

Town charters of Virginia: Research findings by Virginia Tech’s Center for Public Administration and Policy

VIRGINIA TECH’S CENTER for Public Administration and Policy recently completed a research project that examined the charters of all the towns in Virginia* to understand their basic governance structure, service delivery models and other key characteristics. The research sought to answer the following questions:

- How many and which towns have elected versus appointed mayors?
- What are the categories of powers for mayors?
- What are the categories of appointed positions of a town as identified in the charter?
- Any other items of interest?

*Of the 191 charters, 4 town charters did not include the data necessary for a complete analysis: Bloxom, Newsoms, St. Charles and Tangier. When their information was not available, it is noted in the appropriate sections.

Research approach

The town charters were obtained from the Virginia Legislative Information System and analyzed for content. Because charters are classified as qualitative data, the data parsed included words, themes, and concepts which were then incorporated into a spreadsheet where the information was coded and analyzed.

Challenges for small communities

Towns in Virginia have their own governance structure yet are reliant upon the county in which they are situated for primary government services such as education and social services. As such, collaboration between counties and towns is important to the overall health and resilience of both entities. Of the 191 towns in the State of Virginia, 186 have a population of 20,000 or less; here are some examples of challenges they may face.

Challenge #1 – On average, town populations represent only 4.85% of a county’s population resulting in a smaller voice relative to county voters in the community.

Challenge #2 – Residents of towns in Virginia pay both town and county taxes which puts additional pressure on town officials to maintain low tax rates while meeting citizen expectations for necessary services.

Challenge #3 – The “chicken before the egg” conundrum of how to encourage economic development to increase the tax base while needing an increased tax base to have the funds to invest in amenities and infrastructure that will attract businesses and visitors that make economic development possible.

Challenge #4 – Many towns are generally funded through charges for services such as water, trash pickup and sewer services. Towns spent \$170,037,826 in FY22 in enterprise general operating expenses. The property tax revenue is on average about 24% of total

local revenues as compared to 65% for cities and counties. As such, towns rely heavily on meals taxes that average about 21% of their total local revenues (see Table 1).

It’s worth noting that the COVID-19 pandemic revealed the inherent risks of the towns’ high reliance on meals taxes. Towns will undoubtedly seek out revenue diversification as allowed by law.

Table 1: Top Ten Revenue Sources for Towns and Percentage of Total Local Revenues*

	Revenue Source	Percentage of Total Local Revenues
1	Real Property	24%
2	Restaurant Food Taxes	21%
3	Charges for Services	11%
4	Business License Taxes	10%
5	Local Sales and Use Taxes	8%
6	Personal Property - General	4%
7	Hotel and Motel Room Taxes	4%
8	Bank Stock Taxes	4%
9	Miscellaneous	3%
10	Consumer Utility Taxes	3%

Towns and their counties

Town residents elect both their council members and the members of the county government body and county constitutional officers. Town residents pay both town and county taxes and receive services from both the town and the county.

Of the 95 functioning governmental counties in Virginia, 72 of them (75.8%) have towns within their jurisdictional boundaries. Three towns are shared with two counties; Pamplin City is in both Appomattox and Prince Edward counties, Brodnax is in both Brunswick and Mecklenburg counties, and Jarratt is in both Greensville and Sussex counties. There are an average of three towns per county with towns and Accomack County has the greatest number of towns (14) of any county.

The average population for towns in Virginia is 2,761 persons. The three largest towns are Herndon (Fairfax County), population of 24,339; Blacksburg (Montgomery County), population of 44,949; and Leesburg (Loudoun County), population of 48,908. The three smallest towns are Clinchport (Scott County), population of 63; Duffield (Scott County), population of 71; and Rural Retreat (Wythe County), population of 72. Table 2 aggregates the number of towns in each county.

