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SENATE BILL NO. 1404

Offered January 14, 2025

A *BILL to amend and reenact §§ 2.2-1837, 2.2-2801, 2.2-3108, 2.2-3711, 15.2-410, 15.2-512, 15.2-531, 15.2-533, 15.2-807, 15.2-824, 15.2-837, 15.2-855, 15.2-1211, 15.2-1400, 15.2-1522, 15.2-1524, 15.2-1544, 15.2-1545, 22.1-28, 22.1-29, 22.1-30, 22.1-31, 22.1-32, 22.1-57.1, 22.1-57.1:1, 22.1-57.3, 22.1-57.3:3, 22.1-71, 22.1-72, 22.1-75, 22.1-126.1, 24.2-129, 24.2-222.1, 24.2-223, 24.2-226, 24.2-227, 24.2-228, 24.2-502, 24.2-506, 58.1-605, and 58.1-3814 of the Code of Virginia and to repeal §§ 15.2-532, 15.2-628, and 22.1-29.1, Articles 2 through 6 (§§ 22.1-34 through 22.1-57) of Chapter 5 of Title 22.1, and §§ 22.1-57.2, 22.1-57.4, and 22.1-57.5 of the Code of Virginia, relating to school boards; method of selection; election required.*

Patron—Pekarsky

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1837, 2.2-2801, 2.2-3108, 2.2-3711, 15.2-410, 15.2-512, 15.2-531, 15.2-533, 15.2-807, 15.2-824, 15.2-837, 15.2-855, 15.2-1211, 15.2-1400, 15.2-1522, 15.2-1524, 15.2-1544, 15.2-1545, 22.1-28, 22.1-29, 22.1-30, 22.1-31, 22.1-32, 22.1-57.1, 22.1-57.1:1, 22.1-57.3, 22.1-57.3:3, 22.1-71, 22.1-72, 22.1-75, 22.1-126.1, 24.2-129, 24.2-222.1, 24.2-223, 24.2-226, 24.2-227, 24.2-228, 24.2-502, 24.2-506, 58.1-605, and 58.1-3814 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1837. Risk management plan for public liability.

A. Subject to the approval of the Governor, the Division shall establish a risk management plan, which may be purchased insurance, self-insurance or a combination of self-insurance and purchased insurance to provide:

1. Protection against liability imposed by law for damages resulting from any claim:

a. Made against any state department, agency, institution, board, commission, officer, agent, or employee for acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization;

b. Made against participants, other than professional counsel, in student disciplinary proceedings at public institutions of higher education for nonmalicious acts or omissions of any nature in the course and scope of participation in the proceedings; or

c. Resulting from an authorized indemnification agreement entered into by a public institution of higher education in the Commonwealth in accordance with this subsection.

A public institution of higher education in the Commonwealth may execute an indemnification agreement if the Governor (i) considers in advance of execution (a) the institution's analysis of the relevant public benefit and risk of liability, (b) the Division's charge to be assessed against the institution for providing insurance or self-insurance coverage for the claims resulting from the indemnification agreement, and (c) the Office of the Attorney General's comments and (ii) determines that execution is necessary to further the public's best interests.

The indemnification agreement shall limit the institution's total liability to a stated dollar amount and shall notify the contractor that the full faith and credit of the Commonwealth are not pledged or committed to payment of the institution's obligation under the agreement. However, no such institution shall be authorized to enter into an indemnification agreement in accordance with this subsection to indemnify any person or entity against damages arising from a sponsored project conducted by such institution. For the purposes of this section, a "sponsored project" is a research, instruction, or service project conducted at a public institution of higher education in the Commonwealth pursuant to a grant, cooperative agreement, or other contract;

2. Protection against tort liability and incidental medical payments arising out of the ownership, maintenance or use of buildings, grounds or properties owned or leased by the Commonwealth or used by state employees or other authorized persons in the course of their employment;

3. For the payment of attorney fees and expenses incurred in defending such persons and entities concerning any claim that (i) arises from their governmental employment or authorization, that (ii) arises from their participation in such student disciplinary proceedings, or (iii) is described in any such indemnification agreement, where the Division is informed by the Attorney General's office that it will not provide a defense due to a conflict or other appropriate reason; and

4. For the payment of attorney fees and expenses awarded to any individual or entity against the Commonwealth, or any department, agency, institution, board, commission, officer, agent, or employee of the Commonwealth for acts or omissions of any nature while acting in an authorized governmental or proprietary

59 capacity, or in reliance upon any constitutional provision, or law of the Commonwealth. It is the obligation of
60 the Division to provide for such indemnification regardless of whether there is a request for or an award of
61 damages associated with the award of such fees and expenses.

62 a. As a condition of coverage for the payment of attorney fees and expenses, the department, agency,
63 institution, board, commission, officer, agent, or employee of the Commonwealth shall (i) promptly notify the
64 Division of the commencement of any claim, suit, action or other proceeding prior to its settlement, (ii)
65 provide the Division with full nonprivileged information on the matter as requested, and (iii) permit the
66 Division to participate in the investigation of such claim, suit, action or other proceeding. Failure to promptly
67 notify the Division or to reasonably cooperate may, at the Division's discretion, result in no payment or a
68 reduced payment being made.

69 b. The Division shall set the premium and administrative costs to be paid to it for providing payment of
70 attorney fees and expenses awarded pursuant to this section. The premiums and administrative costs set by
71 the Division shall be payable in the amounts, at the time and in the manner that the Division in its sole
72 discretion requires. Premiums and administrative costs shall be set to best ensure the financial stability of the
73 plan.

74 B. Any risk management plan established pursuant to this section shall provide for the establishment of a
75 trust fund or contribution to the State Insurance Reserve Trust Fund for the payment of claims covered under
76 the plan. The funds shall be invested as provided in § 2.2-1806 and interest shall be added to the fund as
77 earned. The trust fund shall also provide for payment of administrative costs, contractual costs, and other
78 expenses related to the administration of such plan.

79 C. The risk management plan for public liability shall be submitted to the Governor for approval prior to
80 implementation.

81 D. The risk management plan established pursuant to this section shall provide protection against
82 professional liability imposed by law as provided in § 24.2-121, resulting from any claim made against a
83 local electoral board, any of its members, any general registrar, or any employee of or paid deputy to a
84 registrar for acts or omissions of any nature while acting in an authorized governmental or proprietary
85 capacity and in the course and scope of employment or authorization, regardless of whether or not the civil
86 action requests monetary damages, subject to the limitations of the risk management plan.

87 E. The risk management plan established pursuant to this section shall provide protection against any
88 claim made against any soil and water conservation district, director, officer, agent or employee thereof, (i)
89 arising out of the ownership, maintenance or use of buildings, grounds or properties owned, leased or
90 maintained by any such district or used by district employees or other authorized persons in the course of
91 their employment or (ii) arising out of acts or omissions of any nature while acting in an authorized
92 governmental or proprietary capacity and in the course and scope of employment or authorization.

93 F. The risk management plan established pursuant to this section shall provide protection against
94 professional liability imposed by law for damages resulting from any claim made against a local school board
95 selection commission or local school board selection commission members for acts or omissions of any
96 nature while acting in an authorized governmental or proprietary capacity and in the course and scope of
97 authorization, subject to the limitations of the risk management plan.

98 G. The risk management plan established pursuant to this section shall provide coverage for any matter
99 that involves or could involve an action or proceeding against a judge, the nature of which is designed to
100 determine whether discipline or other sanction of the judge for malfeasance or misfeasance is appropriate or
101 to otherwise determine the fitness of the judge to hold office or to continue his employment. No coverage or
102 indemnification shall be made pursuant to this subsection when the Supreme Court of Virginia finds that the
103 judge should be censured or removed from office pursuant to § 10 of Article VI of the Constitution of
104 Virginia or statutes enacted pursuant thereto.

105 H. G. The risk management plan established pursuant to this section shall provide protection against
106 claims made against chaplains by persons incarcerated in a state correctional facility, a juvenile correctional
107 center, or a facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) arising
108 out of services provided by the chaplains to such incarcerated persons, regardless of whether such services
109 were provided on a volunteer basis or for compensation. For the purposes of this subsection, chaplains shall
110 include only those persons, who, at the time any claim may arise, were acting pursuant to, and in compliance
111 with, an agreement between the chaplain or an organization to which the chaplain belongs, and the
112 Department of Corrections, the Department of Juvenile Justice, or an operator of a facility operated pursuant
113 to the Corrections Private Management Act.

114 **§ 2.2-2801. Disability to hold state office; exceptions.**

115 A. Section 2.2-2800 shall not be construed to prevent:

116 1. Members of Congress from acting as visitors of the University of Virginia or the Virginia Military
117 Institute, or from holding offices in the militia;

118 2. United States commissioners or United States census enumerators, supervisors, or the clerks under the
119 supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers

120 of the Virginia National Guard, from acting as notaries, school board selection commission members, or
 121 supervisors, or from holding any district office under the government of any county, or the office of
 122 councilman of any town or city in the Commonwealth;

123 3. Any United States rural mail carrier, or star route mail carrier from being appointed and acting as
 124 notary public or holding any county or district office;

125 4. Any civilian employee of the United States government from being appointed and acting as notary
 126 public;

127 5. Any United States commissioners or United States park commissioners from holding the office of
 128 commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant
 129 commissioner of accounts, substitute or assistant civil justice, or assistant judge of a municipal court of any
 130 city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any county
 131 court or juvenile and domestic relations district court of any county, or the municipal court or court of limited
 132 jurisdiction, by whatever name designated, of any incorporated town;

133 6. Any person employed by, or holding office or a post of profit, trust or emolument, civil, legislative,
 134 executive or judicial, under the government of the United States, from being a member of the militia or
 135 holding office therein, or from being a member or director of any board, council, commission or institution of
 136 the Commonwealth who serves without compensation except one who serves on a per diem compensation
 137 basis;

138 7. Foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval
 139 reservation in Virginia from holding any office under the government of any city, town or county in the
 140 Commonwealth;

141 8. Any United States government clerk from holding any office under the government of any town or city;

142 9. Any person holding an office under the United States government from holding a position under the
 143 management and control of the State Board of Health;

144 10. Any state federal director of the Commonwealth in the employment service of the United States
 145 Department of Labor from holding the office of Commissioner of Labor of the Commonwealth;

146 11. Clerks and employees of the federal government engaged in the departmental service in Washington
 147 from acting as school trustees;

148 12. Any person, who is otherwise eligible, from serving as a member of the governing body or school
 149 board of any county, city or town, or as a member of any public body who is appointed by such governing
 150 body or school board, or as an appointive officer or employee of any county, city or town or the school board
 151 thereof;

