

CHAPTER 2. ADMINISTRATION AND GOVERNMENT

[Sec. 2.01. Vesting of administration and government in council; composition of council; election and term of council members; council to be continuing body; vacancies in council.](#)

[Sec. 2.02. Qualifications of electors.](#)

[Sec. 2.03. Municipal officers.](#)

[Sec. 2.04. Town manager.](#)

[Sec. 2.05. Removal of officers and employees.](#)

[Sec. 2.06. Powers of Council as to salaries and duties of employees; Council may employ persons necessary to effectuate powers.](#)

[Sec. 2.07. Officers not to fill more than one office.](#)

[Sec. 2.08. Mayor and Councilmen not eligible for remunerative position.](#)

[Sec. 2.09. Mayor, councilmen and municipal officers to be sworn in before entering upon duties; duration of oath.](#)

[Sec. 2.10. Certificate of oath.](#)

[Sec. 2.11. Effect of neglect to take oath.](#)

[Sec. 2.12. Delivery of town property, books and papers to successor in office.](#)

[Sec. 2.13. Mayor—Salary.](#)

[Sec. 2.14. Same—Duties.](#)

[Sec. 2.15. Vice-Mayor.](#)

[Sec. 2.16. Vacancy in office of mayor.](#)

[Sec. 2.17. Salaries of Councilmen.](#)

[Sec. 2.18. Meetings of Council; quorum; adoption of procedural rules.](#)

[Sec. 2.19. Special meetings of Council.](#)

[Sec. 2.20. Record of proceedings of Council.](#)

[Sec. 2.21. Duty of Clerk of Council as to record of proceedings.](#)

[Sec. 2.22. Powers of Council to compel attendance, fine members for disorderly behavior and expel members.](#)

[Sec. 2.23. Filling vacancy on council when member disqualified or expelled.](#)

[Sec. 2.23A. Power of Council when member voluntarily absent from meetings consecutively for three months; irregular elections.](#)

[Sec. 2.24. Power of council when member voluntarily absent from meetings consecutively for three months; irregular elections.](#)

[Sec. 2.25. General powers of council; management of municipal and fiscal affairs and of town property.](#)

[Sec. 2.26. Same—Further provisions.](#)

[Sec. 2.27. Same; as to ordinances and bylaws, taxes and licenses, appointment of officers, etc.](#)

[Sec. 2.28. Clerk of the council.](#)

[Sec. 2.29. Town Treasurer.](#)

[Sec. 2.30. Repealed by Acts 1968, ch. 173.](#)

[Sec. 2.31. Chief of police.](#)

[Sec. 2.32. Police force.](#)

[Sec. 2.33. Powers and jurisdiction of Town police.](#)

Sec. 2.01. Vesting of administration and government in council; composition of council; election and term of council members; council to be continuing body; vacancies in council.

The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

- (a) The council shall be elected in the manner provided by law. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter.

Terms of office shall begin on the first day of January next following their election. Each council member and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

- (b) Vacancy in the council or in the office of mayor shall be filled within forty-five days, for the unexpired term, by a majority vote of the remaining members for the remainder of the unexpired term or until a special election as required by the Code of Virginia; should a majority of the remaining members of Council fail to agree or act, the appointment may be made by the circuit court until a qualified person shall be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term as required by the Code of Virginia. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms.
- (c) Notwithstanding any provisions of law to the contrary, any person shall be qualified to fill a vacancy on council or as mayor who is a resident of the town and is a qualified elector therein, except that a member of council shall not be qualified to fill a vacancy as mayor.

(Acts 1981, ch. 616, § 1; Acts 2010, ch. 848, § 1(2.01); Acts 2014, ch. 786, § 1)

Editor's note— Code of Virginia, § 24.2-228, specifies provisions for interim appointment to the local governing body within 45 days of the office becoming vacant, appointment by the judges of the circuit court if a majority of the remaining members of the body cannot agree or do not act, and includes requirement of a special election pursuant to Code of Virginia, § 24.2-682.

Sec. 2.02. Qualifications of electors.

The electors of the Town of Christiansburg shall be the actual residents of the Town who are otherwise qualified to vote for members of the general assembly.

State Constitution reference— Qualifications of voters, art. II, § 1.

State Law reference— Qualifications of electors, Code of Virginia, § 24.2-400.

Sec. 2.03. Municipal officers.

The municipal officers of said town shall, in addition to the mayor, consist of treasurer, chief of police, clerk of the town council, town manager and town attorney; and the mayor may appoint such committees of the council as he may see fit, and the council may create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this act and the general laws of this State. The said treasurer and clerk may be one and the same person if the council deems it more expedient. No employee of the town or either of the officers of treasurer, chief of police, clerk of the town council, town manager or town attorney shall be required at the time of their employment or appointment to be a resident of the town.

