

PHENIX, TOWN OF
Located in County of Charlotte.
Incorporated 1930 by Circuit Court Order.

Charter, 1988, c. 142.

CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation. - The inhabitants of the territory comprised within the present limits of the Town of Phenix in Charlotte County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Phenix, 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 which it may amend at its pleasure. (1988, c. 142)

§ 1.2. Boundaries. - The boundaries of the town until altered, shall be as described in Common Law Order Book 13, page 345 et seq. in the Office of the Clerk of the Circuit Court of Charlotte County. (1988, c. 142)

CHAPTER 2.
POWERS.

§ 2.1. General grant of powers. - The Town of Phenix shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1988, c. 142)

§ 2.2. Adoption of powers granted by Code of Virginia. - The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia. (1988, c. 142)

CHAPTER 3.
MAYOR AND COUNCIL.

§ 3.1. Election, qualification and term of office for mayor and council. - The Town of Phenix shall be governed by a town council composed of five councilmen and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for five councilmen and mayor shall be held on the first Tuesday in May, 1988. Elections shall be held on the first Tuesday in May every four years thereafter. The councilmen and mayor so elected shall take office on the following July 1. The councilmen shall serve for a term of four years, and the mayor shall serve for a term of four years or until their successors are elected and qualified. (1988, c. 142)

§ 3.2. Vacancies. - Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining

members of council. A vacancy in the office of mayor shall be filled for the unexpired term from the qualified voters of the town by a majority vote of the council. (1988, c. 142)

§ 3.3. Council a continuing body. - The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1988, c. 142)

§ 3.4. Mayor - The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1988, c. 142)

§ 3.5. Vice Mayor. - The town council shall, by a majority of all its members, elect a vice mayor from its membership at its first meeting to serve for a term of two years in the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (1988, c. 142)

§ 3.6. Meeting of council. - The council shall fix the time of its regular meetings, which shall be at least once each month, and except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with the laws of the Commonwealth of Virginia. Three members of the council, in addition to the mayor or vice mayor, shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision requiring prior notice for special meeting is waived. (1988, c. 142)

§ 3.7. Salaries. - The salaries of the mayor, councilmen, members of boards and commissions and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until July 1 following the next local election after the council approves such increases. (1988, c. 142)

CHAPTER 4.

APPOINTIVE OFFICERS.

§ 4.1. Appointments. - The council may appoint: a town manager, who shall be responsible to the council for the proper administration of all affairs of the town, for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as

prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia and actively practicing in Charlotte County; a town sergeant, who shall be the conservator of the peace; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper. (1988, c. 142)

§ 4.2. Term of office. - Appointees under this chapter shall serve at the pleasure of the council. (1988, c. 142)

§ 4.3. Bonds. - Appointees may be required to execute such bonds as the council may deem necessary. (1988, c. 142)

§ 4.4. Boards and commissions. - The council may, in its discretion, appoint such boards and commissions as it deems necessary and as may be authorized by the laws of the Commonwealth of Virginia.(1988, c. 142)

CHAPTER 5.

MISCELLANEOUS.

§ 5.1. Ordinances continued. - All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1988, c. 142)

§ 5.2. Town Sergeant. - It the office of town sergeant be established by council, then in that event the town sergeant shall be appointed by council. (1988, c. 142)

§ 5.3. Incorporation. - This charter implements the order of incorporation of the town on November 15, 1930, by the Circuit Court of Charlotte County, Virginia; such order being recorded in the Office of the Clerk of the Circuit Court for such county in Common Law Order Book 13, page 345 et seq. (1988, c. 142)

§ 5.4. Severability. - 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 effect, impair or invalidate the remainder of the charter. (1988, c. 142)