152 13. Game management agents of the United States Fish and Wildlife Service or United States deputy
 153 game wardens from acting as special conservation police officers;

154 14. Any appointive state or local official or employee from serving, with compensation, on an advisory
 155 board of the federal government;

156 15. Any state or local law-enforcement officer from serving as a United States law-enforcement officer;
 157 however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double
 158 compensation;

159 16. Any United States law-enforcement officer from serving as a state or local law-enforcement officer
 160 when requested by the chief law-enforcement officer of the subject jurisdiction; however, this subdivision
 161 shall not be construed to authorize any law-enforcement officer to receive double compensation;

162 17. Any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as or
 163 performing the duties of a special assistant United States attorney or assistant United States attorney;
 164 however, this subdivision shall not be construed to authorize any attorney for the Commonwealth or assistant
 165 attorney for the Commonwealth to receive double compensation;

166 18. Any assistant United States attorney from serving as or performing the duties of an assistant attorney
 167 for the Commonwealth when requested by the attorney for the Commonwealth of the subject jurisdiction;
 168 however, this subdivision shall not be construed to authorize any assistant United States attorney to receive
 169 double compensation;

170 19. Any elected state or local official from serving, without compensation, on an advisory board of the
 171 federal government; however, this subdivision shall not be construed to prohibit reimbursement for actual
 172 expenses;

173 20. Sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and
 174 local sheriffs;

175 21. State judicial officers from performing acts or functions with respect to United States criminal
 176 proceedings when such acts or functions are authorized by federal law to be performed by state judicial
 177 officers; or

178 22. Any member of the Armed Forces of the United States from serving on the Virginia Military Advisory
 179 Council or the Virginia Offshore Wind Development Authority.

180 B. Nor shall § 2.2-2800 be construed to exclude:

181 1. A person to whom a pension has been granted by the United States or who receives retirement

182 compensation in any manner from the United States, or any person receiving or entitled to receive benefits
183 under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act.

184 2. Officers or soldiers on account of the recompense they may receive from the United States when called
185 out in actual duty.

186 **§ 2.2-3108. Prohibited contracts by members of school boards.**

187 A. No person elected ~~or appointed~~ as a member of a local school board shall have a personal interest in (i)
188 any contract with his school board or (ii) any contract with any governmental agency that is subject to the
189 ultimate control of the school board of which he is a member.

190 B. The provisions of this section shall not apply to:

191 1. A member's personal interest in a contract of employment provided the employment first began prior to
192 the member becoming a member of the school board;

193 2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the
194 public; or

195 3. A contract awarded to a member of a school board as a result of competitive sealed bidding where the
196 school board has established a need for the same or substantially similar goods through purchases prior to the
197 election or appointment of the member to serve on the school board. However, the member shall have no
198 involvement in the preparation of the specifications for such contract, and the remaining members of the
199 school board, by written resolution, shall state that it is in the public interest for the member to bid on such
200 contract.

201 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

202 A. Public bodies may hold closed meetings only for the following purposes:

203 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
204 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
205 officers, appointees, or employees of any public body; and evaluation of performance of departments or
206 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
207 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
208 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some
209 student and the student involved in the matter is present, provided that the teacher makes a written request to
210 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
211 construed to authorize a closed meeting by a local governing body or ~~an elected~~ a school board to discuss
212 compensation matters that affect the membership of such body or board collectively.

213 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
214 involve the disclosure of information contained in a scholastic record concerning any student of any public
215 institution of higher education in the Commonwealth or any state school system. However, any such student,
216 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be
217 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,
218 parents, or guardians so request in writing and such request is submitted to the presiding officer of the
219 appropriate board.

220 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition
221 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining
222 position or negotiating strategy of the public body.

223 4. The protection of the privacy of individuals in personal matters not related to public business.

224 5. Discussion concerning a prospective business or industry or the expansion of an existing business or
225 industry where no previous announcement has been made of the business' or industry's interest in locating or
226 expanding its facilities in the community.

227 6. Discussion or consideration of the investment of public funds where competition or bargaining is
228 involved, where, if made public initially, the financial interest of the governmental unit would be adversely
229 affected.

230 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or
231 probable litigation, where such consultation or briefing in open meeting would adversely affect the
232 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"
233 means litigation that has been specifically threatened or on which the public body or its legal counsel has a
234 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall
235 be construed to permit the closure of a meeting merely because an attorney representing the public body is in
236 attendance or is consulted on a matter.

237 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters
238 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to
239 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is
240 consulted on a matter.

241 9. Discussion or consideration by governing boards of public institutions of higher education of matters
242 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be

243 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and
 244 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public
 245 institution of higher education in the Commonwealth shall be subject to public disclosure upon written
 246 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
 247 means any government other than the United States government or the government of a state or a political
 248 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
 249 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
 250 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
 251 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
 252 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
 253 or protectorate thereof.

254 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
 255 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and
 256 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
 257 sources.

258 11. Discussion or consideration of honorary degrees or special awards.

259 12. Discussion or consideration of tests, examinations, or other information used, administered, or
 260 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

261 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
 262 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed
 263 by the member, provided that the member may request in writing that the committee meeting not be
 264 conducted in a closed meeting.

265 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
 266 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
 267 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
 268 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
 269 All discussions with the applicant or its representatives may be conducted in a closed meeting.

270 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
 271 activity and estimating general and nongeneral fund revenues.

272 16. Discussion or consideration of medical and mental health records subject to the exclusion in
 273 subdivision 1 of § 2.2-3705.5.

274 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
 275 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
 276 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
 277 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and
 278 subdivision 11 of § 2.2-3705.7.

279 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses
 280 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or
 281 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension
 282 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary
 283 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

284 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity
 285 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency
 286 service officials concerning actions taken to respond to such matters or a related threat to public safety;
 287 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in
 288 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,
 289 information technology system, or software program; or discussion of reports or plans related to the security
 290 of any governmental facility, building or structure, or the safety of persons using such facility, building or
 291 structure.

292 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
 293 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
 294 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
 295 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
 296 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
 297 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
 298 other ownership interest in an entity, where such security or ownership interest is not traded on a
 299 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
 300 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
 301 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
 302 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
 303 confidentiality, of the future value of such ownership interest or the future financial performance of the

304 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
305 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
306 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
307 disclosure of information relating to the identity of any investment held, the amount invested or the present
308 value of such investment.

309 21. Those portions of meetings in which individual child death cases are discussed by the State Child
310 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
311 child death cases are discussed by a regional or local child fatality review team established pursuant to §
312 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
313 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
314 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
315 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
316 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
317 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
318 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
319 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
320 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
321 Committee established pursuant to § 37.2-314.1.

322 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
323 University, as the case may be, and those portions of meetings of any persons to whom management
324 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
325 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
326 business-related information pertaining to the operations of the University of Virginia Medical Center or the
327 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
328 development or marketing strategies and activities with existing or future joint venturers, partners, or other
329 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
330 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
331 health care, if disclosure of such information would adversely affect the competitive position of the
332 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
333 University, as the case may be.

334 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or
335 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or
336 disposition by the Authority of real property, equipment, or technology software or hardware and related
337 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of
338 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and
339 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of
340 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of
341 the Authority; and members of the Authority's medical and teaching staffs and qualifications for
342 appointments thereto.

343 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the
344 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who
345 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

346 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal
347 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf
348 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or
349 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

350 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
351 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in §
352 56-484.12, related to the provision of wireless E-911 service.

353 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
354 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy
355 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or
356 meetings of health regulatory boards or conference committees of such boards to consider settlement
357 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by
358 either of the parties.

359 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
360 by a responsible public entity or an affected locality or public entity, as those terms are defined in §
361 33.2-1800, or any independent review panel appointed to review information and advise the responsible
362 public entity concerning such records.

363 29. Discussion of the award of a public contract involving the expenditure of public funds, including
364 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in

365 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

366 30. Discussion or consideration of grant or loan application information subject to the exclusion in
367 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

368 31. Discussion or consideration by the Commitment Review Committee of information subject to the
369 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
370 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

371 32. Discussion or consideration of confidential proprietary information and trade secrets developed and
372 held by a local public body providing certain telecommunication services or cable television services and
373 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
374 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

375 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
376 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
377 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

378 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
379 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

380 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
381 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

382 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
383 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings
384 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider
385 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover
386 scholarship awards.

387 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in
388 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
389 Authority.

390 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
391 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
392 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
393 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
394 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

395 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
396 related to economic development.

397 40. Discussion or consideration by the Board of Education of information relating to the denial,
398 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

399 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
400 executive order for the purpose of studying and making recommendations regarding preventing closure or
401 realignment of federal military and national security installations and facilities located in Virginia and
402 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
403 local governing body, during which there is discussion of information subject to the exclusion in subdivision
404 8 of § 2.2-3705.2.

405 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
406 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
407 information of donors.

408 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
409 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained
410 in grant applications.

411 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of
412 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for
413 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary
414 information of a private entity provided to the Authority.

415 45. Discussion or consideration of personal and proprietary information related to the resource
416 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection
417 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain
418 information that has been certified for release by the person who is the subject of the information or
419 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
420 or is the subject of, the information.

421 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control
422 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of
423 applicants for licenses and permits and of licensees and permittees.

424 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
425 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)

426 of Chapter 22.

427 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
428 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
429 Board.

430 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
431 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
432 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
433 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
434 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
435 pursuant to § 15.2-1627.6.

436 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
437 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions
438 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33
439 of § 2.2-3705.7.

440 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development
441 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
442 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
443 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

444 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
445 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
446 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

447 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
448 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
449 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
450 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

451 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
452 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
453 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
454 disclosure under subdivision 1 of § 2.2-3705.3.

455 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of
456 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

457 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed
458 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting
459 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that
460 shall have its substance reasonably identified in the open meeting.

461 C. Public officers improperly selected due to the failure of the public body to comply with the other
462 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
463 obtain notice of the legal defect in their election.

464 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more
465 public bodies, or their representatives, but these conferences shall be subject to the same procedures for
466 holding closed meetings as are applicable to any other public body.

467 E. This section shall not be construed to (i) require the disclosure of any contract between the Department
468 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)
469 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial
470 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial
471 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.
472 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the
473 actual date of the board's authorization of the sale or issuance of such bonds.

474 **§ 15.2-410. County school board and division superintendent of schools.**

475 A. The county school board and the division superintendent of schools shall exercise all the powers
476 conferred and perform all the duties imposed upon them by general law.

