Chapter 2

ADMINISTRATION

Article I. Town Council

Division 1. In General

§ Sec. 2-1. When regular meetings held.
§ Sec. 2-2. Standing committees.
§ Sec. 2-3. Proposed ordinances or resolutions to be in writing.
§ Sec. 2-4. Ordinances to be read twice; emergency measures

Division 2. Rules of Order

§ Sec. 2-5. Application of rules of House of Delegates
§ Sec. 2-6. Suspension of rules.
§ Sec. 2-7. Duties of mayor as presiding officer generally.
§ Sec. 2-8. Questions of order.
§ Sec. 2-9. Statement of question and declaration of result: recorded vote.
§ Sec. 2-10. Withdrawing from meeting.
§ Sec. 2-11. Conduct in addressing council.
§ Sec. 2-12. Priority in speaking.
§ Sec. 2-13. Communications to be in writing.
§ Sec. 2-14. Motions.
§ Sec. 2-15. Committee meetings.
§ Sec. 2-16. Committee reports.
§ Sec. 2-17. Claims against town: applications for remission of taxes.
§ Sec. 2-18. Order of business.

Article II. Officers Generally.

§ Sec. 2-19. Extortion.
§ Sec. 2-20. Fraudulent issue of fee bills.
§ Sec. 2-21. False entries or destruction of records.

Article III. Mayor

§ Sec. 2-22. Executive head of government.
§ Sec. 2-23. Contracting debts, etc.
§ Sec. 2-24. Recommendations to council.

Article IV. Town Attorney.

§ Sec. 2-25. Election.
§ Sec. 2-26. Compensation.
§ Sec. 2-27. Powers and duties—Generally.
§ Sec. 2-28. Same—Suits, prosecutions, etc.
§ Sec. 2-29. Reports to council.
§ Sec. 2-30. Accounting for funds.

ARTICLE I. TOWN COUNCIL

DIVISION 1. IN GENERAL

Sec. 2-1. When regular meetings held.

The council shall hold its regular meetings in the council chamber on the second Monday of every month at 7:00 p.m. or as decided by Council.

Sec. 2-2. Standing committees.

The council, as soon as practicable after the qualification of the newly elected members of each council, shall appoint the following standing committees:

(a) Streets

(b) Water

(c) Wastewater

Sec. 2-3. Proposed ordinances or resolutions to be in writing.

No proposed ordinance or proposed resolution having the effect of an ordinance shall be considered or passed by the council unless it shall be submitted in writing.

Sec. 2-4. Ordinances to be read twice; emergency measures

Ordinances, except emergency measures, shall not be passes until they shall have been read at two successive regular meetings of the council.

Emergency ordinances shall take effect immediately upon their passage. An emergency ordinance is an ordinance passed by the council for the immediate preservation of the public peace, property, health, welfare, safety or morals. No ordinance granting, enlarging, or affecting any franchise or amending or repealing any ordinance fixing any property tax rate or assessment shall be an emergency ordinance.

DIVISION 2. RULES OF ORDER

Sec. 2-5. Application of rules of House of Delegates.

The proceedings of the council, except as its own rules may otherwise provide, shall be governed by the rules of procedure which are used by the House of Delegates of the state.

Sec. 2-6. Suspension of rules.

No rule adopted by the council shall be suspended without the concurrence of two-thirds of the members elected to the council.

Sec. 2-7. Duties of mayor as presiding officer generally.

The mayor, as the presiding officer of the council, shall enforce the rules of procedure, preserve order and decorum, and appoint all committees.

Sec. 2-8. Questions of order.

The mayor shall decide questions of order, and may, without vacating the chair, give his reasons for his decisions. From any decision of the chair an appeal may be made to the body in session, the question being "Shall the decision of the chair be sustained?" Upon such appeal no debate shall be allowed if it refers to a question of decorum, but if it relates to the priority of business or to the relevancy or applicability of propositions, the appeal may be debated.

Sec. 2-9. Statement of question and declaration of result: recorded vote.

The mayor shall state the question and shall declare the result of the vote. He may direct, or any member may demand, a recorded vote, which shall be taken by a call of the roll.

Sec. 2-10. Withdrawing from meeting.

After a member, at any meeting has been recorded as present, he shall not, without permission of the mayor or the presiding officer, absent himself from such meeting until its adjournment.

Sec. 2-11. Conduct in addressing council.

Every member shall address the presiding officer before speaking, confine himself to the question before the body, and avoid all personal or indecorous language. No member shall interrupt another while speaking except to rise to a point of order, the point to be briefly stated to the presiding officer.

Sec. 2-12. Priority in speaking.

The person first to address the chair shall speak first. When two or more members speak at the same time, the presiding officer shall name the one to speak.

Sec. 2-13. Communications to be in writing.

No communication to the council shall be entertained unless the same be in writing.

Sec. 2-14. Motions.

