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**HOUSE BILL NO. 328**

Offered January 8, 2014

Prefiled January 2, 2014

*A BILL to amend and reenact §§ 10.01, 11.02, and 15.10, as amended, of Chapter 536 of the Acts of Assembly of 1950, which provided a charter for the City of Alexandria, relating to elections of city council and school board and powers of city attorney.*

Patrons—Krupicka; Senator: Ebbin

Referred to Committee on Counties, Cities and Towns

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

**1. That §§ 10.01, 11.02, and 15.10, as amended, of Chapter 536 of the Acts of Assembly of 1950 are amended and reenacted as follows:**

§ 10.01. Election of mayor and council members.

On the ~~second Tuesday in June, 1958~~ *day of the November general election in 2015*, and on the ~~second Tuesday in June~~ every third year thereafter ~~until 1973~~ there shall be held a general election at which shall be elected by the qualified voters of the city at large; *shall choose* a mayor and six members at large of the council for terms of three years from the first day of ~~July~~ *January* following their election. ~~On the first Tuesday in May, 1973, and on the first Tuesday in May every third year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city at large a mayor and six members at large of the council for terms of three years from the first day of July following their election.~~ A candidate for mayor shall file his petition therefor specifically; and a candidate for city council shall file his petition therefor specifically, provided, however, that a candidate who files his petition for mayor shall not have his name printed on the ballot for city council. The names of all candidates for city council and mayor shall be placed on the ballot in accordance with general law. Immediately above the list of names of candidates for city council shall appear the words "For City Council, vote for no more than six (6)," or some similar designation. Immediately above the list of names of candidates for mayor shall appear the words "For Mayor, vote for one," or some similar designation.

In the event no candidate shall file a petition for the office of mayor, the ballot shall show no candidates for that office and the member of council who receives the largest popular vote shall be the mayor of the city and persons receiving the next six highest votes shall be the city council members.

The said election shall be held in accordance with the general laws of the Commonwealth relating to primary and general elections wherever applicable.

§ 11.02. City attorney, powers and duties.

The city attorney shall:

(a) Be the legal adviser of the council, the city manager, and all departments, boards, commissions and agencies of the city; ~~excluding the school board~~, in all matters affecting the interest of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. *The city attorney may also be the legal advisor of and counsel to the school board in all matters affecting the interests of the school division with the concurrence of both the council and the school board.*

(b) At the request of the city manager or any member of the council, prepare ordinances for introduction and, at the request of the council or any member thereof, examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest.

(d) Represent the city as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue or in which the city is a party.

(e) Institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city.

(f) Attend in person or assign one of his assistants to attend all meetings of the council.

(g) Appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 8 of this charter, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter.

(h) Have such other powers and duties as may be assigned to him by ordinance.

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59 Notwithstanding the provisions of this section or any other law the council may, from time to time,  
60 enter into agreements with the Commonwealth's Attorney for such attorney to represent the city in any  
61 criminal case in which the city is a party. The council shall only consent to such an agreement by  
62 resolution adopted at a regular meeting and agreed to by a majority of all of its members. The  
63 agreement shall specify the types of cases to be handled by the Commonwealth's Attorney. Prior to the  
64 adoption of any such resolution the council shall request the recommendation of the City Attorney on  
65 the feasibility and operation of the agreement, but such recommendation shall not be binding on the  
66 council. The council may, at any time, modify or repeal its consent to such an agreement provided it  
67 follows the procedure provided herein for the giving of its consent and such right of council shall be a  
68 part of every such agreement. So long as such agreement is effective the City Attorney shall have no  
69 power or duty with respect to the types of cases specified therein. Notwithstanding any other provisions  
70 of law the council may provide supplements to the office of the Commonwealth's Attorney for  
71 performing the functions and duties covered by the agreement.

72 § 15.10. School board and school districts.

73 (a) The City of Alexandria shall constitute a single school division.

74 (b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting  
75 of nine members. Members of the school board shall be selected by direct election by the voters, unless  
76 and until a referendum is passed in favor of changing the method of selecting board members to  
77 appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended.  
78 The school board members shall be elected from election districts, and the council shall establish by  
79 ordinance the number and boundaries of the election districts. Elections for school board members shall  
80 be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this  
81 charter, are held every three years on the ~~first Tuesday of May~~ *day of the November general election*.  
82 The terms of office of school board members shall commence on the ~~July~~ *January* 1 following the  
83 members' elections, shall be for three years and shall run concurrently. Elections for school board  
84 members shall be held in accordance with the general laws of the Commonwealth relating to general  
85 elections; however, where the provisions of such laws are inconsistent with the provisions of this  
86 section, the provisions of this section shall apply.

87 (c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause  
88 in the office of school board member filled by direct election by the voters shall be filled as follows:

89 (1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board  
90 election shall be filled by a special popular election for the unexpired term of the office. In the event of  
91 such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court  
92 of the City of Alexandria, and the said court shall order a special election to be held not less than forty,  
93 nor more than sixty days after the filing of the resolution to fill the vacancy. Candidates shall file their  
94 declarations of candidacy and any statements or petitions required by general law not less than thirty  
95 days before said election. The election shall be conducted, and the results thereof ascertained, in the  
96 manner provided by law for the conduct of elections and by the regular election officials of the city;

97 (2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall  
98 be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of  
99 Alexandria;

100 (3) When a vacancy on the school board is created by the departure of the board chairman, the  
101 remaining members of the board shall, as soon as practicable and by majority vote, select a new  
102 chairman from among the members.