477 B. The county school board shall be composed of not less than three nor more than six members chosen
478 by the board of county supervisors to serve staggered four-year terms. Initial terms may be less than four
479 years to establish the staggered membership. The terms of no more than three members shall expire in any
480 one year. The board of county supervisors shall establish by resolution the number of school board members
481 and the staggered membership. The school board membership may be increased from time to time up to six
482 members. Three-member boards need not be staggered. All appointments to fill vacancies shall be made by
483 the board of county supervisors and shall be for the unexpired terms.

484 C. Each member shall receive as compensation for his services such annual salary as may be prescribed
485 pursuant to § 22.1-32.

486 D. The board of county supervisors may also appoint a C. A resident of the county may be elected to cast

487 the deciding vote in case of a tie vote of the school board as provided in § 22.1-75. The tie breaker, if any,
 488 shall be ~~appointed~~ *elected* for a four-year term whether appointed to fill a vacancy caused by expiration of a
 489 term or otherwise.

490 **E. D.** Notwithstanding ~~the above provisions any provision of law to the contrary~~, the Board of Supervisors
 491 of Scott County may establish a staggered membership for its school board with the school board members
 492 serving three-year terms and the Board of Supervisors of Carroll County may ~~continue to appoint~~ *elect* five
 493 members to its school board to serve staggered five-year terms.

494 **F. E.** Notwithstanding any *provision of law to the contrary provisions of this section*, a, *each county which*
 495 ~~has an elected school board~~ *shall comply with* ~~shall be elected in accordance with~~ the applicable provisions
 496 of Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1.

497 **§ 15.2-512. Appointment of officers and employees; recommendations by county executive;
 498 discussions with board.**

499 The board shall appoint, upon the recommendation of the county executive, all officers and employees in
 500 the administrative service of the county except as otherwise provided in § 15.2-535 and except as the board
 501 may authorize the head of a department or office to appoint subordinates in such department or office.
 502 ~~However, in appointing the county school board no recommendation by the county executive shall be~~
 503 ~~required.~~ All appointments shall be based on the ability, training and experience of the appointees which are
 504 relevant to the work which they are to perform.

505 The county executive shall have the right to take part in all discussions and to present his views on all
 506 matters coming before the board. The attorney for the Commonwealth, the sheriff and the directors or heads
 507 of the departments shall be entitled to present their views on matters relating to their respective departments.

508 **§ 15.2-531. Department of education.**

509 The department of education shall consist of the county school board, the division superintendent of
 510 schools and the officers and employees thereof. Except as herein otherwise provided, the county school board
 511 and the division superintendent of schools shall exercise the powers conferred and perform the duties
 512 imposed upon them by general law. ~~The county school board shall be composed of not less than three nor~~
 513 ~~more than seven members, who shall be chosen by the board of county supervisors. The exact number of~~
 514 ~~members shall be determined by the board.~~

515 Notwithstanding the foregoing provisions of this section, the county school board in a county which is
 516 contiguous to a county having the urban county executive form of government shall consist of the same
 517 number of members as there are supervisors' election districts for the county, one member to be appointed
 518 from each of the districts by the board of county supervisors.

519 The board may also appoint a A county resident *may be elected* to cast the deciding vote in case of a tie
 520 vote of the school board as provided in § 22.1-75. Any tie breaker shall be ~~appointed~~ *elected* for a four-year
 521 term whether appointed to fill a vacancy caused by expiration of a term or otherwise.

522 The chairman of the county school board, for the purpose of appearing before the board of county
 523 supervisors, shall be considered head of this department, unless the school board designates some other
 524 person in the department for such purpose.

525 **§ 15.2-533. Elected school boards.**

526 Notwithstanding any *provision of law to the contrary provisions of §§ 15.2-531 and 15.2-532*, a, *each*
 527 ~~county which has an elected school board~~ *shall comply with* ~~be elected in accordance with~~ the applicable
 528 provisions of Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1.

529 **§ 15.2-807. Appointment of county officers and employees; federal employment, etc., not to
 530 disqualify; discussions with board.**

531 The board shall appoint, upon the recommendation of the urban county executive, all officers and employees
 532 in the administration service of the county, except as the board authorizes the urban county
 533 executive to appoint heads of a department or office and except as the board authorizes the heads of a
 534 department or office to appoint subordinates in such department or office. ~~However, in appointing the county~~
 535 ~~school board no recommendation by the urban county executive is required.~~ All appointments shall be on the
 536 basis of ability, training and experience of the appointees which are relevant to the work which they are to
 537 perform.

538 No person otherwise eligible, shall be disqualified by reason of his accepting or holding employment, an
 539 office, post, trust or emolument under the United States government, from serving as a member of any board,
 540 commission, authority, committee or agency whose members are appointed by the board.

541 The county clerk, the attorney for the Commonwealth and the sheriff shall be selected in the manner and
 542 for the terms, and vacancies in such offices shall be filled, as provided by general law.

543 The urban county executive shall have the right to take part in all discussions and to present his views on
 544 all matters coming before the board. The attorney for the Commonwealth and the sheriff shall be entitled to
 545 present their views on matters relating to their respective departments.

546 **§ 15.2-824. Appointment of members of certain boards, authorities and commissions.**

547 A. Notwithstanding the provisions of §§ 15.2-837, 15.2-855, 15.2-2212, 15.2-5113, 15.2-5703 and 36-11,

548 the board may establish different terms of office for initial and subsequent appointments of (i) the
549 commissioners of any county redevelopment and housing authority created pursuant to the Housing
550 Authorities Law (§§ 36-1 through 36-55.6), (ii) the members of any county authority created pursuant to the
551 Park Authorities Act (§ 15.2-5700 et seq.), (iii) the members of the county planning commission, (iv) ~~the~~
552 ~~members of the county school board, (v)~~ any commissions created pursuant to § 15.2-823, and ~~(vi)~~ (v) the
553 members of any county water or sewer authority created pursuant to § 15.2-5102.

554 Such different terms of office for such authorities, boards and commissions shall be for fixed terms, and
555 such different terms of office may include, but are not limited to, terms of either two or four years and terms
556 that extend until July 1 of the year following the year in which there is a regular election provided by general
557 law for the election of supervisors. If the board establishes different terms of office pursuant to this section,
558 such new terms shall affect future appointments to such offices and shall not affect the existing terms of any
559 commissioner or member then serving in office. This section shall not affect the removal of any member of
560 an authority, board or commission for incompetency, neglect of duty or misuse of office pursuant to
561 provisions of general law.

562 B. Notwithstanding the provisions of §§ 15.2-5113 and 36-11, the board may appoint as many as eleven
563 persons as (i) commissioners of any county redevelopment and housing authority created pursuant to the
564 Housing Authorities Law and (ii) members of any county water or sewer authority created pursuant to §
565 15.2-5102.

566 **§ 15.2-837. Department of education.**

567 The department of education shall consist of the county school board, the division superintendent of
568 schools and the officers and employees thereof. Except as herein otherwise provided, the county school board
569 and the division superintendent of schools shall exercise the powers conferred and perform the duties
570 imposed upon them by general law. In addition the parks and playgrounds shall be under the supervision and
571 control of the department of education unless otherwise provided by the urban county board of supervisors.
572 The county school board shall be composed of not less than five nor more than twelve members, who shall be
573 chosen by the urban county board of supervisors to serve for a term of two years, except that as many as one
574 half of the members of the first such board appointed may be appointed for lesser terms. The exact number of
575 members shall be determined by the urban county board of supervisors. The term of office for any member
576 appointed after July 1, 1972, shall expire on July 1 of the second year after his appointment.

577 The board of county supervisors may also appoint a county resident may be elected to cast the deciding
578 vote in case of a tie vote of the school board as provided in § 22.1-75. The tie breaker, if any, shall be
579 appointed elected for a four-year term whether appointed to fill a vacancy caused by expiration of a term or
580 otherwise.

581 The chairman of the county school board, unless some other person in the department is designated by the
582 school board for such purpose, may appear before the urban county board of supervisors and present his
583 views on matters relating to the department of education.

584 Notwithstanding any provision of law to the contrary provisions of this section, a, each county which has
585 an elected school board shall comply with be elected in accordance with the applicable provisions of Article
586 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1.

587 **§ 15.2-855. Division of county into districts; functions of districts.**

588 Within ninety days after the adoption of the urban county executive form of government, the board, after
589 holding a public hearing thereon, shall divide the county into from five to eleven districts. Each district shall
590 be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is
591 practicable, representation in proportion to the population in the district.

592 These districts shall serve as the electoral divisions for elections of members of the urban county board of
593 supervisors, and as sanitary districts under the provisions of Article 5 (§ 15.2-858), and shall have such other
594 functions as are specified herein.

595 Each district shall have at least one of its residents who is a qualified voter of the district appointed to the
596 local planning commission of the county and to the county school board. Each member of the county school
597 board shall be appointed for terms and serve in accordance with all the provisions of § 15.2-837.

598 **§ 15.2-1211. Boundaries of magisterial and election districts.**

599 A. County magisterial district boundary lines and names shall be as the governing bodies may establish.
600 Subject to the provisions of § 24.2-304.1, whenever the boundaries of a county have been altered, the
601 governing body shall, as may be necessary, redistrict the county into magisterial districts, change the
602 boundaries of existing districts, change the name of any district, or increase or diminish the number of
603 districts.

604 B. Whenever redistricting of magisterial or election districts is required as a result of annexation, the
605 governing body of such county shall, within a reasonable time from the effective date of such annexation, not
606 to exceed ninety days, commence the redistricting process which shall be completed within a reasonable time
607 thereafter, not to exceed twelve months.

608 C. A county may by ordinance provide that the magisterial districts of the county shall remain the same,

609 but that representation on the governing body shall be by election districts, in which event all sections of this
 610 Code providing for election or appointment on the basis of magisterial districts shall be construed to provide
 611 for election or appointment on the basis of election districts, ~~including appointment to a school board as~~
 612 ~~prescribed by §§ 22.1-36 and 22.1-44.~~

613 **§ 15.2-1400. Governing bodies.**

614 A. The qualified voters of every locality shall elect a governing body for such locality. The date, place,
 615 number, term, and other details of the election shall be as specified by law, general or special. Qualification
 616 for office is provided in Article 4 (§ 15.2-1522 et seq.) of Chapter 15.

617 B. The governing body of every locality shall be composed of not fewer than three nor more than 11
 618 members.

619 C. Chairmen, mayors, supervisors, and councilmen are subject to the prohibitions set forth in §§
 620 15.2-1534 and 15.2-1535.

621 D. A governing body may punish or fine a member of the governing body for disorderly behavior.

622 E. Notwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other
 623 provision of law, general or special, beginning with any election held after January 1, 2022, elections for
 624 mayor, members of a local governing body, or members of ~~an~~ *elected* a school board shall be held at the time
 625 of the November general election for terms to commence January 1.

