

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 3.8 and 3.9 of Chapter 519 of the Acts of Assembly of 2013, which provided*  
 3 *a charter for the Town of Richlands in Tazewell County, relating to ordinances; town manager.*

4 [H 2199]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 3.8 and 3.9 of Chapter 519 of the Acts of Assembly of 2013 are amended and reenacted as**  
8 **follows:**

9 § 3.8. Ordinances.

10 A. Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or  
11 resolution, and all ordinances, except ordinances making appropriations or authorizing the contracting of  
12 indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances  
13 making appropriations or other obligations and appropriating the money to be raised thereby shall be  
14 confined to those subjects respectively.15 B. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of  
16 the Town of Richlands." No ordinance, unless it be an emergency measure, shall be passed until it has been  
17 ~~read~~ *presented* at two regular meetings not less than seven days apart; ~~unless the requirement of such reading~~  
18 ~~has been dispensed with by the affirmative vote of four of the members of the council.~~ No ordinance or  
19 section thereof shall be revised or amended by its title or section number only, but the new ordinance shall  
20 contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the  
21 passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council, and  
22 every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the  
23 members.24 C. All ordinances and resolutions passed by the council shall be in effect from and after 30 days from the  
25 date of their passage, except that the council may, by the affirmative vote of two-thirds of its members  
26 present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating  
27 money for any emergency may be passed as emergency measures, but no measure providing for the sale or  
28 lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or  
29 regulating the rate to be charged for its service by any public utility, shall be so passed. No measure  
30 increasing a tax or license, or providing for any new form of tax, shall be adopted until notice has been  
31 published 30 days previous to its passage in a paper of general circulation in the town.32 D. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose  
33 and shall be authenticated by the signature of the presiding officer and the town clerk.34 E. Every member, when present when a question is put, shall vote unless excused by the council. But no  
35 member who has any personal or financial interest in the result of any ordinance or resolution before the  
36 council shall vote thereon.

37 § 3.9. Appointees.

38 At the first meeting in January following each council election, or as soon thereafter as practicable, the  
39 council shall:40 1. Appoint a town manager who shall be the administrative and executive head of the municipal  
41 government. The town manager shall be chosen by the council without regard to political beliefs and solely  
42 upon the basis of his executive and administrative qualifications. At the time of his appointment, the town  
43 manager need not be a resident of the town or the Commonwealth but ~~during the tenure of office~~ shall reside  
44 within the town *within the contractually stated grace period*. The town manager shall be appointed for an  
45 indefinite period and shall hold office during the pleasure of the council. Compensation shall be provided by  
46 the council by ordinance or resolution. The town manager may be bonded as the council may deem  
47 necessary. During the absence or disability of the town manager or in case of a vacancy, the council may  
48 designate some properly qualified person to perform the duties of the office during such absence, disability,  
49 or vacancy. No council person shall receive such appointment during the term for which he or she shall have  
50 been elected, nor within one year after the expiration of his or her term. Neither the council nor any of the  
51 members shall direct or request the appointment, as hereinafter provided, of any person to office by the town  
52 manager or by any of the town manager's subordinates. Except for the purpose of inquiry, the council and its  
53 members shall deal with the administrative service solely through the town manager, and neither the council  
54 nor any member thereof shall give orders to any subordinates of the town manager, either publicly or  
55 privately. The town manager shall have the authority duties as follows:

56 a. To ensure that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced;

- 57 b. To appoint such officers and employees, as the council shall determine and authorize as are necessary  
58 for the proper administration of the affairs of the town with the power to discipline and remove any such  
59 officer or employee, but the town manager shall report each appointment of any officer having supervisory or  
60 administrative authority to the council for confirmation at the next meeting thereof following any such  
61 appointment. The chief of police so appointed by the town manager and confirmed by the council shall have  
62 the power to discipline subordinates for just cause;
- 63 c. To attend all meetings of the council, with the right to take part in the discussion, but having no vote;
- 64 d. To recommend to the council for adoption of such measures as the town manager may deem necessary  
65 or expedient;
- 66 e. To make reports to the council from time to time upon the affairs of the town and to keep the council  
67 fully advised of the town's financial condition and its future financial needs;
- 68 f. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general  
69 law and by this Charter;
- 70 g. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and  
71 to act as town purchasing agent;
- 72 h. To supervise and control all encumbrances, expenditures, and disbursements; to insure that budget  
73 appropriations are not exceeded and to appoint, or upon resolution of the council to act as, the town treasurer  
74 with the following duties:
- 75 (1) To be the collector and custodian of all funds belonging to the town and to deposit such funds in such  
76 depositories as may be designated by the council;
- 77 (2) To have custody of all investments and invested funds of the town in a fiduciary capacity;
- 78 (3) To disburse by check all money payable by the town. If the treasurer is a person other than the town  
79 manager, all checks shall be countersigned by the town manager;
- 80 (4) To protect the interest of the town by withholding the payment of any claim or demand by any person,  
81 firm, or corporation against the town until any indebtedness or other liability due from such person, firm, or  
82 corporation shall first have been settled and adjusted; and
- 83 (5) To perform such other duties as may be prescribed or requested by council.
- 84 2. Appoint a town clerk, who also may be the town manager, for an indefinite term. The town clerk shall  
85 receive such compensation as shall be provided by the council by ordinance or resolution and shall have the  
86 following duties:
- 87 a. To be custodian of the corporate seal;
- 88 b. To give notice of council meetings;
- 89 c. To keep a journal of council proceedings;
- 90 d. To authenticate by the town clerk's signature and record in full in a book kept for the purpose of all  
91 ordinances and resolutions; and
- 92 e. To perform such other duties as may be prescribed or requested by council.
- 93 3. Appoint a town attorney, for an indefinite term who shall be an attorney-at-law licensed to practice  
94 under the laws of the Commonwealth. The town attorney shall receive such compensation and fees as shall be  
95 provided by the council by ordinance or resolution. The town attorney shall have the following powers and  
96 duties:
- 97 a. To be legal advisor of the council, the town manager, and all departments, boards, commissions, and  
98 agencies of the town, in all matters affecting the interest of the town and shall upon request furnish a written  
99 opinion on any question of law involving their respective official powers and duties;
- 100 b. To prepare, at the request of the town manager or any member of the council, ordinances for  
101 introduction and, at the request of the council or any member thereof, shall examine any ordinance after  
102 introduction and render his or her opinion as to the form and legality thereof;
- 103 c. To draw or approve all bonds, deeds, leases, contracts, or other instruments to which the town is a party  
104 or in which it has an interest; and
- 105 d. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so  
106 required by the town council.