

Town of Windsor

Memorandum

May 10, 2016

TO: The Honorable Mayor and Town Council

FROM: Michael Stallings, Town Manager MS

SUBJECT: Town Code Update

In accordance with the Town Code update schedule, I have completed my review of sections 14, 21, 25, and 33 of the Town Code. The sections are attached with the recommended changes in red. Additions are underlined and deletions are struck through.

My recommended changes are as follows:

Section 14 – Delete the entire section as it pertains to the Fire Department and it is no longer under Town control

Section 21 – Delete the entire section as the Town Charter covers all officers and departments

Section 25-2 and 3 – Replace law and state law with The Code of Virginia

Section 33 – Delete the entire section as the Town Charter covers Town Council

I have attached a copy of the Town Charter for review as I reference it above.

If Council is agreeable to these changes, we will add them to the previous batch and the next batch for advertisement in July.

This is for Council's discussion and direction.

Chapter 14. FIRE DEPARTMENT

§ 14-1. Applicability of state and Town law.

The Fire Department of the Town shall be organized and maintained under and governed by the laws of the state, the Charter and ordinances of the Town and the rules, regulations and bylaws of the Fire Department not inconsistent with the laws of the state and the Charter and ordinances of the Town.

§ 14-2. Organization.

Any number of persons, not less than 20 nor more than 90, residing in the Town may form themselves into a company for extinguishing fires and, after the formation of such company, persons residing or employed in the Town or within two air miles of its corporate limits may be members of such company.

§ 14-3. Composition.

The Fire Chief, Assistant Fire Chief, Chief Engineer and Captain, together with their respective assistants, and all members of the company in good standing shall constitute the Fire Department of the Town.

§ 14-4. Bylaws, rules and regulations.

The fire company of the Town is hereby authorized and empowered to adopt, enact and enforce such bylaws, rules and regulations as the fire company may deem necessary and proper in accomplishing the purposes for which the company is organized and as are not inconsistent with the laws of the state and the Charter, this Code and other ordinances of the Town, a copy of which shall be filed with the Town Council.

§ 14-5. Qualifications and election of Fire Chief and Chief Engineer.

The Fire Chief, Assistant Fire Chief, Chief Engineer and Captain of the Fire Department shall be appointed or elected annually in December or not later than the following January by the Town Council from members of the operational roll of the Fire Department. The Fire Chief, Assistant Fire Chief, Chief Engineer and Captain shall be residents of the Town or reside within two air miles of its corporate limits.

§ 14-6. Election of officers.

The Fire Department is authorized and empowered to elect such officers, at such time, in such manner and for such term and to confer and impose upon them such duties and powers as the Fire Department may deem necessary and proper, except that the Fire Chief, Assistant Fire Chief, Chief Engineer and Captain shall be appointed or elected as provided for in § 14-5 of this chapter.

§ 14-7. Meetings of fire company.

In addition to the meetings required and held by the fire company pursuant to its bylaws, rules and regulations, a semiannual meeting of the company shall be held at such time in April and October as the Fire Chief may determine in the presence of the Fire Committee to examine the condition of all fire equipment and see that same is in good working condition.

§ 14-8. Enactment of ordinances in relation to powers and duties of fire company.

The Town Council may make, adopt and enforce such ordinances in relation to the powers and duties of the fire company and its officers and members as the Council may deem proper.

§ 14-9. Police powers of officers and fire police.

The officers and fire police of the fire company, traffic and pedestrian directors shall have all of the powers and functions of policemen during the time of a fire and in such capacity may do all things for public safety.

§ 14-10. Assistance of firemen in quelling riots and public disturbances.

The Fire Chief of the fire company shall, in time of riot or public disturbance, at the request of the Town Council or Mayor, assemble the company and assist the police of the Town in restoring and maintaining order.

§ 14-11. Equipment custody and use.

All fire equipment owned by the Town shall be kept and maintained in the custody and care of the Fire Chief of the fire company, or such other person as the Town Council may designate for the purpose. The fire company of the Town shall have the right to use all fire equipment owned by the Town for the purpose of extinguishing fires in the Town and at any other place allowed by this Code.

§ 14-12. Removal of equipment from Town.

It shall be unlawful for any person to carry, take or remove any of the fire equipment of the Town more than one mile beyond the corporate limits of the Town for any purpose without the consent of the Fire Chief, or Acting Fire Chief, the Mayor or any member of the Town Council.

§ 14-13. Authority to enter buildings.