(Acts 1968, ch. 173; Acts 1981, ch. 616, § 1; Acts 2014, ch. 786, § 1)

Sec. 2.04. Town manager.

The council of the town may, in its discretion appoint a town manager who may also serve as town engineer. Upon appointment of a town manager, he shall be vested with the administrative and executive powers of the town and shall hold office during the pleasure of the council. He shall receive such compensation as may be fixed by the council. He shall see that within the town the laws, ordinances, resolutions and bylaws of the council are faithfully executed and that the duties of the various other appointed town officers, members of the police, fire and public works departments and all other departments of the town government, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices and may examine them or their subordinates on oath, but the evidence given by the persons so examined shall not be used against them in any criminal proceedings. He shall attend all meetings of the council as deemed reasonably practical by council and recommend for adoption such measures as he may deem expedient. He shall make reports to the council from time to time as to the affairs of the town, keep the council fully advised as to the town's financial condition and its future financial needs. He shall prepare and submit to the council a tentative budget for each fiscal year. The town manager shall perform such other duties as may be prescribed by the council and shall be bonded in such amount as the council may deem necessary.

(Acts 1968, ch. 173; Acts 2014, ch. 786, § 1)

Sec. 2.05. Removal of officers and employees.

All officers and employees appointed may be removed by the Town Council at its pleasure, and where the appointment is by a committee or board, or where such appointment is by the Mayor or Town Manager, such removal may be by order of the Mayor, Town Manager or committee or board.

(Acts 1968, ch. 173)

Sec. 2.06. Powers of Council as to salaries and duties of employees; Council may employ persons necessary to effectuate powers.

The Council shall, by ordinance or resolution, fix the salaries of all officers and employees of the Town elected or appointed by it, or appointed by its authority, and may, so far as is not inconsistent with the provisions of the Charter, define the powers and prescribe the duties of all such officers and employees. To effectuate the powers conferred by general laws as well as the powers herein specifically granted, the Council may employ all such persons as may be necessary.

Sec. 2.07. Officers not to fill more than one office.

It shall be unlawful for any officer appointed by the Council, any committee, municipal board or the head of any department to fill two or more of the offices whose incumbents are appointed by the Council or by any appointing power designated by the Council, except as otherwise provided herein.

(Acts 1968, ch. 173)

State Constitution reference— Multiple offices, art. VII, § 6.

Sec. 2.08. Mayor and Councilmen not eligible for remunerative position.

Neither the Mayor nor any member of the Town Council during his tenure of office as such shall be eligible to any remunerative office, position or employment with the Town, except that a member of the Council appointed to a board or commission may be compensated as a member of such.

(Acts 1968, ch. 173; Acts 2004, ch. 240, § 2.08)

Sec. 2.09. Mayor, councilmen and municipal officers to be sworn in before entering upon duties; duration of oath.

The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the State of Virginia by anyone authorized to administer oaths under the laws of the State. Oaths of municipal officers of the town taken upon original appointment shall be considered to remain in effect for the duration of time the municipal officer remains in the respective office and new oaths shall not be required for reappointment of municipal officers to the respective office.

(Acts 2014, ch. 786, § 1)

State Law reference— Oath and bond, Code of Virginia, § 15.2-1512; oath, Code of Virginia, § 49-1.

Sec. 2.10. Certificate of oath.

When the mayor, councilmen, town manager, treasurer, clerk, and police chief take the oaths required of them, duplicate certificates of the court or person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record as follows: one to the clerk of the circuit court of Montgomery County and one to the clerk of the town council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council.

(Acts 2014, ch. 786, § 1)

Sec. 2.11. Effect of neglect to take oath.

If any person elected or appointed to any office in said town shall neglect to take such oath within thirty days of taking office or appointment of which he is to enter upon the discharge of the duties of his office, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this Charter or by the general laws of this State.

(Acts 2014, ch. 786, § 1)

Sec. 2.12. Delivery of town property, books and papers to successor in office.

If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification of request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this Charter, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be held responsible therefor.

(Acts 2014, ch. 786, § 1)

Sec. 2.13. Mayor—Salary.

The salary of the Mayor shall be fixed by the Town Council and shall not be diminished during his term of office.

Sec. 2.14. Same—Duties.

