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SENATE BILL NO. 832

Offered January 13, 1999

A BILL to amend and reenact §§ 3.01, 3.04, 4.03 and 4.05 as amended, and § 11.02 of Chapter 576 of the Acts of Assembly of 1978, which provided a charter for the City of Newport News, relating to council elections, election of mayor and election of school board members.

Patrons—Maxwell and Norment

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, 3.04, 4.03 and 4.05 as amended, and § 11.02 of Chapter 576 of the Acts of Assembly of 1978 are amended and reenacted as follows:

§ 3.01. Election and terms of mayor and members of council.

There shall be a general councilmanic election on the second Tuesday in June, 1970, at which time there shall be elected a council of seven members who shall be elected at large by the qualified voters of the city; three of whom shall be elected for terms of two years each and four of whom shall be elected for terms of four years each. The seven candidates receiving the highest number of votes in the city shall be declared elected, and of the seven so elected, the three receiving the lowest number of votes in the 1970 election shall serve the two-year terms and the four receiving the highest number of votes in such election shall serve four-year terms. The seven-member council so elected shall take office on the first day of July, 1970, and thereafter there shall be a general councilmanic election every two years, held on the first Tuesday in May, with the candidates receiving the highest number of votes being declared elected and with the terms of councilmen elected at such elections beginning July 1 following their election and continuing for a term of four years.

The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or the removal of the members of the body or any of them.

A. On and after July 1, 2000, the council shall consist of seven members, a mayor and six members of council elected as herein provided. The city shall be divided into such districts as shall be provided by ordinance in accordance with the general laws of the Commonwealth. As hereinafter provided, the mayor shall be elected at large by the qualified voters of the city and the six members of council shall be elected by the qualified voters of the districts in which they reside, respectively.

Commencing in May 2000, all elections to fill the offices of mayor or member of council shall be for terms of four years, except to fill vacancies which shall be for the remainder of the unexpired term as hereinafter provided. On the first Tuesday in May 2000, there shall be a general election for the election of one member of city council from each city council district by the voters thereof. On the first Tuesday in May 2002, there shall be a general election for the election of one member of city council from each city council district by the voters thereof and for the mayor by the voters of the city at large.

B. The mayor, whether elected or appointed, shall be and remain a resident and qualified voter of Newport News. All other council members, whether elected or appointed, shall be and remain residents of their respective districts and qualified voters of Newport News during the term for which they were elected or appointed.

§ 3.04. Vacancies in office of mayor or member of council.

A. Vacancies in the office of ~~councilman~~ member of council, from whatever cause arising, shall be filled within sixty days of the occurrence of the vacancy. Such vacancies shall be filled by the remainder of the council. The person or persons so appointed to fill the vacancy shall be a resident of the district where the vacancy occurs and shall hold office until the qualified voters shall fill the same by election at the next general councilmanic election and the person so elected shall have qualified. The election to fill such vacancies shall be held as required and provided herein and by the general laws of the Commonwealth of Virginia; provided that nominations for any such vacancy shall be by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding. ~~All council members, whether elected or appointed, shall be and remain residents and qualified voters of Newport News during the term for which they were elected or appointed.~~

B. A vacancy in the office of mayor shall be filled in accordance with the procedures set forth in subsection A above for vacancies in the office of member of council; however, the person appointed must be a resident of the city at the time of his appointment.

§ 4.03. Choice and term of vice-mayor; powers and duties of mayor generally; absence or disability

60 of mayor and of vice-mayor.

61 On the first day of July, ~~1972~~ 2000, and on the first day of July of every second year thereafter, or
62 if such day shall fall on Sunday, then on the following Monday, the newly elected members having
63 ~~previously~~ taken the oath of office as ~~hereinafter provided~~ *required by law*, the council shall proceed to
64 choose by majority vote of all the members thereof one of their number to be ~~mayor and one to be~~
65 vice-mayor for the ensuing two years. *The council shall have no authority to choose one of their*
66 *members to be mayor except to fill a vacancy in the office of mayor as provided in § 3.04 of this*
67 *charter.*

68 The mayor shall preside over the meetings of the council and shall have the same right to vote and
69 speak therein as other members. He shall be recognized as the head of the city government for all
70 ceremonial purposes, the purposes of military law and the service of civil process. The mayor shall
71 execute all bonds and notes issued for the purpose of borrowing money, under the direction of the
72 council, and the seal of the corporation shall be affixed and attested by the city clerk. The vice-mayor
73 shall in the absence or disability of the mayor perform the duties of mayor. In the absence or disability
74 of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of
75 their number to perform the duties of mayor.

76 § 4.05. Inaugural meetings; induction of members and election of vice-mayor.

77 The first meeting of a newly elected council shall take place in ~~such meeting place as the council~~
78 ~~shall select the council chambers~~ at ten o'clock a.m. on the first day of July following their election or
79 if such day shall fall on Sunday, then on the following Monday; ~~provided that the council first elected~~
80 ~~under this charter shall hold its first meeting on the first day in July, 1958, at the court room of any of~~
81 ~~the courts of record. It shall be called to order by the clerk of such court who shall administer the oath~~
82 ~~of office to the duly elected members. In the absence of the clerk the meeting may be called to order~~
83 ~~and the oath administered by any judicial officer having jurisdiction in the city mayor. The oath of office~~
84 ~~shall be administered to the duly elected members as provided by law. In the absence of the mayor, the~~
85 ~~meeting may be called to order by the city clerk. The first business of the council shall be the election~~
86 ~~of a mayor and vice-mayor and the adoption of rules of procedure. Until this business has been~~
87 ~~completed, the council shall not adjourn for a period longer than forty-eight hours.~~

88 § 11.02. Composition of school board; choice, term and qualifications of members; filling of
89 vacancies.

90 The school board of the consolidated city shall be composed of seven trustees who shall be chosen
91 by the council to serve for a term of four years; ~~provided, however, that as to the term of office of the~~
92 ~~trustees of the first school board so appointed, four of the trustees shall be appointed for a term of four~~
93 ~~years and three of the trustees shall be appointed for a term of two years and thereafter, all of the~~
94 ~~trustees shall be appointed for a term of four years. Any vacancies occurring on the school board shall~~
95 ~~be filled by the city council for the unexpired term. All trustees shall be residents of the city.~~

96 *The school board of the city shall be composed of seven members who shall be elected as required*
97 *by the general laws of the Commonwealth of Virginia pertaining to the popular election of school*
98 *boards. Any vacancies occurring on the school board shall be filled as required by the general laws of*
99 *the Commonwealth of Virginia pertaining to the popular election of school boards. All members shall be*
100 *residents of the city and, furthermore, residents of the district within the city which they represent, if not*
101 *elected at large.*