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SENATE BILL NO. 683

Offered January 8, 1997

A BILL to amend and reenact § 4, § 5 as amended, and §§ 6, 8 and 12 of Chapter 39 of the Acts of Assembly of 1936, which provided a charter for the Town of South Hill; to amend Chapter 39 by adding a section numbered 3.1; and to repeal §§ 3, 11, 14 and 15 of such chapter, relating to town powers, council, mayor, police chief, assessor, fines and taxes.

Patrons—Holland; Delegate: Ruff

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 4, § 5 as amended, and §§ 6, 8 and 12 of Chapter 39 of the Acts of Assembly of 1936 are amended and reenacted and that Chapter 39 is amended by adding a section numbered 3.1 as follows:

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

§ 4. The government of the town Town of South Hill shall be vested in a council composed of six councilmen eight members of council elected from multi-member districts and a mayor; each of whom shall be a qualified voter of the town elected at large. They may qualify by taking the oath of office before any notary public or magistrate in Mecklenburg county. There are three districts: Election District I shall have two members, Election District II shall have three members, and Election District III shall have three members.

The method of election shall be by plurality vote and not by majority vote. Vacancies of councilmen members of council or mayor shall be filled by the council by majority vote, and for the unexpired term. Additional officers of the town shall be a manager, clerk, treasurer, assessor, sergeant, chief of police and such other agent, attorney, police, and clerical assistance as may be required; all to be elected by the council.

The office of manager, clerk, and treasurer may be held by the same person, who may also act as assessor, at the discretion of the council, and in such capacity, he shall have the authority to administer oaths and take acknowledgments.

§ 5. The mayor and council serving at the time of the passage of this act shall continue in office till their successors are elected and qualify. An election for mayor and councilmen shall be held on the second Tuesday of June, nineteen hundred and sixty-seven, and every two years thereafter. The candidate for the office of mayor receiving the highest number of votes at such election shall be elected for a term of four years, and the three candidates for councilmen receiving the highest number of votes at such election shall be elected for a term of four years, and the three candidates for councilmen receiving the next highest number of votes in such election shall be elected for a term of two years, and at the expiration of the said two year term, their successors shall be elected for a term of four years. Thereby, the term of office of three councilmen shall alternately expire each two years. The mayor and council elected at such elections shall enter upon their duties the first day of September next succeeding. An election shall be held in May of 1998, and every four years thereafter, to elect one council member from Election District I and three council members from Election District II. An election shall be held in May of 2000 and every four years thereafter to elect one council member from Election District I and three council members from Election District III. An election shall be held for mayor in May of 2000 and every four years thereafter.

Notwithstanding the contrary provisions of §§ 24.2-200 and 24.2-222 of the Code of Virginia, the terms of the mayor and all council members shall commence on September 1 of the year in which elected.

§ 6. The council shall fix the salaries of mayor and councilmen for the succeeding two years at the regular meeting of the council in April January preceding the town election. The salaries of all other officials and agents of the town shall be fixed annually by the council, as well as the amount and nature of bonds required of them for the correct discharge of their duties. Officers and agents appointed by the council shall hold office only during the term of such council, and until their successors are appointed and qualify.

§ 8. The mayor shall be the chief executive of the town and as such shall have full power over the police forces. He shall preside at all council meetings; he may discuss questions, present issues, and recommend measures, but shall vote only to break a tie; his jurisdiction and authority shall be the same

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60 as a magistrate of Mecklenburg county. He or any member of the council acting in his stead shall have
61 exclusive jurisdiction over the trial of offenses arising under the ordinances and charter of the town. As
62 the official head of the town the mayor shall exercise all the powers conferred by general laws upon
63 mayors of towns, and not inconsistent with this charter. In times of emergency he may take personal
64 charge of the police forces of the town and may depute any of the citizens of the town to do police
65 duty. He shall affix his name to papers and documents requiring the same, and perform such other
66 duties not inconsistent with his office, as the council may direct, under the charter and the laws of
67 Virginia. The council by majority vote, shall elect a member of the council mayor ~~pro-tem~~ *pro tem*,
68 who shall act in the absence or inability of the mayor.

69 § 12. The ~~town sergeant~~ *chief of police* shall have control of the police force of the town under the
70 jurisdiction of the mayor *and shall be hired and may be fired by the mayor*; he and the police officers
71 of the town shall have the same powers and discharge the same duties as a constable of Mecklenburg
72 county, except he shall serve civil process only on behalf of the town, and shall have like powers in a
73 radius of two miles beyond the town, not in conflict with other authority. He shall perform all duties
74 required of a ~~town sergeant~~ *chief of police* and others not inconsistent with his office, or as directed by
75 the council or mayor.

76 2. That §§ 3, 11, 14 and 15 of Chapter 39 of the Acts of Assembly of 1936 are repealed.