626 F. Notwithstanding any other provision of law, general or special, in a locality that imposes district-based
 627 or ward-based residency requirements for members of the governing body, the member elected from each
 628 district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

629 **§ 15.2-1522. When and how officers qualify.**

630 Every elected county, city, town and district officer, unless otherwise provided by law, on or before the
 631 day on which his term of office begins, shall qualify by taking the oath prescribed by § 49-1 and give the
 632 bond, if any, required by law, before the circuit court for the county or city, having jurisdiction in the county,
 633 city, town or district for which he is elected or appointed, or before the clerk of the circuit court for such
 634 county, city, town or district. However, members of governing bodies and ~~elected~~ school boards may qualify
 635 up to and including the day of the initial meeting of the new governing body or ~~elected~~ school board.

636 Any such oath of town council members, town mayors or members of Boards of Supervisors may be
 637 taken before any officer authorized by law to administer oaths. Such oath shall be returned to the clerk of the
 638 council of the town, who shall enter the same record on the minute book of the council, or, for members of
 639 the Board of Supervisors, returned to the clerk of the circuit court having jurisdiction in the county for which
 640 he is elected or appointed, who shall record the same in the order book, on the law side thereof.

641 Whenever an officer required to give bond is included in a blanket surety bond authorized by § 2.2-1840,
 642 such officer shall furnish confirmation by the Division of Risk Management of the inclusion of the officer on
 643 such blanket surety bond and the amount of the coverage, which shall be the equivalent of giving the bond for
 644 purposes of qualification.

645 An appointed officer as used in this article means a person appointed to temporarily fill an elected
 646 position. District officer as used in this article means a person elected by the people other than national and
 647 statewide officers and members of the General Assembly.

648 **§ 15.2-1524. Failure to qualify vacates office.**

649 If any such officer fails to qualify and give bond, as required by § 15.2-1523, on or before the day on
 650 which his term begins, his office shall be deemed vacant. However, members of local governing bodies and ~~e~~
 651 ~~lected~~ school boards may qualify up to and including the day of the initial meeting of the new governing body
 652 or ~~elected~~ school board.

653 **§ 15.2-1544. Counties, cities, towns, school divisions, and certain political subdivisions may establish
 654 local trusts or equivalent arrangements to fund postemployment benefits other than pensions.**

655 The governing body of any county, city, or town may establish a trust, trusts, or equivalent arrangements
 656 for the purpose of accumulating and investing assets to fund postemployment benefits other than pensions, as
 657 defined herein. Deposits to any such trust, trusts, or equivalent arrangements and any earnings on those
 658 deposits shall be irrevocable; shall be dedicated to providing benefits to retirees and their beneficiaries in
 659 accordance with the terms of the plans or programs providing postemployment benefits other than pensions;
 660 and shall be exempt from taxation and execution, attachment, garnishment, or any other process. For the
 661 purposes of this article, an equivalent arrangement shall mean any fund or similar arrangement established by
 662 the governing body pursuant to this article under which funds are irrevocably allocated, segregated, or
 663 otherwise dedicated to providing postemployment benefits other than pension benefits to retirees and their
 664 beneficiaries. The governing body of any such county, city, or town also may make appropriations to any
 665 such trust, trusts, or equivalent arrangements, and any such governing body may require active and former
 666 employees covered by a postemployment benefit plan or program to contribute to such a trust or equivalent
 667 arrangement through payments or deductions from their wages, salaries, or pensions. Officers and employees
 668 who are subject to inclusion in the retirement plans described in § 51.1-800 also may be included in any such
 669 trust, trusts, or equivalent arrangements by the governing body.

670 The governing body also may authorize the governing body of any other political subdivision that is

671 appointed in whole or in part by the governing body of such county, city, or town, to establish and fund a
672 trust, trusts, or equivalent arrangements for its active and former employees. Any ~~appointed or elected~~ school
673 board may establish and fund such a trust, trusts, or equivalent arrangements for its active and former
674 employees. The governing body of any county, city, or town also may enter into agreements with the
675 ~~appointed or elected~~ school board that provides public schools within its boundaries or with any other
676 political subdivision, which is appointed in whole or in part by the governing body of any such county, city,
677 or town, to permit any such school board or such other political subdivision to participate in any trust, trusts,
678 or equivalent arrangements established by the governing body of any such county, city, or town.

679 The governing body of any such county, city, or town, the school board of the local school divisions, and
680 the governing body of any other political subdivision that establishes or participates in any such trust, trusts,
681 or equivalent arrangements, shall have the right to revise or discontinue its plans or programs providing such
682 postemployment benefits other than pensions for its active and former officers and employees as it may deem
683 necessary or transfer any assets held in any trust or equivalent arrangement established pursuant to this article
684 to any other trust, trusts, or equivalent arrangement established pursuant to this article; provided, however,
685 any amendment, suspension, or revocation of any plans or programs providing such postemployment benefits
686 other than pensions or transfer of assets held in a trust or equivalent arrangement shall not have the effect of
687 diverting the assets of any trust, trusts, or equivalent arrangements to purposes other than the exclusive
688 benefit of the active or former employees or their dependents or beneficiaries entitled to such
689 postemployment benefit. If all plans or programs providing such postemployment benefits other than
690 pensions for which a trust or equivalent arrangement is established are repealed or terminated by the
691 governing body that created such trust, trusts or equivalent arrangements, then there shall be no continuing
692 responsibility for that governing body to continue to make appropriations to such trust, trusts or equivalent
693 arrangements, and the assets of any such trust, trusts or equivalent arrangements shall be used to provide any
694 benefits continuing to be due to active or former employees (and their dependents or beneficiaries) under
695 such plans or programs. If there are no active or former employees (or dependents or beneficiaries) due a
696 benefit under any plan or program providing such postemployment benefits other than pensions for which the
697 trust or equivalent arrangement was established, then any remaining assets may revert to the locality.

698 **§ 15.2-1545. Postemployment benefits other than pensions defined.**

699 Postemployment benefits other than pensions covered by the trust, trusts, or equivalent arrangement shall
700 be defined by the governing body of the county, city, or town, by the ~~appointed or elected~~ school board, or by
701 the governing body of any other political subdivision that creates any such program or trust. Such benefits
702 may include but are not limited to medical, dental, and life insurance provided to individuals who have
703 terminated their service and to the dependents of such individuals and may be provided by purchasing
704 insurance, by a program of self-insurance, or by a combination of both. Such postemployment benefits other
705 than pensions may be provided to the officers and employees or to their dependents, estates, or designated
706 beneficiaries. Any benefits arising from any postemployment benefits other than pension plans shall be
707 clearly defined and strictly construed.

708 **§ 22.1-28. Supervision of schools in each division vested in school board.**

709 The supervision of schools in each school division shall be vested in a school board ~~selected~~ *elected* as
710 provided in this chapter ~~or as otherwise provided by law~~.

711 **§ 22.1-29. Qualifications of members.**

712 Each person ~~appointed or elected~~ to a school board shall, at the time of his ~~appointment or~~ election, be a
713 qualified voter and a bona fide resident of the district from which he is selected if ~~appointment or~~ election is
714 by district or of the school division if ~~appointment or~~ election is at large; and if he shall cease to be a resident
715 of such district or school division, his position on the school board shall be deemed vacant. Notwithstanding
716 any other provision of law, general or special, in a locality that imposes district-based or ward-based
717 residency requirements for members of the school board, the member elected from each district or ward shall
718 be elected by the qualified voters of that district or ward and not by the locality at large.

719 **§ 22.1-30. Certain officers may not act on school board or serve as tie breaker.**

720 A. No state, county, city or town officer, no deputy of any such officer, no member of the governing body
721 of a county, city or town, no employee of a school board, and no father, mother, brother, sister, spouse, son,
722 daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of a member of the county governing
723 body may, during his term of office, be ~~appointed elected~~ as a member of the school board for such county,
724 city or town or as tie breaker for such school board except:

- 725 1. Local directors of social services;
- 726 2. Commissioners in chancery;
- 727 3. Commissioners of accounts;
- 728 4. Registrars of vital records and health statistics;
- 729 5. Notaries public;
- 730 6. Clerks and employees of the federal government in the District of Columbia;
- 731 7. Medical examiners;
- 732 8. Officers and employees of the District of Columbia;

733 9. In Northumberland County, oyster inspectors;

734 10. In Lunenburg County, members of the county library board and members of the local board of social
735 services;

736 11. Auxiliary deputy sheriffs and auxiliary police officers receiving less than five dollars in annual
737 compensation;

738 12. Members of the town councils serving towns within Craig, Giles and Wise Counties; and

739 13. Public defenders.

740 B. Nothing in this section shall be construed to prohibit the election of deputies of constitutional officers
741 to school board membership, consistent with federal law and regulation.

742 **§ 22.1-31. Oath.**

743 Before entering upon the duties of office, each person ~~appointed~~ *elected* to a school board shall take and
744 subscribe the oath prescribed for an officer of this Commonwealth as provided in Chapter 1 (§ 49-1 et seq.)
745 of Title 49.

746 **§ 22.1-32. Salary of members.**

747 Any ~~elected~~ or ~~appointed~~ school board may pay each of its members an annual salary that is consistent
748 with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§
749 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter, provided that:

750 1. Any school board may pay the chairman of the school board an additional salary not exceeding \$2,000
751 per year upon passage of an appropriate resolution by (i) the school board ~~whose membership is elected in~~
752 ~~whole or in part or (ii) the governing body of the appropriate county, city, or town whose school board is~~
753 ~~comprised solely of appointed members.~~

754 2. Any school board may pay each of its members mileage for use of a private vehicle in attending
755 meetings of the school board and in conducting other official business of the school board. Its members may
756 be reimbursed for private transportation at a rate not to exceed that which is authorized for persons traveling
757 on state business in accordance with § 2.2-2825. Whatever rate is paid, however, shall be the same for school
758 board members and employees of the board.

759 3. No school board shall be awarded a salary increase unless, upon an affirmative vote by such school
760 board, a specific salary increase is approved. Local school boards shall adopt such increases according to the
761 following procedures:

762 a. A local school board representing a county may establish a salary increase prior to July 1 of any year in
763 which members are to be elected or ~~appointed~~, or, if such school board is elected or ~~appointed~~ for staggered
764 terms, prior to July 1 of any year in which at least two members are to be elected or ~~appointed~~. Such increase
765 shall become effective on January 1 of the following year.

766 b. A local school board representing a city or town may establish a salary increase prior to December 31
767 in any year preceding a year in which members are to be elected or ~~appointed~~. Such increase shall become
768 effective on July 1 of the year in which the election or ~~appointment~~ occurs if the election or ~~appointment~~
769 occurs prior to July 1 and shall become effective January 1 of the following year if the election or ~~appointment~~
770 occurs after June 30.

