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SENATE BILL NO. 253

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 3.01, as amended, 3.01:2, and 3.06, as amended, of Chapter 167 of the Acts of Assembly of 1979, which provided a charter for the City of Hampton, relating to election and term dates.*

Patron—Locke

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, as amended, 3.01:2, and 3.06, as amended, of Chapter 167 of the Acts of Assembly of 1979 are amended and reenacted as follows:

§ 3.01. Composition; election and terms.

The council shall consist of seven members, a mayor and six councilmen, who shall be elected at large from the qualified voters of the city. There shall be a general municipal election on the first Tuesday *following the first Monday in May* November of each even-numbered year. In ~~May~~ November of ~~1986~~ 2022 there shall be elected three councilmen, and in ~~May~~ November of ~~1988~~ 2024 there shall be elected three councilmen, and thereafter their respective successors shall be elected every four years. In the ~~May, 1984~~ November 2024 municipal election and every four years thereafter there shall be elected at large from the voters of the city a mayor. The members shall take office on ~~July one~~ January 1 of the year in which their election takes place and shall qualify in the manner prescribed by general law; and remain in office until their successors have qualified.

Provided, however, that in the municipal election held in May, 1982, there shall be elected two councilmen to serve four-year terms and a mayor to serve a two-year term and in the municipal election held in May, 1984, there shall be elected four councilmen with the councilman receiving the smallest vote among the four elected serving a two-year term and the remaining three councilmen serving four-year terms; in such year a mayor shall be elected as hereinabove provided.

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.

§ 3.01:2. Election of mayor.

No candidate for election to the office of mayor shall simultaneously run for election to any other position on the council.

In the event that a councilmember other than a sitting mayor desires to be a candidate for mayor, the councilmember not elected on the same election cycle as the mayor is eligible to do so but must tender his or her resignation as a councilmember at least ten days prior to the ~~final date for filing petitions and notices of acceptance~~ filing deadline for all documents necessary to qualify as a candidate for the office of mayor as specified by general law, with such resignation to be effective on ~~June 30 of the election year~~ the last day before the commencement of the term of the councilmember's elected successor. Such resignation shall state the councilmember's intention to be a candidate for mayor, require no formal acceptance by the remaining councilmembers, and be final and irrevocable as of the date it is tendered.

The vacancy resulting from any such resignation shall be filled for the remaining two-year term at the same succeeding general municipal election at which the office for mayor is filled. ~~Such two-year term shall begin on the first day of July next following the date of such election.~~

§ 3.06. Meeting of council, mayor and vice-mayor.

At the first meeting of the council immediately following the taking of office of councilmen after a general councilmanic election, the council shall select by majority vote of all the members thereof one of their number to be vice-mayor for a two-year term. The first meeting of a newly elected council shall take place on the date of the first regularly scheduled meeting of the city council in the month of ~~July~~ January following the election at 12:00 noon at a place specified in the notice sent to the council members in accordance with the provisions of § 3.04 pertaining to special meetings. At or before this first meeting, the oath of office shall be administered to the duly elected members as provided by law.

The mayor shall preside over the meetings of council and shall have the same right to vote and speak therein as other members. He 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 vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present, choose one of

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59 their number to perform the duties of mayor.