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SENATE BILL NO. 602

Offered January 19, 2012

A *BILL to amend and reenact §§ 3.1 and 3.2, as amended, and §§ 3.5 and 3.8 of Chapter 304 of the Acts of Assembly of 1973, which provided a charter for the Town of West Point, in King William County, relating to elections, town council, and powers of mayor.*

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Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1 and 3.2, as amended, and §§ 3.5 and 3.8 of Chapter 304 of the Acts of Assembly of 1973 are amended and reenacted as follows:

§ 3.1. ELECTION, QUALIFICATION AND TERM OF OFFICE OF COUNCILMEN AND MAYOR.

(a) The Town of West Point shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected. The councilmen and mayor shall be elected at a regular municipal election to be held on the first Tuesday in May, 1982, in the manner prescribed by law, for terms beginning on the first day of July next following their election, each of them serving until the successors shall be elected and qualified. The three candidates for council receiving the highest number of votes and the mayor shall be elected for initial terms of four years, and the four candidates receiving the next highest number of votes shall be elected for initial terms of two years. Thereafter, all councilmen and the mayor shall be elected for terms of four years at a regular municipal election which shall be held on the first Tuesday in May of each even numbered year, the number of councilmen elected each election year being equal to the number of councilmen whose terms expire during such year and the mayor being elected every fourth year.

However, beginning with elections to be held in 2012 and 2014, the council and mayor shall be elected on the Tuesday following the first Monday in November to serve four-year terms that begin on January 1 and end on December 31. All members whose terms would have expired on July 1 of 2012 or 2014 shall have their terms extended six months until their successors have been elected and qualified. Thereafter, all member shall serve for terms of four years.

§ 3.2. VACANCIES ON COUNCIL.

Vacancies on the council shall be filled from among the qualified voters of the town by a majority vote of the members of the council. A person so elected by council shall serve until the first day of July following the next regular election of members of council more than one hundred twenty days after the vacancy occurs, or until the termination of the unexpired term, whichever shall occur first. If the term of the person so elected by council expires on the first day of July following the next regular election of members of council more than one hundred twenty days after the vacancy occurs, the vacancy for the remaining two years of the unexpired term shall be filled by a special election for a twoyear term to be held at the next regular election of members of council. When any vacancy shall occur for which a special election by the voters of the town is appropriate, council shall, within fifteen days of the occurrence of such vacancy, petition the Judge of the Circuit Court of King William County to issue a writ of election for that election.

(a) A vacancy on town council, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled in accordance with state law and as provided by Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. The town council shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, which shall be no later than the next general election in November unless the vacancy occurs within 90 days of the next such general election, in which event it shall be held promptly but no later than the second such general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the town council may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the

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59 *vacancy is being filled.*

60 *(b) No election to fill a vacancy shall be ordered or held if the general election at which it is to be*
61 *called is scheduled within 60 days of the end of the term of the office to be filled.*

62 *(c) When an interim appointment to a vacancy in town council has been made by the remaining*
63 *members thereof, no election to fill the vacancy shall be ordered or held if the general election at which*
64 *it is to be called is scheduled in the year in which the term expires.*

65 § 3.5. POWERS AND DUTIES OF MAYOR.

66 The mayor shall be the chief executive officer of the town. He shall have and exercise all power and
67 authority conferred by general law not inconsistent with this charter. He shall preside over the meetings
68 of the town council and shall have the same right to speak therein as a member of the council, but shall
69 not vote except in the case of a tie vote. He shall have the power of veto over ~~the ordinances and~~
70 ~~resolutions~~ *any action of the town council, but any such ordinances and resolutions action that has been*
71 *vetoed by the mayor* may be passed over such veto by a two-thirds vote of the members of the town
72 council present and voting. He shall be recognized as the head of the town government for all
73 ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed
74 by the town council. He shall see that the duties of the various town officers are faithfully performed.
75 The police force of the town shall be under the control of the mayor for the purpose of enforcing peace
76 and good order and executing the laws of the State and the ordinances of the town. He, ~~or the person~~
77 ~~acting as mayor, may deputize such assistant policemen as may be necessary; and~~ shall authenticate by
78 his signature, such documents or instruments as the council, this charter, or the laws of the
79 Commonwealth shall require.

80 § 3.8. MEETINGS OF COUNCIL.

81 The town council shall fix the time of its stated meetings; ~~and it shall meet at least once a month,~~
82 ~~and except as herein provided, the council shall establish its own rules of procedure. A journal shall be~~
83 ~~kept of its official proceedings and its meetings shall be open to the public.~~ Four members of the town
84 council shall constitute a quorum for the transaction of business at any meeting. Special meetings may
85 be called at any time by the mayor or by any three members of the council; provided, that the mayor
86 and all council members are duly notified a reasonable period of time prior to such meeting, and no
87 business shall be transacted at a special meeting thereof, except that for which it shall be called. If all
88 members are present, this provision may be waived by a majority vote of the council. No ordinance,
89 resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative
90 votes of a majority of the members present.