771 4. No salary increase may become effective during an incumbent member's term of office; however, this
772 restriction shall not apply if the school board members are elected or ~~appointed~~ for staggered terms.

773 **§ 22.1-57.1. Applicability.**

774 The provisions of this article shall apply to any county, city, or town constituting a separate and entire
775 school division. If a town within a county constitutes a separate school division and the balance of that county
776 constitutes a separate school division, the term county as used in this article shall be construed to mean the
777 balance of the county excepting the town. If a county and city, or any combination thereof, constitute a
778 consolidated school division, each county or city shall be treated as a separate entity for the purposes of this
779 article and be entitled to hold its own referendum and proceed to elect the same number of members to the
780 consolidated board as have been appointed from the county or city. The provisions of this article shall apply
781 to every school division, each school board, regardless of whether such school board governs a county, city,
782 and or town or any portion or combination thereof and notwithstanding any other provision of this chapter,
783 of Title 15.2, or of any charter.

784 **§ 22.1-57.1:1. Initial election of school board in certain consolidated cities.**

785 Notwithstanding the provisions of this article or any other statutory provision, where an existing city and a
786 county consolidate into a consolidated city and where the county at the time of consolidation is providing all
787 school services to the existing city by contract pursuant to § 22.1-27 and the voters of the county have
788 approved direct election of the school board, the consolidation plan or agreement shall provide for the
789 election of school board members directly by the voters of the consolidated city without the necessity of a
790 further referendum under § 22.1-57.2; in such case, the consolidation plan or agreement shall provide that the
791 members of the initial school board shall be elected from the municipal election districts designated in the
792 consolidation plan or agreement. The provisions of § 22.1-57.3 shall apply in all other respects.

793 **§ 22.1-57.3. Election of school board members; election of tie breaker.**

794 A. If a majority of the qualified voters voting in such referendum vote in favor of changing the method of

795 selecting school board members to direct election by the voters, then the *The* members of the *each* school
796 board shall be elected by popular vote. Elections of school board members in a county, city, or town shall be
797 held to coincide with the elections for members of the governing body of the county, city, or town at the
798 regular general election in November ~~or the regular general election in May, as the case may be.~~

799 B. The initial elected board shall consist of the same number of members as the appointed school board it
800 replaces, *except in the case of a county with the county manager form of government*, and the members shall
801 be elected from the established county or municipal election districts, at large, or a combination thereof, on
802 the same basis as the school board previously was appointed. If the appointed school board being replaced
803 has not been appointed either on an at-large basis or on the basis of the established county or municipal
804 election districts, or a combination thereof, the members shall be elected at large unless the governing body
805 of the county, city, or town provides for the election of school board members on the basis of the established
806 county or municipal election districts. If the appointed school board being replaced has been appointed at
807 large, the governing body of the county, city, or town may establish school election districts for the election
808 of school board members. The governing body may provide for a locality-wide district, one or more districts
809 comprised of a part of the locality, or any combination thereof, and for the apportionment of one or more
810 school board members to any district.

811 The terms of the members of the elected school board for any county, city, or town shall be the same as
812 the terms of the members of the governing body for the county, city, or town. In any locality in which both
813 the school board and the governing body are elected from election districts, as opposed to being elected
814 wholly on an at-large basis, the elections of the school board member and governing body member from each
815 specific district shall be held simultaneously except as otherwise provided in §§ 22.1-57.3:1, 22.1-57.3:1.1,
816 and 22.1-57.3:1.2.

817 At the first election for members of the school board, so many members shall be elected as there are
818 members to be elected at the regular election for the governing body. At each subsequent regular election for
819 members of the governing body, the same number of members of the school board shall be elected as the
820 number of members to be elected at the regular election to the governing body. However, if the number of
821 members on the school board differs from the number of members of the governing body, the number of
822 members elected to the school board at the first and subsequent general election shall be either more or less
823 than the number of governing body members, as appropriate, to the end that the number of members on the
824 initial elected school board is the same as the number of members on the appointed board being replaced.

825 Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of the
826 school board shall be staggered only if the terms of the members of the governing body are staggered. If there
827 are more, or fewer, members on the school board than on the governing body, the number of members to be
828 elected to the school board at the first and subsequent election for school board members shall be the number
829 required to establish the staggered term structure so that (i) a majority of the members of the school board is
830 elected at the same time as a majority of the members of the governing body; (ii) if one-half of the governing
831 body is being elected and the school board has an even number of members, one-half of the members of the
832 school board is elected; (iii) if one-half of the governing body is being elected and the school board has an
833 odd number of members, the majority by one member of the school board is elected at the first election and
834 the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the
835 governing body is being elected and the school board has an even number of members, one-half of the
836 members of the school board is elected.

837 If the school board is elected at large and the terms of the members of the school board are staggered, the
838 school board members to be replaced at the first election shall include all appointed school board members
839 whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next
840 following the first election of county, city or town school board members. If the number of school board
841 members whose appointive terms are so scheduled to expire is zero or less than the number of school board
842 members to be elected at the first election, the appointed school board members to be replaced at the first
843 election shall also include those whose appointive terms are scheduled to expire next subsequent to the date
844 on which the terms of office of the first elected school board members will commence. If the appointive
845 terms of more than one school board member are scheduled to expire simultaneously, but less than all of such
846 members are to be replaced at the first election, then the identity of such school board member or members to
847 be replaced at the first election shall be determined by a drawing held by the county or city electoral board at
848 least ten days prior to the last day for a person to qualify as a candidate for school board member.

849 In any case in which school board members are elected from election districts, as opposed to being elected
850 from the county, city, or town at large, the election districts for the school board shall be coterminous with
851 the election districts for the county, city, or town governing body, except as may be specifically provided for
852 the election of school board members in a county, city, or town in which the governing body is elected at
853 large.

854 C. The terms of office for the school board members shall commence on January 1 or July 1, as the case
855 may be, following their election. On December 31 or June 30, as the case may be, following the first election

856 of county, city or town school board members, the terms of office of the members of the school board in
 857 office through appointment shall expire and the school board selection commission, if there is one, shall be
 858 abolished. If the entire school board is not elected at the first election of school board members, only the
 859 terms of the appointed members being replaced shall so expire and the terms of the appointed members being
 860 replaced at a subsequent election shall continue or be extended to expire on December 31 or June 30, as
 861 appropriate, of the year of the election of the school board members replacing them.

862 D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall
 863 be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive
 864 form of government ~~and that has adopted an elected school board~~, any vacancy on the elected school board
 865 shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding
 866 any provision of law or charter to the contrary, if no candidates file for election to a school board office and
 867 no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist
 868 in the office as of January 1 or July 1, as the case may be, following the general election *and such vacancy*
 869 *shall be filled in accordance with the procedures set forth in § 15.2-802*. For the purposes of this subsection
 870 and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, ~~any local school boards board that, as a result of~~
 871 *an interim appointment made to fill a vacancy, is* comprised of elected and appointed members shall be
 872 deemed *an elected school boards board*.

873 E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as
 874 provided by general law pursuant to § 24.2-506.

875 F. For the purposes of this section, the election and term of the mayor or chairman of the board of
 876 supervisors shall be deemed to be an election and term of a member of the governing body of the
 877 municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the
 878 governing body for any other purpose.

879 G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

880 H. Any elected school board may have a position of tie breaker for the purpose of casting the deciding
 881 vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie breaker, if any,
 882 shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the
 883 same manner and for the same length of term as members of the school board and at a general election at
 884 which members of the school board are elected. A vacancy in the position of tie breaker shall be filled
 885 pursuant to §§ 24.2-226 and 24.2-228.

§ 22.1-57.3:3. Election of school board and chairman in certain counties.

886 A. The provisions of this section shall be applicable in any county (i) that has the county executive form
 887 of government and that is contiguous to a county having the urban county executive form of government and
 888 (ii) in which the chairman of the board of supervisors is elected at large.

889 B. ~~Following a referendum in which the qualified voters of the county approve a change to an elected~~
 890 ~~school board, the~~ *The* school board shall be elected as provided in § 22.1-57.3 except as otherwise provided
 891 in this section. One member of the school board shall be elected at large. All other members shall be elected
 892 from the same districts from which the members of the board of supervisors other than the chairman are
 893 elected. The member of the school board who is elected at large at the initial or any subsequent election shall
 894 be the chairman of the school board during his term of office notwithstanding the provisions of § 22.1-76.

§ 22.1-71. School board constitutes body corporate; corporate powers.

895 The duly ~~appointed~~ *or* elected members shall constitute the school board. Every such school board is
 896 declared a body corporate and, in its corporate capacity, is vested with all the powers and charged with all the
 897 duties, obligations, and responsibilities imposed upon school boards by law and may sue, be sued, contract,
 898 be contracted with and, in accordance with the provisions of this title, purchase, take, hold, lease, and convey
 899 school property, both real and personal. School board members ~~appointed~~ *or* elected by district or otherwise
 900 shall have no organization or duties except such as may be assigned to them by the school board as a whole.

§ 22.1-72. Annual organizational meetings of school boards.

901 Each school board shall hold its annual organizational meeting for the purpose of establishing its regular
 902 meeting schedule for the ensuing year ~~as follows:~~ (i) in January or July, if the school board serves a *county*,
 903 city, or town constituting a school division, ~~regardless of whether its members are appointed or elected or any~~
 904 ~~combination thereof;~~ (ii) in July, if the school board serves a *county* constituting a school division and its
 905 members are solely appointed; or (iii) in January or July, if the school board serves a *county* constituting a
 906 school division and its members are elected in whole or in part.

907 A school board may also hold special meetings when necessary. Each school board shall fix its own
 908 procedure for calling and holding any special meeting.

§ 22.1-75. Procedure in case of tie vote.

909 In any case in which there is a tie vote of the school board of any school division when all the members
 910 are not present, the question shall be passed by until the next meeting when it shall again be voted upon even
 911 though all members are not present. In any case in which there is a tie vote on any question after complying
 912 with this procedure or in any case in which there is a tie vote when all the members of the school board are

917 present, the proceedings thereon shall be in conformity with the proceedings prescribed below, except that the
918 tie breaker, if any, ~~appointed pursuant to § 15.2-410, 15.2-531, 15.2-837, 22.1-40, 22.1-44, or 22.1-47, or~~
919 elected pursuant to § 15.2-627 or 22.1-57.3, whichever is applicable, shall cast the deciding vote.

