



IMPROVING THE COMPETITIVENESS OF HAMPTON ROADS

The Hampton Roads Regional Structure Project Recommendation for Simplifying Virginia's Local Government Charter Amendment Process

Prepared by the Future of Hampton Roads, Inc.

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Future of Hampton Roads, Inc.
 HAMPTON ROADS REGIONAL STRUCTURE PROJECT
 Study Group 4D: Charter Amendments

**RECOMMENDATION FOR SIMPLIFYING
 VIRGINIA’S LOCAL GOVERNMENT
 CHARTER AMENDMENT PROCESS**

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Preface

The processing of local government charter amendments in Virginia reflects the Commonwealth's status as a so-called Dillon Rule state. "Dillon Rule" or "Home Rule" refers to the procedure by which state legislatures withhold or grant powers to local governments. Actual procedures vary widely. Of 39 Dillon Rule states, Virginia is one of the few that apply the Dillon Rule strictly, which means that, among other things, the state requires that proposed local government charter amendments be submitted for prior approval of the General Assembly. As a result, numerous routine and trivial charter amendments are requested annually. Processing these bills requires a good deal of time and expense both for local governments and the legislature.

At the request of one of the mayors of Hampton Roads, the Hampton Roads Regional Structure Project investigated the feasibility of rescinding the Dillon Rule or at least proposing a change in the state's strict application of the Rule. The recommendation to relax the Dillon Rule has been made by several other groups in recent years. Our research into the extensive literature on this subject suggests several conclusions.¹ First, state legislators and the business community strongly support the Dillon Rule as a means to prevent arbitrary measures by local governments that might undermine the state's favorable environment for business. Second, while the legislature has been strict about requiring its prior approval of local government charter amendments, it has in fact given more powers to many localities than those enjoyed by some local governments in Home Rule states. Third, of particular interest to the Future of Hampton Roads is the finding that where localities have the will to cooperate, the Dillon Rule does not much impede effective regionalism. Fourth, even so, the intervention of state legislators in specific local government issues is often an irritant, and the need to process even the most trivial and insubstantial charter changes through the legislature appears to be an unwarranted waste of time and money.

Given the above findings, a study group was formed to review the charter amendments presented by individual localities to the Virginia General Assembly from 1995 through 2007. The accompanying report uses a detailed analysis of these bills to illuminate the types of changes that routinely enjoy legislative approval. This analysis supports a proposed statute that would exempt clearly defined categories of charter amendments that could be made by localities without prior legislative approval but with after-the-fact reporting to permit challenge. Text for the statute is included. A recent precedent is the legislature's delegation of routine administrative decisions to universities. Local governments deserve the same latitude for independent action.

The proposed statute is warmly seconded to the consideration of the General Assembly by the board of the Future of Hampton Roads, Inc., which has undertaken the Regional Structure Project in order to promote more effective decision-making by the region's institutions of regional governance.

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¹ Raynor A.K. Taylor, *Regionalism: Does the Dillon Rule Help or Hinder Metropolitan Progress?*, Regionalist Paper No. 14, Future of Hampton Roads, Inc., available at www.fhrinc.org.

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I. Summary and Recommendation

A. Virginia as a “strict” Dillon Rule state.

The characterization of Virginia as a “strict” Dillon Rule state means that any proposed alteration, no matter how trivial, to the wording of a city, county, or town charter requires prior approval of both houses of the General Assembly.

Factors that affect the likelihood of passage or failure of a proposed charter amendment include the weight accorded to precedents set by previously accepted or rejected charter changes, the degree of any opposition expressed, whether a proposed change establishes new precedent, and the deference given to the wishes of the legislators of the area in which the local government is located. Because of these factors, it is not possible to predict with certainty which proposed amendments will pass. However, when accepted principles are not challenged or politics do not intervene, the legislature generally accords a basic deference to local wishes. As a result there does appear to be a definite pattern to amendments that usually pass, and this pattern serves as a basis for the statute of exemptions to prior approval proposed below in F.

B. Statistics on charter bills 1995-2007.

The bills tabulated in Section II are those presented by individual local governments. Not included in this analysis are bills that modify the powers or attributes of *all* local governments, such as statewide mandates in the form of charter requirements.

Most charter amendment bills originate in the House. Those that are offered in the Senate are frequently simply duplicates of the House bills, but some bills are offered first in the Senate. Statistics for the thirteen years 1995 to 2007, as tabulated from Section II below, show:

Total bills in 13 years:	186 House,	123 Senate
Average bills per year:	14 House,	9 Senate
Maximum in any year:	29 House,	17 Senate
Minimum in any year:	10 House,	2 Senate
Total bills approved:	120 House,	94 Senate
Percent Approved:	65%	76%

Although local government charter bills are not a large percentage of the hundreds of bills of all sorts submitted at each legislative session, the process of preparing, considering, and disposing of these bills can involve appreciable time and expense both for local governments and the legislature.

The listings of bills in Section II below indicate that many bills contain multiple changes. For 1995 through 2007 there were a total of 353 specific changes in all approved bills; these amendments are analyzed below in paragraph E. Usually the bills with one or two changes fare better than those incorporating numerous substantive changes.

Of particular interest is the very high percentage of bills that *are* approved: 2/3 to 3/4.

C. Charter amendments not submitted

Examination of the many types of amendments that have been approved provides signals to local governments about which of their desired charter changes are likely to fare well with the legislature. Similarly, conventional wisdom among local government officials discourages them from requesting various other changes. Examples of this effect are anecdotal and difficult to tabulate. Notably difficult, however, particularly in recent years, are attempts to increase local taxing powers by means of charter amendment. Among other results of the strict application of the Dillon Rule philosophy in Virginia, which accords preeminence in governance to the state, is creation of resentment among local government officials that state legislators, who meet only annually, sometimes preempt decisions on local matters that local officials deal with more closely and more continuously and thus feel better informed about.

D. Charter amendments not approved.

In Section II, the bills that failed are listed in section b. It is not possible from the information shown to determine the reason for failure in each case. In cases where the content is similar to that of bills that were approved, politics presumably played a role.

E. Types of charter amendments approved.

The following is a tabulation of the 353 approved amendments listed in Section IIa by type of change (and number of cases):

1. Complete change of charter document, mostly for towns (20)
 - A. Charters granted (18)
 - B. Charters revoked (2)
2. Boundaries changes (15)
3. Purely verbal changes (47)
 - A. Gender revisions (7)
 - B. Changes of official's title (7)
 - C. Rewording without change of substance (33)
4. Substitution of Virginia Code references for detailed charter provisions (15)
5. Changes related to Elections and Elected Officials (121)
 - A. Dates: for elections; for council meetings (33)
 - B. Council: membership; terms; duties; election districts (37)
 - C. Mayor & Vice Mayor: election; duties (22)
 - D. School Board: selection; terms (19)
 - E. Compensation (10)

6. Additions to Powers of Council (100)
 - A. To appoint and remove officials; define duties (38)
 - B. To set or remove resident requirements for officials (9)
 - C. To create or eliminate departments or functions of government (17)
 - D. To regulate public safety (3)
 - E. To regulate real estate (14)
 - F. To hold referenda (8)
 - G. To borrow (2)
 - H. To levy or rescind taxes and fees (8)
 - I. Other powers (1)
7. Changes in Financial Administration (8)
 - A. Monetary caps (7)
 - B. Taxes and fees (0)
 - C. Loans (1)
8. Changes in other Administrative Procedures (26)
9. Changes in regional governance; inter-jurisdictional relationships (1)

Examination of the various types of approved changes suggests a few generalizations. First, the changes range from the utterly trivial, such as merely verbal changes that have little or no substantive effect on the processes or powers of the local government, to substantive matters related to elections, elected officials, and powers of the local council.

Second, the legislature appears to give deference, other factors not intervening, to local wishes with respect to the dates for elections, the creation of election districts, the number of members of the local governing council, the election of mayor by the public, the manner of selecting the school board, residency requirements for officials, and the compensation of members of council, school board, and commissions. Precedent, however, no doubt plays a strong role in causing local governments to not request innovations that lie outside generally accepted methods of governance.

Third, a similar broad latitude appears to prevail with respect to the non-fiscal powers of the local government. This is reflected in the numerous approvals related to powers of appointment of government officials and hiring, creation of government departments or functions, powers to regulate public safety and real estate, and purely administrative procedures. Again, precedents no doubt cause local governments to not request innovations that lie outside generally accepted methods of administration. For example, very few requests were made during the thirteen years of this study with respect to powers of taxation, and most of those few appear to have been rejected. Similarly, inter-governmental or regional arrangements do not appear to have been much of a subject for charter amendment.

Finally, several types of change appear to have gained routine acceptance, provided other factors did not intervene. For example, as changes to boundaries cannot be initiated simply by charter amendment, all such amendments merely serve to recognize changes made by court order or other due process. Similarly, replacing detailed local provisions with references to the Virginia Code, which may involve substantive change, simply conform local procedures to already established law. Lastly, the many non-substantive changes in wording or titles apparently sail through the approval process without opposition.

F. Recommended Statute

This review of the fate of proposed local government charter amendments in recent years clearly suggests the possibility of relaxing the strict application of the Dillon Rule by exempting from the legislative procedure the trivial and obviously acceptable types of charter amendments the legislature appears willing to routinely accept. This approach should save time and expense both at local and state levels.

Thus, it is recommended that the General Assembly adopt a statute with the following provisions:

(1) Except as provided herein, all proposed amendments to existing city, county, or town charters and all new charters shall be submitted to the General Assembly for its prior approval. Any charter amendment submitted to the General Assembly, whether or not prior approval is required, shall be accompanied by evidence that it has been duly approved by the charter entity's governing body. The General Assembly will assume that any such amendment has been made available for local public comment by means of whatever procedure the governing body considers appropriate.

(2) The following classes of charter amendments shall be exempt from prior approval by the legislature, and local governments may adopt and implement them at any time subject to the provisions of paragraphs (3) below:

- (a) merely verbal changes, such as gender changes, changes of the titles of officials, and other changes of wording that do not alter the substance of the charter;
- (b) insertion of Virginia Code references, or substitution of references to the Virginia Code for provisions of the charter;
- (c) recognition of changes otherwise lawfully authorized, such as court-directed alterations of boundaries or implementation of legislative man-dates;
- (d) changes of dates for elections and first meetings of newly elected councils;
- (e) changes in the manner of electing a mayor, vice mayor, council members, or school board members;
- (f) changes in compensation of elected officials;
- (g) changes in local government administrative procedures, such as council voting, deadlines for submission of budgets and reports, and similar routine functions of generally recognized sound administration; and
- (h) changes in local government powers, including but not limited to appointment and removal of government officials and members of commissions, delineation of their duties and powers, calling of referenda, regulation of health, public safety, real estate, as provided in Virginia Code 15.2, but excluding fiscal and regional governance matters;

(3) Charter amendments adopted by local governments pursuant to this statute shall be filed within 30 days of adoption with the Virginia Legislative Information System (LIS), which will maintain an archive of such changes in the same manner as it handles amendments in the legislative process and will distribute to legislators a digest of the locally-adopted changes every 30 days.

(4) A General Assembly member may object to any particular provision of a locally-adopted charter amendment within 30 days after the date of the LIS digest in which it is published, in which case the locality will either drop the item or defer implementation until it submits a bill to the next session of the General Assembly.

The above procedure will eliminate much of the time and expense of processing unexceptionable charter amendments, while continuing to keep track of all changes at state level and providing opportunity for objections to be raised by legislators (or by other interested parties through their legislators) where they wish to raise issues of politics or principle. This procedure, and the omission of fiscal and regional matters from the list of exemptions, will continue to provide a means of tight control by the legislature where it seems most important.

If the documentation provided with this report is made part of the legislative record, the many examples included will provide practical guidance to local governments. Because of the procedures suggested above in (2) and (3), local governments will find it prudent to consult with at least their own legislators before adopting a more than routine innovation. Opportunity for public comment is often prudent, but the bill would simply assume that the local government has considered this possibility and followed its own procedures.

Incidentally, an argument in favor of the proposed statute is the precedent set several legislative sessions ago by the adoption of a statute that delegated substantial administrative decision making to the state universities. Most of our Virginia local governments have long since come of age, too. It is probably too much to hope that the proposed statute would eliminate the long-standing irritation between local and state officials, but it should help.

II. Types of Local Government Charter amendment 1995-2007

Contents

<u>Part a.</u> Bills passed.....	pp. 6-21
<u>Part b.</u> Bills not passed.....	pp. 22-26

Bills are listed by category of change. If the bill has multiple changes, the full text is listed under each type of change and changes not relevant to that specific category are enclosed in brackets and shown in smaller type.

The brief descriptions of charter changes are based on texts of bills provided in the Virginia Legislative Information System Web site at <http://leg1.state.va.us>.

Not included in this tabulation are bills in one house that are duplicates of bills in the other house. Also excluded are bills that amended the charters of *all* local governments, e.g., those designed to implement a statewide mandate.

Part a. Bills Passed

1. Complete change of charter document.

A. Charters granted

- * 1996 - HB 62 Charter; Town of South Boston. Provides completely new charter.
- * 1996 - HB 133 Charter; Town of Duffield. Provides new charter.
- * 1996 - SB 32 Charter; Town of Duffield. Replaces 1893 charter with new charter.
- * 1997 - HB 1738 Charter; Town of Grottoes. Provides complete new charter.
- * 1997 - HB 1839 Charter; Town of Port Royal. Provides entirely new charter.
- * 1998 - SB 37 Charter; Town of Scottsville. Provides entirely new charter.
- * 1999 - HB 1642 Charter; Town of Bluefield. Replaces the 1930 charter with new one.
- * 1999 - HB 1652 Charter; Town of Gate City. Provides a new charter.
- * 1999 - HB 1700 Charter; Town of Boones Mill. Provides a new charter for the town.
- * 2000 - HB 211 Charter; Town of Rocky Mount. Provides complete town charter.
- * 2001 - HB 2453 Charter; Town of Wise. Provided a completely new charter.
- * 2002 - HB 612 Charter; Town of Exmore. Completely new charter.
- * 2002 - SB 345 Charter; Town of Clifton Forge. Provides complete new charter.
- * 2003 - HB 2619 Charter; Town of Boykins. Complete new charter.
- * 2003 - SB 762 Charter; Town of La Crosse. Complete new charter.
- * 2005 – [HB 2210](#); Charter; City of Waynesboro. Complete new charter
- * 2005 – [HB 2211](#); Charter; Town of Elkton. Provides a new charter.
- * 2007 - HB 2720 Charter; Town of Cheriton. Provides a complete new charter.

B. Charters revoked

- * 1998 - HB 401 Charter; Town of Castlewood. Repeals the charter.
- * 1999 - HB 1518 Charter; Town of Clover. Repeals the charter.

2. Boundaries

* 1995 - HB 1454 Charter; Town of Orange. Approves voluntary agreement of town and county to change town border.

* 1995 - SB 664 Charter; City of Franklin. Permits a voluntary settlement between Franklin and Southampton County.

* 1996 - SB 55 Charter; Town of Ashland. Redefines boundaries following an annexation.

* 1998 - HB 37 Charter; Town of Herndon. Recognizes a boundaries change. [Confers Virginia code powers on the town. Changes “authenticate by signature” to “sign and deliver.” Council empowered to delegate claims settlements to town manager. Text on eminent domain replaced by reference to powers in Virginia Code.]

* 1998 - HB 85 Charter; City of Covington. Changes boundaries pursuant to court order. [Effects new election provisions ordered by court. Council members prohibited from holding other city office.]

* 1998 - HB 306 Charter; City of Richmond. Adds reference to 1969 annexation. [Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes “hustings court” to “circuit court”. Substitutes “printed” for “published”. Changes “his” to “his/her”. School board removed from provisions on investigation and removal. “Provision” changed to “provisions”. “Punishable changed to “punished”. Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 1999 - HB 1639 Charter; Town of Smithfield. Updates the town boundaries. [Grants authority to construct, own and operate community and convention centers and similar facilities, and to charge fees for the use thereof. Clarifies that members of council serve four-year staggered terms.]

