

2021 SPECIAL SESSION I

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SENATE BILL NO. 1226

Offered January 13, 2021

Prefiled January 11, 2021

A *BILL to amend and reenact §§ 15.2-1626 and 15.2-1636.8 of the Code of Virginia, relating to the Compensation Board determining staffing and salaries for an attorney for the Commonwealth.*

Patrons—Boysko and Morrissey; Delegates: Ayala, Helmer, Hope, Hudson, Kory, McQuinn, Mugler, Mundon King, Murphy, Plum, Rasoul, Reid, Samirah, Scott, Simon, Simonds, Subramanyam, Sullivan and Watts

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1626 and 15.2-1636.8 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1626. Attorney for the Commonwealth.

The voters in every county and city shall elect an attorney for the Commonwealth unless otherwise provided by general law or special act. The attorney for the Commonwealth shall exercise all the powers conferred and perform all the duties imposed upon such officer by general law. He may perform such other duties, not inconsistent with his office, as the governing body may request. He shall be elected as provided by general law for a term of four years. Every county and city may, with the approval of the Compensation Board, provide for employing compensated assistants to the attorney for the Commonwealth as in the opinion of the Compensation Board may be required. Such assistant or assistants shall be appointed by the attorney for the Commonwealth for a term coterminous with his own. The compensation for such assistants to the attorneys for the Commonwealth shall be as provided for assistants to attorneys for the Commonwealth under § 15.2-1627.1. *The Compensation Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels.*

§ 15.2-1636.8. Duties of Board in fixing salaries, expenses, etc.

All salaries of such officers shall be as hereinafter provided. The expenses and other allowances of all such officers shall be fixed and determined on or before May 1 of each year. The Board shall, no later than the fifteenth day following final adjournment of the General Assembly of Virginia in each session, provide to such officers and the local governing body of each city and county he represents, an estimate of expenses and other allowances to be fixed by the Board for the next fiscal year. The Board shall, at meetings duly called by the chairman, carefully consider the questionnaires and written requests filed as required by § 15.2-1636.7 and consider the work involved in the discharge of the duties of the respective officers, the extent to which such duties are imposed by actions of the local governing body, the amount expended or proposed to be expended by each for clerks, deputies and other assistants, the efficiency with which the affairs of each such office are conducted, and such other matters as the Board may deem pertinent and material, including the number of local governments served if more than one, including the pay and compensation plan of each political subdivision, if it has one, and the locality's plans for adjustments of salaries and expenses for the ensuing fiscal year, as well as the plan of the Commonwealth for adjustment of state salaries and expenses for such year. The Board shall fix and determine what constitutes a fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office. In its deliberations with respect to any office of an attorney for the Commonwealth, the Board shall not consider whether volunteer assistants are being used in that office. *The Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels.* Such budgets, in the aggregate, shall not contemplate state expenditures in excess of the appropriation available to the Board. Prior to holding any such meeting for the fixing of salaries and expenses as provided in this article, ten days' written notice of the time, place and purpose of such meeting shall be given every officer affected and to the mayor or city manager of the city or to the chairman of the governing body and administrator, executive or manager of the county affected.

When the salaries, expenses and other allowances for the several counties and cities have been tentatively fixed by the Board they shall notify the governing body of each city and county of the amounts so fixed. Within thirty days thereafter, but not later, the governing body may file with the Compensation Board any objection it may have to such allowances so fixed. When such objection is filed the Board shall fix a time for a hearing on such objection, of which time the governing body as well as the officer affected shall have at least fifteen days' notice. For the purpose of determining the

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57 merits of such protest the governing body may designate two members of such body to serve as
58 additional members of the Compensation Board and such additional members shall each have one vote
59 on the Board.

60 The chairman of the Board shall record the salary of each such officer, his clerks, assistants and
61 deputies, and the allowances made for other items, and shall promptly notify each such officer of the
62 same with respect to his office.

63 In fixing, determining and recording the salaries of the full-time deputy sheriffs mentioned in
64 § 15.2-1609.2, the Board shall act solely with reference to establishing an aggregate allowance for
65 personal services to the respective sheriffs for such deputy sheriffs. The annual salary of each such
66 full-time deputy sheriff shall be fixed and determined as provided by § 15.2-1609.2.