920 In any case in which there is a tie vote of the school board, the clerk shall record the vote; immediately
921 notify the tie breaker to vote; and request his presence, if practicable, at the present meeting of the board.
922 However, if that is not practicable, the board may adjourn to a day fixed in the minutes of the board or, in
923 case of a failure to agree on a day, to a day the clerk fixes and enters in the minutes. At the present meeting or
924 on the day named in the minutes, the tie breaker shall attend. He shall be entitled to be fully advised on the
925 matter upon which he is to vote. If not prepared to vote at the time, he may require the clerk to enter an order
926 adjourning the meeting to some future day, not to exceed thirty days, to be named in the minutes. He may
927 have continuances, not to exceed thirty days, entered until he is ready to vote. When he votes, the clerk shall
928 record his vote; the tie shall be broken; and the question shall be decided as he votes. If a meeting for any
929 reason is not held on the day named in the minutes, the clerk shall enter on the minute book a day within ten
930 days as a substitute day and notify all the members, and this shall continue until a meeting is held. After a tie
931 has occurred, the tie breaker shall be considered a member of the board for the purpose of counting a quorum
932 for the sole purpose of breaking the tie.

933 **§ 22.1-126.1. Acquisition of property for educational purposes by counties, cities and towns.**

934 Any county, city or town or any combination thereof acting jointly may acquire for educational purposes
935 by gift, purchase, condemnation or otherwise, real property and any improvements thereon within the county,
936 city, town or combination thereof acquiring the property or within any county or city adjacent to any such
937 county, city or town and may construct buildings thereon to be used for educational purposes. The powers of
938 condemnation granted by this section shall be subject to the provisions of § 25.1-102 to the same extent as
939 though such county, city or town were a corporation possessing the power of eminent domain. Whenever the
940 property is not within a county, city or town acquiring the property, not more than 50 acres may be acquired.
941 Property acquired pursuant to this section shall be under the control of the school board of the county, city or
942 town acquiring it; ~~or, in the case of joint action by two or more counties, cities or towns or combinations~~
943 ~~thereof, control of such property shall be under a board chosen in the manner and for the term provided in §~~
944 ~~22.1-53.~~ Such property may be leased on such terms as may be agreed upon to any public institution of higher
945 education to provide for education beyond high school of residents in the general region of such political
946 subdivisions, or the property may, with the approval of the governing body of each such participating
947 political subdivision, be conveyed to any such institution of higher education upon such terms and conditions
948 as shall be agreed upon by such governing bodies and the governing body of the institution and approved by
949 the Governor.

950 **§ 24.2-129. Covered practices; actions required prior to enactment or administration.**

951 A. For the purposes of this section:

952 "Certification of no objection" means a certification issued by the Attorney General that there is no
953 objection to the enactment or administration of a covered practice by a locality because the covered practice
954 neither has the purpose or effect of denying or abridging the right to vote based on race or color or
955 membership in a language minority group nor will result in the retrogression in the position of members of a
956 racial or ethnic group with respect to their effective exercise of the electoral franchise.

957 "Covered practice" means:

958 1. Any change to the method of election of members of a governing body or ~~an elected~~ a school board by
959 adding seats elected at large or by converting one or more seats elected from a single-member district to one
960 or more at-large seats or seats from a multi-member district;

961 2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that
962 reduces by more than five percentage points the proportion of the locality's voting age population that is
963 composed of members of a single racial or language minority group, as determined by the most recent
964 American Community Survey data;

965 3. Any change to the boundaries of election districts or wards in the locality, including changes made
966 pursuant to a decennial redistricting measure;

967 4. Any change that restricts the ability of any person to provide interpreter services to voters in any
968 language other than English or that limits or impairs the creation or distribution of voting or election
969 materials in any language other than English; or

970 5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except
971 where permitted by law in the event of an emergency.

972 "Voting age population" means the resident population of persons who are 18 years of age or older, as
973 determined by the most recent American Community Survey data available at the time any change to a
974 covered practice is published pursuant to subsection B.

975 B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any
976 standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall
977 cause to be published on the official website for the locality the proposed covered practice and general notice

978 of opportunity for public comment on the proposed covered practice. The governing body shall also publicize
 979 the notice through press releases and such other media as will best serve the purpose and subject involved.
 980 Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public
 981 comment.

982 Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing
 983 body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail,
 984 fax, or email, or through an online public comment forum on the official website for the locality if one has
 985 been established. The governing body shall conduct at least one public hearing during this period to receive
 986 public comment on the proposed covered practice.

987 The governing body may make changes to the proposed covered practice in response to public comment
 988 received. If doing so, the revised covered practice shall be published and public comment shall be accepted in
 989 accordance with this subsection, except the public comment period shall be no fewer than 15 days.

990 C. Following the public comment period or periods prescribed in subsection B, the governing body shall
 991 publish the final covered practice, which shall include a plain English description of the practice and the text
 992 of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials,
 993 and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person
 994 who will be subject to or affected by the covered practice may challenge in the circuit court of the locality
 995 where the covered practice is to be implemented the covered practice as (i) having the purpose or effect of
 996 denying or abridging the right to vote on the basis of race or color or membership in a language minority
 997 group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect
 998 to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a
 999 private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

1000 D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of
 1001 following the provisions of subsections B and C, may submit the proposed covered practice to the Office of
 1002 the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect
 1003 until the Attorney General has issued such certification. A certification of no objection shall be deemed to
 1004 have been issued if the Attorney General does not interpose an objection within 60 days of the governing
 1005 body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the
 1006 governing body's submission, the Attorney General has affirmatively indicated that no such objection will be
 1007 made. An affirmative indication by the Attorney General that no objection will be made or the absence of an
 1008 objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin
 1009 enforcement of such qualification, prerequisite, standard, practice, or procedure.

1010 **§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and
 1011 towns.**

1012 A. Notwithstanding the provisions of § 24.2-222, and notwithstanding any contrary provisions of a city or
 1013 town charter, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is
 1014 provided for by charter, and council shall be elected at the November general election date of any cycle as
 1015 designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between
 1016 January 1 and the May general election date of the year in which city or town elections regularly are
 1017 scheduled to be held therein.

1018 B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city
 1019 or of the county within which the town is located asking that a referendum be held on the question of whether
 1020 the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members
 1021 at the November general election date of any cycle as designated in the petition. The petition shall be signed
 1022 by registered voters equal in number to at least ten percent of the number registered in the city or town on the
 1023 January 1 preceding the filing.

1024 The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a
 1025 referendum on the question, provided that no such referendum shall be scheduled between January 1 and the
 1026 May general election date of the year in which city or town elections regularly are scheduled to be held
 1027 therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive
 1028 weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a
 1029 copy of the notice at the door of the courthouse of the city or county within which the town is located. The
 1030 question on the ballot shall be:

1031 "Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of
 1032 council from the May general election to the November general election (in even-numbered or odd-numbered
 1033 years or as otherwise designated in the petition)?"

1034 If members of the school board in the city or town are elected by the voters, the The ballot question also
 1035 shall state that the change in election date applies to the election of school board members.

1036 The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters
 1037 voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the
 1038 November general election date for terms to commence January 1.

1039 C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in

1040 implementing the change to the November election date. Mayors and members of council who were elected
1041 at a May general election and whose terms are to expire as of June 30 shall continue in office until their
1042 successors have been elected at the November general election and have been qualified to serve.

1043 D. In any city or town that elects its council biennially or quadrennially and that changes to the November
1044 general election date in odd-numbered years from the May general election date in even-numbered years,
1045 mayors and members of council who were elected at a May general election shall have their term of office
1046 shortened by six months but shall continue in office until their successors have been elected at the November
1047 general election and have been qualified to serve.

1048 **§ 24.2-223. Election and term of school board members.**

1049 ~~In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§~~
1050 ~~22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections~~ *The election of members of a school board* shall be
1051 held to coincide with the election of members of the governing body at the regular general election in
1052 November or the regular general election in May, as the case may be. ~~Elected school~~ *School* board members
1053 shall serve terms that are the same as those of the governing body, to commence on January 1 following their
1054 election or July 1 following their election, as the case may be.

1055 Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or
1056 ward-based residency requirements for members of the school board, the member elected from each district
1057 or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

1058 **§ 24.2-226. Election to fill vacancy.**

1059 A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not
1060 take office or occurring after an officer begins his term, shall be filled as provided by § 24.2-228 or for
1061 constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter
1062 requiring special elections within the time limits provided in this title. The governing body or, ~~in the case of~~
1063 ~~an elected school board~~, the school board of the county, city, or town in which the vacancy occurs shall,
1064 within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the
1065 vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its
1066 own motion, the court shall issue the writ ordering the election promptly and shall order the special election
1067 to be held on the date of the next general election in November or in May if the vacant office is regularly
1068 scheduled by law to be filled in May. However, if the governing body or the school board requests in its
1069 petition a different date for the election, the court shall order the special election be held on that date, so long
1070 as the date requested precedes the date of such next general election and complies with the provisions of §
1071 24.2-682. If the vacancy occurs within 90 days of the next such general election and the governing body or
1072 the school board has not requested in its petition a different date for the election, the special election shall be
1073 held on the date of the second such general election. Upon receipt of written notification by an officer or
1074 officer-elect of his resignation as of a stated date, the governing body or school board, as the case may be,
1075 may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the
1076 writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated
1077 by him for his resignation or after the forty-fifth day before the date set for the special election. The person so
1078 elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy
1079 is being filled.

1080 B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be
1081 ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the
1082 term of the office to be filled.

1083 C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a
1084 vacancy in any governing body or ~~elected~~ school board has been made by the remaining members thereof, no
1085 election to fill the vacancy shall be ordered or held if the general election at which it is to be called is
1086 scheduled in the year in which the term expires.

1087 **§ 24.2-227. Interim appointment by court until vacancy filled by election for certain offices.**

1088 When a vacancy occurs in any local elected office other than a constitutional office, local governing body,
1089 or ~~an~~ ~~elected~~ school board, a majority of the judges of the judicial circuit for the county or city in which it
1090 occurs shall make an interim appointment to the office until the vacancy can be filled by special election. The
1091 senior judge shall make the appointment if a majority of the judges cannot agree. The chief or senior deputy,
1092 if there is one in the office, shall perform all the duties of the office until the person appointed to fill the
1093 vacancy has qualified. The person so appointed shall hold office until the qualified voters fill the vacancy by
1094 election and the person so elected has qualified.

1095 **§ 24.2-228. Interim appointment to local governing body or school board; elected mayor.**

1096 A. When a vacancy occurs in a local governing body or ~~an~~ ~~elected~~ a school board, the remaining members
1097 of the body or board, respectively, within 45 days of the office becoming vacant, may appoint a qualified
1098 voter of the election district in which the vacancy occurred to fill the vacancy. At least seven days prior to
1099 making such interim appointment, the body or board shall hold a public meeting in accordance with §
1100 2.2-3707 at which the body or board shall announce the names of all persons being proposed for the interim

1101 appointment and shall make available for inspection each person's resume and any other materials required by
 1102 the body or board. If a majority of the remaining members of the body or board cannot agree, or do not act,
 1103 the judges of the circuit court of the county or city may make the appointment.

