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HOUSE BILL NO. 1857

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend and reenact § 4, as amended, of Chapter 583 of the Acts of Assembly of 1954, which provided a charter for the Town of Weber City, relating to town council elections.

Patron—Kilgore

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 4, as amended, of Chapter 583 of the Acts of Assembly of 1954 is amended and reenacted as follows:

§ 4. Administration and government.

(1) That the Circuit Court of Scott County shall, within 30 days after this charter goes into effect, appoint the mayor, recorder, treasurer and six councilmen for the said town and the persons appointed by the court shall hold office until their successors in office shall be duly elected and qualified as hereinafter provided for.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the second Tuesday in June, 1955, and every two years thereafter, on the first Tuesday in May there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and six other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. *However, beginning with an election to be held in May, 2018, the mayor and councilmen shall be elected for terms of four years.* They shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person 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 shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provision 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.

(4) There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(5) The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

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

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred dollars (\$100.00) per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of nine hundred dollars (\$900.00) per annum; and such salary shall be in lieu of any fees he is entitled to enter up as part of the costs and receive in the trial of cases for violation of the ordinances of the town as hereinafter provided for.

(8) The mayor shall prescribe 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 no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have no right of veto. 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

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59 inconsistent with this charter. He shall be ex officio a conservator of the peace within the town and
60 within one mile of its corporate limits; and shall have jurisdiction to issue process for and try all cases
61 for the violation of the town ordinances, subject to an appeal to the Circuit Court of Scott County, and
62 impose such punishment and/or fines as may be prescribed for violation of the same, and he shall have
63 power to issue executions for all fines and costs imposed by him, or he may require an immediate
64 payment thereof, and in default of such payment he may commit the defaulting party to the town jail or
65 the Scott County jail until such fine and costs shall be paid; such commitment, however, not to be for
66 more than twelve months. He may release persons accused or convicted of the violation of a town
67 ordinance upon the giving of sufficient bail to be fixed by him. He shall see that peace and good order
68 are preserved and that persons and property within the town are protected. He shall authenticate by his
69 signature such documents and instruments as the council, this charter, or the laws of this Commonwealth
70 require. He shall from time to time recommend to the council such measures as he may deem needful
71 for the welfare of the town.

72 (9) The council shall, as soon as practicable after qualification, appoint one of its members as
73 vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and
74 be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy
75 for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the
76 council or is elected.

77 (10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at
78 least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two
79 members of the council in writing; and no other business shall be transacted at a special meeting except
80 that stated in the call, unless all members be present and consent to the transaction of such other
81 business. The meetings of the council shall be open to the public except when in the judgment of the
82 council the public welfare shall require executive meetings.

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

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

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

95 (14) The treasurer shall make such reports and at such time as the council may prescribe. The books
96 and accounts of the treasurer shall be examined and audited at least once a year by a competent
97 accountant selected by the council, such examination and audit to be reported to the council.

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

100 (16) There shall be appointed by the council, at its first regular meeting in July after its election, a
101 clerk of the council, who shall hold office for a term of ~~two~~ four years. He shall attend the meetings of
102 the council and keep its minutes and records and have charge of the corporate seal. He shall keep all
103 papers required to be kept by the council, shall publish such reports and ordinances as are required to be
104 published, and shall perform such other duties as the council may from time to time require. His
105 compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

106 (17) There shall be appointed by the council at its first regular meeting in ~~September~~ July or as soon
107 as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office for ~~two~~
108 four years. His duties shall be such as the council prescribes. He shall be vested with the powers of a
109 conservator of the peace. His compensation shall be fixed by the council.

110 (18) The council may appoint or elect such other officers as may be necessary, including a business
111 manager for the town, and fix their salaries and define their duties.