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SENATE BILL NO. 961

Offered January 11, 2023

Prefiled January 6, 2023

A BILL to provide a new charter for the Town of Farmville in Prince Edward County and to repeal Chapter 315 of the Acts of Assembly of 1956, as amended, which provided a charter for the Town of Farmville.

Patrons—Peake and Mason

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1.

CHARTER
FOR THE
TOWN OF FARMVILLE.

Chapter 1. Incorporation, Boundaries, and Powers Generally.

§ 1. Incorporation.

The inhabitants of the territory comprised within the present corporate limits of the Town of Farmville, Virginia, as the same now are or may hereafter be established by law, are hereby declared to be a body politic and corporate under the name of Town of Farmville, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal that it may alter, renew, or amend at its pleasure.

§ 2. Corporate boundaries.

The boundaries of the town shall remain as now established unless changed in accordance with applicable law.

§ 3. Powers.

The powers set forth in Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia as in force on the date that this act takes effect, and all acts amendatory thereof, and all other powers that are now or may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a town government the exercise of which is not expressly prohibited by said Constitution and laws and which, in the opinion of the town council are necessary and desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants, are fully and completely conferred upon the Town of Farmville as though such powers specifically were enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition to the powers granted by other sections of this Charter, the town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the town shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use taxes as provided by law, and capitation taxes; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations, and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys, and other public places in the town without such license, said town to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the town by the license applicant.

In addition to the other powers conferred by law, the Town of Farmville shall have the power to impose, levy, and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility

59 service within the town or upon the amount paid for any one or more of such public utility services, and
60 may provide that such tax shall be added to and collected with bills rendered consumers and
61 subscribers for such services.

62 Chapter 2. Administration and Government.

63 Article 1. Mayor and Town Council.

64 § 4. Powers enumerated.

65 All powers of the Town of Farmville as a body politic and corporate shall be vested in the town
66 council. The council shall be the policy-determining body of the town and shall be vested with all of the
67 rights and powers conferred by state law on councils in towns, not inconsistent with this Charter. In
68 addition to the foregoing, the council shall have the following powers:

69 (1) To have full power to inquire into the official conduct of any office or officer under its control
70 and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these
71 purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and
72 other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he
73 shall be deemed guilty of a misdemeanor.

74 (2) To fix a schedule of compensation for all town officers and employees. The council may define
75 certain classes of town employees whose salaries shall be set by the town manager.

76 (3) To prescribe the amount and condition of surety bonds to be required of such officers and
77 employees of the town as the council may designate.

78 The town manager, the clerk of the council, and the town attorney shall serve at the pleasure and
79 will of the town council. Where the selection and tenure in office of officers and employees are
80 otherwise specified in this Charter, the Constitution of Virginia, or state statute, those provisions shall
81 govern.

82 § 5. Election, term, and filling of vacancies.

83 The council and the mayor shall be elected in the manner provided by law as follows:

84 The terms of the three members of the council who were elected in May 2020, shall expire on
85 December 31, 2024. At the regular municipal election to be held on the first Tuesday in November 2024
86 and every four years thereafter three councilmen shall be elected for a term of four years each. The
87 term of the mayor and the four members of the council who were elected at the regular municipal
88 election in November 2022 shall expire on December 31, 2026. Terms of office shall begin on the first
89 day of January next following their election. Each council member and the mayor elected as
90 hereinabove provided shall serve for the term stated or until their successor has been elected and
91 qualified.

92 The council shall have five members elected from wards and two members elected at large. The
93 three members elected in November 2024 and thereafter shall be one from ward D, one from ward E,
94 and one at large. The four members elected in November 2026 and thereafter shall be one from ward A,
95 one from ward B, one from ward C, and one at large. The mayor shall be elected at large. Any vacancy
96 in the office of any council member elected from a ward must be filled by a qualified voter actually
97 residing in the ward in which the vacancy shall have occurred. Each member of the council may receive
98 a salary to be fixed by the council, payable at such times and in such manner as the council may direct.
99 The mayor may receive a salary to be fixed by the council, payable in such manner and at such times
100 as the council may direct.

