

065406256

HOUSE BILL NO. 871

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 3A, as amended, § 4, §§ 5 and 7, as amended, §§ 8, 9, 10, 14, 15 and 20, § 22, as amended, and § 32 of Chapter 419 of the Acts of Assembly of 1936, which provided a charter for the Town of Altavista; to amend such chapter by adding a section numbered 7.1; and to repeal §§ 16 and 33 of such chapter, relating to town powers, council, mayor, vice-mayor, elections, salaries, town officers and school boards.

Patrons—Byron; Senator: Hawkins

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 3A as amended, § 4, §§ 5 and 7 as amended, §§ 8, 9, 10, 14, 15 and 20, § 22 as amended, and § 32 of Chapter 419 of the Acts of Assembly of 1936 are amended and reenacted and such chapter is amended by adding a section numbered 7.1 as follows:

§ 3A. General grant of powers.

~~The town shall have and may exercise the~~ *The powers set forth in §§ 15.1-837 15.2-1100 through 15.1-907 15.2-1131, inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia, as now exist, and as hereinafter amended, are hereby conferred on and vested in the Town of Altavista.* In addition thereto, the town shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a town government and may exercise powers to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants. No enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition to the general grant of powers set forth above, the town shall be empowered to exercise full police powers and to establish and maintain a police department.

§ 4. Administration and Government.

The administration and government of the town of Altavista shall be vested in one body to be called the council of the town of Altavista, which shall consist of seven (7) members, six (6) of whom shall be known as ~~councilmen~~ *council members* and one to be known as mayor, all of whom shall be residents and qualified voters of the said town. The council of the said town shall have power to elect or appoint such other officers as it may deem necessary, and to define their duties, including a town manager, who may or may not be a resident or qualified voter of the said town, who shall, under the control of the council, have the general charge and management of the administrative affairs and work of the said town, and who shall perform such other duties as may be required of him by the council. The said manager shall receive such salary as shall be allowed him by the council, and may be dismissed at any time by the said council. The council may create, appoint, or elect such other departments, bodies, boards, and other officers as are hereinafter provided for, or as are permitted, or required by law to be appointed by the council.

§ 5. The Mayor.

The mayor shall preside over the deliberations of the council and shall have the same powers and rights of voting as other members of the council, but he/she shall have no right of veto; he/she shall be the chief executive officer of the town and shall perform such other duties consistent with his/her office as may be imposed by the council; he/she shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; he/she shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he/she shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and he/she shall from time to time recommend to the council such measures as he/she may deem needful for the welfare of the town.

§ 7. Composition of the Council; Vacancies.

The mayor and the six (6) ~~councilmen~~ *council members* shall be elected at large by the qualified voters of the town, and shall be elected at the regular time in June, 1956, fixed by law for the holding of municipal elections. The three candidates receiving the highest number of votes shall serve a term of four years each and the three candidates receiving the next highest number of votes on the Tuesday following the first Monday of November of even years. Council members shall serve for terms of two four years each. The mayor shall be elected for a term of four years.

INTRODUCED

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59 At the regular municipal election to be held in 1958 2006 and every two years thereafter, three
60 ~~councilmen~~ council members shall be elected for terms of four years each. *The mayor shall serve for a*
61 *term of four years. The mayor and council members elected in the election of 2004 shall serve out their*
62 *terms through 2008.*

63 In the regular municipal election to be held in 1960 and every four years thereafter three councilmen
64 and the mayor shall be elected for terms of four years each. Terms of office shall commence on the first
65 day of ~~July~~ January next following their election and *the council members and mayor shall continue in*
66 *office* until their successors have been elected and qualified. The council shall be a continuing body, and
67 no measure pending before such body shall abate or be discontinued by reason of expiration of the term
68 of office or removal of the members of said body or any of them. Vacancies in the council ~~by any~~
69 ~~officer therein~~ shall be filled within thirty days after such vacancy occurs for the unexpired term by a
70 majority vote of the remaining members, except where otherwise inconsistent with the provisions of this
71 charter.

72 § 7.1. Conduct of Members; Replacement of Expelled Members.

73 *The town council may compel the attendance of absent members, and fine them for disorderly*
74 *behavior, and with the concurrence of five members, expel a member for malfeasance or misfeasance*
75 *while in office. If any member of the council shall be adjudged by the council disqualified or be*
76 *expelled under the provisions of this section, a special election shall be held under the general election*
77 *laws of the Commonwealth to fill such vacancy for the unexpired term.*

78 § 8. Salaries.

79 The salary of the mayor of the town, as now constituted or hereafter elected, if any be allowed by
80 the council, shall be fixed by the council, but in no event to exceed twelve hundred dollars per annum.
81 The six (6) councilmen, as now constituted or hereafter elected, may receive a salary to be fixed by the
82 said council, not to exceed three hundred dollars per annum for each councilman. The salary of the
83 mayor and the councilmen, if any, when fixed shall so continue until changed by the council, and shall
84 be payable out of the treasury of the town in monthly installments. The council shall fix the salary of its
85 clerk, and such other officers, agents, and employees as it may deem appropriate; provided, no salary
86 shall be fixed for a period to exceed one year.

