

ROANOKE, COUNTY OF
Formed from Botetourt County in 1838.
Incorporated by a 1986 Act of Assembly.

Charter, 1986, c. 617.

Amended 1989, c. 119 (§§ 2.02, 9.03)
 1993, c. 3 (§ 2.02)
 1994, cc. 129, 239 (§§ 12.02, 12.05 [added])
 2003, c. 873 (§§ 11.04, 11.05 [added]).

Chapter 1.

Incorporation.

§ 1.01. Incorporation.--The inhabitants of the territory comprised within the limits of the County of Roanoke are hereby granted a charter with powers, duties, privileges and immunities as set forth herein. From and after the adoption of this charter, Roanoke County shall become a charter county known as the County of Roanoke, hereinafter called the county, a body corporate and politic. The county shall have perpetual existence, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1986, c. 617)

Chapter 2.

Powers.

§ 2.01. Powers.--Except as expressly restricted by this charter, the county shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to counties under the Constitution or by the laws of the Commonwealth and all such other powers pertinent to the conduct of the county government which, in the opinion of the board of supervisors, are necessary to promote the general welfare of the county and the safety, health, peace and good order of its inhabitants. No enumeration of particular powers in this charter shall be held to be exclusive but shall be held in addition to this general grant of powers. There is hereby specifically conferred upon Roanoke County without further act all of the powers contained in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as now and hereafter to be amended not inconsistent with this charter. All such power or authority shall be exercised insofar as is consistent with the provisions of this charter. (1986, c. 617)

§ 2.02. Taxing 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 and limited by general law, in the county such sums of money as the board of supervisors shall deem necessary to pay the debts and defray the expenses of the county in such manner as the board of supervisors 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 for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the county, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms not to exceed five percent of the amount charged for the occupancy thereof; to levy and collect taxes on the sale of meals, including nonalcoholic beverages, only as provided for by general law and

such tax shall apply also to food prepared on premises and sold to take out, such tax is subject to limitations as may be imposed by general law; to levy and collect privilege taxes, local general retail sales and use taxes as provided by law; unless prohibited by law, to require licenses, prohibit the conduct of any business, profession, vocation or calling without such license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings not exempted by prohibition of general law; 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 for the privilege of using the streets and other public places in the county, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the county without such license; provided notwithstanding any contrary provision of this charter the county shall not levy any tax on tobacco products other than those taxes specially authorized in Title 58.1 of the Code.

In addition to the other powers conferred by law, the County of Roanoke shall have the power to impose, levy, and collect, in such manner as its board may deem expedient, a consumer or subscriber tax at a rate or rates not exceeding those authorized by general law upon the amount paid for the use of gas, electricity, telephone, and any other public utility service within the county, or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1986, c. 617; 1989, c. 119; 1993, c. 3)

§ 2.03. Additional powers.--In addition to the powers granted by other sections of this charter, the county, upon a showing of public necessity, 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, 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. (1986, c. 617)

§ 2.04. Special districts.--The county may 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. Such higher tax rate shall not be levied for education, law enforcement or general governmental services.

The board of supervisors shall create a special district or area by ordinance. Such an ordinance shall not be effective until approved by affirmative vote of the qualified voters residing within the proposed special district or area at a referendum upon such question. (1986, c. 617)

Chapter 3.

Board of Supervisors.

§ 3.01. Powers.--The powers of the county as a body politic and corporate shall be vested in the board of supervisors which shall be the governing body. (1986, c. 617)

§ 3.02. Additional 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.

The board of supervisors shall provide for the performance of all governmental functions of the county and to that end shall provide for and establish all departments of government that it deems necessary, not inconsistent with the provisions of this charter. The board of supervisors shall have all authority and powers provided for by this charter or by other law and shall have the power to raise annually by excise and ad valorem taxes and assessments on property, persons and other subjects of taxation, which are not prohibited by law, such sums of money as in the judgment of the board are necessary to pay the debts, defray the expenses, accomplish the purposes and perform the functions of the county. (1986, c. 617)

§ 3.03. Investigations by board of supervisors.--The board of supervisors shall have the right to make such investigation relating to the financial affairs and internal operations of the county government as they may deem necessary. The provisions of § 15.1-801 of the Code of Virginia shall apply mutatis mutandis.

