

## CHESTERFIELD, COUNTY OF

Charter, 1944 (provided police departments and police forces for certain counties);  
repealed 1987, c. 12.

Charter, 1987, c. 12.

Amended 1989, c. 750 (§§ 5.3, 5.4, 6.12 [added], 7.7 [added, expired  
7/1/91])  
1990, c. 546 (§§ 6.6, 6.7)  
1991, c. 398 (§ 2.5 [added])  
1993, c. 871 (§§ 6.7, 7.4, 7.6 [added])  
1993, c. 873 (§§ 6.7, 7.4, 9.5 [added])  
1994, c. 323 (§§ 4.2, 6.1, 6.6, 6.13 [added])  
1995, cc. 541, 559 (§§ 3.1, 4.2, 6.7, 8.1, 8.1.a [added])  
2001, c. 250 (§§ 2.1, 4.2, 5.1, 6.7, 7.4)  
2002, c. 255 (§ 7.6)  
2004, c. 617 (§ 3.5).

### Chapter 1.

#### Charter and Boundaries.

§ 1.1. Charter.--The General Assembly hereby charters the County of Chesterfield, a political subdivision of the Commonwealth of Virginia, as a county within the Commonwealth of Virginia and as such shall have perpetual succession and all other powers and responsibilities granted by this charter or general law. (1987, c. 12)

§ 1.2. Transition to charter form of government.--Upon granting of this charter, the County of Chesterfield shall be liable for the bonded indebtedness and current debts and obligations of the County of Chesterfield as such obligations exist immediately preceding existence of the charter. The County of Chesterfield shall succeed in right and title to all assets, properties, contracts and rights of every nature then possessed by the county, including all money belonging to the county and its books, records, papers and all other things of value. All ordinances, rules, regulations, policies and orders made by the County of Chesterfield, all Special Acts of the General Assembly conferring any authority, powers and privileges upon the County of Chesterfield, in force at the effective date of this charter insofar as they, or any portion thereof are not inconsistent herewith, shall remain in full force and effect until amended or repealed in accordance with the provisions of this charter or general law.

The County of Chesterfield shall succeed to all the rights and privileges of the former county with respect to laws under which its water supply system and its sewerage and sewage disposal system have been and are being installed, maintained and operated. All the county levies and taxes, both current and delinquent, and all school and other funds held by the Commonwealth to the credit of the County of Chesterfield shall be turned over to the chartered County of Chesterfield. The tax levy and assessments made for the current and ensuing year or years shall stand as the levy and assessment of the county. All contracts entered into by the county for materials or supplies or construction work in force on the date of chartering shall thereby become the contracts of the chartered county. (1987, c. 12)

§ 1.3. Transition of office holders.--Upon granting of the charter the persons holding office as members of the board of supervisors of the county at the moment of the granting of a charter shall become members of and shall constitute the Board of Supervisors of the County of Chesterfield and shall continue to constitute such board until the election and qualification of their successors subject to the following specific requirements and qualifications:

As members of the new board of supervisors they shall continue to have and exercise all of the rights, powers, and privileges conferred on such board, and shall be subject to all of the duties, liabilities and restrictions now imposed by law on the government of counties using the nonoptional form of government and as vested in members of the board by the provisions of this charter.

Those persons who shall hold office as Commonwealth's attorney, clerk of the circuit court, sheriff, treasurer and commissioner of revenue, immediately preceding granting of a charter, shall by virtue of such chartering become respectively the Commonwealth's attorney, clerk of the circuit court, sheriff, treasurer and commissioner of revenue of the County of Chesterfield, and shall continue to hold office until the expiration of the respective terms for which they were elected or appointed and until their successors have been elected and have qualified. Such officers and their successors shall have and exercise all of the rights, powers and privileges conferred upon them and shall be subject to all of the duties, liabilities and restrictions imposed by law upon such officers of counties of the Commonwealth. (1987, c. 12)

§ 1.4. Effective date.--This charter shall be in effect from January 1, 1988, and thereafter until repealed or amended as provided by law. (1987, c. 12)

## Chapter 2.

### Powers of County.

§ 2.1. General grant of powers.

