

ORDINANCE NO. 18-2(2)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, is hereby amended and reordained as follows:

By Amending:

- 2-102 Rio Magisterial District.
- 2-104 Samuel Miller Magisterial District.
- 2-107 Central absentee voter precinct.
- 2-200 County executive form of government.
- 2-404 Employees; contracts with planners and consultants; limitation on expenditures.
- 2-406 Duties generally.
- 2-601 Powers, duties, and procedures.
- 2-701 Purposes and powers.
- 2-802 Compensation and term of office of members.
- 2-803 Officers and staff; minutes of meetings.
- 2-804 Re-eligibility.
- 2-805 Powers and duties.

By Amending and Renaming:

- 2-100 Establishment and boundaries of magisterial districts, ~~election districts, and~~ precincts; identifying and polling places; map.
- 2-201 Board of ~~s~~Supervisors; composition and terms.
- 2-202 Compensation of ~~board of supervisors~~ the Board of Supervisors.
- 2-300 School ~~board~~ Board; composition and terms.
- 2-400 Planning ~~e~~Commission created.
- 2-401 Composition; ~~appointment, terms, and compensation of members; quorum.~~
- 2-500 ~~Police department~~ Albemarle County Police Department established.
- 2-501 ~~Employment of Off-Duty Police Officers~~ Off-duty employment of police officers may be authorized by the Chief of Police.
- 2-600 ~~Creation of economic development authority~~ Economic Development Authority created.
- 2-602 Board of ~~directors~~ Directors; composition and appointment.
- 2-700 ~~Service authority~~ Albemarle County Service Authority created.
- 2-702 ~~Membership; appointment and term of office of members; filling of vacancies~~ Composition, appointment, and terms.
- 2-800 Airport ~~e~~Commission.
- 2-801 Composition and appointment; ~~appointment of members.~~

By Amending, Renaming, and Renumbering:

- ~~2-404~~ 2-402 ~~Employees; contracts with planners and consultants; limitation on expenditures~~ Authority to appoint employees and contract with consultants; required appropriation.
- ~~2-503~~ 2-502 ~~Disposition of unclaimed personal property in possession of law enforcement agencies.~~
- ~~2-504~~ 2-503 ~~Albemarle County Volunteer eCommunity sService fForce.~~
- ~~2-505~~ 2-504 ~~Albemarle County Auxiliary pPolice fForce.~~
- ~~2-1101~~ 2-900 ~~Administration~~ Designation of the County Executive to develop and administer Ppersonnel policies and procedures.
- ~~2-1102~~ 2-901 ~~Adoption of personnel policies and procedures~~ by the Board of Supervisors.
- ~~2-1104~~ 2-903 ~~Certain persons deemed part~~ Designation of the eCounty's official safety program.
- ~~2-1108~~ 2-905 ~~Establishment, execution and amendment of plan~~ Deferred compensation plan established.

- 2-1109 ~~2-907~~ Deferred compensation committee-- created.
2-1110 ~~2-908~~ ~~Deferred compensation committee--powers~~ Powers of the deferred compensation committee.

By Adding:

- 2-603 Composition, appointment, and terms.
2-902 Designation of the County Executive as the Director of Emergency Management.
2-904 Identified appointed boards; compensation and reimbursement.
2-906 Designation of the County Executive to perform certain plan duties.

By Repealing:

- 2-402 Organization.
2-403 Finances.
2-405 Adoption of rules; records; assistance by other county and municipal officials.
2-502 Concealed handgun permits.
2-900 Library board.
2-1000 Office of emergency service.
2-1001 Director--Designated.
2-1002 Director--Powers and duties.
2-1003 Declaration of local emergency.
2-1100 Authority.
2-1103 County executive.
2-1105 Enumerated.
2-1106 Members excluded.
2-1107 Travel and other expenses.

