

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

[S 873]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.8 and 3.9 of Chapter 519 of the Acts of Assembly of 2013 are amended and reenacted as follows:

§ 3.8. Ordinances.

A. Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

B. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the Town of Richlands." No ordinance, unless it be an emergency measure, shall be passed until it has been read ~~presented~~ at two regular meetings not less than seven days apart; ~~unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council.~~ No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members.

C. All ordinances and resolutions passed by the council shall be in effect from and after 30 days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. No measure increasing a tax or license, or providing for any new form of tax, shall be adopted until notice has been published 30 days previous to its passage in a paper of general circulation in the town.

D. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

E. Every member, when present when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon.

§ 3.9. Appointees.

At the first meeting in January following each council election, or as soon thereafter as practicable, the council shall:

1. Appoint a town manager who shall be the administrative and executive head of the municipal government. The town manager shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment, the town manager need not be a resident of the town or the Commonwealth but ~~during the tenure of office~~ shall reside within the town *within the contractually stated grace period*. The town manager shall be appointed for an indefinite period and shall hold office during the pleasure of the council. Compensation shall be provided by the council by ordinance or resolution. The town manager may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No council person shall receive such appointment during the term for which he or she shall have been elected, nor within one year after the expiration of his or her term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of the town manager's subordinates. Except for the purpose of inquiry, the council and its members 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. The town manager shall have the authority duties as follows:

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

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b. To appoint such officers and employees, as the council shall determine and authorize as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but the town manager shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline subordinates for just cause;

c. To attend all meetings of the council, with the right to take part in the discussion, but having no vote;

d. To recommend to the council for adoption of such measures as the town manager may deem necessary or expedient;

e. To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs;

f. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this Charter;

g. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent;

h. To supervise and control all encumbrances, expenditures, and disbursements; to insure that budget appropriations are not exceeded and to appoint, or upon resolution of the council to act as, the town treasurer with the following duties:

- (1) To be the collector and custodian of all funds belonging to the town and to deposit such funds in such depositories as may be designated by the council;
- (2) To have custody of all investments and invested funds of the town in a fiduciary capacity;
- (3) To disburse by check all money payable by the town. If the treasurer is a person other than the town manager, all checks shall be countersigned by the town manager;
- (4) To protect the interest of the town by withholding the payment of any claim or demand by any person, firm, or corporation against the town until any indebtedness or other liability due from such person, firm, or corporation shall first have been settled and adjusted; and
- (5) To perform such other duties as may be prescribed or requested by council.

2. Appoint a town clerk, who also may be the town manager, for an indefinite term. The town clerk shall receive such compensation as shall be provided by the council by ordinance or resolution and shall have the following duties:

- a. To be custodian of the corporate seal;
- b. To give notice of council meetings;
- c. To keep a journal of council proceedings;
- d. To authenticate by the town clerk's signature and record in full in a book kept for the purpose of all ordinances and resolutions; and
- e. To perform such other duties as may be prescribed or requested by council.

3. Appoint a town attorney, for an indefinite term who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. The town attorney shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. The town attorney shall have the following powers and duties:

- a. To be legal advisor of the council, the town manager, and all departments, boards, commissions, and agencies of the town, in all matters affecting the interest of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties;
- b. To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his or her opinion as to the form and legality thereof;
- c. To draw or approve all bonds, deeds, leases, contracts, or other instruments to which the town is a party or in which it has an interest; and
- d. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so required by the town council.