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HOUSE BILL NO. 3141

Offered January 18, 2007

A BILL to amend and reenact §§ 15.2-1420 and 15.2-1421 of the Code of Virginia, relating to local governing body tie breakers.

Patron—Reid

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1420 and 15.2-1421 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1420. How questions determined; tie breaker.

All questions submitted to the governing body for decision shall be determined by a majority of the members voting on any such question unless another method of determination is required by the Constitution of Virginia or general law.

In counties which have designated a tie breaker pursuant to § 15.2-1421, in any case in which there is a tie vote of the board upon any question when all the members are not present, the question shall be passed by till the next meeting when it shall again be voted upon even though all members are not present; in any case in which there is a tie vote on any question after complying with the herein above procedure, the clerk shall record the vote and immediately notify the tie breaker elected by the voters or appointed by the governing body as provided in § 15.2-1421, to give the casting vote in case of a tie, if that is practicable, and request his presence at the present meeting of the board; but if that is not practicable then the board may adjourn to a day fixed in the minutes of the board, or in case of a failure to agree on a day, to a day fixed by the clerk and entered by him on the minutes. At the present meeting or on the day named in the minutes the tie breaker shall attend. He shall be entitled to be fully advised as to the matter upon which he is to vote, and if not prepared to cast his vote at the time he may require the clerk to enter an order adjourning the meeting to some future day to be named in the minutes not to exceed thirty days and from time to time he shall have continuances entered until he is ready to vote, not to exceed thirty days. When he casts his vote the clerk shall record his vote and the tie shall be broken, and the question shall be decided as he casts his vote. If a meeting for any reason is not held on the day named in the minutes, the clerk shall enter on the minute book a day within ten days as a substitute day and duly notify all the members, and this shall continue until a meeting is held. After a tie has occurred, the tie breaker shall be considered a member of the board for the purpose of counting a quorum for the sole purpose of breaking the tie. Final votes on any ordinance or resolution shall be in accordance with the procedure provided for in Article VII, Sections 7 and 9 of the Constitution of Virginia.

§ 15.2-1421. Tie breakers.

The governing body of each county may designate a tie breaker, whose duty it shall be to cast the deciding vote in case of tie, as set forth in § 15.2-1420. The designation of the tie breaker shall be, in the discretion of the governing body, by: (i) election by the voters of the county from the county at large or (ii) appointment by the governing body at its organizational meeting. Every tie breaker so appointed shall serve for a period of four years from the date of his appointment or election and every tie breaker so elected shall serve the same term as a member of the governing body. No person shall be appointed or elected or serve as tie breaker who is not a resident of the county; who is not qualified to hold office as supervisor or who is an employee or officer of the county. Tie breakers heretofore appointed or elected shall continue in office until the expiration of the respective terms. Every appointment made pursuant to this section to fill a vacancy, whether occasioned by the expiration of a term or otherwise, shall be for a period of four years and in the case of election Vacancies in the position of tie breaker shall be filled in the same manner as vacancies in the governing body.

INTRODUCED

HB3141