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HOUSE BILL NO. 171

Offered January 8, 2020

Prefiled December 26, 2019

A BILL to amend and reenact §§ 5, 8 and 9, as amended, and 10 of Chapters 406 and 521 of the Acts of Assembly of 1999, which provided a charter for the Town of Bluefield in the County of Tazewell, relating to town council, mayor, and town powers.

Patron—Morefield

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 5, 8 and 9, as amended, and 10 of Chapters 406 and 521 of the Acts of Assembly of 1999 are amended and reenacted as follows:

§ 5. Composition of council and vacancies.

The council shall consist of ~~five~~ *six* members and a mayor. The ~~five~~ *six* council members, who shall be voted for at large, shall have terms of office of four years. At the November election, ~~2012~~ *2020*, and every four years thereafter, ~~two~~ *three* council members shall be elected, being the ~~two~~ *three* candidates who receive the largest number of votes, individually, at such election, who will serve for terms of four years from January 1, ~~2013~~ *2021*, and thereafter until their successors have been elected and qualified. At the November election, ~~2014~~ *2022*, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who shall serve for terms of four years from January 1, ~~2015~~ *2023*, and thereafter until their successors have been elected and qualified.

~~The mayor and members of council the terms of whom would have expired on June 30, 2012, shall continue to serve until December 31, 2012, unless their term of office is otherwise terminated. The members of council the terms of whom would have expired on June 30, 2014, shall continue to serve until December 31, 2014, unless their term of office is otherwise terminated.~~

All elections for members of *the* council shall be held at the time and in the manner provided for by general law.

Vacancies ~~in~~ *on* the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining ~~mayor and the~~ council members.

§ 8. Council; organization.

A. At a time designated by the council on the first day of January, or at some other times as designated by *the* council, following a regular municipal election, or if such a day be a Sunday, then on the day following, the council shall meet at the usual place for holding the meetings of the legislative board of the town, at which time the newly elected council members and the mayor, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet not less than once each month. The mayor, any ~~member of the~~ council *member*, or the town manager may call special meetings of the council, at any time at least twelve hours after written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. Notice of any meeting of *the* council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.

B. All meetings of the council shall be public, and any citizens may have access to the minutes and records thereof at all reasonable times; however, by majority vote of the council, it may convene an executive session to consider such matters as may be the appropriate subject of an executive session as provided by the Code of Virginia.

C. The council shall appoint a town manager and a town clerk. During the organizational meeting, the council shall appoint one of the members of *the* council as vice-mayor to act in the absence or disability of the mayor. The vice-mayor shall be appointed by a majority vote of all ~~members of~~ *the* council ~~and the mayor~~ *members* and shall serve for a period of two years until the next organizational meeting of *the* council.

D. The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedures, may punish its own members for misconduct and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business,

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but a smaller number may adjourn from time to time, and may compel the attendance of absentees. All elections *and appointments* by *the* council shall be ~~viva voce and the vote~~ recorded in the journal of the council.

E. ~~Council~~ *The council* shall fix the compensation ~~of the members of the council~~ *for its members*, the mayor, and all other officers the compensation of whom is not otherwise provided for herein.

§ 9. Council; mayor generally.

A. At the November election, ~~2012~~ *2020*, and every four years thereafter, the candidate for mayor who receives the largest number of votes at such election shall be elected and shall serve for a term of four years from January 1, ~~2013~~ *2021*, and thereafter until a successor has been elected and qualified.

B. The mayor shall preside at meetings of the council ~~and~~, *shall* perform such other duties consistent with the office as may be imposed by the council ~~and~~, shall have a ~~vote and~~ voice in the proceedings, ~~but~~ *shall vote only in the case of a tie, and shall have* no veto *power*. The mayor shall be the official head of the town; however, he shall have no jurisdiction or authority to hear, determine or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the town manager, may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. During the mayor's absence or disability, except as above provided, the mayor's duties shall be performed by the vice-mayor. The mayor shall authenticate by his signature such instruments as the council, this charter, or the laws of the Commonwealth shall require.

C. A vacancy ~~on~~ *in* the office of mayor or vice-mayor shall be filled, within thirty days for the unexpired term, by a majority vote of the ~~council and mayor~~ *remaining council members*.

§ 10. Ordinances and resolutions.

A. ~~Except in dealing with parliamentary procedure, the council shall act only~~ *In addition to the ability to act by motion, the council may act* by ordinance or resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject.

B. Each proposed ordinance or resolution shall be introduced in a written or printed form, and the enacting clause of all ordinances passed by the council shall be, substantially: "Be it ordained by the council of the Town of Bluefield, Virginia."

C. No ordinance, resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it is an emergency measure, shall be passed until it has been read at two meetings not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; however, the requirement of a second reading by the affirmative vote of a majority of the members of the council may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. The ayes and nays shall be taken and recorded upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. Except as otherwise provided ~~in~~ *by* this charter, ~~an affirmative~~ *the Constitution of Virginia, or the Code of Virginia, a majority* vote of ~~a majority of the~~ *council* members ~~elected to the council~~ shall be necessary to adopt any ordinance or resolution.

D. An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety, or providing for the daily operation of a municipal department. The emergency shall be stated in every such measure. Ordinances appropriating money may be passed as emergency measures; however, no measure selling or conveying any real estate; making a grant, renewal, or extension of a franchise or other special privilege; or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

E. Every ordinance or resolution having the effect of an ordinance when passed shall be recorded and indexed by the town clerk in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the town clerk.

F. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the town clerk, or from any volume of ordinances printed by authority of the council.