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## HOUSE BILL NO. 1620

Offered January 9, 2013

Prefiled January 7, 2013

A *BILL to amend and reenact §§ 15.2-300 through 15.2-303 of the Code of Virginia, relating to optional forms of county government.*

\_\_\_\_\_  
Patron—Farrell

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Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-300 through 15.2-303 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-300. Adoption of optional forms of county government; inconsistent provisions of law.**

A. Any county may adopt an optional form of county government in accordance with the ~~referendum~~ provisions of § 15.2-301, subject to the limitations specified in Chapters 3 through 8 of this title.

B. Other provisions of law in conflict with Chapters 3 through 8 of this title shall not apply to a county which has adopted an applicable form of county government pursuant to this chapter, unless such provision expressly provides otherwise.

**§ 15.2-301. Petition or resolution asking for referendum; vote by majority of governing body.**

A. A county may adopt one of the optional forms of government provided for in Chapters 4 through 8 of this title ~~only~~ after approval by voter referendum. The referendum shall be initiated by (i) a petition filed with the circuit court for the county signed by at least ~~ten~~ 10 percent of the voters of the county, asking that a referendum be held on the question of adopting one of the forms of government or (ii) a resolution passed by the board of supervisors and filed with the circuit court asking for a referendum. The petition or resolution shall specify which of the forms of government provided for in Chapters 4 through 8 is to be placed on the ballot for consideration. Only one form may be placed on the ballot for consideration.

B. Notice of the election *provided for in subsection A* shall be published in a newspaper having a general circulation in the county once a week for three consecutive weeks and shall be posted at the door of the county courthouse.

C. The election *provided for in subsection A* shall be conducted in accordance with the provisions of § 24.2-684. In addition to the certifications required by such section, the secretary of the appropriate electoral board shall certify the results to the Commission on Local Government.

D. Prior to adopting an optional form of government provided for in Chapter 5 or Chapter 6 by *election as provided for in subsection A*, a county shall also comply with the referendum requirements of § 24.2-686.

E. *A county may adopt one of the optional forms of government provided for in Chapters 4 through 8 of this title upon the vote of a majority of the members of its governing body. The county shall conduct a public hearing prior to the vote. Notice of such hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation within the locality, and the hearing shall be held no sooner than 10 days after the date the second notice appears in the newspaper.*

**§ 15.2-302. When form of government to become effective.**

A form of government approved ~~by the voters~~ in accordance with § 15.2-301 shall become effective on January 1 following the election of members of the governing body under the provisions of § 15.2-303.

**§ 15.2-303. When new supervisors elected.**

If voters *or the governing body* approve the adoption of an optional form of government in accordance with § 15.2-301, the members of the *new* governing body shall be elected at the next succeeding November general election. The members' terms shall commence on January 1 following the election.

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