The powers set forth in Title 15.2 of the Code of Virginia, and all other powers which are now or may be conferred upon or delegated to counties under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a county are hereby specifically conferred upon the County of Chesterfield, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. The scope of all powers conferred by this charter shall be liberally interpreted so as to best effectuate the responsibility of the board of supervisors to perform its duty to govern the county. (1987, c. 12; 2001, c. 250)

§ 2.2. Additional powers.--In addition to the powers granted by other sections of this charter and general law, the county shall have the power to raise annually by taxes and assessments, as permitted by general law, in the county such sums of money as the board shall deem necessary to pay the debts and defray the expenses of the county, in such manner as the board shall deem expedient. In addition to, but not as a limitation upon this general grant of power, the county shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes on hotel and motel rooms; to levy and collect business taxes, local general retail sales and use tax as provided by law; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the board

be reached by the ad valorem system; to franchise any business or calling so as to protect the public interest; and to require licenses of all owners of vehicles of all kinds.

In addition to the other powers conferred by law, the County of Chesterfield shall have the power to impose, levy and collect, in such manner as its board may deem expedient, a consumer tax upon the amount paid for the use of water, gas, electricity, telephone, cable television, and any other public utility service within the county or upon the amount paid for any one or more of such public utility services, subject to provisions of general law and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. The county may establish and collect such fees as the board of supervisors may deem reasonable for the rendering of special services. (1987, c. 12)

§ 2.3. Acquisition of real estate.--In addition to the powers granted by other sections of this charter, the county may acquire property within or without its boundaries for any of its facilities or functions, in fee simple or lesser interest or estate, by purchase, gift, devise, lease, or eminent domain for property within the county, and may sell, lease, hold, manage, and control such property as the county's interest may require. No judicial process need precede the exercise of these powers except for acquisition of property by eminent domain. (1987, c. 12)

§ 2.4. Special districts.--The county, in addition to any other authority provided by law, may by ordinance create special districts or areas within the county if those areas desire additional or more complete governmental services than are desired in the county as a whole. The board of supervisors shall have the power to levy a higher tax in such areas, and the proceeds therefrom shall be so segregated as to enable the same to be expended in the areas in which raised. (1987, c. 12)

§ 2.5. Abandonment of road.--The governing body of the county on its own motion may cause any section of the secondary system of highways deemed by it to be no longer necessary for the uses of the secondary system of highways to be abandoned altogether as a public road by complying substantially with the procedure provided for in § 33.1-151 of the Code of Virginia including notice of intention to abandon any such road by publication in two or more issues of some newspaper having general circulation in the county. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their view, which shall not be less than six days nor more than twenty-one days after the second newspaper advertisement.

A finding by the governing body, after a public hearing, that a section of the secondary system of highways is no longer necessary for the uses of the secondary system may be made if the following conditions exist:

1. The road is located within a residence district as the latter is defined in § 46.2-100 of the Code of Virginia;
  2. Continued operation of the section of road in question constitutes a threat to the public safety and welfare; and
  3. Alternate routes for use after abandonment of the road are readily available.
- Any order of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

Appeals from any order of abandonment may be made as provided for in § 33.1-152 et seq. of the Code of Virginia. (1991, c. 398)

Chapter 3.  
Board of Supervisors.

§ 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 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, 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. (1987, c. 12; 1995, cc. 541, 559)

§ 3.2. Compensation.--The board members shall receive as compensation for their services such amounts as the board may determine, provided that no salary increase approved by the board shall be effective during the term of such board. The salary in effect upon chartering shall remain in effect until changed by the board. No member of the board shall be appointed to any paid office under the county government during the term for which elected and for one year thereafter. In addition to a salary, members of the board may receive reimbursement for reasonable expenses incurred in the conduct of county business. (1987, c. 12)

§ 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 chairman shall have the same powers and duties as other members of the board and shall have a vote but no power of veto. (1987, c. 12)

§ 3.4. Procedural powers.--The board shall have the power, subject to the provisions of this charter, to adopt its own rules of procedure and other guidelines controlling the actions of its members. Such rules shall provide for the time and place of holding regular meetings of the board which shall be not less frequently than once a month. The procedure for calling special meetings shall be as provided by general law in the Code of Virginia. A majority of the board shall constitute a quorum for the

transaction of business. The board collectively has the power to censure or otherwise discipline its members, excluding removal from office, for failure to comply with its rules of procedure or guidelines. No member shall be excused from voting except on matters involving the consideration of his own official conduct or where his financial or personal interests are involved. (1987, c. 12)

