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SENATE BILL NO. 1558

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on February 15, 2019)

(Patron Prior to Substitute—Senator Lewis)

A BILL to amend and reenact §§ 3.4 and 4.1 of Chapters 654 and 693 of the Acts of Assembly of 2005, which provided a charter for the Town of Onley in Accomack County, and to amend Chapters 654 and 693 of the Acts of Assembly of 2005 by adding a section numbered 4.1:1, relating to town council; town manager.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.4 and 4.1 of Chapters 654 and 693 of the Acts of Assembly of 2005 are amended and reenacted and that Chapters 654 and 693 of the Acts of Assembly of 2005 are amended by adding a section numbered 4.1:1 as follows:

§ 3.4. Mayor.

The mayor shall be the chief executive and administrative officer of the town *in the event that there is no appointed town manager*. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein as members of the council but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require.

§ 4.1. Appointments.

At the first meeting in ~~July~~ January following each election or as soon thereafter as practicable, the council shall appoint or reappoint the following officers whose duties shall be as prescribed by the council not inconsistent or in conflict with general law: *a town manager*, a town treasurer, a town clerk ~~who may also be the town treasurer~~, and a town attorney who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia and who shall be actively practicing in Accomack County. *The town manager may also be appointed to serve as the town treasurer.*

§ 4.1:1. Duties of the town manager.

The town manager shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

- 1. Attend all meetings of the town council, with the right to speak but not to vote;*
- 2. Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as may seem to him desirable;*
- 3. Prepare and submit the annual budget of the town council and be responsible for its administration after its adoption;*
- 4. Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year;*
- 5. Present adequate financial and activity reports as required by the town council;*
- 6. Arrange for an annual audit by a certified public accountant, the selection of whom shall be subject to the approval of the town council; and*
- 7. Perform such other duties as may be prescribed by this charter, required of him in accordance therewith by the town council, or required of the chief executive officer of a town by the general laws of the Commonwealth.*

All employees of the town, except those appointed by the town council, pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given to the mayor, or such other persons as may be designated by the town council. All employees and officers of the town, including those appointed by the town council, shall be under the management, control, and supervision of the

60 *town manager.*