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SENATE BILL NO. 1159

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend and reenact §§ 1, and 2, as severally amended, of Chapter III, § 4, as amended, of Chapter IV and §1 of Chapter VII, as amended, of Chapter 431 of the Acts of Assembly of 1950, which provided a charter for the City of Hopewell, relating to city council elections and the city attorney.*

Patron—Quayle

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 1 and 2, as severally amended, of Chapter III, § 4, as amended, of Chapter IV, and § 1 of Chapter VII, as amended, of Chapter 431 of the Acts of Assembly of 1950 are amended and reenacted as follows:

Chapter III

Elections

§ 1. Election of councilmen; number, time of holding election, etc. The city shall be divided into seven election wards, with the qualified voters of the city who are residents of each ward electing one councilman to represent their respective ward. Elections and terms of the councilmen in each of the seven wards of the city shall be as follows:

(a) Beginning with the election held on the first Tuesday ~~in May, 1996~~ *after the first Monday in November 2012*, the qualified voters of the city who are residents of Wards 4, ~~and 5 and 6~~ shall elect one councilman per ward to represent their respective wards for a four-year term, with subsequent elections to be held every four years thereafter;

(b) Beginning with the election held on the first Tuesday ~~in May, 1994~~, *after the first Monday in November 2014*, the qualified voters of the city who are residents of Wards 1, 2, 3 and 7 shall elect one councilman per ward to represent their respective wards for a four-year term, with subsequent elections to be held every four years thereafter;

(c) ~~Beginning with the election held on the first Tuesday in May, 1994, the qualified voters of the city who are residents of Ward 6 shall elect a councilman to represent their ward for a two-year term to expire on June 30, 1996. Beginning with the election held on the first Tuesday in May, 1996, said voters of Ward 6 shall elect a councilman to represent their ward for a four-year term, with subsequent elections to be held every four years.~~

§ 2. ~~Except as provided in § 1, the Terms of councilmen. The terms of the councilmen so elected shall be for a period of four years, beginning July 1st and ending midnight, June 30th, four years later, on the first day of January next following their election, and ending midnight, December 31, four years later, or until his or their successor or successors shall have been elected or appointed and qualified.~~

Chapter IV

Council

§ 4. ~~Elections~~ *Election and terms of president (ex officio mayor) and, vice-president (ex officio vice-mayor) and members of boards and commissions; term quorum; journal; etc.*

(a) On the first Tuesday in ~~July~~ *January* next following the regular municipal election, or as soon thereafter as may be practicable, the newly elected council shall proceed to choose by majority vote of all the members thereof one of their number to be president, who shall be ex officio mayor, and another as vice-president, who shall be ex officio vice-mayor, of the council, each of whom shall serve for a period of two years from the first day of the ~~July in which such election is held~~ *January next following the election* and until their successor or successors have been elected and qualified; *provided, however, that the terms of the president and vice-president set to expire on June 30, 2012, shall be extended to December 31, 2012, and until their successors have been elected and qualified.*

(b) The school board, library board, and dock commission shall each consist of five members; ~~provided, however, that in the event the council elects to participate in a regional free library system in lieu of establishing a local library board as provided for in Chapter XXII, Section 1, the council shall appoint such members of the board of such regional free library system as are permitted under the inter-jurisdictional contract establishing the regional library system as that contract may be amended from time to time.~~

The council shall appoint the members of such boards and commissions as are provided for in this charter, or as may be established by the council or by general law on a date and for such terms as may

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59 be established by ordinance.

60 The members of the boards and commissions shall serve until their successors have been appointed
61 and qualified.

62 (c) All elections by the council shall be viva voce and the vote recorded in the journal of the
63 council.

64 The council may determine its own rules of procedure; in the absence of established rules of
65 procedure, Robert's "Rules of Order" shall prevail. Council may punish its members for misconduct and
66 may compel the attendance of members in such manner and under such penalties as may be prescribed
67 by ordinance. It shall keep a journal of its proceedings. A majority of all the members of the council
68 shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

69 No person, now a member or who may hereafter be elected to the council, shall during his tenure of
70 office, or during the term for which he was elected as such member, be eligible to any office to be
71 filled by the council by election or appointment.

72 Chapter VII

73 City Attorney

74 § 1. City attorney; appointment; qualifications; compensation; duties. There shall be a city attorney
75 appointed by the council for an indefinite term, who shall be qualified to practice law in the
76 Commonwealth of Virginia. ~~He~~ *The city attorney* shall receive such compensation and have such
77 qualifications as the council may provide by ordinance or resolution.

78 *The city attorney shall be the chief legal advisor of the council and to the chief administrative*
79 *officer. As designated by council, the city attorney also shall serve as the chief legal advisor to other*
80 *departments, boards, commissions, and agencies of the city in all matters affecting the interests of the*
81 *city. The city attorney also shall perform particular duties and functions as assigned by the council.*

82 *The city attorney shall have the power to appoint and remove assistants, or any other employees as*
83 *shall be authorized by the council, and said employees shall be under the sole direction and authority of*
84 *the city attorney. The city attorney also shall be authorized to engage any assistant or special counsel to*
85 *perform any of the duties imposed upon the city attorney in this charter or under general law subject to*
86 *budgetary appropriation by the council.*