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SENATE BILL NO. 281

Senate Amendments in [] - January 29, 2020

A *BILL to amend and reenact §§ 3.1, 3.4, 3.5, 3.9, 5.1, 5.4, 5.6, 5.8, 5.9, 5.10, and 5.11 of Chapter 243 of the Acts of Assembly of 1998, which provided a charter for the Town of Scottsville in the County of Albemarle, and to amend Chapter 243 of the Acts of Assembly of 1998 by adding sections numbered 5.12 and 5.13, relating to town council and other town officers.*

Patron Prior to Engrossment—Senator Deeds

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, 3.4, 3.5, 3.9, 5.1, 5.4, 5.6, 5.8, 5.9, 5.10, and 5.11 of Chapter 243 of the Acts of Assembly of 1998 are amended and reenacted and that Chapter 243 of the Acts of Assembly of 1998 is amended by adding sections numbered 5.12 and 5.13 as follows:

§ 3.1. Governing body.

There shall be a mayor who shall be an elector of said town, and who, together with the six members of the council, shall constitute the governing body of the town. He *or she* shall be elected by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every ~~two~~ four years thereafter, and shall enter upon the duties of his *or her* office on the first day of July next succeeding his *or her* election, and shall continue in office until his *or her* successor is elected and qualified.

There shall be six members of the council, all of whom shall be electors of said town, who, together with the mayor, shall constitute the governing body of said town, and they shall be elected *to serve staggered four-year terms* by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every two years thereafter. All members of the council shall enter upon the duties of that office on the first day of July next succeeding their election, and shall continue in office until their successors are elected and qualified.

However, in 2020, the mayor and the three town council candidates receiving the greatest number of votes shall be elected for terms of four years, and the three town council candidates receiving the next greatest number of votes shall be elected for terms of two years. Beginning in 2020 and every four years thereafter, three council members shall be elected at the time of the May general election, with terms to commence on July 1 following the election. Beginning in 2022 and every four years thereafter, the mayor and three council members shall be elected at the time of the May election, with terms to commence on July 1 following the election.

§ 3.4. Mayor chief executive.

The mayor shall be the chief executive officer of the town, and may receive a salary to be fixed by the council. He *or she* shall see that the ordinances and bylaws of the town are fully executed and enforced.

§ 3.5. Powers of mayor.

The mayor shall preside over the deliberations of the council, but shall have no vote except in case of a tie. The mayor shall have the power to appoint and swear in special policemen for any occasion when in his *or her* judgment it is expedient for the peace and good government of the territory under the criminal jurisdiction of said town, and at such compensation as may be fixed by the council. In case of a vacancy in the office of town sergeant, the mayor shall have power and authority to fill same by temporary appointment until the council shall meet and appoint a town sergeant, such temporary appointment by the mayor to be at such compensation as may be fixed by the council.

§ 3.9. Appointment of ~~council president~~ vice-mayor.

The council shall appoint one of its members ~~president~~ *vice-mayor* who shall, in the absence or inability of the mayor, preside over the meetings of the council. In the absence or the inability of the mayor, the ~~president of the council~~ *vice-mayor* shall have the powers of, and perform the duties of the mayor.

§ 5.1. Town sergeant; police officers.

The council shall appoint a town sergeant who shall be the chief police officer of the town, and who shall hold office at the pleasure of the council. ~~His with such salary as shall be fixed by the council. The council may appoint an additional police officer, or officers, for the town whenever deemed necessary or expedient who shall hold office at the pleasure of the council, and receive such compensation as the council shall fix. Any~~ The town sergeant, or other police officer, may at any time be removed from office by a majority of votes of the council.

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59 The town sergeant shall perform such other duties as the council may direct. He *or she* shall be
60 vested with all the powers ~~which~~ *that* the general laws of the Commonwealth confer upon constables
61 and police officers.

62 The council may require the town sergeant to execute before the mayor bond, with surety to be
63 approved by him *or her* in the amount to be approved by the council, conditioned for the faithful
64 performance of ~~his~~ *the* duties ~~as~~ *of* town sergeant.

65 § 5.4. Duties of treasurer.

66 The treasurer shall receive all money belonging to the town, and shall perform such other duties as
67 are, or may be, prescribed by the council. He *or she* shall keep his *or her* books and accounts in such
68 manner as the council may prescribe, and such books and accounts shall always be subject to the
69 inspection of the mayor and council.

