and property have been so transferred and accounted for. The town treasurer may perform such other duties as may be required by town council. The town treasurer shall report directly to the town manager.

§ 4.06. Chief of police.

There shall be selected by the council a chief of police who shall be recommended by the town manager and qualify as the council may require. He or she shall be vested with powers of a conservator of the peace, shall have the same powers and discharge the same duties as a constable within the corporate limits of the town and to a distance of three hundred yards beyond the same, and shall perform such other duties as may be from time to time prescribed by the council. The chief of police shall report directly to the town manager.

§ 6.02. Submission of budget and budget message.

On or before the ~~fifteenth~~ first day of April of each year, a budget for the ensuing fiscal year and an accompanying message shall be submitted to the council.

§ 6.04. Budget.

(a) The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the council may require. The budget shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levies, user fees, assessments, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year.

(b) The total of proposed expenditures shall not exceed the total of estimated available funds.

(c) The budget each year will have a midyear review held in February.

§ 10.03. Citation of act.

This act may for all purposes be referred to or cited as the Charter for the Town of Dumfries, Virginia, of ~~2003~~ 2018.