

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 126

An Act to amend and reenact §§ 3.4, 3.7, 4.1, as amended, and 4.2 of Chapter 423 of the Acts of Assembly of 1983 and to amend Chapter 423 of the Acts of Assembly of 1983 by adding sections numbered 3.3:1, 4.1:1, 4.1:2, and 4.1:3, which provided a charter for the Town of Middleburg in Loudoun County, relating to powers of council and mayor, salaries, and appointed officers.

[H 441]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.4, 3.7, 4.1, as amended, and 4.2 of Chapter 423 of the Acts of Assembly of 1983 are amended and reenacted and that Chapter 423 of the Acts of Assembly of 1983 is amended by adding sections numbered 3.3:1, 4.1:1, 4.1:2, and 4.1:3 as follows:

§ 3.3:1. Powers and duties of the council.

The government of the Town of Middleburg shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town of Middleburg and for ensuring the implementation thereof by the town administration.

§ 3.4. Mayor.

The mayor shall be the chief executive officer of the town. 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 a member of the council but shall not vote except in the case of a tie vote. He see that the duties of the various appointed officers are faithfully performed and shall execute such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The mayor shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his the office as may be imposed by the town council. He The mayor shall see that preside over the duties meetings of the various town officers are faithfully performed and council but shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require not vote except in the case of a tie vote.

§ 3.7. Salaries.

The salaries of the mayor, councilmen, members of boards and commissions, and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of July following the next local election after the council approves such increase.

Chapter 4. Appointive Appointed Officers.

§ 4.1. Appointments Town manager.

The council may shall appoint: a town administrator, who a town manager, who shall be the chief administrative officer of the town and have the powers and perform the duties set forth in this charter, general law, and town ordinances, and shall be responsible to the council for the proper administration of all affairs of the town; for the control and supervision of all town departments, employees, and property; for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia; a chief of police; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper.

The town manager shall be chosen by the council solely on the basis of executive and administrative qualifications in the profession of public management. The town manager need not be a resident of the town or Commonwealth.

The town manager shall appoint and when necessary suspend, demote, and remove any of the officers and employees of the town except as otherwise provided in this charter or town ordinances. The town manager may authorize the head of a town office, department, or board to appoint subordinates in such office, department, or board. With regard to any of the officers subject to the town manager's appointment power, the town manager may appoint an acting officer in the case of the absence, incapacity, death, or resignation of the permanent officer.

The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

§ 4.1:1. Acting town manager.

The town manager may designate an individual who shall serve as the acting town manager in the

event of the absence, incapacity, death, or resignation of the town manager, until the town manager's return to duty or the appointment by the council of a successor.

§ 4.1:2. Town clerk.

Unless otherwise provided by town ordinance, the town manager shall appoint a town clerk who shall be clerk of the council and who shall serve at and during the pleasure of the town manager. The clerk of the council shall attend all meetings of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. The clerk shall be custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the town manager or the general laws of the Commonwealth require of town clerks.

§ 4.1:3. Town attorney.

The council shall appoint a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia. The town attorney may designate an individual who shall serve as the acting town attorney in the event of the absence, incapacity, death, or resignation of the town attorney, until the town attorney's return to duty or the appointment by the council of a successor.

§ 4.2. Term of office.

~~Appointees under this chapter~~ *The council's appointed officers shall serve for an indefinite term at the pleasure of the council.*