The chairman shall have the power to administer an oath to any person concerning any matter submitted to the board or connected with its powers or duties. (1986, c. 617)

§ 3.04. Composition.--The board of supervisors shall consist of one member elected from each election or magisterial district of the county. The board shall consist of not less than five nor more than eleven members. The board may redistrict or change the number or manner of electing board members in accordance with general law without the necessity of amending this charter. (1986, c. 617)

§ 3.05. Qualifications.--Members of the board of supervisors shall be qualified voters of the county and shall reside in the district from which they are elected. (1986, c. 617)

§ 3.06. Election of the board of supervisors.--The members of the board of supervisors duly elected and in office upon the effective date of this charter shall continue in office and be the board of supervisors of the county for the remainder of the term to which elected. They shall hold office until January 1 following the next regular election provided by general law for the election of supervisors with staggered terms. At such election their successors shall be elected for terms of four years each as provided by general law.

In the event a vacancy occurs on the county board of supervisors, it shall be filled by the remaining members of such body within thirty days of such vacancy. The person appointed to fill the vacancy shall be a qualified voter of the election district in which the vacancy occurred and shall hold office until the qualified voters shall fill the same by election, and the person so elected shall have qualified. If a majority of the remaining members cannot agree or do not act, then the judges of the circuit court of the county shall make the appointment in accordance with the Code of Virginia. (1986, c. 617)

§ 3.07. Compensation.--The county board of supervisors shall establish the salary and allowances of members of the board of supervisors, provided that no increase in such salaries shall be effective until:

1. A public hearing shall be held on the salaries to be established; and
2. The adoption of an ordinance establishing the salary of its members for the ensuing fiscal year not to exceed the limits established by general law. This maximum annual salary may be adjusted by ordinance in any year or years by an inflation factor not to exceed five percent.

3. The establishment of said salary shall occur not earlier than May 1 nor later than June 30 of each year.

In addition to and without regard to these salary limits, the board of supervisors may grant to its members any or all of the fringe benefits in the manner and form as such benefits are provided for county employees.

The board of supervisors shall be entitled to such assistants and secretaries as it shall deem necessary and as budgeted in the annual budget. (1986, c. 617)

§ 3.08. Chairman and vice-chairman.--The board shall, at its first meeting in January of each year, elect one of its number as chairman, who shall preside at such meeting and all other meetings during the term for which so elected, if present. The board also may elect a vice-chairman who shall, if so elected, preside at meetings in the absence of the chairman and may discharge any other duty of the chairman during his absence or disability. The chairman and vice-chairman shall preside for a term of one year. The chairman and vice-chairman may succeed themselves in office. In the case of the absence from any meeting of the chairman and vice-chairman, the members present shall choose one of their number as temporary chairman. In addition to the compensation provided members of the board of supervisors, the board may by ordinance fix an additional sum to be paid to the chairman and vice-chairman, not to exceed the limit established by general law, without regard to the maximum salary limits. (1986, c. 617)

§ 3.09. Procedural powers.--The board shall have the power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the board, which shall not be less frequent than once a month. The board shall provide for the calling of special meetings by any two or more members of the board and shall prescribe the methods of giving notice thereof. A majority of the board shall constitute a quorum for the transaction of business. (1986, c. 617)

Chapter 4.

County Administrator.

§ 4.01. Powers and duties.--The county administrator shall have all the powers and 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 powers, duties and responsibilities as may be established by the board of supervisors.

The county administrator is authorized to delegate any of the aforementioned powers, duties or responsibilities to such other person or persons as he may deem appropriate.

The county administrator shall appoint each superintendent or department head of each county department, except the superintendent or department heads for the departments of education, public health and social services, and each superintendent or department head so appointed shall serve at the pleasure of the county administrator. (1986, c. 617)

§ 4.02. Appointment and qualifications.--The county administrator shall devote his full time to the work and service of the county under the direction of the board, to whom he shall be accountable. He shall be appointed with regard to merit only, and need not be a resident of the county at the time of his appointment, but must become an actual resident of the county and in due course a bona fide resident; provided that any person so qualified at the time of his appointment whose residence shall have been annexed by a

city, during his tenure of office shall not thereafter be disqualified to serve under the provisions of this section by reason of such annexation. No member of the board shall, during the term for which elected and for one year following the expiration of such term, be appointed county administrator. Any person, other than a member of the board, holding an elective office may be appointed county administrator, but his qualifications shall not be valid unless and until he shall resign his elective office. (1986, c. 617)

§ 4.03. Compensation.--The board shall fix the compensation of the county administrator. (1986, c. 617)

§ 4.04. Tenure of office; removal.--The county administrator shall not be appointed for a definite tenure, but shall be removable at the pleasure of the board. Removal of the county administrator shall require a vote of the majority of all the members of the board. (1986, c. 617)

§ 4.05. Absence or disability.--In case of the absence or disability of the county administrator or vacancy in the office, the board may designate some responsible person without regard to his residence on an interim basis to perform the duties of the office and fix the compensation, if any, for the person so designated. An elective officer other than a board member may be designated to perform such duties. (1986, c. 617)

Chapter 5.

