

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 250

An Act to amend and reenact § 2.1, § 4.2 as amended, § 5.1, §§ 6.7 and 7.4 as amended, of Chapter 12 of the Acts of Assembly of 1987, which provided a charter for the County of Chesterfield, relating to powers, fiscal year, county departments and county facilities.

[S 881]

Approved March 15, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 2.1, § 4.2 as amended, § 5.1, §§ 6.7 and 7.4 as amended, of Chapter 12 of the Acts of Assembly of 1987 are amended and reenacted as follows:

§ 2.1. General grant of powers.

The powers set forth in Title ~~15.1~~ 15.2 of the Code of Virginia, and all other powers which are now or may be conferred upon or delegated to counties under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a county are hereby specifically conferred upon the County of Chesterfield, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. The scope of all powers conferred by this charter shall be liberally interpreted so as to best effectuate the responsibility of the board of supervisors to perform its duty to govern the county.

§ 4.2. Duties and responsibilities.

The county administrator shall have all the responsibility and shall carry out all the duties prescribed by § ~~15.1-117~~ 15.2-1541 of the Code of Virginia, as now and hereafter may be amended and in addition, such other duties and responsibilities as may be established by the board of supervisors.

The county administrator shall devote his full time to the work and services of the county under the direction of the board of supervisors to whom he shall be accountable. He need not be a resident of the county at the time of his appointment but must become an actual resident of the county within a time prescribed by the board.

Any person, other than a member of the board, holding an elective office may be appointed county administrator but his qualification for office shall not be valid until the expiration of one year from the time he shall resign his elected office.

In the case of the absence or disability of the county administrator, the board shall designate a county official to perform the duties of his office.

In addition to such responsibilities, it shall be the duty of the county administrator:

(1) To execute and enforce all lawful resolutions and orders of the board concerning any department in the county government, and to see that all laws of the Commonwealth required to be enforced through the board are faithfully executed.

(2) To make reports to the board in regard to matters of administration, and keep it fully advised as to the financial condition of the county.

(3) To appoint qualified officers and employees to head the administrative departments of the county and to dismiss, suspend and discipline, in accordance with duly adopted personnel regulations, all officers and employees in such departments, except as otherwise specifically provided by law or this charter. Department heads who are appointed by the county administrator shall serve at the pleasure of the county administrator. Deputy county administrators shall be appointed by the county administrator upon the approval of the board of supervisors. The real estate assessor shall be appointed by the county administrator.

(4) To designate himself or some other officer or employee to perform the duties of any office or position of the administrative service under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.

(5) To recommend to the board appropriate ordinances to carry out the policies of the board.

(6) To assign any employee of the county to any department requiring services in accordance with duly adopted personnel regulations.

(7) To prescribe such rules and regulations as he deems necessary or expedient for the conduct of administrative departments or agencies subject to his authority, and he shall have the power to revoke, suspend or amend any rule or regulation of any such department or agency, promulgated by any officer or employee subject to his control, so long as such rules or regulations are not promulgated by the board of supervisors.

(8) To investigate and examine or inquire into the affairs or operation of any department, division, office or agency of the county.

(9) To attend and address the board at any meeting thereof.

(10) May direct any department, division or agency of the county to perform work for any other

department, division or agency and may, subject to his retention of general supervision and control, delegate any powers and duties conferred upon him by this charter to any other officer or employee who is subject to his supervision.

In addition to the foregoing enumerated duties and responsibilities, the county administrator shall have all other duties and responsibilities imposed upon or granted to him by other provisions of this charter or conferred upon him by the board of supervisors.

§ 5.1. Fiscal year.

The fiscal year of the county shall begin on the first day of July of each year and shall also constitute the budget and accounting year. Except as provided for in this charter, the provisions of Title ~~15.1~~ 15.2 of the Code of Virginia shall control the preparation, consideration, adoption and execution of the budget of the county.

§ 6.7. Department of police.

The police department shall be composed of a chief of police and such officers, patrolmen and other employees as the board of supervisors may determine. The powers and duties set forth in ~~§ 15.1-138 §§ 15.2-1704 and 15.2-1710~~ of the Code of Virginia shall apply to the police force. The chief of police shall be responsible for the immediate direction and control of the department. The chief shall solely, within his discretion and subject to the other provisions herein, select, employ, promote, and terminate such officers, patrolmen and employees. He shall also select, employ, promote, and terminate the animal warden and his deputies; provided that all other provisions of § 3.1-796.104 of the Code of Virginia shall remain in effect. The chief may adopt rules and regulations for the police department in the same manner as rules and regulations are adopted for other departments.

The chief shall be appointed by the board of supervisors on recommendation of a committee of not more than five persons. The committee shall consist of the county administrator and at least one, but not more than one, of the following: (a) one member of the board of supervisors, (b) one citizen from the community, who is not at the time he serves on the committee an employee of the Chesterfield County department of police, appointed by the chief circuit court judge and (c) one member with police experience appointed by the board. The remaining member, if any, shall be appointed by the board and shall be neither an elected nor an appointed county official. The chief of police can only be dismissed by the board of supervisors for cause.

§ 7.4. Planning department.

The planning department shall be composed of a director of planning and such employees as the board of supervisors may determine. The planning department shall perform such responsibilities as are imposed by general law and as may be assigned by the planning commission and board of supervisors. The director of planning shall have immediate direction and control of the department, shall be appointed by the county administrator and shall serve subject to the same terms and conditions as are applicable to other department heads. In addition to the authority granted to the board of zoning appeals pursuant to § ~~15.1-495 (b)~~ 15.2-2309 of the Code of Virginia, the board of supervisors by ordinance may authorize the director of planning to grant a variance of not more than two feet from any building setback requirement contained in the county's zoning or subdivision ordinance if he finds in writing: (i) that the strict application of the ordinance would produce undue hardship; (ii) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variance.