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SENATE BILL NO. 635

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on February 27, 1996)

(Patron Prior to Substitute—Senator Benedetti)

*A BILL to provide for the direct election of the mayor in certain cities.***Be it enacted by the General Assembly of Virginia:**

1. § 1. *Notwithstanding any contrary provision of law, general or special, commencing with the general city election to be held in May, 1998, in any city with a population between 200,000 and 210,000, the qualified voters of the city at large shall elect a mayor. The mayor shall serve for a term of two years from the first day of July following the general election. In any such city, the council shall consist of the mayor and also nine members elected by district. Compensation of members of council shall be fixed in accordance with and within the limits prescribed in general laws of the Commonwealth for pay and expenses of councils and mayors of cities of the Commonwealth.*

§ 2. *No primary election shall be held for the nomination of candidates for the offices of mayor and councilman, and candidates shall be nominated only by petition. The requirements and procedures for the qualification and nomination of candidates for mayor shall be in accordance with the applicable provisions of Articles 1 and 2 of Chapter 5 of Title 24.2 of the Code of Virginia.*

§ 3. *The ballots used in each district in the election of the mayor shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for one person to serve as councilman for the district in which such voter resides, and one vote for one person to serve as mayor, and no more. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election.*

§ 4. *The mayor shall be the chief elected officer of the city. The mayor shall represent the city in inter-governmental relations, shall deliver an annual State of the City address and shall work with the council to develop and promote the optimal policy agenda for the city. The mayor shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The mayor shall preside over all meetings of the council and shall be considered a member of the council. The mayor shall have the same right to speak, introduce legislation, and serve on committees as all other members of the council. The mayor shall have no right to vote except in the case of a tie. The mayor shall not have the power of veto.*

§ 5. *The vice-mayor shall be a council member and shall be elected by a majority vote of the members of council at the first meeting of each newly elected council. The vice-mayor shall in the temporary absence or disability of the mayor perform the duties of mayor but shall at all times retain the full voting privileges of a member of council. If a vacancy shall occur in the office of vice-mayor, the council shall fill the vacancy for the unexpired term by majority vote of the remaining members of council.*

§ 6. *Vacancies in the office of mayor, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council or, if the council shall fail to fill the vacancy within thirty days of the occurrence of the vacancy, by appointment by the chief judge of the circuit court of the city.*

2. **That nothing in this act shall be construed to diminish the existing powers and duties of the city manager in any such city.**

3. **That this act shall be enforced only as necessary to permit the election of the mayor on an at large basis commencing with the May, 1998 general election and to permit such mayor to take office on July 1, 1998, and that, until July 1, 1998, the organization and powers of the city council in any such city shall continue under the provisions of law existing prior to the effective date of this act.**