Administrative Departments.

§ 5.01. Administrative departments.--The board of supervisors may establish and staff new departments or subdivisions thereof, combine or abolish existing departments and distribute the functions thereof or establish temporary departments for special work. (1986, c. 617)

Chapter 6.

Personnel Rules and Regulations.

§ 6.01. Personnel system.--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 for race, national origin, religion, sex or political affiliation. (1986, c. 617)

§ 6.02. System includes.--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 board. 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. (1986, c. 617)

Chapter 7.

Office of the County Attorney.

§ 7.01. Composition.--The office of the county attorney shall consist of the county attorney and such other employees as may be provided by the board of supervisors. (1986, c. 617)

§ 7.02. County attorney.--The head of the office shall be the county attorney. He shall be an attorney-at-law licensed to practice law in the Commonwealth and shall devote his full time and attention to the work and service of the county. The board of supervisors shall appoint a county attorney who shall serve at the pleasure of the board of supervisors. The compensation of the county attorney shall be fixed by the board. (1986, c. 617)

§ 7.03. Powers and duties.--The county attorney shall be the chief legal advisor of the board, the county administrator and all departments, boards, commissions, and agencies of the county in all matters affecting the interests of the county. He shall represent the county in all civil matters as authorized by the board and as provided by this charter and general law. He shall exercise those powers and perform those duties as permitted by the board. (1986, c. 617)

Chapter 8.

Constitutional Officers.

§ 8.01. Constitutional officers.--Those persons who shall hold office as Commonwealth's attorney, clerk of the circuit court, sheriff, treasurer, and commissioner of the revenue immediately prior to the granting of a charter shall continue to hold office after the granting of the charter until the expiration of the respective terms for which they were elected or appointed and until their successors have been elected and qualified. They shall have and exercise all of the rights, powers and privileges conferred upon them by general law and the Constitution of the Commonwealth of Virginia. (1986, c. 617)

§ 8.02. Merger or abolishment.--There shall be no merger nor abolishment of any of the constitutional offices in existence at the effective date of the charter, except upon an affirmative vote of the qualified voters of the county at a referendum upon such question as provided by general law. (1986, c. 617)

Chapter 9.

Planning and Zoning.

§ 9.01. Planning commission.--There shall be a county planning commission which shall consist of not less than five nor more than fifteen members, and shall be appointed and organized as provided by general law. (1986, c. 617)

§ 9.02. 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, zoning, and subdivision control. 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. (1986, c. 617)

§ 9.03. Board of zoning appeals.--There shall be a board of zoning appeals with those powers granted by and consistent with general law.

The board of supervisors shall appoint the board of zoning appeals, which shall consist of five members, each to be appointed for a term of five years, so that the term of one member shall expire each year. Members shall have the qualifications and exercise the powers and perform the duties the same as a board of zoning appeals appointed by a circuit court. (1986, c. 617; 1989, c. 119)

§ 9.04. Civil penalties for violations of zoning ordinances.--Notwithstanding the provisions of § 15.1-491 (e) of the Code of Virginia, the board of supervisors may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the zoning ordinances. Such schedule of offenses shall not include any zoning violation resulting in injury to any person or persons, and the existence of a civil penalty shall not preclude action by the zoning administrator under § 15.1-491 (d) of the Code of Virginia or action by the governing body under § 15.1-499 of the Code of Virginia.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a fine of not more than fifty

dollars. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$250. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor.

Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the treasurer of the county prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for in Title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

No provision herein shall be construed to allow the imposition of civil penalties: (i) for enforcement of the Uniform Statewide Building Code; (ii) for activities related to land development or activities related to the construction or repair of buildings and other structures; (iii) for violation of an erosion and sediment control ordinance; or (iv) for violation of any provision of a local zoning ordinance relating to the posting of signs on public property or public rights-of-way. (1986, c. 617)

Chapter 10.

