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**HOUSE BILL NO. 1536**

Offered January 12, 2011

Prefiled December 28, 2010

*A BILL to amend and reenact §§ 2 and 5, as severally amended, of Chapter 2 and § 3, as amended, of Chapter 6 of Chapter 193 of the Acts of Assembly of 1950, which provided a charter for the City of Martinsville, relating to elections.*

Patron—Merricks

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2 and 5, as severally amended, of Chapter 2 and § 3, as amended, of Chapter 6 of Chapter 193 of the Acts of Assembly of 1950 are amended and reenacted as follows:**

**CHAPTER 2****The Council**

§ 2. Election of Council; Composition of Council; Vacancies.

The Council shall be elected as provided by general law. The Council shall consist of five members, who shall be elected at large and serve for a term of four years from the first day of ~~July~~ *January* next following the date of their election and until their successors have been elected and qualified.

The terms of Councilmen shall be staggered. Two councilmen shall be elected in the year in which their predecessors' terms in office expire and three councilmen shall be elected in the year in which their predecessors' terms in office expire. The incumbents' successors shall be elected every four years thereafter.

Provided, however, those councilmen initially elected following the amendment of this Charter in nineteen hundred seventy-five shall not take office until the expiration of the terms of their predecessors thereby their initial term shall be for a term of three years ten months.

The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of said body, or any of them. When a vacancy occurs in the council, it shall be filled by a majority vote of the remaining members within thirty days of such vacancy. If a majority of the remaining members cannot agree, or do not act within said thirty-day period, and if at least one hundred eighty days remain in the unexpired term at the expiration of said thirty-day period, the council, immediately upon expiration of said thirty-day period, shall petition the Circuit Court of the City of Martinsville to issue a writ of election to fill such vacancy. Upon receipt of such petition, the court shall issue the writ of election, directed to the secretary of the Electoral Board of the City of Martinsville, designating the office to be filled and the time and place of holding such election; and, upon receipt of such writ, the said secretary shall publish a copy thereof at not less than ten public places within the city or publish the same in a newspaper of general circulation at least ten days before such election. No such special election shall be ordered held within the sixty days prior to a general or primary election. Any member of the council who shall be voluntarily absent from three regular meetings of the council consecutively, may be removed from office by resolution of the council declaring his seat vacant.

§ 5. Organization rules of the Council.

(a) At nine o'clock ante meridian on the ~~First day of July~~ *first regular business day of January* following a regular municipal election, ~~except the organizational meeting after the elections in 1976 and 1978 shall be the first day of September, or if such day be a Sunday, then on the day following,~~ the council shall meet at the council chamber of the City, at which time the newly elected councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their office. Thereafter the council shall meet at such times as it may prescribe by ordinance or resolution, except that it shall regularly meet not less than once each month. The mayor, and any member of the council, or any two members of the council, or the city manager and any councilman, may call special meetings of the council, at any time after at least twelve hours' written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend and vote unanimously on all matters acted upon. No business other than that mentioned in the call shall be considered at such meetings.

(b) The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedure, may punish its own members for misconduct in office and may compel attendance of members. It shall keep

59 a journal of its proceedings. A majority of all members of the Council shall constitute a quorum to do  
60 business, but no resolution or ordinance shall be adopted except by affirmative vote of a majority of all  
61 members elected to the council, but a smaller number may adjourn from time to time and compel the  
62 attendance of absentees. All elections by the council shall be viva voce and the vote recorded in the  
63 journal of the council. No vote or question decided at a regular meeting shall be reconsidered at a  
64 special meeting unless all members are present and three of them concur.

#### 65 CHAPTER 6

#### 66 City Officers

67 § 3. City Officers.

68 ~~On the first day of July following the regular municipal election and organization of the council~~  
69 ~~the meeting prescribed in § 5 of Chapter 2 of this Charter,~~ or as soon thereafter as may be practicable,  
70 the council shall elect a clerk, city attorney and such other officers as may come within their  
71 jurisdiction, each of whom shall serve at the pleasure of the council. The municipal officers of the City  
72 of Martinsville, other than those above mentioned and unless provided for herein, shall, from the date  
73 this charter becomes effective and thereafter consist of five councilmen as provided for in this charter; a  
74 sheriff; a commissioner of the revenue; a treasurer; a commonwealth's attorney; and a clerk of the circuit  
75 court or for any other court of record that may be or hereafter be established by law for the City; and  
76 such additional officers as are provided for or may be provided for by the council.

77 The mayor of the City shall be elected by the council from their number as provided in this charter.  
78 The present commissioner of the revenue, treasurer, commonwealth's attorney and clerk of the circuit  
79 court shall continue in office until the expiration of the terms for which they were respectively elected.  
80 Upon the completion of their present term of office, elections shall be held at the time, in the manner  
81 and for the term provided by law.