Every motion or proposition, except such as is subsidiary or incidental, shall be in writing. When a motion is made and seconded, it shall be stated by the presiding officer before being debated. A motion or proposition may be withdrawn by the mover at any time before it is decided, amended, or otherwise acted upon.

Sec. 2-15. Committee meeting.

The members of a committee shall meet on the call of the chairman, who shall be the first named person on the committee. A majority of the committee shall constitute a quorum to do business.

Sec. 2-16. Committee reports.

Every committee shall, unless otherwise directed, report at the next succeeding regular meeting upon the subject matter referred to it or shall show good cause why such report is not made. Every committee shall have authority to report on any matter proper for its consideration, though not specially referred to it. The reports of committees shall be in writing and shall be signed by a majority of its members. The papers referred to therein as well as all written opinions in reference thereto obtained from the attorney for the town, shall be returned with the project.

Sec. 2-17. Claims against town: applications for remission of taxes.

No claims against the town shall be acted upon at any meeting, except by unanimous consent, unless the same has been considered and laid on the table for one meeting. Every application of a remission of taxes shall be verified by the oath of the applicant, and without special order, shall stand referred to the next meeting.

Sec. 2-18. Order of business.

At every regular meeting of the council, the order of business shall be as follows:

(a) Public comment

(b) Review of prior meeting minutes

(c) Reports of standing committees:

  (1) Streets

  (2) Water

  (3) Wastewater

(d) Old business

(e) New business

(f) Mayor’s report

The order of business shall not be departed from except by the consent of two-thirds of the members of the council present.

ARTICLE II. OFFICERS GENERALLY

Sec. 2-19. Extortion.

If any officer, for performing an official duty for which a fee or compensation is allowed or provided by law, knowingly demands and receives a greater fee or compensation than is allowed or provided, he shall be punished in section 1-7.

Sec. 2-20. Fraudulent issue of fee bills.

If any person authorized by law to charge fees for services performed by him and issue bills therefore fraudulently issue a fee bill for a service not performed by him, or for more than he is entitled to, he shall be punished as provided in section 1-7.

Sec. 2-21. False entries or destruction of records.

If any officer of the town fraudulently makes a false entry, or erases, alters, or destroys any record in his keeping and belonging to his office, he shall be punished as provided in section 1-7.

ARTICLE III. MAYOR

Sec. 2-22. Executive head of government.

The mayor of the town shall be the executive head of its municipal government.

Sec. 2-23. Contracting debts, etc.

The mayor shall not at any time contract any debt or liability for the town unless duly authorized by the recorded vote of the majority of the council at any regular or special meeting.

Sec. 2-24. Recommendations to council.

From time to time the mayor shall recommend to the council such measures as he may deem needful for the welfare of the town.

ARTICLE IV. TOWN ATTORNEY

Sec. 2-25. Election.

The council may elect an attorney for the town to serve for period during which council was elected. Such attorney must have been admitted to practice law in the courts of the Commonwealth of Virginia.

Sec. 2-26. Compensation.

The salary of the attorney for the town shall be in such amount as may be fixed by the council and shall be payable quarterly and shall be in full compensation for all services rendered the town,

except fees for prosecutions before the Mayor, and the conduct of cases in the circuit court of appeals, for which he is to receive such fees as are usually paid to counsel in like cases. When the duties of his office require his presence out of town, his reasonable expenses shall be allowed him.

Sec. 2-27. Powers and duties — Generally.

The town attorney shall have charge, management and control of all legal matters affecting the town and, in regard to all municipal affairs, shall be the legal advisor of the mayor and council or any committee thereof, and when requested, he shall furnish written or verbal opinions upon any subject involving questions of law in which the town is interested.

It shall be the duty of the town attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required of him by any ordinance or order of the council, or which, by law, usage or agreement, should be drawn by the town. The town attorney shall perform such other duties as are or may be required of him for the town by any ordinance or resolution of the council.

Sec. 2-28. Same—Suits, prosecutions, etc.

It shall also by the duty of the town attorney to commence and prosecute all actions and suits to be brought by the town before any tribunal in this State and to appear, defend and advocate the rights and interests of the town or any officer of the town in ay suit or prosecution for any act in the discharge of his official duties, or wherein any estate, right, privilege, ordinance or acts of the town government may be brought in question. He shall appear before the Mayor and prosecute on behalf of the town any person or persons charged with violation of any ordinance of the town when requested so to do by the Mayor. He shall also prosecute or assist in the prosecution before the circuit court, of all appeals of criminal cases from the Mayor's court to the circuit court of the county.

Sec. 2-29. Reports to council.

Whenever requested by the council, the town attorney shall prepare and duly deliver to the council a report showing the conditions of all cases handled by him and the conditions of all cases pending in which the town is interested.

Sec. 2-3. Accounting for funds.

The town attorney shall promptly account for and pay over to the town collector any and all funds belonging to the town, collected or received by him, together with an itemized statement showing from whom received and for what accounts such money was received.