

CHAPTER 511

An Act to incorporate the thickly settled community of Reston, in Fairfax County, as a town and to grant it a charter, provided such incorporation and charter are approved by the electors of Reston in the 1980 general election.

[S 59]

Approved APR 1 1980

Be it enacted by the General Assembly of Virginia:

1.

Charter for Town of Reston.

CHAPTER 1.

INCORPORATION, FORM OF GOVERNMENT AND BOUNDARIES.

§ 1.1. *Incorporation.*—Notwithstanding anything set forth in § 15.1-785 of the Code of Virginia, the inhabitants of the territory, in Fairfax County, comprised within the boundaries as set out in § 1.3 and as 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 Reston, 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 alter, renew or amend at its pleasure by proper ordinance.

§ 1.2. *Vesting of powers.*—Subject only to the limitations imposed by the Constitution of Virginia and by this charter, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council", which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town.

§ 1.3. *Boundaries.*—The boundaries of the town shall be as are more particularly set forth in the instrument entitled "Corporate Limits of the Town of Reston" recorded in Deed Book No. 5408 at page 714 among the land records of Fairfax County, Virginia.

CHAPTER 2.

POWERS.

Article 1.

Grant of Powers.

§ 2.1. *Restriction on powers.*—The town of Reston shall have and may exercise only those powers which are enumerated in this charter. Any enumeration of particular powers in the charter shall be held to be exclusive.

§ 2.2. *Elections.*—The town may conduct elections as provided by general law.

§ 2.3. *Adoption of certain sections of the Code of Virginia.*—Except as otherwise provided in this charter, the town may exercise those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia.

§ 2.4. *Taxation.*—The town may levy and collect taxes as authorized by general law on real property and on tangible personal property. The town may not levy and collect any other taxes authorized by general law unless such levy and collection of taxes shall be approved by the Board of Supervisors of Fairfax County by resolution.

§ 2.5. *Police.*—The town may provide for peace and public order in accordance with the provisions of Chapter 3 of Title 15.1 of the Code of Virginia.

§ 2.6. *Planning and zoning.*—The town may make recommendations to the Board of Supervisors of Fairfax County on all matters relating to planning, subdivision of land and zoning within or adjacent to the town.

§ 2.7. *Intra-town transportation.*—The town may establish and operate a system of public transportation within the boundaries of the town.

Article 2.

Prohibition of Powers.

§ 2.8. *Water and sewerage.*—The town may not exercise the powers granted in §§ 15.1-854, 15.1-855, 15.1-856, 15.1-875 and 15.1-876 of the Code of Virginia, relating to the provision and regulation of water and sewerage facilities.

§ 2.9. *Landfill.*—The town may not exercise the power of eminent domain for the purpose of acquiring land outside the town boundaries to be used for a sanitary landfill or other means of disposing of solid waste.

§ 2.10. *Annexation.*—The town may not exercise the powers of annexation as authorized by Article 1, Chapter 25 of Title 15.1 of the Code of Virginia.

§ 2.11. *City incorporation.*—The town may not exercise the authority to seek incorporation as a city as provided in Chapter 22 of Title 15.1 of the Code of Virginia.

§ 2.12. Regulation of hospitals.—The town may not exercise the powers granted in § 15.1-859 of the Code of Virginia, relating to the regulation and inspection of hospitals and other medical care facilities.

§ 2.13. Utilities.—The town may not exercise the powers granted in §§ 15.1-877 and 15.1-878 of the Code of Virginia, relating to the provision and operation of plants for the production, transmission and distribution of electricity and natural gas.

Article 3.

Powers Subject to County Approval.

§ 2.14. Conditional powers.—Subject to the approval of the Board of Supervisors of Fairfax County as expressed by resolution, the town may exercise the following powers: (i) the provision of fire protection, (ii) the provision and operation of public libraries, (iii) the operation outside of town boundaries of a system of public transportation, (iv) the provision of additional buildings, facilities, personnel, or equipment to supplement the educational facilities provided by the county to the inhabitants of the town, (v) the borrowing of money and issuance of indebtedness therefor pursuant to § 15.1-843 of the Code of Virginia, (vi) the regulation of the construction, maintenance and operation of buildings pursuant to §§ 15.1-863, 15.1-864, and 15.1-869 of the Code of Virginia, (vii) the provision of hospitals and other medical care facilities pursuant to § 15.1-881 of the Code of Virginia, (viii) the provision, maintenance and regulation of streets, alleys and other public ways pursuant to Article 6 of Chapter 18 of Title 15.1 of the Code of Virginia, (ix) the acquisition of property for public use pursuant to Article 7 of Chapter 18 of Title 15.1 of the Code of Virginia, and (x) the regulation of planning, subdivision of land and zoning within the boundaries of the town pursuant to Chapter 11 of Title 15.1 of the Code of Virginia.