§ 3.5. Powers.--The board of supervisors shall be the policy determining body of the county and shall be vested with all rights and powers conferred on governing bodies by general law not inconsistent with this chapter. All powers vested in the county by this charter, and to counties generally by the Code of Virginia, shall be exercised by the board collectively except as otherwise provided in this charter, or in the Constitution of Virginia. In addition to the foregoing, the board shall have the following powers:

a. To control and manage the fiscal affairs of the county and all property, real and personal, belonging to the county.

b. To provide revenue for the county and appropriate the revenue for expenses, also to provide the annual assessments of taxable persons and property in the county, and it may adopt such ordinances, orders and bylaws relating to the powers of this charter as it shall deem proper and necessary.

c. To adopt such ordinances, bylaws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

(1) To provide for the preservation of the general health of the inhabitants of the county.

(2) To provide and regulate county-owned or county-operated hospitals or nursing homes within the county limits.

(3) To require and compel the abatement and removal of all nuisances within the county, at the expense of the person or persons causing the nuisance, or the occupant or owner of the ground where the nuisance may be.

(4) To preserve public peace and good order; to prevent and quell riots, disturbances, disorderly assemblages, environmental hazards and shortages; and the board shall also have the power to adopt such additional ordinances as it may deem necessary for the general welfare of the county.

d. To create, alter or abolish departments, bureaus, divisions, offices or agencies except where such bureaus, divisions, offices or agencies are specifically defined by this charter or general law.

e. To create, alter and abolish commissions and advisory boards to assist the county in accomplishing its statutory responsibilities except where such commissions and advisory boards are specifically defined by this charter or general law.

f. To provide for the number, title, qualifications, powers, duties, classification and compensation for all officers and employees of the county.

g. To provide for the form of oaths who shall administer oaths and the amount and condition of surety bonds to be required of certain officers and employees of the county.

h. To make such investigation relating to the financial affairs and internal operations of the county government as they may deem necessary.

i. As a collective body, to make appointments to boards, commissions and other bodies as provided by law or board action provided that all such appointments shall serve as county-wide appointments and make decisions reflective of general county needs rather than magisterial district needs.

j. To create or modify assessment districts for local improvements in accordance with Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2 of the Code of Virginia. For any such assessment district created after January 1, 2003, the Board may provide for the payment of an assessment of costs for improvements, or of any installment due pursuant to § 15.2-2413 of the Code of Virginia, to be suspended when any owner who owned property on the day the ordinance creating the assessment district was adopted and who occupies a residential building located on the property is 65 years of age or older. However, when the property is no longer occupied by a person who is 65 years of age or older or is conveyed to another person or persons, irrespective of the age of the person or persons to whom the property is conveyed, the suspension of payments shall cease and the entire assessment, including accrued interest, shall be immediately due and payable.

Nothing contained herein shall be construed to deprive the board of supervisors or county of any of the powers conferred upon them, either by general or special laws of the Commonwealth of Virginia, except insofar as the same may be inconsistent with the provisions of this charter. (1987, c. 12; 2004, c. 617)

§ 3.6. County clerk.--The board may appoint a county clerk who shall serve at the pleasure of the board. He shall be clerk of the board and custodian of the corporate seal of the county and he shall have such other public duties as prescribed by general law or as the board may prescribe. The clerk shall in addition:

(1) Record in a book to be provided for that purpose all of the proceedings of the board.

(2) Make regular entries of all the board's resolutions and decisions on all questions concerning the raising of money.

(3) Record the vote of each board member on any question submitted to the board if required by any member present.

(4) Preserve and file all accounts and papers acted upon by the board with its action thereon.