CHAPTER 2
ADMINISTRATION

Chapter 2
Administration

ARTICLE I. ELECTIONS
Article 1. Elections

Sec. 2-100 Establishment and boundaries of magisterial districts, ~~election districts,~~ and precincts; identifying and polling places; map.

The County's magisterial districts are established and identified as follows:

- A. County divided in six magisterial districts. The ~~county~~ County ~~shall be~~ is divided into six (6) magisterial districts, which ~~shall be~~ are named and ~~bounded~~ have boundaries as described in this article, ~~and which shall be~~ The magisterial districts are the election districts for the county County within the meaning of Virginia Code § 15.2-1211. ~~Each election district shall contain precincts and polling places as described in this article.~~
- B. Precincts and polling places. Each magisterial district contains precincts described in this article. Each precinct has a polling place identified in this article.
- C. Maps. The map identified as "Albemarle County, Virginia 2011 Redistricting Plan # 1A, dated May 4, 2011," and the maps identified as [Name to be provided at a later date] is are hereby designated as the official map depicting the magisterial district, ~~and~~ precinct boundaries, and polling place locations within the ~~county~~ County. ~~If there is a~~ The text of this is chapter is controlling if there is any conflict between the map and the descriptions of the magisterial district boundaries, ~~and~~ precinct boundaries,

or the polling place locations in this chapter sections 2-101 through 2-106, the descriptions in sections 2-101 through 2-106 shall control.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98; Ord. 01-2(1), 5-9-01; Ord. 11-2(2), 5-4-11)

State law reference—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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Sec. 2-102 Rio Magisterial District.

The Rio Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district*.: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then south along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Charlottesville's northern city limits; then along the Charlottesville city limits east to its intersection with the Rivanna River; then meandering north along the Rivanna River to its confluence with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River, to Seminole Trail (U.S. Route 29), the point of origin.
- B. *Precincts*.: The district shall be divided into five (5) precincts, ~~as described herein~~ which are described as follows:
1. *Agnor-Hurt Precinct*.: Beginning at Seminole Trail (U.S. Route 29) and its intersection with Greenbrier Drive; then northeast along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering west and south along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail, the point of origin.
 2. *Branchlands Precinct*.: Beginning at Charlottesville's northern city limits and its intersection with Denice Lane and Rio Road East (State Route 631); then northwest along Rio Road East to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to Charlottesville's northern city limits; then east along the Charlottesville city limits to its intersection with Denice Lane and Rio Road East, the point of origin.
 3. *Dunlora Precinct*.: Beginning at Rio Road East (State Route 631) at its intersection with the Norfolk Southern Railway right-of way and the Charlottesville city limits; then northeast along

the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then running south along the Rivanna River to its intersection with the Charlottesville city limits; then south and west along the Charlottesville city limits to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way and the Charlottesville city limits to its intersection with Rio Road East, the point of origin.

4. *Northside Precinct*: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then South along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29), the point of origin.
5. *Woodbrook Precinct*: Beginning at Charlottesville's northern city limits and its intersection with Rio Road East (State Route 631) and the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering northwest along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Rio Road East (State Route 631); then southeast along Rio Road East to its intersection with the Norfolk Southern Railway right-of-way and Charlottesville's northern city limits, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Agnor-Hurt Precinct*: Agnor-Hurt Elementary School, 3201 Berkmar Drive.
2. *Branchlands Precinct*: Senior Center, 1180 Pepsi Place.
3. *Dunlora Precinct*: Charlottesville-Albemarle Technical Education Center, 1000 East Rio Road.
4. *Northside Precinct*: Earlysville Volunteer Fire Station, 283 Reas Ford Road.
5. *Woodbrook Precinct*: Woodbrook Elementary School, 100 Woodbrook Drive.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(1), § 2-101; Ord. 01-2(1), 5-9-01; Ord. 02-2(3), 5-1-02; Ord. 06-2(2), 7-12-06; Ord. 11-2(2), 5-4-11; Ord. 15-2(2), 10-7-15)

State law reference—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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Sec. 2-104 Samuel Miller Magisterial District.

