

LD9113613

SENATE BILL NO. 9

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on March 5, 1994)

(Patron Prior to Substitute—Senator Benedetti)

A BILL to amend and reenact §§ 2.03, 3.01, 12.02, 13.02, 13.06, 13.07, 13.08, 13.09, 17.29, 17.31, 17.32, 17.33, 17.34, 17.35, 17.36 and 20.01, as severally amended, of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond; to amend such chapter by adding a section numbered 13.11; and to repeal § 17.30 of such chapter, relating to powers of the city; election of council; city utilities; subdivision of land and the school board.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.03, 3.01, 12.02, 13.02, 13.06, 13.07, 13.08, 13.09, 17.29, 17.31, 17.32, 17.33, 17.34, 17.35, 17.36 and 20.01, as severally amended, of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and that such chapter is amended by adding a section numbered 13.11 as follows:

§ 2.03. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places.

(b) To acquire, construct, own, maintain and operate, within and without the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures.

(c) To collect and dispose of garbage and other refuse and to construct, maintain and operate, within and without the city, incinerators, dumps or other facilities for such purposes.

(d) To construct, *reconstruct, improve*, maintain and operate, within and without the city, sewers, drains, culverts and sewage disposal works, *and stormwater control facilities*.

(e) To assess the whole or part of the cost of making and improving walkways on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid in the manner provided in § 12.06 of this charter, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement; provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners.

(f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city. The city may contract as provided by law with a private party or parties to provide the financing, site selection, acquisition, construction, maintenance, and leasing, or any of them, for a jail, juvenile detention facility, or other correctional facility. Nothing herein shall be interpreted to include operation of correctional facilities by private parties.

(g) To sell, lease or dispose of, except as otherwise provided in this charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal.

(i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the James River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned; provided that no tolls or compensation shall ever be imposed or collected for the use of "Robert E. Lee

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60 Bridge" by any vehicle or pedestrian.

61 (j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth,
62 the use of the streets for the laying down of street railway tracks and the operation of street railways
63 therein under such conditions and regulations as may be prescribed by such ordinance or by any future
64 ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate
65 the same.

66 (k) To acquire, construct, own, maintain and operate, within and without the city, places for the
67 parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots,
68 garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council
69 they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use;
70 provide for their management and control by a department of the city government or by a board,
71 commission or agency specially established by ordinance for the purpose; authorize or permit others to
72 use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such
73 terms and conditions as the council may determine by ordinance; and charge or authorize the charging
74 of compensation for the parking or storage of vehicles or other services at or in such places.

75 (l) To acquire, construct, own, maintain and operate, within and without the city, airports and all the
76 appurtenances thereof; provide for their management and control by a department of the city government
77 or by a board, commission or agency specially established by ordinance for the purpose; charge or
78 authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease
79 any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the
80 council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter
81 into a contract for the management and operation of the same with, any person, firm or corporation on
82 such terms and conditions as the council may determine by ordinance.

83 (m) To acquire, construct, own, maintain and operate, within and without the city, stadia, arenas,
84 swimming pools and other sport facilities; provide for their management and control by a department of
85 the city government or by a board, commission or agency specially established by ordinance for the
86 purpose; charge or authorize the charging of compensation for the use of or admission to such stadia,
87 arenas, swimming pools and other sport facilities, including charges for any services incidental thereto;
88 lease, subject to such regulations as may be established by ordinance, any such stadium, arena,
89 swimming pool or other sport facility or any concession incidental thereto, or enter into a contract with
90 any person, firm or corporation for the management and operation of any such stadium, arena,
91 swimming pool or other sport facility, including the right to all concessions incident to the subject of
92 such contract, on such terms and conditions as the council may determine by ordinance.

93 (n) To acquire, construct, own, maintain and operate, within and without the city, water works, gas
94 plants and electric plants with the pipe and transmission lines incident thereto, to be managed and
95 controlled as provided in Chapter 13 of this charter, for the purpose of supplying water, gas and
96 electricity within and without the city, and to charge and collect compensation therefor and to provide
97 penalties for the unauthorized use thereof.