If the board chooses not to appoint a county clerk, such duties and responsibilities shall be performed by the county administrator. (1987, c. 12)

#### Chapter 4.

#### County Administrator.

§ 4.1. Appointment of county administrator.--The board shall appoint a county administrator who shall be the administrative head of the county government responsible for the proper administration of the government as reflected by the legislative and policy directions of the board and by general law. He shall be chosen solely on the basis of his executive and administrative qualifications. He shall serve at the pleasure of the board and shall enforce the laws of the county and, where applicable, the Commonwealth and shall insure the faithful performance of all administrative duties required by the board. The board may enter into an employment agreement with the county administrator defining terms of employment. (1987, c. 12)

#### § 4.2. Duties and responsibilities.

The county administrator shall have all the responsibility and shall carry out all the duties prescribed by § 15.2-1541 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. (1987, c. 12; 1994, c. 323; 1995, cc. 541, 559; 2001, c. 250)

#### Chapter 5.

##### Budget and Accounting.

§ 5.1. Fiscal year.-- The fiscal year of the county shall begin on the first day of July of each year and shall also constitute the budget and accounting year. Except as provided for in this charter, the provisions of Title 15.2 of the Code of Virginia shall control the preparation, consideration, adoption and execution of the budget of the county. (1987, c. 12; 2001, c. 250)

§ 5.2. Submission of budget and budget message.--The county administrator shall submit to the board a recommended operating and capital improvement budget and a budget message by March 15th of each year.

The budget message shall contain the recommendation of the county administrator concerning the fiscal policy of the county, a description of the important features of the budget, a five-year capital budget, a three-year projection for revenues and expenditures and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years. No later than March 1st of each year, the superintendent of schools shall submit to the county administrator his estimate of projected revenues and expenditures for the next fiscal year in a form requested by the county administrator as well as a five-year capital improvements program. By January 1st of each year the director of social services, the director of mental health and mental retardation, the extension agent, the circuit court and district court and the constitutional officers shall submit to the county administrator their estimates of projected revenues and expenditures for the next fiscal year in a form requested by the county administrator. (1987, c. 12)

§ 5.3. Introduction of appropriation resolution.--At the same time that he submits the budget, the county administrator shall recommend to the board an appropriation resolution and any ordinances recommending new taxes or altering the rate of any existing tax necessary to balance the budget. (1987, c. 12; 1989, c. 750)

§ 5.4. Adoption of budget.--After the public hearing as required by law the board may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted. The operating budget and capital improvements budget shall be adopted by resolution by the vote of at least a majority of all members of the board not later than May 1st of each year. Appropriations in addition to those contained in the general appropriation ordinance may be made by the board only if there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations. (1987, c. 12; 1989, c. 750)

§ 5.5. Borrowing.--The board of supervisors may incur indebtedness by issuing bonds, notes or other obligations for the purposes, in the manner and to the extent provided for by the Constitution of Virginia and the Code of Virginia. The term indebtedness shall not include contractual obligations of the county, lease/purchase agreements subject to annual appropriations and revenue bonds payable solely from revenue producing properties. (1987, c. 12)

#### Chapter 6.

##### Administration.



§ 6.1. Creation of departments.--The following administrative departments are hereby created:

- (1) Department of County Attorney.
- (2) Department of Budget and Accounting.
- (3) Department of Police.
- (4) Department of Fire.
- (5) Department of Planning.
- (6) Department of Social Services.
- (7) Department of Mental Health and Mental Retardation.
- (8) Department of Health.
- (9) Department of Economic Development.

The board of supervisors may create new departments or divisions or combine or abolish existing departments and distribute the functions thereof or establish temporary departments for special work, provided, however, that neither the county administrator nor the board shall have the power to abolish, transfer or combine the functions of the constitutional officers, public school functions or the departments created by this section. (1987, c. 12; 1994, c. 323)

§ 6.2. Responsibilities of division and department heads.--There shall be a director at the head of each department. The director of each administrative department, except the constitutional officers and the county attorney, shall be appointed by the county administrator upon advising and informing the board in advance of such proposed appointment and such appointment shall be subject to board veto in accordance with this charter. Such directors shall serve in accordance with applicable personnel policies and may be removed by the county administrator upon advising and informing the board in advance of such decisions. The director of each department shall be chosen on the basis of his executive and administrative ability, experience and education. The superintendent of schools, the director of social services, the director of mental health and mental retardation, and the director of the health department shall be appointed in accordance with this charter. (1987, c. 12)