101 § 6. Oath of office.

102 The mayor and other municipal officers of the town, before entering upon the duties of their
103 respective offices, shall be sworn in according to the laws of the Commonwealth by any one authorized
104 to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the
105 council.

106 The failure of any person elected or appointed to an office under this Charter to qualify within thirty
107 days after the commencement of the term for which he was elected or appointed, or if elected or
108 appointed to fill a vacancy, for thirty days after such election or appointment, shall vacate his office.

109 § 7. Duties of mayor generally.

110 The mayor shall preside over the meetings of the council, shall have the same right to speak therein
111 as other members of the council. The mayor shall not have a vote as other members of the council
112 unless there is a tie but shall have power to veto. The mayor's veto can be overridden by a two-thirds
113 vote of the elected members of the council. The mayor shall have authority to appoint such committees
114 of the council as deemed necessary and expedient in the proper administration of the town government.

115 The mayor shall be recognized as the head of town government for all ceremonial purposes, the
116 purpose of military law, and the service of civil process. The mayor shall authenticate, by the mayor's
117 signature, such instruments as the council, this Charter, or the laws of the Commonwealth may require.

118 § 8. Selection and duties of vice mayor.

119 At the first meeting of each new and succeeding council elected hereunder, the council shall elect
120 from its membership one of its members to serve as vice mayor. The vice mayor shall preside over

meetings of the council in the absence of the mayor and may vote on all matters. The vice mayor shall not have a veto power.

Article 2. Council Procedures.

§ 9. Meetings generally.

The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings. All appropriations of money shall be by roll call vote and the vote shall be recorded in the minutes of the council.

§ 10. Quorum.

The mayor and four council members, or in the absence of the mayor, five council members, shall constitute a quorum for the transaction of business.

§ 11. Special meetings.

The mayor or any three members of the council may call special meetings of the council after a written notice to each member of the council, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his usual place of business or residence if he be not found with due diligence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting unless all members of the council are present.

§ 12. Clerk of the council.

The council shall appoint a clerk of the council to serve at the pleasure of the council. The clerk shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purpose. The clerk shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall receive such compensation as may be determined by the council.

Article 3. Enactments.

§ 13. Ordinances and resolutions.

Except as otherwise provided in this Charter, state law, or the Constitution of Virginia, an affirmative vote of a majority of the members of the council present shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting.

Article 4. Town Manager.

§ 14. Appointment of town manager; term of office.

There shall be a town manager who shall be responsible to the council for the proper administration of the town government. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of his appointment he need not be a resident of the town or the Commonwealth, but during his tenure of office he shall reside within the town unless such requirement is waived by the council.

§ 15. Duties of town manager.

The town manager shall have the following duties:

(1) To see that all laws and ordinances of the town are enforced.

(2) To exercise supervision and control over all administrative departments and divisions, unless otherwise provided by resolution or ordinance of the council.

(3) To attend all regular meetings of the council with the right to take part in the discussion but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or desirable.

(5) To execute all contracts on behalf of the town.

(6) To prepare and submit to the council the annual budget.

(7) To keep the council advised as to the present and future needs of the town and as to all operations of its government.

(8) To perform all such duties as may be prescribed by this Charter or be required of him by the council.

§ 16. Absence or disability.

During the absence or disability of the town manager or in case of a vacancy, the council shall designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy.

§ 17. Council-town manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately.

§ 18. Council members and mayor not to succeed to office of town manager.