1104 Notwithstanding any charter provisions to the contrary, the person so appointed shall hold office only
 1105 until the qualified voters fill the vacancy by special election pursuant to § 24.2-682 and the person so elected
 1106 has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all
 1107 powers of the elected office.

1108 If a majority of the seats on any governing body or ~~elected~~ school board are vacant, the remaining
 1109 members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227.

1110 B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall make an
 1111 interim appointment to fill the vacancy as provided in subsection A.

1112 C. For the purposes of this article and subsection D of § 22.1-57.3, *any local school boards board that, as*
 1113 *a result of an interim appointment made to fill a vacancy, is* comprised of elected and appointed members
 1114 shall be deemed *an elected school boards board*.

1115 D. The failure of a member of a local governing body or elected school board or mayor to take the oath of
 1116 office required by § 49-1 before attending the first meeting of the governing body or school board held after
 1117 his election shall not be deemed to create a vacancy in his office provided that he takes the oath within 30
 1118 days after that first meeting.

§ 24.2-502. Statement of economic interests as requirement of candidacy.

1120 It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a
 1121 candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of
 1122 Delegates with the State Board, (ii) a candidate for a constitutional office with the general registrar for the
 1123 county or city, and (iii) a candidate for member of the governing body or ~~elected~~ school board of any county,
 1124 city, or town with a population in excess of 3,500 persons with the general registrar for the county or city.
 1125 The statement of economic interests shall be that specified in § 30-111 for candidates for the General
 1126 Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate
 1127 for reelection to the same office who has met the requirement of annually filing a statement pursuant to §
 1128 2.2-3114, 2.2-3115, 2.2-3116, or 30-110.

1129 The general registrar, the clerk of the local governing body, or the clerk of the school board, as
 1130 appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the
 1131 candidates who have filed initial or annual statements of economic interests.

**§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns
 1133 excepted.**

1134 A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any
 1135 official ballots provided for the election unless he shall file along with his declaration of candidacy a petition
 1136 therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified in this
 1137 subsection on and after January 1 of the year in which the general election is held, or on and after the day on
 1138 which the writ of election is issued in the case of a special election, and listing the residence address of each
 1139 such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon
 1140 whose voting rights have not been restored and whose affidavit to that effect appears on each page of the
 1141 petition. Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a
 1142 statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any
 1143 disputes concerning the circulation of petitions, or signatures contained therein, by that person. The
 1144 signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement,
 1145 or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not
 1146 be counted towards the minimum number of signatures required pursuant to this subsection.

1147 Each voter signing the petition may provide on the petition the last four digits of his social security
 1148 number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's
 1149 signature on the petition.

1150 The minimum number of signatures of qualified voters required for candidate petitions shall be as
 1151 follows:

1152 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
 1153 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in
 1154 the Commonwealth;

1155 2. For a candidate for the United States House of Representatives, 1,000 signatures;

1156 3. For a candidate for the Senate of Virginia, 250 signatures;

1157 4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

1158 5. For a candidate for membership on the governing body or ~~elected~~ school board of any county or city,
 1159 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50
 1160 signatures;

1161 6. For a candidate for membership on the governing body or ~~elected~~ school board of any town that has

1162 more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25
1163 signatures;

1164 7. For a candidate for membership on the governing body or ~~elected~~ school board of any town that has at
1165 least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at
1166 large, 25 signatures;

1167 8. For a candidate for membership on the governing body or ~~elected~~ school board of any town that has
1168 fewer than 1,500 registered voters, no petition shall be required;

1169 9. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§
1170 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

1171 10. For any other candidate, 50 signatures.

1172 B. The State Board shall approve uniform standards by which petitions filed by a candidate for office,
1173 other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of
1174 qualified voters as required in subsection A.

1175 The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated
1176 regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for
1177 checking petition signatures that includes a method for determining if a petition signature belongs to an
1178 individual whose prior registration has been canceled and the reason for such cancellation. The process shall
1179 provide for the tracking of such information associated with each petition. The process shall provide for the
1180 escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for
1181 the Commonwealth, as appropriate.

1182 C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by
1183 reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters
1184 for the office sought, the candidate may appeal that determination within five calendar days of the issuance of
1185 the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not
1186 meet the requirements to have his name appear on the ballot.

1187 Appeals made by candidates for a county, city, or town office shall be filed with the electoral board.
1188 Appeals made by candidates for all other offices shall be filed with the State Board. The appeal shall be heard
1189 by the State Board or the electoral board, as appropriate, within five business days of its filing. The electoral
1190 board shall notify the State Board of any appeal that is filed with the electoral board.

1191 The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal
1192 shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected
1193 according to the requirements of this title and the uniform standards approved by the State Board for the
1194 review of petitions. Immediately after the conclusion of the appeal hearing, the entity conducting the appeal
1195 shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal
1196 shall be final and not subject to further appeal.

1197 **§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes;
1198 collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.**

1199 A. No county, city or town shall impose any local general sales or use tax or any local general retail sales
1200 or use tax except as authorized by this section or § 58.1-605.1.

1201 B. The council of any city and the governing body of any county may levy a general retail sales tax at the
1202 rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to
1203 the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions
1204 of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622
1205 shall be allowed on a local sales tax.

1206 C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax
1207 under this section may do so by the adoption of an ordinance stating its purpose and referring to this section,
1208 and providing that such ordinance shall be effective on the first day of a month at least 60 days after its
1209 adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be
1210 received within five days after its adoption.

1211 2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide
1212 remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only
1213 become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall
1214 require the Commonwealth and the locality to apply the preceding effective rate until 30 days after
1215 notification is provided.

1216 D. Any local sales tax levied under this section shall be administered and collected by the Tax
1217 Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

1218 E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the
1219 state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the
1220 name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each
1221 particular city or county levying a local sales tax under this section. The basis of such credit shall be the city
1222 or county in which the sales were made as shown by the records of the Department and certified by it

1223 monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer
 1224 paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If
 1225 a dealer has any place of business located in more than one political subdivision by reason of the boundary
 1226 line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect
 1227 to such place of business shall be treated for the purposes of this section as follows: one-half shall be
 1228 assignable to each political subdivision where two are involved, one-third where three are involved, and one-
 1229 fourth where four are involved.

1230 F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any
 1231 month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the
 1232 proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and
 1233 such payments shall be charged to the account of each such city or county under the special fund created by
 1234 this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether
 1235 attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made
 1236 in the payments for the next two months as follows: one-half of the total adjustment shall be included in the
 1237 payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not
 1238 paid to the city or county and not previously refunded during the three years preceding the discovery of the
 1239 error. A correction and adjustment in payments described in this subsection due to the misallocation of funds
 1240 by the dealer shall be made within three years of the date of the payment error.

1241 G. Such payments to counties are subject to the qualification that in any county wherein is situated any
 1242 incorporated town constituting a special school district and operated as a separate school district under a town
 1243 school board of three members appointed by the town council, the county treasurer shall pay into the town
 1244 treasury for general governmental purposes the proper proportionate amount received by him in the ratio that
 1245 the school age population of such town bears to the school age population of the entire county. If the school
 1246 age population of any town constituting a separate school district is increased by the annexation of territory
 1247 since the last estimate of school age population provided by the Weldon Cooper Center for Public Service,
 1248 such increase shall, for the purposes of this section, be added to the school age population of such town as
 1249 shown by the last such estimate and a proper reduction made in the school age population of the county or
 1250 counties from which the annexed territory was acquired.

1251 H. One-half of such payments to counties are subject to the further qualification, other than as set out in
 1252 subsection G, that in any county wherein is situated any incorporated town not constituting a separate special
 1253 school district that has complied with its charter provisions providing for the election of its council and mayor
 1254 for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county
 1255 treasurer shall pay into the town treasury of each such town for general governmental purposes the proper
 1256 proportionate amount received by him in the ratio that the school age population of each such town bears to
 1257 the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper
 1258 Center for Public Service. The preceding requirement pertaining to the time interval between compliance
 1259 with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age
 1260 population of any such town not constituting a separate special school district is increased by the annexation
 1261 of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper
 1262 Center for Public Service, such increase shall, for the purposes of this section, be added to the school age
 1263 population of such town as shown by the last such estimate and a proper reduction made in the school age
 1264 population of the county or counties from which the annexed territory was acquired.

1265 I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its
 1266 discretion, appropriate funds to any incorporated town not constituting a separate school district within such
 1267 county that has not complied with the provisions of its charter relating to the elections of its council and
 1268 mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if
 1269 such election had been held; however, Charlotte County, Gloucester County, Halifax County, Henry County,
 1270 Mecklenburg County, Northampton County, Patrick County, and Pittsylvania County may appropriate any
 1271 amount to any such incorporated town.

1272 J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds
 1273 from the county treasurer under subsection G or H be located in a county that does not levy a general retail
 1274 sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one
 1275 percent to provide revenue for the general fund of the town, subject to all the provisions of this section
 1276 generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no
 1277 case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales
 1278 tax in the county within which such town is located.

§ 58.1-3814. Water or heat, light and power companies.

1280 A. Any county, city or town may impose a tax on the consumers of the utility service or services provided
 1281 by any water or heat, light and power company or other corporations coming within the provisions of Chapter
 1282 26 (§ 58.1-2600 et seq.), which tax shall not be imposed at a rate in excess of 20 percent of the monthly
 1283 amount charged to consumers of the utility service and shall not be applicable to any amount so charged in

1284 excess of \$15 per month for residential customers. Any city, town or county that on July 1, 1972, imposed a
1285 utility consumer tax in excess of limits specified herein may continue to impose such a tax in excess of such
1286 limits, but no more. For taxable years beginning on and after January 1, 2001, any tax imposed by a county,
1287 city or town on consumers of electricity shall be imposed pursuant to subsections C through J only.

1288 B. Any tax enacted pursuant to the provisions of this section, or any change in a tax or structure already in
1289 existence, shall not be effective until 60 days subsequent to written notice by certified mail from the county,
1290 city or town imposing such tax or change thereto, to the registered agent of the utility corporation that is
1291 required to collect the tax.