Table 2: Counties and Number of Towns

County	Number of Towns	County	Number of Towns	County	Number of Towns
Accomack	14	Franklin	2	Page	3
Albemarle	1	Frederick	2	Patrick	1
Alleghany	2	Giles	5	Pittsylvania	3
Amherst	1	Grayson	3	Prince Edward	1
Appomattox	2	Greene	1	Prince William	4
Augusta	1	Greensville	1	Pulaski	2
Bedford	1	Halifax	4	Rappahannock	1
Botetourt	4	Hanover	1	Richmond	1
Brunswick	3	Henry	1	Roanoke	1
Buchanan	1	Highland	1	Rockbridge	2
Buckingham	1	Isle of Wight	2	Rockingham	7
Campbell	2	King William	1	Russell	3
Caroline	2	Lancaster	3	Scott	6
Carroll	1	Lee	3	Shenandoah	6
Charlotte	4	Loudoun	7	Smyth	3
Clarke	2	Louisa	2	Southampton	6
Craig	1	Lunenburg	2	Surry	3
Dickenson	3	Madison	1	Sussex	3
Dinwiddie	1	Mecklenburg	5	Tazewell	5
Essex	1	Middlesex	1	Warren	1
Fairfax	3	Montgomery	2	Washington	3
Fauquier	3	Northampton	5	Westmoreland	2
Floyd	1	Nottoway	3	Wise	6
Fluvanna	1	Orange	2	Wythe	2

Governing body

All elections for town councils and elected mayors are at-large except in the Town of Courtland (Southampton County) which elects council members by three wards. Four town charters do not specify governing body elections (Bloxom, Newsoms, St. Charles, and Tangiers). Of the remaining towns 170 have elected mayors (91%) and 17 have appointed mayors (9%).

There are 1,255 elected officials governing 187 towns in Virginia. The smallest council (not including mayors) is comprised of three council members in the Town of Monterey (Highland County). On average, councils are governed by six members (not including mayors). The largest councils have 8 councilmembers; these are in Warsaw (Richmond County), Culpeper (Culpeper County), Pocahontas (Tazewell County), South Hill (Mecklenburg County), and Strasburg (Shenandoah County).

Powers of mayor

The charters reveal three categories of mayoral powers in Virginia:

1. No right to vote unless there is a tie.
2. No right to vote unless there is a tie AND veto power.
3. Right to vote but no veto power.

Based on the information* provided in all the Virginia town charters:

- 62 mayors do not have a right to vote unless there is a tie.

- 30 mayors do not have a right to vote unless there is a tie AND they hold veto power.
- 60 mayors have a right to vote but no veto power.

**As previously noted, not all charters detailed the powers of mayors.*

It is useful to break down the aggregate numbers by mayors who are appointed versus those who are elected (see Table 3). For appointed mayors, 13 have a right to vote but hold no veto power and 3 appointed mayors have no right to vote unless there is a tie. For elected mayors, 59 have no right to vote unless there is a tie, 30 have no right to vote unless there is a tie and they hold veto power, and 47 have a right to vote but no veto power.

Table 3: Powers of Mayors

	No right to Vote unless a tie	No right to Vote unless a tie AND veto power	Right to Vote/no VETO power
All Mayors	62	30	60
Appointed Mayor	3	0	13
Elected Mayor	59	30	47

Vice-Mayors

There are 128 towns that appoint a vice-mayor from council and 62 towns whose charter does not specify the appointment of a vice-mayor. Only the Town of Berryville (Clarke County) elects a vice-mayor at large.

Appointed officials

Many town charters include administrative positions that are appointed by the council. Six categories of these officials were identified in the charters. Table 4 details the number of charters with appointed positions and the percentage of towns having a position in their charter.

Other appointed positions included fire chief, commissioner of the revenue, town assessor, and registrar but were only a single occurrence in the charter review.

Charter structures

Of the 191 town charters reviewed for this study, 112 have adopted some portion of the State Code. References to State Code 15.2-1100 through 15.2-1133 were identified in some charters. However, many charters still refer to State Code section 15.1 and are not consistent with the current code.

Some charters clarify duties and the authority to perform certain programs or functions.

Table 5 provides the category of function, number of towns with the language included in their charter and a general synopsis of the language in the charter.

About the researchers: In September 2022, the Virginia Municipal League partnered with Virginia Tech's Center for Public Administration and Policy for the purpose of research support. The vision was to establish a partnership for Virginia Tech to provide research expertise on specific topics as determined by the Virginia Municipal League. The lead researcher is Dr. Stephanie Davis, Collegiate Assistant Professor and Program Director for the Graduate Certificate in Local Government Management with support from at least one master of public administration student. The student support for the initial deliverable of this project was Haley Galliher, a resident of the City of Bristol and current MPA student.