Department of Public Health.

§ 10.01. Composition.--The department of public health shall consist of the director of public health and such other officers and employees organized into such units as may be provided by the orders of the director consistent therewith. (1986, c. 617)

§ 10.02. Functions.--The department of public health shall be responsible for the exercise of all health functions imposed on counties by general law and such other powers and duties as may be assigned by the board of supervisors. (1986, c. 617)

§ 10.03. Director of public health.--The head of the department of public health shall be the director of public health. He shall be a physician licensed to practice medicine in the Commonwealth. He shall have general management and control of the several units of the department. He shall have all the powers and duties with respect to the preservation of the public health which are conferred or imposed on county boards of health and health officers by the laws of the Commonwealth. (1986, c. 617)

Chapter 11.

Department of Social Services.

§ 11.01. Composition.--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 units as may be provided by the orders of the director consistent therewith. (1986, c. 617)

§ 11.02. Functions.--The department of social services 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. (1986, c. 617)

§ 11.03. Director of social services.--The head of the department shall be the director of social services. He shall have general management and control of the divisions of the department. (1986, c. 617)

§ 11.04. Social services advisory board.

The social services advisory board shall consist of at least seven members appointed by the board of supervisors to serve terms of four years, one representing each election or magisterial district, and one representing the City of Salem. One member shall also be a member of the board of supervisors. The board shall elect its own chairman and shall meet monthly. In addition to regularly scheduled meetings, it may meet at the call of the chairman or on the petition of at least two of the members.

The social services advisory board shall have such powers and duties as may be provided to the advisory boards of social services by Title 63.2 of the Code of Virginia, as amended. (1986, c. 617; 2003, c. 873)

§ 11.05. Social services board.

The county administrator or his designee shall act as the local board of social services with all of the powers and duties accorded to such board. (2003, c. 873)

Chapter 12.

Department of Education.

§ 12.01. Composition.--The department of education shall consist of the county school board, the superintendent of schools and the officers and employees thereof. The county school board and the superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law in a manner consistent with this charter. (1986, c. 617)

§ 12.02. School board.--The county school board shall be composed of the same number of members as there are members of the board of supervisors, from each magisterial or election district of the county, who shall be elected by the qualified voters of the county for four-year terms. The school board shall elect its own chairman.

The initial election of the school board shall be held at the general election held in November 1994. At the initial election one school board member shall be elected from each of the Hollins, Vinton and Windsor Hills election districts for an initial term of three (3) years. The term of office of the appointed school board member from the Vinton election district, whose term was to expire on June 30, 1995, shall not extend beyond December 31, 1994; and the term of office of the school board member from the Hollins election district, whose term was to expire on June 30, 1996, shall not extend beyond December 31, 1994. The next general election of the school board shall be held at the general election in November 1995. At this election one school board member shall be elected from each of the Catawba and Cave Spring election districts for a term of four (4) years. The term of office of the appointed school board member from the Cave Spring election district, whose term was to expire on June 30, 1997, shall not extend beyond December 31, 1995. Thereafter, school board members shall be elected for terms of four

years as provided by general law for the election of school board members with staggered terms.

The terms of the appointed school board members from the Catawba and the Windsor Hills election districts being replaced at a subsequent election shall be extended to expire on December 31 of the year of the election of the school board members replacing them, or the school board selection commission may appoint a member of the school board to serve for that reduced term until the election of a school board member from that election district. The school board selection commission shall be abolished on December 31 following the first election for school board members.

The terms of office for the elected school board members shall commence on January 1 following their election.

Members of the school board shall be qualified voters of the county and shall reside in the district from which they are elected.

The chairman of the school board shall be considered head of this department for the purpose of appearing before the board of supervisors, unless some other person in the department shall be designated by the school board for such purpose. (1986, c. 617; 1994, cc. 129, 239)

§ 12.03. Superintendent.--The superintendent shall have all the powers and duties as may be fixed for superintendents by the State Board of Education and by general law. (1986, c. 617)

§ 12.04. Management of schools.--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 of Virginia. (1986, c. 617)

§ 12.05. Vacancies.--When a vacancy occurs in the office of an elected school board member, the vacancy shall be filled pursuant to §§ 24.2-226 and 24.2-227 of the Code of Virginia. (1994, cc. 129, 239)

Chapter 13.

Budget.

