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INTRODUCED

HB1539

**HOUSE BILL NO. 1539**

Offered January 11, 2023

Prefiled January 5, 2023

**4 A BILL to provide a new charter for the Town of Farmville in Prince Edward County and to repeal  
5 Chapter 315 of the Acts of Assembly of 1956, as amended, which provided a charter for the Town of  
6 Farmville.**

7 Patrons—Edmunds and Wright

8 Referred to Committee on Counties, Cities and Towns

9  
10 **Be it enacted by the General Assembly of Virginia:**11  
12 1.*CHARTER**FOR THE**TOWN OF FARMVILLE.*13  
14 *Chapter 1. Incorporation, Boundaries, and Powers Generally.*15  
16 *§ 1. Incorporation.*

*17 The inhabitants of the territory comprised within the present corporate limits of the Town of  
18 Farmville, Virginia, as the same now are or may hereafter be established by law, are hereby declared  
19 to be a body politic and corporate under the name of Town of Farmville, and as such shall have  
20 perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate  
21 seal that it may alter, renew, or amend at its pleasure.*

22  
23 *§ 2. Corporate boundaries.*

*24 The boundaries of the town shall remain as now established unless changed in accordance with  
25 applicable law.*

26  
27 *§ 3. Powers.*

*28 The powers set forth in Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia as in force on the date  
29 that this act takes effect, and all acts amendatory thereof, and all other powers that are now or may be  
30 conferred upon or delegated to towns under the Constitution and laws of the Commonwealth and all  
31 other powers pertinent to the conduct of a town government the exercise of which is not expressly  
32 prohibited by said Constitution and laws and which, in the opinion of the town council are necessary  
33 and desirable to promote the general welfare of the town and the safety, health, peace, good order,  
34 comfort, convenience, and morals of its inhabitants, are fully and completely conferred upon the Town  
35 of Farmville as though such powers specifically were enumerated in this Charter, and no enumeration  
36 of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to  
37 this general grant of powers.*

*38 In addition to the powers granted by other sections of this Charter, the town shall have the power to  
39 raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money  
40 as the council shall deem necessary to pay the debts and defray the expenses of the town, in such  
41 manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general  
42 grant of power the town shall have power to levy and collect ad valorem taxes on real estate and  
43 tangible personal property and machinery and tools; to levy and collect taxes for admission to or other  
44 charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the  
45 town, which taxes may be added to and collected with the price of such admission or other charge; to  
46 levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail  
47 sales and use taxes as provided by law, and capitation taxes; unless prohibited by general law, to  
48 require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a  
49 license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations,  
50 and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to  
51 require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other  
52 public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets,  
53 alleys, and other public places in the town without such license, said town to have the power to require  
54 as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle  
55 license applicant of adequate proof of the payment of all personal property taxes then due and payable  
56 to the town by the license applicant.*

*57 In addition to the other powers conferred by law, the Town of Farmville shall have the power to  
58 impose, levy, and collect, in such manner as its council may deem expedient, a consumer or subscriber  
tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility*

59 service within the town or upon the amount paid for any one or more of such public utility services, and  
60 may provide that such tax shall be added to and collected with bills rendered consumers and  
61 subscribers for such services.

62 Chapter 2. Administration and Government.

63 Article 1. Mayor and Town Council.

64 § 4. Powers enumerated.

65 All powers of the Town of Farmville as a body politic and corporate shall be vested in the town  
66 council. The council shall be the policy-determining body of the town and shall be vested with all of the  
67 rights and powers conferred by state law on councils in towns, not inconsistent with this Charter. In  
68 addition to the foregoing, the council shall have the following powers:

69 (1) To have full power to inquire into the official conduct of any office or officer under its control  
70 and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these  
71 purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and  
72 other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he  
73 shall be deemed guilty of a misdemeanor.

74 (2) To fix a schedule of compensation for all town officers and employees. The council may define  
75 certain classes of town employees whose salaries shall be set by the town manager.

76 (3) To prescribe the amount and condition of surety bonds to be required of such officers and  
77 employees of the town as the council may designate.

78 The town manager, the clerk of the council, and the town attorney shall serve at the pleasure and  
79 will of the town council. Where the selection and tenure in office of officers and employees are  
80 otherwise specified in this Charter, the Constitution of Virginia, or state statute, those provisions shall  
81 govern.

82 § 5. Election, term, and filling of vacancies.

83 The council and the mayor shall be elected in the manner provided by law as follows:

84 The terms of the three members of the council who were elected in May 2020, shall expire on  
85 December 31, 2024. At the regular municipal election to be held on the first Tuesday in November 2024  
86 and every four years thereafter three councilmen shall be elected for a term of four years each. The  
87 term of the mayor and the four members of the council who were elected at the regular municipal  
88 election in November 2022 shall expire on December 31, 2026. Terms of office shall begin on the first  
89 day of January next following their election. Each council member and the mayor elected as  
90 hereinabove provided shall serve for the term stated or until their successor has been elected and  
91 qualified.