The Mayor shall preside at the meetings of the Council, voting only in case of a tie, and perform such other duties as may be prescribed by this Charter and by general law and such as may be imposed by the Council consistent with his office. He shall perform the duties of the Town Manager during the absence of the Town Manager or while the Office of Town Manager is vacant. He shall have power to investigate the acts of the various Town officers, members of the police, fire and public works departments and all other departments of the Town government, whether elected or appointed. The Mayor shall have and exercise all power and authority conferred by general law on mayors of towns and not inconsistent with this Charter; and shall, from time to time, recommend to the Council such measures which he may deem needful for the welfare of the Town.

(Acts 1968, ch. 173)

Sec. 2.15. Vice-Mayor.

The Council shall choose from its members a Vice-Mayor who in case of the absence or inability of the Mayor to act shall possess the same powers and discharge the duties of the Mayor during such absence or inability; and in case of the absence or inability of both the Mayor and the Vice-Mayor, the Council shall choose another of its members who shall possess the same powers and discharge the duties of the Mayor during the absence or inability of both the Mayor and Vice-Mayor.

(Acts 1968, ch. 173)

Sec. 2.16. Vacancy in office of mayor.

In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled by the method provided in § 2.01 for filling vacancies in the council.

(Acts 1981, ch. 616, § 1; Acts 2014, ch. 786, § 1)

Sec. 2.17. Salaries of Councilmen.

The Town Council is hereby authorized and empowered, by ordinance or resolution passed by the affirmative recorded vote of two-thirds of the full membership thereof, to be determined by yeas and nays, to provide and fix salaries for its members, as it may determine, to be payable in such amounts and at such time or times as it may direct. The Council may provide and fix the salaries for its members, on the basis of stated amounts or sums, for each regular and special meeting of the Council and each committee meeting attended by members, and may prescribe that no member shall receive any compensation for any meeting of said Council or committee not attended by such member.

(Acts 1968, ch. 173)

Sec. 2.18. Meetings of Council; quorum; adoption of procedural rules.

The Council shall, by ordinance, adopt such rules as it might deem proper for the regulation of its proceedings and shall meet at such times as may be prescribed by ordinance; provided, however, that it shall hold at least one regular meeting each month. The Mayor and four Councilmen shall constitute a quorum for the transaction of business, or, in the absence of the Mayor, four Councilmen shall constitute a quorum. No ordinance, or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes or authorizing the borrowing of money shall be passed by the Council except by a recorded affirmative vote of a majority of all members elected to the Council. No such ordinance shall be passed by the Council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid until at least three days intervene between its introduction and the date of passage. The meetings of the Council shall be public, unless the Council, by a recorded affirmative vote of two-thirds of its members, shall declare that the public welfare demands an executive session of the Council; and citizens may have access to the minutes and records of the Council at any reasonable time during established office hours of the general offices of the Town.

(Acts 1968, ch. 173; Acts 1969, ex. sess. ch. 23)

State Law reference— The Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.; closed meetings for certain purposes, Code of Virginia, § 2.2-3711.

Sec. 2.19. Special meetings of Council.

The Mayor, or any other two members of the Council, may call a special meeting of the Council upon at least twelve hours written notice of the time, place and purpose to each member served personally or left at his usual place of business or residence by any police officer, and no business shall be transacted by the Council in such special meeting which has not been stated in the notice; provided, however, that these regulations shall not apply when all members of the Council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting.

No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of members of Council present as were present when such vote was taken.

(Acts 1968, ch. 173)

State Law reference— Meetings to be public, Code of Virginia, § 2.2-3707.

Sec. 2.20. Record of proceedings of Council.

A record shall be kept of the proceedings of the Town Council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or, if he be not then present, by the person presiding when they were read, but reading of minutes may be dispensed with at the pleasure of the Council.

(Acts 1968, ch. 173)

Sec. 2.21. Duty of Clerk of Council as to record of proceedings.

The Clerk of the Council shall keep such record and shall record therein the proceedings of the Council at large thereon, and keep the same properly indexed.

Sec. 2.22. Powers of Council to compel attendance, fine members for disorderly behavior and expel members.

The Town Council may compel the attendance of absent members, and fine them for disorderly behavior, and with the concurrence of five members expel a member for malfeasance or misfeasance while in office.

Sec. 2.23. Filling vacancy on council when member disqualified or expelled.

If any member of the council shall be adjudged by the council disqualified or be expelled, under the previous § 2.22, a special election shall be held under the general election laws of the Commonwealth to fill such vacancy, for the unexpired term.

(Acts 2014, ch. 786, § 1)

Sec. 2.23A. Power of Council when member voluntarily absent from meetings consecutively for three months; irregular elections.

If any member of said Council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the Council, and the unexpired term filled by appointment as provided in Section 2-01(b) [2.01(b)].

Where not otherwise provided for by the laws of this state the Town Council shall, by ordinance, provide for any irregular elections not herein or by the state laws provided for, and appoint the necessary officers to conduct the same.