1292 C. Any county, city or town may impose a tax on the consumers of services provided within its
1293 jurisdiction by any electric light and power, water or gas company owned by another municipality; provided,
1294 that no county shall be authorized under this section to impose a tax within a municipality on consumers of
1295 services provided by an electric light and power, water or gas company owned by that municipality. Any
1296 county tax imposed hereunder shall not apply within the limits of any incorporated town located within such
1297 county which town imposes a town tax on consumers of utility service or services provided by any
1298 corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.), provided that such town (i)
1299 provides police or fire protection, and water or sewer services, provided that any such town served by a
1300 sanitary district or service authority providing water or sewer services or served by the county in which the
1301 town is located when such service or services are provided pursuant to an agreement between the town and
1302 county shall be deemed to be providing such water and sewer services itself, or (ii) constitutes a special
1303 school district and is operated as a special school district under a town school board of three members
1304 appointed by the town council.

1305 Any county, city or town may provide for an exemption from the tax for any public safety answering
1306 point as defined in § 58.1-3813.1.

1307 Any municipality required to collect a tax imposed under authority of this section for another city or
1308 county or town shall be entitled to a reasonable fee for such collection.

1309 D. In a consolidated county wherein a tier-city exists, any county tax imposed hereunder shall apply
1310 within the limits of any tier-city located in such county, as may be provided in the agreement or plan of
1311 consolidation, and such tier-city may impose a tier-city tax on the same consumers of utility service or
1312 services, provided that the combined county and tier-city rates do not exceed the maximum permitted by state
1313 law.

1314 E. The tax authorized by this section shall not apply to:

1315 1. Utility sales of products used as motor vehicle fuels; or
1316 2. Natural gas used to generate electricity by a public utility as defined in § 56-265.1 or an electric
1317 cooperative as defined in § 56-231.15.

1318 F. 1. Any county, city or town may impose a tax on consumers of electricity provided by electric suppliers
1319 as defined in § 58.1-400.2.

1320 The tax so imposed shall be based on kilowatt hours delivered monthly to consumers, and shall not exceed
1321 the limits set forth in this subsection. The provider of billing services shall bill the tax to all users who are
1322 subject to the tax and to whom it bills for electricity service, and shall remit such tax to the appropriate
1323 locality in accordance with § 58.1-2901. Any locality that imposed a tax pursuant to this section prior to
1324 January 1, 2001, based on the monthly revenue amount charged to consumers of electricity shall convert its
1325 tax to a tax based on kilowatt hours delivered monthly to consumers, taking into account minimum billing
1326 charges. The kilowatt hour tax rates shall, to the extent practicable: (i) avoid shifting the amount of the tax
1327 among electricity consumer classes and (ii) maintain annual revenues being received by localities from such
1328 tax at the time of the conversion. The current service provider shall provide to localities no later than August
1329 1, 2000, information to enable localities to convert their tax. The maximum amount of tax imposed on
1330 residential consumers as a result of the conversion shall be limited to \$3 per month, except any locality that
1331 imposed a higher maximum tax on July 1, 1972, may continue to impose such higher maximum tax on
1332 residential consumers at an amount no higher than the maximum tax in effect prior to January 1, 2001, as
1333 converted to kilowatt hours. For nonresidential consumers, the initial maximum rate of tax imposed as a
1334 result of the conversion shall be based on the annual amount of revenue received from each class of
1335 nonresidential consumers in calendar year 1999 for the kilowatt hours used that year. Kilowatt hour tax rates
1336 imposed on nonresidential consumers shall be based at a class level on such factors as existing minimum
1337 charges, the amount of kilowatt hours used, and the amount of consumer utility tax paid in calendar year
1338 1999 on the same kilowatt hour usage. The limitations in this section on kilowatt hour rates for nonresidential
1339 consumers shall not apply after January 1, 2004. On or before October 31, 2000, any locality imposing a tax
1340 on consumers of electricity shall duly amend its ordinance under which such tax is imposed so that the
1341 ordinance conforms to the requirements of subsections C through J. Notice of such amendment shall be
1342 provided to service providers in a manner consistent with subsection B except that "registered agent of the
1343 provider of billing services" shall be substituted for "registered agent of the utility corporation." Any
1344 conversion of a tax to conform to the requirements of this subsection shall not be effective before the first

1345 meter reading after December 31, 2000, prior to which time the tax previously imposed by the locality shall
 1346 be in effect.

1347 2. For purposes of this section, "kilowatt hours delivered" shall mean in the case of eligible
 1348 customer-generators, as defined in § 56-594, those kilowatt hours supplied from the electric grid to such
 1349 customer-generators, minus the kilowatt hours generated and fed back to the electric grid by such
 1350 customer-generators.

1351 G. Until the consumer pays the tax to such provider of billing services, the tax shall constitute a debt to
 1352 the locality. If any consumer receives and pays for electricity but refuses to pay the tax on the bill that is
 1353 imposed by a locality, the provider of billing services shall notify the locality of the name and address of such
 1354 consumer. If any consumer fails to pay a bill issued by a provider of billing services, including the tax
 1355 imposed by a locality as stated thereon, the provider of billing services shall follow its normal collection
 1356 procedures with respect to the charge for electric service and the tax, and upon collection of the bill or any
 1357 part thereof shall (i) apportion the net amount collected between the charge for electric service and the tax
 1358 and (ii) remit the tax portion to the appropriate locality. After the consumer pays the tax to the provider of
 1359 billing services, the taxes shall be deemed to be held in trust by such provider of billing services until
 1360 remitted to the localities.

1361 H. Any county, city or town may impose a tax on consumers of natural gas provided by pipeline
 1362 distribution companies and gas utilities. The tax so imposed shall be based on CCF delivered monthly to
 1363 consumers and shall not exceed the limits set forth in this subsection. The pipeline distribution company or
 1364 gas utility shall bill the tax to all users who are subject to the tax and to whom it delivers gas and shall remit
 1365 such tax to the appropriate locality in accordance with § 58.1-2905. Any locality that imposed a tax pursuant
 1366 to this section prior to January 1, 2001, based on the monthly revenue amount charged to consumers of gas
 1367 shall convert to a tax based on CCF delivered monthly to consumers, taking into account minimum billing
 1368 charges. The CCF tax rates shall, to the extent practicable: (i) avoid shifting the amount of the tax among gas
 1369 consumer classes and (ii) maintain annual revenues being received by localities from such tax at the time of
 1370 the conversion. Current pipeline distribution companies and gas utilities shall provide to localities not later
 1371 than August 1, 2000, information to enable localities to convert their tax. The maximum amount of tax
 1372 imposed on residential consumers as a result of the conversion shall be limited to \$3 per month, except any
 1373 locality that imposed a higher maximum tax on July 1, 1972, may continue to impose such higher maximum
 1374 tax on residential consumers at an amount no higher than the maximum tax in effect prior to January 1, 2001,
 1375 as converted to CCF. For nonresidential consumers, the initial maximum rate of tax imposed as a result of the
 1376 conversion shall be based on the annual amount of revenue received and due from each of the nonresidential
 1377 gas purchase and gas transportation classes in calendar year 1999 for the CCF used that year. CCF tax rates
 1378 imposed on nonresidential consumers shall be based at a class level on such factors as existing minimum
 1379 charges, the amount of CCF used, and the amount of consumer utility tax paid and due in calendar year 1999
 1380 on the same CCF usage. The initial maximum rate of tax imposed under this section shall continue, unless
 1381 lowered, until December 31, 2003. Beginning January 1, 2004, nothing in this section shall be construed to
 1382 prohibit or limit any locality from imposing a consumer utility tax on nonresidential customers up to the
 1383 amount authorized by subsection A.

1384 On or before October 31, 2000, any locality imposing a tax on consumers of gas shall duly amend its
 1385 ordinance under which such tax is imposed so that the ordinance conforms to the requirements of subsections
 1386 C through J of this section. Notice of such amendment shall be provided to pipeline distribution companies
 1387 and gas utilities in a manner consistent with subsection B except that "registered agent of the pipeline
 1388 distribution company or gas utility" shall be substituted for "registered agent of the utility corporation." Any
 1389 conversion of a tax to conform to the requirements of this subsection shall not be effective before the first
 1390 meter reading after December 31, 2000, prior to which time the tax previously imposed by the locality shall
 1391 be in effect.

1392 I. Until the consumer pays the tax to such gas utility or pipeline distribution company, the tax shall
 1393 constitute a debt to the locality. If any consumer receives and pays for gas but refuses to pay the tax that is
 1394 imposed by the locality, the gas utility or pipeline distribution company shall notify the localities of the
 1395 names and addresses of such consumers. If any consumer fails to pay a bill issued by a gas utility or pipeline
 1396 distribution company, including the tax imposed by a locality, the gas utility or pipeline distribution company
 1397 shall follow its normal collection procedures with regard to the charge for the gas and the tax and upon
 1398 collection of the bill or any part thereof shall (i) apportion the net amount collected between the charge for
 1399 gas service and the tax and (ii) remit the tax portion to the appropriate locality. After the consumer pays the
 1400 tax to the gas utility or pipeline distribution company, the taxes shall be deemed to be held in trust by such
 1401 gas utility or pipeline distribution company until remitted to the localities.

1402 J. For purposes of this section:

1403 "Class of consumers" means a category of consumers served under a rate schedule established by the
 1404 pipeline distribution company and approved by the State Corporation Commission.

1405 "Gas utility" has the same meaning as provided in § 56-235.8.

1406 "Pipeline distribution company" has the same meaning as provided in § 58.1-2600.

1407 "Service provider" and "provider of billing services" have the same meanings as provided in subsection E
1408 of § 58.1-2901, and "class" of consumers means a category of consumers defined as a class by their service
1409 provider.

1410 K. Nothing in this section shall prohibit a locality from enacting an ordinance or other local law to allow
1411 such locality to impose a tax on consumers of natural gas provided by pipeline distribution companies and
1412 gas utilities, beginning at such time as natural gas service is first made available in such locality. The
1413 maximum amount of tax imposed on residential consumers based on CCF delivered monthly to consumers
1414 shall not exceed \$3 per month. The maximum tax rate imposed by such locality on nonresidential consumers
1415 based on CCF delivered monthly to consumers shall not exceed an average of the tax rates on nonresidential
1416 consumers of natural gas in effect (at the time natural gas service is first made available in such locality) in
1417 localities whose residents are being provided natural gas from the same pipeline distribution company or gas
1418 utility or both that is also providing natural gas to the residents of such locality. Beginning January 1, 2004,
1419 the tax rates for residential and nonresidential consumers of natural gas in such locality shall be determined in
1420 accordance with the provisions of subsection H.

1421 **2. That §§ 15.2-532, 15.2-628, and 22.1-29.1, Articles 2 through 6 (§§ 22.1-34 through 22.1-57) of
1422 Chapter 5 of Title 22.1, and §§ 22.1-57.2, 22.1-57.4, and 22.1-57.5 of the Code of Virginia are repealed.**