



any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, and capitation taxes; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets, and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license. (1966, c. 662; 2000, c. 223)

## ADMINISTRATION AND GOVERNMENT

### THE MAYOR

§ 4. Mayor generally; qualifications; to be chief elected officer; compensation.

The mayor shall be a qualified voter and a bona fide resident of the city. By virtue of the office, the mayor shall be the chief elected officer of the city. The mayor shall receive such annual compensation as may be fixed by the council in accordance with the laws of the Commonwealth. (1966, c. 662; 2000, c. 223)

§ 5. Powers and duties generally.

The mayor shall preside over the meetings of the council and shall have the same right to speak therein as other members. The mayor shall have no vote in the proceedings of the council except in case of a tie. The mayor shall have authority to appoint such committees of the council as deemed necessary and expedient to the proper administration of the city government.

The mayor shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate, by his or her signature, such instruments as the council, this charter or the laws of the Commonwealth shall require. (1966, c. 662; 2000, c. 223)

§ 6. Vice mayor.

Immediately upon assuming office, the mayor shall designate a member of council who shall be known as the vice mayor and who, in the event of the mayor's death, or during his or her absence or disability, shall become or perform the duties of the mayor. (1966, c. 662; 2000, c. 223)

§ 7. Mayor and Council generally.

In addition to a mayor, the city of Lexington shall be governed by a city council which shall be composed of six members elected at large and who shall be qualified voters and bona fide residents of the city.

Vacancies in either the office of mayor or in the council shall be filled within 30 days by a recorded majority vote of the council. Such appointment shall be for the unexpired term subject to the following: In the case of an unexpired term that exceeds two years and such vacancy occurs in the first 18 months of the term, a petition shall be filed within 15 days of the occurrence of the vacancy with the Circuit Court to issue a writ of election to fill the remaining term of the vacancy, such election to coincide with the next general election in an even-numbered year. In such case any appointee shall serve until the duly elected council member or mayor has qualified.

In absence, or in the case of disability of both the mayor and vice mayor, one of the other members of council selected by a majority vote of the council shall have all of the powers heretofore conferred upon the mayor and vice mayor.

The council shall have the right to fix salaries for the members thereof, and the same shall not be increased or diminished during their respective terms of office except as governed by § 15.2-1414.6. (1966, c. 662; 2000, c. 223; 2004, c. 599)

§ 8. Election and term of mayor and council.

The mayor and council members shall be elected for four-year staggered terms at the regular municipal elections. The mayor and three council members shall be elected at one such election and the remaining three members of council shall be elected at the next regular municipal election. Candidates for city offices shall not be identified on the ballot by political affiliation. (1966, c. 662; 1971, c. 72; 2000, c. 223; 2003, cc. 65, 69)

§ 9. Powers of council.

All powers of the city of Lexington as a body politic and corporate shall be vested in the city council. (1966, c. 662)

### COUNCIL PROCEDURES

§ 10. Oath of office; effect of failure to qualify.

The mayor and other municipal officers of the city, on or before the day on which their terms of office begin, and before entering upon the duties of their respective offices, shall be sworn in according to the laws of the Commonwealth before the circuit court and by anyone authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this charter to qualify within thirty (30) days after the commencement of the term for which he or she was elected or appointed, or if elected or appointed to fill a vacancy, for thirty (30) days after such election or appointment shall vacate the office. (1966, c. 662; 2000, c. 223)

§ 11. Council meetings generally.

The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and may compel the attendance of its members, punish its members for disorderly behavior, and, by a vote of two-thirds of its members, may expel a member for malfeasance or misfeasance in office. The council shall determine its own rules of procedure. All elections and appropriations of money shall be by oral vote and the vote shall be recorded in the minutes of the council. (1966, c. 662)

§ 12. Quorum; presiding officer.

Four (4) members of the council and the mayor, or in the absence of the mayor, four (4) members of the council, shall constitute a quorum for the transaction of business; but no ordinance or resolution shall be adopted, having for its object the levying of taxes or the appropriating of moneys, except by an affirmative vote of two-thirds of all the members of the council. The mayor shall preside at all meetings of the council when present, but in the absence or inability of the mayor or the vice mayor, the members of the council present shall select one of their body to preside over the meeting. In the absence of the mayor, the officer presiding over such meeting shall vote. (1966, c. 662; 2000, c. 223)

§ 13. Forfeiture of office upon conviction of felony.

Any member of the council or other officer of the city who shall have been convicted of a felony while in office shall thereby forfeit his or her office. (1966, c. 662; 2000, c. 223)

§ 14. Condition of discharge of officer or employee.

Any officer or employee of the city may be discharged for good cause. (1966, c. 662)

§ 15. Organization meeting and meetings generally.

On the first regular meeting following the end of the fiscal year and following the regular municipal election, the council shall meet in the council chambers and at that time the newly elected council members and mayor, after first having taken the oath of office prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such time as may be prescribed by ordinance or resolution; except that they shall meet regularly not less than once each month. (1966, c. 662; 1972, c. 37; 2000, c. 223)

§ 16. Special meetings of council.

