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SENATE BILL NO. 966

Offered January 17, 1997

A BILL to amend and reenact §§ 15.1-965.16 and 15.1-965.21 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.1-965.16:1, relating to transition of a city to town status.

Patrons—Lucas and Maxwell

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-965.16 and 15.1-965.21 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.1-965.16:1 as follows:

§ 15.1-965.16. Hearing and decision by court.

A. The court, without a jury, shall hear the case upon the evidence, as evidence is introduced in civil cases.

B. The court shall enter an order ~~granting~~ *declaring the city eligible for town status* if the court finds that:

1. The city has a current population of less than 50,000 people;
2. The adjoining county or counties have been made party defendants to the proceedings;
3. The proposed change from city to town status will not substantially impair the ability of the adjoining county in which the town will be located to meet the service needs of its population;
4. The proposed change from city to town status will not result in a substantially inequitable sharing of the resources and liabilities of the town and the county;
5. The proposed change from city to town status is, in the balance of equities, in the best interests of the city, the county, the Commonwealth, and the people of the county and the city; and
6. The proposed change from city status to town status is in the best interests of the Commonwealth in promoting strong and viable units of government.

C. In making the findings required by subdivisions 3 and 4 of subsection B of this section, the court shall have authority to impose such terms and conditions as it deems appropriate to:

1. Ensure an orderly transition from city status to town status;
2. Adjust financial inequities;
3. Balance the equities between the parties; and
4. Ensure protection of the best interests of the city, the county, the Commonwealth, and the people of the county and the city.

D. The court shall render a written opinion in every case brought under the provisions of this chapter.

~~E. In the event~~ *If the court enters an order declaring the city eligible for town status, a copy of the order shall be certified to the Secretary of the Commonwealth the court shall order that a referendum be held in accordance with § 15.1-965.16:1.*

§ 15.1-965.16:1. Referendum; acceptance or rejection of transition to town status.

A. The court shall order that a referendum be held in the city and in the county within ninety days, or as soon thereafter as practicable, after the entry of the order declaring the city eligible for town status. The circuit court clerks for the city and county shall immediately send a copy of the order calling for a referendum to the State Board of Elections and cause a notice of the referendum to be published in a newspaper having general circulation in their respective city or county once a week for three consecutive weeks. The first such notice shall be published not more than sixty days prior to the election. Concurrent with publication of the first notice, the clerks shall also post a copy of the notice at the doors of their respective city or county courthouse. Local election officials shall perform all their duties as if the referendum had been ordered by the circuit court. When appropriate, the localities may act jointly in performing their duties and share the associated expenses. However, if the city's governing body declines to accept town status pursuant to § 15.1-965.19, the referendum shall be canceled.

B. The election shall be held and the results thereof ascertained and certified in accordance with the provisions of § 24.2-684. The question on the ballot shall be: "Shall the City of (insert name of city) become a town in the County of (insert name of affected county)?" If a majority of the electorate voting in such referendum in the city and in the county vote "yes," the court shall proceed to enter an order granting town status pursuant to the provisions of § 15.1-965.21. If less than a majority of the electorate voting in such a referendum in either the city or the county vote "yes," the court shall enter an order declaring the city ineligible for town status.

INTRODUCED

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60 § 15.1-965.21. Order granting town status; effective date of transition.

61 *If the requirements of §§ 15.1-965.16 and 15.1-965.16:1 have been met, the court shall enter an*
62 *order granting town status. A copy of the order shall be certified to the Secretary of the Commonwealth.*

63 The court in its order granting town status shall specify the effective date of transition from city status
64 to town status, but in no event shall such date be sooner than six months from the date of the court
65 order.