92 The council shall have five members elected from wards and two members elected at large. The  
93 three members elected in November 2024 and thereafter shall be one from ward D, one from ward E,  
94 and one at large. The four members elected in November 2026 and thereafter shall be one from ward A,  
95 one from ward B, one from ward C, and one at large. The mayor shall be elected at large. Any vacancy  
96 in the office of any council member elected from a ward must be filled by a qualified voter actually  
97 residing in the ward in which the vacancy shall have occurred. Each member of the council may receive  
98 a salary to be fixed by the council, payable at such times and in such manner as the council may direct.  
99 The mayor may receive a salary to be fixed by the council, payable in such manner and at such times  
100 as the council may direct.

101 § 6. Oath of office.

102 The mayor and other municipal officers of the town, before entering upon the duties of their  
103 respective offices, shall be sworn in according to the laws of the Commonwealth by any one authorized  
104 to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the  
105 council.

106 The failure of any person elected or appointed to an office under this Charter to qualify within thirty  
107 days after the commencement of the term for which he was elected or appointed, or if elected or  
108 appointed to fill a vacancy, for thirty days after such election or appointment, shall vacate his office.

109 § 7. Duties of mayor generally.

110 The mayor shall preside over the meetings of the council, shall have the same right to speak therein  
111 as other members of the council. The mayor shall not have a vote as other members of the council  
112 unless there is a tie but shall have power to veto. The mayor's veto can be overridden by a two-thirds  
113 vote of the elected members of the council. The mayor shall have authority to appoint such committees  
114 of the council as deemed necessary and expedient in the proper administration of the town government.

115 The mayor shall be recognized as the head of town government for all ceremonial purposes, the  
116 purpose of military law, and the service of civil process. The mayor shall authenticate, by the mayor's  
117 signature, such instruments as the council, this Charter, or the laws of the Commonwealth may require.

118 § 8. Selection and duties of vice mayor.

119 At the first meeting of each new and succeeding council elected hereunder, the council shall elect  
120 from its membership one of its members to serve as vice mayor. The vice mayor shall preside over

121 meetings of the council in the absence of the mayor and may vote on all matters. The vice mayor shall  
122 not have a veto power.

123 Article 2. Council Procedures.

124 § 9. Meetings generally.

125 The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to  
126 adopt such rules as it may deem proper for the regulation of its proceedings. All appropriations of  
127 money shall be by roll call vote and the vote shall be recorded in the minutes of the council.

128 § 10. Quorum.

129 The mayor and four council members, or in the absence of the mayor, five council members, shall  
130 constitute a quorum for the transaction of business.

131 § 11. Special meetings.

132 The mayor or any three members of the council may call special meetings of the council after a  
133 written notice to each member of the council, with the purpose of the meeting stated therein, served  
134 personally on each member of the council and the mayor, or left at his usual place of business or  
135 residence if he be not found with due diligence, or such meeting may be held at any time, without any  
136 service of notice, provided all members of the council attend. No business other than that mentioned in  
137 the call shall be considered at such meeting unless all members of the council are present.

138 § 12. Clerk of the council.

139 The council shall appoint a clerk of the council to serve at the pleasure of the council. The clerk  
140 shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for  
141 the purpose. The clerk shall be the custodian of the corporate seal of the town and shall be the officer  
142 authorized to use and authenticate it. The clerk shall receive such compensation as may be determined  
143 by the council.

144 Article 3. Enactments.

145 § 13. Ordinances and resolutions.

146 Except as otherwise provided in this Charter, state law, or the Constitution of Virginia, an  
147 affirmative vote of a majority of the members of the council present shall be necessary to adopt any  
148 ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting.

149 Article 4. Town Manager.

150 § 14. Appointment of town manager; term of office.

151 There shall be a town manager who shall be responsible to the council for the proper administration  
152 of the town government. He shall be appointed for an indefinite period and shall hold office at the  
153 pleasure of the council. At the time of his appointment he need not be a resident of the town or the  
154 Commonwealth, but during his tenure of office he shall reside within the town unless such requirement  
155 is waived by the council.

156 § 15. Duties of town manager.

157 The town manager shall have the following duties:

158 (1) To see that all laws and ordinances of the town are enforced.

159 (2) To exercise supervision and control over all administrative departments and divisions, unless  
160 otherwise provided by resolution or ordinance of the council.

161 (3) To attend all regular meetings of the council with the right to take part in the discussion but  
162 having no vote.

163 (4) To recommend to the council for adoption such measures as he may deem necessary or  
164 desirable.

165 (5) To execute all contracts on behalf of the town.

166 (6) To prepare and submit to the council the annual budget.

167 (7) To keep the council advised as to the present and future needs of the town and as to all  
168 operations of its government.

