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HOUSE BILL NO. 1520

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on February 16, 1999)

(Patron Prior to Substitute—Delegate Putney)

A BILL to amend and reenact §§ 3.3, 3.4 and 3.7 as amended of Chapter 325 of the Acts of Assembly of 1952, which provided a charter for the City of Buena Vista, relating to election of council and mayor.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.3, 3.4 and 3.7 as amended of Chapter 325 of the Acts of Assembly of 1952 are amended and reenacted as follows:

§ 3.3. The council of the City of Buena Vista shall consist of a body of seven members, including the mayor, elected at large, all of whom shall be residents of the City of Buena Vista and the State of Virginia for one year and are qualified to vote in the City of Buena Vista.

§ 3.4. The council shall be elected in the manner prescribed by law, as follows:

At the regular municipal election to be held on the first Tuesday in May, 1972, three councilmen shall be elected, each for a term of four years beginning on the first day of July next following their election.

At the regular municipal election to be held on the first Tuesday in May, 1974, and every four years thereafter, four councilmen shall be elected each for a term of four years beginning on the first day of July next following their election. Each councilman elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. Those three councilmen elected during the regular municipal election in 1968, or their successors, shall complete their term of office as of June 30, 1972. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any of its members. ~~Provided, however, in the event~~ If membership of the council shall for any reason be reduced to three or less members, the clerk of the council shall ~~cause notice of such fact to be directed to~~ notify the Circuit Court of the City of Buena Vista, ~~or the judge thereof in vacation, who~~ which shall ~~thereupon~~ order a special election to be held within thirty days, and all vacancies shall be filled for the unexpired term thereof terms at such election.

Notwithstanding the above provisions, beginning with the regular municipal election to be held in May 2000, the council shall be elected as follows:

In the year 2000, there shall be elected two council members for terms of four years and a mayor for a term of two years.

In the year 2002, there shall be elected three council members for terms of four years, one council member for a term of two years, and a mayor for a term of two years. The candidate for council receiving the fourth highest number of votes shall serve the two-year term.

Thereafter, all council members shall be elected for terms of four years, except for the mayor, who shall be elected for a term of two years.

§ 3.7. On the first day of July, 1972, and on the first day of July every second year thereafter, or if such a day fall on Sunday, then on the following Monday, the council shall choose by a majority vote of all its members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. At the regular municipal election to be held on the first Tuesday in May 2000, the same time members of council are to be elected, and at each regular municipal election thereafter, there shall be elected a mayor. The mayor shall preside over the meetings of the council, have the same right to speak vote therein as other members and shall have a vote but no veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law, and the service of civil process.

On the first day of July, 2000, and on the first day of July every second year thereafter, the council shall choose by a majority vote of all its members thereof one of the number to be vice mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and should such become necessary. In the event of a vacancy in the office of mayor, the vice mayor shall become mayor for the unexpired term. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor.