

Memorandum

To: Mayor Tina Gambill, Vice Mayor Valarie Coyle, Town Manager India Adams-Jacobs
Re: Town Charter amendment process; constitution of council; mayoral selection/voting authority
From: Jeff Gore, Town Attorney
Date: July 2, 2025

This memorandum follows up on our discussion last month about the process to amend the Town charter, possible changes to the number of council members, and the manner in which the mayor is elected and mayoral voting authority. The first part of this memo is about process, and the second part is about specific substantive changes to the charter.

I. Process for Amending Town Charter

Option 1: Election. ([Va. Code § 15.2-201](#))

Council Vote. Under this approach, Council first would need to vote to put the question of a charter amendment before the voters.

Citizen Vote (Election). Council would then need to file a petition for a writ of election asking the court to order an election on a particular date. If the election is ordered by the court, the town would then need to advertise the proposed charter amendments in accordance with [Va. Code § 15.2-1427](#). The process, and form of the question, can be found in [Va. Code § 24.2-684](#). Under this option, the Town must adhere to the time frames for special elections set forth in [Va. Code § 24.2-681 et seq.](#), which means, the election has to be ordered at least 81 days before the date for which the election is called and it cannot be held within 55 days before a general or primary election.

General Assembly Approval. After approval by Town voters, Council would then request the General Assembly consider and adopt charter amendment legislation, transmit two certified copies of the results of such election, the publisher's affidavit of the advertisement, and the charter amendments to the existing charter, to one or more members of the General Assembly representing the Town for introduction as a bill in the succeeding session of the General Assembly. If the General Assembly passes the Town's charter bill, it would be transmitted to the Governor for approval or veto, as is done with other legislation. Note also that if a charter bill is not introduced at the succeeding General Assembly session, the approval of voters is void and the Town would have to start the process over.

Option 2: Public Hearing. ([Va. Code § 15.2-202](#))

Council Vote. Under this, simpler option, Council first would need to vote to schedule a properly noticed public hearing on the proposed charter amendments.

Public Hearing. Instead of voter approval through an election, a locality can hold a public hearing. This requires the Town to publish notice in accordance with Va. Code § 15.2-1427

(linked above). Council would hear from the citizens proposed charter amendments and could continue the public hearing to another date if it wishes.

General Assembly Approval. After the public hearing has been conducted, Council would need to request the General Assembly consider and adopt legislation approving the proposed charter changes (in the form of a charter bill). The process for sending charter amendments to the General Assembly after a public hearing is similar to the process described above after a special election (certified copies, publisher's affidavit showing public hearing was held, language of proposed amendments). If the General Assembly passes the Town's charter bill, it would be transmitted to the Governor for approval or veto, as is done with other legislation.

Charter Bill Practical Considerations.

[2026 General Assembly Pre-file schedule](#): Prefiling of bills begins November 17, 2025; Legislators' Requests for Prefile bills must be submitted to the Division of Legislative Services by no later than 5:00 pm on December 1, 2025.

If Council wants to pursue Town Charter amendments, then there are certain deadlines of which to be aware. After completing either the voter referendum (successfully) or public hearing process, Council would need to request a member of the legislature to be the patron of the charter bill. Legislators have a limited number of bills they can introduce each session, so it is typically better when requesting them to carry legislation if you meet the "prefile bill" deadline. Prefile bills are bills that the legislator gets drafted by the Division of Legislative Services before the legislative session and they (as well as all charter bills typically) must be introduced the first day of session. Legislators are less limited in the number of prefile bills they can introduce, so it is an easier request to make to a legislator if the charter bill is done as a prefile bill. Town representatives (Town Manager, Mayor, etc.) should stay in regular communication with the patron during the legislative session and be willing to appear before the legislative committee to testify in support of the charter bill as it moves through the legislative process.

Also, if Council is not unanimously in support of the charter amendments – or if there is a lot of citizen opposition, then the General Assembly will apply much more scrutiny to the bill and be less inclined to approve it. Amending a locality's charter requires both local action and state General Assembly action. Finally, VML published a very [good overview of the charter amendment process in 2023](#), which you may want to read.

II. Discussion of Potential Charter Changes

A. Brief History of the Bowling Green Charter

The Town of Bowling Green was first incorporated 1837 (c. 303 of the Acts of Assembly); That initial charter was repealed in 1870, (c. 337 of the Acts) and replaced that year with a new charter (c. 337), which was later amended in 1902 (c. 537) then repealed and replaced in 1903 (c. 142 144). The 1903 charter was repealed in 1948 (c. 177) and replaced with the "current" town

charter the same year (c. 177). The current Town charter has been significantly amended over the years, including: 1956 (c. 410, amending Art. III); 1973 (c. 445, amending Art. III); 1990 (c. 232, amending Art. IV and IX); and most recently in 2008 (linked here - c. [344](#)). The 2008 Charter changes were fairly comprehensive, amending Art. I, § 1; Art. II, § 1; Art. III, § 1, §§ 2 and 3 [added]; Art. IV, § 1; Art. V, § 1; Art. VI, § 1; Art. VII, § 1; Art. VIII, § 1; Art. IX, § 1; Art. X, § 1; and Art. XI, § 1).