98 (o) To acquire, construct, own, maintain and operate, within and without the city, landings, wharves,
99 docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings,
100 terminals, warehouses and terminal facilities of every kind and description necessary or useful in the
101 transportation and storage of goods, wares and merchandise; perform any and all services in connection
102 with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating,
103 refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges
104 from vessels coming into or using any of the landings, wharves, and docks, and from persons using any
105 of the facilities above described; provide for the management and control of such facilities or any of
106 them by a department of the city government or by a board, commission or agency specially established
107 by ordinance for the purpose; lease any or all of such facilities or any concessions properly incident
108 thereto to any person, firm or corporation, or contract with any person, firm or corporation for the
109 maintenance and operation of any or all of such facilities on such terms and conditions as the council
110 may determine by ordinance; apply to the proper authorities of the United States to grant to the city the
111 privilege of establishing, maintaining and operating a foreign trade zone within or without the city;
112 regulate the use of other landings, wharves and docks located on the James River within and without the
113 city; prevent and remove obstructions from the harbor of the James River and in, upon or near the
114 landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible
115 for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing,
116 dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of
117 such use the same shall thereupon be forever discharged from any public use or easement or from any
118 obligation theretofore imposed by reason of such public use or easement by statute or otherwise,
119 provided that the dock or any part thereof conveyed by the Chesapeake and Ohio Railway Company to
120 the William R. Trigg Company, by deed dated June 1, 1901, in accordance with the provisions of the
121 act of assembly approved February 15, 1901, and which dock is now owned by the city may be

maintained and operated by the city for such other public purposes as authorized by the city council, but further provided if said dock shall be closed by the city to such public use and purpose and filled in, the city shall make provision for disposing of the water required by said dock and shall at its own cost and expense maintain the provision so made and the city shall have the right to use or dispose of the land upon which the said landing, wharf, dock or canal may be located, together with all lands or other rights appurtenant thereto, to the same extent as if the said landing, wharf, dock, canal or lands, or right thereto belonging, had never been charged with any public use or easement; improve and keep in good, safe and navigable condition the James River in the corporate limits and within twenty miles thereof, and may hold, lease, sell or otherwise dispose of all lands or interest therein acquired for the improvement of the James River and navigation and for the construction of canals or widening the river; and provide and operate such connections by ferries, bridges, or otherwise, as may be necessary for transportation between the section of land divided by such canals.

(p) To construct, own, maintain, operate and equip a visitors center and incidental parking, playgrounds and facilities.

§ 3.01. Election of councilmen.

On the first Tuesday in May, nineteen hundred seventy-eight and on the first Tuesday in May in every second year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of July following their election. *Commencing with the municipal elections in 1996 and every four years thereafter, members of council shall be elected to serve four-year terms.*

§ 12.02. Functions.

The department of public works shall be responsible for: (a) the making of such surveys, reports, maps, drawings, plans, specifications and estimates as may be requested from time to time by the council, the city manager or the head of any department, or any board, commission or agency of the city, provided that the city manager may, with the approval of the council, employ consulting engineers or architects in connection with the design of any building, work or improvement; (b) the custody of all maps or plans of the city or any part thereof which were filed at the effective date of this charter in the office of the director of public works and all such maps or plans hereafter made and not expressly required by law or ordinance to be filed in some other place, and any map or plan of the city or any part thereof made in accordance with any law or ordinance in the custody of the department of public works, or a copy thereof attested by the director of public works, shall be evidence in the courts of the Commonwealth of the facts shown therein; (c) the supervision of the execution and performance of all contracts for capital improvement projects as defined in subsection (a) of this § 7.02 of this charter, and no payment shall be made by the city upon any such contract without the certificate of the director of public works that the work or the portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of such contract, provided that when the plans and specifications for any capital improvement project have been prepared under the authority of the school board or department of public utilities by some person or agency other than the department of public works, the contract may be supervised and the certificate above required shall be issued by a person or agency to be designated by the school board or the director of public utilities, as the case may be; (d) the construction of any capital improvement project by employees of the department of public works when ordered, as hereinafter provided in this chapter, by the council or the city manager; (e) the maintenance and cleaning of streets, alleys, other public places, bridges, viaducts, subways and underpasses; (f) ~~the maintenance of sewers, drains and culverts, the maintenance and operation of sewage disposal plants,~~ the collection of garbage and other refuse and the maintenance and operation of facilities for the disposal of the same, subject to the authority of the director of public health in matters affecting the public health; (g) (h) the determination, in accordance with such ordinances on the subject as the council may adopt, of the conditions under which street surfaces may be cut by the department of public utilities or any person, firm or corporation, for the purpose of laying, relocating, removing, connecting or repairing pipes or conduits therein, and the time within and the manner in which such work shall be completed and such cuts filled and the street surface restored; and (i) such other powers and duties as may be assigned to the department by ordinance.

