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HOUSE BILL NO. 1783

Offered January 13, 2021

Prefiled December 31, 2020

A BILL to provide a new charter for the Town of Glasgow in Rockbridge County and to repeal Chapter 486, as amended, of the Acts of Assembly of 1892, which provided a charter for the Town of Glasgow.

Patron—Campbell, R.R.

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER
FOR THE
TOWN OF GLASGOW.

Article 1.
Incorporation and Boundaries.

§ 1.1. Incorporation.

All of the territory in Rockbridge County contained within the following limits, namely:

Beginning at the confluence of North and James rivers, thence up the north bank of James river at low-water mark to a point opposite the extension of the western line of Thirteenth street; thence with the western line of said street to its intersection with the northern line of Rockbridge road; thence with the northern line of Rockbridge road to its intersection with the eastern line of the fifty acres reservation of Mistress E. G. Johns; thence with said line of Mistress Johns' fifty acres tract to its intersection with the northern boundary line of the right of way of the Norfolk and Western railway; thence with said line of said railway to its intersection with the western line of Blue Ridge road; thence with said line of Blue Ridge road to its intersection with the northern line of Shawnee street; thence with the northern line of Shawnee street extended to its intersection with North river at low-water mark; thence along the west bank of North river at low-water mark to the beginning (which boundaries and those parts of North and James rivers and said streets, places and roads are laid off and described in the plat or map of the subdivision of the lands of the Rockbridge company into lots, recorded in the clerk's office of the county court of Rockbridge county, in deed-book number fifty-eight, at pages one and two), as enlarged and modified by the metes and bounds described in a certain order of annexation signed November 16, 1959, and of record in the Circuit Court of the County of Rockbridge, shall constitute the town of Glasgow, and the forty-fourth and forty-sixth chapters of the Code of Virginia, edition of 1887, as far as consistent with this act, shall be applicable to said town; and the council of said town may from time to time enlarge the boundaries of said town in accordance with general law.

Article 2.
Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers that are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers that, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive but in addition to this general grant.

§ 2.2. Construction.

The powers that are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town.

§ 2.3. Adoption of certain sections of the Code of Virginia.

The powers set forth in Chapter 11 (§ 15.2-1100 et seq.) and Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 of the Code of Virginia (1950), and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town.

§ 2.4. Acquisition of property; eminent domain.

The town is hereby empowered to acquire by condemnation, gift, lease, purchase, or bequest property, real or personal, or any interest or estate therein, either within or without its corporate limits, in accordance with general law, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as the council deems expedient.

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The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth.

Article 3.

The Council.

§ 3.1. Definitions.

As used in this charter, unless the context requires a different meaning:

"Employee" means any person employed by the town other than an official.

"Officer" includes council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, the town attorney, and the town treasurer.

"Official" means an administrative department head.

§ 3.2. General powers and duties of the council.

The government of the town shall be vested in the council, which shall have the power to enact and enforce ordinances and resolutions to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the town and for ensuring the implementation thereof by the town manager and town administration.

§ 3.3. Composition and qualifications.

The council shall be composed of a mayor, who shall be elected from the town at large, and six council members to be elected from the town at large. The mayor shall be a member of the council. The council members shall be qualified voters of the town.

§ 3.4. Election and term of office.

The government of the said town shall be vested in a mayor and a council of six members besides the mayor (who shall serve as an ex officio member of the council and preside at all meetings thereof) who shall be residents of said town and shall be elected in accordance with the provisions of general law for terms of two years by those qualified to vote for members of the General Assembly and who shall have been residents within the boundaries of the corporation for three months next preceding the election, and by no other person. The council may by ordinance establish a system of staggered terms for election of council members. The mayor and council members shall remain in office until their successors are elected and qualified in their stead, but no longer.

§ 3.5. Voters of the town.

The voters of the town shall be the actual residents of the town who are qualified to vote for members of the General Assembly.

§ 3.6. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution.

§ 3.7. Mayor and vice-mayor.

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall give no vote in the council except in case of a tie, when he shall give the casting vote.

At the first meeting of the council in January of each even-numbered year, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor.

