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SENATE BILL NO. 635

Offered February 16, 1996

A BILL to amend and reenact §§ 3.01, 3.02, 3.03, 3.04 and 4.01 as amended, § 4.05, § 4.10 as amended, §§ 4.11 and 6.08, §§ 6.09, 6.10, 7A.05, 17.06, 17.11 and 17.14 as amended and § 17.28 of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond; to amend Chapter 116 by adding sections numbered 4.03.1 and 4.03.2; and to repeal § 4.03 of Chapter 116, relating to elections of mayor and council, vacancies in office, salary of mayor, powers of mayor and vice-mayor, publication of proposed ordinances, budgets, the master plan, zoning and subdivision ordinances.

Patron—Benedetti

Introduced at the request of Governor

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, 3.02, 3.03, 3.04 and 4.01 as amended, § 4.05, § 4.10 as amended, §§ 4.11 and 6.08, §§ 6.09, 6.10, 7A.05, 17.06, 17.11 and 17.14 as amended and § 17.28 of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and that Chapter 116 is amended by adding sections numbered 4.03.1 and 4.03.2 as follows:

§ 3.01. Election of mayor and council members.

On the first Tuesday in May, ~~nineteen hundred seventy-eight~~ 1978, and on the first Tuesday in May in every second year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of July following their election. *In addition, commencing with the general election to be held in November, 1996, the qualified voters of the city at large shall elect a mayor to serve a term beginning the first day of January following the general election and ending July 1, 1998. Commencing with the general city election to be held in May, 1998, and every second year thereafter, the qualified voters of the city at large shall elect a mayor for a term of two years from the first day of July following the general election.*

§ 3.02. Nomination of candidates for mayor and council members.

No primary election shall be held for the nomination of candidates for the ~~office~~ *offices* of mayor and councilman, and candidates shall be nominated only by petition. ~~There shall be printed on the ballots used in the election of councilmen in each election district the names of all candidates who have been nominated for election in such district by petition and the filing of a notice of candidacy as provided herein and no others. The requirements for nomination shall be:~~

(a) Any qualified voter of the city may be nominated for election as councilman for the district in which he resides by filing, not later than the time fixed for the closing of the polls on the first Tuesday in March, with the clerk of the Circuit Court of the City of Richmond, Division I, a petition signed by not less than one hundred twenty-five qualified voters of the district in which such candidate resides and for which he seeks election, each signature to which has been witnessed by a person whose affidavit to that effect is attached thereto, together with a notice of candidacy required by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name and street address of the residence of the person whose name is presented thereby as a candidate, and the street address of the residence of the persons signing the same. *The requirements and procedures for the qualification and nomination of candidates shall be in accordance with the applicable provisions of Articles 1 and 2 of Chapter 5 of Title 24.2 of the Code of Virginia.*

§ 3.03. Conduct of general municipal election.

The ballots used in each district in the election of *the mayor and councilmen* shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for one person to serve as councilman for the district in which such voter resides, *and one vote for one person to serve as mayor*, and no more. ~~In counting the vote any ballot found to have been voted for more than one person shall be void. The candidate receiving the highest number of votes cast in such election in each district shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election.~~

§ 3.04. Vacancies in office of mayor and councilman.

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60 Vacancies in the ~~office~~ *offices of mayor or councilman*, from whatever cause arising, shall be filled
61 for the unexpired portion of the term by majority vote of the remaining members of the council or, if
62 the council shall fail to fill a vacancy in its membership within thirty days of the occurrence of the
63 vacancy, by appointment by the chief judge of the circuit court of the city of Richmond.

64 § 4.01. Composition; compensation; appointment of members to office of profit.

65 The council shall consist of *the mayor and also* nine members elected *by district*, as provided in
66 Chapter 3. Compensation of members of council shall be fixed in accordance with and within the limits
67 prescribed in general laws of the Commonwealth for pay and expenses of councils and mayors of cities
68 of the Commonwealth. The members of the council, subject to the approval of the council, may also be
69 allowed their reasonable actual expenses incurred in representing the city. No member of the council
70 shall during the term of which he was elected and one year thereafter be appointed to any office of
71 profit under the government of the city.

