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HOUSE BILL NO. 2645

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on February 2, 2007)

(Patron Prior to Substitute—Delegate Jones, S.C.)

A BILL to amend and reenact §§ 3.03, as amended, 3.04, and 3.07 of Chapter 367 of the Acts of Assembly of 1973, as amended, which provided a charter for the City of Suffolk, relating to direct election of mayor.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.03, as amended, 3.04, and 3.07 of Chapter 367 of the Acts of Assembly of 1973 are amended and reenacted as follows:

§ 3.03. ELECTION OF COUNCIL MEMBERS.—On and after July 1, 1992, January 1, 2009, the council of the consolidated city shall consist of seven ~~eight~~ members, one to be elected from and by the duly qualified voters of each of the seven boroughs, and a mayor, elected at large.

All councilmen shall be elected for terms of four years with the Nansemond, Whaleyville and Sleepy Hole Boroughs electing councilmen on the first Tuesday in May 1992 Tuesday after the first Monday in November 2008, or as soon thereafter as such elections may be held, and the Suffolk, Holy Neck, Chuckatuck and Cypress Boroughs electing councilmen on the first Tuesday in May 1994 Tuesday after the first Monday in November 2010. All councilmen elected prior to the first Tuesday in May 1992 Tuesday after the first Monday in November 2008, shall serve out their complete four-year terms. The terms of the three council members scheduled to expire on or the day before July 1, 2008, shall be extended to December 31, 2008, and the terms of the four council members scheduled to expire on or the day before July 1, 2010, shall be extended to December 31, 2010. On and after the effective date of this act, candidates for the office of council member under the provisions of this charter shall be nominated only by petition in the manner prescribed by general law. Elections for the office of council member shall be nonpartisan.

§ 3.04. FILLING VACANCIES. ~~Vacancies~~ Except for vacancies in the office of mayor, vacancies in the office of councilman, from whatever cause arising, shall be filled within sixty days for the unexpired portion of the term by majority vote of the remaining members of the council, provided that vacancy in the office of councilman elected by and from a borough shall be filled by a resident of the same borough.

A vacancy in the office of mayor shall be filled by special election conducted as provided by general law.

§ 3.07. MAYOR. On the Tuesday after the first Monday in November 2008, and every four years thereafter, an election shall be held to elect the mayor. All persons seeking to have their names appear on the ballot as candidates for mayor must comply with the provisions of Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia, and must file with their declaration of candidacy a petition containing a minimum of 500 signatures of qualified voters of the city, to include at least 50 qualified voters from each of the seven boroughs.

In the election, the person receiving the most votes citywide shall be elected mayor. The term of the mayor shall be four years. Anyone serving as a member of city council may be a candidate for mayor, but no one may simultaneously hold the office of mayor and any other elected position. In the event any member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she shall be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective upon the beginning of the term of the elected mayor. Such resignation shall state the council member's intention to run for the office of mayor, shall require no formal acceptance by the remaining members of council, and shall be final and irrevocable as of the date it is tendered.

At a regular meeting held on the effective date of this charter or on the first business date after the effective date if it falls on a Saturday, Sunday or holiday, the council shall choose by a majority vote of all the members thereof one of its members to be mayor and one to be vice-mayor. Thereafter at At its first meeting following the taking of office of councilmen after a councilmanic election, the council shall 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 term of 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 shall have no veto power. He 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 the vice-mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present choose one of

60 their number to perform the duties of mayor.