



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Called Meeting

May 17, 2021

7:00 PM

1. Call to Order

2. Approval of Agenda

3. Unfinished Business

Public Hearing: Amending Dates on Which Regular Town Elections Will Be Held

4. New Business

5. Other

6. Closed Session

7. Adjourn

**SPECIAL MEETING OF THE COUNCIL OF THE
TOWN OF BERRYVILLE**

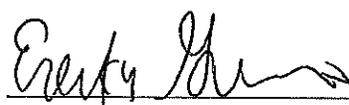
In accordance with Section 3.12 of the Charter of the Town of Berryville, I Harry Lee Arnold, Jr., Mayor, hereby call a special meeting of the Council of the Town of Berryville. The special meeting will be held on Monday, May 17, 2021 at 7:00 p.m. in the Main Meeting Room of the Berryville-Clarke County Government Center located at 101 Chalmers Court, Berryville, Virginia.

AUTHORIZED:  5-11-21
Harry Lee Arnold, Jr., Mayor Date

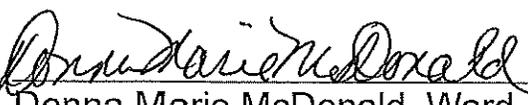
I hereby acknowledge that I have received notice of the special meeting described above:


Harry Lee Arnold, Jr., Mayor

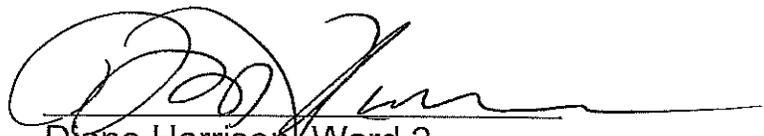
5-11-21
Date


Erecka Gibson, Recorder

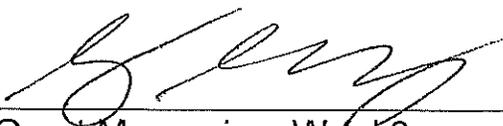
5/11/21
Date


Donna Marie McDonald, Ward 1

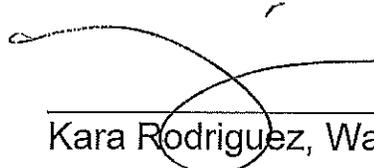
5/11/21
Date


Diane Harrison, Ward 2

5/11/21
Date


Grant Mazzarino, Ward 3

5/11/21
Date


Kara Rodriguez, Ward 4

5/11/21
Date

Amending Date on Which Regular Town Elections Will Be Held

May 17, 2021 Report

At its May 11, 2021 meeting the Town Council received a briefing on this matter. The Council discussed the desirability preceding with the special meeting next Monday. This would give them the opportunity to hear from the public and speak with both legal counsel and the County Registrar.

May 11, 2021 Report

Background

SB1157 removed retention of May municipal elections as an option for Virginia municipalities. This prohibition against May elections will be effective January 1, 2022.

Under Va. Code §24.2-222.1, local governments have the authority to adopt an ordinance transitioning May elections to November, notwithstanding their Charter provisions. This authority is eliminated by SB1157 (effective July 1, 2021).

The Council has previously expressed concerns about moving municipal elections to November because they may become lost in national elections (even-numbered years) and state elections (odd-numbered years). The sentiment of Council appears to be that if elections must occur in November, then having the Town's elections in odd-numbered years is preferable.

What happens if the Town Council takes no action in this regard?

If the Council takes no action, then as of January 1, 2022 Town elections will move to November in even-numbered years.

The next two regular Town elections would occur according to the schedule below:

November 2022 Election	November 2024 Election
Recorder/Vice Mayor	Mayor
Ward 2	Ward 1
Ward 4	Ward 3

Terms will begin on January 1 following elections.

If in the future the Council wants to move its elections to odd-numbered years, then it will have to request an amendment to the Town Charter. Such an amendment would likely take the form of shortening the terms of a future council to align with odd-numbered year November elections.

What happens if the Town Council takes action in this regard?

The Council would adopt an ordinance changing Town elections from even numbered years to odd numbered years. If this is done, then the next two regular Town elections would occur according to the schedule below:

November 2021 Election	November 2023 Election
Recorder/Vice Mayor	Mayor
Ward 2	Ward 1
Ward 4	Ward 3

Terms will begin on January 1 following elections.