The Samuel Miller Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district*: Beginning at the intersection of the Mechums River and Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then meandering west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the CSX Railway right-of-way to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended /U.S. Route 29 Business to its intersection with the Charlottesville city limits; then south along the Charlottesville city limits to its intersection with Sunset Avenue Extended (State Route 781); then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road (State Route 631) to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then immediately west along Red Hill Road to its intersection with the North Fork Hardware River; then meandering southwest along the North Fork Hardware River to its confluence with the Hardware River and the South Fork Hardware River; then southwest along the South Fork Hardware River to its confluence with Eppes Creek; then southwest along Eppes Creek to its confluence with Beaver Branch; then meandering southwest along Beaver Branch to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with the Albemarle/Nelson county line; then northwest along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then meandering northeast along the Mechums River to its intersection with Garth Road, the point of origin.
- B. *Precincts*: The district shall be divided into six ~~(6)~~ precincts, ~~as described herein~~ which are described as follows:
1. *Country Green Precinct*: Beginning at Sunset Avenue Extended (State Route 781) and the overpass of Interstate 64; then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road (State Route 631) to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to

its intersection with Red Hill Road (State Route 708); then northwest along Red Hill Road to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with Interstate 64; then southeast along Interstate 64 to its overpass at Sunset Avenue Extended, the point of origin.

2. *East Ivy Precinct*: Beginning at the intersection of Charlottesville's western city limits and Sunset Avenue Extended (State Route 781); then south along Sunset Avenue Extended to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Dick Woods Road (State Route 637); then north along Dick Woods Road to its intersection with Bloomfield Road (State Route 677); then northeast along Bloomfield Road to its intersection with Ivy Road (U.S. Route 250); then east along Ivy Road to its intersection with Broomley Road (State Route 677); then north along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the CSX Railway right-of-way to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended (U.S. Route 29 Business); then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then along the Charlottesville city limits south to the intersection with Sunset Avenue Extended, the point of origin.
3. *Ivy Precinct*: Beginning at the intersection of the Mechums River and Garth Road (State Routes 614, 676 and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then meandering west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with Ivy Road (U.S. Route 250); then west along Ivy Road to its intersection with Bloomfield Road (State Route 677); then southwest along Bloomfield Road to its intersection with Dick Woods Road (State Route 637); then southwest along Dick Woods Road to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Mechums River; then meandering northeast along the Mechums River to its intersection with Garth Road, the point of origin.
4. *Porter's Precinct*: Beginning at the intersection of Warren Ferry Road (State Route 627), the James River, and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with the Albemarle/Nelson county line; then northwest along the Albemarle/Nelson county line to its intersection with Bear Creek; then meandering northeast along Bear Creek to its confluence with an unnamed southern tributary of Bear Creek; then continuing northeast along the unnamed tributary to its intersection with Bear Creek Road (State Route 774); then continuing along Bear Creek Road to its intersection with Appleberry Mountain Trail; then northeast along Appleberry Mountain Trail to its intersection with Barbershop Hill Road; then northeast along Barbershop Hill Road to its intersection with Bungletown Road; then southeast along Bungletown Road to its intersection with Green Creek Road (State Route 630); then east along Green Creek Road to its intersection with Secretarys Sand Road (State Route 717); then briefly northeast along Secretarys Sand Road to its intersection with Alberene Road (State Route 719); then north along Alberene Road to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line, the point of origin.
5. *Red Hill Precinct*: Beginning at the intersection of Interstate 64 and the Mechums River; then meandering southwest along the Mechums River to its confluence with the unnamed northern