* 2000 - HB 129 Charter; Town of Blacksburg. Adds reference page in court record dealing with boundaries.

* 2000 - HB 234 Charter; Town of Orange. Adds page reference in record of boundaries.

* 2002 - HB 165 Charter; City of Fairfax. Changes boundaries citation to “15.2”

* 2002 - HB 275 Charter; Town of Orange. Incorporates an agreed city-county boundary change.

* 2002 - HB 611 Charter; Town of Cape Charles. Revises description of boudaries. [Changes “15.1” to “15.2”. Mayor to serve 4 rather 2 years. Provides staggered terms for council members.]

* 2003 - HB 1556 Charter; Town of Orange. Incorporates a town-county boundary change.

* 2004 - HB 1088 Charter; City of Radford. Conforms boundaries to court decrees. [Changes “15.1” to “15.2” Deletes statement that city officer or commission member who moves out of city loses office.]

* 2007 - HB 2400 Charter; Town of Stephens City. Boundaries may be adjusted by county or court order. [Town manager and town attorney added to list of officers appointed by council. County courts to deal with violations of town ordinances and fines to be paid promptly to town. Rather than submit all borrowings to election council may borrow up to 10% of budget for up to five years without public vote.]

3. Purely verbal changes:

A. Gender revisions

* 1995 - SB 646 Charter; City of Alexandria. “Councilman” changed to “member of council.” [May prohibit alcohol on streets, parks, etc. Rules for providing low income housing. Simplifies procedure for public hearing on land use plans.]

* 1998 - HB 306 Charter; City of Richmond. Changes “his” to “his/her”. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes “hustings court” to “circuit court”. Substitutes “printed” for “published”. School board removed from provisions on investigation and removal. “Provision” changed to “provisions”. “Punishable” changed to “punished”. Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 2000 - HB 259 Charter; Town of Purcellville. “He” changed to “the mayor.” [Authorizes council to elect a vice mayor.]

* 2002 - HB 552 Charter; Town of Herndon. Changes “councilmen” to “council members.” [Adds requirement that nominations be by petition and candidates not be identified by party affiliation. Changes elections from second to first Tuesday in May.]

* 2002 - SB 284 Charter; Town of Brookneal. Changes “councilman” to “council member”. [Changes elections from May to November.]

* 2003 - HB 2077 Charter; City of Poquoson. “He” changed to “city clerk.” [Allowed to hire a deputy and assistants. Will administer required oaths.]

* 2004 - HB 550 Charter; Town of Purcellville. “Councilmen” changed to “council members.” [Person selected to fill a council vacancy in first half of unexpired term is candidate in next election; in latter half, is elected for the following full term. Adds a section creating a Board of Architectural Review.]

B. Changes of official’s title

* 1995 - HB 1531 Charter; Town of Kenbridge. Changes constable to chief of police. [Changes elections from June to May. Organizational meeting of council to be in June rather than Sept.]

* 1997 - HB 1716 Charter; Town of Montross. Changes “town clerk” to “town manager.” [Provides duties of the position. Allows appointment of clerk of council, town sergeant, police chief, treasurer.]

* 1997 - SB 683 Charter; Town of South Hill. Changes “sergeant” to “chief of police”. [Adds powers allowed under 15.1 of Va. Code. Increases council from six to eight members. Election to be by plurality rather than majority. Drops assessor as elected officer. Deletes permission for same person to act as manager, clerk, and treasurer. Changes elections from June to May. Deletes authority of mayor to act as a county magistrate.]

* 2002 - HB 431 Charter; Town of Chatham. Changes “sergeant” to “chief of police”. [Changes “state” to “commonwealth”. Eliminates one dollar capitation tax. Eliminates power to regulate shows, etc., within one mile outside city limits. Rewords election requirements to provide staggered elections of council members. Deletes own election requirements and substitutes “in accordance with state law”. Increases council salaries. Clerk to serve “at pleasure of council” rather than “for term of two years unless sooner removed.” Deletes power of mayor and vice mayor to decide violations of ordinances. Deletes justices of peace.]

* 2003 - HB 1731 Charter; Town of Damascus. Changes “sergeant” to “chief of police”. [Deletes \$100 ceiling on annual salary of council members.]

* 2005 - [HB 2738](#); Charter; City of Richmond. Changes “vice mayor” to “president of the council”. [Grants mayor new powers, including veto authority over certain budget and fiscal measures and the ability to participate in the appointment of, assignment or use of, and removal of department heads. Grants mayor additional appointment powers; gives mayor and council greater control over the school budget.]

* 2007 - SB 1072 Charter; City of Bristol. “General manager” of Utilities Board changed to “president.” [May operate internet service. Comptroller to prepare budget. Changes Building Code Department to Division. Environs officer moved from Fire Department to Building Code Division. Planning Department to supervise Building Code Division. Date for submitting school board budget changed.]

C. Rewording without change of substance

* 1996 - HB 43 Charter; City of Manassas. Word change relative to penalties. To Treasurer’s duties adds “such other duties as required by council.”

* 1996 - HB 231 Charter; City of Richmond. Word revisions relative to printing and publishing notices in newspapers. [Mayor to be elected by public. Strikes detail on election procedures, provides they shall conform to Virginia law. Mayor’s salary not to exceed twice that of other council members. Duties of mayor and vice mayor.]

* 1996 - SB 28 Charter; City of Bristol. Corrects title of an Act. Changes “public works” to “street and maintenance”. Changes “sanitation” to “solid waste.” [Allows first reading of lengthy ordinance to be done by captions only. Council’s first meeting changed to December. Divides solid waste division into two sections. Provides for independent school board Eliminates school board from bodies whose members can be removed by Council.. Removes all references to school board from duties of Comptroller. Adds Saturday to days not used for first council meeting after election.]

* 1996 - SB 635 Charter; City of Richmond. Changes “hustings court” to “Circuit Court”. Changes “published” to “printed”. Changes a number of words from capitalized to non-capitalized. [Authorizes direct election of mayor, defines duties.]

* 1998 - HB 37 Charter; Town of Herndon. Changes “authenticate by signature” to “sign and deliver.” [Recognizes a boundaries change. Confers Virginia code powers on the town. Council empowered to delegate claims settlements to town manager. Text on eminent domain replaced by reference to powers in Virginia Code.]

* 1998 - HB 94 Charter; Town of Vinton. Changes “promptly” to “within 30 days.” [Provides for filling vacancy in mayor’s office.]

* 1998 - HB 266 Charter; City of Fredericksburg. “Or” changed to “nor”. “Office of trust or profit” replaced by “position of profit or remuneration.”

* 1998 - HB 306 Charter; City of Richmond. Changes “hustings court” to “circuit court”. Substitutes “printed” for “published”. “Provision” changed to “provisions”. “Punishable changed to “punished”. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes “his” to “his/her”. School board removed from provisions on investigation and removal. Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 1998 - SB 72 Charter; City of Fredericksburg. Changes “or” to “nor” . Changes “office of trust or profit” to “profit or remuneration”.

* 1998 - SB 111 Charter; Town of Drakes Branch. Changes “all” to “all of”. Changes “with” to “within”. Deletes excess verbiage. [Sets terms of mayor and council from “as prescribed by law” to “four years”.]

* 1998 - SB 143 Charter; City of Martinsville. Corrects “plans” to “plants”. Changes Code references from “15.1” to “15.2”. [Clarifies and elaborates powers related to zoning.]

* 1999 - HB 1587 Charter; Town of Dayton. Updates cross-references to Title 15.2. [Town elections to be held in November rather than May. This authority was granted to the town by the General Assembly in 1998, but for the 1998 election only. This bill repeals the “1998 election only” provision. Clarifies the duties of the town recorder.]

* 1999 - HB 1647 Charter; City of Chesapeake. “Department of Personnel” changed to “Department of Human Resources.” [Requires petitions for advisory referenda to be filed at least 80 days prior to the election in order to give the registrar sufficient time to verify signatures.]

* 1999 - HB 1743 Charter; Town of Haysi. Certain outdated provisions are deleted. [Term of the mayor is extended from two to four years. Allows the town to prescribe any penalty for violation of town ordinances not exceeding the state penalty for a similar offense.]

* 2000 - HB 96 Charter; City of Bristol. Changes “utility” to “Utilities”. Changes “term” to “terms”. [Authorizes addition of sixth member to Bristol Utilities Board to represent Washington County interests.]

* 2000 - HB 142 Charter; City of Norfolk. “Supplies” changed to “goods and services”. “Prosecution” changed to “performance”. “Alterations” changed to “amendments”. “Sergeant” changed to “sheriff”. [Deletes power to operate produce market, build health facilities, chamber of commerce building. Replaces specific penalties with reference to penalties provided by Code of Virginia. Authorizes advisory referendum on general election of mayor. Deletes collection of taxes from finance director’s duties and adds accounting and reporting requirements. Substitutes general statement of duties of auditor for detailed reporting requirements. Disposition of unencumbered balances conditioned by grantor’s requirements. Fines to be paid into general fund rather than library fund. Controller of asst. dir. of finance to certify claims payments rather than auditor. Deletes requirement to attach authorizing certificate to voucher. High constable’s bond increased from \$5K to \$50K. Constable authorized to respond to notices from outside the city.]

* 2000 - HB 144 Charter; City of Lexington. Changes “15.1” to “15.2”. Rewords paragraph on publication of ordinances and notices. [Mayor to be “chief elected” rather than “chief executive” officer. “He” changed to “the mayor”, “the manager,” “he or she”. “Councilman” changed to “member of council”. Simplifies description of council member terms. Oaths to be taken before entering office. Corrects quorum from five to four. First meeting date changed from July to beginning of fiscal year. Deletes “due diligence” from requirement to notify of meetings. City attorney to represent city except in conflicts of interest. Deletes office of sheriff and consolidates it with county. School board compensation fixed by state law rather than council.]

* 2001 - SB 881 Charter; Chesterfield County. Changes “15.1” to “15.2.”

* 2002 - HB 24 Charter; Town of Vienna. Changes “15.1” to “15.2” ; “24.1” to “24.2” ; “state” to “commonwealth”. [Candidates for town offices not to be identified on ballot by party affiliation. Deletes ceiling on mayor’s salary. Deletes requirement that town clerk serve as clerk of court. Gives new town manager six months to become domiciled in town.]

* 2002 - HB 431 Charter; Town of Chatham. Changes “state” to “commonwealth”. [Eliminates one dollar capitation tax. Eliminates power to regulate shows, etc., within one mile outside city limits. Substitutes a chief of police for sergeant. Rewords election requirements to provide staggered elections of council members. Deletes own election requirements and substitutes “in accordance with state law”. Increases council salaries. Clerk to serve “at pleasure of council” rather than “for term of two years unless sooner removed.” Deletes power of mayor and vice mayor to decide violations of ordinances. Deletes justices of peace.]

* 2002 - HB 611 Charter; Town of Cape Charles. Changes “15.1” to “15.2”. [Revises description of boundaries. Mayor to serve 4 rather 2 years. Provides staggered terms for council members.]

* 2002 - SB 1 Charter; Town of Vienna. Changes “15.1” to “15.2”. [Candidates not be identified by party affiliation on ballot. Deletes specific cap on mayor’s salary. Deletes requirement that town clerk be clerk of court. Gives new town manager six months to establish domicile in town.]

* 2003 - HB 1719 Charter; City of Bristol. Changes “citizens” to “citizens” ; “youth related” to “youth-related” ; “15” to “14” ; “two” to “4” ; “eighteen” to “18” ; “5” to “7” ; “1” to “2” ; “be coincident” to “coincide” ; “utilities board” to “Bristol Virginia Utilities Board.” Replaces reference to Youth Delinquency Act with general reference to youth services. [Adds member representing county to utility board.]

* 2003 - HB 1736 Charter; Town of Dumfries. Changes “15.1” to “15.2”. Adds Code paragraph references. Changes names of town departments. [Leaves general power to regulate fees for services while deleting reference to parks and recreation fees, fees for maps, etc. Deletes detailed procedure for introducing and processing ordinances. With respect to powers of town manager deletes reference to Va. Code and substitutes “defined by council.”]

* 2003 - SB 813 Charter; City of Virginia Beach. Changes “15.1” to “15.2” and other Code references; “borough” to “district” ; “twenty” to “20” ; “fifty” to “50” ; “ten” to “10” ;

etc. Changes code reference re advisory referenda. [Deletes reference to compensation ceiling for council. Deletes sentence relating to outdated elections of school board.]

* 2004 - HB 241 Charter; Town of Christiansburg. Improves wording of prohibition of council members serving in other positions.

* 2004 - HB 823 Charter; City of Norfolk. “Five thousand” changed to “5,000”; “ten” to “10”; “thirty thousand” to “30,000”; “sixty” to “60”. [Adds power to establish voluntary guidelines for design of residential construction or rehab in designated districts. Changes time for first council meeting from “1 o’clock” to “established by ordinance”. Adds employees who report to city manager to list of persons exempt from classified service.]

* 2004 - HB 968 Charter; City of Williamsburg. Changes “15.1” to “15.2”; “twenty” to “20”. [Provides for compensation to be paid to members of joint city-county board. Adds power to create underground utility districts. Designates clerk of council to administer oaths.]

* 2004 - HB 994 Charter; Town of Clifton. Changes “thirty” to “30”. [Vice mayor to preside in mayor’s absence rather than other member of council.]

* 2004 - HB 1088 Charter; City of Radford. Changes “15.1” to “15.2” [Conforms boundaries to court decrees. Deletes statement that city officer or commission member who moves out of city loses office.]

* 2005 – HB 1779; Charter; City of Danville. Updates several obsolete Code references. [Provides for the direct election of school board members, pursuant to the 2004 passage of a local referendum.]

* 2007 - HB 2195 Charter; City of Hampton. City attorney to “serve at pleasure of” rather than be “appointed and removed” by council.

* 2007 - HB 2241 Charter; City of Norfolk. Changes “incompetency” to “incompetence.” Changes all paragraph letters to numbers. [Power of policing airport increased to permit creation of a Police Department with jurisdiction over specified roads around airport and power to enforce all Va.Code laws. Deletes requirement for Airport Authority to meet monthly.]

4. Substitution of Virginia Code references for detailed charter provisions.

* 1995 - HB 1562 Charter; City of Richmond. Conforms referendum process to state law.

* 1997 - SB 683 Charter; Town of South Hill. Adds powers allowed under 15.1 of Va. Code. [Increases council from six to eight members. Election to be by plurality rather than majority. Drops assessor as elected officer. Changes “sergeant” to “chief of police”. Deletes permission for same person to act as manager, clerk, and treasurer. Changes elections from June to May. Deletes authority of mayor to act as a county magistrate.]

* 1998 - HB 37 Charter; Town of Herndon. Confers Virginia code powers on the town. Text on eminent domain replaced by reference to powers in Virginia Code. [Changes “authenticate by signature” to “sign and deliver.” Council empowered to delegate claims settlements to town manager. Recognizes a boundaries change.]

* 1998 - HB 116 Charter; Town of Tazewell. Changes penalty limit from \$500 to limit set by State for similar offense.

* 1998 - HB 306 Charter; City of Richmond. Replaces text on human rights commission with reference to same in state Code. [Adds reference to 1969 annexation. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes “hustings court” to “circuit court”. Substitutes “printed” for “published”. Changes “his” to “his/her”. School board removed from provisions on investigation and removal. “Provision” changed to “provisions”. “Punishable changed to “punished”. Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 1999 - HB 1563 Charter; City of Covington. Provides that vacancies on council shall be filled in accordance with general law.

* 1999 - HB 1615 Charter; City of Lynchburg. Conforms the maximum penalties for violating city ordinances to state law. [Eliminates a 30-day grace period for council members to take the oath of office.]

* 2000 - HB 308 Charter; Town of Smithfield. Vacancies on council to be filled in accordance with Code of Virginia rather than by election of other council members.

* 2000 - SB 58 Charter; City of Covington. Vacancies in constitutional officers to be filled in accordance with Code of Virginia rather than by election of council.

* 2002 - HB 431 Charter; Town of Chatham Deletes own election requirements and substitutes “in accordance with state law”. [Changes “state” to “commonwealth”. Eliminates one dollar capitation tax. Eliminates power to regulate shows, etc., within one mile outside city limits. Substitutes a chief of police for sergeant. Rewords election requirements to provide staggered elections of council members. Increases council salaries. Clerk to serve “at pleasure of council” rather than “for term of two years unless sooner removed.” Deletes power of mayor and vice mayor to decide violations of ordinances. Deletes justices of peace.]

* 2002 - HB 916 Charter; Chesterfield County. “territorial limits” changed to “defined by 15.2”.

* 2003 - HB 2279 Charter; Town of Chatham. Adds a Code paragraph reference. [Changes “2002” to “2004”.]

* 2004 - HB 249 Charter; City of Fairfax. Replaces salary caps for mayor, council members, and appointees with reference to Va. Code.

* 2004 - HB 1206 Charter; Town of Glasgow. Deletes specific dates for council elections, substitutes “as provided by general laws”. [Deletes five days notice requirement for elections. Council empowered to establish staggered terms.]

* 2006 - [HB 871](#); Charter; Town of Altavista. Allows council salaries to be set in accordance with the provisions of general law. [Shifts the time of council elections to November. Eliminates certain supermajority voting requirements. Deletes provisions related to the town sergeant. Deletes provisions related to the school board.]

5. Elections and Elected Officials

A. Change of Dates: elections; council meetings

* 1995 - HB 1531 Charter; Town of Kenbridge. Changes elections from June to May. Organizational meeting of council to be in June rather than Sept. [Changes constable to chief of police.]

* 1996 - SB 28 Charter; City of Bristol. Council’s first meeting changed to December. . Adds Saturday to days not used for first council meeting after election. [Provides for independent school board Eliminates school board from bodies whose members can be removed by Council. Removes all references to school board from duties of Comptroller. Corrects title of an Act. Allows first reading of lengthy ordinance to be done by captions only. Changes “public works” to “street and maintenance”. Changes “sanitation” to “solid waste.” Divides solid waste division into two sections.]

* 1997 - SB 683 Charter; Town of South Hill. Changes elections from June to May. [Adds powers allowed under 15.1 of Va. Code. Increases council from six to eight members. Election to be by plurality rather than majority. Drops assessor as elected officer. Changes “sergeant” to “chief of police”. Deletes permission for same person to act as manager, clerk, and treasurer. Deletes authority of mayor to act as a county magistrate.]

* 1998 - HB 20 Charter; Town of Onancock. Terms of mayor and councilmen to begin in July rather than September.

* 1998 - HB 306 Charter; City of Richmond. Drops specifics on first council meeting. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Changes “hustings court” to “circuit court”. Substitutes “printed” for “published”. Changes “his” to “his/her”. School board removed from provisions on investigation and removal. “Provision” changed to “provisions”. “Punishable changed to “punished”. Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 1998 - SB 111 Charter; Town of Drakes Branch. Sets terms of mayor and council from “as prescribed by law” to “four years”. [Changes “all” to “all of”. Changes “with” to “within”. Deletes excess verbiage.]

* 1999 - HB 1587 Charter; Town of Dayton. Provides for town elections to be held in November rather than May. This authority was granted to the town by the General Assembly in 1998, but for the 1998 election only. This bill repeals the “1998 election only” provision. [Updates cross-references to Title 15.2. Clarifies the duties of the town recorder.]

* 1999 - HB 1591 Charter; Town of Mount Crawford. Provides for town elections to be held in November rather than May. This authority was granted to the town by the General Assembly in 1998, but for the 1998 election only. This bill repeals the “1998 election only” provision.

* 1999 - HB 1615 Charter; City of Lynchburg. Eliminates a 30-day grace period for council members to take the oath of office. [Conforms the maximum penalties for violating city ordinances to state law.]

* 2000 - HB 144 Charter; City of Lexington. First meeting date of Council changed from July to beginning of fiscal year. [Changes “15.1” to “15.2”. Mayor to be “chief elected” rather than “chief executive” officer. “He” changed to “the mayor”, “the manager,” “he or she”. “Councilman” changed to “member of council”. Simplifies description of council member terms. Oaths to be taken before entering office. Corrects quorum from five to four. Deletes “due diligence” from requirement to notify of meetings. Rewords paragraph on publication of ordinances and notices. City attorney to represent city except in conflicts of interest. Deletes office of sheriff and consolidates it with county. School board compensation fixed by state law rather than council.]

* 2001 - HB 1951 Charter; Town of Kenbridge. Adds Saturday to days council not to meet.

* 2001 - HB 2531 Charter; City of Norton. Authorizes option of holding elections in November.

* 2001 (ss1) - HB 21 Charter; Town of Pocahontas. Council elections to be held in May.

* 2002 - HB 238 Charter; City of Poquoson. Changes elections of mayor and council from May to November.

* 2002 - HB 552 Charter; Town of Herndon. Changes elections from second to first Tuesday in May. [Changes “councilmen” to “council members.” Adds requirement that nominations be by petition and candidates not be identified by party affiliation.]

* 2002 - SB 220 Charter; City of Alexandria. Clarifies date of first council meeting. [Council may change number of members of the Redevelopment and Housing Authority.]

* 2002 - SB 284 Charter; Town of Brookneal. Changes elections from May to November. [Changes “councilman” to “council member”.]

* 2003 - HB 2068 Charter; Town of Floyd. Changes dates for council elections.

* 2003 - HB 2279 Charter; Town of Chatham. Changes “2002” to “2004”. [Adds a Code paragraph reference.]

* 2004 - HB 56 Charter; City of Colonial Heights. Changes council election to November and beginning of terms to January.

* 2004 - HB 176 Charter; City of Richmond. Council elections changed from May to November. [Council terms changed from four to two years. Mayor to be elected by public rather than council. Mayor’s term to be four years. May be reelected for no more than three terms. Vacancy to be filled by special

election. Procedures provided for removing mayor or council member. Vice mayor to serve one rather than two years. If mayor vacated, vice mayor to serve as acting mayor until special election held. Special meetings and introduction of ordinances to be handled by mayor rather than city manager. In provisions for removing officials, deletes need to state cause and give opportunity to be heard. Deletes council members from provisions related to removal of members of boards and commissions. Mayor to be CEO rather than city manager. Mayor to appoint CAO. Changes "city manager" to "CAO" throughout. Conforms other provisions to accord with above, giving city manager's powers to mayor.]

* 2004 - HB 823 Charter; City of Norfolk. Changes time for first council meeting from "1 o'clock" to "established by ordinance". ["Five thousand" changed to "5,000"; "ten" to "10"; "thirty thousand" to "30,000"; "sixty" to "60". Adds power to establish voluntary guidelines for design of residential construction or rehab in designated districts. Adds employees who report to city manager to list of persons exempt from classified service.]

* 2004 - SB 472 Charter; City of Alexandria. Changes "1995" to "2004". [Adds power to make housing loans as benefit for city employees. Deletes entire section on enforcement. Notices to property owners must be given for preliminary hearings rather than hearing on approval. Adds statement that city's powers on zoning matters and related penalties preempt any other legislation.]

* 2005 - HB 2169; Charter; City of Winchester. Changes election from May to November. [Reduces council from 13 to 9 members. Other changes alter the budget cycle and clarify the instances and manner in which council members may contract with the city for purchases.]

* 2005 - HB 2492; Charter; City of Fairfax. Deletes specific starting time for the council organizational meeting. [Grants city attorney power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the city, whether violations of city ordinances or the laws of the Commonwealth.]

* 2006 - HB 1439; Charter; City of Norfolk. Allows city council to dispense with 16, rather than 12, of its weekly council meetings each year. [Changes the required vote from four-fifths to three-fourths for the sale of certain public property.]

* 2006 - SB 23; Charter; City of Emporia. Moves the regular municipal election date for the mayor and city council from May to November. The current mayor and city council members will have their terms extended by six months.

* 2007 - HB 2189 Charter; City of Newport News. Changes date for first meeting of council. Moves date for submission of city manager's financial report from November meeting to December 31.

* 2007 - HB 2239 Charter; Town of Troutville. Moves council elections from June to November.

* 2007 - HB 2645 Charter; City of Suffolk. Elections moved from May to November. [Mayor to be elected directly.]

* 2007 - SB 1141 Charter; City of Virginia Beach. Council and school board elections moved from May to November.

* 2007 - SB 907 Charter; Town of Timberville. Changes Council elections from May to January.

* 2007 - SB 1316 Charter; City of Manassas Park. Council election changed from June to November

B. Council: membership; election districts; duties

* 1995 - HB 1593 Charter; City of Virginia Beach. Changes boroughs to districts, reshapes boundaries. Permits advisory referendum on election by district vs. at large.

* 1995 - SB 718 Charter; County of Chesterfield. Vacancy on council to be filled until replacement elected (rather than unexpired term). [School board to have number of members equal to council. County administrator to serve on selection committee for chief of police.]

* 1996 - HB 231 Charter; City of Richmond. Strikes detail on election procedures, provides they shall conform to Virginia law. [Mayor to be elected by public. Mayor's salary not to exceed twice that of other council members. Duties of mayor and vice mayor. Word revisions relative to printing and publishing notices in newspapers.]

* 1997 - SB 683 Charter; Town of South Hill. Increases council from six to eight members. Election to be by plurality rather than majority. [Changes elections from June to May. Drops assessor as elected officer. Changes "sergeant" to "chief of police". Deletes permission for same person to act as manager, clerk, and treasurer. Deletes authority of mayor to act as a county magistrate. Adds powers allowed under 15.1 of Va. Code.]

* 1997 - SB 910 Charter; City of Franklin. Adds prohibition on employees serving as members of council.

* 1998 - HB 85 Charter; City of Covington. Effects new election provisions ordered by court. Council members prohibited from holding other city office. [Changes boundaries pursuant to court order.]

* 1998 - HB 225 Charter; Town of Keysville. Council members terms changed from 2 to 4 years.

* 1998 - HB 306 Charter; City of Richmond. Changes provisions for filling council vacancy. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes "hustings court" to "circuit court". Substitutes "printed" for "published". Changes "his" to "his/her". School board removed from provisions on investigation and removal. "Provision" changed to "provisions". "Punishable" changed to "punished". Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 1999 - HB 1475 Charter; Town of Shenandoah. Deletes a provision which prohibits the town from appointing its officers for a term extending beyond August of the next succeeding regular quadrennial council election..

* 1999 - HB 1519 Charter; City of Falls Church. Deletes language related to filling of council vacancies. [Council salaries are to be set in accordance with general law. City pay plan must be enacted by ordinance. Allows the council to appoint an acting city manager by resolution rather than ordinance. Deletes language related to the duties of the commissioner of revenue. This bill is identical to SB 756.]

* 1999 - HB 1520 Charter; City of Buena Vista. Council members serve staggered four-year terms. [Provides for the direct election of the mayor for a two-year term.]

* 1999 - HB 1592 Charter; Town of Grottoes. Provides for town elections to be held in November rather than May.

* 1999 - HB 1614 Charter; City of Newport News. Provides for the election of six council members from districts for four-year staggered terms. Provides for the at-large election of a mayor. [A vacancy in the office of mayor shall be filled in the same manner as a member of council. The charter is updated to reflect the City's current practice for election of school board members. This bill is identical to SB 832.]

* 1999 - HB 1639 Charter; Town of Smithfield. Clarifies that members of council serve four-year staggered terms. [Updates the town boundaries; grants authority to construct, own and operate community and convention centers and similar facilities, and to charge fees for the use thereof. This bill is identical to SB 788.]

* 1999 - HB 1700 Charter; Town of Boones Mill. Council terms are changed from two years to staggered four-year terms. [Provides a new charter for the town.]

* 2000 - HB 144 Charter; City of Lexington. Simplifies description of council member terms. Oaths to be taken before entering office. Corrects quorum from five to four. [Changes "15.1" to "15.2". Mayor to be "chief elected" rather than "chief executive" officer. "He" changed to "the mayor", "the manager," "he or she". "Councilman" changed to "member of council". First meeting date changed from July to beginning of fiscal year. Deletes "due diligence" from requirement to notify of meetings. Rewords

paragraph on publication of ordinances and notices. City attorney to represent city except in conflicts of interest. Deletes office of sheriff and consolidates it with county. School board compensation fixed by state law rather than council.]

* 2000 - HB 209 Charter; Town of Pulaski. Reduces council from 8 to 6.

* 2000 - HB 238 Charter; Town of Louisa. Establishes staggered terms for council members.

* 2002 - HB 24 Charter; Town of Vienna. Candidates for town offices not to be identified on ballot by party affiliation. [Deletes ceiling on mayor's salary. Deletes requirement that town clerk serve as clerk of court. Gives new town manager six months to become domiciled in town. Changes "15.1" to "15.2"; "24.1" to "24.2"; "state" to "commonwealth"]

* 2002 - HB 431 Charter; Town of Chatham. Rewords election requirements to provide staggered elections of council members. [Changes "state" to "commonwealth". Eliminates one dollar capitation tax. Eliminates power to regulate shows, etc., within one mile outside city limits. Substitutes a chief of police for sergeant. Deletes own election requirements and substitutes "in accordance with state law". Increases council salaries. Clerk to serve "at pleasure of council" rather than "for term of two years unless sooner removed." Deletes power of mayor and vice mayor to decide violations of ordinances. Deletes justices of peace.]

* 2002 - HB 552 Charter; Town of Herndon. Adds requirement that nominations be by petition and candidates not be identified by party affiliation. [Changes "councilmen" to "council members." Changes elections from second to first Tuesday in May.]

* 2002 - HB 611 Charter; Town of Cape Charles. Provides staggered terms for council members. [Revises description of boundaries. Changes "15.1" to "15.2". Mayor to serve 4 rather 2 years.]

* 2002 - SB 1 Charter; Town of Vienna. Candidates not be identified by party affiliation on ballot. [Changes "15.1" to "15.2". Deletes specific cap on mayor's salary. Deletes requirement that town clerk be clerk of court. Gives new town manager six months to establish domicile in town.]

* 2002 - SB 1 Charter; Town of Vienna. Candidates not to be identified by party affiliation on ballot. [Deletes specific cap on mayor's salary. Changes "15.1" to "15.2". Deletes requirement that town clerk be clerk of court. Gives new town manager six months to establish domicile in town.]

* 2003 - HB 2069 Charter; Town of Gretna. Changes council terms from two years to four years with staggered terms.

* 2003 - HB 2177 Charter; Town of Wise. Council candidates not to be identified by political affiliation on ballot.

* 2003 - HB 2228 Charter; City of Lexington. Council candidates not to be identified by political affiliation on ballot.

* 2003 - HB 2322 Charter; City of Norfolk. Council candidate may run for only one seat.

* 2003 - HB 2356 Charter; Town of Blacksburg. Council candidates to be nominated only by petition, and not to be identified on ballot by political affiliation.

* 2003 - SB 718 Charter; City of Norton. Council candidates not to be identified by political affiliation on ballot.

* 2004 - HB 176 Charter; City of Richmond. Council terms changed from four to two years. [Council elections changed from May to November. Mayor to be elected by public rather than council. Mayor's term to be four years. May be reelected for no more than three terms. Vacancy to be filled by special election. Procedures provided for removing mayor or council member. Vice mayor to serve one rather than two years. If mayor vacated, vice mayor to serve as acting mayor until special election held. Special meetings and introduction of ordinances to be handled by mayor rather than city manager. In provisions for removing officials, deletes need to state cause and give opportunity to be heard. Deletes council members from provisions related to removal of members of boards and commissions. Mayor to be CEO rather than city manager. Mayor to appoint CAO. Changes "city manager" to "CAO" throughout. Conforms other provisions to accord with above, giving city manager's powers to mayor.]

* 2004 - HB 550 Charter; Town of Purcellville. Person selected to fill a council vacancy in first half of unexpired term is candidate in next election; in latter half, is elected for

the following full term. [Adds a section creating a Board of Architectural Review. "Councilmen" changed to "council members."]

