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SENATE BILL NO. 718

Offered January 11, 1995

A BILL to amend and reenact §§ 3.1 and 3.3, §§ 4.2 and 6.7, as amended, and § 8.1 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.

Patrons—Martin, Benedetti and Marsh; Delegates: Cox, Ingram, Nixon, Reid and Watkins

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1 and 3.3, §§ 4.2 and 6.7, as amended, and § 8.1 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 a majority vote of the remaining members of the board; provided that, so long as any supervisor is elected from a magisterial district, the 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.~~

Notwithstanding the provisions of the third paragraph of § 24.2-682 of the Code of Virginia, vacancies in the office of supervisor, whatever the cause, shall be filled by special election in the district where the vacancy exists for the unexpired portion of the term. The board of supervisors shall, within fifteen days of either the effective date of any resignation received from a member or the death of any member, petition the circuit court for a special election which shall be held no sooner than sixty days and not later than ninety days after the vacancy occurs. If the vacancy occurs not more than 150 days and not less than 120 days prior to a November general election at which no election for the full term of a supervisor in that district is scheduled, the special election shall be held on the general election day; the special election for any vacancy occurring within 120 days prior to that general election shall occur on the first Tuesday after the general election permissible under state law. If the vacancy occurs within 120 days prior to the date of a regular election for the board of supervisors in that district, the vacancy shall be filled for the remainder of the term of office by appointment by the remaining members of the board within thirty days of the occurrence of the vacancy.

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.

§ 3.3. Presiding officer.—The board at its first meeting and annually thereafter, unless otherwise provided by the board, shall elect one of its members, who shall have the title of chairman and shall preside at meetings of the board and shall be recognized as head of the county government for all official ceremonial purposes. The chairman shall be selected as the person best able to lead the board in its responsibility to act collectively on behalf of the county as a whole. ~~The board shall elect a new chairman when a vacancy occurs in that office.~~ The board shall also elect a vice-chairman who shall act as chairman during the absence or disability of the chairman. *The vice-chairman shall automatically succeed to chairman of the chairman's position is vacated for any reason.* The chairman shall have the same powers and duties as other members of the board and shall have a vote but no power of veto.

§ 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

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60 prescribed by the board.

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

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

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

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

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

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

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

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

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

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

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

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

93 (10) May direct any department, division or agency of the county to perform work for any other
94 department, division or agency and may, subject to his retention of general supervision and control,
95 delegate any powers and duties conferred upon him by this charter to any other officer or employee who
96 is subject to his supervision.

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

100 § 6.7. Department of police.—The police department shall be composed of a chief of police and such
101 officers, patrolmen and other employees as the board of supervisors may determine. The powers and
102 duties set forth in § 15.1-138 of the Code of Virginia shall apply to the police force. The chief of police
103 shall be responsible for the immediate direction and control of the department. The chief shall solely,
104 within his discretion and subject to the other provisions herein, select, employ, promote, and terminate
105 such officers, patrolmen and employees. He shall also select, employ, promote, and terminate the animal
106 warden and his deputies; provided that all other provisions of § 3.1-796.104 of the Code of Virginia
107 remain in effect. The chief may adopt rules and regulations for the police department in the same
108 manner as rules and regulations are adopted for other departments.

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

117 § 8.1. Appointment of school board members.—Beginning January 1, 1988, and continuing ~~thereafter~~
118 *until December 31, 1995*, the school board of the county shall consist of five members to be appointed
119 by a majority vote of the full board of supervisors, one member from each magisterial district. Prior to
120 the appointment of any school board member the board of supervisors shall hold a public hearing in the
121 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.

Notwithstanding the provisions of the third paragraph of § 24.2-682 of the Code of Virginia, vacancies on the school board, whatever the cause, shall be filled by special election in the district where the vacancy exists for the unexpired portion of the term. The board of supervisors shall, within fifteen days of either the effective date of any resignation received from a member or the death of any school board member, petition the circuit court for a special election which shall be held no sooner than sixty days and not later than ninety days after the vacancy occurs. If the vacancy occurs not more than 150 days and not less than 120 days prior to a November general election at which no election for the full term of a school board member in that district is scheduled, the special election shall be held on the general election day; the special election for any vacancy occurring within 120 days prior to that general election shall occur on the first Tuesday after the general election permissible under state law. If the vacancy occurs within 120 days prior to the date of a regular election for the school board in that district, the vacancy shall be filled for the remainder of the term of office by appointment by the board of supervisors within thirty days of the occurrence of the vacancy. Except as provided herein, in all other applicable respects, the provisions of the Constitution and general laws of the Commonwealth shall apply with respect to the election of school board members. Notwithstanding the provisions set forth here, all terms and conditions of § 22.1-57.3 of the Code of Virginia shall be complied with by the county.

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