§ 3.8. Absence or disability of mayor and vice-mayor.

If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside during the meeting until the council elects an acting mayor. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section.

§ 3.9. Prohibitions.

Except as otherwise authorized by law, a member of the council shall not be eligible as such member during his tenure of office, or for one year thereafter, to receive any compensated town employment. If appointed by the council to a board or commission, a member of the council may be compensated as a member of the board or commission.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative official or employee whom the town manager or any of his subordinates are empowered to appoint or prevent the town manager from exercising his own judgment in the appointment of officials or employees in the town's administrative service.

Except for the purpose of discussions, inquiries, and official investigations, the council and its members shall deal with and communicate with the town's administrative service, officials, and

employees who are subject to the direction and supervision of the town manager solely through the town manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately.

§ 3.10. Vacancies.

The office of a council member shall become vacant upon his death, resignation, or removal from office in a manner authorized by law. Vacancies in the office of the council or mayor position shall be filled in accordance with general law.

§ 3.11. Town clerk and town treasurer.

The council shall appoint a town clerk who shall serve at the pleasure of the council. The town clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents, and records pertaining to the town, keep and attest the town seal, and perform such duties as are assigned to the town clerk by this charter or by the council.

The council shall appoint a town treasurer who shall serve at the pleasure of the council and shall perform such duties as are assigned to the treasurer by the council. The town clerk and the town treasurer may, at the council's option, be the same person.

§ 3.12. Independent audit.

The council shall provide for an independent annual audit of all the town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers.

§ 3.13. Procedure.

The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members upon no less than twenty-four hours' notice to each member, except in cases of an emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting that has not been stated in the notice unless all members of the council are present and give their unanimous consent to the consideration of such business.

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

The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The council may elect to install electronic equipment in its Council Chambers so as to provide for an electronic roll call and voting. Each member shall cast either an aye vote or a nay vote, except in those situations in which a member must abstain from voting due to a conflict of interest. Four members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

§ 3.14. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council as town attorney. Such attorney shall be qualified to practice law in the Commonwealth of Virginia. The town attorney shall serve as chief legal advisor to the council and to the town administration. The town attorney does not need to be a resident of the town at the time of his appointment or while in office.

§ 3.15. Committees, boards, and commissions.

The council may create committees, boards, and commissions to be composed of such numbers of citizens, or persons, as the council may deem expedient and as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and assign the powers and duties of such committees, boards, and commissions consistent with the general law.

All members of committees, boards, and commissions appointed by the town council may be removed by the council unless otherwise provided by the general law.

The mayor shall serve as an ex officio member of each committee but shall not have voting powers on committees unless granted by the council.

§ 3.16. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, subject to the limitations of Article VII, Section 6 of the Constitution of Virginia.

Article 4.

The Town Manager.

§ 4.1. Appointment, qualifications, and compensation.

The town council may appoint a town manager to serve as the chief administrative officer of the town, fix his salary, and delegate to him such administrative duties, powers, and responsibilities as it believes to be in the best interest of the town. During his tenure of office, the town manager shall reside within the County of Rockbridge, but he may reside outside of the town while in office only with the

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prior approval of the council. The town manager shall serve at the pleasure of the town council.

§ 4.2. Powers and duties of the town manager.

The town manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this charter. The town manager shall have the following powers and duties. The town manager shall:

1. Appoint and, when deemed necessary for the good of the service, suspend or remove any town employee or appointive administrative official provided for, by, or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative official who is subject to the town manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office, or agency.

2. Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by other law.

3. Attend all council meetings and shall have the right to take part in discussion but may not vote.

4. See that all laws, provisions of this charter, and acts of the council, subject to enforcement by the town manager or by officials subject to the town manager's direction and supervision, are faithfully executed.

5. Prepare and submit the annual budget and capital program to the council and shall be responsible for the execution of the budget.

6. Examine regularly the books and papers of every official and department of the town and report to the council the condition in which he finds them.

7. Make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the town manager's direction and supervision.

8. Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the town manager deems desirable.