Timing

If the Council chooses to act (i.e., changing Town elections to the November general election in odd-numbered years), then it must do so quickly because candidates for a November 2021 election would have to qualify by June 8, 2021. Accordingly, a special meeting has been set for May 17, 2021 at 7:00 p.m. to discuss this matter. A public hearing on this matter was advertised for that special meeting.

If after the public hearing the Council wishes to act, then they should take action at the meeting on May 17 to permit as much time as necessary for candidates to qualify. The Town’s Legal Counsel and the Clarke County Registrar will be present at the meeting.

It is important to note that the special meeting/public hearing was set to provide the Council with options in this regard. If the Council determines that it has no interest in moving the election date at this time, then the special meeting/public hearing can be canceled.

Attachments

- Public hearing notice
- SB 1157
- Va. Code §24.2-222.1
- Draft Ordinance that would move Town elections to the November general election date in odd-numbered years

**BERRYVILLE TOWN COUNCIL
PUBLIC HEARING NOTICE**

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on Tuesday, May 17, 2021, to consider the following:

Proposal that the Council of the Town of Berryville adopt an ordinance establishing Town regular elections on the general election date in November of odd-numbered years.

If this ordinance is adopted, elections that are scheduled for November 2022 and November 2024 would be held in November 2021 and November 2023 respectively. If this ordinance is passed, then candidate qualification for the election in November 2021 will have to occur by 7:00 p.m. on June 8, 2021.

Copies of materials may be examined at www.berryvilleva.gov. This information can also be obtained by calling Paul Culp, Town Clerk at the Town Business Office at (540) 955-1099 and arranging the best means of providing you with the information in question.

The Town of Berryville does not discriminate against disabled people in admission or access to its programs and activities. Accommodations will be made for disabled people upon prior request.

By order of the Town Council
Keith R. Dalton, Town Manager

Instructions:

Please publish in the *Winchester Star* on May 3, 2021 and May 10, 2021.

If you have questions, please call Paul Culp, Town Clerk (955-1102).

2021 SPECIAL SESSION I

ENROLLED

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-1400 of the Code of Virginia, relating to time of certain local*
3 *elections.*

4 [S 1157]
5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 15.2-1400 of the Code of Virginia is amended and reenacted as follows:

8 § 15.2-1400. Governing bodies.

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

12 B. The governing body of every locality shall be composed of not fewer than three nor more than
13 ~~eleven~~ 11 members.

14 C. Chairmen, mayors, supervisors, and councilmen are subject to the prohibitions set forth in
15 §§ 15.2-1534 and 15.2-1535.

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

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

21 2. That any city or town currently providing for the election of its mayor, governing body, or
22 school board at a May election shall, by ordinance, provide for the transition of such elections to
23 the November general election date. No term of a mayor, a member of council, or a member of a
24 school board shall be shortened in implementing the change to the November election date.
25 Mayors and members of a council or school board who were elected at a May general election and
26 whose terms are to expire as of June 30 shall continue in office until their successors have been
27 elected at the November general election and have been qualified to serve.

ENROLLED

SB1157ER

Code of Virginia
 Title 24.2. Elections
 Chapter 2. Federal, Commonwealth, and Local Officers

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

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

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

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

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

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

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

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

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

2000, c. 1045; 2002, c. 30; 2016, c. 402.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

5/7/202

Berryville Code Section 2-23

Election of Town Council at November general election in odd-numbered years.

- A. *Pursuant to Virginia Code §24.2-222.1 and notwithstanding the provisions of Town Charter §§3.2 and 3.3 and Virginia Code §24.2-222, the election of members of Town Council shall be held on the general election date in November of odd-numbered years, beginning in November, 2021, and biennially thereafter, in accordance with the following cycles:*
1. *The election for the Vice Mayor, the Council member from Ward 2, and the Council member from Ward 4 shall be held on the November 2021 general election date and every four (4) years thereafter;*
 2. *The election for the Mayor, the representative from Ward 1, and the representative from Ward 3 shall be held on the November 2023 general election date and every four (4) years thereafter.*
 3. *In accordance with the provisions of Virginia Code §24.2-222.1(D), the members of the Town Council elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.*
 4. *The terms of office for those elected at the November general election shall commence on January 1 immediately following said election.*