branch of the Mechums River; then continuing west along the unnamed northern branch of the Mechums River to the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Bear Creek; then meandering northeast along Bear Creek to its confluence with an unnamed southern tributary of Bear Creek; then continuing northeast along the unnamed tributary to its intersection with Bear Creek Road (State Route 774); then continuing along Bear Creek Road to its intersection with Appleberry Mountain Trail; then northeast along Appleberry Mountain Trail to its intersection with Barbershop Hill Road; then northeast along Barbershop Hill Road to its intersection with Bungletown Road; then southeast along Bungletown Road to its intersection with Green Creek Road (State Route 630); then east along Green Creek Road to its intersection with Secretarys Sand Road (State Route 717); then briefly northeast along Secretarys Sand Road to its intersection with Alberene Road (State Route 719); then north along Alberene Road to its intersection with Plank Road (State Route 712); then east along Plank Road to its intersection with Beaver Branch; then meandering northeast along Beaver Branch to its confluence with Eppes Creek; then northeast along Eppes Creek to its confluence with the South Fork Hardware River; then meandering northeast along the South Fork Hardware River to its confluence with the North Fork Hardware River and the Hardware River; then meandering northeast along the North Fork Hardware River to its intersection with Red Hill Road (State Route 708); then northwest along Red Hill Road to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with Interstate 64; then west on Interstate 64 to its intersection with the Mechums River, the point of origin.

6. *Yellow Mountain Precinct*: Beginning at the intersection of the Albemarle/Nelson county line and Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then meandering southwest along the Mechums River to its confluence with an unnamed northern branch of the Mechums River; then meandering west along the unnamed northern branch of the Mechums River to its intersection with the Albemarle/Nelson county line; then northwest on the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Country Green Precinct*: South Ridge Christian Fellowship Church, 1284 Sunset Avenue Extended.
2. *East Ivy Precinct*: The Miller Center of Public Affairs, 2201 Old Ivy Road.
3. *Ivy Precinct*: Meriwether Lewis Elementary School, 1610 Owensville Road.
4. *Porter's Precinct*: Yancey Elementary School, 7625 Porters Road.
5. *Red Hill Precinct*: Red Hill Elementary School, 3901 Red Hill School Road.
6. *Yellow Mountain Precinct*: Mount Ed Baptist Church, 1606 Craigs Store Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(4), § 2-104; Ord. 01-2(1), 5-9-01; Ord. 04-2(2), 8-4-04; Ord. 11-2(2), 5-4-11; Ord. 15-2(2), 10-7-15)

State law reference—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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Sec. 2-107 Central absentee voter precinct.

~~There is hereby established a~~ A central absentee voter precinct is hereby established on the first floor of the Albemarle County Office Building, 1600 5th Street, Charlottesville, for the purpose of receiving, counting, and recording absentee ballots in all elections.

(11-14-84; Code 1988, § 6-9; Ord. 98-A(1), 8-5-98; Ord. 01-2(1), 5-9-01; Ord. 08-2(4), 7-2-08)

State law reference-Va. Code § 24.2-712.

ARTICLE II. BOARD OF SUPERVISORS
Article 2. Board of Supervisors

Sec. 2-200 County executive form of government.

~~The county shall~~ County operates under the county executive form of ~~organization and~~ government. This form of government was approved by the County voters in a referendum on May 2, 1933 and it became effective on and after January 1, 1934.

(Ord. 98-A(1), 8-5-98)

State law reference-Va. Code §§ ~~15.2-500 15.2-541~~ 15.2-500 et seq.

Editor's Note: ~~The County of Albemarle, at an election held on May 2, 1933, adopted the county executive form of government effective January 1, 1934.~~

Sec. 2-201 Board of ~~s~~Supervisors; composition and terms.

~~The board of supervisors shall be composed of six (6) members elected by the voters of the county. One member shall be a qualified voter of each election district and shall be elected solely by the voters of that election district. Board of supervisors members shall be elected for four (4) year terms.~~

The Board of Supervisors' composition and terms are as follows:

A. *Composition.* The Board is composed of six members elected solely by the voters of the respective magisterial district in which each member is a qualified voter.