No council member, or the mayor, shall be appointed as town manager during the term for which he

182 *has been elected nor within one year after the expiration of his term.*

183 *Article 5. Financial Administration.*

184 *§ 19. Fiscal year.*

185 *The fiscal year of the town shall be from July 1 through June 30 inclusive.*

186 *§ 20. Submission and adoption of budget; hearings and tax levy.*

187 *No later than the first day of May annually the town manager shall prepare and submit to the*
188 *council a budget presenting the financial plan for conducting the affairs of the town for the ensuing*
189 *fiscal year. Such budget shall be set up in the manner provided by law and shall include such*
190 *information as the council, by ordinance or resolution, may require.*

191 *Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance*
192 *with general laws of the Commonwealth.*

193 *The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted*
194 *prior to the first day of the fiscal year for which they were made or adopted.*

195 *§ 21. Borrowing powers.*

196 *The council may, in the name of and for the use of the town, incur indebtedness by issuing its bonds*
197 *or notes for the purposes, in the manner and to the extent provided for in this Charter and by the*
198 *general laws of Virginia.*

199 *§ 22. Purpose for which bonds or notes may be issued; manner of issuance.*

200 *Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as*
201 *hereinafter provided may be issued for any purpose for which towns are authorized to issue bonds by*
202 *the Constitution or general laws of the Commonwealth.*

203 *Notes in anticipation of collection of revenue may be issued when authorized by the council at any*
204 *time during the fiscal year. Bonds and notes of the town may be issued in any manner provided by*
205 *general law.*

206 *§ 23. Audits generally.*

207 *At the close of each fiscal year the council shall cause to be made an independent audit of the*
208 *accounts, books, records, and financial transactions of the town by the auditor of public accounts of the*
209 *Commonwealth or by a firm of independent certified public accountants to be selected by the council.*
210 *The report of such audit shall be filed within such time as the council shall specify, and one copy*
211 *thereof shall be available for public inspection in the office of the clerk of the council at any time*
212 *during regular business hours. Upon the death, resignation, or termination of employment of any town*
213 *officer or employee, council may order an audit of the accounts, books, records, and financial*
214 *transactions of that office.*

215 *Article 6. Town Attorney.*

216 *§ 24. Town attorney appointment; qualifications.*

217 *There shall be a town attorney appointed by the council, and he shall hold office at the pleasure of*
218 *the council and shall receive such compensation as council may determine. He shall be an attorney at*
219 *law licensed to practice under the laws of the Commonwealth. The town attorney shall be the chief legal*
220 *adviser of the council, the town manager, and all departments, boards, commissions, and agencies of the*
221 *town in all matters affecting the interest of the town. He shall represent the town in all civil*
222 *proceedings, except in cases where other counsel is appointed. It shall be his duty to perform all*
223 *services as may be required by the laws of the Commonwealth, this Charter, or by ordinance.*

224 *Chapter 3. General Provisions.*

225 *§ 25. Contractual relationships.*

226 *The town may enter into contractual relationships with the Commonwealth; the Commonwealth's*
227 *departments, bureaus, boards, and agencies; neighboring political subdivisions; or private agencies for*
228 *the performance of all or any part of the functions or purposes of the town, on such terms and for such*
229 *periods as the council may determine to be in the public interest, where such contractual relationships*
230 *are not specifically prohibited by the Constitution and general laws of the Commonwealth.*

231 *§ 26. Applicability of state law; conflicts with jurisdiction of State Corporation Commission.*

232 *If there is omitted from this Charter any provision essential to the valid sale or granting, renewing,*
233 *extending, or amending of any franchise, privilege, lease, or right of any kind to use any public*
234 *property in the town, the provisions of the general law with reference to this subject shall supply such*
235 *omissions, provided that nothing contained in this Charter shall affect any franchise heretofore granted*
236 *or any contract heretofore made with a public utility corporation, nor shall anything contained in this*
237 *Charter be construed to conflict with the jurisdiction of the State Corporation Commission.*

238 *§ 27. Severability; short title.*

239 *If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any*
240 *court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the*
241 *remainder of said Charter, but shall be confined in its operations to the clause, sentence, paragraph, or*
242 *part thereof directly involved in the controversy in which such judgment shall have been rendered.*

243 *This act may for all purposes be referred to or cited as the Town of Farmville Charter of 2023 and*

244 *shall be effective on July 1, 2023.*