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HOUSE BILL NO. 2406

Offered January 17, 2011

A BILL to amend and reenact §§ 4 through 7 of Chapter 209 of the Acts of Assembly of 1996, which provided a charter for the Town of South Boston, relating to town council; mayor; powers.

Patron—Edmunds

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 4 through 7 of Chapter 209 of the Acts of Assembly of 1996 are amended and reenacted as follows:

§ 4. Town council.

(a) The legislative powers of the town shall be vested in a council consisting of seven (7) members including the mayor. Members of council shall be elected at large by the voters of the town. Three (3) members of the council and the mayor shall constitute a quorum and at a meeting so constituted, the mayor shall have the right to vote, and at any other meeting of the council, the mayor shall have the right to vote in the event of a tie. Four (4) members of the council shall constitute a quorum without the presence of the mayor.

(b) The terms of the three (3) members who were elected with the highest number of votes in May, 1995 shall expire on June 30, 1998. At the regular municipal election to be held on the first Tuesday in May, 1998, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each. The terms of the four (4) members who were elected with the next highest number of votes in May, 1995 shall expire on June 30, 1996. At the regular municipal election held on the first Tuesday in May, 1996, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each.

(c) The terms of office shall commence on July 1 following the election. The members of council shall serve until their successors are elected and qualified.

(d) The mayor and members of the council shall receive compensation for their services in an amount to be determined by the council, in accordance with general law.

(e) Vacancies in the council shall be filled within sixty (60) days after such vacancy or vacancies occur for the unexpired term by a majority vote of the remaining members, provided that if the term of office to be filled does not expire for two (2) years or more after the next regular election for members of council following such vacancy, and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period remaining until such election and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. When a vacancy on council occurs, whether occurring when a new member-elect of council does not take office or occurring after the term begins, the remaining members of council shall by majority vote, within forty-five days after the office becomes vacant, appoint a qualified voter to temporarily fill the vacancy until the vacancy is filled by a special election pursuant to §§ 24.2-226, 24.2-228, and 24.2-682 of the Code of Virginia and the person so elected has qualified. Within fifteen days of the occurrence of the vacancy, council shall petition the Halifax County Circuit Court to issue a writ of election to fill the vacancy as set forth in Article 5 of Chapter 6 of Title 24.2 of the Code of Virginia.

(f) The number of candidates equal to the number of vacancies to be filled for full terms receiving the highest, second highest, and third highest number of votes shall be entitled to such full terms, and the candidate receiving the fourth highest number of votes shall be entitled to the unexpired term caused by such vacancy.

(g) In order to qualify as a candidate for the office of a member of council, an individual must have been a resident of the Commonwealth of Virginia for one year next preceding his election and of the Town of South Boston for thirty days next preceding his election and be qualified to vote for that office.

§ 5. Mayor and vice mayor.

(a) At the regular municipal elections held by the Town of South Boston, the mayor of the town shall be elected by the voters of the town, and the candidate that receives the plurality of the votes shall be elected to the office. The term of office of the mayor shall commence on July 1, following the election, and the mayor shall hold office for four years from the date of commencement of his/her term. The mayor shall preside at meetings of the council, and shall be recognized as head of the town government for ceremonial purposes and by the governor for purposes of military law. The mayor shall have the power to suspend and the council to remove any town officer appointed by the council for

59 misconduct in office or neglect of duty to be specified in the order of suspension or removal, but no
60 such removal shall be made without reasonable notice to the officer complained of and an opportunity
61 afforded him to be heard in his defense. Notwithstanding the foregoing, the town manager shall serve at
62 the pleasure of council.

63 (b) The first election of the mayor shall take place on the first Tuesday in May, 1996, for a term to
64 commence on July 1, 1996.

65 (c) The council shall, at the 1996 organizational meeting and every fourth year thereafter, elect from
66 the members of the council a vice -mayor for a four-year term, and the vice mayor shall in the absence
67 or disability of the mayor perform all of the duties of that office.

68 (d) If a vacancy shall occur in the office of mayor, the council shall, within sixty (60) days of the
69 vacancy and by majority vote of the remaining members choose one of their number to perform the
70 duties and hold the office for that portion of the unexpired term remaining until the next regular council
71 election. When a vacancy occurs in the office of mayor, whether occurring when a mayor-elect does not
72 take office or occurring after the term begins, the members of council shall by majority vote, within
73 forty-five days after the office becomes vacant, appoint a qualified voter or a member of council to
74 temporarily fill the vacancy until the vacancy is filled by a special election pursuant to §§ 24.2-226,
75 24.2-228, and 24.2-682 of the Code of Virginia and the person so elected has qualified. Within fifteen
76 days of the occurrence of the vacancy, council shall petition the Halifax County Circuit Court to issue a
77 writ of election to fill the vacancy as set forth in Article 5 of Chapter 6 of Title 24.2 of the Code of
78 Virginia. In the interim between a vacancy in the office of mayor and the appointment or election of an
79 interim mayor, the duties of the office of mayor shall be performed by the vice-mayor.

80 (e) The council may by ordinance provide for a salary, if any, to be paid the mayor.

81 (f) In order to qualify as a candidate for the office of mayor, an individual must have been a
82 resident of the Commonwealth of Virginia for one year next preceding his election and the Town of
83 South Boston for thirty days next preceding his election and be qualified to vote for that office.

84 § 6. Powers of town generally; adoption of provisions of Code of Virginia; ~~utility tax; admissions~~
85 ~~tax.~~

86 The powers set forth in §§ ~~15.1-841 through 15.1-907~~ of Chapter 18 of Title 15.1 Chapters 9
87 (§ 15.2-900 et seq.) and 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, are hereby
88 specifically conferred upon the Town of South Boston, as provided in and pursuant to the provisions of
89 said ~~chapter~~ chapters of the Code of Virginia.

90 § 7. ~~Reserved~~ Incorporating state law by reference.

91 Where reference is made herein to any provision of the Code of Virginia, Acts of the General
92 Assembly or state regulations or where any provision of the Code of Virginia, Acts of the General
93 Assembly or state regulations are incorporated herein by reference, such reference includes future
94 amendments and successor provisions to the provisions of the Code of Virginia, Acts of the General
95 Assembly and state regulations without future amendment to this Charter.