70 § 5.6. Deposit of town moneys.

71 The treasurer shall be required to keep all moneys in his *or her* hands belonging to the town in such
72 place, or places, of deposit as the town council by ordinance may provide or direct.

73 § 5.8. Report of treasurer.

74 The treasurer shall report to the town council, or a committee thereof, as often as required a full and
75 detailed account of all receipts and expenditures during the month, and the state of the treasury. He *or*
76 *she* shall also keep a record of all warrants, or orders, their dates, amount, number and the person to
77 whom paid, specifying also the time of payment; and such warrants, or orders, shall be examined at the
78 time of making such report to the council by the auditing committee thereof who shall examine and
79 compare the same with the books of the treasurer and report discrepancies, if any, to the council.

80 § 5.9. Town clerk.

81 The council shall appoint a town clerk, who shall hold office at the pleasure of the council, and who
82 shall receive such compensation as may be fixed by the council and may hold other appointive office or
83 not.

84 The town clerk shall have the custody of the corporate seal, and he *or she* shall keep all the papers
85 that by the provisions, or the direction of the council, are required to be filed with, or kept by him *or*
86 *her*; and he *or she* shall perform such other acts and duties as the council may require. He *or she* shall
87 receive such compensation as may be allowed by the council.

88 § 5.10. Appointment; duties of clerk of the council.

89 The council shall appoint a clerk, to be known as the clerk of the council, who may *either* be ~~either~~
90 a member of the council or hold other appointive office or not.

91 The clerk of the council shall attend the meetings of the council and keep the record of its
92 proceedings and he *or she* shall perform such other acts and duties as the council may require. He *or*
93 *she* shall receive such compensation as may be allowed by the council.

94 § 5.11. Appointment of town attorney.

95 The council shall designate from time to time or annually in its discretion, a discreet and competent
96 attorney at law, licensed to practice his *or her* profession in all the courts of the Commonwealth, and
97 shall fix his *or her* compensation.

98 The town attorney shall advise the mayor and council and the town officers on any official matter
99 presented to him *or her*, and shall prosecute the violation of all town ordinances, upon authorization
100 from the council.

101 § 5.12. Town administrator.

102 *The council shall appoint a town administrator, who shall be the executive officer of the town and*
103 *shall be responsible to the town council and mayor for the proper administration of the town*
104 *government. It shall be the duties of the town administrator to:*

105 *(a) Attend all meetings of the town council, with the right to speak when recognized but not to vote;*

106 *(b) Keep the mayor and town council advised of the financial condition, with advice from the town*
107 *treasurer, and the future needs of the town and all matters pertaining to its proper administration, and*
108 *make such recommendations as may seem desirable with the assistance of other Charter officers to the*
109 *mayor and town council;*

110 *(c) With the mayor, prepare and submit, with the assistance of the town treasurer and other town*
111 *officers, the annual budget of the town and be responsible for its administration after its adoption;*

112 *(d) Submit adequate reports as required by the town council and mayor; and*

113 *(e) Perform such other duties as may be prescribed by this Charter, or required in accordance*
114 *therewith by the mayor and town council, or which may be required by the chief executive officer of a*
115 *town by the general laws of the Commonwealth.*

116 *All employees of the town, except those appointed by the town council pursuant to this Charter or*
117 *the general laws of the Commonwealth, shall be appointed and may be removed by the town*
118 *administrator, who shall report each appointment or removal to the mayor and town council*
119 *immediately. The town council shall designate a person to act as town administrator in case of the*
120 *absence, incapacity, death, or resignation of the town administrator, until his or her return to duty or*

121 *appointment of a successor. Until such time as the town council appoints any such town administrator,*
122 *the duties and powers outlined herein shall be given to the mayor or such other person as may be*
123 *designated by the town council. The removal of such town administrator shall be by majority vote of the*
124 *town council.*

125 *§ 5.13. Appointment of one person to more than one office.*

126 *The town council may appoint the same person to more than one appointive office, at the discretion*
127 *of the town council, subject to limitations set forth in the Constitution of Virginia and Title 15.2*
128 *(§ 15.2-100 et seq.) of the Code of Virginia, as amended from time to time.*

129 **[2. That an emergency exists and this act is in force from its passage.]**

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