§ 13.01. Fiscal year.--The fiscal year of the county shall begin on July 1 and shall end on June 30 of the subsequent calendar year. The fiscal year shall also constitute the budget and accounting year. (1986, c. 617)

§ 13.02. Procedures.--In preparing, approving, and adopting a budget for the county, the county administrator and the board of supervisors shall be governed by general law, specifically the provisions of Chapter 4 of Title 15.1 of the Code of Virginia. (1986, c. 617)

Chapter 14.

Borrowing.

§ 14.01. General borrowing powers.--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, the Code of Virginia, and as provided for herein. 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. (1986, c. 617)

§ 14.02. Limitations.--Bonds of the county shall not be issued until their issuance shall have been authorized by a majority of the qualified voters of the county voting on the question at an election held for the purposes and in the manner as provided by general

law, except as authorized under Article VII, Section 10 (b), of the Constitution of the Commonwealth of Virginia and the Public Finance Act. (1986, c. 617)

Chapter 15.

Intergovernmental Relationships.

§ 15.01. Towns.--Upon and after the effective date of this charter, the Town of Vinton in existence in the county upon the effective date of this charter shall continue to exist and be recognized as a town and shall have and may continue to exercise as provided by law any and all powers which such town may have had prior to the effective date of this charter or may thereafter acquire, be they conferred by charter, general law or any other law.

It being the declared purpose of this section that no change in the powers of towns shall result from the grant of this charter, the following additional provisions are included.

Whenever there appears to be any conflict between any provision of this county charter or amendment hereto, and any provision of any charter of the town in the county, or the general law applicable to towns, then the provisions of the charter of such town or the provisions of the general law applicable to the town shall be construed and held to take precedence over such conflicting provisions of this county charter, or any amendment hereto. (1986, c. 617)

Chapter 16.

Use, Management and Disposal of Property.

§ 16.01. Use, management and disposal of property.--The county may control and regulate the use and management of all its property, real and personal, within and without its boundaries, and may sell, lease, mortgage, pledge or dispose of such property, subject to such limitations as may be imposed by law. Property declared by a department of the county or local authority or instrumentality serving the county to be surplus in relation to the use for which acquired shall be made available for other public uses before permitting disposition by sale. The proceeds from the sale of capital facilities, be they real or personal property, shall be paid in capital facility accounts and expended therefrom solely for the purpose of acquisition, construction, maintenance or replacement of other capital facilities. (1986, c. 617)

Chapter 17.

Power of Eminent Domain.

§ 17.01. Powers.--The powers of eminent domain as authorized and limited by general law as to counties and all acts hereafter amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon Roanoke County. (1986, c. 617)

§ 17.02. Procedure.--In any case in which petition for condemnation is filed by or on behalf of the county, a true copy of a resolution or ordinance duly adopted by the board of supervisors declaring the necessity for any taking or damaging of any property for the public purposes of the county, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the county. The county may employ the procedures conferred by the foregoing laws, mutatis mutandis. (1986, c. 617)

Chapter 18.

Miscellaneous.

§ 18.01. Rules and regulations.--All departments, boards, commissions, officers, and agencies of the county issuing rules and regulations under this charter or by the general laws of the Commonwealth, shall within three months after this charter takes effect file with the county administrator copies of all such rules and regulations previously issued by them and in force on such day and shall thereafter file with said county copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. The county administrator shall cause well-indexed copies of such rules and regulations with a copy of this charter to be kept at each public library and other place in the county he deems suitable for public inspection. (1986, c. 617)

§ 18.02. Advisory boards and commissions.--The board of supervisors shall have full authority to establish such advisory boards and commissions as it may deem necessary for the purpose of advising the board of supervisors and the county administrator. (1986, c. 617)

§ 18.03. Bonds and officers.--The county administrator shall give bond payable to the county in the amount of not less than \$5,000. The treasurer shall give bond to the amount of not less than fifteen percent of the amount of money to be received by him annually, but he shall not be required to give bond in excess of \$5 million dollars except as hereinafter provided. The board of supervisors shall have the power to fix bonds in excess of these amounts and to require bonds of other county officers in their discretion, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession. In regard to county officers other than himself and the treasurer, the county administrator shall have the authority to fix and require bonds in the absence of such action by the board of supervisors. (1986, c. 617)

§ 18.04. Ordinances of the county.--Except in dealing with questions of parliamentary procedure the board of supervisors shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the board shall be, "Be it ordained by the board of supervisors of the County of Roanoke." No ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two regular meetings, or the requirement of such reading has been dispensed with by the affirmative vote of four-fifths of the members of the board. Any ordinance introduced and adopted on its first reading at one meeting of the board may be amended and adopted as amended at the next such meeting or subsequent meeting, provided that the amendment does not materially change the purpose and character of the proposed ordinance. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section of subsection as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board, and every ordinance or resolution shall require, on final passage, the affirmative vote of a majority of the members. 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.

