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HOUSE BILL NO. 176

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on February 24, 2004)

(Patron Prior to Substitute—Delegate Baskerville)

A BILL to amend and reenact §§ 4.03 and 5.01 as amended of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, and to amend Chapter 116 by adding a section numbered 4.03.1, relating to the election, powers and responsibilities of the mayor, and the appointment and qualifications of the chief administrative officer.

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.03 and 5.01 as amended of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and Chapter 116 is amended by adding a section numbered 4.03.1 as follows:

§ 4.03. Mayor.

On the first Tuesday in September 1948, on the first day of July 1950 and on the first day of July of every second year thereafter, or if such day shall fall on Sunday then on the following Monday, the newly elected council, having taken the oath of office as hereinafter provided, shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He/she shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall by majority vote of those present choose one of their number to perform the duties of mayor. On the first Tuesday after the first Monday in November 2004, and every four years thereafter, a general election shall be held to elect the Mayor. The person receiving the most votes in each of at least five of the nine City Council districts shall be elected. Should no one be elected, a runoff election shall be held on the first Tuesday after the first Monday in December between the two persons receiving the highest total of votes citywide. The person receiving the most votes in each of at least five of the nine City Council districts shall be elected. An elected term shall run four years. Anyone eligible to serve on City Council may serve as Mayor except no one may be elected Mayor for three consecutive terms. The City Council shall appoint a Vice-Mayor, to preside at Council meetings, from among its members. Should a vacancy occur in the Office of Mayor, then the Vice-Mayor will become Acting Mayor until a successor is elected to fill out the remainder of the unexpired term. This special election, to be conducted according to the rules herein provided for the general election, must be held within 60 days, but no sooner than 30 days, from the date of the vacancy, and any runoff, should one be necessary, 21 days later. The City Council shall take such action as may be necessary to implement this section.

§ 4.03.1. Powers and Responsibilities of the Mayor or Acting Mayor.

The Mayor shall be recognized as the head of government for all ceremonial purposes, military law and the service of civil process. The Mayor shall appoint the Chief Administrative Officer subject to the advice and consent of a majority of the members of City Council. The Chief Administrative Officer shall be responsible solely to the Mayor and serve at the pleasure of the Mayor. The Office of Mayor will be a full-time position with salary and expenses set by the City Council. The Mayor may be removed as provided by the City Charter for Council members or any citywide elected official. An Acting Mayor shall have the same power and responsibilities as the elected Mayor. In addition, any Acting Mayor shall retain his or her City Council position, including the right to vote.

§ 5.01. Appointment and qualifications of the Chief Administrative Officer.

There shall be a city manager who shall be the chief executive officer of the city and shall be responsible to the council for the proper administration of the city government. He/she shall be appointed by the council for an indefinite term. He/she shall be chosen solely on the basis of his/her executive and administrative qualifications, with special reference to his/her actual experience in or knowledge of accepted practice in respect to the duties of his/her office. At the time of his/her appointment he/she need not be a resident of the city or the Commonwealth, but during his/her tenure of office he/she shall reside within the city. Instead of a City Manager, there shall be a Chief Administrative Officer who shall assume the City Manager's duties and be solely responsible to the Mayor for the proper administration of city government. This individual shall serve at the pleasure of the Mayor, after being appointed to the position by the Mayor subject to the advice and consent of a majority of the members of City Council. The City Council shall set the qualifications for the position of Chief Administrative Officer.