

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 541

An Act to amend and reenact §§ 3.1, 4.2, 6.7 and 8.1, as severally amended, of Chapter 12 of the Acts of Assembly of 1987, which provided a charter for the County of Chesterfield and to amend such chapter by adding a section numbered 8.1.a, relating to the Board of Supervisors, the county administrator, the Department of Police and an elected school board.

[S 718]

Approved March 24, 1995

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, 4.2, 6.7 and 8.1, as severally amended, of Chapter 12 of the Acts of Assembly of 1987 are amended and reenacted and that such chapter is amended by adding a section numbered 8.1.a as follows:

§ 3.1. Composition and election.

The County of Chesterfield shall be divided into five magisterial districts, which shall comprise the five magisterial districts of the County of Chesterfield as existing immediately preceding the effective date of this charter, and shall be known as the Districts of Bermuda, Clover Hill, Dale, Matoaca and Midlothian. The county board shall consist of five members and shall be elected one from each district. Such board members shall qualify and be elected as provided by general law for members of county boards of supervisors. The board may redistrict or change the number, form of the membership or manner of electing board members in accordance with general law without the necessity of amending the charter.

Vacancies in the office of supervisor, from whatever cause, shall be filled within sixty days ~~for the unexpired portion of the term by an interim appointment~~ by a majority vote of the remaining members of the board; provided that, so long as any supervisor is elected from a magisterial district, ~~the~~ such vacancy shall be filled by a qualified voter residing in the same magisterial district. If a vacancy is not filled by the board within sixty days as provided herein, the vacancy shall be filled in accordance with general law. *In either event the person so appointed shall serve until the vacancy is filled by an elected member in accordance with general law.*

Members of the board of supervisors shall act in accordance with the Virginia *State and Local Government* Comprehensive Conflict of Interests Act, as now written or as amended.

§ 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 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.

§ 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 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 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 ~~contain~~ 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 ~~members~~ member, if any, shall be appointed by the board and shall be neither an elected nor an appointed county ~~officials~~ official. The chief of police can only be dismissed by the board of supervisors for cause.

§ 8.1. Appointment of school board members.

Beginning January 1, 1988, and continuing ~~thereafter~~ until December 31, 1995, the school board of the county shall consist of five members to be appointed by a majority vote of the full board of supervisors, one member from each magisterial district. Prior to the appointment of any school board member the board of supervisors shall hold a public hearing in the magisterial district for which the appointment shall be made. At such public hearing, any person interested in such appointment shall identify himself. The supervisor from such magisterial district shall, and other members may, nominate an applicant for the appointment who identified himself at the prior public hearing. The members of the school board in office on the effective date of this section shall continue in office for the terms for which they were selected ~~and thereafter~~. ~~Thereafter~~ selection of school board members shall be for four-year terms ~~provided that~~; however, no member shall serve more than two full four-year terms. *The terms of office of all school board members appointed pursuant to this section, regardless of the date of selection, shall expire on December 31, 1995.* If the size of the board of supervisors is revised, the size and composition of the school board shall be changed so that the number of its members shall be consistent with the new size of the board of supervisors. Except as provided for herein, in all other applicable respects the provisions of the Constitution and general laws of the Commonwealth shall apply with respect to the appointment of school board members. Notwithstanding the provisions set forth herein, all terms and conditions of § 22.1-60 of the Code of Virginia shall be complied with by the county.

§ 8.1.a. Election of school board members.

Beginning January 1, 1996, and continuing thereafter, the school board of the county shall consist of five members and shall be elected one from each magisterial district. The terms of the members of the school board shall be the same as the members of the board of supervisors and elections of school board members shall be held simultaneously with the election of board of supervisors. If the size of the board of supervisors is revised, the size and composition of the school board shall be changed so that the number of its members shall be consistent with the new size of the board of supervisors. The initial elected school board shall be elected in the November 1995 general election.

2. That an emergency exists and this act is in force from its passage.