§ 13.02. Functions.

The department of public utilities shall be responsible for: (a) the operation of the water, wastewater, *stormwater*, gas and electric utilities of the city, including street lighting; (b) the collection of all charges for the services of such utilities; and (c) such other powers and duties as may be assigned to the department by ordinance.

§ 13.06. Each utility a separate enterprise.

The water, wastewater, *stormwater*, gas and electric utilities shall each be conducted as a separate

enterprise, provided that nothing herein shall prevent the transfer of employees from one utility to another or the division of the time of any officer or employee between two or more of such utilities. To facilitate accurate analysis of the financial results of the operation of each utility:

(a) The customer service division shall, as directed by ordinance, bill for and collect on behalf of each utility not only the charges due from domestic, commercial and industrial users of its services but similar charges against the city and each department, board, commission, office and agency thereof, including the school board and each other utility. The rates to be charged for street lighting and for electric current furnished to the city and its departments, boards, commissions, offices and agencies, as well as any political subdivision, shall be fixed by the director of public utilities to generate such revenue as shall enable the utility to make a reasonable return on investment and meet retirement schedules and other debt service requirements in accordance with the provisions of any bond ordinance pursuant to which bonds have been issued to finance capital improvements of such utility and to comply with the terms and conditions of any documents securing any such bonds.

(b) Separate budgets shall be prepared for each utility annually at the time and in the manner prescribed in Chapter 6 of this charter, which shall include estimates of revenue and expense for the ensuing fiscal year. After the budget of a utility has been adopted, should it appear that substantial sales of the unit product of the utility can be made in excess of the sales of the unit product contemplated by the budget which were not reasonably foreseen at the time the estimates of revenue and expense were made, additional expenditures may be authorized by the city manager from the funds of the utility in an amount not exceeding the estimated cost of producing or purchasing additional units of the product of the utility to be sold upon the justification of such expenditure by and recommendation of the director of public utilities. The city manager shall report to the council as soon as practicable any such additional expenditures authorized by him and shall also report any such additional expenditures to the director of finance, who shall adjust the appropriation accounts accordingly. The expenditure of any other funds of any utility shall be authorized only when an additional appropriation thereof is made in accordance with section 6.17 of this charter. The budget estimates of each department of the city shall include items for gas, water, wastewater, *stormwater*, and electric current to be used by them. An item for street lighting shall be included in the general fund budget and shall be disbursed by the director of finance on the basis of bills rendered by the customer service division.

(c) The accounting system of each utility shall conform to generally accepted principles of public utility accounting and shall be kept on an accrual basis. Expenditures shall be authorized and made in accordance with appropriations made by the council and in accordance with the provisions of Chapters 6, 8 and 13 of this charter. The records of revenues of each utility shall be kept so that the ~~sales made~~ *services rendered* to each class of customer according to the rate schedules adopted by the council for each utility can be obtained. After the close of each fiscal year there shall be submitted to the city manager and the council a report as to the operation of each utility containing at least the following financial statements: (1) A comparative balance sheet showing the financial condition of the utility as of the beginning and close of the fiscal year and an analysis of the surplus account showing the factors of change in the account as reflected by the comparative balance sheet; (2) a comparative profit and loss statement of the last two fiscal years; and a comparative detailed analysis of operating expense for the last two fiscal years according to functional grouping. The expense of operating each utility shall include: (1) taxes, if any, lawfully accruing during the fiscal year; and (2) *except for the stormwater utility*, taxes not actually accruing but which would have accrued had the utility not been municipally owned, and such taxes shall be paid annually into the general fund. For the purposes of this chapter all indebtedness of the city incurred on account of each utility shall be considered as the indebtedness of such utility.