9. Perform such other duties as are specified in this charter or may be prescribed by the council.

§ 4.3. Temporary transfer of personnel between departments and removal of personnel.

The town manager shall have the power, whenever the interests of the town require, to assign employees of any department, bureau, office, or agency under his supervision to the temporary performance of duties in another department, bureau, office, or agency.

§ 4.4. Relations with boards, commissions, and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions, or agencies created by this charter or by ordinance and any other board or commission the town council may designate. Nothing herein shall prevent the council from appointing the town manager as a voting member of any board, commission, or agency for which he otherwise would be eligible for membership.

§ 4.5. Acting town manager.

The town council may designate a person to act as acting town manager in case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor.

§ 4.6. Removal.

The council may remove the town manager at any time at the pleasure of the council. The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

Article 5.

Administrative Departments.

§ 5.1. Creation of departments.

The council may establish all departments, offices, and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth.

§ 5.2. Direction by town manager.

All departments, offices, and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the town manager.

Article 6.

Financial Procedures.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June.

§ 6.2. Submission of budget and budget message.

On or before the first day of May of each year, the town manager shall submit to the council a

budget for the ensuing fiscal year and an accompanying message.

§ 6.3. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall explain the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position, and include such other material as the town manager deems desirable.

§ 6.4. Budget.

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 town manager deems desirable or the council may require. In organizing the budget, the town manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levies, 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. The budget shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures;

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

3. Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; the town manager shall include in the budget subsidiary budgets for each such utility giving detailed income and expenditure information and proposed utility rates.

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

§ 6.5. Council action on budget.

Pursuant to the provisions of general law, the council shall publish a brief synopsis of the budget in one or more newspapers having general circulation in the town and the time and place of a public hearing on the budget.

After the public hearing, the council may adopt the budget with or without any amendment to increase, decrease, or change expenditures, revenues, programs, tax levies, or any other amendment that the council deems necessary. In amending the budget, the council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to any amount greater than the total of estimated available funds.

The council shall, by ordinance or resolution, adopt the budget before the first day of the fiscal year for which it is adopted, and said ordinance or resolution shall appropriate the amounts specified in the budget as expenditures from the funds indicated in the budget.

§ 6.6. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

§ 6.7. Amendments after adoption.

The council may amend the budget during the fiscal year pursuant to the provisions of general law by the adoption of an ordinance or resolution.

To meet a public emergency affecting life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations may be made by ordinance or resolution. To the extent that there are no available unappropriated funds to meet such appropriations, the council may, with the adoption of such ordinances or resolutions, authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

If at any time during the fiscal year it appears probable to the town manager that the funds available will be insufficient to meet the amount appropriated, then the town manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance or resolution reduce one or more appropriations.

§ 6.8. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the

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fiscal year to the extent that it has not been expended or encumbered by the town manager. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

§ 6.9. Debts and bonds.

The town council shall be empowered to borrow such sum or sums of money as may be necessary or convenient, subject to such limitations that are now or may be imposed by the Constitution and the laws of the Commonwealth of Virginia. The town council shall be empowered to issue revenue bonds as may be necessary or convenient in the manner prescribed by law.

Article 7.

General Provisions.

§ 7.1. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth.

§ 7.2. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any provision to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby.

§ 7.3. Oaths of office and official bonds.

All elected officers of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the Clerk of the Circuit Court of Rockbridge County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides, in which event general law shall prevail.

§ 7.4. Books, records, et cetera.

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth, or the Glasgow Town Code as responsible for the keeping of such books, records, and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this charter. Any person failing to deliver such books, records, documents, and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried.

§ 7.5. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law.

Article 8.

Transitional Provisions.

§ 8.1. Ordinances.

All ordinances, resolutions, orders, and regulations of the town not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders, and regulations that are in force when this charter becomes effective and that are inconsistent with this charter are repealed.

§ 8.2. Continuity of terms of officers.

The officers of the town who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified.

§ 8.3. Citation of act.

This act may for all purposes be referred to or cited as the charter for the Town of Glasgow, Virginia, of the year 2021.

2. That Chapter 486, as amended, of the Acts of Assembly of 1892 is repealed.