

THE CHARTER

CHARTER

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[HISTORY: Adopted by the General Assembly of Virginia 1-13-1993. Amendments noted where applicable.]

INDEPENDENCE TOWN CHARTER

CHAPTER 1 INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Independence, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Independence (the "town"), and as such shall have

perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance.

§1.2. Boundaries.

The boundaries of the town until altered, are those established in § 2 of Chapter 225 of the Acts of Assembly of 1934, and the amendment of such section contained in Chapter

92, Acts of Assembly of 1952, and the Circuit Court of Grayson County by Order dated July 29, 1977, in Chancery Case No.2392.

CHAPTER 2 POWERS

§ 2.1. General grant of powers.

The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this Charter shall be held to be exclusive, and the town shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this Charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof.

CHAPTER 3 MAYOR AND COUNCIL

§ 3.1. Election, qualification and term of office for Council.

The town shall be governed by a Town Council composed of six (6) Council members, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The Council in office at the time of the adoption of this Charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. At the next general election for the election of members to the Town Council held on the first Tuesday in May 1994, the three (3) candidates receiving the greatest number of votes shall be elected for four-year terms, and the three (3) candidates receiving the next greatest number of votes shall be elected for two-year terms. Elections shall be held on the first Tuesday in May every two (2) years thereafter, and the Council members shall thereafter be elected for terms of four (4) years or until their successors are elected and qualified. The term of each person elected under this section shall begin on July 1 next following their election.

§ 3.2. Vacancies on Council.

Vacancies on the Council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of the Council.

§ 3.3. Council.

The Council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any Council member.

§ 3.4. Election, qualification and term of office for Mayor.

The Mayor shall be the chief executive officer of the town, who shall be a qualified voter in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The Mayor in office at the time of the adoption of this Charter shall continue in office until the expiration of the term for which he was elected or until his successor is elected and qualified. An election for Mayor shall be held on the first Tuesday in May 1994. Elections for Mayor shall be held on the first Tuesday in May every four (4) years thereafter. The Mayor shall serve for a term of four (4) years or until his successor is elected and qualified. The term of a person elected under this section shall begin on July 1 next following his election.

§ 3.5. Vacancies in office of Mayor.

A vacancy in the office of the Mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the members of the Council. The Mayor shall have and exercise all of the privileges and authority conferred by the general law not inconsistent with the Charter. He shall preside over the meetings of the Town Council and shall have the right to speak therein, without the power to vote except in circumstances when the vote of the Council is tied or deadlocked, in which case the Mayor may cast a vote. He shall be the head of the town government for all its ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the Town Council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the Council, this Charter or the laws of the commonwealth shall require. .

§ 3.6. Vice Mayor.

The Town Council shall, by a majority of all its members, elect a Vice Mayor from its membership at its first meeting to serve for a term of two (2) years. In the absence of or during the disability of the Mayor, the Vice Mayor shall possess the powers and discharge the duties of the Mayor when serving as Mayor. Vacancies hereunder shall be filled for the unexpired term by Council from its membership. The Vice Mayor shall vote as a member of the Council.

§ 3.7. Meetings of Council.

The Council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the Council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business except where inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time

by the Mayor or by four (4) members of the Council, provided that the members of Council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the Mayor and all the members of the Council are present, this provision requiring prior notice for special meetings is waived.

§3.8. Compensation.

Compensation for the Mayor and Council members shall be set by the Council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the Mayor and the Council members shall not be effective until July 1 following the local election after the Council approves such increases.

CHAPTER 4 APPOINTIVE OFFICERS

§ 4.1. Appointments.

The Town Council shall appoint the following officers:

A. Town Treasurer. A Town Treasurer, whose duties shall be to receive all money belonging to the town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for the collection of all license fees, taxes, levies and charges due to the town, to disburse the funds of the town as the Council may direct, and other such duties as prescribed by the Council.

B. Town Clerk. A Town Clerk whose duties shall be to record the minutes of the Town Council meetings and such other duties as Council may designate.

C. Town Attorney. A Town Attorney who shall be an attorney at law licensed under the laws of the commonwealth. The Town Attorney shall receive such compensation as provided by the Council and shall have such duties as prescribed by Council.

D. Other officers. The Council may appoint other officers that the Council deems necessary and proper, designate their duties and establish their compensation and benefits.

E. General. All officers shall serve at the pleasure of the Council and be compensated as provide:d by Council, including benefits. The Council may fill any vacancy in any office appointed by it.

CHAPTER 5 FINANCIAL PROVISIONS

§5.1. Fiscal year .

The fiscal year of the town shall begin on July 1 of each year and end June 30 of the year following.

**CHAPTER 6
MISCELLANEOUS**

§ 6.1. Ordinance continued in force.

All ordinances now in force in the town, not inconsistent with the Charter, shall be and remain in force until amended or repealed by Council.

§ 6.2. Severability of provision.

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the Charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.