The General Assembly summary of the 2008 charter amendments states:

Charter; Town of Bowling Green. Amends the charter by: (i) providing for staggered four-year terms of office for the mayor and town council members; (ii) removing the salary cap for mayor and members of council; (iii) providing that the town council may employ a town clerk and a town treasurer rather than mandating that the town council appoint a town clerk and a town treasurer; (iv) clarifying the duties of the town clerk, town manager, and the town treasurer; (v) providing for a town attorney; (vi) providing that the town council may establish and maintain a police force and that the chief of police and the policemen and employees of such police force shall be under the control and supervision of the town manager; (vii) deleting outdated provisions; and (viii) making numerous technical changes. This bill contains an emergency clause.*

**An emergency clause, if approved by the General Assembly, accelerates the effective date from the standard July 1 effective date to the date the charter bill is approved by both chambers of the legislature and signed by the governor, which could occur prior the end of the regular winter legislative session in some cases. This may have been done in 2008 so that the changes to council and mayor (staggered) terms could be in effect with plenty of time for candidates and election officials to prepare for any resulting changes to council elections that year.*

The [2008 Charter bill](#) was carried by Senator Ryan McDougal. It passed the General Assembly unanimously, and due to the emergency clause, it became effective on March 4, 2008.

B. Potential amendments to the current Town Charter

i) Changes to Mayor and Council

VML published a very useful guide on municipal charters (linked above and attached to this email) in 2023, which included research conducted by the Virginia Tech Center for Public Administration on town and city mayoral roles across the Commonwealth. Their charter research revealed three main categories of mayors in Virginia:

1. Mayors with no right to vote unless there is a tie.
2. Mayors with no right to vote unless there is a tie, coupled with a veto power.
3. Mayors with the right to vote on all matters, but no veto power.

As you know, the Bowling Green Mayor, based on Town Charter and Code falls in the first category above, with the right to vote only to break tie Council votes, and no veto authority. This is the most common mayoral role identified across the state based on the study's responses:

- 62 mayors do not have a right to vote unless there is a tie.
- 30 mayors do not have a right to vote unless there is a tie AND they hold veto power.
- 60 mayors have a right to vote but no veto power.

“It is useful to break down the aggregate numbers by mayors **who are appointed versus those who are elected**. For appointed mayors, 13 have a right to vote but hold no veto power and 3 appointed mayors have no right to vote unless there is a tie. For elected mayors, 59 have no right to vote unless there is a tie, 30 have no right to vote unless there is a tie and they hold veto power, and 47 have a right to vote but no veto power.”

**Please note that not all charters detail in full the powers of mayors. Some town codes provide additional guidance and authority for mayor and council members, and not all municipalities respond to the survey, so this data may not be 100% comprehensive. However, this provides, I hope, a useful overview of the role of mayors across the state.*

In our previous conversation, you proposed the following different alternatives (in no particular order of preference) to amending the powers and role of the Town Mayor, coupled with changes to the composition of Council:

Alternative A: Provide for a Mayor who votes along with Council on all matters, while reducing the number of Council Members from 8 to 5, with the Mayor being one of the 5 elected Council members who would be appointed annually by Council as Mayor, similar to how most county boards of supervisors appoint their chair.

Alternative B: Continue with the popularly elected Mayor but provide the Mayor with authority to vote on all matters before Council, while reducing the number of Council Members (not including the Mayor) from 7 to 6. The full body would be reduced from 8 to 7.

Alternative C: Continue with the popularly elected Mayor but provide the Mayor with authority to vote on all matters before Council, while reducing the number of Council members (not including the Mayor) from 7 to 4. The full body would be reduced from 8 to 5.

Alternative D: Continue with the popularly elected Mayor, with no change in mayoral voting authority, but reduce the number of Council Members from 7 to 5.

Any of these options are permissible under state law and could be accomplished by amending the Town Charter through the process outlined above. The current [Town Charter](#) establishes the roles (and number of) Council members and Mayor in Article III, Section 1. These charter provisions would need to be amended. Corresponding Town Code amendments would also be required if a charter bill were to pass and become law. Reducing the number of council members appears to be a consistent theme, while the Town could change to an appointed mayor or continue with an elected mayor, while maintaining or changing the mayor’s current voting authority in either instance. As a practical matter, with two council member terms ending in December 2026, a charter bill in the 2026 General Assembly Session reducing Council from 7 to

5 members (not including the Mayor) might be the least disruptive change to the election cycle, if Council favors reducing the size of the body. Regardless, however, a change in the staggering of terms or a phasing in of the reduction in council seats may be necessary or advisable depending on the timing of a charter bill becoming law and the resulting change in the number council seats. Finally, any change the local election process, including changes to the composition of council and the manner in which the mayor is elected or appointed, may require compliance with state election laws pertaining to voting rights and could require a submission to the Office of the Virginia Attorney General to ensure no discrimination or dilution of minority group voting rights. I do not think these changes necessarily require the Town to go through that process but will confirm with further research should Council move forward with charter amendments.

ii) Technical Amendments

As evidenced by the history of Bowling Green charter amendments, charters tend to get stale or in some cases become obsolete over time. The 2008 charter update included amendments that removed outdated provisions and made numerous technical changes. As the Town's organization and guidance document, these changes are advisable from time to time to ensure the charter does not diverge too much from either new state laws or current Town priorities and needs. For example, the charter establishes May elections for the mayor and council members, while state law overriding all local charters was changed a few years ago to require local elections to take place in November. Given that most of the current charter provisions are not that old, I don't think there will be a lot of necessary technical cleanups, but it should be a process Council and staff go through to identify any provisions that should be updated.

C. Conclusions

I hope this memorandum provides a useful overview of the process and substance of changing the Bowling Green Town Charter. Please let me know if you have any questions. Should Council discuss this and decide to move forward charter amendments, I am happy to assist with that process. If the goal is have a charter bill introduced in the 2026 General Assembly, then there's not much time to get to that point, so time would be of the essence in getting the process underway. The 2027 General Assembly session may be more realistic but that would largely depend on the nature and scope of Council's proposed changes to the charter.