The Fire Chief, or Acting Chief, may break and enter any building, or enter without breaking any building, or enter any premises where a fire is threatened or in progress, or any building or premises adjacent thereto, or, in his opinion, any property in danger by reason of a fire, remove property therefrom and do any and all things for the purpose of extinguishing fires and preventing the spreading thereof.

§ 14-14. Violation of departmental rules and regulations.

Any person, including members of the fire company, who shall violate any of the duly adopted and approved rules and regulations of the fire company shall be deemed guilty of a misdemeanor.

§ 14-15. Duty of members to attend fires; discipline of members.

Every member of the fire company shall be subject to such discipline and regulation as may be prescribed by the company and shall, upon any fire alarm, attend according to this Code and other ordinances of the Town, and the bylaws, rules and regulations of the company and endeavor to extinguish any fire. Any member of the company who shall willfully fail, refuse or neglect to abide by or perform same shall be expelled or dropped from membership in the fire company.

§ 14-16. Control over persons at fire or drill.

The Fire Chief, or in his absence the assistant or Acting Fire Chief, shall have command and control over all persons present at or during any fire or drill.

§ 14-17. Speed limit of fire engines.

It shall be unlawful for any person to drive or operate any fire engine in the Town at a speed in excess of 40 miles per hour; provided that such engine may be driven at a speed not to exceed 50 miles per hour on State Highway No. 460 outside of the Town.

Chapter 21. OFFICERS AND DEPARTMENTS

Article I. Town Manager

§ 21-1. Appointment; compensation; residency requirements; term.

A Town Manager appointed pursuant to this article shall be the administrative and executive head of the municipal government. He shall be chosen by the Council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the Town or the Commonwealth but during his tenure of office shall reside within the Town, or in the immediate vicinity thereof. He shall be appointed for an indefinite term and shall hold office during the pleasure of the Council. He shall receive such compensation as shall be provided by the Council by ordinance or resolution, which may be changed from time to time. He may be bonded as the Council may deem necessary. During the absence or disability of the Town Manager or in case of a vacancy, the Council may designate some properly qualified person to perform the duties of the office during such absence, disability or vacancy. No Councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the Council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the Town Manager or by any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager or employee of the Town, either publicly or privately.

§ 21-2. Powers and duties.

The Town Manager shall have the authority and it shall be his duty to:

- A. See that all laws, ordinances, resolutions, and bylaws of the Council are faithfully enforced.
- B. Appoint such officers and employees, with the exception of the Town Attorney, Treasurer and Clerk, as the Council shall determine and authorize, as are necessary for the proper administration of the affairs of the Town with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the Council for confirmation at the next meeting thereof following any such appointment. The Chief of Police so recommended for appointment by the Town Manager and confirmed by the Council shall have the power to discipline his subordinates and with the approval of the Town Manager to discharge any subordinate for just cause. Any officer or employee so removed shall have the right to appeal to the Council within 30 days after his removal and after notice to the Town Manager. The action of the Council on such appeal shall be final.
- C. Attend all meetings of the Council, with the right to take part in the discussion, but having no vote.
- D. Recommend to the Council for adoption such measures as he may deem necessary or expedient.
- E. Make reports to the Council from time to time upon the affairs of the Town and to keep the Council fully advised of the Town's financial condition and its future financial needs.

F. Make and execute all contracts on behalf of the Town pursuant to a resolution or an ordinance of the Council and to act as Town purchasing agent.

G. Perform such other duties as may be prescribed or requested by (the) Council.

Article II. Town Treasurer

§ 21-3. Creation of office; term; powers and duties.

The office of Town Treasurer is hereby created. The Treasurer shall serve at the pleasure of the Council. The Treasurer shall collect and account for revenue receipts and disbursements, and perform such other duties as required by the Town Charter, the Mayor and the Council.

Article III. Town Recorder

§ 21-4. Creation of office; term; powers and duties.

The office of Town Recorder is created. The Recorder shall serve at the pleasure of the Council. The Recorder shall maintain the official records and minutes of the Council and perform such other duties as assigned by the Council.

Article IV. Town Attorney

§ 21-5. Creation of office; term; powers and duties.

The office of Town Attorney is hereby created. The Town Attorney shall serve at the pleasure of the Council and shall receive such compensation as fixed by the Council. The Town Attorney shall be a practicing attorney and admitted to practice in Virginia. The Town Attorney shall be the legal adviser to the Town and shall perform such other duties as required by the Council.

