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**HOUSE BILL NO. 732**

Offered January 14, 2026

Prefiled January 13, 2026

*A BILL to provide a new charter for the Town of Rocky Mount in Franklin County and to repeal Chapter 952 of the Acts of Assembly of 2000, which provided a charter for the Town of Rocky Mount.*

Patron—Davis

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

1.

**CHARTER FOR THE TOWN OF ROCKY MOUNT.***Article 1. Incorporation and Boundaries.***§ 1.1. Incorporation.**

*The inhabitants of the territory comprised within the limits of the Town of Rocky Mount, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the Town of Rocky Mount (the town), and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure.*

**§ 1.2. Boundaries.**

*The corporate limits or boundaries of the town, unless and until changed in the manner prescribed by law, shall be the same as set forth in the order entered December 19, 1961, which order is recorded in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Common Law Order Book 38, page 579, and as enlarged and set forth in the order entered February 8, 1999, which order is recorded in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Chancery Order Book 74, page 641, and Deed Book 643, page 371, and as enlarged and set forth in the order entered June 3, 2002, which order is recorded in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Chancery Order Book 80, page 1358, and Deed Book 743, page 1662.*

*Article 2. Powers.***§ 2.1. General grant of powers.**

*The town shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and the general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive but in addition to this general grant.*

**§ 2.2. Construction.**

*The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and the general laws of the Commonwealth of Virginia and this charter shall be construed liberally when such powers are exercised by the town.*

**§ 2.3. Adoption of certain sections of the Code of Virginia.**

*The powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia (1950), as amended, and all acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town.*

**§ 2.4. Eminent domain.**

*The town is hereby empowered to acquire by condemnation, gift, lease, purchase or bequest, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as the council deems expedient.*

*The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth of Virginia.*

*Article 3. The Council.***§3.1. Definitions.**

*As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, and the town attorney; "officials" refers to administrative department heads; and all other persons employed by the town are designated "employees."*

**§ 3.2. General powers and duties of the council.**

*The government of the town shall be vested in the council which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be*

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responsible for the determination of all matters of policy for the town and for ensuring the implementation thereof by the town administration.

§ 3.3. Composition and qualifications.

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

§ 3.4. Election and term of office.

The council shall be elected in the manner provided by Virginia elections laws. A mayor and three council members shall be elected on the November general election date of the year 2022 and every four years thereafter. Three council members shall be elected on the November general election date of the year 2024 and every four years thereafter.

The term of office for the mayor and all council members shall begin on the first day of January next following their election, and each shall serve for a term of four years or until a successor shall have been elected and qualified. The mayor and council members may succeed themselves as the voters may choose, except no person shall be eligible to be elected to serve in the same office more than three consecutive terms. Service for a partial term shall not preclude serving the allowed number of full terms. These limits shall apply to terms of service beginning on and after January 1, 2027.

§ 3.5. Voters of the town.

The voters of the town shall be the actual residents of the town who are qualified to vote for members of the General Assembly.

§ 3.6. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution but no ordinance or resolution increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

§ 3.7. Mayor and vice mayor.

The mayor as a member of the council shall have the same powers and duties as other members of the council, with a vote, but no veto. In addition, the mayor shall preside at meetings of the council and shall be the head of the town government for all official functions and ceremonial purposes, but shall have no administrative duties.

At the first meeting of the council in January of each odd-numbered year, the council shall elect from its members a vice mayor who shall serve for a term of two years. The vice mayor shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor until the next regular council election. At that election, a mayor shall be elected to fill the unexpired term.

§ 3.8. Absence or disability of mayor and vice mayor.

If both the mayor and vice mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section.

§ 3.9. Prohibitions.

Except as otherwise authorized by law, a member of council shall not be eligible during his or her tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, a member of council may be compensated as a member of the board or commission.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officials or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Except for the purpose of discussions, informal reviews, inquiries, and official investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately.

§ 3.10. Vacancies.

The office of a council member shall become vacant upon his death, resignation, or removal from office in any manner authorized by law.

A vacancy on the council shall be filled within forty-five days, for the unexpired term, by a majority vote of the remaining members, if the vacancy occurs two years or less before the date of expiration of such term. If the vacancy occurs more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of council only until the next council election, at which election the voters of the town shall elect a person to serve as council member for the remaining two years of the term.

If a vacancy is being filled by voters at the next council election, the candidates receiving the highest number of votes will be entitled to full terms and the candidate receiving the next highest number shall be entitled to the unexpired term caused by the vacancy.

§ 3.11. Town clerk.

The council shall appoint a town clerk who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the records of its proceedings, keep all papers, documents and records pertaining to the town, keep and attest the town seal, and perform such other duties as are assigned to the clerk by this charter or by the council.

§ 3.12. Independent audit.

The council shall provide for an independent annual audit of all town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually. If the Commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section.