§ 13.07. Utility renewal funds.

A renewal fund for each utility shall be established to be known as the "water utility renewal fund", the "wastewater utility renewal fund", the *"stormwater utility renewal fund"*, the "gas utility renewal fund" and the "electric utility renewal fund", respectively. Simultaneously with the introduction of budgets for each city owned and operated utility there shall be introduced renewal fund budgets for each of the utilities utilizing operating cash of the respective utilities for appropriations to finance such budgets. Funds received from the federal and state governments, representing grants in aid of construction, shall be deposited into the respective utility renewal funds. Appropriations may be made by the council from the renewal fund of any utility, on the recommendation of the city manager, only for renewing, rebuilding or extending the plant and distribution system of such utility.

§ 13.08. Valuation.

As soon as practicable after the effective date of this charter and at such other *At such* times as it shall determine the council shall cause to be made a valuation of each of the three utilities, in accordance with accepted valuation principles, by a competent firm of engineers to be selected by the council on the recommendation of the city manager, showing in the case of the water utility the proportion of its valuation properly allocable to fire protection; ~~provided that the council taking office on~~

the first Tuesday of September 1948 may accept any such valuation of any or all of the three utilities completed within three years before said date or cause to be completed any such valuation then in progress.

§ 13.09. Changes in rates.

The rates to be charged for the respective services of the water, wastewater, *stormwater*, and gas utilities and for the sale of any excess of electric current beyond the needs of the city and its departments, boards, commissions and agencies, as well as any political subdivisions, shall be fixed from time to time by the council on the recommendation of the director of public utilities and the city manager. If for any fiscal year any utility *other than the stormwater utility* shall operate at a net loss as shown by its annual statement of profit and loss, it shall be the duty of the director of public utilities and the city manager to recommend and the council to adopt for that utility a schedule of rates which in its judgment will produce revenue at least equal to expense.

§ 13.11. Implementation of stormwater utility.

The stormwater utility shall be implemented by ordinance, and shall be effective as of the effective date of that ordinance. Stormwater utility charges shall be assessed to all property owners and shall be based upon their contributions to stormwater runoff. Procedures and guidelines may be established to provide full or partial credits for effective stormwater management mitigation or remediation actions undertaken for nonresidential properties. Federal and state government agencies shall receive a full waiver of stormwater utility charges when the agency owns and provides for maintenance of storm drainage and stormwater control facilities. If stormwater utility charges are not paid when due, interest thereon shall at that time accrue at the rate determined by council, not to exceed any maximum allowed by law. The city may collect charges and interest by action at law or suit in equity, and such unpaid charges and interest shall constitute a lien against the property, of equal stature with liens for unpaid real estate taxes.

§ 17.29. Adoption of regulations and restrictions applicable only within the city limits.

After hearing as above provided the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the city which when recorded in the offices of the clerk of the circuit court of the city of Richmond, ~~Division I and Division II~~, shall be in full force and effect.

§ 17.31. Plats of subdivisions, approval.

From the date on which such regulations and restrictions become effective in the city the owners of tracts of land ~~within the city~~ to which such regulations and restrictions are applicable, who subdivided them into ~~three~~ two or more lots, shall cause plats of such subdivisions, in form prescribed by the applicable regulations and restrictions, to be made and submitted to the city planning commission. It shall be the duty of ~~such~~ the commission or its representative to consider such plat in the light of the regulations and restrictions applicable to the same and approve or disapprove the plat in accordance therewith. Before taking any action thereon the ~~city planning~~ commission shall afford the owner and other interested parties an opportunity to be heard after such reasonable notice as may be provided in such regulations and restrictions. Failure to act on any plat for a period of forty-five days shall be deemed to constitute approval. Approval shall be attested on the plat by the signature of the chairman or vice-chairman of the ~~city planning~~ commission or by its representative duly authorized by it to approve the plat of a subdivision.

§ 17.32. Recording of plats of subdivisions.

