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HOUSE BILL NO. 1297
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by Senator Benedetti
on March 5, 1996)
(Patron Prior to Substitute—Delegate McEachin)

A BILL relating to city powers.

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding any contrary provision of law, general or special, any city with a population between 200,000 and 210,000 may sell all or any portion of any cemetery owned by it which has available land for ground burial, but only after adequate provisions are made in any such contract of sale for (i) the perpetual care of such cemetery or portion thereof and all graves and entombment rights therein and (ii) the burial of indigent persons.

§ 2. Notwithstanding any contrary provision of law, general or special, any city with a population between 200,000 and 210,000, whenever required to publish a notice, may cause such notice to be published in any newspaper of general circulation in the city.

§ 3. The Department of Historic Resources, in conjunction with any such city, is requested to study the maintenance and upkeep of the city's cemeteries; to identify the number of grave sites in each city-owned cemetery in need of restoration; and to quantify the funds required for such maintenance, upkeep, and restoration. The study shall also identify the location and number of historic graves, including, but not limited to those of Revolutionary and Civil War soldiers and those which may be eligible for funds pursuant to § 10.1-2211. The Department shall submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

§ 4. Notwithstanding any contrary provision of law, general or special, 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 initial election of the mayor shall occur on the first Tuesday (i) that is at least 90 days following pre-clearance approval of this act from the Attorney General of the United States pursuant to the Voting Rights Act, (ii) that is not the scheduled date of a primary election, and (iii) that is not within the sixty days before a primary or general election. The term of the mayor elected at the initial election shall commence thirty days following the initial election and shall end on July 1, 1998. Commencing with the general city election to be held in May, 1998, 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.

§ 5. 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.

§ 6. The ballots used in each district in the election of the mayor shall be without any distinguishing mark or symbol. Except for the initial election of the mayor, 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. At the initial election of the mayor pursuant to § 4, each qualified voter shall be entitled to cast 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.

§ 7. 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.

§ 8. 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

60 council.

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

65 2. That the provisions of § 1 of this act shall become effective on July 1, 1997.

66 3. That nothing in §§ 4, 5, 6, 7, 8 or 9 of this act shall be construed to diminish the existing
67 powers and duties of the city manager in any such city.

68 4. That §§ 4, 5, 6, 7, 8 and 9 of this act shall be enforced only as necessary to permit the election
69 of the mayor on an at large basis commencing with the initial election held pursuant to § 4 and to
70 permit such mayor to take office and that, until the date such mayor takes office, the organization
71 and powers of the city council in any such city shall continue under the provisions of law existing
72 prior to the effective date of this act.