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HOUSE BILL NO. 1579

House Amendments in [] — January 31, 1995

A BILL to amend and reenact §§ 3.01, 3.02, 3.04, 4.03 and 4.05, as severally amended, of Chapter 576 of the Acts of Assembly of 1978, which provided a charter for the City of Newport News, relating to election of members of council; vacancies in such offices; offices of mayor and vice-mayor; council meetings.

Patrons—Crittenden, Barlow, Behm, Christian, Cooper, Diamonstein and Grayson; Senators: Andrews and Maxwell

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, 3.02, 3.04, 4.03 and 4.05, as severally amended, of Chapter 576 of the Acts of Assembly of 1978 are amended and reenacted as follows:

§ 3.01. Election and terms of councilmen.—A. 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 one following their election and continuing for a term of four years.

B. On and after July 1, 1996, the Council shall consist of seven members, a mayor and six members of council, elected as hereinafter provided. Until then, the present members of council shall continue in office until their successors have qualified.

The City shall be divided into such wards as 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 wards in which they reside, respectively.

On the first Tuesday in May, 1996, there shall be a general election for two council seats (Seat A and Seat B) in Ward 3 and an at-large election for mayor. Candidates for council member may qualify for Seat A or Seat B, but not both. The member elected to Seat A shall serve a four-year term. The member elected to Seat B shall serve a two-year term. The mayor shall serve a two-year term.

On the first Tuesday in May, 1998, there shall be a general election for five council seats and for the mayor. The members of council to be elected at this election shall be as follows: Ward 1, Seat A, for a two-year term; Ward 1, Seat B, for a four-year term; Ward 2, Seat A, for a two-year term; Ward 2, Seat B, for a four-year term; and Ward 3, Seat B, for a four-year term. The mayor shall be elected at large by the qualified voters of the city for a four-year term.

Commencing in May, 2000, all elections to fill the offices of mayor and members 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.

C. 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.

§ 3.02. Nomination of candidates for mayor and members of council.—Candidates for the office of mayor or member of city council shall be qualified voters of the city and shall file their notice of candidacy and be nominated only by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding. No person shall be a candidate for offices of mayor and member of council at the same time.

There shall be printed on the ballots the names of all candidates who have been nominated as provided herein and no others.

§ 3.04. Vacancies in office of mayor or member of council.—A. Vacancies in the office of councilman, 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

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60 appointed to fill the vacancy shall hold office until the qualified voters shall fill the same by election at
61 the next general councilmanic election and the person so elected shall have qualified. The election to fill
62 such vacancies shall be held as required and provided herein and by the general laws of the
63 Commonwealth of Virginia; provided that nominations for any such vacancy shall be by petition in the
64 manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other
65 party-affiliated proceeding. *The mayor, whether elected or appointed, shall be and remain a resident*
66 *and qualified voter of Newport News.* All council members, whether elected or appointed, shall be and
67 remain residents of their respective wards and qualified voters of Newport News during the term for
68 which they were elected or appointed.

69 *B. On and after July 1, 1996, a vacancy in the office of mayor shall be filled in accordance with the*
70 *procedures set forth in subsection A above for vacancies in the office of member of council.*

71 § 4.03. Choice and term of mayor and vice-mayor; powers and duties of mayor generally; execution
72 of bonds and notes for borrowing of money; absence or disability of mayor and of vice-mayor.—On the
73 first day of July 1972, and on the first day of July of every second year thereafter, or if such day shall
74 fall on Sunday, then on the following Monday, the newly elected members having taken the oath of
75 office as hereinafter provided, the council shall proceed to choose by majority vote of all the members
76 thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years; *provided*
77 *that on and after July 1, 1996, the council shall have no authority to choose one of their members to be*
78 *mayor except to fill a vacancy in the office of mayor as provided in § 3.04 of this charter.* The mayor
79 shall preside over the meetings of the council and shall have the same right to vote and speak therein as
80 other members. He shall be recognized as the head of the city government for all ceremonial purposes,
81 the purposes of military law and the service of civil process. The mayor shall execute all bonds and
82 notes issued for the purpose of borrowing money, under the direction of the council, and the seal of the
83 corporation shall be affixed and attested by the city clerk. The vice-mayor shall in the absence or
84 disability of the mayor perform the duties of mayor. In the absence or disability of both the mayor and
85 vice-mayor, the council shall by majority vote of those present choose one of their number to perform
86 the duties of mayor.

87 § 4.05. Inaugural meetings; induction of members and election of certain officials.—The first meeting
88 of a newly elected council shall take place in such meeting place as the council shall select at ten
89 o'clock a.m. on the first day of July following their election or if such day shall fall on Sunday, then on
90 the following Monday, provided that the council first elected under this charter shall hold its first
91 meeting on the first day in July 1958, at the court room of any of the courts of record. It shall be called
92 to order by the clerk of such court who shall administer the oath of office to the duly elected members.
93 In the absence of the clerk the meeting may be called to order and the oath administered by any judicial
94 officer having jurisdiction in the city. The first business of the council shall be the election of a mayor
95 and vice-mayor and the adoption of rules of procedure; *provided that on and after July 1, 1996, the*
96 *council shall not elect a mayor except to fill a vacancy in the office of mayor as provided in § 3.04 of*
97 *this charter.* Until this business has been completed the council shall not adjourn for a period longer
98 than forty-eight hours.

99 [~~2. That an emergency exists and this act is in force from its passage.~~]