Table 4: Appointed Positions in Charters

	Town Manager	Town Attorney	Town Clerk	Town Treasurer	Chief of Police	Town Sergeant
Number	110	101	142	124	75	60
Percentage of Towns having position in Charter	57.6%	52.9%	74.4%	64.9%	39.3%	31.4%

Table 5: Function authority included in the charters

Function included in charter	Number of towns with language in charter	General synopsis of example language included in charter
Execution of Bonds	115	Can create and execute bonds
Eminent Domain	97	Has authority
Boards and Commissions	96	Can create and provide for boards and commissioners
Condemn Property	69	Has authority
Financial	80	Fiscal year determination
Police	55	Exercise all police powers under general law of Virginia
Planning	31	Creation of planning commission, comprehensive plan
Elections	79	Authority under general law
Utilities	67	Grant franchises, water and sewage, garbage
Streets	83	Maintain or build streets
Building Inspections	92	Enforce building codes
Nuisance	65	Abatement of nuisance
Fire	40	Can establish and control a fire department
Public Schools	21	Establish or contribute to
Library	12	Can support or contribute
Roads	47	May build, maintain roads
Public Health	46	Oversee and protect dangers to public health

VTC Editor's note: During the course of the research, Dr. Davis and Ms. Galliher came across many remarkable passages in Virginia's town charters. As an example, we present the Town of Bloxom's founding charter which goes to great lengths (literally) to define the new town's borders. Enjoy!

Virginia Charters Bloxom, Town of County of Accomack



History of incorporation

Incorporated by order of the Circuit Court of Accomack County
April 20, 1953 (Common Law Order Book 1950-54, p. 343).

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF ACCOMACK.

In the matter of petition for Incorporation of the Town of Bloxom

To The Honorable Jeff F. Walter, Judge of the said Court:

Your petitioners respectfully state:

- (1) That they are inhabitants of the Town of Bloxom, residing within the proposed incorporated limits of said Town, and that more than twenty (20) of your petitioners are qualified voters.
- (2) That the Town of Bloxom is an unincorporated town, situate in the County of Accomack, Virginia.
- (3) That it will be to the best interest of the inhabitants of said Town, that the same be incorporated, and the general good of the community will be promoted thereby.
- (4) That the number of inhabitants of said Town exceeds Three Hundred and does not exceed five thousand.
- (5) That the metes and bounds of the proposed corporate limits of the said Town are as follows: to-wit:

Beginning on the southeastern aide of what is known as Pannell's a Railroad crossing on the public road leading from Gargatha to Guilford and running North 35 degrees 30 minutes E parallel with the eastern side of the Pennsylvania railroad right of way for a distance of 664.3 feet to the center of a certain branch; thence running S 5 degrees 37 minutes W in the center of the said branch for a distance of 149.3 feet to a certain survey point; thence continuing in center of said branch S 50 degrees 15 minutes E for a distance of 246.6 feet to a certain survey point; thence continuing along center of said branch S 73 degrees 54 minutes E for a distance of 317.9 feet to a certain survey point; and continuing along center of said branch S 49 degrees 3 minutes E for a distance of 286.2 feet; thence turning on the survey point in the center of said branch running N 32 degrees 54 minutes E for a distance of 143 feet to a certain concrete marker; thence running along the center of a certain ditch N 30 degrees 40 minutes E for a distance of 817.5 feet to a certain concrete marker and continuing N 28 degrees 38 minutes E for a distance of 336.5 feet to a certain large pine and continuing N 32 degrees 10 minutes E for a distance of 98.7 feet from said line to a certain iron pipe; thence turning S 59 degrees 54 minutes E and running for a distance of 131.4 feet to a certain concrete marker, (said marker designating the approximate southeast corner of the line between the land of Nona T. Silverthorne end John R. Brown; thence turning and running through the land of John R. Brown and wife N 88 degrees 21 minutes E for a distance of 674.5 feet to a certain steel corner post; thence running N 55 degrees 17 minutes E for a distance of 918.5 feet over the cleared land of John R. Brown and wife to a certain survey point, not marked, thence turning and running S 59 degrees 00 minutes E for a distance of 531.1 feet to another survey point, not marked, in the field of the said John R. Brown and wife's land; thence turning and running in a northeasterly direction for a distance of 200 feet to a certain concrete marker on the south side of the public road leading from Bloxom to Nelsonia; thence crossing said public road and beginning at a certain iron stob on the north side of the aforesaid public road and running N 31 degrees 00 minutes E for a distance of 688.8 feet to a certain concrete marker; thence turning and running along the center of a certain branch N 31 degrees 37 minutes W for a