72 § 4.03.1. Mayor.

73 *The mayor shall be elected as provided in Chapter 3 of this charter. The mayor shall be the chief*
74 *elected officer of the City of Richmond. The mayor shall represent the city in inter-governmental*
75 *relations, shall deliver an annual State of the City address and shall work with the council to develop*
76 *and promote the optimal policy agenda for the city. The mayor shall be recognized as the head of the*
77 *city government for all ceremonial purposes, the purposes of military law and the service of civil*
78 *process.*

79 *The mayor shall preside over all meetings of the council and shall be considered a member of the*
80 *council. The mayor shall have the same right to speak, introduce legislation, and serve on committees as*
81 *all other members of the council. The mayor shall have no right to vote except in the case of a tie. The*
82 *mayor shall not have the power of veto.*

83 § 4.03.2. Vice-mayor.

84 *The vice-mayor shall be a council member and shall be elected by a majority vote of the members of*
85 *council at the first meeting of each newly elected council. The vice-mayor shall in the temporary*
86 *absence or disability of the mayor perform the duties of mayor but shall at all times retain the full*
87 *voting privileges of a member of council. If a vacancy shall occur in the office of vice-mayor, the*
88 *council shall fill the vacancy for the unexpired term by majority vote of the remaining members of*
89 *council.*

90 § 4.05. Induction of Members.

91 The first meeting of a newly elected council shall take place in the council chamber in the city hall
92 at ten o'clock A.M. on the first day of July following their election, or if such day shall fall on Sunday
93 then on the following Monday, provided that the council first elected under this charter shall hold its
94 first meeting on the first Tuesday in September 1948. It shall be called to order by the city clerk who
95 shall administer the oath of office to the duly elected members. In the absence of the city clerk, the
96 meeting may be called to order and the oath administered by any judicial officer having jurisdiction in
97 the city. The council shall be the judge of the election and qualifications of its members but the decision
98 of the council in this matter shall be subject to review by the ~~hustings court~~ *Circuit Court* of the city of
99 Richmond. The first business of the council shall be the election of a ~~mayor~~ and vice-mayor and the
100 adoption of rules of procedure. Until this business has been completed, the council shall not adjourn for
101 a period longer than forty-eight hours.

102 § 4.10. Procedure for passing ordinances.

103 An ordinance may be introduced by any member or committee of the council or by the city manager
104 at any regular meeting of the council or at any special meeting when the subject thereof has been
105 included in the notice for such special meeting or has been approved by the unanimous consent of all
106 the members of the council. Upon introduction it shall receive its first reading and a time, not less than
107 seven days after such introduction, and place shall be set at which the council or a committee thereof
108 will hold a public hearing on such ordinance, provided that the council may reject any ordinance on first
109 reading without a hearing thereon by vote of six members. The hearing may be held separately or in
110 connection with a regular or special meeting of the council and may be adjourned from time to time. It
111 shall be the duty of the city clerk to cause to be ~~published~~ *printed* in a ~~daily~~ newspaper ~~of published or~~
112 *in general circulation published* in the city, not later than the fifth day before the public hearing on the
113 proposed ordinance a notice containing the time and place of the hearing and the title of the proposed
114 ordinance. It shall also be his duty not later than the fifth day before the public hearing to cause its full
115 text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers
116 to supply copies to those who individually request them, or, if the council shall so order to cause the
117 same to be ~~published~~ *printed* as a paid advertisement in a newspaper ~~of published or in general~~
118 *circulation published* in the city. It shall further be his duty to place a copy of the ordinance in a file
119 provided each member of the council for this purpose. A proposed ordinance, unless it be an emergency
120 ordinance, shall be read a second time and may be finally passed at a regular meeting of the council
121 following the introduction of the ordinance and after the conclusion of the public hearing thereon. If on

its second reading an ordinance, other than an emergency ordinance, be amended as to its substance it shall not be passed until it shall be reprinted, reproduced or published as amended and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance.