§ 3.13. Procedure.

The council shall meet regularly at least once in every month at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two or more members upon no less than twenty-four hours' notice to each member, except in cases of extreme emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting which has not been stated in the notice unless all members of the council are present and give their unanimous consent to the consideration of such business and such business is an emergency or of an unusual nature.

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

The council shall determine its own rules and order of business and shall provide for keeping records of its proceedings.

On final vote on any ordinance or resolution, the name of each member of the council voting and how he voted shall be recorded. The council may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law or any member calls for a roll call vote. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

An affirmative recorded vote of five of the members is required for the adoption of any ordinance or resolution having for its object the levying of taxes or contracting a debt.

§3.14. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council, and may also serve as legal advisor to the town administration.

§ 3.15. Committees, boards and commissions.

The council may create committees, boards, and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards, and commissions consistent with the general law.

All members of committees, boards and commissions appointed by the town council may be removed by the council unless otherwise provided by the general law.

Article 4. The Town Manager.

§ 4.1. Appointment, qualifications, and compensation.

A town manager shall be appointed by and serve at the pleasure of the council. The amount of compensation shall be fixed by the council. The manager shall be appointed solely on the basis of executive and administrative qualifications in the profession of public management and administration. The manager need not be a resident of the town or the Commonwealth of Virginia at the time of appointment but may reside outside the town while in office only with the approval of the council.

§ 4.2. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town. The manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this charter. The manager shall have the following powers and duties:

1. The manager shall appoint and, when deemed necessary for the good of the service, suspend or remove any town employees and appointive administrative officials provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The manager may authorize any administrative official who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office, or agency.

2. The manager shall direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by other law.

3. The manager shall attend all council meetings and shall have the right to take part in discussion, but may not vote.

4. The manager shall see that all laws, provisions of this charter, and acts of the council, subject to enforcement by the manager or by officials subject to the manager's direction and supervision, are faithfully executed.

5. The manager shall prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget.

6. The manager shall submit to the council and make available to the public a complete report on the finance and administrative activities of the town as of the end of each fiscal year.

7. The manager shall make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the manager's direction and supervision.

8. The manager shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the manager deems desirable.

9. The manager shall ensure that adequate and accurate personnel records are maintained on all employees of the town.

10. The manager shall provide a system for handling complaints from citizens.

11. The manager shall perform such other duties as are specified in this charter or may be prescribed by the council.

§ 4.3. Acting town manager.

The council may designate a qualified town administrative official to exercise the powers and perform the duties of manager in case of the absence, disability, suspension, death, or resignation of the manager until the manager's return to duty or the appointment of his successor.

§ 4.4. Removal.

The council may remove the manager at any time at the pleasure of the council. The action of the council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

#### Article 5. Administrative Departments.

§ 5.1. Creation of departments.

The council may establish all departments, offices, and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and the general laws of the Commonwealth of Virginia.

Administrative departments shall include but shall not be limited to departments concerned with public safety, finance, public works, and planning.

§ 5.2. Direction by manager.

All departments, offices, and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the manager.

#### Article 6. Financial Procedures.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June.

§ 6.2. Procedure as to budget, etc.

Not later than the first day of May annually, the town manager shall prepare and submit to the council a budget presenting a financial plan for conducting the affairs of the town for the ensuing fiscal year. Such budget shall be made in accordance with the general laws of the Commonwealth of Virginia and shall include such information as the council by ordinance or resolution shall require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with the general laws of the Commonwealth of Virginia, provided that the tax levy for each fiscal year shall be made and the budget for each fiscal year shall be adopted prior to the first day of the fiscal year for which made or adopted.

#### Article 7. General Provisions.

§ 7.1. Charter amendment.

Amendments to this charter shall be made only in accordance with the procedure specified in the general laws of the Commonwealth of Virginia.

§ 7.2. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby.

§ 7.3. Oaths of office and official bonds.

All elected or appointed officers and officials of the town shall take the oath of office and give the bond, if

any, required by law before the Clerk of the Circuit Court of Franklin County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law provides otherwise, in which event general law shall prevail.

§ 7.4. Books, records, et cetera.

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth of Virginia, or the Rocky Mount Town Code as responsible for the keeping of such books, records, and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, documents and town property.

Article 8. Transitional Provisions.

§ 8.1. Ordinances.

All ordinances, resolutions, orders, and regulations of the town not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders, and regulations which are in force when this charter becomes effective and which are inconsistent with this charter are repealed.

§ 8.2. Continuity of terms of officers.

The officers of the town who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms and their successors have been duly elected and qualified.

§ 8.3. Citation of act.

This act may for all purposes be referred to or cited as the charter for the Town of Rocky Mount, Virginia, of the year 2026.

**2. That Chapter 952 of the Acts of Assembly of 2000 is repealed.**