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SENATE BILL NO. 883

Offered January 14, 2009

Prefiled December 31, 2008

A BILL to amend and reenact § 1, as amended, of Chapter 446 of the Acts of Assembly of 1948, which provided a charter for the Town of Warsaw, relating to election of town council members.

Patrons—Stuart; Delegate: Pollard

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:**1. That § 1 of Chapter 446 of the Acts of Assembly of 1948 is amended and reenacted as follows:**

§ 1. (1) (Repealed, 1982, c. 148)

(2) ~~On the first Tuesday in May, 1974, and on the same day in every even-numbered year thereafter, there shall be elected by the qualified voters of the town, eight electors who shall constitute the town council. They~~ *The eight-member town council shall be elected biennially for staggered four-year terms commencing with the May 4, 2010, general election. Following that election, the four candidates receiving the highest votes will be serve four-year terms and the four candidates receiving the next four highest votes will serve two-year terms. Those elected shall enter upon the duties as councilmen on the first day of July next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Thereafter, elections will be held biennially with half of the town council seats up for election at each election.*

On or before the date that the councilmen enter upon their duties of their offices, they shall elect from their members a mayor and a vice mayor. Every councilman so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor and the vice mayor shall take the oath prescribed by law for state officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(3) All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law.

(4) The council may fine its members for disorderly conduct, and, with the concurrence of two-thirds of those elected expel a member for cause. Any vacancy occurring, by expulsion or otherwise, during the term for which a person was elected shall be filled by the council by the appointment of any one eligible to such office.

(5) A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner and amount as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and amount and at such times as the council may direct.

(7) The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have the right to vote in the council. He shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall authenticate by his signature any documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

(8) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of the members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall

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59 expire within said five days.

60 (9) The vice mayor, during the absence or disability of the mayor, shall perform the duties and be
61 vested with all the powers, authority, and jurisdiction of the mayor; and in the event of a vacancy for
62 any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town
63 council. The member of the council who shall be chosen vice mayor shall continue to have all of the
64 rights, privileges, powers, duties and obligations of councilman even when performing the duties of
65 mayor during the absence or disability of the mayor of the town.

66 (10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at
67 least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two
68 members of the council in writing; and no other business shall be transacted at a special meeting except
69 that stated in the call, unless all members be present and consent to the transaction of such other
70 business. The meetings of the council shall be open to the public except as otherwise authorized by law.

71 (11) The council shall keep a minute book, in which the clerk shall note the proceedings of the
72 council, and shall record proceedings at large on the minute book and keep the same properly indexed.

73 (12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate
74 debt contracted, or appropriation of money exceeding the sum of \$100 be made, except by a recorded
75 affirmative vote of a majority of all the members elected to the council.

76 (13) There shall be appointed by the council at its first meeting in July, or as soon as practicable
77 thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary
78 for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He
79 shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources
80 and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license
81 fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner
82 prescribed by the council as it may by ordinance direct.

83 (14) The treasurer shall make such reports and at such time as the council may prescribe. The books
84 and accounts of the treasurer shall be examined and audited at least once during the term for which he
85 is elected by a competent accountant selected by the council, such examination and audit to be reported
86 to the council.

87 (15) The council may in its discretion designate the place of deposit of all town funds, which shall
88 be kept by the treasurer separate and apart from his personal funds.

89 (16) There shall be appointed by the council, at its first regular meeting in July after its election, a
90 clerk of the council, who shall hold office at the pleasure of the council. He shall attend the meetings of
91 the council and keep its minutes and records and have charge of the corporate seal and shall attest the
92 same. He shall keep all papers required to be kept by the council, shall publish such reports and
93 ordinances as are required to be published, and shall perform such other duties as the council may from
94 time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be
95 filled by the council.

96 (17) There shall be appointed by the council at its first regular meeting in July or as soon as
97 practicable thereafter, a chief of police; and he shall hold office at the pleasure of the council. His duties
98 shall be such as the council prescribes. He shall be vested with the powers of a conservator of the
99 peace. His compensation shall be fixed by the council. As authorized by § 15.1-796, the office of town
100 sergeant shall not be established.

101 (18) (Repealed, 1977, c. 43)

102 (19) The council may appoint or select such other officers as may be necessary, including a manager
103 for the town, and fix their salaries and define their duties.

104 (20) All ordinances, resolutions and bylaws passed by the council shall take effect at the time
105 indicated in such ordinances, resolutions or bylaws, but in the event no effective date shall be set forth
106 in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective
107 thirty days from its passage.