§ 4.11. Emergency Ordinances.

An emergency ordinance for the immediate preservation of the public peace, health and safety may be read a second time and passed with or without amendment at any regular or special meeting subsequent to the meeting at which the ordinance was introduced, provided that prior to its passage the full text of the original ordinance has been ~~published~~ *printed* in a ~~daily~~ newspaper ~~of published or in~~ general circulation ~~published~~ in the city. An emergency ordinance must contain a specific statement of the emergency claimed and six affirmative votes shall be necessary for its adoption.

§ 6.08. Distribution of copies of budget message and budgets..

The city manager shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the general fund, school and utility budgets to be made to supply copies to each member of the council and each ~~daily~~ newspaper ~~of published or in~~ general circulation ~~published~~ in the city and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.

§ 6.09. Public Hearings.

A public hearing on the budget plan as a whole shall be held by the council within the time and after the notice provided for hearings on ordinances by section 4.10 of this charter, except that the notice of such hearing shall be ~~published~~ *printed* in a ~~daily~~ newspaper ~~of published or in~~ general circulation ~~published~~ in the city.

§ 6.10. Action by council on general fund budget generally.

After the conclusion of the public hearing, the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service or required to be included by this charter or other provision of law shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct ~~omissions~~ *omissions* or mathematical errors and it shall not cause the total of expenditures as recommended by the manager to be increased without a public hearing on such increase, which shall be held not less than five days after notice thereof by ~~publication~~ *printing* in a ~~daily~~ newspaper ~~of published or in~~ general circulation ~~published~~ in the city. The council shall in no event adopt a ~~general fund~~ budget in which the total of expenditures exceeds the receipts, estimated as provided in section 6.04, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as provided in section 6.05, sufficient to make up this difference.

§ 7A.05. Procedures for passing ordinances authorizing the issuance of bonds or notes.

(a) The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that six affirmative votes shall be necessary for its adoption. No such ordinance shall take effect until the thirty-first day after publication of notice of its adoption as hereinafter provided; ~~provided~~, however, an amendatory ordinance, the purpose of which is to provide that a portion of the bonds authorized in the ordinance to be amended may be sold in a year or years subsequent to the year in which such amendatory ordinance is adopted, may be effective as provided in such amendatory ordinance and shall not be subject to the requirement of publication of notice of adoption as hereinafter provided, nor shall such amendatory ordinance be subject to the provisions of § 7A.07 of this ~~Charter~~ *charter* concerning petition for referendum on ordinances authorizing the issuance of bonds. Within ten days after the passage of an ordinance authorizing the issuance of bonds, other than an amendatory ordinance for the purpose specifically provided above, the city clerk shall cause notice of the adoption of such ordinance to be ~~published~~ *printed* once in a ~~daily~~ newspaper ~~of published or in~~ general circulation ~~published~~ in the city. Such notice shall include a statement that the thirty-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance may be brought shall have commenced as of the date of such publication.

(b) The procedure for the passage of an ordinance authorizing the issuance of notes shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that six affirmative votes shall be necessary for its adoption. An ordinance authorizing the issuance of notes shall not be subject to the requirement of publication of notice of adoption as hereinabove provided, nor shall such ordinance be subject to the provisions of § 7A.07 of this ~~Charter~~ *charter* concerning petition for referendum. Such ordinance shall be effective immediately unless otherwise provided by the ~~City Council~~ *city council* in such ordinance.

§ 17.06. Adoption of master plan by commission and approval by council.

The commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or

geographical or topographical divisions of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon at least fifteen days' notice of the time and place of which shall be given by one publication in a daily newspaper of published or in general circulation published in the city. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby shall be certified to the council. Neither the master plan nor any part, amendment, extension or addition thereto shall become effective until the action of the commission with respect thereto set out in the resolution shall have been approved by the council by ordinance or resolution. Upon the approval of the action of the commission by the council, an attested copy of the resolution adopted by the commission accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto thereby adopted, together with the ordinance or resolution adopted by the council shall be certified to the clerk of the circuit court, Division I and Division II, of the city who shall file the same in his respective offices, and shall index the same in the deed index book in the name of the city and under the title: ~~master plan~~ *Master Plan* of the city ~~City~~.

§ 17.11. Uniformity of regulations within a district; special use permits.

(a) The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout each district; ~~provided,~~ however, the regulations and restrictions applicable in one district may differ from those provided for other districts.

(a1) The council may, by ordinance adopted after holding one or more public hearings concerning same, establish design overlay districts, providing for such design overlay districts, a design review process applicable to exterior changes within view from public right-of-ways in order to protect developed areas of the city which are characterized by uniqueness of established neighborhood character, architectural coherence and harmony, or vulnerability to deterioration, and council may assess a reasonable fee, not exceeding the actual cost of the review process, for a determination if proposed new construction, alterations, rehabilitation, or demolition conforms to general guidelines for a particular design overlay district established by the planning commission and urban design committee after holding a public hearing.

(b) The council shall have the power to authorize by ordinance adopted by not less than six affirmative votes the use of land, buildings, and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air. No such ordinance shall be adopted until (1) the ordinance has been referred to the city planning commission for investigation of the circumstances and conditions upon which the council is empowered to authorize such use and until the commission has reported to the council the results of such investigation and its recommendations with respect thereto, and (2) until after a public hearing in relation to such ordinance is held by the council at which the persons in interest and all other persons shall have an opportunity to be heard. ~~At least fifteen days' notice~~ *Notice* of the time and place of such hearing shall be given ~~by publication thereof in a daily newspaper of general circulation published in the city in accordance with general law.~~ The council shall have the power to require ~~such other~~ *greater* notice as it may deem expedient. The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom.

§ 17.14. Adoption and amendment of zoning regulations and restrictions and determination of district boundaries.

Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and determine the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover costs

involved in the consideration of any request for amendment, supplement or repeal of any such regulation, restriction or determination of boundaries, to be paid to the department of planning and community development by the applicant upon filing such request. No such ordinance shall be adopted until:

(a) The ordinance has been referred to the ~~City~~city planning commission and approved by it, subject to overrule by the council, as provided in section 17.07; and

(b) After a public hearing in relation thereto shall be held by the council at which the parties in interest and other persons shall have an opportunity to be heard.

~~At least fifteen days' notice~~ *Notice* of the time and place of such hearing shall be given by ~~publication thereof in a daily newspaper of general circulation published in the City in accordance with general law.~~

The procedures set forth in this section shall also apply to the adoption, amendment and repeal of historic district boundaries. All historic districts previously adopted by ~~City Council~~city council, except for the Church Hill North district adopted by Ordinance no. 90-197-194 and repealed by Ordinance no. 90-242-314, shall remain in full force and effect, shall be deemed to have been in continuous existence, and shall not henceforth be declared invalid by reason of a failure to follow the procedures set forth herein applicable to zoning districts.

§ 17.28. Hearings on subdivision ordinance.

The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been ~~published~~ *printed* once a week for two successive weeks in a ~~daily newspaper of~~ *published or in* general circulation ~~published~~ in the city. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views.

2. That, effective January 1, 1997, § 4.03 of Chapter 116 of the Acts of Assembly of 1948 is repealed.

3. That §§ 3.01, 3.02, 3.03, 3.04, 4.01, 4.03.1, 4.03.2 and 4.05 of the act shall be enforced only as necessary to permit the election of the mayor on an at large basis commencing with the November, 1996 general election and to permit such mayor to take office on January 1, 1997, and that, until January 1, 1997, the organization and powers of the city council shall continue under the provisions existing prior to the effective date of this act.