Article V. Town Departments

§ 21-6. Designation of departments.

The departments of the Town shall include the following:

A. Water.

B. Fire.

Article VI. General Provisions

§ 21-7. Qualifying for and holding office generally.

All Town officers, elected and appointed, shall qualify and hold office in accordance with the Constitution and general laws of the state, the Charter of the Town and amendments thereto and this Code.

§ 21-8. Powers and duties generally.

The Town and its officers shall have all the powers conferred by the Constitution and general laws of the state, the Charter and its amendments, this Code and such other powers as the Town Council may confer not in conflict therewith, and shall be subject to all the duties imposed therein.

§ 21-9. Number of officers; salaries.

The officers of the Town, elected and appointed, shall be as prescribed by the Charter, this Code and other ordinances and the Town Council. Their salaries shall be as prescribed in a like manner.

Chapter 25. PLANNING COMMISSION

§ 25-1. Created.

A Town Planning Commission is hereby created pursuant to the provisions of §§ 15.2-2210 through 15.2-2222, Code of Virginia.

§ 25-2. Appointment; qualifications; terms of office and removal of members; filling of vacancies.

- A. The Commission shall consist of seven members, appointed by the Council, all of whom shall be residents of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development.
- B. The Commission members shall be appointed on a four-year staggered term basis as provided by [The Code of Virginia law](#).

§ 25-3. Powers and duties.

The Planning Commission shall exercise such powers and have such duties as are conferred upon such commissions by [The Code of Virginia state law](#).

§ 25-4. Violations and penalties.

The Town of Windsor, Virginia, may institute and maintain equity proceedings in the Circuit Court of Isle of Wight County, Virginia, to prevent, abate, restrain and enjoin violations of this chapter.

Chapter 33. TOWN COUNCIL

[HISTORY: Adopted by the Town Council of the Town of Windsor 11-10-1981 (Title 2, Chapter 1, Articles A and B, of the 1980 Code). Amendments noted where applicable.]

Article I. General Provisions

§ 33-1. Duties of Mayor.

It shall be the duty of the Mayor to:

- A. Keep informed as to the Town's business;
- B. Sign all contracts, franchises or paper writings authorized by the Council;
- C. Appoint such committees, and outline their powers and duties, as deemed necessary to properly care for the affairs of the Town; and
- D. Make such recommendations as deemed necessary, or expedient, to the Council.

§ 33-2. Compensation of Mayor and Council members.

The Mayor and Council members shall receive compensation in such sum as may be fixed by resolution of the Council from time to time.

§ 33-3. Employees hold office at pleasure of Council.

All employees elected, or appointed, by the Council hold their offices at the pleasure of the Council and may be removed at any time by it for good cause.

§ 33-4. Vacancies in appointive offices.

All vacancies occurring either from death, disability, resignation or otherwise in any appointive office shall be filled by the Council at the next regular meeting, or as soon thereafter as possible.

§ 33-5. Standing committees.

A. The Mayor shall, after the first regular meeting of the Council after the qualification of the newly elected members of each Council, appoint the following standing committees of the Council:

- (1) Finance;
- (2) Streets, Public Health and Safety;
- (3) Utilities/Property.

~~B. The powers and duties of the standing committees shall be as prescribed by the Mayor and Council, which may increase or decrease their membership, terminate their existence and fill vacancies therein.~~

~~**§ 33-6. Special committees.**~~

~~The Mayor or Council may appoint special committees as deemed desirable.~~

~~**§ 33-7. Powers and duties of committees; membership.**~~

~~The Mayor or Town Council shall confer, impose and fix the powers and duties of all committees. The Mayor or Council may increase or reduce the membership of all committees, terminate the existence of all special committees and fill all vacancies in the membership of all committees.~~

~~**§ 33-8. Location of polling place.**~~

~~A. The location of the polling place for the precinct for the Town of Windsor for all elections provided for by the Windsor Charter and/or the Windsor Town Code shall be the Windsor Volunteer Fire Department building located at 80 East Windsor Boulevard, Windsor, Virginia.~~

~~B. This section shall be in effect immediately upon approval by the Department of Justice in accordance with the Federal Voting Rights Act.~~

~~**Article II. Meetings**~~

~~**§ 33-9. Regular meetings.**~~

~~There shall be regular meetings of the Council, at the Municipal Building or at such other place as may be designated, on the second Tuesday of each month at 7:00 p.m.~~

