24101137D

1	**HOUSE BILL NO. 91**
2	Offered January 10, 2024
3	Prefiled December 30, 2023

4 *A BILL to amend and reenact § 27, as amended, § 28, and §§ 29, 30, and 37, as severally amended, of*
5 *Chapter 548 of the Acts of Assembly of 1952, which provided a charter for the Town of Smithfield in*
6 *Isle of Wight County, and to repeal § 43 of Chapter 548 of the Acts of Assembly of 1952, relating to*
7 *town council elections; town officers.*
8 ——————

Patrons—Wachsmann; Senator: Jordan

9 ——————
10 Referred to Committee on Counties, Cities and Towns
11 ——————

12 **Be it enacted by the General Assembly of Virginia:**
13 **1. That § 27, as amended, § 28, and §§ 29, 30, and 37, as severally amended, of Chapter 548 of**
14 **the Acts of Assembly of 1952 are amended and reenacted as follows:**
15 § 27. Council members shall be elected to serve four-year staggered terms. ~~At elections held on the~~
16 ~~first Tuesday in May 1998, three members of council were elected to serve terms expiring on July 1,~~
17 ~~2000, and four members of council were elected to serve terms expiring on July 1, 2002.~~ At the general
18 election to be held ~~on the first Tuesday in May 2000~~ *in November 2024*, and every four years thereafter,
19 three members of council shall be elected for a term of four years. At the general election to be held ~~on~~
20 ~~the first Tuesday in May 2002~~ *in November 2026*, and every four years thereafter, four members of
21 council shall be elected for a term of four years. Members of council elected under this act shall enter
22 upon the duties of their offices ~~July 1~~ *the first day of January* next succeeding their elections.
23 § 28. (a) All elections for the officers of the town shall be held and conducted in the manner
24 prescribed by law.
25 (b) ~~The council of the town shall judge of the election, qualification and returns of its members and~~
26 ~~if a person returned be adjudged disqualified or in the event of tie votes, the council, upon the written~~
27 ~~request of one of such candidates, receiving the same number of votes as another candidate for the same~~
28 ~~office, the council shall order a new election to fill the vacancy or break the tie, said election to be at~~
29 ~~the same place, on such day as the council may prescribe, provided that the written request of any such~~
30 ~~candidate shall be filed with the council within ten days after the election, otherwise the council may~~
31 ~~declare a vacancy in such office and fill the same from the electors of the town by a majority vote of~~
32 ~~the council.~~ *Notice of candidacy for office shall be given, and the ballots to be used in any election in*
33 *the town shall be prepared, printed, and distributed in the manner prescribed by law.*
34 § 29. (a) The officers of the town, in addition to the mayor and councilmen, shall be a town
35 manager, treasurer, clerk, and chief of police.
36 (b) The council may, by ordinance, provide for such other officers, agents and employees as it may
37 deem appropriate, prescribe their duties and fix their compensation.
38 (b1) The council shall appoint a treasurer who shall hold office at the pleasure of the council and
39 shall serve under the direction and supervision of the town manager. The office of treasurer may be
40 filled by the town manager.
41 (c) ~~The clerk shall be elected by the council for a term of two years, coincident with that of the~~
42 ~~council. The office of treasurer and clerk may be filled by the same person, and may be filled by the~~
43 ~~town manager.~~ *The council shall appoint a clerk who shall hold office at the pleasure of the council and*
44 *shall serve under the direction and supervision of the town manager.*
45 (d) The council may provide for and require annual audit of any books pertaining to the receipts and
46 the expenditure of the funds of the town.
47 (e) The council shall appoint a town manager who shall be charged with the administration of the
48 business of the town as set forth in this charter.
49 ~~(f) As authorized by § 15.1-796, the office of town sergeant shall not be established.~~
50 § 30. The council shall fix the salaries of the mayor, councilmen, treasurer, clerk, ~~sergeant, deputy~~
51 ~~sergeant~~ *town manager,* and employees, as it may deem appropriate, at its first meeting in June, which
52 salary shall be for a period of one year, beginning the first day of July next following; provided,
53 however, that the Council may increase or decrease the salaries at such other times as it may deem
54 appropriate and in the best interests of the town, and further provided, that a salary may be paid one or
55 more councilmen or a salary in excess of that paid other councilmen may be paid one or more
56 councilmen, if a majority of the council ~~determine~~ *determines* that additional duties and responsibilities
57 assumed by such councilman or councilmen, by reason of committee assignment or otherwise, warrant
58 such salary, and a majority of the council authorize such additional compensation.

59   § 37. The mayor shall be the chief executive officer of the town; he shall have and exercise all
60 power and authority conferred by general law on the mayors of towns not inconsistent with this charter;
61 he shall perform such other duties consistent with his office as may be imposed by the council; in the
62 event of the inability of the mayor to discharge his duties, his place may in the discretion of the council
63 be filled and his duties discharged, until such disability shall cease, by the vice-mayor. The mayor shall
64 be the official head of the town. ~~In times of public danger or emergencies, he may take command of the~~
65 ~~police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen~~
66 ~~as may be necessary.~~ The mayor or person acting as mayor~~,~~ shall authenticate by his signature~~,~~ such
67 documents or instruments as the council, this charter, or the laws of the Commonwealth~~,~~ shall require.
68 **2. That § 43 of Chapter 548 of the Acts of Assembly of 1952 is repealed.**