§ 6.3. Responsibility of division and department directors to the board and county administrator.--The directors of each administrative department, except the constitutional officers and those departments not appointed by the county administrator or board of supervisors, shall be responsible to the county administrator and board for the administration of their respective departments and their advice may be required by the board on all matters affecting their departments. They shall make reports and recommendations concerning their departments, but unless specifically requested, such reports and recommendations shall be made by the county administrator under such rules as the board may prescribe. (1987, c. 12)

§ 6.4. Personnel rules and regulations.--A personnel system shall be established by the board of supervisors for county administrative officials and employees. Such a system shall be based on merit and professional ability without regard to race, national origin, religion, sex or political affiliation. The personnel system shall include a classification plan for service, a staff development plan, a uniform pay plan and a procedure for resolving grievances for employees of the county as provided by general law. Employees of constitutional officers and other agencies may participate in the

personnel system at the discretion of the board and upon the concurrence of the constitutional officer. (1987, c. 12)

§ 6.5. County attorney.--The county attorney shall be the chief civil legal advisor of the board, the county administrator and of all departments, boards, commissions and agencies of the county in all matters affecting the interests of the county and shall represent such departments and its employees in all civil litigation arising out of the provision of services. In addition to the duties of the county attorney provided by general law, the county attorney shall perform such other appropriate responsibilities as are assigned to him by the board. The county attorney shall be appointed by the board, shall serve at its pleasure, and his compensation shall be fixed by the board. He shall devote his full time and attention to the work and services of the county and the board may authorize the employment of assistant county attorneys as needed. (1987, c. 12)

§ 6.6. Department of budget and management and department of accounting.--The county treasurer, the commissioner of revenue, the director of budget and management and the director of accounting shall collectively be responsible for carrying out the fiscal and financial affairs of the county as defined by the board of supervisors and the Code of Virginia. The treasurer shall be the custodian of all public moneys of the county and shall have such powers and duties as are provided by the Constitution and general law. He shall perform such other duties as may be assigned by the board not inconsistent with his responsibilities under the Constitution and general laws of the Commonwealth.

The commissioner of revenue shall perform such duties regarding the assessment of property and licenses and the collection of other taxes as provided by the Constitution and general laws of the Commonwealth. He shall perform such other duties as may be assigned by the board not inconsistent with his responsibilities under the Constitution and general laws of the Commonwealth.

The director of budget and management shall perform such budgeting and financial responsibilities as are required by the Code of the County of Chesterfield, 1978, as amended, and as directed by the county administrator, so long as such responsibilities are not in conflict with general law.

The director of accounting shall perform such accounting and financial responsibilities as are required by the Code of the County of Chesterfield, 1978, as amended, and as directed by the county administrator, so long as such responsibilities are not in conflict with general law.

The county treasurer, commissioner of revenue, director of budget and management, the director of accounting, and the director of economic development shall meet periodically but not less than four times a year to coordinate the financial needs of the county and each such officer shall cooperate fully with the other fiscal officers to efficiently and effectively perform the duties placed on such officer. (1987, c. 12; 1990, c. 546; 1994, c. 323)

§ 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 §§ 15.2-1704 and 15.2-1710 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 shall 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 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 member, if any, shall be appointed by the board and shall be neither an elected nor an appointed county official. The chief of police can only be dismissed by the board of supervisors for cause. (1987, c. 12; 1990, c. 546; 1993, cc. 871, 873; 1995, cc. 541, 559; 2001, c. 250)

§ 6.8. Department of fire.--The fire department shall be composed of a chief and such other officers, firefighters and employees as the board may determine. The chief of fire shall have immediate direction and control of the department, as head of the department. The chief of fire shall be appointed by the county administrator and shall serve subject to the same terms and conditions applicable to other department heads. The members of the fire department shall be appointed and may be removed in accordance with established personnel policies. (1987, c. 12)

§ 6.9. Department of social services.--The department of social services shall consist of the director of social services, a social services board, and such officers and employees organized in such manner as may be provided by the director. The department shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the board of supervisors or the social services board. The director of social services shall be appointed by the social services board and he shall have general management and control of the department. The director shall in all ways cooperate with the county administrator so that the provision of social services is fairly coordinated with the provision of other governmental services. The social services board shall consist of members appointed in the same fashion as existed prior to the adoption of a charter. The social services board shall have such authority as is vested in it by general law and may adopt necessary rules and regulations not in conflict with this charter or general law concerning such department. The social services board and the board of supervisors shall meet jointly at least annually for the purpose of discussing common issues and methods of providing the most efficient services to the public. In addition, at least annually prior to January 1st, the director shall meet with the county administrator to discuss program plans and budgetary needs for the next fiscal year. (1987, c. 12)