~~**§ 33-10. Adjourned meetings.**~~

~~If a quorum shall fail to attend any regular or special meeting of the Council or if for any reason such meeting shall fail to complete transaction of the business before the meeting, the meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present.~~

~~**§ 33-11. Order of business; quorum.**~~

~~A. The order of business at all regular meetings shall be as follows:~~

- ~~(1) Call to order.~~
- ~~(2) Hearing delegations.~~
- ~~(3) Reading of minutes.~~

- (4) Reports of Town officers.
- (5) Petitions, communications and applications.
- (6) Reports of standing committees.
- (7) Reports of special committees.
- (8) Unfinished business.
- (9) New business.
- (10) Bills and accounts.
- (11) Resolutions and ordinances.
- (12) General discussion.
- (13) Adjournment.

B. A majority of the membership of the Council shall constitute a quorum.

§ 33-12. Rules of procedure.

Except as otherwise provided by ordinance, the procedure of the Council shall be governed by Robert's Rules of Order.

§ 33-13. Previous questions.

The previous questions may be called at any time by a majority of the members present. The "ayes" and "nays" may be called for by any member.

§ 33-14. Motions having precedence.

A. When a question is under consideration no motion shall be received except as follows:

- (1) To lay on the table;
- (2) To postpone to a time certain;
- (3) To postpone indefinitely;
- (4) To refer to a committee;
- (5) To amend;
- (6) To strike out or insert; and
- (7) To divide.

B. Motions for any of these purposes shall have precedence in the order named.

§ 33-15. Motion to adjourn.

A motion to adjourn shall always be in order and shall be decided without debate.

§ 33-16. Special meetings.

The Mayor, or a majority of the Town Council, may, at any time, call a special meeting of the Council; provided that no business shall be transacted at a special meeting except that for which

~~it shall be called, unless the Council is unanimous. Special meetings shall be held at such time and place as the Mayor may prescribe.~~

§ 33-17. Notice and purpose of special meetings.

~~Notice and the purpose of special meetings of the Town Council shall be given by mail not less than 24 hours prior to any such meeting.~~

Town of Windsor, VA
Tuesday, May 3, 2016

Chapter C. CHARTER

[HISTORY: Adopted by Act of the General Assembly of Virginia, approved 4-7-2010 (Acts of 2010, Ch. 219^[1]). Amendments noted where applicable.]

[1]: *Editor's Note: This Act also repealed Chapter 237 of the Acts of Assembly of 1902, as amended, which comprised the former Charter of the Town of Windsor.*

Article 1.. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Windsor, 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 Windsor (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 that 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 Chapter 84 of the Acts of Assembly of 1973 and as set forth in an annexation order dated May 11, 2001, entered by the Circuit Court of Isle of Wight County.

Article 2.. Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers that 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 that, 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 shall be held to be in addition to this general grant.

§ 2.2. Construction.

The powers that 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 Chapter 11 (§ 15.2-1100 et seq.) and Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 of the Code of Virginia (1950), and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town.

§ 2.4. Eminent domain.

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.

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, the town attorney, and the town treasurer; the term "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 and resolutions 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 manager and town administration.

§ 3.3. Composition and qualifications.

The council shall be composed of a mayor, who shall be elected from the town at large, and six council members to be elected from the town at large. The mayor shall be a member of the council. The council members shall be qualified voters of the town.

§ 3.4. Election and term of office.

[Amended 3-30-2012 (Acts of 2012, Ch. 438)]

The council shall be elected in the manner provided by Virginia elections laws. Four council members, including the mayor, shall be elected on the first Tuesday in November of the year 2014 and every four years thereafter. The three other council members shall be elected on the first Tuesday in November of the year 2016 and every four years thereafter.

The term of office for all council members shall begin on the first day of January next following their election, and they shall serve for terms of four years or until their successors 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.

§ 3.7. Mayor and vice-mayor.

[Amended 3-30-2012 (Acts of 2012, Ch. 438)]

The mayor shall preside at meetings of the council and 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 or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall give no vote in the council except in case of a tie, when he shall give the casting vote.

At the first meeting of the council in January 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.

§ 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 during the meeting until council elects an acting mayor. 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 as such member during his tenure of office, 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 official or employee whom the town manager or any of his subordinates are empowered to appoint or prevent the town manager from exercising his own judgment in the appointment of officials or employees in the town's administrative service.

