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SENATE BILL NO. 97

Offered January 12, 2022

Prefiled January 6, 2022

A *BILL to provide a new charter for the Town of Occoquan in Prince William County and to repeal Chapter 226, except § 2, as amended, of the Acts of Assembly of 1930, which provided a charter for the Town of Occoquan.*

Patrons—Surovell; Delegates: Sewell and Torian

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1.

**CHARTER
FOR THE
TOWN OF OCCOQUAN.**

Chapter 1.***Incorporation and Boundaries.*****§ 1.1. Incorporation.**

The inhabitants of the territory comprised within the present limits of the Town of Occoquan in Prince William County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Occoquan, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may amend at its pleasure.

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as shown in Chapter 680 of the Acts of the General Assembly of 1993 as modified by a boundary line adjustment entered into between the Town of Occoquan and Prince William County, approved by Circuit Court order recorded in the Prince William County land records as Instrument number 201311060109504.

Chapter 2.***Powers.*****§ 2.1. General grant of powers.**

The Town of Occoquan shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia (1950), as amended.

§ 2.3. Shows and fairs.

In addition to any powers granted by general law to license and regulate businesses, the town council shall also have the right to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and similar shows or fairs and to prohibit the holding of the same, or any of them, within the town.

Chapter 3.***Mayor and Town Council.*****§ 3.1. Election, qualification, and term of office for mayor and council.**

The Town of Occoquan shall be governed by a town council composed of five councilmembers and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmembers and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for five councilmembers and mayor shall be held on the first Tuesday following the first Monday in November, two-thousand and twenty-two. Elections shall be held on the first Tuesday following the first Monday in November every four years thereafter. The councilmembers and mayor so elected shall take office on the first day of the following January. The councilmembers and mayor shall serve for a term of four years,

59 or until their successors are elected and qualified.

60 § 3.2. Council a continuing body.

61 The council shall be a continuing body, and no measure pending before such body nor any contract
62 or obligation incurred shall abate or be discontinued because of the expiration of the term of office or
63 removal of any councilmember.

64 § 3.3. Powers and duties of the council.

65 The government of the Town of Occoquan shall be vested in the council, which shall have the power
66 to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The
67 council shall be responsible for the determination of all matters of policy for the Town of Occoquan and
68 for ensuring the implementation thereof by the town administration. All actions requiring a majority of
69 all members of council shall require three affirmative votes of councilmembers.

70 § 3.4. Mayor.

71 The mayor shall see that the duties of the various appointed officers are faithfully performed and
72 shall execute such documents or instruments as the council, this charter, or the laws of the
73 Commonwealth of Virginia shall require. The mayor shall be the head of the town government for all
74 ceremonial purposes and shall perform such other duties consistent with the office as may be imposed
75 by the town council. The mayor shall preside over the meetings of the council but shall not vote except
76 in the case of a tie vote.

77 § 3.5. Vice mayor.

78 The town council shall, by a majority of all of its members, elect a vice mayor from its membership
79 at its first meeting to serve for a term of four years in the absence of or during the disability of the
80 mayor, and the vice mayor shall possess the powers and discharge the duties of the mayor when serving
81 as mayor.

82 § 3.6. Meetings of council.

83 The council shall fix the time of its regular meetings, which shall be at least six times per year, and,
84 except as herein provided, the council shall establish its own rules of procedure and such rules as are
85 necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of
86 Virginia.

87 Three members of the council in the absence of the mayor, or three members of the council in
88 addition to the mayor, as applicable, shall constitute a quorum for the transaction of business at any
89 meeting.

90 If any member of the council shall be voluntarily absent from three regular meetings of the council
91 consecutively, his or her seat may be deemed vacant by resolution approved by a majority vote (three)
92 of all members elected to the council, and thereupon his or her unexpired term shall be filled according
93 to the provisions of this charter.

94 § 3.7. Salaries.

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

100 Chapter 4.

101 Appointed Officers.

102 § 4.1. Town manager.

103 The council shall appoint a town manager, who shall be the chief administrative officer of the town
104 and have the powers and perform the duties set forth in this charter, general law, and town ordinances
105 and shall be responsible to the council for the proper administration of all affairs of the town.

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

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

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

118 § 4.2. Acting town manager.

119 The town manager may designate an individual who shall serve as the acting town manager in the
120 event of the absence, incapacity, death, or resignation of the town manager until the town manager's

121 *return to duty or the appointment by the council of a successor.*

122 *§ 4.3. Town attorney.*

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

127 *§ 4.4. Term of office.*

128 *The council's appointed officers shall serve for an indefinite term at the pleasure of the council.*

129 *§ 4.5. Bonds.*

130 *Appointees may be required to execute such bonds as the council may deem necessary.*

131 *Chapter 5.*

132 *Miscellaneous.*

133 *§ 5.1. Ordinances continued.*

134 *All ordinances now in force in the town and not inconsistent with this charter shall be and remain in*
 135 *force until altered, amended, or repealed by the council.*

136 *§ 5.2. Severability.*

137 *If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any*
 138 *court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the*
 139 *remainder of the charter.*

140 **2. That Chapter 226, except § 2, as amended, of the Acts of Assembly of 1930 is repealed.**