

**AN ORDINANCE OF THE COUNCIL  
FOR THE TOWN OF ABINGDON, VIRGINIA  
TO REPEAL, AMEND AND REENACT  
PART II – CODE, CHAPTER 2 – ADMINISTRATION,  
ARTICLE III. – OFFICERS AND EMPLOYEES,  
SECTION 2-126. – TOWN MANAGER; TREASURER**

**WHEREAS**, §15.2-2200 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS**, the Town of Abingdon's current Code, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-126. – Town Manager; Treasurer, the Council for the Town of Abingdon has found it in the best interest to clarify duties and powers of the Town Manager; Treasurer to repeal, amend and reenact the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-126. – Town Manager; Treasurer be repealed, amended and reenacted as follows:

**ARTICLE III. - OFFICERS AND EMPLOYEES**

Sec. 2-126. - Town manager; treasurer.

At the first meeting in July following each Council election, or as soon thereafter as practicable, the council shall appoint a town manager who shall be the administrative and executive head of the municipal government. They shall be chosen by the council without regard to political beliefs and solely upon the basis of their executive and administrative qualifications. At the time of appointment they need not be a resident of the town or the commonwealth but during their tenure of office shall reside within the town. They shall be appointed for an indefinite period and shall hold office during the pleasure of the council. They shall receive such compensation as shall be provided by the council by ordinance or resolution. They 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 councilmember shall receive such appointment during the term for which they shall have been elected, nor within one year after the expiration of the 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 their 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, either publicly or privately. The town manager shall have the authority and it shall be their duty to:

- (1) See that all laws, ordinances, resolutions and bylaws of the council are faithfully enforced.
- (2) Appoint such officers and employees, as the town manager 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.
- (3) Attend all meetings of the council, with the right to take part in the discussion, but having no vote.
- (4) Recommend to the council for adoption such measures as they may deem necessary or expedient.
- (5) 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.
- (6) Prepare and submit to the council a tentative budget for the next fiscal year as provided by general law.
- (7) Make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent.
- (8) Supervise and control all encumbrances, expenditures and disbursements to ensure that budget appropriations are not exceeded and to appoint, or upon resolution of the council to act as, the town treasurer with the following duties:
  - a. To be the collector and custodian of all funds belonging to the town and the school board and to deposit such funds in such depositories as may be designated by the council.
  - b. To have custody of all investments and invested funds of the town in a fiduciary capacity.
  - c. To disburse by check all monies payable by the town or the school board. If the treasurer be a person other than the town manager, all checks shall be countersigned by the town manager.
  - d. To protect the interests of the town by withholding the payment of any claim or demand by any person against the town until any indebtedness or other liability due from such person shall first have been settled and adjusted.
  - e. To perform such other duties as may be prescribed or requested by council.

Sec. 2-127. - Town clerk.

At the first meeting in July following each Council election, or as soon thereafter as practicable, the council shall appoint a town clerk, who also may be the town manager, for an indefinite term. They shall receive such compensation as shall be provided by the council by ordinance or resolution. Their duties shall include the following:

- (1) Be the custodian of the corporate seal.
- (2) Give notice of council meetings.
- (3) Keep a journal of council proceedings.
- (4) Authenticate by their signature and record in full in a book kept for the purpose all ordinances and resolutions.
- (5) Serve as the commissioner of the revenue for the town; prepare the land and property books and extend assessments; and assess all license taxes required by this Code and other ordinances of the town.
- (6) Prepare all statements for monies owed the town for supplies or services rendered.
- (7) Perform such other duties as may be prescribed or requested by council.

Sec. 2-128. - Town attorney.

At the first meeting in July following each Council election, or as soon thereafter as practicable, the council shall appoint a town attorney, for an indefinite term, to be the legal advisor of the council, the town manager and of all departments, boards, commissions and agencies of the town in all matters affecting the interests of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties.

Sec. 2-129. - Fire department.

At the first meeting in July following each Council election, or as soon thereafter as practicable, the council shall appoint fire department officers, as provided in Code of Virginia, § 27-13.

Sec. 2-130. - Enforcement of ordinances, resolutions, laws, rules.

All officers and employees of the town shall enforce obedience to such statutes, provisions of this Code or any ordinances, resolutions, rules and regulations or orders issued thereunder, as may relate to their regular duties, and any other statutes, provisions of this Code or ordinances, resolutions, rules, regulations or orders with whose enforcement they are properly chargeable, by any measures provided therein, by the proper report of any violation thereof and by instituting such proceedings as may be necessary to such enforcement.

Sec. 2-131. - Right of entry for purposes of inspection.

Whenever any officer or employee of the town is required or authorized by statute, the provisions of this Code, any ordinance or resolution or rules and regulations or orders issued thereunder, in order to carry out the duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee

shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

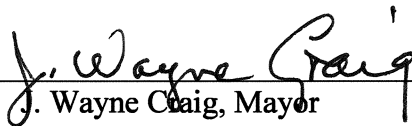
Secs. 2-132—2-150. - Reserved.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to repeal, amend and reenact Part II – Code, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-126. – Town Manager; Treasurer, and find it to be in correct form, as set forth above, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

  
\_\_\_\_\_  
Cameron Bell, Counsel

**This ordinance was adopted on January 6, 2020, to take effect on February 6, 2020.**

  
\_\_\_\_\_  
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on January 6, 2020. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
J. Wayne Craig, Mayor	Yes	aye
Cindy Patterson, Vice Mayor	Yes	aye
Al Bradley	Yes	aye
Donna Quetsch	Yes	aye
Derek Webb	Yes	aye

WITNESS MY HAND and the seal of the Town of Abingdon as of January 6, 2020.

(SEAL)

  
\_\_\_\_\_  
Kimberly Kingsley, Clerk