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HOUSE BILL NO. 1562

Offered January 11, 1995

A BILL to amend and reenact §§ 4.12, 6.17, 20.01 and 20.02, as severally amended, of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, relating to advisory referendums, the school board and the library board.

Patrons—Hall, Ball, Cantor, Cunningham, Jones, D.C. and Rhodes; Senators: Benedetti, Lambert and Marsh

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.12, 6.17, 20.01 and 20.02, as severally amended, of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted as follows:

§ 4.12. Same; submission of proposition to the qualified voters of the city.—The council shall have authority to order, by resolution directed to the circuit court of the City of Richmond, Division I, or the chief judge thereof in vacation, the submission to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the City Charter. Upon the receipt of such resolution the circuit court of the City of Richmond, Division I, or the chief judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution from the date of the court's order. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this Charter, set forth in such petition, signed by qualified voters equal in number to ten percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding and verified as hereinafter provided, is filed with the clerk of the circuit court of the City of Richmond, Division I, he shall forthwith certify that fact to the court or the judge thereof in vacation. The signatures to such petition shall be verified by attaching thereto a certificate of an officer or officers authorized to administer oaths, that the persons whose names are signed thereto made oath before such officer or officers that they are qualified voters of the city. Upon the certification of such petition, the circuit court, Division I, of the City of Richmond or the chief judge thereof in vacation shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the results thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approved the proposed amendment such result shall be communicated by the clerk of the circuit court, Division I, of the City of Richmond to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

§ 6.17. Additional appropriations.—An appropriation in addition to those contained in the general fund appropriation ordinance, except for the purpose of meeting a public emergency as provided in subsection (d) of section 2.02 of this charter, may be made by the council, by not less than six affirmative votes, only on the recommendation of the city manager and only if the director of finance certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. An appropriation made to "Reserve for Contingencies," or such sum as shall remain in said appropriation, until allocated for a definite and specific purpose, shall be unencumbered and available for allocation at any time during the fiscal year and the director of finance may certify all or part of said appropriation as unencumbered and available to meet such allocation. No additional appropriations may be made by council in any current fiscal year from any general fund balance of a previous year which is not contained in the estimate of revenue for the general fund budget for such current fiscal year. At any time during the fiscal year when reimbursements or payments from the Commonwealth of Virginia or the United States of America for specified purposes exceed budget estimates of anticipated revenue for such purposes, such excess reimbursements or payments may be included in the general fund unencumbered and unappropriated balances and may be appropriated for such specified purpose, whether such grants be termed categorical or for general purposes. Additional appropriations may be made by the council, by not less than six affirmative votes, from the funds of any utility for the operation of that utility, and by the school board, by not less than four six affirmative votes, from school funds for school purposes, but only if the director of finance certifies in writing that

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60 there is available in the funds of the utility or school board, as the case may be, a sum unencumbered
61 and unappropriated sufficient to meet such appropriation.

62 § 20.01. School board.

63 The school board shall consist of nine trustees. One trustee shall be elected from each of the nine
64 council districts and shall be a qualified voter of that district. Elections of school board trustees shall be
65 held as follows:

66 (1) at the May 1994 municipal elections, nine trustees shall be elected to serve two-year terms;

67 (2) at the May 1996 municipal elections, nine trustees shall be elected to serve four-year terms;

68 (3) at the May municipal elections every four years thereafter, there shall be elected trustees equal in
69 number to the trustees whose terms expire in that year.

70 *The terms of members of the school board shall be the same as the terms of the members of the*
71 *council.*

72 Trustees shall take office July 1 following their election.

73 Except as provided in this Charter the school board shall have all the powers and duties relating to
74 the management and control of the public schools of the city provided by the general laws of the
75 Commonwealth. None of the provisions of this Charter shall be interpreted to refer to or include the
76 school board unless the intention so to do is expressly stated or is clearly apparent from the context.

77 § 20.02. Richmond Public Library Board.—There shall ~~continue to~~ be a Richmond public library
78 board which shall consist of ~~seven~~ *nine* members. Of these members one shall be a member of the
79 council appointed by the council for a term coincident with his term in the council; one shall be the
80 superintendent of the Richmond public schools, *or a designee*; and ~~five~~ *seven* shall be qualified voters
81 of the city appointed by the council for terms of three years. ~~The members of the Richmond public~~
82 ~~library board in office on January one, nineteen hundred seventy-eight, shall each continue to serve as~~
83 ~~members of the board until the expiration of the term for which he was appointed. Upon the expiration~~
84 ~~of such term his successor shall be appointed by the council for a term of three years. Vacancies shall~~
85 ~~be filled by the council for the unexpired portion of the term. The Richmond public library board shall~~
86 ~~have the management and control of the public libraries of the city and shall have such powers and~~
87 ~~duties with respect thereto as are conferred or imposed on it by this charter and by ordinance.~~

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