TOWN CHARTER REVIEW COMMITTEE MEETING AGENDA

February 27, 2023

5:00 PM

Council Chambers, Rocky Mount Municipal Building
345 Donald Avenue, Rocky Mount, Virginia

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1. Roll Call
2. Approval of Agenda
3. Review and Discussion of Rocky Mount Town Charter
   - 3.1. Rocky Mount Town Charter
4. Adjournment

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.

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 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 general laws of the Commonwealth 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 Code of Virginia, tit. 15.2, ch.11, § 15.2—1100 et seq. and any 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 powers of eminent domain set forth in Code of Virginia, tit. 15.2, and in tit. 25, ch. 1.1, and tit. 33.1, ch. 1, §§ 25—46.1 et seq. and 33.1—1 et seq.as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the town except that the powers of eminent domain specified in of tit. 33.1, ch. 1 of the Code shall be limited to acquisition for streets and for water and sewage facilities. Certificates issued pursuant to Code of Virginia, §§ 33.1-119—33.1-132 as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without

the town; provided, that the provisions of Code of Virginia, §§ 33.1-119—33.1-132. as amended, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities.

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 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. Three council members shall be elected on the first Tuesday in May of the year 2000 and every four years thereafter. A mayor and three other council members shall be elected on the first Tuesday in May of the year 2002 and every four years thereafter.

The term of office for all council members shall begin on the first day of July 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 council members may succeed themselves as often as the voters may choose.

§ 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, shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative duties.

At the first meeting of the council in July of each even-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 councilmanic 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 sixty 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 councilmanic 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 councilmanic 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 journal 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 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 a journal of its proceedings. This journal shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. 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 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.

By letter filed with the town clerk within thirty days after assuming duties, the manager shall designate, subject to approval by the council, a qualified town administrative official to exercise the powers and perform the duties of manager during his absence, disability or suspension. During such absence, disability or suspension, the council may revoke such designation at any time or appoint another official of the town to serve until the manager shall resume his duties.

§ 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 general laws of the Commonwealth.

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. - Submission of budget and budget message.

On or before the fifteenth day of April of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

§ 6.3. - Budget message.

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable.

§ 6.4. - Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be

so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. The budget shall indicate in separate sections:

1.

Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

2.

Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and;

3.

Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated available funds.

§ 6.5. - Capital program.

The manager shall prepare and submit to the council a five-year capital program at least three months prior to the final date for submission of the budget.

The capital program shall include:

1.

A clear general summary of its contents;

2.

A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements:

3.

Cost estimates, method of financing and recommended time schedule for each such improvement; and

4.

The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

§ 6.6. - Council action on budget.

The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

1.

The times and places where copies of the message and budget are available for inspection by the public; and

2.

The time and place, not less than two weeks after such publication, for a public hearing on the budget.

After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to any amount greater than the total of estimated available funds.

The council shall adopt the budget before the first day of the fiscal year for which adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

§ 6.7. - Council action on capital program.

The council shall publish in one or more local newspapers the general summary of the capital program and a notice stating:

1.

The times and places where copies of the capital program are available for inspection by the public: and

2.

The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

The council by resolution shall adopt the capital program, with or without amendment, after the public hearing and on or before the fifteenth day of April of the current fiscal year.

§ 6.8. - Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

§ 6.9. - Amendments after adoption.

If during the fiscal year the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such emergency ordinances authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance or resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

§ 6.10. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation.

§ 6.11. - Temporary loans.

The council may negotiate and secure short term loans for the purpose of paying current expenses or debts of the town. Such loans shall be evidenced by bonds or notes bearing interest, payable in not more than one year from the date of issue. The aggregate of such short term bonds and notes outstanding at any one time shall not exceed an amount equal to fifteen percent of the previous year's revenues.

§ 6.12. - Municipal assessment.

The assessment of real and personal property in the town for the purpose of municipal taxation may be set by the town council in such manner as the council may provide in accordance with the Constitution and the general laws of the Commonwealth.

§ 6.13. - Assessments of local improvements.

The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments over a period not exceeding ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth.

ARTICLE 7. - GENERAL PROVISIONS

§ 7.1. - Charter amendment.

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

§ 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 execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and 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 otherwise provides, 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 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. Any person failing to deliver such books, records, documents and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried.

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, or until 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 2000.

PROPOSED CHARTER
TOWN OF ROCKY MOUNT
February 23, 2023

An Act 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.

Be it enacted by the General Assembly of Virginia:

CHARTER OF 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 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, 2025.

§ 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, 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 otherwise provides, 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 2023.