

**A RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY AMEND THE CITY CHARTER TO CLARIFY THE DATE BY WHICH A MEMBER OF COUNCIL MUST RESIGN TO RUN FOR MAYOR, AND TO CLARIFY THAT ELECTIONS HELD TO FILL A VACANCY IN THE OFFICE OF A COUNCIL MEMBER WILL TAKE PLACE AT THE GENERAL ELECTION DATE SET BY THE VIRGINIA CODE.**

**WHEREAS**, Section 15.2-1400(E) of the Code of Virginia, 1950, as amended, provides that “[n]otwithstanding [ . . . ] any city or town charter [ . . . ], elections for mayor [or] members of a local governing body [ . . . ] shall be held at the time of the November general election for terms to commence January 1;” and

**WHEREAS**, Section 2-1 of the Chesapeake City Code was amended on June 8, 2021, to provide for November elections for Mayor and City Council for terms beginning the following January 1, and to further provide that “[e]xcept for the changes to the *date of elections* and corresponding changes in the *terms of office*” established in that section, “all other provisions of the city charter relating to the election of council members [or] the mayor [ . . . ] shall remain in effect” (emphasis added); and

**WHEREAS**, Section 3.02 of the Chesapeake City Charter, last amended by the General Assembly in 1988, provides that “[i]n the event any member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she may be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective June 30 of such election year;” and

**WHEREAS**, Section 3.02 of the Chesapeake City Charter also provides that when a vacancy on the Council arises due to a candidate’s resignation to run for Mayor, the vacancy must be filled “at the next succeeding mayoral election” for a term to begin “on July 1, next following the date of election;” and

**WHEREAS**, Section 3.03:1 provides that “Whenever a vacancy occurs in the office of a council member, with the exception of vacancies created by resignation to run for the office of mayor . . . . The election of a successor shall be held at the next ensuing general election, *whether such election be in May or November*, whichever is first to occur; however, if the vacancy occurs within one hundred twenty (120) days of the next ensuing general election, it shall be filled at the second ensuing general election, *whether such election be in May or November*” (emphasis added); and

**WHEREAS**, an amendment to the City Charter is necessary to resolve the apparent discrepancies among (i) the date on which the mayoral election must be held, (ii) the date by which a sitting Council member must resign to run for Mayor, (iii) the beginning date of the term of a Council member elected to fill the vacancy caused by a Council member’s election to the office of Mayor, and (iv) to clarify that general elections for Mayor and City Council take place in November; and

**WHEREAS**, pursuant to Va. Code § 15.2-202, the Council may request that the General Assembly amend its existing charter after holding a public hearing with respect thereto in order to determine if the citizens of Chesapeake desire that the Council request such an amendment; and

**WHEREAS**, such public hearing was conducted on November 12, 2024.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Chesapeake, Virginia, that the City requests the General Assembly amend the Chesapeake City Charter as follows:

### **CHAPTER 3. – CITY COUNCIL**

**Sec. 3.02. – Election of mayor and council members.**

- (a) On and after July 1, 1985, candidates for the offices of mayor and council member under the provisions of this Charter shall be nominated only by petition in the manner prescribed by general law. Elections for the offices of mayor and council member after July 1, 1985, shall be nonpartisan. All terms for mayor and council members shall begin ~~on July 1,~~ January 1 next following the date of their election, or such other date as general law may require, if such general law supersedes the provisions of this Charter.

The mayor and members of council shall be elected for the terms as provided herein, and each shall serve until a successor shall have qualified.

- (b) The mayor shall be elected by the qualified voters of the city beginning with the regular councilmanic election in the year 1988, to serve a term of four (4) years, and successors shall be elected each four (4) years thereafter.
- (c) In addition to the mayor, the council shall consist of eight (8) members, who shall serve for terms of four (4) years. At the regular councilmanic election in 1988, three (3) members shall be elected to council for terms of four (4) years, and at the regular councilmanic election in 1990, five (5) members shall be elected to council for terms of four (4) years.

A candidate may run only for mayor or for one of the council seats being voted upon, and cannot be qualified or appear on the ballot for both positions.

In the event a member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she may be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective ~~June 30 of such election year~~ no later than one (1) calendar day prior to the date the next regular term for the office of mayor will begin. Such resignation shall state the council member's intention to run for the office of mayor and shall require no formal acceptance by the remaining members of council and shall be final and irrevocable as of the date it is tendered.

The remaining term of any council member or members who resign to run for mayor shall be filled at the next succeeding mayoral election by the candidate or candidates for council receiving the next highest vote to those candidates declared elected to the office of council member pursuant to subsection (c) of this section. Such term shall begin ~~on July~~ January 1,

next following the date of election, or such other date as general law may require, if such general law supersedes the provisions of this Charter.

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**Sec. 3.03:1. Filling vacancies.**

Whenever a vacancy occurs in the office of a council member, with the exception of vacancies created by resignation to run for the office of mayor, it shall be filled by the majority vote of the remaining members of the city council within thirty (30) days of such vacancy. The appointee shall be a qualified voter of the city and shall hold office until such time that a successor has been elected and qualified to fill the vacancy. The election of a successor shall be held at the next ensuing general election set by general law; whether such election be in May or November, whichever is the first to occur however, if the vacancy occurs within one hundred twenty (120) days of the next ensuing general election, it shall be filled at the second ensuing general election, as such general election date is set by general law, whether such election be in May or November. The election shall be ordered by the judges of the circuit court at least sixty (60) days prior to the date for which it is called. No election to fill the vacancy shall be ordered if the general election at which it is to be called is scheduled in the year in which the term expires.

When the vacancy is in the office of mayor, the vice-mayor shall assume all of the duties and powers of the mayor until such time that a mayoral successor has been elected and qualified in the manner set forth above for a council member. That portion of any meeting, as defined in the Virginia Freedom of Information Act, during which there is any discussion or deliberation pertaining to an appointment of a council member shall be open to the public.

**ADOPTED** by the Council of the City of Chesapeake, Virginia, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of the Council