

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 5 and 6, §§ 7 and 12, as amended, and §§ 15, 16, 19, 20, 25, 35, 38, 39, and*
 3 *55 of Chapter 486 of the Acts of Assembly of 1926, which provided a charter for the Town of Waverley in*
 4 *Sussex County, and to repeal §§ 26 through 33 and 46 of Chapter 486 of the Acts of Assembly of 1926,*
 5 *relating to elections, town council, mayor, town manager, and town powers; emergency.*

6 [S 281]

7 Approved

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

9 **1. That §§ 5 and 6, §§ 7 and 12, as amended, and §§ 15, 16, 19, 20, 25, 35, 38, 39, and 55 of Chapter 486**
 10 **of the Acts of Assembly of 1926 are amended and reenacted as follows:**

11 § 5. The government of the Town of Waverly shall be vested in a ~~mayor and~~ *five-member town council.*

12 § 6. The municipal officers of the said town shall consist of a ~~mayor,~~ *five councilmen, a town manager, a*
 13 *treasurer, and a sergeant.*

14 § 7. The ~~mayor and~~ *councilmen shall be elected by the qualified voters of the Town of Waverly, on the*
 15 *first Tuesday in May, nineteen hundred seventy-two, pursuant to a prior change in the law commencing with*
 16 *the November 2022 general election for a term of two years and every two years thereafter, and their term of*
 17 *office shall begin on the first day of July January next ensuing, and they shall hold office until their*
 18 *successors shall have qualified. Beginning with the general election to be held in November of 2026, the*
 19 *mayor shall not be elected by the voters of the town but shall be chosen by members of town council in*
 20 *accordance with this charter. Council members may receive monthly stipends, and the council-elected mayor*
 21 *and vice mayor may receive larger stipends. All stipend amounts shall be set by council.*

22 § 12. The council ~~may also~~ *shall appoint such other officers, agents, and employees as may be necessary*
 23 *to conduct the business of the town, fix their compensation and prescribe their duties, and may appoint such*
 24 *committees of the council, and create such boards and departments of town government and administration*
 25 *with such duties and powers and subject to such regulations as it may see fit, consistent with the provisions of*
 26 *this act. The terms of all officers, agents, and employees appointed or employed by the council, unless sooner*
 27 *removed from office as provided for herein, shall expire with the council, except the terms of members of the*
 28 *Town Planning Commission shall not automatically expire with the council. a town manager who will be*
 29 *responsible for managing the day-to-day operations of the town. The town manager shall serve at the*
 30 *pleasure of the council and shall report directly to the council. The town manager may be employed either*
 31 *part time or full time. The town manager shall be responsible to the town council for the proper*
 32 *administration of all affairs of the town, for the control and management of all town departments and*
 33 *property, and for the appointment, supervision, discipline, and dismissal of all town employees, except with*
 34 *respect to officers appointed by town council, whose appointment and dismissal shall be by act of the town*
 35 *council. The town manager shall be responsible for the preparation and implementation of an annual budget,*
 36 *and for other duties as prescribed by the council and is vested with all the powers provided by the general*
 37 *laws of the Commonwealth of Virginia. The town manager shall also perform other duties and receive such*
 38 *compensation as the town council may prescribe. The town manager may also hold the position of town clerk*
 39 *if deemed so by the town council.*

40 Chapter 3. Oath Of ~~Mayor,~~ *Councilmen, Etc.*

41 § 15. The ~~mayor, and the~~ *town sergeant shall take the oath prescribed by law for all State officers, and the*
 42 *councilmen and all other officers shall take an oath faithfully to execute the duties of their respective offices*
 43 *to the best of their judgment.*

44 § 16. The court or person administering the oaths required by the preceding section shall make duplicate
 45 certificates of the oaths taken by the ~~mayor, and the~~ *town sergeant and the person taking the same shall*
 46 *deliver the certificates to the clerk of the council who shall file all of the certificates among the records of the*
 47 *said town, and shall deliver the copy of the oath of the ~~mayor and~~ town sergeant to the clerk of the circuit*
 48 *court of Sussex County, to be by him filed and preserved.*

49 Chapter 5. Mayor *and vice mayor.*

50 § 19. The mayor *and vice mayor* shall be elected by ~~the qualified voters of the town~~ *members of town*
 51 *council at the initial meeting of each new town council for a term of two years. The mayor and vice mayor*
 52 *shall remain full voting members of town council.*

53 § 20. ~~His salary shall be fixed by the town council and shall not diminish during his term of office. The~~
 54 *mayor and vice mayor shall receive no salary.*

55 § 25. The mayor shall see that the bylaws and ordinances of the town are fully executed and enforced, and
 56 shall preside over the meetings of the town council, ~~voting only in case of a tie. The mayor shall be~~

57 *recognized as the head of the town council and the head of the town government for all ceremonial purposes*
58 *and shall perform such other duties consistent with the office as may be imposed by the town council. The*
59 *vice mayor shall possess the powers and discharge the duties of the mayor during any period of absence or*
60 *disability of the mayor. If the vice mayor is also absent or unable to act, the council may choose another*
61 *council member to possess the powers and discharge the mayor's duties during the period of the vice mayor*
62 *and mayor's absence or disability. The council may provide reasonable compensation to the vice mayor or*
63 *other council member discharging the duties of the mayor pursuant to this section.*

64 § 35. The town council, ~~in addition to the mayor,~~ shall be composed of five members, and they shall be
65 elected by popular vote of the qualified electors of the town.

66 § 38. The meetings of the council shall be presided over by the mayor, or in his absence or inability to act,
67 the ~~president pro tempore~~ vice mayor, or in his absence, or inability, some other member of the council
68 chosen by a majority of that body.

69 § 39. The meetings of the town council shall be open to the public except when a ~~recorded vote of four-~~
70 ~~fifths of those members present shall declare that the public welfare requires secrecy~~ a closed meeting is held
71 pursuant to general law.

72 § 55. The town may at its discretion appoint the Sussex County Sheriff to serve as town sergeant and
73 contract with his department to provide police services to the town or, in the alternative, establish its own
74 police force, in which case such police force shall be under the control of the ~~mayor~~ town manager, for the
75 purpose of enforcing peace and order and executing the laws of the State and ordinance of the town. They
76 shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute
77 their duties and powers, any policeman is hereby made a conservator of the peace, and endowed with all the
78 powers of the constable in criminal cases, and all other powers which under the laws of the State may be
79 necessary to enable him to discharge the duties of his office.

80 **2. That §§ 26 through 33 and 46 of Chapter 486 of the Acts of Assembly of 1926 are repealed.**

81 **3. That an emergency exists and this act is in force from its passage.**