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HOUSE BILL NO. 62

House Amendments in [] — January 31, 1996

A BILL to provide a charter for the Town of South Boston in Halifax County and to repeal Chapter 219, as amended, of the Acts of Assembly of 1960, which provided a charter for the City of South Boston.

Patrons—Bennett; Senator: Lucas

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER OF THE TOWN OF SOUTH BOSTON

§ 1. Incorporation; name; perpetual succession; corporate seal.

The inhabitants of the territory embraced within the present limits of the Town of South Boston, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue to be a body politic and corporate to be known and designated as the Town of South Boston; and as such, and by that name, shall have perpetual succession, with the power to sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

§ 2. Boundaries.

The boundaries of the Town of South Boston shall be as shown on a plat thereof made in December, 1963, and recorded November 23, 1964, in Plat Book Seven (7), pages one hundred seven (107) through one hundred twelve (112) in the office of the Clerk of the Circuit Court of Halifax County, Virginia.

§ 3. Form of government; appointment of town manager.

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 ordinances.

§ 4. Town council.

The legislative powers of the town shall be vested in a council consisting of seven (7) members including the mayor. Members of council shall be elected at large by the voters of the town. Three (3) members of the council and the mayor shall constitute a quorum and at a meeting so constituted, the mayor shall have the right to vote, and at any other meeting of the council, the mayor shall have the right to vote in the event of a tie. Four (4) members of the council shall constitute a quorum without the presence of the mayor.

The terms of the three (3) members who were elected with the highest number of votes in May, 1995 shall expire on June 30, 1998. At the regular municipal election to be held on the first Tuesday in May, 1998, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each. The terms of the [~~three (3)~~ four (4)] members who were elected with the next highest number of votes in May, 1995 shall expire on June 30, 1996. At the regular municipal election held on the first Tuesday in May, 1996, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each.

The terms of office shall commence on July 1 following the election. The members of council shall serve until their successors are elected and qualified.

The mayor and members of the council shall receive compensation for their services in an amount to be determined by the council, in accordance with general law.

Vacancies in the council shall be filled within sixty (60) days after such vacancy or vacancies occur for the unexpired term by a majority vote of the remaining members, provided that if the term of office to be filled does not expire for two (2) years or more after the next regular election for members of council following such vacancy, and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period remaining until such election and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term.

The number of candidates equal to the number of vacancies to be filled for full terms receiving the

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HB62E

60 highest, second highest, and third highest number of votes shall be entitled to such full terms, and the
61 candidate receiving the fourth highest number of votes shall be entitled to the unexpired term caused by
62 such vacancy.

63 § 5. Mayor and vice-mayor.

64 At the regular municipal elections held by the Town of South Boston, the mayor of the town shall be
65 elected by the voters of the town, and the candidate that receives the plurality of the votes shall be
66 elected to the office. The term of office of the mayor shall commence on July 1, following the election,
67 and the mayor shall hold office for four years from the date of commencement of his/her term. The
68 mayor shall preside at meetings of the council, and shall be recognized as head of the town government
69 for ceremonial purposes and by the governor for purposes of military law. The mayor shall have the
70 power to suspend and the council to remove any town officer appointed by the council for misconduct in
71 office or neglect of duty to be specified in the order of suspension or removal, but no such removal
72 shall be made without reasonable notice to the officer complained of and an opportunity afforded him to
73 be heard in his defense. Notwithstanding the foregoing, the town manager shall serve at the pleasure of
74 council.

75 The first election of the mayor shall take place on the first Tuesday in May, 1996, for a term to
76 commence on July 1, 1996.

77 The council shall, at the 1996 organizational meeting and every fourth year thereafter, elect from the
78 members of the council a vice-mayor for a four-year term, and the vice-mayor shall in the absence or
79 disability of the mayor perform all of the duties of that office.

80 If a vacancy shall occur in the office of mayor, the council shall, within sixty (60) days of the
81 vacancy and by majority vote of the remaining members choose one of their number to perform the
82 duties and hold the office for that portion of the unexpired term remaining until the next regular council
83 election.

84 The council may by ordinance provide for a salary, if any, to be paid the mayor.

85 § 6. Powers of town generally; adoption of provisions of Code of Virginia; utility tax; admissions
86 tax.

87 The powers set forth in §§ 15.1-841 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of
88 Virginia, are hereby specifically conferred upon the Town of South Boston, as provided in and pursuant
89 to the provisions of said chapter of the Code of Virginia.

90 § 7. Reserved.

91 § 8. Continuation of employment and powers of town officers and employees.

92 All officers and employees heretofore elected or appointed shall remain in office and continue in
93 their employment and be vested with the powers and duties heretofore imposed upon them by the
94 council or by operation by law or hereafter imposed upon them under the provisions of this act until
95 their successors are duly elected or appointed as provided by law or until action is taken by the town as
96 set forth in § 15.1-845 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July 1, 1995.

97 § 9. Continuation of ordinances and resolutions.

98 All ordinances and resolutions heretofore made and adopted by the town or previous city, not in
99 conflict with this charter, shall be and remain in full force and effect until altered, amended or repealed
100 by the council of the town.

101 2. That Chapter 219, as amended, of the Acts of Assembly of 1960 is repealed.

102 [3. That an emergency exists and this act is in force from its passage.]