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SENATE BILL NO. 609

Offered January 14, 2014

A BILL to amend and reenact § 3.01, as amended, and § 3.06 of Chapter 227 of the Acts of Assembly of 1954, which provided a charter for the City of Covington, relating to council, mayor, and elections.

Patron—Deeds

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 3.01, as amended, and § 3.06 of Chapter 227 of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 3.01. Creation and composition of council.

In accordance with a consent decree entered by the United States District Court for the Western District of Virginia, Roanoke Division, on August 3, 1988, in a case styled, "William R. Martin, et als. v. City of Covington, et als.," the city shall be divided into five voting districts, which shall be known as District 1, District 2, District 3, District 4 and District 5.

There shall be a council of the city, which shall continue to consist of five members, who shall at the time of filing their notice of candidacy and thereafter be residents and qualified voters of the city and of their voting district. One member of the council shall be elected from and by the duly qualified voters of each of the five voting districts of the city for the 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 councilmen in office at the effective date of this charter and the amendments thereto shall constitute the council of the city and are hereby continued in office for the terms for which they were elected and qualified. To the extent that compliance with the said consent decree and other orders entered in the referenced action constitute a deviation by the city from the council election requirements of the charter then existing, those actions are expressly ratified. No action of the council of the city occurring on or after August 3, 1988, until the effective date of this amendment of the charter shall be subject to challenge on the basis of the composition and manner of election of the members thereof, provided that the composition and manner of election of the members thereof during that period of time was consistent with said orders. On the first Tuesday in May 1988 Tuesday following the first Monday in November of 2016, and every four years thereafter, a member of the council shall be elected from each of District 3, District 4 and District 5, each for a four-year term, and on the first Tuesday in May 1990 Tuesday following the first Monday in November of 2014, and every four years thereafter, a member of the council shall be elected from each of District 1, and District 2 and District 3, each for a four-year term. Council members serving on council as of the date of this amendment and whose terms are to expire as of June 30 of 2014 or 2016 shall continue in office until their successors have been elected at the November general election and have been qualified to serve. 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 measure 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.

§ 3.06. Election of mayor and vice-mayor.

The mayor in office at the effective date of this charter is hereby continued in office for the term for which he was elected and until his successor has been elected and qualified. At the first meeting of the council after September 1, 1955 the first day of January of 2015, and at each succeeding first meeting immediately following the taking of office of councilmen after a general 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. 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, in the absence or disability of the mayor, shall 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 their number to perform the duties of mayor.

There being no vice-mayor now in office, at the first meeting of the council after this charter becomes effective, the council shall choose by majority vote of all the members thereof one of their number to be vice-mayor for the remainder of the present term, and until his successor has been elected

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59 ~~and qualified.~~

60 **2. That an emergency exists and this act is in force from its passage.**