* 2004 - HB 1206 Charter; Town of Glasgow. Deletes five days notice requirement for elections. Council empowered to establish staggered terms. [Deletes specific dates for council elections, substitutes "as provided by general laws".]

* 2004 - SB 522 Charter; City of Lexington. Provides procedure for filling council vacancy.

* 2005 - [HB 2169](#); Charter; City of Winchester. Reduces council from 13 to 9 members. [Changes election from May to November. Other changes alter the budget cycle and clarify the instances and manner in which council members may contract with the city for purchases.]

* 2005 - [HB 2618](#); Charter; City of Manassas Park. Updates election provisions.

* 2005 - HB 2739; Charter; City of Norfolk. Provides that The City of Norfolk shall be divided into five single-member wards and into two single-member superwards. [Beginning in 2006, the mayor shall be elected at-large. The mayor shall preside at meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes.]

C. Mayor & Vice Mayor: election; duties

* 1995 - HB 1447 Charter; City of South Boston. Mayor to be elected by public.

* 1996 - SB 635 Charter; City of Richmond. Authorizes direct election of mayor, defines duties. [Changes "hustings court" to "Circuit Court". Changes "published" to "printed". Changes a number of words from capitalized to non-capitalized.]

* 1997 - HB 231 Charter; City of Richmond. Mayor to be elected directly. Adds duties of mayor and vice mayor. [Substitutes Va. Code provisions for detailed nomination procedure. Mayor's salary may be twice other members'. Conforms language of other sections to these changes. "Hustings court" changed to "circuit court." "Published" changed to "printed".]

* 1997 - HB 1783 Charter; City of Radford. Drops provision allowing a former council member of former mayor to be appointed to fill mayoral vacancy.

* 1997 - SB 683 Charter; Town of South Hill. Deletes authority of mayor to act as a county magistrate. [Adds powers allowed under 15.1 of Va. Code. Increases council from six to eight members. Election to be by plurality rather than majority. Drops assessor as elected officer. Changes "sergeant" to "chief of police". Deletes permission for same person to act as manager, clerk, and treasurer. Changes elections from June to May.]

* 1997 - SB 689 Charter; Town of Bluefield. Provides for direct election of a mayor. Mayor may only vote to break ties.

* 1998 - HB 94 Charter; Town of Vinton. Provides for filling vacancy in mayor's office. [Changes "promptly" to "within 30 days."]

* 1998 - HB 798 Charter; Town of Edinburg. Mayor to serve 4 rather than 2 years. [Increases penalties limit from \$500 to \$1,000. Deletes exemption of town residents from road and other local taxes provided town takes care of roads and the poor. Deletes requirement for abutting property owners to connect to sewer lines. Deletes power to care for aged, insane, and poor. Deletes power to expel paupers. Deletes prohibition on selling liquor in town. Deletes power to tax dogs and persons over twenty.]

* 1999 - HB 1520 Charter; City of Buena Vista. Provides for the direct election of the mayor for a two-year term. [Council members serve staggered four-year terms.]

* 1999 - HB 1614 Charter; City of Newport News. Provides for the at-large election of a mayor. A vacancy in the office of mayor shall be filled in the same manner as a member of council. [Provides for the election of six council members from districts for four-year staggered terms. The charter is updated to reflect the City's current practice for election of school board members. This bill is identical to SB 832.]

* 1999 - HB 1743 Charter; Town of Haysi. Term of the mayor is extended from two to four years. [Allows the town to prescribe any penalty for violation of town ordinances not exceeding the state penalty for a similar offense. Certain outdated provisions are deleted.]

* 2000 - HB 144 Charter; City of Lexington. Mayor to be “chief elected” rather than “chief executive” officer. [Changes “15.1” to “15.2”. “He” changed to “the mayor”, “the manager,” “he or she”. “Councilman” changed to “member of council”. Simplifies description of council member terms. Oaths to be taken before entering office. Corrects quorum from five to four. First meeting date changed from July to beginning of fiscal year. Deletes “due diligence” from requirement to notify of meetings. Rewords paragraph on publication of ordinances and notices. City attorney to represent city except in conflicts of interest. Deletes office of sheriff and consolidates it with county. School board compensation fixed by state law rather than council.]

* 2000 - HB 259 Charter; Town of Purcellville. Authorizes council to elect a vice mayor. [“He” changed to “the mayor.”]

* 2002 - HB 611 Charter; Town of Cape Charles. Mayor to serve 4 rather 2 years. [Revises description of boundaries. Changes “15.1” to “15.2”. Provides staggered terms for council members.]

* 2003 - HB 2044 Charter; Town of Vinton. Mayor councilman not to hold other town office.

* 2004 - HB 176 Charter; City of Richmond. Mayor to be elected by public rather than council. Mayor’s term to be four years. May be reelected for no more than three terms. Vacancy to be filled by special election. Procedures provided for removing mayor or council member. Vice mayor to serve one rather than two years. If mayor vacated, vice mayor to serve as acting mayor until special election held. Special meetings and introduction of ordinances to be handled by mayor rather than city manager. Mayor to be CEO rather than city manager. Mayor to appoint CAO. Changes “city manager” to “CAO” throughout. Conforms other provisions to accord with above, giving city manager’s powers to mayor. [Council elections changed from May to November. Council terms changed from four to two years. In provisions for removing officials, deletes need to state cause and give opportunity to be heard. Deletes council members from provisions related to removal of members of boards and commissions.]

* 2004 - HB 994 Charter; Town of Clifton. Vice mayor to preside in mayor’s absence rather than other member of council. [Changes “thirty” to “30”.]

* 2004 - HB 1112 Charter; City of Harrisonburg. Mayor may resign without losing council seat. Council may remove mayor by unanimous vote.

* 2005 – [HB 2738](#); Charter; City of Richmond. Grants mayor new powers, including veto authority over certain budget and fiscal measures and the ability to participate in the appointment of, assignment or use of, and removal of department heads. Grants mayor additional appointment powers; gives mayor and council greater control over the school budget. [Changes “vice mayor” to “president of the council”.]

* 2005 – HB 2739; Charter; City of Norfolk. Beginning in 2006, the mayor shall be elected at-large. The mayor shall preside at meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. [Provides that The City of Norfolk shall be divided into five single-member wards and into two single-member superwards.]

* 2007 - HB 2645 Charter; City of Suffolk. Mayor to be elected directly. [Elections moved from May to November.]

* 2007 - SB 961 Charter; City of Suffolk. Council increased by one member.

D. School Board

* 1995 - SB 718 Charter; County of Chesterfield. School board to have number of members equal to council. [Vacancy on council to be filled until replacement elected (rather than unexpired term). County administrator to serve on selection committee for chief of police.]

* 1996 - HB 113 Charter; City of Virginia Beach. School board elections to coincide with council elections and terms.

* 1996 - HB 144 Charter; City of Chesapeake. School board to be elected rather than appointed. City exempted from payment of sheriff's fees.

* 1996 - HB 146 Charter; City of Chesapeake. School board vacancies to be filled in same manner as council vacancies.

* 1996 - HB 205 Charter; City of Virginia Beach. School board vacancies to be filled in same manner as council vacancies.

* 1996 - HB 256 Charter; City of Norton. School board to be elected rather than appointed.

* 1996 - SB 8 Charter; City of Chesapeake. School board to be elected rather than appointed.

* 1996 - SB 28 Charter; City of Bristol. Provides for independent school board Eliminates school board from bodies whose members can be removed by Council. Removes all references to school board from duties of Comptroller. [Adds Saturday to days not used for first council meeting after election. Corrects title of an Act. Allows first reading of lengthy ordinance to be done by captions only. Council's first meeting changed to December. Changes "public works" to "street and maintenance". Changes "sanitation" to "solid waste." Divides solid waste division into two sections.]

* 1996 - SB 31 Charter; City of Norton. Replaces appointment of school board by council with direct election.

* 1996 - SB 79 Charter; City of Alexandria. Replaces appointment of school board by council with direct election. Adds provisions for filling school board vacancies.

* 1997 - SB 911 Charter; City of Franklin. Increases school board from five to seven members.

* 1998 - HB 306 Charter; City of Richmond. School board removed from provisions on investigation and removal. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes "hustings court" to "circuit court". Substitutes "printed" for "published". Changes "his" to "his/her". "Provision" changed to "provisions". "Punishable changed to "punished". Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 1999 - HB 1614 Charter; City of Newport News. The charter is updated to reflect the City's current practice for election of school board members. [Provides for the election of six council members from districts for four-year staggered terms. Provides for the at-large election of a mayor. A vacancy in the office of mayor shall be filled in the same manner as a member of council. This bill is identical to SB 832.]

* 1999 - HB 1733 Charter; City of Fredericksburg. Brings the city charter into conformance with the current practice with regard to election of the school board.

* 2003 - SB 813 Charter; City of Virginia Beach. Deletes sentence relating to outdated elections of school board. [Changes "15.1" to "15.2" and other Code references; "borough" to "district" ; "twenty" to "20" ; "fifty" to "50" ; "ten" to "10" ; etc. Deletes reference to compensation ceiling for council. Changes code reference re advisory referenda.]

* 2004 - HB 53 Charter; City of Winchester. Changes terms of school trustees from staggered to four years.

* 2005 - HB 1779; Charter; City of Danville. Provides for the direct election of school board members, pursuant to the 2004 passage of a local referendum. [Updates several obsolete Code references.]

* 2006 - [HB 871](#); Charter; Town of Altavista. Deletes provisions related to the school board. [Shifts the time of council elections to November. Allows council salaries to be set in accordance with the provisions of general law. Eliminates certain supermajority voting requirements. Deletes provisions related to the town sergeant.]

* 2007 - [HB 2028](#) Charter; City of Winchester. Increases school board from five to nine members.

E. Compensation

* 1995 - [SB 622](#) Charter; Town of Windsor. Mayor and council may be paid a salary.

* 1995 - [SB 720](#) Charter; City of Virginia Beach. Council to receive maximum pay allowed by Va. Code. [Bond issues to require two-thirds affirmative vote of council.]

* 1996 - [HB 231](#) Charter; City of Richmond. Mayor's salary not to exceed twice that of other council members. [Mayor to be elected by public. Strikes detail on election procedures, provides they shall conform to Virginia law. Duties of mayor and vice mayor. Word revisions relative to printing and publishing notices in newspapers.]

* 1999 - [HB 1519](#) Charter; City of Falls Church. Council salaries are to be set in accordance with general law. [Deletes language related to filling of council vacancies. City pay plan must be enacted by ordinance. Allows the council to appoint an acting city manager by resolution rather than ordinance. Deletes language related to the duties of the commissioner of revenue. This bill is identical to [SB 756](#).]

* 2002 - [HB 24](#) Charter; Town of Vienna. Deletes ceiling on mayor's salary. [Candidates for town offices not to be identified on ballot by party affiliation. Deletes requirement that town clerk serve as clerk of court. Gives new town manager six months to become domiciled in town. Changes "15.1" to "15.2" ; "24.1" to "24.2" ; "state" to "commonwealth".]

* 2002 - [HB 431](#) Charter; Town of Chatham. Increases council salaries. [Changes "state" to "commonwealth". Eliminates one dollar capitation tax. Eliminates power to regulate shows, etc., within one mile outside city limits. Substitutes a chief of police for sergeant. Rewords election requirements to provide staggered elections of council members. Deletes own election requirements and substitutes "in accordance with state law". Clerk to serve "at pleasure of council" rather than "for term of two years unless sooner removed." Deletes power of mayor and vice mayor to decide violations of ordinances. Deletes justices of peace.]

* 2002 - [HB 660](#) Charter; Town of Purcellville. Replaces specific amounts of pay for council members with "as set by council." [Meetings may be closed "in accordance with law" rather than by 2/3rds vote. Deletes specific code references for "as provided by law." Deletes residence requirement for several officials. Changes wording of how tax assessments are to be done.]

* 2002 - [SB 1](#) Charter; Town of Vienna. Deletes specific cap on mayor's salary. [Changes "15.1" to "15.2". Candidates not to be identified by party affiliation on ballot. Deletes requirement that town clerk be clerk of court. Gives new town manager six months to establish domicile in town.]

* 2003 - [HB 1731](#) Charter; Town of Damascus. Deletes \$100 ceiling on annual salary of council members. [Changes "sergeant" to "chief of police".]

* 2003 - [SB 813](#) Charter; City of Virginia Beach. Deletes reference to compensation ceiling for council. [Changes "15.1" to "15.2" and other Code references; "borough" to "district" ; "twenty" to "20" ; "fifty" to "50" ; "ten" to "10" ; etc. Changes code reference re advisory referenda. Deletes sentence relating to outdated elections of school board.]

* 2004 - [HB 57](#) Charter; City of Franklin. Increases salaries caps of council and school board.

6. Powers of Council:

A. To appoint and remove officials, define duties

- * 1995 - HB 151 Charter; City of Chesapeake. Council may by two-thirds vote remove members of authorities, boards, and commissions.
- * 1995 - HB 1511 Charter; Town of Tappahannock. City manager to continue in office until replacement appointed rather than for two year term.
- * 1995 - HB 1567 Charter; County of Chesterfield. Person appointed to fill a supervisor vacancy will serve until new election, not for unexpired term. County administrator will appoint the real estate assessor.
- * 1995 - SB 714 Charter; County of James City. Chief of police to be appointed by county administrator rather than council.
- * 1995 - SB 718 Charter; County of Chesterfield. County administrator to serve on selection committee for chief of police. [Vacancy on council to be filled until replacement elected (rather than unexpired term). School board to have number of members equal to council.]
- * 1996 - HB 19 Charter; City of Falls Church. Council to fill interim vacancy on school board. Eliminates requirement to put member of Zoning Board on Planning Commission
- * 1996 - HB 20 Charter; City of Bristol. Deletes ability of council to dismiss school board members. [Replaces first reading of lengthy ordinance with distribution of copy.]
- * 1997 - HB 1654 Charter; Town of Iron Gate. Makes appointment of a town sergeant optional.
- * 1997 - HB 1716 Charter; Town of Montross. Allows appointment of clerk of council, town sergeant, police chief, treasurer. Provides duties of town manager. [Changes “town clerk” to “town manager.”]
- * 1997 - HB 1798 Charter; City of Williamsburg. Deletes a sentence relating to powers of the sheriff.
- * 1997 - HB 1821 Charter; City of Danville. Adds power of council to appoint members of Redevelopment and Housing Authority, one of whom is to be a member of council.
- * 1997 - SB 683 Charter; Town of South Hill. Drops assessor as elected officer. Deletes permission for same person to act as manager, clerk, and treasurer. [Adds powers allowed under 15.1 of Va.Code. Increases council from six to eight members. Election to be by plurality rather than majority. Changes “sergeant” to “chief of police”. Changes elections from June to May. Deletes authority of mayor to act as a county magistrate.]
- * 1998 - HB 306 Charter; City of Richmond. Adds sections on city attorney and city auditor positions. City manager to appoint officials. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes “hustings court” to “circuit court”. Substitutes “printed” for “published”. Changes “his” to “his/her”. School board removed from provisions on investigation and removal. “Provision” changed to “provisions”. “Punishable changed to “punished”. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]
- * 1999 - HB 1519 Charter; City of Falls Church. Deletes language related to the duties of the commissioner of revenue. [Deletes language related to filling of council vacancies. Council salaries are to be set in accordance with general law. City pay plan must be enacted by ordinance. Allows the council to appoint an acting city manager by resolution rather than ordinance.]
- * 1999 - HB 1566 Charter; City of Bristol. Provides that the environs control officer shall be supervised by the fire department chief rather than the assistant city manager. [A section related to enforcement of ordinances is repealed.]
- * 1999 - HB 1587 Charter; Town of Dayton. Clarifies the duties of the town recorder. [Updates cross-references to Title 15.2. [Town elections to be held in November rather than May. This authority was granted to the town by the General Assembly in 1998, but for the 1998 election only. This bill repeals the “1998 election only” provision.]

* 1999 - HB 1794 Charter; City of Norfolk. Specifies the city officers that will serve at the will of the city council. Currently, the city clerk, city attorney, city auditor and high constable serve four-year terms, and the city manager serves at the will of the council. Those officers and the city assessor will serve at the will of the council. Deletes language containing restrictions on the reasons for which and way in which the city manager may be removed from office during his first year of service..