CHAPTER 3.

COUNCIL.

§ 3.1. Election, qualification and term of office for councilmen and mayor.—The town of Reston shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large in a nonpartisan election. Any person qualified to vote in the town shall be eligible for the office of councilman or mayor.

An election for councilmen and mayor shall be held on the first Tuesday in May, nineteen hundred eighty-one and on the first Tuesday in May of every even-numbered year thereafter. The mayor shall be elected for a term of four years, except the term beginning July one, nineteen hundred eighty-one shall be for three years. At the election in nineteen hundred eighty-one, the three candidates for council receiving the highest number of votes shall serve three-year terms and the other three councilmen elected shall serve one-year terms. At the next regular municipal election and each one thereafter, three councilmen shall be elected for terms of four years each.

Councilmen shall enter upon their duties on the first day of July succeeding their election, and shall serve until their term has expired or until their successors have qualified.

§ 3.2. Council vacancies.—A vacancy in the council shall be filled by appointment by the remaining members of the council for the unexpired portion of the term, except that, if the unexpired portion of the term at the time the vacancy occurs is for twenty-six months or more, the appointment shall run only to the last day of June following the next regular municipal election, at which time the vacancy for the remaining portion of the term shall be filled by election.

§ 3.3. Council a continuing body.—The council shall be a continuing body, and no measures pending before such body, or contract, or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members.

§ 3.4. Mayor.—The mayor shall have the same rights and privileges, and be subject to the same duties and prohibitions, as a councilman. The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall have a vote but no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process, and shall authenticate by his signature such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require.

At its first meeting following adoption of this charter, and at the first July meeting following each council election, the council shall elect one of its members as vice-mayor. The vice-mayor shall perform the mayor's duties in his absence and shall succeed to the office of mayor for the unexpired portion of term in the event of a vacancy, provided that, if the unexpired portion of the term at the time the vacancy occurs is twenty-six

months or more, the vice-mayor shall succeed to the office of mayor only until the last day of June following the next regular municipal election, at which the vacancy for the remaining unexpired portion of the term shall be filled by election.

§ 3.5. Meetings of council.—The council shall fix the time of its stated meetings and it shall meet at least once a month. 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 open to the public. Four members of the council shall constitute a quorum for the transaction of business at any meeting. No ordinance, resolution, motion or vote shall be adopted by the council at any of its meetings unless it shall have received the affirmative votes of a majority of the members present.

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 thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council.

§ 3.6. Salaries.—The council is authorized to fix salaries for the mayor and other members of the council, the members of any boards or commissions established by the council and all appointed officers and employees of the town.

CHAPTER 4.

APPOINTIVE OFFICERS.

§ 4.1. Officers.—The council may appoint a town manager, town clerk, town treasurer, town attorney and such other officers and employees as the council deems necessary with such powers and duties as may be delegated by the council. Town officers and employees appointed under this section shall serve at the pleasure of the council.

§ 4.2. Bonds.—Officers, deputies and assistants shall execute such bonds as may be required by resolution of the council.

§ 4.3. Appointment of one person to more than one office.—The council may appoint the same person to more than one appointive office.

§ 4.4. Boards and commissions.—The council may, in its discretion, appoint such boards and commissions as it deems necessary.

§ 4.5. Town sergeant.—There shall not be elected a town sergeant.

CHAPTER 5.

MISCELLANEOUS.

§ 5.1. Applicability outside town.—The town may not exercise any of those powers which are enumerated in this charter outside the boundaries of the town.

§ 5.2. Severability of provisions.—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 the charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5.3. Effective date.—This charter shall be effective beginning July one, nineteen hundred eighty-one; provided, however, that an election for councilmen and mayor shall be held in May, nineteen hundred eighty-one. Those elected shall enter upon their duties on July one, nineteen hundred eighty-one.

2. That the incorporation of the town of Reston and the charter granted in this act shall not be effective unless the qualified voters of Reston approve the proposed charter at a special election to be held on the first Tuesday after the first Monday in November, nineteen hundred eighty. The charter shall be published once a week for at least four successive weeks immediately prior to the election in some newspaper having a general circulation within the proposed corporate limits of Reston. Except as otherwise provided herein, the election shall be held in accordance with the provisions of § 24.1-165 of the Code of Virginia.

The ballots shall be printed as follows: "Shall the community known as Reston be incorporated as a town and operate under the charter as provided by the nineteen hundred eighty session of the General Assembly, (insert citation of 1980 Acts of Assembly)?

Yes

No"

If a majority of those voting in the election vote in favor of incorporation, the chief judge of the circuit court of Fairfax County shall enter an order directing the election officials of Fairfax County to hold an election for Reston town council members on the first Tuesday in May, nineteen hundred eighty-one, in accordance with the provisions of Title 24.1 of the Code of Virginia relating to town elections.