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HOUSE BILL NO. 1127

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to amend and reenact §§ 3.04, as amended, 3.05, as amended, 3.07, and 3.14 of Chapter 47 of the Acts of Assembly of 1986, which provided a charter for the Town of Pulaski in Pulaski County, relating to council; mayor; vice-mayor; elections.

Patron—Arnold (By Request)

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.04, as amended, 3.05, as amended, 3.07, and 3.14 of Chapter 47 of the Acts of Assembly of 1986 are amended and reenacted as follows:

§ 3.04. Composition and qualifications.

The council shall be composed of six council members and the mayor consist of seven members, one of whom shall be the mayor, to be elected from the town at large. The council members and the mayor shall be qualified voters of the town.

§ 3.05. Election and term of office of council members.

The council shall be elected in the manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday in May 2000, and every four years thereafter. The other three council members shall be elected on the first Tuesday in May 2002, and every four years thereafter.

The term of office for all council members shall begin on July 1 next following their election, and each shall serve for a term of four years or until his successor shall have been elected and qualified. The members of council shall be elected for and serve terms of four years, from the first day of January next following the date of their election and until their successors shall have been elected and qualified. Three council members shall be elected on the first Tuesday following the first Monday of November 2024 and every four years thereafter. Three council members shall be elected on the first Tuesday following the first Monday of November 2026 and every four years thereafter. The council members may succeed themselves as often as the voters may choose.

§ 3.07. Mayor and vice-mayor.

The mayor shall be elected on the first Tuesday in May, 1986, and every two years thereafter. The position of mayor shall occupy a separate position on the ballot from that of the other council members and the mayor shall be elected in the manner provided by Virginia election laws for and serve a term of four years, from the first day of January next following the date of his election and until his successor shall have been elected and qualified. The mayor shall be elected on the first Tuesday following the first Monday of November 2024 and every four years thereafter.

The mayor shall have no the right to vote in the council, except that in every case of a tie vote of the council, the mayor shall be entitled to vote and such vote (in case of a tie only) shall then have the same weight and effect as the vote of a councilman, but the mayor shall have no right to veto. In addition, he shall preside at meetings of the council and perform such other duties as may be prescribed by this charter and by general law and such as may be imposed by the council consistent with the office. The mayor shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes. In the event of public danger or emergency the mayor shall maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no power to suspend, remove or discharge any officer, official, agent or employee of the town, nor shall he have any power or authority to appoint or employ any officer, official, agent or employee of the town, nor fix the term of office or employment or the compensation, or increase or decrease the power and authority of any officer, official, agent or employee of the town, unless such power shall have been given by the council.

The mayor shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; shall see that peace and order are preserved and that persons and property within the town are protected; shall authenticate by his or her signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and shall from time to time recommend to the council such measures as he or she may deem needful for the welfare of the town and shall be entitled to join in all discussions of town business.

59 Any provision of this charter dealing with a council member shall also apply to the mayor, unless
60 the context clearly indicates otherwise.

61 At the first meeting of the council of each ~~even-numbered~~ *odd-numbered* year, the council shall elect
62 from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as
63 mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become acting
64 mayor until such time as a successor is appointed to fill the unexpired term. The council member who
65 serves as vice-mayor or acting mayor under this section shall continue to have all the rights, privileges,
66 powers, and duties and obligations of a council member, even when performing the duties of mayor.

67 § 3.14. Procedure.

68 A. Meetings. The council shall meet regularly at least once in every month, at such times and places
69 as the council may prescribe by ordinance, and no regular meeting may be continued or postponed
70 without either (i) a majority vote of the council members in open session, or (ii) by written consent of
71 the majority of the members other than the mayor, in which written consent shall specify the date for
72 holding a postponed or continued meeting, and when a majority have signed such writing the same shall
73 be so continued or postponed. Special meetings may be held on the call of the mayor or of any three
74 council members. No business shall be transacted at a special meeting but that for which it may be
75 called, unless the council be unanimous.

76 No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting
77 there are present as large a number of members as were present when such vote was taken.

78 The meetings of the council shall be open to the public and to the press, except when the public
79 welfare shall require executive session, and then the public welfare shall not be deemed to require such
80 executive session unless a majority of the councilmen present and constituting a quorum shall vote in
81 favor of such executive session. Any citizen and the press may have access to the minutes of the council
82 at all reasonable times.

83 A majority of all members of council, ~~exclusive~~ *inclusive* of the mayor, shall constitute a quorum,
84 but a smaller number may adjourn from time to time and compel the attendance of absentees.

85 B. Rules and conduct of business. The council shall determine its own rules and order of business.
86 The council shall have the power to create or abolish such committees, both standing and special, as it
87 may from time to time determine to be necessary or convenient to the transaction of public business.

88 C. Voting. An affirmative recorded vote of a majority of those members voting is required for the
89 adoption of any ordinance or resolution having in its object levying of taxes or contracting of debt. All
90 votes must be in person. No proxies are allowed.

91 Voting shall be by roll call with the ayes and nays recorded in the minutes where a roll call vote is
92 required by statute or is called for by any council member prior to the vote. Otherwise, voting may be
93 by voice vote without a roll call.

94 A majority vote of council shall mean a majority of those members present and actually voting on a
95 matter at a properly called meeting of council.