

# VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

## CHAPTER 168

*An Act to amend and reenact §§ 3.03 and 4.01 as amended, § 4.08, and §§ 5.07 and 8.05 as amended of Chapter 323 of the Acts of Assembly of 1950, which provided a charter for the City of Falls Church, relating to elections, council, ordinances, acting city manager and commissioner of the revenue.*

[H 1519]

Approved March 17, 1999

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

**1. That §§ 3.03 and 4.01 as amended, § 4.08, and §§ 5.07 and 8.05 as amended of Chapter 323 of the Acts of Assembly of 1950 are amended and reenacted as follows:**

§ 3.03. Conduct of general municipal election.

The ballots used in the election of councilmen shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many councilmen as are to be elected in that election and those candidates receiving the highest number of votes shall be declared elected. ~~In the event a vacancy or vacancies are to be filled by election as provided in § 3.04, infra, the candidates receiving the highest number of votes, other than the candidates who are elected for a full term, shall be entitled to the unexpired term caused by such vacancy.~~ In counting the votes, any ballot found to have been voted for more than the number of persons to be elected shall be void but no ballot shall be void for having been voted for a less number. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election.

§ 4.01. Composition.

The council shall consist of seven members, who shall be qualified voters of the city actually residing within the corporate limits, and they shall be elected as provided in Chapter 3. They shall each receive in full compensation for their services such salary as the city council may fix ~~by local ordinance after public hearing, but no such salary or salary increase fixed by the council shall become effective until after an intervening election of members of the council.~~ The salary of each member shall be \$100 per month until changed by the council in accordance with the foregoing provisions. Council members shall not be entitled to any allowance of any kind other than salary except that the mayor or vice-mayor when acting as mayor or any member of the council, subject to the approval of the council, may be allowed his or her actual expenses incurred in representing the city ~~in accordance with state law.~~ No member of the council shall during the term for which he was elected and one year thereafter be appointed to any office of profit under the government of the city.

§ 4.08. Ordinances, when required.

In addition to such acts of the council which are required by the constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department, or creating, altering, assigning or abolishing any bureau, division, office, ~~or agency or employment, fixing the compensation of any officer or employee of the city, enacting a pay plan,~~ making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

§ 5.07. Acting city manager.

The council shall designate ~~by ordinance the assistant~~ *resolution an acting* city manager ~~or the head of one of the departments~~ to act as city manager in case of the absence, incapacity, death or resignation of the city manager, until his return to duty or the appointment of his successor.

§ 8.05. The commissioner of the revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. ~~He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. The council may by ordinance require that all tax bills shall be made out by the commissioner of revenue and delivered in such manner as said ordinance may prescribe. The commissioner of revenue shall supervise and be responsible for provision of tax maps, property descriptions and such other information as may be necessary for taxation within the city. For all such services, the said commissioner of revenue shall receive such compensation as the council may, from time to time, prescribe by ordinance.~~