§ 6.10. Department of mental health and mental retardation.--The department of mental health and mental retardation shall consist of the director of mental health and mental retardation, a community services board, and such officers and employees organized in such manner as may be provided by the director. The department shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to mental health and mental retardation and such other powers and duties as may be

assigned by the board of supervisors or the community services board. The director of mental health and mental retardation shall be appointed by the community services board and he shall have general management and control of the department. The director shall in all ways cooperate with the county administrator so that the provision of mental health and mental retardation services is fairly coordinated with the provision of other governmental services. The community services board shall consist of members appointed in the same fashion as existed prior to the adoption of a charter. The community services board shall have such authority as is vested in it by general law and may adopt necessary rules and regulations not in conflict with this charter or general law concerning such department. The community services board and the board of supervisors shall meet jointly at least annually for the purpose of discussing common issues and methods of providing the most efficient services to the public. In addition, at least annually prior to January 1st, the director shall meet with the county administrator to discuss program plans and budgetary needs for the next fiscal year. (1987, c. 12)

§ 6.11. Department of health.--The department of health shall perform such responsibilities as are placed on local health departments by the general laws of the Commonwealth and shall be responsible for the protection of the public health as existed prior to the adoption of a charter. The director of health shall be appointed from a list of eligible appointees in accordance with general law after consultation with the board of supervisors. The management of the department shall be the responsibility of the director of health who shall coordinate the provision of services with the county administrator. The director shall appoint and remove such employees in such a manner as is authorized by the Commonwealth of Virginia and in accordance with established state and county personnel policies. (1987, c. 12)

§ 6.12. Internal auditor.--The internal auditor shall be responsible for providing internal accounting and auditing controls to assure compliance with applicable laws, contractual obligations and accepted accounting practices to safeguard against loss or inefficiency. Such internal auditor shall have access to all county records or documents subject to applicable law. (1989, c. 750)

§ 6.13. Department of economic development.

The department of economic development shall consist of a director and such officers and employees organized in such a manner as may be provided by the county administrator. The department shall be responsible for administering a comprehensive economic development program which focuses on attracting new businesses to the county and expanding and retaining existing businesses. In addition to these duties, the department shall perform such other responsibilities as may be assigned by the county administrator or board of supervisors. (1994, c. 323)

#### Chapter 7.

#### Planning and Zoning.

§ 7.1. Planning commission.--There shall be a county planning commission which shall consist of five members, one from each magisterial district, who shall be appointed and organized as provided by general law. If the size of the board of supervisors is revised, the size and composition of the planning commission shall be changed so that the number of its members shall be consistent with the size of the board of supervisors. (1987, c. 12)

§ 7.2. Functions of planning commission.--The planning commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a master plan, long-range planning, zoning, and subdivision regulations. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors. (1987, c. 12)

§ 7.3. Board of zoning appeals.--There shall be a board of zoning appeals appointed as provided by law and with those powers granted by general law. (1987, c. 12)

§ 7.4. Planning department.-- The planning department shall be composed of a director of planning and such employees as the board of supervisors may determine. The planning department shall perform such responsibilities as are imposed by general law and as may be assigned by the planning commission and board of supervisors. The director of planning shall have immediate direction and control of the department, shall be appointed by the county administrator and shall serve subject to the same terms and conditions as are applicable to other department heads. In addition to the authority granted to the board of zoning appeals pursuant to § 15.2-2309 of the Code of Virginia, the board of supervisors by ordinance may authorize the director of planning to grant a variance of not more than two feet from any building setback requirement contained in the county's zoning or subdivision ordinance if he finds in writing: (i) that the strict application of the ordinance would produce undue hardship; (ii) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variance. (1987, c. 12; 1993, cc. 871, 873; 2001, c. 250)

