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## SENATE BILL NO. 689

Offered January 8, 1997

A BILL to amend and reenact §§ 6 and 9 as amended and §10 of Chapter 150 of the Acts of Assembly of 1930, which provided a charter for the Town of Bluefield, relating to election and powers of the mayor.

Patrons—Reasor; Delegate: Tate

Referred to the Committee on Local Government

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 6 and 9 as amended and § 10 of Chapter 150 of the Acts of Assembly of 1930 are amended and reenacted as follows:**

§ 6. Composition of council and vacancies.

The Council shall consist of ~~five members~~ *four councilmen and the mayor*, who shall be voted for at large, ~~whose term of office shall be for the term of four years. The term of office for the councilmen shall be four years. The term of office of the mayor shall be two years.~~ At the May election, ~~nineteen hundred eighty-two~~ 1998, and every four years thereafter, ~~three~~ *two* councilmen shall be elected, being the ~~three~~ *two* candidates who receive the largest number of votes, individually, at such election, who will serve for a term of four years from ~~the first day of July 1, nineteen hundred and eighty-two~~ 1998, and thereafter until their successors have been elected and qualified. At the May election, ~~nineteen hundred eighty-four~~ 2000, and every four years thereafter, two councilmen shall be elected, being the two candidates who received the largest number of votes, individually, at such election, who shall serve for a term of four years from ~~the first day of July 1, nineteen hundred eighty-four~~ 2000, and thereafter until their successors have been elected and qualified. *At the May election, 1998, and every two years thereafter, the candidate for mayor who receives the largest number of votes, individually, at such election, shall be elected and shall serve for a term or two years from July 1, 1998, and thereafter until his/her successor has been elected and qualified.*

All elections for members of council *and the mayor* shall be held at the time and in the manner provided for by general law.

Vacancies in the council *or mayor* shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining ~~councilmen~~ *members of council*.

§ 9. Organization rules of the council.

(a) At nine o'clock ~~ante meridian~~ *a.m.* on the first day of July following a regular municipal election, or if such a day be a Sunday, then on the day following, the council shall meet at the usual place for holding the meetings of the legislative board of the town, at which time the ~~newly-elected~~ *newly elected* councilmen *and the mayor*, after first having taken the oaths prescribed by law, shall assume the duties of their ~~office~~ *offices*. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet not less than once each month. The mayor, any member of the council, or the town manager may call special meetings of the council, at any time (at least twelve hours), after written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. *Notice of any meeting of council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.*

(b) All meetings of the council shall be public and any citizens may have access to the minutes and records thereof at all reasonable times; except by ~~unanimous~~ *majority* vote of the council, it may convene an executive session to consider ~~and vote upon election of officers~~ *such matters as may be the appropriate subject of an executive session as provided by the Code of Virginia.*

(c) ~~The council shall elect one of its members as chairman, who shall be ex-officio mayor; also The council shall appoint a town manager; and a town clerk; and a town commissioner of the revenue.~~

The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or ~~procedure~~ *procedures*, may punish its own members for misconduct and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absentees. All elections by the council shall be viva voce and the vote recorded in the journal of the council.

(d) Council shall fix the compensation of the members of the council, *the mayor*, and all other

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SB689

60 officers the compensation of which is not otherwise provided for herein, and the compensation of the  
61 commissioner of the revenue may be fixed upon a salary basis, in lieu of commissions allowed to  
62 commissioners of the revenue under general law.

63 § 10. Same-mayor generally.

64 The mayor shall be elected by the council at its first meeting after each election and qualification of  
65 councilmen, for a term of two years *as provided in § 6 hereof* and shall preside at meetings of the  
66 council and perform such other duties consistent with ~~his~~ *the* office as may be imposed by the council  
67 and he shall have a vote and voice in the proceedings, but no veto. ~~He~~ *The mayor* shall be the official  
68 head of the town, but shall have no jurisdiction or authority to hear, determine or try any civil or  
69 criminal matters. In times of public danger, or emergency, ~~he~~ *the mayor*, or during ~~his~~ *the mayor's*  
70 absence or disability, the town manager, may take command of the police and maintain order and  
71 enforce the laws, and for this purpose, may deputize such assistant policemen as may be necessary.  
72 During ~~his~~ *the mayor's* absence or disability, except as above provided, ~~his~~ *the mayor's* duties shall be  
73 performed by another member appointed by the council. ~~He~~ *The mayor* shall authenticate by ~~his~~  
74 signature such instruments as the council, this charter, or the laws of the State shall require.