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HOUSE BILL NO. 1839

House Amendments in [] — January 27, 1997

A BILL to provide a charter for the Town of Port Royal, in Caroline County and to repeal Chapter 100, as amended, of the Acts of Assembly of 1861, which provided a charter for the Town.

Patrons—Morgan; Senator: Bolling

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER OF THE TOWN OF PORT ROYAL.

CHAPTER 1.

INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Port Royal, as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Port Royal ("the Town"), and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure.

§ 1.2. Boundaries.

The boundaries of the Town until altered, are those established in Chapter 100 of the Acts of Assembly of 1861, as amended in Chapter 29 of the Acts of Assembly of 1875, and as recorded in the Caroline County Circuit Court Clerk's office.

CHAPTER 2.

POWERS.

§ 2.1. General Grant of Powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation.

§ 2.2. Adoption of Powers Granted by the Code of Virginia.

The powers granted in § 2.1 of this Charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof.

CHAPTER 3.

GOVERNING BODY.

§ 3.1. Council.

A. The Town shall be governed by a council composed of seven members elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In 1998 and every two years thereafter, on the dates specified by general law for municipal elections, all members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on July 1 following their election, and they shall continue to serve until their successors are duly elected, qualify and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

§ 3.2. Mayor.

At its first meeting in July of every even-numbered year, the council, by majority vote, shall select from its membership one member to serve as mayor. The mayor shall preside at meetings of the council and shall be recognized as head of the Town government for ceremonial purposes and by the governor for the purposes of military law. He shall have the same powers and duties as other members of the council with a vote, but no veto powers.

§ 3.3. Vice mayor.

At its first meeting in July of every even-numbered year, the council, by majority vote, shall select from its membership one member to serve as vice mayor. The vice mayor shall preside over meetings of the council in the absence of the mayor.

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60 § 3.4. Vacancies.

61 Vacancies on the council and in the office of mayor and vice mayor shall be filled by a majority vote
62 of the members of council until the vacancy is filled in accordance with the provisions of Title 24.2 of
63 the Code of Virginia.

64 § 3.5. Meetings of Council.

65 The council shall fix the time of its regular meetings, which shall be at least once each month [~~and, except~~ ; however, the council may, by majority vote, dispense with any two such regular meetings.
66 Except] as herein provided, the council shall follow the latest edition of Robert's Rules of Order for
67 rules of procedure necessary for the orderly conduct of its business except where it is inconsistent with
68 the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its
69 meetings shall be open to the public unless an executive session is called according to law. Special
70 meetings may be called at any time by the mayor or any four members of the council, provided that the
71 members of council are given reasonable notice of such meetings. No business shall be transacted at the
72 special meeting except that for which it shall be called. If the mayor and all the members of the council
73 are present, this provision requiring prior notice for special meetings is waived.

74 § 3.6. Compensation.

75 Compensation for the mayor and council members shall be set by the council subject to any
76 limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the
77 mayor and the council members shall not be effective until July 1 following the local election after the
78 council approves such increases.

79
80 CHAPTER 4.
81 MISCELLANEOUS.

82 § 4.1. Ordinances continuing.

83 All ordinances now in force in the Town not inconsistent with this charter shall remain in force until
84 altered, amended, or repealed by the council.

85 § 4.2. Legislative procedure, etc.

86 Except in dealing with parliamentary procedure, the council shall act only by ordinance or
87 resolution, and, with the exception of ordinances making appropriations or authorizing the contracting
88 of indebtedness, each ordinance or resolution shall be confined to one general subject. Four members of
89 council shall constitute a quorum.

90 § 4.3. Town officers.

91 A. At its organizational meeting held following the qualifications of the members of council, the
92 council may, in its discretion, appoint a town manager who shall serve as the chief administrative
93 officer of the Town.

94 B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of
95 police and such other town officers as it deems appropriate. The council shall further provide the terms
96 of each officer or, if there are no terms, shall indicate that the officers serve at the pleasure of the
97 appointing authority.

98 C. Each officer shall have such duties and shall receive such compensation as specified by the
99 appointing authority not inconsistent with the Constitution of Virginia, the general laws of the
100 Commonwealth and this charter.

101 D. The same person may be appointed to more than one office.

102 § 4.4. Severability.

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

107 2. That Chapter 100, as amended, of the Acts of Assembly of 1861 is repealed.