169 (8) To perform all such duties as may be prescribed by this Charter or be required of him by the  
170 council.

171 § 16. Absence or disability.

172 During the absence or disability of the town manager or in case of a vacancy, the council shall  
173 designate some properly qualified person to perform the duties of the office during such absence,  
174 disability, or vacancy.

175 § 17. Council-town manager relationship.

176 Except for the purpose of conducting administrative inquiries and hearings by the council or a  
177 committee thereof, the mayor and members of the council shall deal with the administrative service  
178 solely through the town manager, and neither the council nor any member thereof shall give orders to  
179 any subordinates of the town manager, either publicly or privately.

180 § 18. Council members and mayor not to succeed to office of town manager.

181 No council member, or the mayor, shall be appointed as town manager during the term for which he

182 has been elected nor within one year after the expiration of his term.

183 Article 5. Financial Administration.

184 § 19. Fiscal year.

185 The fiscal year of the town shall be from July 1 through June 30 inclusive.

186 § 20. Submission and adoption of budget; hearings and tax levy.

187 No later than the first day of May annually the town manager shall prepare and submit to the  
188 council a budget presenting the financial plan for conducting the affairs of the town for the ensuing  
189 fiscal year. Such budget shall be set up in the manner provided by law and shall include such  
190 information as the council, by ordinance or resolution, may require.

191 Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance  
192 with general laws of the Commonwealth.

193 The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted  
194 prior to the first day of the fiscal year for which they were made or adopted.

195 § 21. Borrowing powers.

196 The council may, in the name of and for the use of the town, incur indebtedness by issuing its bonds  
197 or notes for the purposes, in the manner and to the extent provided for in this Charter and by the  
198 general laws of Virginia.

199 § 22. Purpose for which bonds or notes may be issued; manner of issuance.

200 Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as  
201 hereinafter provided may be issued for any purpose for which towns are authorized to issue bonds by  
202 the Constitution or general laws of the Commonwealth.

203 Notes in anticipation of collection of revenue may be issued when authorized by the council at any  
204 time during the fiscal year. Bonds and notes of the town may be issued in any manner provided by  
205 general law.

206 § 23. Audits generally.

207 At the close of each fiscal year the council shall cause to be made an independent audit of the  
208 accounts, books, records, and financial transactions of the town by the auditor of public accounts of the  
209 Commonwealth or by a firm of independent certified public accountants to be selected by the council.  
210 The report of such audit shall be filed within such time as the council shall specify, and one copy  
211 thereof shall be available for public inspection in the office of the clerk of the council at any time  
212 during regular business hours. Upon the death, resignation, or termination of employment of any town  
213 officer or employee, council may order an audit of the accounts, books, records, and financial  
214 transactions of that office.

215 Article 6. Town Attorney.

216 § 24. Town attorney appointment; qualifications.

217 There shall be a town attorney appointed by the council, and he shall hold office at the pleasure of  
218 the council and shall receive such compensation as council may determine. He shall be an attorney at  
219 law licensed to practice under the laws of the Commonwealth. The town attorney shall be the chief legal  
220 adviser of the council, the town manager, and all departments, boards, commissions, and agencies of the  
221 town in all matters affecting the interest of the town. He shall represent the town in all civil  
222 proceedings, except in cases where other counsel is appointed. It shall be his duty to perform all  
223 services as may be required by the laws of the Commonwealth, this Charter, or by ordinance.

224 Chapter 3. General Provisions.

225 § 25. Contractual relationships.

226 The town may enter into contractual relationships with the Commonwealth; the Commonwealth's  
227 departments, bureaus, boards, and agencies; neighboring political subdivisions; or private agencies for  
228 the performance of all or any part of the functions or purposes of the town, on such terms and for such  
229 periods as the council may determine to be in the public interest, where such contractual relationships  
230 are not specifically prohibited by the Constitution and general laws of the Commonwealth.

231 § 26. Applicability of state law; conflicts with jurisdiction of State Corporation Commission.

232 If there is omitted from this Charter any provision essential to the valid sale or granting, renewing,  
233 extending, or amending of any franchise, privilege, lease, or right of any kind to use any public  
234 property in the town, the provisions of the general law with reference to this subject shall supply such  
235 omissions, provided that nothing contained in this Charter shall affect any franchise heretofore granted  
236 or any contract heretofore made with a public utility corporation, nor shall anything contained in this  
237 Charter be construed to conflict with the jurisdiction of the State Corporation Commission.

238 § 27. Severability; short title.

239 If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any  
240 court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the  
241 remainder of said Charter, but shall be confined in its operations to the clause, sentence, paragraph, or  
242 part thereof directly involved in the controversy in which such judgment shall have been rendered.

243 This act may for all purposes be referred to or cited as the Town of Farmville Charter of 2023 and

**244** shall be effective on July 1, 2023.

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