* 2000 - HB 96 Charter; City of Bristol. Authorizes addition of sixth member to Bristol Utilities Board to represent Washington County interests. [Changes “utility” to “Utilities”. Changes “term” to “terms”.]

* 2000 - HB 142 Charter; City of Norfolk. Deletes collection of taxes from finance director’s duties and adds accounting and reporting requirements. [Deletes power to operate produce market, build health facilities, chamber of commerce building. Replaces specific penalties with reference to penalties provided by Code of Virginia. Authorizes advisory referendum on general election of mayor. Substitutes general statement of duties of auditor for detailed reporting requirements. Disposition of unencumbered balances conditioned by grantor’s requirements. Fines to be paid into general fund rather than library fund. Controller of asst. dir. of finance to certify claims payments rather than auditor. Deletes requirement to attach authorizing certificate to voucher. High constable’s bond increased from \$5K to \$50K. Constable authorized to respond to notices from outside the city. “Supplies” changed to “goods and services”. “Prosecution” changed to “performance”. “Alterations” changed to “amendments”. “Sergeant” changed to “sheriff”.]

* 2002 - HB 24 Charter; Town of Vienna. Deletes requirement that town clerk serve as clerk of court. [Candidates for town offices not to be identified on ballot by party affiliation. Deletes ceiling on mayor’s salary. Gives new town manager six months to become domiciled in town. Changes “15.1” to “15.2” ; “24.1” to “24.2” ; “state” to “commonwealth”.]

* 2002 - HB 431 Charter; Town of Chatham. Deletes justices of peace. Clerk to serve “at pleasure of council” rather than “for term of two years unless sooner removed.” Deletes power of mayor and vice mayor to decide violations of ordinances. [Changes “state” to “commonwealth”. Eliminates one dollar capitation tax. Eliminates power to regulate shows, etc., within one mile outside city limits. Substitutes a chief of police for sergeant. Rewords election requirements to provide staggered elections of council members. Deletes own election requirements and substitutes “in accordance with state law”. Increases council salaries.]

* 2002 - HB 661 Charter; Town of Leesburg. Approval of council no longer required for town manager to appoint director of finance.

* 2002 - SB 1 Charter; Town of Vienna. Deletes requirement that town clerk be clerk of court. [Deletes specific cap on mayor’s salary. [Changes “15.1” to “15.2”. Candidates not to be identified by party affiliation on ballot. Gives new town manager six months to establish domicile in town.]

* 2002 - SB 220 Charter; City of Alexandria. Council may change number of members of the Redevelopment and Housing Authority. [Clarifies date of first council meeting.]

* 2003 - HB 1719 Charter; City of Bristol. Adds member representing county to utility board. [Changes “citizens” to “citizens” ; “youth related” to “youth-related” ; “15” to “14” ; “two” to “4” ; “eighteen” to “18” ; “5” to “7” ; “1” to “2” ; “be coincident” to “coincide” ; “utilities board” to “Bristol Virginia Utilities Board.” Replaces reference to Youth Delinquency Act with general reference to youth services.]

* 2003 - HB 1736 Charter; Town of Dumfries. With respect to powers of town manager deletes reference to Va. Code and substitutes “defined by council.” [Changes “15.1” to “15.2”. Adds Code paragraph references. Leaves general power to regulate fees for services while deleting reference to parks and recreation fees, fees for maps, etc. Deletes detailed procedure for introducing and processing ordinances. Changes names of town departments.]

* 2003 - SB 1172 Charter; Town of Bluefield. Treasurer to be appointed by manager rather than elected. Treasurer’s duties described.

* 2004 - HB 176 Charter; City of Richmond. In provisions for removing officials, deletes need to state cause and give opportunity to be heard. Deletes council members from provisions related to removal of members of boards and commissions. [Council elections changed

from May to November. Council terms changed from four to two years. Mayor to be elected by public rather than council. Mayor's term to be four years. May be reelected for no more than three terms. Vacancy to be filled by special election. Procedures provided for removing mayor or council member. Vice mayor to serve one rather than two years. If mayor vacated, vice mayor to serve as acting mayor until special election held. Special meetings and introduction of ordinances to be handled by mayor rather than city manager. Mayor to be CEO rather than city manager. Mayor to appoint CAO. Changes "city manager" to "CAO" throughout. Conforms other provisions to accord with above, giving city manager's powers to mayor.]

* 2004 - HB 823 Charter; City of Norfolk. Adds employees who report to city manager to list of persons exempt from classified service. ["Five thousand" changed to "5,000"; "ten" to "10"; "thirty thousand" to "30,000"; "sixty" to "60". Adds power to establish voluntary guidelines for design of residential construction or rehab in designated districts. Changes time for first council meeting from "1 o'clock" to "established by ordinance".]

* 2004 - HB 968 Charter; City of Williamsburg. Provides for compensation to be paid to members of joint city-county board. [Adds power to create underground utility districts. Changes "15.1" to "15.2"; "twenty" to "20". Designates clerk of council to administer oaths.]

* 2004 - HB 1248 Charter; City of Falls Church. Defines powers of city manager with respect to hiring, assignment, firing, and compensation of city employees.

* 2006 - [HB 281](#); Charter; City of Colonial Heights. Removes terms of appointment for the city clerk and the city attorney. [Changes city's procurement practices.]

* 2005 - [HB 2492](#); Charter; City of Fairfax. Grants city attorney power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the city, whether violations of city ordinances or the laws of the Commonwealth. [Deletes specific starting time for the council organizational meeting.]

* 2006 - [HB 871](#); Charter; Town of Altavista. Deletes provisions related to the town sergeant. [Shifts the time of council elections to November. Allows council salaries to be set in accordance with the provisions of general law. Eliminates certain supermajority voting requirements. Deletes provisions related to the school board.]

* 2007 - HB 1989 Charter; Town of Colonial Beach. Changes treasurer from elected to appointed office.

* 2007 - HB 2400 Charter; Town of Stephens City. Town manager and town attorney added to list of officers appointed by council. [County courts to deal with violations of town ordinances and fines to be paid promptly to town. Rather than submit all borrowings to election council may borrow up to 10% of budget for up to five years without public vote. Boundaries may be adjusted by county or court order.]

* 2007 - SB 1018 Charter; City of Hampton. Strikes requirement that real estate assessment board members own real estate in Hampton.

* 2007 - SB 1182 Charter; City of Hampton. City attorney to be appointed by Council rather than city manager

B. To set or remove residency requirements for officials

* 1995 - HB 1606 Charter; Town of Cedar Bluff. Removes requirement that town manager reside in the town. [Allows fines up to \$2500.]

* 1995 - SB 617 Charter; Town of Strasburg. Removes requirement that town manager and council members reside in the town.

* 1999 - HB 1651 Charter; Town of Quantico. Provides that the treasurer, clerk, and sergeant may reside within or outside the town boundaries.

* 2002 - HB 24 Charter; Town of Vienna. new town manager six months to become domiciled in town. [Candidates for town offices not to be identified on ballot by party affiliation. Deletes ceiling on mayor's salary. Deletes requirement that town clerk serve as clerk of court. Gives Changes "15.1" to "15.2"; "24.1" to "24.2"; "state" to "commonwealth".]

* 2002 - HB 660 Charter; Town of Purcellville. Deletes residence requirement for several officials. [Meetings may be closed “in accordance with law” rather than by 2/3rds vote. Deletes specific code references for “as provided by law.” Replaces specific amounts of pay for council members with “as set by council.” Changes wording of how tax assessments are to be done.]

* 2002 - SB 1 Charter; Town of Vienna. Gives new town manager six months to establish domicile in town. [Deletes specific cap on mayor’s salary. Changes “15.1” to “15.2”. Candidates not to be identified by party affiliation on ballot. Deletes requirement that town clerk be clerk of court.]

* 2004 - HB 1088 Charter; City of Radford. Deletes statement that city officer or commission member who moves out of city loses office. [Conforms boundaries to court decrees. Changes “15.1” to “15.2”]

* 2007 - HB 2427 Charter; Town of Brookneal. Town manager no longer required to be a resident; may reside outside Virginia when appointed and may live anywhere in Virginia after appointment.

* 2007 - HB 2460 Charter; Town of Boykins. Town sergeant no longer required to be a resident.

C. To create or eliminate departments or functions of government; to delegate

* 1996 - HB 99 Charter; City of Poquoson. Creates a Board of Architectural Review.

* 1996 - SB 60 Charter; City of Virginia Beach. Establishes position of high constable.

* 1998 - HB 244 Charter; Town of Pulaski. Officials to be appointed by town manager rather than council. Alterations of related provisions dealing with supervision.

* 1999 - HB 1639 Charter; Town of Smithfield. Grants authority to construct, own and operate community and convention centers and similar facilities, and to charge fees for the use thereof. [Clarifies that members of council serve four-year staggered terms. Updates the town boundaries.]

* 2000 - HB 17 Charter; City of Franklin. Establishes membership and powers of Housing and Redevelopment authority.

* 2000 - HB 142 Charter; City of Norfolk. Deletes power to operate produce market, build health facilities, chamber of commerce building. [Replaces specific penalties with reference to penalties provided by Code of Virginia. Authorizes advisory referendum on general election of mayor. Deletes collection of taxes from finance director’s duties and adds accounting and reporting requirements. Substitutes general statement of duties of auditor for detailed reporting requirements. Disposition of unencumbered balances conditioned by grantor’s requirements. Fines to be paid into general fund rather than library fund. Controller of asst. dir. of finance to certify claims payments rather than auditor. Deletes requirement to attach authorizing certificate to voucher. High constable’s bond increased from \$5K to \$50K. Constable authorized to respond to notices from outside the city. “Supplies” changed to “goods and services”. “Prosecution” changed to “performance”. “Alterations” changed to “amendments”. “Sergeant” changed to “sheriff”.]

* 2000 - HB 206 Charter; Town of New Castle. Empowers council to create planning commission and board of zoning appeals.

* 2001 - HB 1786 Charter; City of Falls Church. Deletes various powers (hiring, contracting, etc.) of Planning Commission.

* 2001 - HB 2543 Charter; Town of Front Royal. Empowered to sell tourism articles in visitor center.

* 2002 - HB 431 Charter; Town of Chatham. . Eliminates power to regulate shows, etc., within one mile outside city limits. [Changes “state” to “commonwealth”. Eliminates one dollar capitation tax Substitutes a chief of police for sergeant. Rewords election requirements to provide staggered elections of council members. Deletes own election requirements and substitutes “in accordance with state law”. Increases council salaries. Clerk to serve “at pleasure of council” rather than “for term of two years unless sooner removed.” Deletes power of mayor and vice mayor to decide violations of ordinances. Deletes justices of peace.]

* 2003 - SB 931 Charter; Roanoke County. Changes social services board to an advisory board and empowers county manager to act as the social services board.

* 2004 - HB 550 Charter; Town of Purcellville. Adds a section creating a Board of Architectural Review. [“Councilmen” changed to “council members.” Person selected to fill a council vacancy in first half of unexpired term is candidate in next election; in latter half, is elected for the following full term.]

* 2006 - HB 998; Charter; City of Charlottesville. Grants new powers to the city for the purpose of providing housing for low-or moderate-income persons.

* 2007 - HB 2241 Charter; City of Norfolk Power of policing airport increased to permit creation of a Police Department with jurisdiction over specified roads around airport and power to enforce all Va. Code laws. [Deletes requirement for Airport Authority to meet monthly. Changes “incompetency” to “incompetence.” Changes all paragraph letters to numbers.]

* 2007 - HB 2716 Charter; James City County. Adds a Department of General Services.

* 2007 - SB 1072 Charter; City of Bristol. May operate internet service. [Comptroller to prepare budget. Changes Building Code Department to Division. Environs officer moved from Fire Department to Building Code Division. Planning Department to supervise Building Code Division. Title of general manager of Utilities Board changed to president. Date for submitting school board budget changed.]

* 2007 - SB 1246 Charter; Town of Leesburg. May amend zoning to provide affordable housing program

D. To regulate public safety

* 1995 - SB 646 Charter; City of Alexandria. May prohibit alcohol on streets, parks, etc. [Rules for providing low income housing. Simplifies procedure for public hearing on land use plans. “Councilman” changed to “member of council.”]

* 1996 - HB 221 Charter; City of Roanoke. Gives power to regulate firearms in parks subject to exemptions of Virginia law.

* 2007 - HB 2131 Charter; Town of Clifton. Town to have power set speed limits within own borders.

E. To regulate real estate

* 1995 - HB 1438 Charter; City of Falls Church. Gives power to designate properties as in compliance with building codes in neighborhoods designated as blighted.

* 1995 - HB 1476 Charter; Town of Herndon. Town authorized to inspect properties. Gives power to designate properties as in compliance with building codes in neighborhoods designated as blighted.

* 1995 - HB 1590 Razing of buildings in town of Leesburg. Council may prescribe removal or repair of buildings destroyed by fire or other disaster, including in historic areas.

* 1995 - SB 646 Charter; City of Alexandria. Rules for providing low income housing. Simplifies procedure for public hearing on land use plans. [May prohibit alcohol on streets, parks, etc. “Councilman” changed to “member of council.”]

* 1995 - SB 708 Charter; Town of Herndon. Town may regulate use and sanitation of buildings, make inspections, sue for enforcement.

* 1998 - HB 51 Charter; City of Portsmouth. City empowered to acquire land for economic development.

* 1998 - HB 798 Charter; Town of Edinburg. Deletes requirement for abutting property owners to connect to sewer lines. [Mayor to serve 4 rather 2 years. Deletes exemption of town residents from road and other local taxes provided town takes care of roads and the poor. Deletes power to care for aged, insane, and poor. Deletes power to expel paupers. Deletes prohibition on selling liquor in town. Increases penalties limit from \$500 to \$1,000. Deletes power to tax dogs and persons over twenty.]

* 1998 - SB 32 Charter; City of Portsmouth. Permits acquisition of land for economic development.

* 1998 - SB 143 Charter; City of Martinsville. Clarifies and elaborates powers related to zoning. [Corrects “plans” to “plants”. Changes Code references from “15.1” to “15.2”.]

* 2000 - HB 118 Charter; City of Petersburg. Substitutes “by whatever means” for specific methods of selling public property. Adds statement that such a sale shall be both a contract and a transaction under conflict of interest law.

* 2004 - HB 823 Charter; City of Norfolk. Adds power to establish voluntary guidelines for design of residential construction or rehab in designated districts. [“Five thousand” changed to “5,000”; “ten” to “10”; “thirty thousand” to “30,000”; “sixty” to “60”. Changes time for first council meeting from “1 o’clock” to “established by ordinance”. Adds employees who report to city manager to list of persons exempt from classified service.]

* 2004 - HB 968 Charter; City of Williamsburg. Adds power to create underground utility districts. [Provides for compensation to be paid to members of joint city-county board. Changes “15.1” to “15.2”; “twenty” to “20”. Designates clerk of council to administer oaths.]

* 2004 - SB 472 Charter; City of Alexandria. Notices to property owners must be given for preliminary hearings rather than hearing on approval. Adds statement that city’s powers on zoning matters and related penalties preempt any other legislation. [Adds power to make housing loans as benefit for city employees. Deletes entire section on enforcement. Changes “1995” to “2004”.]

* 2005 – HB 2391; Charter; County of Isle of Wight. Adds power to require citizens to cut grass.

F. To hold referenda

* 1996 - HB 104 Charter; City of Hampton. Authorizes non-binding advisory referenda.

* 1997 - HB 1788 Charter; City of Poquoson. Empowers council to authorize advisory and binding referenda.

* 1997 - SB 768 Charter; City of Chesapeake. Adds power to hold advisory referenda.

* 1998 - HB 306 Charter; City of Richmond. Provides for advisory referenda on charter amendments. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Drops specifics on first council meeting. Changes “hustings court” to “circuit court”. Substitutes “printed” for “published”. Changes “his” to “his/her”. School board removed from provisions on investigation and removal. “Provision” changed to “provisions”. “Punishable changed to “punished”. Adds sections on city attorney and city auditor positions. City manager to appoint officials. Adds chapters on Administration and Retirement System. Revises public hearing procedures.]

