

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to suspend certain officers, require a study, adopt a remedial plan, and establish meeting*
 3 *requirements of town councils in certain towns and to amend the Code of Virginia by adding in Article 6*
 4 *of Chapter 15 of Title 15.2 a section numbered 15.2-1535.1, relating to members of local governing body;*
 5 *continuing personal interest in certain transactions.*

6 [H 505]

7 Approved

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

9 **1. That the Code of Virginia is amended by adding in Article 6 of Chapter 15 of Title 15.2 a section**
 10 **numbered 15.2-1535.1 as follows:**

11 **§ 15.2-1535.1. Members of governing body; continuing personal interest in certain transactions.**

12 *Any member of a governing body in any locality, who has been employed by any governmental agency*
 13 *that is a component part of and which is subject to the ultimate control of that governmental body of which he*
 14 *is a member, shall be deemed to have a continuing personal interest, as defined in § 2.2-3101, in that agency*
 15 *for a period of two years following the termination of such employment.*

16 **2. § 1. Notwithstanding any provision of law to the contrary, in the event of a criminal proceeding against**
 17 **an officer of any town in Planning District 8 with a population between 8,000 and 10,000 according to the**
 18 **latest United States decennial census alleging the commission of a felony offense, the court having**
 19 **jurisdiction over such offense shall enter an order suspending such officer pending the resolution of such**
 20 **proceeding and any related proceeding under § 24.2-231, 24.2-232, 24.2-233, 24.2-234, or 24.2-234.1 of**
 21 **the Code of Virginia. If such offense originates in district court, such court shall have authority to issue an**
 22 **order pursuant to this section of this act. Upon transfer to circuit court or if such offense originates in**
 23 **circuit court, such circuit court shall enter an order pursuant to this section of this act on the record. The**
 24 **presiding court may dissolve such order if the final outcome of the felony offense is an acquittal, nolle**
 25 **prosequi, or dismissal, including if the offense was deferred and dismissed after a finding of facts sufficient**
 26 **to justify a finding of guilt.**

27 *During a suspension pursuant to this enactment, the court may appoint some suitable person to act in the*
 28 *officer's place. The officer's compensation shall be withheld and kept in a separate account and paid to him if*
 29 *and when the judicial proceedings result in his favor. Otherwise, it shall be paid back to the county, city,*
 30 *town, or State Treasurer who paid it.*

31 **§ 2. Any town in Planning District 8 with a population between 8,000 and 10,000 according to the latest**
 32 **United States decennial census shall procure a study to evaluate the condition and status of the town's debt,**
 33 **infrastructure, utilities, and other significant liability risks, to be performed by a public institution of higher**
 34 **education with a student population of at least 15,000 students in consultation with a chief administrative**
 35 **officer of a locality in Planning District 8 with a population of at least 500,000 according to the latest United**
 36 **States decennial census. The study shall make recommendations about prioritizing and identifying the needs**
 37 **of the town as well as any recommendations as to amendments to the town's charter. The study shall conclude**
 38 **no later than July 1, 2027.**

39 **§ 3. Any town in Planning District 8 with a population between 8,000 and 10,000 according to the latest**
 40 **United States decennial census for which a study is conducted pursuant to § 2 of this act shall adopt a plan**
 41 **consistent with the study to address such town's needs in a fiscally appropriate manner that does not**
 42 **jeopardize the town's bond rating.**

43 **§ 4. In any town in Planning District 8 with a population between 8,000 and 10,000 according to the**
 44 **latest United States decennial census, the town council shall only take votes on matters that have been (i)**
 45 **properly published at least three days prior to the vote as part of a town council agenda or (ii) otherwise**
 46 **approved as additional agenda items or as amendments to existing agenda items by a three-fourths vote of all**
 47 **the members of the council at the start of the meeting. Any resident of the town shall have standing in the**
 48 **general district court of the county in which the town is located to challenge a town council vote in conflict**
 49 **with this section or the provisions of § 2.2-3112 of the Code of Virginia, and such case shall take precedence**
 50 **on the docket. Any prevailing resident filing such case shall be entitled to attorney fees.**

51 **§ 5. In any town in Planning District 8 with a population between 8,000 and 10,000 according to the**
 52 **latest United States decennial census, any full-time town manager shall be a resident of the Commonwealth**
 53 **of Virginia unless the town council of such town has waived such requirement by a majority vote of the town**
 54 **council.**

55 **3. That the provisions of the second enactment of this act shall expire on July 1, 2028.**