distance of 309.7 feet to a certain concrete marker located six feet N of the center of the said branch; thence turning and running N 33 degrees 45 minutes E for a distance of 498.2 feet to a certain survey point, not marked, in the field of Alma Hinman; thence turning and running N 48 degrees 34 minutes W for a distance of 275 feet to a certain concrete marker on the eastern side of the public road leading from Bloxom to Mears; thence crossing said road and beginning at a certain concrete marker on the western side of the said road and running N 48 degrees 34 minutes W for a distance of 255 feet to a certain concrete marker buried one foot below the surface of the land; thence turning and running S 39 degrees 53 minutes W for a distance of 717.5 feet to the center of a certain branch or ditch; thence turning and running along the center of said branch or ditch N 28 degrees 22 minutes W for a distance of 440.4 feet to a certain survey point and thence continuing N 5 degrees 27 minutes W for a distance of 348.9 feet to the intersection of another ditch running in a northeasterly direction; thence turning and running along the center of the ditch S 33 degrees 00 minutes W for a distance of 544.2 feet to a certain concrete marker; thence turning and running N 46 degrees 7 minutes W across the land of R. L. Somers and over the Pennsylvania Railroad right of way and across the public road on the western side of the said Pennsylvania Railroad right of way for a distance of 793.7 feet to a certain concrete marker; thence turning and running S 35 degrees 30 minutes W, parallel with said road for a distance of 191.5 feet to the center of a certain ditch located on the north side of the Bayside public road; thence turning and running along said ditch N 42 degrees 30 minutes W for a distance of 214.7 feet to a certain survey point and continuing along center of said ditch N 43 degrees 29 minutes W for a distance of 200 feet to a certain concrete marker located three feet from the center of the aforesaid ditch; thence turning and running S 36 degrees 48 minutes W for a distance of 1574.7 feet along the eastern line of the Bunting & Littleton land to a certain concrete marker located in a certain ditch north of the Gladding property; thence turning and running N 55 degrees 23 minutes W for a distance of 61.1 feet to a certain concrete marker located in said ditch, thence leaving said ditch and running N 75 degrees 23 minutes W for a distance of 137.1 feet to a certain concrete marker located in the northeast corner of the Bloxom Methodist Church property; thence running N 57 degrees 54 minutes W for a distance of 427.7 feet to a certain concrete marker; thence turning and running along the line between the land of Minnie Bloxom and Alvin Martin, through the land of Lee W. Young and across the Guilford public road, S 33 degrees 34 minutes W for a distance of 1040.3 feet to a certain concrete marker located in the south side of the aforesaid Guilford road and continuing for a distance of 120.5 feet to the center of a certain ditch; thence turning and running along the center of the said ditch S 64 degrees 27 minutes E for a distance of 464.6 feet to a survey point on the south side of the public road leading from Gargatha to Guilford; thence turning and continuing along the said ditch located on the south side of the aforesaid road, S 6 degrees 48 minutes W for a distance of 240.1 feet to a survey point and thence continuing along said ditch and road and crossing the public road leading from Bloxom to Hopeton and the aforesaid Pannell's Railroad crossing located on the eastern side of the Pennsylvania Railroad right of way, S 20 degrees 15 minutes E for a distance of 627.6 feet to the point of beginning.

(6) That the entire area embraced in said proposed corporate limits is 193.36 acres.

(7) That there is herewith filed a survey of the proposed incorporated limits, showing, the metes and bounds as above described, said survey having been duly made by J. B. Gibb, County Surveyor on March 14th, 1953 which said survey is marked "Exhibit A," and prayed to be taken as a part of this said petition.

Wherefore, your petitioners pray that an order may be entered by the Court incorporating the unincorporated Town of Bloxom as an incorporated Town, under the name of "The Town of Bloxom" with the metes and bounds set forth in this petition and the survey herewith attached and that the said plat of survey be recorded in the Clerk's Office of this County. And they will ever pray, etc.

Filed April 20, 1953.

1953, April 20 - Order incorporating Town of Bloxom