* 1999 - HB 1647 Charter; City of Chesapeake. Requires petitions for advisory referenda to be filed at least 80 days prior to the election in order to give the registrar sufficient time to verify signatures. [“ Department of Personnel” changed to “Department of Human Resources.” This bill is identical to SB 846.]

* 2000 - HB 142 Charter; City of Norfolk. Authorizes advisory referendum on general election of mayor. [Deletes power to operate produce market, build health facilities, chamber of commerce building. Replaces specific penalties with reference to penalties provided by Code of Virginia. Deletes collection of taxes from finance director’s duties and adds accounting and reporting requirements. Substitutes general statement of duties of auditor for detailed reporting requirements. Disposition of unencumbered balances conditioned by grantor’s requirements. Fines to be paid into general fund rather than library fund. Controller of asst. dir. of finance to certify claims payments rather than auditor. Deletes requirement to attach authorizing certificate to voucher. High constable’s bond increased from \$5K to \$50K. Constable authorized to respond to notices from outside the city. “Supplies” changed to “goods and services”. “Prosecution” changed to “performance”. “Alterations” changed to “amendments”. “Sergeant” changed to “sheriff”.]

* 2004 - SB 133 Charter; City of Roanoke. Adds power and procedures for holding advisory referenda

* 2004 - SB 561 Charter; City of Richmond. Same as SB 368 (which didn't pass) but adds provision for an advisory referendum on increasing council terms to four years.

G. To borrow

* 1995 - SB 720 Charter; City of Virginia Beach. Bond issues to require two-thirds affirmative vote of council. [Council to receive maximum pay allowed by Va.Code.]

* 2007 - HB 2400 Charter; Town of Stephens City. Rather than submit all borrowings to election council may borrow up to 10% of budget for up to five years without public vote. [Boundaries may be adjusted by county or court order. Town manager and town attorney added to list of officers appointed by council. County courts to deal with violations of town ordinances and fines to be paid promptly to town.]

H. To levy or rescind taxes and fees

* 1995 - SB 657 Charter; City of Martinsville. Eliminates 2.25% cap on real estate tax rate.

* 1998 - HB 798 Charter; Town of Edinburg. Deletes exemption of town residents from road and other local taxes provided town takes care of roads and the poor. Deletes power to tax dogs and persons over twenty. [Deletes power to care for aged, insane, and poor. Deletes power to expel paupers. Deletes prohibition on selling liquor in town. [Mayor to serve 4 rather 2 years. Deletes requirement for abutting property owners to connect to sewer lines. Increases penalties limit from \$500 to \$1,000.]

* 1999 - HB 1743 Charter; Town of Haysi. Allows the town to prescribe any penalty for violation of town ordinances not exceeding the state penalty for a similar offense. [Term of the mayor is extended from two to four years. Certain outdated provisions are deleted.]

* 2002 - HB 419 Charter; City of Manassas Park. Eliminates power to collect capitation taxes.

* 2002 - HB 431 Charter; Town of Chatham. Eliminates one dollar capitation tax. [Changes "state" to "commonwealth". Eliminates power to regulate shows, etc., within one mile outside city limits. Substitutes "chief of police" for "sergeant". Provides staggered elections of council members. Deletes own election requirements and substitutes "in accordance with state law". Increases council salaries. Clerk to serve "at pleasure of council" rather than "for term of two years unless sooner removed." Deletes power of mayor and vice mayor to decide violations of ordinances. Deletes justices of peace.]

* 2003 - HB 1736 Charter; Town of Dumfries. Leaves general power to regulate fees for services while deleting reference to parks and recreation fees, fees for maps, etc. [Changes "15.1" to "15.2". Adds Code paragraph references. Deletes detailed procedure for introducing and processing ordinances. With respect to powers of town manager deletes reference to Va. Code and substitutes "defined by council." Changes names of town departments.]

* 2004 - SB 478 Charter; County of Roanoke. Empowers levy of tax on tobacco.

* 2004 - HB 559 Charter; Chesterfield County. Adds power to create assessment districts for improvements, with costs to be assessed against property owners; persons over 65 may defer payment until property sold.

I. Other Powers

* 1998 - HB 798 Charter; Town of Edinburg. Deletes power to care for aged, insane, and poor. Deletes power to expel paupers. Deletes prohibition on selling liquor in town. [Mayor to serve 4 rather 2 years. Deletes exemption of town residents from road and other local taxes provided

town takes care of roads and the poor. Deletes requirement for abutting property owners to connect to sewer lines. Increases penalties limit from \$500 to \$1,000. Deletes power to tax dogs and persons over twenty.]

7. Financial Administration

A. Monetary caps (non-tax)

* 1995 - HB 1495 Charter; City of Roanoke. Increases from \$5K to \$25K the authority of city manager to alter contracts.

* 1995 - HB 1606 Charter; Town of Cedar Bluff. Allows fines up to \$2500. [Removes requirement that town manager reside in the town.]

* 1997 - SB 682 Charter; City of Roanoke. Raises minimum amount requiring a contract from \$15,000 to \$30,000.

* 1998 - HB 798 Charter; Town of Edinburg. Increases penalties limit from \$500 to \$1,000. [Mayor to serve 4 rather 2 years. Deletes exemption of town residents from road and other local taxes provided town takes care of roads and the poor. Deletes requirement for abutting property owners to connect to sewer lines. Deletes power to care for aged, insane, and poor. Deletes power to expel paupers. Deletes prohibition on selling liquor in town. Deletes power to tax dogs and persons over twenty.]

* 2000 - HB 142 Charter; City of Norfolk. High constable's bond increased from \$5K to \$50K. [Deletes power to operate produce market, build health facilities, chamber of commerce building. Replaces specific penalties with reference to penalties provided by Code of Virginia. Authorizes advisory referendum on general election of mayor. Deletes collection of taxes from finance director's duties and adds accounting and reporting requirements. Substitutes general statement of duties of auditor for detailed reporting requirements. Disposition of unencumbered balances conditioned by grantor's requirements. Fines to be paid into general fund rather than library fund. Controller of asst. dir. of finance to certify claims payments rather than auditor. Deletes requirement to attach authorizing certificate to voucher. Constable authorized to respond to notices from outside the city. "Supplies" changed to "goods and services". "Prosecution" changed to "performance". "Alterations" changed to "amendments". "Sergeant" changed to "sheriff".]

* 2002 - HB 374 Charter; Town of Front Royal. Increases penalties from \$1000 to \$2500, adds \$5000 penalty for three-time offenders.

* 2007 - SB 799 Charter; City of Newport News. Increases lowest bidder limit from \$25,000 to \$50,000.

B. Taxes and Fees

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C. Loans

* 2004 - SB 472 Charter; City of Alexandria. Adds power to make housing loans as benefit for city employees. [Deletes entire section on enforcement. Changes "1995" to "2004". Notices to property owners must be given for preliminary hearings rather than hearing on approval. Adds statement that city's powers on zoning matters and related penalties preempt any other legislation.]

8. Administrative Procedures

* 1995 - HB 1501 Charter; City of Manassas. Notices to be posted in lobby rather than outside wall of city hall.

* 1995 - HB 1536 Charter; City of Norfolk. Council may cancel six weekly meetings (vs. four). [Council members added to pension system.]

* 1996 - HB 20 Charter; City of Bristol. Replaces first reading of lengthy ordinance with distribution of copy. [Deletes ability of council to dismiss school board members.]

* 1996 - SB 28 Charter; City of Bristol Divides solid waste division into two sections. Allows first reading of lengthy ordinance to be done by captions only. [Provides for independent school board Eliminates school board from bodies whose members can be removed by Council. Removes all references to school board from duties of Comptroller. Adds Saturday to days not used for first council meeting after election. Corrects title of an Act. Council's first meeting changed to December. Changes "public works" to "street and maintenance". Changes "sanitation" to "solid waste."]

* 1997 - HB 1753 Charter; City of Norfolk. Changes from six to twelve the number of weekly meetings that may be dispensed with.

* 1998 - HB 37 Charter; Town of Herndon. Council empowered to delegate claims settlements to town manager. [Recognizes a boundaries change. Confers Virginia code powers on the town. Changes "authenticate by signature" to "sign and deliver." Text on eminent domain replaced by reference to powers in Virginia Code.]

* 1998 - HB 219 Charter; City of Chesapeake. Changes dates for submitting and approving capital budget.

* 1998 - HB 306 Charter; City of Richmond. Adds chapters on Administration and Retirement System. Revises public hearing procedures. [Adds reference to 1969 annexation. Replaces text on human rights commission with reference to same in state Code. Changes provisions for filling council vacancy. Provides for advisory referenda on charter amendments. Drops specifics on first council meeting. Changes "hustings court" to "circuit court". Substitutes "printed" for "published". Changes "his" to "his/her". School board removed from provisions on investigation and removal. "Provision" changed to "provisions". "Punishable changed to "punished". Adds sections on city attorney and city auditor positions. City manager to appoint officials.]

* 1998 - SB 52 Charter; City of Chesapeake. Changes dates for submitting and approving capital budget.

* 1999 - HB 1519 Charter; City of Falls Church. City pay plan must be enacted by ordinance. Allows the council to appoint an acting city manager by resolution rather than ordinance. [Deletes language related to the duties of the commissioner of revenue. Deletes language related to filling of council vacancies. Council salaries are to be set in accordance with general law.]

* 1999 - HB 1566 Charter; City of Bristol. A section related to enforcement of ordinances is repealed. [Provides that the environs control officer shall be supervised by the fire department chief rather than the assistant city manager.]

* 2000 - HB 142 Charter; City of Norfolk. Disposition of unencumbered balances conditioned by grantor's requirements. Fines to be paid into general fund rather than library fund. Controller of asst. dir. of finance to certify claims payments rather than auditor. Deletes requirement to attach authorizing certificate to voucher. Constable authorized to respond to notices from outside the city. [High constable's bond increased from \$5K to \$50K. Deletes power to operate produce market, build health facilities, chamber of commerce building. Replaces specific penalties with reference to penalties provided by Code of Virginia. Authorizes advisory referendum on general election of mayor. Deletes collection of taxes from finance director's duties and adds accounting and reporting requirements. Substitutes general statement of duties of auditor for detailed reporting requirements. "Supplies" changed to "goods and services". "Prosecution" changed to "performance". "Alterations" changed to "amendments". "Sergeant" changed to "sheriff".]

* 2002 - HB 401 Charter; City of Harrisonburg. Council may act by motion.

* 2002 - HB 660 Charter; Town of Purcellville. Changes wording of how tax assessments are to be done. Meetings may be closed "in accordance with law" rather than by 2/3rds vote. Deletes specific code references for "as provided by law." [Replaces specific amounts of pay for council members with "as set by council." Deletes residence requirement for several officials.]

* 2003 - HB 1665 Charter; City of Newport News. Adds ability for pension of city employee to be marital property assignable by a court to a surviving spouse.

* 2003 - HB 1736 Charter; Town of Dumfries. Deletes detailed procedure for introducing and processing ordinances. [Changes “15.1” to “15.2”. Adds Code paragraph references. Leaves general power to regulate fees for services while deleting reference to parks and recreation fees, fees for maps, etc. With respect to powers of town manager deletes reference to Va. Code and substitutes “defined by council.” Changes names of town departments.]

* 2004 - HB 968 Charter; City of Williamsburg. Designates clerk of council to administer oaths. [Provides for compensation to be paid to members of joint city-county board. Adds power to create underground utility districts. Changes “15.1” to “15.2” ; “twenty” to “20”.]

* 2004 - SB 472 Charter; City of Alexandria. Deletes entire section on enforcement. [Adds power to make housing loans as benefit for city employees. Changes “1995” to “2004”. Notices to property owners must be given for preliminary hearings rather than hearing on approval. Adds statement that city’s powers on zoning matters and related penalties preempt any other legislation.]

* 2005 – [HB 2169](#); Charter; City of Winchester. Alters budget cycle. Clarifies the instances and manner in which council members may contract with the city for purchases. [Reduces council from 13 to 9 members. Changes election from May to November.]

* 2006 – [HB 281](#); Charter; City of Colonial Heights. Changes city's procurement practices. [Removes terms of appointment for the city clerk and the city attorney.]

* 2006 – [HB 621](#); Charter; City of Richmond. Council may adopt the budget at either a regular or special meeting. Deletes requirement for introduction of ordinances at special meetings. Clarifies duties of the city attorney and explicitly grants authority to represent more than one city official, department, or other entity that are parties to the same transaction. Grants mayor authority to employ special counsel in instances where the city attorney has a conflict of interests. Mayor or his designee may attend closed meetings of the council unless the council determines that such inclusion shall be detrimental to the purpose of the council's deliberations. Requiring the chief administrative officer to attend, or be represented at, all open meetings of the council. Clarifies the budgetary process.

* 2006 – [HB 871](#); Charter; Town of Altavista. Eliminates certain supermajority voting requirements. [Shifts the time of council elections to November. Allows council salaries to be set in accordance with the provisions of general law. Deletes provisions related to the town sergeant. Deletes provisions related to the school board.]

* 2006 – [HB 1439](#); Charter; City of Norfolk. Changes the required vote from four-fifths to three-fourths for the sale of certain public property. [Allows city council to dispense with 16, rather than 12, of its weekly council meetings each year.]

* 2007 - HB 2241 Charter; City of Norfolk. Deletes requirement for Airport Authority to meet monthly. [Changes “incompetency” to “incompetence.” Power of policing airport increased to permit creation of a Police Department with jurisdiction over specified roads around airport and power to enforce all Va.Code laws. Changes all paragraph letters to numbers.]

* 2007 - HB 2400 Charter; Town of Stephens City. County courts to deal with violations of town ordinances and fines to be paid promptly to town. [Boundaries may be adjusted by county or court order. Town manager and town attorney added to list of officers appointed by council. Rather than submit all borrowings to election council may borrow up to 10% of budget for up to five years without public vote.]

* 2007 - SB 1072 Charter; City of Bristol. Comptroller to prepare budget. Changes Building Code Department to Division. Environs officer moved from Fire Department to Building Code Division. Planning Department to supervise Building Code Division. Date for submitting school board budget changed. [May operate internet service. Title of general manager of Utilities Board changed to president.]

9. Regional governance; inter-jurisdictional relationships

* 1996 - SB 41 Charter; City of Williamsburg. Authorizes referendum on consolidation of sheriffs of Williamsburg and James City County.

Part b. Bills Not Passed

X* 1995 - HB 50 Charter; Town of Leesburg. Town may remove building partially destroyed by fire or other disaster.

X* 1995 – HB 151

X* 1995 - HB 1088 Richmond Metropolitan Government. A charter for a regional government to replace Richmond, Henrico, and Chesterfield. Senate substitute provided for a Richmond Regional Authority to handle water, sewage, and transportation. Required a referendum.

X* 1995 - HB 1496 Charter; City of Roanoke. Gives power to regulate handguns in parks.

X* 1995 - HB 1542 Charter; City of Martinsville. Removes specific property tax percentage.

X* 1995 - HB 1561 Charter; City of Richmond. Conforms petition requirements to state law.

X* 1995 - HB 1579 Charter; City of Newport News. Modifies council elections. Mayor to be elected by public.

X* 1995 - SB 49 Charter; City of Chesapeake. Appointees may be removed by two-thirds vote of council.

X* 1996 - HB 42 Charter; City of Manassas. Adds power to establish broadband data communication.

X* 1996 - SB 27 Charter; City of Chesapeake. City exempt from sheriff's fees. School board to be elected.

X* 1996 - HB 270 Charter; City of Virginia Beach. Education department finance functions consolidated with city's.

X* 1996 - SB 14 Payroll, accounting and purchasing functions of Va. Beach City.

X* 1996 - HB 231 Charter; City of Richmond. Mayor to be elected by public. Duties of mayor and vice mayor. Strikes detail on election procedures, provides they shall conform to Virginia law. Mayor's salary not to exceed twice that of other council members. Word revisions relative to printing and publishing notices in newspapers.

