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HOUSE BILL NO. 1700

Offered January 13, 1999

A *BILL to provide a charter for the Town of Boones Mill in Franklin County and to repeal Chapter 363, as amended, of the Acts of Assembly of 1973, which provided a charter for the Town of Boones Mill.*

Patron—Dudley

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER FOR THE TOWN OF BOONES MILL*Chapter 1. Incorporation and boundaries.***§ 1.1. Incorporation.**

The inhabitants of the territory comprised within the present limits of the Town of Boones Mill, 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 Boones Mill (the "Town"), and as such shall have perpetual succession and may sue and be sued, plead and be impleaded, contract and be contracted with, and 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 29 of the Acts of Assembly of 1927, as amended in Chapter 363 of the Acts of Assembly of 1973, Chapter 100 of the Acts of Assembly of 1976, and Chapter 349 of the Acts of Assembly of 1984, and as recorded in the Franklin 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 the Charter include specifically, but are not limited to, all powers set forth in §§ 15.2-1100 through 15.2-1131 of the Code of Virginia, including subsequent amendments thereof.

*Chapter 3. Governing Body.***§ 3.1. Council.**

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

B. The mayor and 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. The six members of council shall be elected by the qualified voters of the town in 2000. Members of the council shall be elected for a term of four years; but upon the first assembling of the council qualifying for office in 2000, the members thereof shall be divided into two equal classes of three members each, to be determined by lot, and the terms of the members of the first class shall be two years, and that of the second class four years. Thereafter, in each even-numbered year, beginning in 2002, on the dates specified by general law for municipal elections, three members of council shall be elected for terms of four years each. The persons so elected shall qualify and take office on the first day of July following their election. They shall continue to serve until their successors are duly elected, qualified and assume office. The present mayor and members of council shall continue in office until the expiration of the terms for which they were respectively elected.

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

§ 3.2. Mayor.

In 2000 and every four years thereafter, on the dates specified by general law for municipal elections, the mayor shall be elected for a term of four years. The person so elected as mayor shall qualify and take office on the first day of July following his or her election and shall continue to serve

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60 until his or her successor is duly elected, qualifies and assumes office. Any person qualified to vote in
61 Town elections shall be eligible for the office of mayor. The mayor shall preside at meetings of council
62 and shall be recognized as head of the town government for ceremonial purposes and by the governor
63 for the purposes of military law. The mayor shall have the same powers and duties as other members of
64 the council but shall have a vote on matters before the council only in instances of a tie vote among
65 council members present and voting.

66 § 3.3. Vice mayor.

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

70 § 3.4. Vacancies.

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

74 § 3.5. Meetings of council.

75 The council shall fix the time of its regular meetings, which shall be at least once each month;
76 however, the council may, by majority vote, dispense with any two such regular meetings per year.
77 Except as herein provided, the council shall follow the latest edition of Robert's Rules of Order for the
78 rules of procedure necessary for the orderly conduct of its business except where it is inconsistent with
79 the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its
80 meetings shall be open to the public unless an executive session is called according to law. Special
81 meetings may be called at any time by the mayor or any four members of the council, provided that the
82 members of council are given reasonable notice of such meetings. No business shall be transacted at the
83 special meeting except that for which it shall be called. If the mayor and all the members of the council
84 are present, this provision requiring prior notice for special meetings is waived.

85 § 3.6. Compensation.

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

90 Chapter 4. Miscellaneous.

91 § 4.1. Ordinances continuing.

92 All ordinances now in force in the Town not inconsistent with this charter shall remain in force until
93 altered, amended, or repealed by the council. All ordinances of the Town, so far as they are applicable,
94 shall apply on, in, and to all land, buildings, and structures owned by or leased or rented to the Town
95 and located outside the Town.

96 § 4.2. Legislative procedure, etc.

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

101 § 4.3. Town officers.

102 A. At its organizational meeting held following the qualification of the members of council, the
103 council may, in its discretion, appoint a town manager who shall serve as the chief administrative
104 officer of the Town.

105 B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of
106 police and such other town officers as it deems appropriate. The council shall further provide the term
107 of each officer or, if there is no term, shall indicate that the officer serves at the pleasure of the
108 appointing authority.

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

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

113 § 4.4. Severability.

114 If any provision of this charter is held invalid, the other provisions of the charter shall not be
115 affected thereby. If the application of the charter or any of its provisions to any person or circumstances
116 is held invalid, the application of the charter and its provisions to other persons shall not be affected
117 thereby.

118 2. That Chapter 363, as amended, of the Acts of Assembly of 1973 is repealed.