



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: Resolution to Request the General Assembly Amend the City Charter to Implement a Ten-Single Member District Election System

MEETING DATE: November 12, 2024

■ **Background:** The City Council is authorized to request the General Assembly amend the City Charter. Prior to making such request the City Council is required to either undertake a referendum election or hold a public hearing. For the following request, the City has elected to hold a public hearing.

This proposed amendment will allow the City Charter's text to reflect the 10-1 election system that was adopted by the City Council in its 2023 Redistricting Ordinance. If adopted, the City Charter will provide for the division of the City into 10 single-member election districts. The mayor will continue to be elected at-large. At the November 2026 general election, the members representing district 2, district 4, district 6, district 8, district 9, and district 10 will be elected. At the November 2028 general election, the members representing district 1, district 3, district 5, district 7, and the mayor will be elected. Each member is elected for terms of four years. The amendment also removes text in the City Charter referring to a referendum to be held in 1996.

■ **Considerations:** The City Council adopted a policy on September 19, 2023, that imposes a vote requirement of three-fourths of the members of the City Council for adoption of a request for the General Assembly to amend the City Charter.

■ **Public Information:** A public hearing was held on October 15, 2024, but its notice was defective, so a second public hearing will be held November 12, 2024.

■ **Attachments:** Resolution, Exhibit A to Election System Resolution

The resolution to amend the City Charter is presented to the City Council pursuant to the policy adopted September 19, 2023.

1 A RESOLUTION TO REQUEST THE GENERAL ASSEMBLY
2 AMEND THE CITY CHARTER TO IMPLEMENT A TEN
3 SINGLE-MEMBER DISTRICT ELECTION SYSTEM
4

5 WHEREAS, in December 2021, the City Council was ordered by the Federal
6 District Court to conduct its councilmanic elections using a system that provided for ten
7 single-member districts;
8

9 WHEREAS, the order of the Federal District Court was overturned by the Federal
10 Appellate Court after the candidate petitions were completed, so the City conducted the
11 November 2022 using the ten single-member districts;
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13 WHEREAS, the City Council authorized a public input initiative to receive feedback
14 from the residents regarding their preference for the manner of conducting future
15 elections;
16

17 WHEREAS, the Weldon Cooper Center for Public Service at the University of
18 Virginia conducted a statistically validated public opinion survey within the City, which
19 showed 81% support for a 10:1 system;
20

21 WHEREAS, the City Council adopted its decennial redistricting ordinance on August
22 15, 2023, and this ordinance uses the same 10:1 system and district boundaries that were
23 previously ordered by the District Court; and
24

25 WHEREAS, it is desirable to align the text of the City Charter to reflect the 10:1
26 system of elections that was adopted in the decennial redistricting ordinance.
27

28 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
29 OF VIRGINIA BEACH, VIRGINIA, THAT:
30

31 The City Council hereby requests the General Assembly amend §§ 3.01, 3.01:1;
32 3.02:1, 3.02:2, and 3.02:3 of the City Charter to implement the ten single-member district
33 of elections. The attached Exhibit A, which is incorporated herein, provides the requested
34 text of such amendment.

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2024.

Requires an affirmative vote of three-fourths of the members of the City Council.

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

EXHIBIT A

PROPOSED CHARTER UPDATE

Sec. 3.01. Division of city into districts.

- A. The city shall be divided into ten single-member election ~~seven residence~~-districts of approximately equal population which shall be numbered one through ten seven. The council shall consist of eleven members, the mayor elected at large and including the mayor, one member to be elected by and from each of the ten single-member election districts. ~~the city at large from the residents of each of the seven districts and three members and the mayor to be elected by and from the city at large.~~
- B. The boundaries ~~and names~~ of such districts shall be established by ordinance ~~on or before March 1, 1996~~, and thereafter the boundaries shall be adjusted periodically as may be necessary to ensure that the populations of the districts remain approximately equal.
- C. ~~The city council shall, no later than January 1, 1996, petition the circuit court to order an advisory referendum to be held on the question of whether the council member elected from each district shall be elected by the qualified voters of that district rather than at large. The wording of the question shall be determined by majority vote of the city council and shall be included in the petition. Upon the filing of the petition, the circuit court shall order that an advisory referendum be held on the question in the city at the municipal elections to be held in May 1996.~~

Sec. 3.01:1. Implementation of districts.

- A. At the ~~November 2026 May 1996~~ general election, the three members representing district 2, district 4, district 6, district 8, district 9, and district 10 shall be elected. ~~by the city at large from the residents of the Blackwater, Princess Anne, and Virginia Beach boroughs as such boroughs existed on January 1, 1995. The terms of the members so elected shall commence January 1, 2027 and expire on December 31, 2030. July 1, 1998. The terms of the mayor and councilmember elected by and from the city at large in May of 1996 shall expire on July 1, 2000.~~
- B. At the ~~November 2028~~ general election, ~~in May of 1998~~, the members representing district 1, district 3, district 5, district 7, and the mayor shall be elected. ~~at large from district numbered one through three shall be elected for terms of two years and the members elected at large from districts numbered four through seven shall be elected for terms of four years. The terms of the members so elected shall commence January 1, 2029 and expire on December 31, 2032. two councilmembers elected by and from the city at large in May of 1998 shall expire on July 1, 2002. Thereafter,~~
- C. All members shall be elected for terms of four years.

Sec. 3.02:1. Election of councilmembers.

~~Pursuant to an ordinance adopted by city council on June 27, 2006, City council regular elections shall take place at November general elections. during the general election in November 2008, and during the November general election in even years thereafter, for council members whose terms expire at the end of December of that year. Council members, including the mayor, whose terms expire as of June 30, 2008, or June 30, 2010, shall continue in office until their successors have been elected at the November election and take office on January 1. The term of office for each councilmember shall commence on January 1 next following the date of election and shall continue until his successor has been duly elected and qualified. Each candidate shall state, at the time of filing, whether he is running at large, from the district of his residence or for mayor. Candidates for council shall be nominated only by petition in the manner prescribed by general law.~~

Sec. 3.02:2. Election of mayor.

The mayor shall be elected at the general election in November 2008, and each fourth year thereafter, to serve for a term of four years. Candidates for mayor shall run ~~for one of the at-large seats~~. A candidate running for mayor shall not run for any other seat.

In the event any councilman ~~member~~, including the mayor, shall decide during his term of office to be a candidate for mayor, he shall tender his resignation as a councilman ~~member~~ not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the councilman's ~~member's~~ intention to run for mayor, shall require no formal acceptance by the remaining councilman ~~members~~ and shall be final and irrevocable when tendered.

In the event the mayor shall decide during his term of office to be a candidate for one of the single-member election districts, he shall tender his resignation as mayor not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the mayor's intention to run for one of the single-member election districts, shall require no formal acceptance by the remaining council members and shall be final and irrevocable when tendered.

The unexpired portion of the term of any council member who has resigned to run for mayor or mayor who has resigned to run for one of the single-member election districts shall be filled at the same general election.

Sec. 3.02:3. Reserved. Council member resignation to run for new seat.

- (a) ~~In the event that any council member from one of the residence districts shall decide during his term of office to be a candidate for an at large seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the at large seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for an at large seat shall be filled at the same general election, or by special election if the at large seat is to be filled by special election.~~
- (b) ~~In the event that any council member from one of the at large seats shall decide during his term of office to be a candidate for a residence district seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the residence district seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for a residence district seat shall be filled at the same general election, or by special election if the residence district seat is to be filled by special election.~~