



Legislation Text

File #: 24-0294, Version: 1

Resolution Ratifying the Submission by the Interim City Attorney to the Circuit Court of the City of Hampton of a Petition Requesting that a Special Election be Ordered to Fill a Vacancy in the Office of the City Council Member Resulting from the Resignation of Vice Mayor James "Jimmy" A. Gray, Jr.

PURPOSE/BACKGROUND:

Vice Mayor James ("Jimmy") A. Gray, Jr. was duly elected on November 8, 2022, to serve a third term on the City Council of the City of Hampton, Virginia, with a four-year term beginning on January 1, 2023 and continuing until December 31, 2026. Due to Vice Mayor Gray's decision to run as a candidate for Mayor in the next general election on November 5, 2024, and pursuant to the Charter of the City of Hampton, Virginia, section 3.01:2, on May 29, 2024, Vice Mayor Gray tendered his written resignation from his position on City Council with an effective date of December 31, 2024. Pursuant to section 24.2-226 of the Code of Virginia, the City Council of the City of Hampton, upon receipt of written notification of his resignation, may immediately petition the Circuit Court to issue a writ of election to fill the vacancy. City Council is being asked to authorize the City Attorney to file the petition in Circuit Court on behalf of the City Council requesting that the special election to fill the vacancy created by Vice Mayor Gray's resignation be held on the same day as the next general election, November 5, 2024. Accordingly, the Interim City Attorney filed the petition in the Circuit Court on behalf of the City Council on May 31, 2024. City Council is being asked to ratify the Interim City Attorney's submission of the petition and to authorize future acts as may be necessary to accomplish holding of a special election on November 5, 2024.

Recommendation:

It is recommended that Council approve this resolution.

WHEREAS, Vice Mayor James ("Jimmy") A. Gray, Jr. was duly elected to the City Council of the City of Hampton, Virginia, with a four-year term beginning on January 1, 2023 and continuing until December 31, 2026;

WHEREAS, Vice Mayor Gray has declared his candidacy for Mayor in the November 5, 2024, election:

WHEREAS, accordingly, pursuant to section 3.01:2 of the Charter of the City of Hampton, Vice Mayor Gray submitted his resignation from the City Council effective December 31, 2024;

WHEREAS, pursuant to Section 24.2-226 of the Code of Virginia, the City Council of the City of Hampton was permitted to immediately petition the Circuit Court to issue a writ of election to fill the vacancy;

WHEREAS, the Code of Virginia further provides that a special election to fill a vacancy in

local office shall be held on the date of the next general election in November, which will be November 5, 2024, unless an earlier date is requested by the City Council;

WHEREAS, holding the special election on the same date as the upcoming general election will save the taxpayers the cost and expense required to conduct a special election on an earlier date;

WHEREAS, on behalf of the City Council and pursuant to the Code of Virginia, the Interim City Attorney filed a petition requesting that the Circuit Court order a special election be held on the same date as the next general election, which is scheduled for November 5, 2024; and

WHEREAS, the City Council desires to ratify the action of the Interim City Attorney in filing the above-described petition with the Circuit Court requesting a special election be ordered as described.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That the actions taken by the Interim City Attorney to file the petition for writ of special election in response to the vacancy in the City Council seat formerly held by James Gray are hereby ratified and approved by the City Council with the same effect as if the City Council had authorized such actions in advance.
2. That the Interim City Attorney and City Manager are authorized to execute and deliver all documents necessary to request that the special election be held on the same day as the next general election scheduled for November 5, 2024, to execute any other related documents, and to perform such other acts as may be necessary and appropriate pursuant to this resolution, including those not specifically recited.