87 *The town council shall fix the salaries of the mayor and members of the town council and the*
88 *appointed officers and employees of the town. The town council is further authorized to establish and fix*
89 *the salaries of members of boards or commissions of the town. Such salaries shall be subject to the*
90 *limitations prescribed by all other applicable law and in no event shall an increase in salaries*
91 *established for the mayor, council, boards, or commissions become effective until the date of*
92 *commencement of the terms of council members elected at the next regular election.*

93 § 9. The Meetings of the Council.

94 The council shall by ordinance adopt such rules as it might deem proper for the regulation of its
95 proceedings and shall meet at such times as may be prescribed by ordinance, provided, however, that it
96 shall hold at least one regular meeting each month. A majority of the council shall constitute a quorum
97 for the transaction of business; ~~but no ordinance or resolution shall be adopted having for its object the~~
98 ~~levying of taxes or contracting a debt except by a vote of two-thirds of the council.~~ The mayor, or any
99 other two members of the council, may call a special meeting of the council upon at least twelve hours
100 written notice of the time, place, and purpose to each member served personally or left at his usual
101 place of business or residence by the town sergeant, and no business shall be transacted by the council
102 in such special meeting which has not been stated in the notice, provided, however, that these
103 regulations shall not apply when all members of the council attend such meeting or waive notice thereof,
104 nor shall it apply to an adjourned session from a regular meeting. ~~No ordinance or resolution~~
105 ~~appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the~~
106 ~~borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall~~
107 ~~any such ordinance or resolution be valid until at least three days intervene between its introduction and~~
108 ~~the date of passage.~~ No ordinance or resolution appropriating money exceeding the sum of ~~one five~~
109 hundred dollars, imposing taxes or authorizing the borrowing of money, shall be passed except by the
110 recorded affirmative vote of a majority of all members elected to the council. The meetings of the
111 council shall be public unless the council by a recorded vote of ~~two-thirds of its members of a majority~~
112 ~~of those present~~ shall declare that the public welfare demands an executive session a closed session of
113 the council *pursuant to the laws of the Commonwealth is required*; and citizens may have access to the
114 minutes and records of the council at any reasonable time.

115 § 10. Vice-mayor.

116 *The At the first meeting after the mayor takes office following his/her election, the council shall, as*
117 *soon as this act takes effect, elect from its membership a chairman pro tem who shall in the absence or*
118 *inability of the mayor to act, have all the powers and duties of the mayor, and shall perform all of his*
119 *functions; and at the first meeting of each new and succeeding council elected hereunder such chairman*
120 *pro tem shall be elected vice-mayor. The vice-mayor shall act as mayor during the absence or disability*

of the mayor and, if a vacancy occurs, shall become mayor until the next regular councilmanic election.

§ 14. The Town Clerk.

The town clerk shall be appointed by the council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he/she shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he/she shall keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he/she shall give notice to all parties, presenting petitions, or communications to the council of the final action of the council on such communications or petitions; he/she shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; he/she shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he/she shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he/she shall perform such other acts and duties as the council may, from time to time, allow or require.

§ 15. The Town Treasurer.

There shall be appointed by the council one town treasurer who shall hold office during the pleasure of the council; but the present treasurer of the town shall continue to discharge the duties of the office until removed by the council or until his/her successor shall have qualified. Any vacancy in this office shall be promptly filled by the council. The said treasurer shall be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town. He/She shall receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He/She shall collect all taxes and assessments, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with powers similar to these which are now or may hereafter be vested in county and city treasurers for the collection of county, city, and State taxes under the general law; he/she shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provision of law applicable thereto; he/she shall pay no money out of the treasury, except in the manner prescribed by this charter or by ordinance or the general law; he/she shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in the performance of his/her official duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by this charter or by ordinance or resolution of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his/her office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. ~~The council may, in its discretion, and if it deems it necessary or convenient, appoint some person or persons from the electors of the town to assist the town treasurer in the collection of all taxes and assessments, water rents, and other charges belonging to and payable to the town, which person may be the town sergeant, or superintendent of water works, but before entering upon the discharge of his duties, such person shall execute a bond in such amount and with such security as the council by ordinance, may prescribe.~~ The treasurer shall be subject to the supervision of the council of the town of Altavista and shall perform such other duties not inconsistent with his/her office as may be required of him/her by the town council; and he/she shall make all such reports as may be required by the council. The said treasurer and the town clerk may be one and the same person if the council may deem it more expedient.

§ 20. Audit of Accounts.

~~Upon the death, resignation, removal or expiration of the term of any officer of the town, the council shall order an audit and investigation to be made of the accounts of such officer and a report to be made to the council as soon as practicable. After the close of each fiscal year an annual audit shall be made of the accounts of all town officers; said audit shall be made by a qualified public accountant selected by the council, who shall have no personal interest, direct or indirect, in the financial affairs of the town or any of its officers or employees. The council may at any time provide for an examination or audit of the accounts of any officer or department of the town government.~~

§ 22. Municipal Securities.

Bonds, notes, and other evidences of indebtedness may be issued by the town for such purposes and in such manner as are prescribed by Chapter 49 26 of Title 45 15.2 of the Code of Virginia, the Constitution, or any other general statute on the subject of bond issues by towns or the issue of other municipal securities.

§ 32. Citation of Act.

This act may for all purposes be referred to or cited as the Altavista charter of 1936, *as amended*.

2. That §§ 16 and 33 of Chapter 419, as amended, of the Acts of Assembly of 1936 are repealed.