X* 1997 - HB 1593 Charter; City of Norfolk. Allows council to vote electronically. Allows items to be voted on in block. Department heads of police and fire to be included in classified system.

X* 1997 - HB 1686 Charter; City of Falls Church. Amplifies condemnation power to include redevelopment. Departments of Economic Development and Industrial Development Authorities to remain and to have powers provided by Virginia law.

X* 1997 - HB 1935 Charter; City of Richmond. Substitutes reference to Va. Code for detailed description of Human Rights Commission. Substitutes reference to general law for specifics on election of other officers. Redefines boundaries to include a 1969 annexation. Drops power of judge to fill council vacancy. Adds authority for referenda to be initiated either by council or by public petition. Replaces specific date for first meeting of council with "as provided by general law." Deletes ability of council to dismiss members of school board. Adds positions of city attorney and city auditor. Replaces specific procedures on removal and discipline of employees with reference to city's personnel regulations. City manager to assume duties of vacant positions. Changes timing of report submissions. Adds new chapters on Administration and Pension System. Adds requirement for a general budget summary, modifies details of budget contents. Adds provisions for dealing with budget surpluses and unexpended appropriations. Adds section on borrowing. Substitutes general statements for detailed list of finance director's duties.

X* 1998 - HB 213 Charter; City of Fairfax. Changes title reference "15.1" to "15.2". Changes "State Highway" to "Commonwealth" Transportation Commissioner. Empowers eminent domain seizure of blighted commercial properties.

X* 1998 - HB 241 Charter; Town of Narrows. Town manager allowed to reside outside town.

X* 1999 - HB 1553 Charter; Town of Christiansburg. Clarifies that the mayor or any member of the town council shall not be eligible for any remunerative office with the town, regardless of the appointing entity, except that a member of the council appointed to a board or commission may be compensated as a member of such. Same as X*HB 1627.

X* 1999 - HB 1716 Charter; City of Hampton. Increases from \$2 to \$4 the assessment allowed as part of civil and criminal court costs for construction and maintenance of courthouse facilities.

X* 1999 - SB 791 Charter; City of Colonial Heights. Provides that no employee of the city may simultaneously serve as an employee of the city and as a member of the city council.

X* 1999 - SB 878 Charter; City of Alexandria. Provides that, for zoning purposes, an increase in intensity of a nonconforming use shall allow the city to enforce the existing zoning regulations against the property. "Increase in intensity" is defined for restaurants and for non restaurant uses.

X* 2000 - HB 313 Charter; City of Portsmouth. Adds \$2 to any fine to be used to refurbish jail.

X* 2000 - SB 119 Charter; City of Portsmouth. Same as HB313. Plus: City manager may appoint secretaries. Deputy city attorneys to serve at pleasure of city attorney. City attorney to appoint all employees of Law Department.

X* 2001 - HB 1900 Charter; City of Norfolk. Changes "State" to "Commonwealth". Changes "corporation court" to "circuit court". Deletes phrase prohibiting additional compensation for chief of police. Changes procedure for appointing police above rank of captain and firemen above battalion chief. Exempts them from classified status. Changes "firemen" to "persons engaged in the suppression of fire".

X* 2001 - HB 2138 Charter; Town of Culpeper. Authorized non-binding referendum on sale of public utilities.

X* 2001 - HB 2254 Charter; City of Roanoke. Provided a completely new charter. Same as X* SB 1115.

X* 2001 - SB 1203 Charter; City of Chesapeake. Vacating council member may participate in selection of replacement.

X* 2002 - HB 171 Charter; City of Roanoke. Changes “the same” to “taxing districts”; “cities, counties, and towns” to “other localities”; “fix the salaries” to “establish a system of compensation”; “said” to “such”. “said body” to “council”; “directors of directorates” to “deputy or assistant city managers”; “elector” to “voter”. Changes “councilmen” to “council members”; “him” to “city manager”; Deletes outdated provisions re term of council members. Gives city officers three months to establish residence. Deletes age limitation. Ordinances effective immediately rather than ten days later. City manager may appoint more than one assistant.

X* 2002 - HB 379 Charter; City of Charlottesville. Elections may be held in November.

X* 2002 - HB 992 Charter; Town of Boykins. Changes “councilmen” to “council members”. Deletes power of mayor to act as justice of the peace

X* 2002 - SB 40 Charter; City of Winchester. Empowers council to increase sales tax from 1% to 2%.

X* 2003 - HB 1631 Charter; City of Chesapeake. Replaces requirement to resign as council member to run for mayor with requirement to resign if elected mayor.

X* 2003 - HB 1634 Charter; City of Chesapeake. Changes “personnel” to “human resources.”

Adds a director of audit services. Same as X* SB 844.

X* 2003 - HB 2625 Charter; City of Chesapeake. Divides electorate into six districts. Provides for staggered terms.

X* 2003 - SB 929 Charter; County of Roanoke. Permits tax on tobacco. Increases social services board from three to seven.

X* 2004 - HB 63 Charter; City of Richmond. Mayor to be elected by public rather than council. Mayor to be full time position. Mayor to appoint Chief Administrative Officer.

X* 2004 - HB 707 Charter; City of Hopewell. When state mandated formulas based on CPI would require increases in funding formulas that would exceed the increase in real estate assessments, they will not be implemented unless council votes for them.

X* 2004 - HB 707 Charter; City of Hopewell. When state mandated formulas based on CPI would require increases in funding formulas that would exceed the increase in real estate assessments, they will not be implemented unless council votes for them.

X* 2004 - HB 1031 Charter; City of Richmond. Provides for public election of mayor. Council to elect Vice Mayor. Abolishes city manager, vests all powers of city manager in Mayor. Changes “oath” to “oaths”; “duly” to “newly”.

X* 2004 - SB 368 Charter; City of Richmond. Council terms changed from two to four years. Council candidates to be nominated only by petition; primaries prohibited. Deletes provision for fired employee’s right to a hearing. Multi-year special appropriations not to lapse. Deletes advance authorization of small expenditures. Storm water program may be administered either by Public Works or Public Utilities departments.

X* 2005 – [HB 1899](#); Charter; Town of New Castle. Extends council terms from two to four years beginning with the election to be held in 2006.

X* 2005 – [HB 2072](#); Charter; Town of Halifax. Provides for the mayor and council members to take office on July 1 following their election, instead of September 1, as currently provided.

X* 2005 – [HB 2176](#); Charter; Town of Stanley. Shifts council elections from May to November and deletes outdated provisions.

X* 2005 – [HB 2406](#); Charter; Town of Coeburn. Provides that candidates for council shall not be identified on the ballot by party affiliation.

X* 2005 – [HB 2475](#); Charter; Town of Lovettsville. Eliminates the requirement that the town clerk be a resident of the town.

X* 2005 – [HB 2749](#); Charter; City of Richmond. Grants the mayor new powers, including a line-item veto and the ability to participate in the appointment of, assignment or use of, and removal of city employees. Other amendments include changing the title of the vice mayor to president of the council and giving the mayor and council greater control over the school budget.

X* 2005 – [HB 2756](#); Charter; Town of Onley. Provides a new charter for the town and repeals the existing charter, adopted in 1950.

X* 2005 – [SB 133](#); Charter; City of Roanoke. Amends the city's charter to allow for both city council and voter petition-initiated advisory referenda. Such referenda may be held on any question relating to the affairs of the city. If a petition-initiated referendum pertaining to a charter amendment passes by a majority vote, then the clerk of the circuit court shall communicate the result to the General Assembly with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

X* 2005 – [SB 478](#); Charter; County of Roanoke. Provides that the County shall have authority to levy upon the sale or use of cigarettes a tax at a rate not to exceed \$0.75 per cigarette sold or used, such tax to be collected pursuant to Article 7 (§ 58.1-3830 et seq.) of Chapter 38 of Title 58.1 of the Code.

X* 2005 – [SB 847](#); Charter; City of Hopewell. Provides that certain state funding mandates will be suspended if in any calendar year the increase in the Consumer Price Index as published by the United States Department of Commerce is more than the increase in the assessed value of private real estate in the City of Hopewell, adjusted for general reassessment, as published by the City of Hopewell real estate assessor.

X* 2005 – [SB 961](#); Charter; City of Hampton. Moves authority to appoint the city attorney from the city manager to the city council.

X* 2006 – [HB 445](#); Charter; Town of Iron Gate. Changes references from "town sergeant" to "chief of police."

X* 2006 – [HB 474](#); Charter; City of Clifton Forge. Moves the regular election date for town council from May to November. As a result, the current council members shall have their terms extended by six months. In addition, the mayor and vice-mayor shall be elected by the council in January of each odd-numbered year. Thus, the current mayor and vice-mayor shall continue in office as mayor and vice-mayor, respectively, until the first meeting of the council in January 2007. This bill contains an emergency clause.

X* 2006 – [HB 1121](#); Charter; Town of Purcellville. Allows the town to appoint one non-resident to the board of architectural review.

X* 2006 – [HB 1157](#); Charter; Town of Stuart. Provides for staggered four-year terms of

office for the mayor and town council members. The regular municipal election date for the mayor and town council is moved from May to November. The mayor and council members elected at the regular election in May 2006 will serve a term of office until December 31, 2008.

X* 2006 – [HB 1188](#); Charter; Town of Elkton. Repeals the existing town charter and provides

a new charter containing powers typically granted to towns.

X* 2006 – [SB 147](#); Charter; City of Clifton Forge. Moves the regular election date for town

council from May to November. As a result, the current council members shall have their terms extended by six months. In addition, the mayor and vice-mayor shall be elected by the council in January of each odd-numbered year. Thus, the current mayor and vice-mayor shall continue in office as mayor and vice-mayor, respectively, until the first meeting of the council in January 2007. This bill contains an emergency clause.

X* 2006 – [SB 405](#); Charter; Town of Elkton. Repeals the existing town charter and provides

a new charter containing powers typically granted to towns.

X* 2006 – [SB 464](#); Charter; City of Roanoke. Grants the council authority to order an advisory referendum on any proposed question relating to the affairs of the city. A method is also provided to allow such a referendum to be initiated by a petition of registered voters.

X* 2006 – [SB 503](#); Charter; Town of Honaker. Provides a new charter for the town. The new

charter contains provisions typically found in town charters and does not grant unusual powers. The bill contains an emergency clause.

X * 2007 - [HB 2668](#) Charter; City of Fairfax. Added detailed section on use of traffic light control of traffic violations.

X * 2007 - [SB 899](#) Charter; City of Norfolk. Would have capped annual property tax increase at 5%.

X * 2007 - [SB 936](#) Charter; City of Alexandria. Clarifies “bona fide” contracts on historic properties.

X * 2007 - [SB 960](#) Charter; City of Suffolk. Would have allowed advisory referenda.

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Annex A-1

Excerpt from *Report No.2* re the Dillon Rule

The work of Study Group 4D on the Dillon Rule is based on the proposal given in the draft of *Improving the Competitiveness of Hampton Roads, Report No. 2: Transforming the Regional Structure*, pp. 13-14, prepared by the Hampton Roads Regional Structure Project:

2.4 The Dillon Rule. A careful study of the Dillon Rule indicates that Virginia localities enjoy relatively broader powers than municipalities in many so-called Home Rule states.

2.41 Although Virginia is strict in requiring requests for additional local government authority to be approved by the General Assembly, in fact over 60% of such requests have been routinely approved.

2.42 Therefore, although the Structure Project does not consider that the Dillon Rule impedes regionalism, the local governments might wish to commission a study to determine whether the number of requests to the legislature might be reduced by proposing that a standard list of powers be legislated based on the nature of prior approvals.

Annex A-2**Members of Study Group 4D**

Jim Babcock, Chairman (ret.), First Virginia Bank of Hampton Roads

Art Collins, Executive Director, H.R. Planning district Commission

Clyde Hoey, President (ret.), Virginia Peninsula Chamber of Commerce

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Jim Oliver, City Manager (ret.), City of Portsmouth

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Peter Mark Shaw, Professor, Tidewater Community College

Ray Taylor, President, Future of Hampton Roads, Inc.

Vince Thomas, Chairman, Future of Hampton Roads, Inc.

XXXII

Annex A-3

Regionalist Paper No. 14: Regionalism: Does the Dillon Rule Help or Hinder Metropolitan Progress?

by

R. A. K. Taylor, RADM USN (ret.), President, Future of Hampton Roads, Inc.

In broad terms, regionalism seeks efficient management of economic and population growth and the attendant increased demands for cost-effective public services.

“Dillon’s Rule, in a word, probably has almost no effect on growth management activity. However, if Dillon’s Rule does have an impact, it appears to be positive. By providing some certainty that local governments may engage only in the actions clearly allowed to them by the state legislature, Dillon’s Rule may promote consistency, which advances sound regional and statewide growth management. On the other hand, increased local autonomy, which does not necessarily flow from abolishing or relaxing Dillon’s Rule, promotes fragmented and uncoordinated growth management.”²

This viewpoint will surprise many readers. Most often, the conventional, and sometimes emotional, wisdom in Hampton Roads is that in Virginia, we are hampered by the Dillon Rule. For them, Home Rule is essential, and the Dillon Rule should be reversed. Let’s examine this debate.

In brief, the Dillon Rule vests government general powers of authority with the state government which, in turn, delegates specific authorities to its city and county units of government. City and county governments must request authority from the General Assembly for any new authority, not previously and expressly granted. Conversely, the concept of Home Rule vests general powers of authority with local governments except for certain government functions for which state government has previously deemed to be under the purview of state government, or has previously restricted from local government authority.

Thus, in one case, the state possesses the general government powers of authority, and as it deems proper, delegates new authorities to city and county governments. In the other

² Jesse J. Richardson, Jr. and Robert Puentes, *Is Home Rule the Answer? Clarifying the Influence of the Dillon Rule on Growth Management*, (Virginia Polytechnic Institute and The Brookings Institution Center on Urban and Metropolitan Policy, 2003), p. 34.

case, the state, as it deems appropriate, restricts the otherwise broad city and county powers of authority. At the state level, to relax, or to restrict powers of authority – that is the dichotomy and the question, but does it make any difference? After wallowing in reports and articles about Home Rule and the Dillon Rule, one learns that the real issue at hand is the structure and substance of state-local inter-governmental working relationships and, not at all, which Rule is in play. These rules, as it turns out, are not at all mirror-images of each other. It is possible, and it is the case that the municipal governments in some Home Rule states are burdened, and threatened with wide restrictions, resulting in less jurisdictional autonomy than municipalities in other Dillon Rule states. Both rules merely set out the starting position for these relationships, but the same objectives should exist in either case, and those objectives are good government for all citizens with the best possible, most effective, and most efficient mechanisms for carrying out the functions of government.

In 1865, Judge Dillon first established the Dillon Rule in Iowa in order to arrest corruption and fiscal irresponsibility at the local government level. Over subsequent decades, most states followed suit, often to gain control over extravagant or unsavory local governments, or just to regain some cohesion and commonality among their subordinate cities. Some fifty years later, and in a reversing trend, local governments began to realize they had insufficient authority to deal with emergent issues in a timely way or, for larger cities, unable to effectively manage their now, complex interrelated government functions. Thus, the concept of Home Rule was established in some states, and this grew as a working policy for much of the 20th century. Today, there are 31 Dillon Rule states, 10 Home Rule states, and 8 states with both rules, meaning that some municipalities in these states possess Home Rule authority while the others are managed by the Dillon Rule.³ Controversy continues. Nationwide trends today are mixed. The Dillon Rule is still heavily questioned, yet there are also growing reports of complaints about Home Rule.

The real issue, again, is that of state-local inter-governmental working relations. We need good leaders to provide good government. Nonetheless, let's review just a few of the complexities and the pros and cons of these rules in the following two paragraphs.

There are many variations of the Dillon Rule. The source or basis of Dillon procedures varies by state. In Virginia, the Dillon Rule is not prescribed in the state Constitution or statutorily, in the general laws of the Code of Virginia as in many other states; rather it is applied by the state courts. Whatever the basis of Dillon, how a state acts on Dillon is crucial, and this also varies by state.