Except for the purpose of discussions, inquiries, and official investigations, the council and its members shall deal with and communicate with the town's administrative service, officials, and employees who are subject to the direction and supervision of the town manager solely through the town 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 a manner authorized by law. If the vacancy is the mayor's position, the vice-mayor shall then become the mayor, and council shall, at the next meeting of council, elect a new vice-mayor to fill the unexpired term of the former vice-mayor.

A vacancy on the council shall be filled within 45 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 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 shall 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 and town treasurer.

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 council members and the public; keep the journal of council proceedings; keep all papers, documents, and records pertaining to the town; keep and attest the town seal; and perform such duties as are assigned to the clerk by this charter or by the council. The council shall appoint a town treasurer who shall serve at the pleasure of council and shall perform such duties as are assigned to the treasurer by the council. The town clerk and the town treasurer may, at council's option, be the same person.

§ 3.12. Independent audit.

The council shall provide for an annual independent audit of all the 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.

§ 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 24 hours notice to each member, except in cases of an emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting that 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.

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. Council may elect to install electronic equipment in its council chambers so as to provide for an electronic roll call and voting. Each member shall cast either an aye vote or a nay vote, except in those situations in which a member must abstain from voting due to a conflict of interest. Four members of the council shall constitute a quorum. 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.

§ 3.14. Town attorney.

A town 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 to the

town administration. He need not be a resident of the town at the time of his appointment or while in office.

§ 3.15. Committees, boards, and commissions.

The council may create committees, boards, and commissions to be composed of such numbers of citizens, or persons, as the council may deem expedient as authorized by law. The council shall appoint the members and 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 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 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 of the town while in office only with the prior approval of the council. Council may enter into a multi-year employment agreement with the manager.

§ 4.2. Powers and duties of the town manager.

The town manager shall be the chief executive 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. The manager shall:

1. Appoint and, when deemed necessary for the good of the service, suspend or remove any town employee or appointive administrative official 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. 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. Attend all council meetings and shall have the right to take part in discussion but may not vote;
4. 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. Prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget;
6. Examine regularly the books and papers of every official and department of the town and report to the council the condition in which he finds them;
[Amended 3-30-2012 (Acts of 2012, Ch. 438)]
7. 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. 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; and
9. Perform such other duties as are specified in this charter or may be prescribed by the council.

§ 4.3. 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.

§ 5.2. Direction by town 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 first day of May of each year, the town manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

§ 6.3. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall explain 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 town 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 tax levies, 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; the manager shall include in the budget subsidiary budgets for each such utility giving detailed income and expenditure information and proposed utility rates.

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

§ 6.5. Council action on budget.

Pursuant to the provisions of general law, the council shall publish a brief synopsis of the budget and the time and place of a public hearing on the budget in one or more newspapers having general circulation in the town.

After the public hearing, the council may adopt the budget with or without any amendment to increase, decrease, or change expenditures, revenues, programs, tax levies, or any other amendment that council deems necessary. In amending the budget, council 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, by ordinance or resolution, adopt the budget before the first day of the fiscal year for which it is adopted, and said ordinance or resolution shall appropriate the amounts specified in the budget as expenditures from the funds indicated in the budget.

§ 6.6. 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.

§ 6.7. Amendments after adoption.

The council may amend the budget during the fiscal year pursuant to the provisions of general law by the adoption of an ordinance or resolution.

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 ordinance or resolution. To the extent

that there are no available unappropriated funds to meet such appropriations, the council may, with the adoption of such ordinances or resolutions, 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 town manager that the funds available will be insufficient to meet the amount appropriated, then 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 or resolution reduce one or more appropriations.

§ 6.8. 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 by the town manager. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

§ 6.9. Debts and bonds.

The council shall be empowered to borrow such sum or sums of money as may be necessary or convenient, subject to such limitations that are now or may be imposed by the Constitution and the laws of the Commonwealth of Virginia. The council shall be empowered to issue revenue bonds as may be necessary or convenient in the manner prescribed by law.

§ 6.10. 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 10 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 officers 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 Isle of Wight County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within 30 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, etc.

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 Windsor Town Code as responsible for the keeping of such books, records, and documents shall, within 10 days after the end of his term of office or within 10 days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this charter. 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 not less than \$100 and not more than \$500, or imprisoned for not more than 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 that are in force when this charter becomes effective and that 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.

[Amended 3-30-2012 (Acts of 2012, Ch. 438)]

This act may for all purposes be referred to or cited as the charter for the Town of Windsor, Virginia, of the year 2012.