The mayor, or any two (2) members of the council, may call special meetings of the council, at any time, after a written notice of six (6) hours, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his or her usual place of business or residence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. (1966, c. 662; 2000, c. 223)

§ 17. (1966, c. 662; repealed 1974, c. 345)

§ 17.1. Council meeting to be public; exceptions.

All meetings of the council shall be public and open, except when by a recorded vote of a majority of those members present, the council shall declare that the public welfare requires secrecy.

Executive or closed meetings may be held only for the purpose and in the manner provided in the Freedom of Information Act§ (Chapter 21 (§ 2.1-340 et seq.) of the Code of Virginia). (1974, c. 345)

§ 18. Clerk to the council.

The council shall appoint a clerk to the council to serve at the pleasure of the council. The clerk shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purposes. He or she shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. Such person shall receive such compensation as clerk to the council as may be determined by the council. (1966, c. 662; 2000, c. 223)

#### ENACTMENTS

§ 19. Ordinances and resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form and the enacting clause of all ordinances passed by the mayor and council shall substantially be "Be it ordained and enacted by the mayor and council of the city of Lexington, Virginia." Except as otherwise provided in this charter, an affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting. (1966, c. 662)

§ 20. Recordation and authentication of ordinances.

Every ordinance or resolution having the effect of an ordinance when enacted by the mayor and council shall be recorded and indexed by the clerk of the council, in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. (1966, c. 662)

§ 21. Publication of ordinances.

Except for emergency ordinances, every ordinance shall be advertised in summary form at least once seven days prior to being acted upon in a newspaper of general circulation in the City of Lexington, Virginia. City council may, after certification by a majority of the members of council that an emergency exists, adopt an ordinance without advertising as set forth above. Every ordinance of a general or permanent nature shall be published in full once within ten days after its enactment by posting a copy thereof at one of the public entrances to the city hall and at two other public locations within the city. (1966, c. 662; 2000, c. 223)

THE CITY MANAGER

§ 22. City manager generally; appointment, qualifications and term of office.

There shall be a city manager who shall be responsible to the council for the proper administration of the city government. The manager shall be chosen by the council without regard to political beliefs and solely upon the basis of executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of appointment the manager need not be a resident of the city or the Commonwealth, but during the tenure of office shall reside within the city. (1966, c. 662; 2000, c. 223)

§ 23. Duties.

(1) To see that all laws and ordinances of the city are enforced.

(2) To exercise supervision and control over all administrative departments and divisions.

(3) To attend all regular meetings of council with the right to take part in the discussion but having no vote.

(4) To recommend to the council for adoption such measures as he or she may deem necessary or desirable.

(5) To execute all contracts on behalf of the city.

(6) To prepare and submit to the council the annual budget.

(7) To keep the council advised as to the present and future needs of the city and as to all operations of its government.

(8) To perform all such duties as may be prescribed by the charter or be required by the council. (1966, c. 662; 2000, c. 223)

§ 24. Absence or disability.

During the absence or disability of the city 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. The council may delegate to the city manager the authority to designate an acting city manager for a period not to exceed thirty days during the temporary absence or disability of the city manager. (1966, c. 662; 1974, c. 345)

§ 25. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the

administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. (1966, c. 662)

§ 26. Councilmen not to succeed to office of city manager.

No council member shall be appointed as city manager during the term for which he or she shall have been elected nor within one year after the expiration of his or her term. (1966, c. 662; 2000, c. 223)

#### FINANCIAL ADMINISTRATION

§ 27. Fiscal year.

The fiscal year of the city shall be from July 1 through June 30 inclusive. (1966, c. 662)

§ 28. Submission and adoption of budget, hearings and tax levy.

No later than May 1 annually, the city manager shall prepare and submit to the council a budget presenting the financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as council, by ordinance or resolution, may 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. The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted prior to the first day of the fiscal year for which they were made or adopted. (1966, c. 662)

§ 29. Borrowing powers.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes in the manner and to the extent provided for in the following paragraphs of this chapter. (1966, c. 662)

§ 30. Purpose for which bonds or notes may be issued, manner of issuance.

Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year. Bonds and notes of the city may be issued in any manner provided by general law. (1966, c. 662; 1972, c. 37)

§ 31. Audits generally.

At the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall always be available for public inspection in the office of the clerk to the council during regular business hours. Upon the death, resignation or termination of employment of any city officer or employee, council may order an audit of the accounts, books records and financial transactions of that office. (1966, c. 662)

§ 32. City Attorney.

There shall be a city attorney appointed by council for a term of four (4) years and who shall receive such compensation as council may determine. He or she shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal adviser of the council, the city manager, and of all

departments, boards, commissions and agencies of the city including the school board in all matters affecting the interest of the city except in those situations when such representation would be a conflict. He or she shall represent the city in all civil proceedings and shall prosecute those persons accused of violations of the city ordinances both in the Lexington General District Court and those cases which are appealed to the Circuit Court of Rockbridge County. It shall be the city attorney's duty to perform all services as may be required by the laws of the Commonwealth, this charter or by ordinance. (1966, c. 662; 1974, c. 345; 2000, c. 223)

#### MUNICIPAL COURT

§ 33. (1966, c. 662; 1968, c. 470; repealed 1974, c. 345)

§ 33.1. General District Court and Juvenile and Domestic Relations District Court.