³ Richardson and Puentes, p. 17-21 and the Executive Summary. Earlier studies had suggested a much larger number of Home Rule states; some of these studies have rescinded or stepped back on those conclusions. Sometimes, however, those earlier studies continue to be cited in journal articles and elsewhere.

Virginia is said to be a “strict” Dillon Rule State while other States are said to be more lenient on the matter, but what does this mean? Perhaps it means that in Virginia, all questions of jurisdiction and all local government requests for additional authority are actually reviewed, whereas elsewhere, states tolerate local exercises of authority without actionable review – a sort of control by negation process - rather than a “strict” procedural review process by the General Assembly. If this describes the case in Virginia, then Virginia has a strict policy on the input side of the jurisdictional decision process. The output side – what actually happens in Virginia – may be far more important. The Hampton Roads Chamber of Commerce commissioned a Task Force to study and report on the Dillon Rule.⁴ The report found that, depending on the topic, an average of 60% or more of the jurisdictional authority bills passed favored the municipalities. The study reported that these patterns have continued and that the Dillon Rule is a misnomer for Virginia. Richardson and Puentes report that an average of 75% of the bills passed support local endeavors. A comprehensive study conducted by the U.S. Advisory Council on Intergovernmental Relations (ACIR)⁵ ranked states on their overall degree of local discretionary authority. Virginia in this study ranked 8th in the nation, well ahead of most of the Home Rule states, a result confounding to local conventional wisdom.

There are also many variations of Home Rule by way of source - constitutional, statutory or court managed, and also by way of implementation - with few or many restrictions levied on the municipal governments. In general, statutes enabling Home Rule are less clear than those enabling the Dillon Rule. At least there is more controversy, and certainly more jurisdiction-based court cases with Home Rule procedures. Comparing two similar size states over a one year period, Virginia (Dillon Rule) and Ohio (Home Rule), Ohio dealt with some 600 court cases compared to approximately 20 in Virginia.⁶ In a later study, research indicated “a remarkably low number of [court] cases considering the application of Dillon’s rule, and a far larger number addressing home rule. The implication: The multitude and difficulty of issues raised by home rule lead to many more cases in state courts interpreting home rule than Dillon’s Rule.”⁷ This study also noted the opinions of other authors – Sebree (1989) deemed home rule in Washington “illusionary”, Smith (1996) contended the courts have “emasculated” home rule in Wyoming, Kirshnitz (2000) feared home rule has been reduced to “a form of words and little else”.⁸ This is not a pretty picture and needs to be thoroughly examined should efforts to overturn Dillon arise.

History has already pointed out the advantages and disadvantages of each of these rules. Through its earliest years, the Dillon Rule provided control over disparate, corrupt,

⁴ The Hampton Roads Chamber of Commerce, *Task Force on the Dillon Rule*, 1999, p. 12-13

⁵ U.S. Advisory Commission on Intergovernmental Relations, 1981, *Measuring Local Discretionary Authority*, USACIR, M-131, Washington. This conclusion was reaffirmed in their report of 1993. Note: After 36 years of service, USACIR was abolished in 1995.

⁶ Hampton Roads Chamber of Commerce, 1999, p. 11

⁷ Richardson and Puentes, p. 16.

⁸ *Ibid*, p. 13.

extravagant or incompetent local governments. Today, the Dillon Rule leads to state-wide uniformity on a broad spectrum of subjects, something that is comforting to business planning and growth and to citizens alike. Consistency and predictability do promote better macro-level planning. Home Rule, on the other hand and through its earliest years, moved authority away from distant and insensitive state governments to local, on scene government structures. It empowered local governments to deal in a timely way with the growingly complicated needs of their constituents. Today, where applied and in most cases, these virtues continue.

In our American federal government, state authority is provided for and flows directly from the U.S Constitution. On more than one occasion, the U.S. Supreme Court has upheld the concept that municipalities have no inherent right to self government and that per the Constitution it is the states that possess such powers. This is settled law. Therefore, for state-local inter-governmental relationships, this source of original constitutional power is an important – one should say, a bedrock - factor to recognize whether or not the Dillon Rule or Home Rule is in place. Given this original constitutional power, it is the state that will either grant or relax authority in one case, or restrict or not restrict authority in the other case. Thus, our local governments, or our regionalist advocates, should be working on and developing the best working relationships with state legislators that are possible; rather than fretting about rules of procedure.

If as suggested, the impacts of the Dillon or Home Rules themselves are overstated, what then generates the emotions in modern day Virginia that so strongly condemn or question the Dillon Rule? Over the last few decades, municipalities have complained about unfunded state mandates without the authority to develop additional sources of revenue. They complained that state sources of taxation, primarily income, were steadily growing along with general population and economic growth, but that municipal sources of taxation, primarily, property, were stagnant, resulting in conditions of extreme fiscal stress at the municipal level. Other complaints about Dillon in their opinion included the need to hire teams of lobbyists to represent them in Richmond; continued insensitivity to real-world, fast-breaking issues that would be better served by on-the-ground local officials, well aware of the needs and solutions for their respective public problems. The mismatch between state-distributed responsibilities and state-constrained capabilities to fund these responsibilities has been the primary issue in recent decades⁹.

When examining the list of state-local jurisdiction issues, they seem to fall into two categories – issues that are too large for smaller geography, local judgments, and issues that are too unique, requiring strictly local solutions and too narrow for the state-wide perspective. Even the courts have a hard time figuring out what is purely a local matter and what is a state

⁹ See Regionalist Paper No.12, *Revenue Sharing as a Component of Regionalism: What are the Issues?*, for a discussion of modern day metropolitan revenue-sharing and tax base-sharing formulas being used elsewhere and of their related positive impacts on regional planning and wealth, as well as cautions thereto.

matter. This almost sounds like an opening for regionalism, or for some structural ability to bridge the gap. Regional governance and regionalism could become a more capable venue able to address issues that are metropolitan in nature, larger than municipalities, but not of a state-wide scope.

State-local inter-governmental relationships and the Dillon and Home Rules have been studied for over a hundred years. A brief summary of recent year studies shows that former Governor Baliles in the late 1990s pressed for an updating of the local government charter network to better define, and possibly increase local government authority, rather than to tinker directly with the Dillon Rule. In their 1999 White Paper study, the Hampton Roads Chamber of Commerce concluded, “Maintain the Dillon Rule ... attempts to eliminate should be fought”.¹⁰ The Annual State of the [Hampton Roads] Region-2001 Report on Regionalism and the Dillon Rule concluded without addressing the Dillon Rule itself, that reforms in state-local relations and the tax structure ... are needed”.¹¹ At the end of this Paper, Annex A gives a fuller, chronological listing of these kinds of studies and their findings and of government actions taken that concern the Dillon Rule. As recently as July 1998, the Virginia Court of Appeals reaffirmed Dillon’s Rule in Virginia.¹²

Predictably, debate on the Dillon Rule has gone beyond just studies. Various state commissions and the General Assembly itself have examined Dillon. The Virginia Commission on Constitutional Reform initially proposed reversing the Dillon Rule in 1969. This was defeated. The 1992 Wilder Advisory Commission on the Dillon Rule and Local Government recommended relaxing the Dillon Rule. This died in Committee. At least some of the other fourteen major Virginia state government commissions since 1968 have had the opportunity to examine government operations including the Dillon Rule; none have called for transitioning to Home Rule.

The subject of this set of Regionalist Papers is regional governance. Studying or contemplating changes to the Dillon Rule is probably not a useful step toward regional governance. It is a sand trap that will divert time and energy away from the needs of regionalism. To move forward on promoting the merits of regional efficiency, we need to avoid or to get out of the sand traps and to move down the fairway. Studying Dillon and Home Rule questions for other purposes, however, is not at all a wasted effort. One will learn much about American federalism and about what the essential ingredients are for successful and representative government bodies, and how to achieve them.

¹⁰ Hampton Roads Chamber of Commerce, 1999, p. 5.

¹¹ James V. Koch, *The Annual State of the [Hampton Roads] Region – 2001 Report*, Chapter 6: *Regionalism and the Dillon Rule: An Interpretive Essay*, (Old Dominion University, 2002), p. 110.

¹² League of Women Voters of Fairfax, *Dillon’s Rule: Good or Bad for Local Governments?*, (Research Paper, 2004), p. S-4.

Given that we have the Dillon Rule and that it is extremely unlikely that this will ever change, how can we best address both the underlying issues that make Dillon a hot topic, and regionalism itself? The Dillon Rule is a procedure for handling state-local inter-governmental working relations. This relationship needs more structure and more substance than exists today. Chasing Home Rule as a political motto is not enough; an updated legal process or doctrine is needed. Real ideas¹³ that might improve the effectiveness and productivity of these relations include (1) Create a forum for state and local officials to review and to generate solutions in a timely way for unfunded mandates, and (2) Create a forum that will review municipal charters¹⁴ and to update and streamline them to fit 21st Century needs, probably broadening local authorities and reducing their need for teams of lobbyists.

Another form of state-local relationships is that of “state-regional” inter-governmental working relationships. Here much work, indeed a paradigm shift, is needed. To establish regional governance, meaning authority and capacity to shoulder that authority, requires that some powers are granted to the regional level, meaning in turn, that such powers are removed from either the state or the municipal levels of government. But this is not entirely new; we already have scores of state-established regional public service authorities, a regional planning district commission, regional business development organizations, and more. To stay abreast of the needs of population and economic growth, to sustain wage scales, provide roads, and to remain competitive in the new global economy, we need to move yet further forward to achieve efficient and effective regionalism. Ideas for these next steps include the need for state, regional and municipal leaders (1) to not just promote, but to establish an incentives plan for regional collaboration projects,¹⁵ (2) to invigorate the Hampton Roads regional legislative caucus toward actions that advance and carry out a credible and balanced regional agenda, (3) to build upon the array of regional bodies that already exist in the region of Hampton Roads, especially those that go beyond strictly functional responsibilities, such as the Hampton Roads Planning District Commission (PDC), the Hampton Roads Partnership (HRP) and the Hampton Roads Metropolitan Planning Organization (MPO),¹⁶ and (4) to recognize that no regional progress can be made without state level participation and support, and consequently to collaborate with the regional legislative caucus and other members of the General Assembly on

¹³ The Annex at the end of this paper lists several studies and state commission reports that have repeatedly urged the modernization of state-local and state-regional government working relations as opposed to addressing the Dillon Rule.

¹⁴ Efficiencies can be gained if items that are always legislatively approved are authorized and included in all municipal charters, no longer requiring state review and no longer delaying the actions of local governments. Though real, the gains here will be limited; this is not a panacea. Numerous studies strongly caution against the “one size fits all” municipal charter; there simply are too many variables.

¹⁵ Former Governor G.E. Baliles recommended a significant increase in appropriations, a 25 to 35 percent increase, to adjoining jurisdictions, counties or cities, that combined or consolidated major government functions in 1999, (League of Women Voters of Fairfax, Research Paper, 2004), p. S-3.

¹⁶ See Regionalist Paper No. 7, *Understanding the Extent of Regional Management in Hampton Roads Today: What are its Strengths and Limitations?*, for a detailed discussion of these three organizations.

the development of joint plans and programs that will lead to effective structures of regional governance in Virginia and for Hampton Roads.

“Regional approaches lie at the heart of successful growth management. ... Both theory and practice strongly underscore that effective growth management depends on regional or statewide approaches. ... [and] occurs at the regional level and involves state oversight and initiative. ... In the end, neither local leaders nor state legislators should be deluded. Dillon’s Rule in no way lets them off the hook. The creation of thoughtful, effective strategies for managing growth depends largely on local and state will to do that – not on the presence or absence of Dillon’s Rule.”¹⁷

¹⁷ Richardson and Puentes, p. 22, 31 and the Executive Summary.

Annex to Regionalist Paper No. 14: The Dillon Rule and Regionalism

Dillon Rule: Summary of studies on the Dillon Rule and of actions taken *vis-à-vis* the Dillon Rule in Virginia and Hampton Roads

- 1969 – Virginia Commission on the Constitutional Reform initially proposed reversal of the Dillon Rule. The Virginia Municipal League (VML), the Virginia Association of Counties, and others opposed this proposal, and then the proposal was deleted from the Commission’s list of recommendations.
- 1992 – Governor’s (Wilder) Advisory Commission on the Dillon Rule and Local Government recommended (1) Relax the Dillon Rule, and (2) Establish uniform local government powers. No follow-on actions resulted.
- Late 90s – Former Governor G. E. Baliles recommended reviewing and updating the local government charter framework [not to replace the Dillon Rule, but to use it to give better defined, and perhaps increased, authority to local governments], as described in Virginia League of Women’s Voters (LWV) study, *Dillon’s Rule: Good or Bad for Local Governments?* (2004).
- 1999 – Hampton Roads Task Force White Paper Study on *The Dillon Rule in Virginia* produced by the Hampton Roads Chamber of Commerce concluded “Maintain the Dillon Rule. The position supporting the Dillon Rule should be maintained, and attempts to eliminate the Dillon Rule should be fought”.
- 1999 – *Virginians need to Take a Bold Look at Their Governance*, an article in The Virginia News Letter, Volume 75, No. 8 by Jim Oliver urges structural reform at the state, regional and local levels of government and increased efforts to promote public involvement. The article disparages the Dillon Rule but makes no recommendations in this regard.
- 1999 – The Virginia Municipal League (VML) endorsed the idea of reversing the Dillon Rule. In previous years, the VML opposed proposals to grant constitutional Home Rule to municipalities.
- 2001 – Annual State of the [Hampton Roads] Region - 2001 Report Chapter 6: *Regionalism and the Dillon Rule: An Interpretive Essay*, describes the pros (few) and cons (many) of the Dillon Rule, then concludes without addressing the Dillon Rule itself: “Many observers without vested interests believe reforms in state-local relations and in the tax structure, supplemented by a new ‘program of progress’, are needed”.
- 2003 – *Is Home Rule The Answer? Clarifying The Influence of Dillon's Rule on Growth Management*, by Jesse J. Richardson, Jr., Meghan Zimmerman Gough, and Robert Puentes, a comprehensive discussion paper by Virginia Polytechnic Institute and The Brookings

Institution concluded with “Dillon’s Rule, in a word, probably has no effect on growth management activity. However, if Dillon’s Rule does have an impact, it (theoretically) appears to be positive. By providing some certainty that local governments may engage only in the actions clearly allowed to them by state legislature”. In effect, the report recommends improved and/or modernized state-local government working relationships rather than reversing the Dillon Rule. Find this report at <http://www.brookings.edu/metro/publications/dillonsrule.htm>

- 2003 – *The Dillon debate: Unlike home-rule states, Virginia limits localities’ taxing power*; Cover Story, Inside Business-Hampton Roads, September, 2003, an article exhibiting frustration, providing informative anecdotes about the pros and cons of Dillon, concluding that the Dillon Rule will remain in place and suggesting some reforms in state-local government working relationships.
- 2004 – *Dillon’s Rule: Good or Bad for Local Governments?*, a Virginia League of Women’s Voters (LWV) study that provided an historical and current-day review of Dillon Rule and Home Rule features. The report was analytical and provided no clear recommendation concerning the Dillon Rule. The report did conclude with a suggestion: “It may be time for the Virginia legislature to reconsider its role *vis-à-vis* local governments”.
- 2004 – Virginia Chamber of Commerce supports retention of the Dillon Rule as cited in the Virginia League of Women’s Voters (LWV) study, a policy reaffirmed in statements on their current website, www.vachamber.com/general .
- 2005 – *Future of Hampton Roads, Inc. Regional Structure Project’s Law Committee Report* on the Dillon Rule concluded: “Commissions and scholars who have studied the Rule typically do not indicate that its eradication would necessarily solve the most significant regional issues, though it would reduce the hundreds of fairly trivial charter amendments that clog the annual legislative process and it would, more importantly, minimize the General Assembly’s influence over the general character of Virginia local government. Home Rule would place decisions on regional issues primarily in the hands of local elected officials. While that might facilitate local government administration, whether it would promote or hinder regional initiatives is uncertain”.