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HOUSE BILL NO. 1311

Offered January 21, 2022

A BILL to amend and reenact §§ 3.2, 3.4, as amended, 4.1, and 6.1 of Chapters 629 and 674 of the Acts of Assembly of 2005, which provided a charter for the City of Waynesboro, relating to elections and appointments; council, city manager, and school board.

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Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2, 3.4, as amended, 4.1, and 6.1 of Chapter 629 and 674 of the Acts of Assembly of 2005 is amended and reenacted as follows:

§ 3.2. Composition and election of council; vacancies.

(a) The council shall consist of five (5) members, who shall be voted at large one of whom shall be a resident of Ward A, one a resident of Ward B, one a resident of Ward C, one a resident of Ward D, and one a member at large who may be a resident of any ward, whose term of office each, except as hereinafter fixed, shall be for the term of four (4) years. The member at large shall be elected by the qualified voters at large, and the four ward members shall be elected only by the qualified voters of their respective wards. At the municipal election held in 2006 2022, and every four (4) years thereafter, two (2) council members shall be elected, one from each ward having a council member whose term is expiring, who shall serve for a term of four (4) years and thereafter until their successors shall have been elected and qualified. At the municipal election held in 2008 2024, and every four (4) years thereafter, three (3) council members shall be elected, one from each ward having a council member whose term is expiring, and one member-at-large member at large, who shall serve for a period of four (4) years and thereafter until their successors have been elected and qualified. Municipal elections shall be held and conducted at the time and in the manner provided for by general law. The persons elected shall take office July January 1 of following the year in which they are elected.

(b) Vacancies in the council shall be filled within thirty (30) days, for the unexpired terms, by a majority vote of the remaining council members except as otherwise provided by general law.

§ 3.4. Organizational rules; election of mayor.

(a) The city council shall assemble for an organizational meeting at its first regular session in July 2022, and, effective January 2023, in January each year for the purposes set forth in § 15.2-1416 of the Code of Virginia, at which time the newly elected council members, after first having taken oaths prescribed by law, shall assume the duties of the office. Thereafter, the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall regularly meet not less than once each month. The mayor, any member of the council, or the city manager may call special meetings of the council at any time (on at least twelve (12) hours written notice), with the purpose of said the meeting stated therein, to each member served personally or left at such member's usual place of business or residence. No business other than that mentioned in the each written notice shall be considered at such meeting, except upon the consent of no fewer than four-fifths (4/5) of the members of the council.

(b) All meetings of the council shall be public except, if otherwise authorized by general law. Any citizen may have access to the minutes and records thereof at all reasonable times.

(c) The council shall elect one of its members as chairman mayor, who shall be ex officio mayor chair of all meetings, and one of its members as vice mayor, who shall be ex officio vice chair.

(d) The mayor shall be elected by the council for a term of two (2) years and shall preside at meetings of the council and perform such other duties consistent with the office as may be imposed by the council. The mayor shall have a vote and voice in the proceedings, but no veto. The mayor shall be the official head of the city but shall have no jurisdiction or authority to hear, determine, or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the city manager, may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant police officers as may be necessary. During absence or disability, except as above provided, the city manager's duties shall be performed by another member appointed by the council. The mayor shall authenticate by signature such instruments as the council, this Charter, or the laws of the state shall require.

(e) On the day of the first regular meeting in July January following the regular municipal election and organization of the council, or as soon thereafter as may be practicable, the council shall elect a city manager, city clerk, city attorney, city assessor, and such other officers as may come within their

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59 jurisdiction, each of whom shall serve at the pleasure of the council, provided that the council may elect
60 the city clerk, city manager, city attorney, city assessor, and such other officers for terms of ~~one year~~
61 *two years* each, beginning ~~July~~ *January* 1, 2023, subject to removal by the council for cause, and in no
62 event shall the council elect any officer for a term extending beyond ~~June 30~~ *December 31* next
63 succeeding each regular biennial municipal election for members of the council.

64 § 4.1. Vesting of executive and administrative powers of city; appointment, term and compensation of
65 city manager.

66 The administrative and executive powers of the city, including the power of appointment of officers
67 and employees, are vested in an official to be known as the city manager, who shall be appointed by the
68 council each year on ~~July~~ *January* 1, or as soon thereafter as practicable, for a term of not exceeding
69 ~~one year~~ *two years* unless sooner removed by the council upon proven charges preferred for malfeasance
70 or misfeasance, neglect of duty, or incompetency. The city manager shall receive such compensation as
71 shall be fixed by the council and shall devote all time to the business of the city.

72 § 6.1. School board; generally.

73 (a) The school board shall be composed of five (5) members, to be elected from the qualified voters
74 of the city at large, one of whom shall be a resident of Ward A, one a resident of Ward B, one a
75 resident of Ward C, one a resident of Ward D, and one member at large who may be a resident of any
76 ward. *The member at large shall be elected by the qualified voters at large, and the four ward members*
77 *shall be elected only by the qualified voters of their respective wards.* Their terms shall be for four (4)
78 years *or until their successors have been elected and qualified*, except that all elections to fill vacancies
79 shall be for the unexpired term.

80 (b) At the municipal election held in ~~2006~~ *2022* and every four (4) years thereafter, two (2) school
81 board members shall be elected for terms of four (4) years, one from each ward from which a council
82 member is simultaneously elected to a full term. At the municipal election held in ~~2008~~ *2024* and every
83 four (4) years ~~thereafterward~~ *thereafter*, three (3) city school board members shall be elected for terms
84 of four (4) years, one from each ward from which a council member is simultaneously elected to a full
85 term *and one member at large*. Municipal elections shall be held and conducted at the time and in the
86 manner provided for by state law. The persons elected shall take office on ~~July~~ *January* 1 ~~of~~ *following*
87 the year in which they are elected.

88 (c) Vacancies on the school board shall be filled within thirty (30) days, for the unexpired term, by a
89 majority vote of the remaining school board members until an election can be held in accordance with
90 general state law.

91 (d) Any person qualified to vote in the city shall be eligible to be a member of the school board.

92 (e) Compensation for school board members shall be as prescribed by law.

93 (f) The organizational meeting of the school board shall take place on each ~~July~~ *January* 1, or as
94 soon thereafter as may be practicable.

95 (g) The school board shall be a body corporate under the designation, "Waynesboro School Board,"
96 by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease,
97 and convey school property, both real and personal. The title to all public school property within the
98 corporate limits of the city shall be vested in the Waynesboro School Board. By mutual consent of the
99 school board and the council of the city, the title to the school property may vest in the city.