There shall be, within the city of Lexington, one court which shall be called the Lexington General District Court and one court which shall be called the Lexington Juvenile and Domestic Relations District Court.

The judges of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be elected or appointed pursuant to § 16.1-69.9 of the Code of Virginia. (1974, c. 345)

§ 34. (1966, c. 662; repealed 1974, c. 345)

§ 34.1. Compensation of Judges.

The compensation of judges and substitute judges of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be as provided by general law. (1974, c. 345)

§ 35. (1966, c. 662; repealed 1974, c. 345)

§ 36. Fees, costs and fines.

Fees, costs and fines shall be assessed, fixed, collected and disbursed as provided by general law. (1966, c. 662; 1974, c. 345)

§ 37. (1966, c. 662; repealed 1974, c. 345)

§ 37.1. Clerk.

The clerk of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be appointed as provided by general law. (1974, c. 345)

#### PUBLIC SAFETY

§ 38. Functions.

The functions of public safety shall be performed by the police department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the city manager consistent therewith. (1966, c. 662)

§ 39. Police Department.

The police department shall be under the supervision of the city manager and consist of the chief of police and such other officers and employees of such ranks and grades as may be established by ordinance. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police force of

the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1966, c. 662)

§ 40. Chief of Police.

The head of the police department shall be the chief of police who shall be appointed by the city manager with the approval of the council. The chief shall appoint all members of the department and assign all members of the department to their respective posts, shifts, details and duties. He or she shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager relating to the police department shall be transmitted in all cases through the chief of police or in his or her absence from the city or incapacity through an officer of the department designated as acting chief by the city manager. (1966, c. 662; 2000, c. 223)

CONSTITUTIONAL OFFICERS

§ 41. Election, term, powers, duties and compensation.

On the first Tuesday after the first Monday in November 1977, and every four years thereafter, the qualified voters of the city shall elect a treasurer and a commissioner of the revenue for the city who shall have such powers and perform such duties and receive such compensation as are provided by general law.

The treasurer and commissioner of the revenue elected at the general election in November 1971, and whose offices would otherwise be subject to elections at the general election in November 1975, shall have their terms automatically extended and the offices shall not be subject to election until the general election of November 1977, unless otherwise changed by charter or general law prior to January 1976. (1966, c. 662; 1974, c. 345)

§ 42. Vacancies.

Vacancies in the office of Treasurer and Commissioner of the Revenue shall be filled by the council for the unexpired portion of the term of office. (1966, c. 662)

§ 43. (1966, c. 662; 1968, c. 470; repealed 1974, c. 345)

§ 43.1. Magistrates.

Issuing justices appointed under the predecessor section to this section will continue in office after December 31, 1973, as magistrates and shall continue in office as magistrates for the balance of the term of their appointments and until their successors are appointed.

At least two magistrates shall be appointed for the city of Lexington and their appointments shall be made by the Chief Judge of the Twenty-fifth Judicial Circuit of Virginia. Their duties, compensation, the filling of vacancies and revocation of appointments shall be as provided by general law. (1974, c. 345)

CITY SHERIFF

§ 44. City sheriff.

The constitutional office of sheriff has been consolidated with that of Rockbridge County and is governed by state law. (1966, c. 662; 1974, c. 345; 2000, c. 223)

SCHOOLS



§ 45. School district and division.

The city of Lexington shall remain a separate school district and division. (1966, c. 662; 2000, c. 223)

§ 46. School board; number and qualifications of members.

The school board shall consist of five (5) members who shall be bona fide residents and qualified voters of the city. (1966, c. 662; 1971, c. 72; 2000, c. 223)

§ 47. Appointment and term.

Members of the school board shall be appointed by the city council for overlapping three year terms in a manner prescribed by general law. (1966, c. 662)

§ 48. Compensation.

The compensation to be paid each member shall be fixed by the school board in accordance with state law. (1966, c. 662; 2000, c. 223)

§ 49. Contractual relationships.

The city of Lexington may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions and private agencies for the performance of any part or all of the functions or purposes of the city, on such terms and for such periods as council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. The school board, with the approval of council, may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions and private agencies regarding the performance of any part of or all of the functions or purposes of the school board on such terms and for such periods as the school board may determine to be in the public interest, when such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1966, c. 662)

§ 50. Present ordinances and rules and regulations continued in effect.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed. (1966, c. 662)

§ 51. (1966, c. 662; repealed 2000, c. 223)

§ 52. (1966, c. 662; repealed 2000, c. 223)

§ 53. (1966, c. 662; repealed 2000, c. 223)

§ 54. Partial invalidity.

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 this charter, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which the judgment shall have been rendered. (1966, c. 662)