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SENATE BILL NO. 955

Offered January 14, 2009

Prefiled January 8, 2009

A BILL to amend and reenact §§ 2-2.1, 2-3.1, 2.1-1, 2.1-2, as severally amended, 3-6, and 6-11 of Chapter 259 of the Acts of Assembly of 1962, as amended, which provided a charter for the City of Petersburg, relating to the election of councilmen, nominations of candidates for council, the school board, the city attorney, and a board of equalization.

Patron—Marsh

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 2-2.1, 2-3.1, 2.1-1, 2.1-2, as severally amended, 3-6, and 6-11 of Chapter 259 of the Acts of Assembly of 1962, as amended, are amended and reenacted as follows:

§ 2-2.1. Creation and composition; election of councilmen generally; application of general laws of the state; council as continuing body.

There shall be a council of the city which shall be composed of seven members, one from each ward, who shall have been a resident of the ward he seeks to represent thirty days prior to filing ~~their~~ his notice of candidacy. The candidates shall be qualified voters of the city. They shall be elected by the qualified voters of such wards and each shall remain a resident of the ward from which elected during his term of office. The candidate receiving the greatest number of votes in his ward shall be declared elected and shall serve for a term of four years or until his successor has been elected and qualified except as hereafter provided.

On the first Tuesday in May, 1974, there shall be an election in each ward. Candidates in ~~Wards~~ wards one, three, five, and seven, receiving the greatest number of votes each shall serve ~~for~~ a four-year term commencing July 1, 1974, and until their successors have been elected and qualified, ~~and thereafter~~ ~~Thereafter~~, beginning in May, 1978, elections shall be held in such wards every fourth year on the first Tuesday in May. Candidates in ~~Wards~~ wards two, four and six, receiving the greatest number of votes each shall serve a two-year term, commencing July 1, 1974, and until their successors have been elected and qualified, ~~and thereafter~~ ~~Thereafter~~, beginning in May, 1976, elections shall be held in such wards every fourth year on the first Tuesday in May.

Beginning in the year 2008, the election of council members in wards two, four and six shall be held at the same time as the November general election. Candidates receiving the greatest number of votes from each ward at that time shall each serve a four-year term commencing January 1, 2009, and until their successors have been elected and qualified. Thereafter, elections shall be held in such wards every fourth year on the November general election date. On the November general election date in 2010, there shall be an election in wards one, three, five, and seven. Candidates receiving the greatest number of votes from each ward at that time shall each serve a four-year term commencing January 1, 2011, and until their successors have been elected and qualified. Thereafter, elections shall be held in such wards every fourth year on the November general election date.

The general laws of the Commonwealth relating to the conduct of elections, as far as pertinent, shall apply to the conduct of the general city elections. The council shall be a continuing body and no measures pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body, or any of them.

§ 2-3.1. Nominations of candidates for council.

Candidates for the office of councilman may be nominated by petition or by general law. There shall be printed on the ballots used in the election of a councilman from the designated ward, the names in alphabetical order of all candidates who have been so nominated in that ward.

The requirements ~~for nomination~~ to nominate a councilman candidate by petition shall be:

(a) Any qualified voter of the city may be nominated by filing ~~not later than the time fixed for the closing of the polls on the first Tuesday in March before the election on the first Tuesday in May~~ with the clerk of the circuit court having jurisdiction, a petition signed by not less than 125 qualified voters of the ward from which the candidate seeks election; each signature to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto, together with the notice of candidacy required by the general laws of the Commonwealth relating to elections;

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate; and

(c) The petition shall be filed according to the following schedule:

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59 1. For a November general election date, the filing deadline shall be 7:00 p.m. on the second
60 Tuesday in June.

61 2. For a special election held at the same time as a November general election, the filing deadline
62 shall be either (i) at least 74 days before the election, or (ii) if the special election is being held at the
63 second November election after the vacancy occurred, 7:00 p.m. on the second Tuesday in June before
64 that November election.

65 3. For a special election held at a time other than a general election, the filing deadline shall be (i)
66 at least 30 days before the election, or (ii) within five days of any writ of election or order calling a
67 special election to be held less than 35 days after the issuance of the writ or order.

68 § 2.1-1. School board and school districts.

69 The supervision of schools in the City of Petersburg shall be vested in a school board consisting of
70 nine members appointed by the council of the city. The members shall serve for three-year staggered
71 terms from each of the three school districts seven members elected in accordance with the provisions of
72 § 2.1-2 of this charter.

73 § 2.1-2. Transition from the nine-member appointed school board to a seven-member elected school
74 board.

75 At the general election held in May of 2000, the qualified voters of wards two, four, and six shall
76 elect one school board member from each of their respective wards. At the general election held in May
77 of 2002, the qualified voters of wards one, three, five, and seven shall elect one school board member
78 from each of their respective wards.

79 Beginning in the year 2008, the election of one school board member in wards two, four, and six
80 shall be held at the same time as the November general election. The candidate receiving the greatest
81 number of votes from each ward at that time shall commence his term on January 1, 2009. Beginning in
82 the year 2010, the election of one school board member in wards one, three, five, and seven shall be
83 held at the same time as the November general election. The candidate receiving the greatest number of
84 votes from each ward at that time shall commence his term on January 1, 2011.

85 Board members elected at those elections and thereafter shall be elected in the same manner,
86 according to the same schedule, and for the same term that members of council are elected. Terms of
87 appointed members shall expire at the end of their present three-year terms. Council shall appoint one
88 at-large member to the board in June of 2001, that member's term to expire on June 30, 2002. Council
89 shall make no additional appointments except that council may appoint members to the board to fill
90 vacancies as provided by the general laws of the Commonwealth.

91 § 3-6. City attorney.

92 The city council shall appoint a suitable and proper person, who shall be the attorney and counselor
93 for the city, who shall hold his office for the term of four years, unless sooner removed, and until his
94 successor shall be appointed and qualified. The city council may prescribe the powers, duties and
95 liabilities of the city attorney, and fix his compensation at such an amount as to them may seem fit, to
96 be paid by the city. The city attorney shall receive such salary as shall be allowed him by the city
97 council and shall serve at the pleasure of the city council.

98 § 6-11. Board of equalization.

99 The city council, if in its judgment necessity therefor exists, may at any time during any year, by
100 resolution, request the judge of the ~~hustings~~ circuit court, either in term time or vacation, to appoint a
101 board of equalization consisting of ~~three~~ five members, all of whom shall be freeholders of the city. The
102 judge of the ~~hustings~~ circuit court, upon receiving such request from the city council, shall forthwith
103 appoint such board of equalization, which shall continue in existence for such term not exceeding one
104 year as the city council may prescribe. The compensation of the members of such board shall be fixed
105 by the city council and paid out of the city treasury. The board shall sit at and for such time or times as
106 may be necessary for the discharge of its duties; provided, that the period during which such sittings
107 shall be held shall not exceed thirty days, unless otherwise provided by the city council. The provisions
108 of ~~Chapter 19 of Title 58~~ Article 14 (§ 58.1-3370 et seq.) of Chapter 32 of Title 58.1 of the Code of
109 Virginia, as amended, or hereafter amended, insofar as the same may be applicable, shall apply to the
110 board of equalization appointed pursuant to the provisions of this section except as otherwise provided
111 herein.