From ~~and after~~ the date on which such regulations and restrictions become effective in the city ~~or in any area outside the city but within five miles thereof~~, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the city ~~or outside area in which such regulations and restrictions are applicable~~, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the preceding section and has been recorded in the office of the clerk of the court ~~or courts~~ in which a deed conveying such lot would be required to be recorded.

§ 17.33. Penalty for transfer of lots in unapproved subdivisions.

Whoever being the owner or agent of the owner of any land in a subdivision subject to such regulations and restrictions, the plot of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell any lot in such subdivision by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall forfeit and pay a penalty of ~~one~~ five hundred dollars for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city, ~~if such subdivision is located therein, and the city or the county in which the subdivision or any portion thereof is situated~~, may enjoin such transfer

or sale or agreement by proceedings for injunction brought in a court having jurisdiction of the land to which the injunction applies. The city ~~or the county in which any lot transferred, sold or offered for sale in violation of this chapter is situated~~ may recover the penalty provided therefor in a civil action brought in a court in whose jurisdiction such lot is situated, for the benefit of the city or county, whichever is the site of such lot. *The city shall not issue building permits or any document authorizing use or occupancy for lots illegally subdivided until after a subdivision plat of such lots has been approved by the commission in accordance with applicable subdivision regulations.*

§ 17.34. Transfer of portion for public use.

The recordation of the plat shall operate to transfer in fee simple to the city ~~or the county in which the land lies~~ such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the city ~~or the county where the land lies~~, sewers, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works.

§ 17.35. Vacation of plats.

Any plat or part thereof recorded may be vacated, with the consent of the council ~~or of the governing body of the county wherein the land lies or both where the plat has been approved by both~~, by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold the plat or part thereof may be vacated upon the application of the owners of the lots in the plat and with the approval of the council ~~or governing body of the county, or both where the plat has been approved by both~~, or may be vacated in the manner provided in paragraph (b) of § 15.1-482 of the Code of Virginia. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated" and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded.

§ 17.36. Use of street for five years—dedication.

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of five years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes and the city shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots ~~within the corporate limits of the city~~ by a plat or plan of record shall be deemed and held to be dedicated to the public use and the council shall have authority upon the petition of any person or corporation interested therein to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the council over the same.

§ 20.01. School board.

The school board shall consist of ~~seven~~ *nine* trustees who shall be qualified voters of the city. The trustees in office June one, nineteen hundred seventy-six, are hereby continued in office for the terms for which they were elected; at the termination of such terms, their successors shall be appointed for three-year terms. At the first regular council meeting in June of any year in which the term of one or more school trustees may expire, the council shall elect a successor or successors for a term or terms commencing the first day of July following his election. Vacancies from whatever cause arising shall be filled by the council for the unexpired portion of the term. No trustee shall be eligible to succeed himself for more than one term. *One trustee shall be elected from each of the nine council districts and shall be a qualified voter of that district. Elections of school board trustees shall be held as follows:*

(1) *at the May 1994 municipal elections, nine trustees shall be elected to serve two-year terms;*

(2) *at the May 1996 municipal elections, nine trustees shall be elected to serve four-year terms;*

(3) *at the May municipal elections every four years thereafter, there shall be elected trustees equal in number to the trustees whose terms expire in that year.*

Trustees shall take office July 1 following their election.

Except as provided in this Charter the school board shall have all the powers and duties relating to

368 the management and control of the public schools of the city provided by the general laws of the
 369 Commonwealth. None of the provisions of this Charter shall be interpreted to refer to or include the
 370 school board unless the intention so to do is expressly stated or is clearly apparent from the context.
 371 **2. That the terms of school board trustees who are appointed incumbents as of June 30, 1994,**
 372 **shall terminate as of midnight on that date. In the event that elections for elected school board**
 373 **trustees are delayed because of any action or inaction of the United States Department of Justice**
 374 **in implementing the Voting Rights Act, then the terms of appointed incumbents shall extend to**
 375 **midnight of the day before the terms of elected school board trustees commence.**
 376 **3. That § 17.30 of Chapter 116 of the Acts of Assembly of 1948 is repealed.**
 377 **4. That an emergency exists and this act is in force from its passage.**