In authorizing the making of any public improvements, or the acquisition of real estate or any interest therein; or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenue or of the sale of bonds lawfully authorized); or authorizing the sale of any property or rights in property of the County of Roanoke, or granting any public utility franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the board shall act only by ordinance; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incidental thereto and providing for the carrying out of the purposes of such ordinances may, except as otherwise provided in this charter, be taken by resolution of the board. (1986, c. 617)

§ 18.05. Examination and audit of books and accounts.--The board of supervisors shall require an annual audit of the books of every county officer who handles public funds to be made by a certified public accountant who is not a regular officer or employee of the county and who is thoroughly qualified by training and experience. An audit made by the Auditor of Public Accounts under the provisions of law may be considered as having satisfied the requirements of this paragraph.

Either the board of supervisors or the county administrator may at any time order an examination or audit of the accounts of any officer or department of the county government. Upon the death, resignation, removal, or expiration of the term of any head of department, officer, or employee of the county responsible for maintaining an account, the county administrator shall cause an audit and investigation of the account or accounts of such person to be made and shall report the results thereof to the board of supervisors. In the case of the death, resignation, or removal of the county administrator, the board of supervisors shall cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the county, the board of supervisors shall proceed forthwith to collect such indebtedness. (1986, c. 617)

§ 18.06. Officials not affected by charter.--The adoption of this charter and the effectiveness thereof, unless specifically provided herein, shall not affect the appointment, terms or duties of the following officials:

1. Jury commissioners,
2. Notaries public,
3. County electoral boards,
4. Registrars,
5. Judges and clerks of elections,
6. Magistrates and special magistrates. (1986, c. 617)

§ 18.07. Offices; terms not affected; abolition.--The terms of members of all boards, committees, commissions, and authorities appointed prior to the adoption and effective date of this charter shall not be affected hereby, and all such agencies of the county shall continue unless terminated in accordance with other law.

The board of supervisors, by a majority vote of all the members, may abolish any board, commission, or office of the county over which it has the power of appointment or selection, except the school board, the board of zoning appeals, the board of equalization of real estate assessments, the social services board, and the planning commission, and

may delegate and distribute the duties, authority and powers of the boards, commissions, or offices abolished to the county administrator or to any other officer of the county it may deem proper. In the event of the abolition of any such board, commission, or office, those to whom the duties thereof may be delegated or distributed shall discharge all of the duties and exercise all of the powers and authority of, and both they and the county for which they were appointed, or by whom they were employed, shall enjoy the immunities and exemptions from liability or otherwise that were enjoyed by the abolished boards, commission, or offices, prior to the adoption of this charter, except insofar as such duties, powers, authority, immunities and exemptions have been or hereafter may be changed according to law. (1986, c. 617)

§ 18.08. 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 law of the Commonwealth. (1986, c. 617)

§ 18.09. Immunity from liability.--The county and all its officers, employees and agents shall retain all immunities for 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. (1986, c. 617)

Chapter 19.

Severability.

§ 19.01. Severability.--Should any part of this charter be declared unconstitutional by a court of competent jurisdiction, such shall have no effect on the constitutionality or validity of any other part of this charter. (1986, c. 617)

Chapter 20.

Transition.

§ 20.01. Transition savings clause.--All ordinances, resolutions and orders of the board of supervisors and all rules and regulations made by it or by any department, board, commission or officer of the county, in force at the effective date of this charter, insofar as they or any part thereof are not inconsistent with the provisions of this charter, shall remain in full force and effect until amended or repealed in accordance with this charter or the general laws of the Commonwealth. (1986, c. 617)

§ 20.02. Assets and liabilities.--All assets and liabilities of the county existing as of the effective date of this charter shall continue to be assets and liabilities of the county from and after the effective date of the charter. (1986, c. 617)

§ 20.03. Effective date.--This charter shall be in effect from July 1, 1986, and thereafter until repealed or amended as provided by law. (1986, c. 617)