§ 7.5. Committee on the future of the county.--The board of supervisors may appoint a committee on the future of the county consisting of equal representation from each magisterial district. The committee shall meet periodically and shall prepare reports and make recommendations concerning changes in governmental structure, revisions to fiscal and land use planning, and any other matters concerning approaches to meeting the governmental needs of the people of Chesterfield in the future. The committee shall meet at least annually with the board of supervisors and shall prepare a written report detailing its forecast of the condition of the county in the future and means by which the county can cope with future needs or problems that are likely to occur in the future. The committee shall seek to anticipate long-range problems and changes within the county and develop solutions that can be considered by elected officials to lessen any adverse effect on the county of future changes. The scope of the committee's responsibilities shall not be limited by any current categories of perceived long-range issues facing the county. Staff support shall be provided by the planning department and such other county departments as are deemed necessary by the committee. The board of supervisors shall be required to respond in writing to all issues, concerns, or solutions raised in the committee's annual report. (1987, c. 12)

§ 7.6. Substantial accord review of county facilities.

Any public area, facility or use as defined by § 15.2-2232 of the Code of Virginia, which has been approved by the board of supervisors following a public hearing held pursuant to the county's zoning ordinance shall be exempt from the requirement for submittal to and approval by the county's planning commission or governing body under

§ 15.2-2232 of the Code of Virginia, so long as such public area, facility or use remains subject to the requirements of the zoning ordinance. (1993, c. 871; 2002, c. 255)

§ 7.7. (1989, c. 750; expired July 1, 1991).

Chapter 8.

Education.

§ 8.1. Appointment of school board members.

Beginning January 1, 1988, and continuing 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. Thereafter, selection of school board members shall be for 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. (1987, c. 12; 1995, cc. 541, 559)

§ 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. (1995, cc. 541, 559)

§ 8.2. Management of school system.--The administration of the public school system shall remain the responsibility of the school board in accordance with the Constitution and general laws of the Commonwealth. The superintendent shall be appointed by a majority vote of the school board members. The superintendent of schools shall be responsible for providing in a timely fashion to the county administrator all financial documents, long-term projections and other materials that the county administrator and the board deem necessary to make appropriate decisions regarding budget and appropriation decisions by the board of supervisors. The County of Chesterfield shall receive state aid for education in the same manner as existed prior to

the adoption of the charter. Title to all real property of the school system shall be vested in the County of Chesterfield. (1987, c. 12)

#### Chapter 9.

##### Miscellaneous Provisions.

§ 9.1. Immunity from liability.--The county and all its officers, employees and agents shall retain all immunities from liability available to counties in the Commonwealth of Virginia. No actions or claims shall be instituted against the county unless the claimant shall have complied with all procedural prerequisites to such actions or claims as are contained in the Constitution and general laws of the Commonwealth. (1987, c. 12)

§ 9.2 Retention of funding.--Unless revised or changed by this charter, the County of Chesterfield shall continue to receive state and federal funds in the same manner as if the County of Chesterfield had no charter. (1987, c. 12)

§ 9.3. Amendments to charter.--This charter may be amended upon approval of any amendments by the Virginia General Assembly in accordance with the Constitution and general laws of the Commonwealth. (1987, c. 12)

§ 9.4. Severability.--Should any part of this charter be declared unconstitutional by a court of competent jurisdiction, such action shall have no effect on the constitutionality or validity of any other part of this charter. (1987, c. 12)

§ 9.5. Incorporation of statutes in ordinances.--Ordinances enacted by the governing body may incorporate into such ordinances by reference statutes related to traffic infractions or misdemeanors involving a motor vehicle which are contained within the following chapters and articles: (i) Chapter 1; Articles 1, 6.1, 8, 9, 11 and 15 of Chapter 3; Articles 1, 2, and 7 through 11 of Chapter 6; Chapter 8; Articles 1 and 3 through 22 of Chapter 10; Chapter 12; Chapter 15; and Chapter 16 of Title 46.2 of the Code of Virginia; (ii) Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia; and (iii) Article 9 of Chapter 11 of Title 16.1 of the Code of Virginia upon the effective date of such amendments; such incorporation shall include all future amendments to the incorporated statutes without further legislative action by the governing body unless a contrary intent is stated. Nothing contained in this section shall require the reenactment of ordinances heretofore validly adopted. (1993, c. 873)