Sec. 2.24. Power of council when member voluntarily absent from meetings consecutively for three months; irregular elections.

If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment as provided in § 2.01 (b).

Where not otherwise provided for by the laws of this State the town council shall by ordinance provide for any irregular elections not herein or by the State laws provided for, and appoint the necessary officers to conduct the same.

(Acts 2014, ch. 786, § 1)

Sec. 2.25. General powers of council; management of municipal and fiscal affairs and of town property.

The town council shall have, subject to the provisions of this charter and the general laws of this State, the management and control of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to the town.

(Acts 2014, ch. 786, § 1)

Sec. 2.26. Same—Further provisions.

The Town Council shall have all power and authority that is now or may hereafter be granted to the councils of towns by the Constitution and general laws of this state; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the State to town councils, but not herein specified.

Sec. 2.27. Same; as to ordinances and bylaws, taxes and licenses, appointment of officers, etc.

For carrying into effect the powers granted by this Charter and the general laws of this State, the town council may make ordinances and by-laws, and prescribe fines and other punishments for violation thereof, levy taxes and licenses, keep town guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with surety, in such penalty as the council may deem proper, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties.

(Acts 2014, ch. 786, § 1)

Sec. 2.28. Clerk of the council.

The clerk of the council shall be appointed by the town council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; and also keep such other papers, documents and records pertaining to the town as may be determined by the council; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall give notice to all parties, presenting petitions or communications; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreement; he shall publish such records and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require.

(Acts 1968, ch. 173; Acts 2014, ch. 786, § 1)

Sec. 2.29. Town Treasurer.

There shall be appointed by the Council a Town Treasurer who shall hold office during the pleasure of the Council; but the present Treasurer of the Town shall continue to discharge the duties of the office

until removed by the Council or until his or her successor shall have qualified. Any vacancy in this office shall be promptly filled by the Council. The said Treasurer shall be the disbursing agent of the Town and have the custody of all money and all evidences of value belonging to the Town or held in trust by the Town. He shall receive all money belonging to and received by the Town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall collect all taxes and assessments and other charges belonging to and payable to the Town, and for that purpose he is hereby vested with powers similar to these which are now or may hereafter be vested in County and Town Treasurers for the collection of county, town and state taxes under the general law; he shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provisions of the law applicable thereto; he shall pay no money out of the Treasury, except in the manner prescribed by this Charter or by ordinance or the general law; he shall perform such duties as are usually incident to the Office of Commissioner of Revenue in relation to the assessment of property for Town taxation and Town license taxes and shall have power to administer oaths in performance of his or her official duties. The Treasurer shall not be entitled to any commission for handling the funds of the Town, but shall be paid such salary as may be provided by the Council, and before entering upon the duties of his office shall execute a bond in such amount and with such security as the Council, by ordinance, may prescribe. The Treasurer shall be subject to the administrative supervision of the Town Manager of the Town of Christiansburg. The said Treasurer and Clerk may be one and the same person if the Council may deem it more expedient.

(Acts 1968, ch. 173)

Sec. 2.30. Repealed by Acts 1968, ch. 173.

Sec. 2.31. Chief of police.

The town council shall have the power and authority to appoint a chief of police and to provide for the employment of such additional police officers and other support staff as it may deem necessary or proper, to prescribe rules and regulations for the government thereof, to prescribe their pay structure; and in addition thereto the mayor, or in his absence, the vice-mayor, or in the absence of both, any councilman, shall have the power and authority whenever the regular police force of the town is inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days and at such compensation as the council may fix for special policemen. The duties and powers of such special policemen shall be the same as that of patrol officer of the regular police force.

(Acts 1968, ch. 173; Acts 1981, ch. 616, § 1; Acts 2014, ch. 786, § 1)

Sec. 2.32. Police force.

The police force shall be under the control of the town manager, and during any time that the office of the town manager is not filled, or in the absence of the town manager, under the control of the mayor, for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the town. They shall perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties, each policeman is hereby invested with all the power and authority which belongs to the office of the constable at common law in criminal cases.

(Acts 1968, ch. 173; Acts 2014, ch. 786, § 1)

Sec. 2.33. Powers and jurisdiction of Town police.

The policemen of the Town shall have no power or authority in civil matters, but they shall in all other cases execute such warrants or summonses as may be placed in their hands by the Mayor or any Councilman of said Town, or any other properly constituted authority, and shall make due return thereof. The criminal jurisdiction of the policemen of the Town shall extend one mile beyond the corporate limits of the Town.

State Law reference— Extraterritorial jurisdiction, Code of Virginia, § 15.2-1724.