

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 139

An Act to amend and reenact §§ 1.02, 3.01 as amended, and 3.09 of Chapter 227 of the Acts of Assembly of 1954, which provided a charter for the City of Covington, and to repeal §§ 3.03 as amended, and 13.12, 14.03 and 15.04 of Chapter 227, relating to boundaries, city council, justices of the peace, city sergeants and city employees.

[H 85]

Approved March 16, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.02, 3.01 as amended, and 3.09 of Chapter 227 of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 1.02. Boundaries.

The boundaries of the city shall be the boundaries of the Town of Covington, its predecessor, as described in § 1 of Chapter 467 of the Acts of the General Assembly of 1901-02, approved April 2, 1902, as modified and enlarged by the decree of the Circuit Court of Alleghany County, entered on October 1, 1951, in the annexation proceedings styled Town of Covington v. County of Alleghany, Virginia, which decree is recorded in the Clerk's Office of the Circuit Court of Alleghany County, Virginia, in Common Law Order Book 17 at pages 491, et seq.; *and as modified and enlarged by the decree of the Circuit Court of Alleghany County, entered January 4, 1991, in the proceeding styled, "In the matter of the Petition by the City of Covington, Virginia, and the County of Alleghany, Virginia, to change or relocate the boundary line between the City and the County pursuant to § 15.1-1031.1 through § 15.1-1031.3 of the Code of Virginia, 1950, as amended," which decree is recorded in the clerk's office of the Circuit Court for Alleghany County, Virginia, in Common Law Order Book 27 at page 495 et seq., and which decree was corrected by a decree entered by said court on December 8, 1995, recorded in the clerk's office of the Circuit Court for Alleghany County, Virginia, in Common Law Order Book 32 at page 485 et seq.*

§ 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; ~~elected at large by the qualified voters 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 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 until their successors have been elected and qualified. On the first Tuesday in May, 1974, and on the said day each four years thereafter, there shall be a general city election, at which there shall be elected three councilmen, each for the four-year term aforesaid and on the first Tuesday in May, 1976, and on the said day each four years thereafter, there shall be a general city election at which there shall be elected two councilmen, each for the four-year term aforesaid.~~ *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, and every four years thereafter, a member of the council shall be elected from each of District 4 and District 5, each for a four-year term, and on the first Tuesday in May 1990, and every four years thereafter, a member of the council shall be elected from each of District 1, District 2 and District 3, each for a four-year term.* 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.

§ 3.09. Limitations on Powers and Disqualifications.

(a) Any member of the council who shall have been convicted of a felony while in office shall

thereby forfeit his office.

(b) Except for the purpose of inquiry, the council and its members ~~shall~~, so long as the city manager form of government ~~obtains~~ *is used*, shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall have authority to give orders to any of the subordinates of the city manager, either publicly or privately.

(c) *No member of the council shall, during the term for which he was elected or for one year thereafter, be appointed to any office of profit under the government of the city.*

2. That §§ 3.03 as amended, and 13.12, 14.03 and 15.04 of Chapter 227 of the Acts of Assembly of 1954 are repealed.