B. *Terms.* Each Board member is elected to four year terms.

(Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-502.

Sec. 2-202 Compensation of ~~board of supervisors~~ the Board of Supervisors.

~~The salary of the board of supervisors shall be sixteen thousand two hundred sixty five dollars (\$16,265.00) for each board member effective July 1, 2017. In addition to the regular salary, the vice-chairman shall receive a stipend of thirty five dollars (\$35.00) for each and every meeting chaired and the chairman shall receive an annual stipend of one thousand eight hundred dollars (\$1,800.00).~~

The Board of Supervisors' compensation is as follows:

A. *Salary.* The salary of each member is \$16,265 per year, effective July 1, 2017.

B. *Stipend for the chairman.* In addition to the salary, the chairman shall receive an annual stipend of \$1,800.

C. *Stipend for the vice-chairman.* In addition to the salary, the vice-chairman shall receive a stipend \$35 for each Board meeting chaired.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17)

~~State law reference—Compensation of board of supervisors, Va. Code §§ 15.2-1414.1, 15.2-1414.3.~~

ARTICLE III. SCHOOL BOARD

Article 3. School Board

Sec. 2-300 School board Board; compensation and terms.

~~The school board of the county shall be composed of seven (7) members elected by the voters of the county. One member shall be a resident of each election district, and shall be elected by the voters of that election district, and one member shall be a resident of the county at-large, and shall be elected by the voters of the county at large. School board members shall be elected for four year terms; the term of each member elected by election district shall be coterminous with the term of the board of supervisors member for that district. The initial election shall be held pursuant to Virginia Code § 22.1-57.3. The existing appointed school board members shall continue in office until their elected replacements take office pursuant to Virginia Code § 22.1-57.3. Any vacancy in the office of an elected school board member shall be filled pursuant to Virginia Code §§ 24.2-226 and 24.2-227.~~

The School Board's composition and terms are as follows:

A. *Composition.* The Board is composed of seven members elected by the voters of the County. One member shall be a resident of each magisterial district who is elected by the voters of that magisterial district, and one member shall be a resident of the County at-large who is elected by the voters of the County at-large.

B. *Terms.* Each Board member is elected to four year terms. The term of each member elected by the voters of a magisterial district is coterminous with the term of the member of the Board of Supervisors elected from that district. The term of the at-large member shall begin in an even-numbered year that is not the same even-numbered year in which the governor's term begins.

(3-22-77; 1-4-78; 2-13-80; 4-13-88; Ord. of 5-11-94; Code 1988, § 2-1; Ord 98-A(1), 8-5-98)

~~State law reference—School boards in counties having county executive form of government, Va. Code, §§ 15.2-533, 22.1-57.1 et seq.~~

ARTICLE IV. PLANNING COMMISSION

Article 4. Planning Commission

Sec. 2-400 Planning commission Commission created.

~~There is hereby created a planning commission for the county~~ A Planning Commission is hereby created for the County.

(Code 1967, § 2-3; Code 1988, § 2-3; Ord. 98-A(1), 8-5-98)

~~State law reference—Duty of county to create planning commission, Va. Code § 15.2-2210.~~

Sec. 2-401 Composition, ~~the~~ appointment, terms, and compensation of members; quorum.

The composition of the Planning Commission and the appointment, terms, and compensation of its members are as follows:

A. *Composition.* ~~The planning commission~~ Planning Commission ~~shall be~~ is composed of eight ~~(8)~~ members ~~appointed by the board of supervisors~~, seven of whom are voting members and one of whom is a non-voting member.

B. *Qualifications.* ~~All members of the planning commission~~ Planning Commission shall be County residents of the county, and qualified by knowledge and experience to make decisions on questions of community growth and development. ~~Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them, and a~~ At least one-half of the members shall be freeholders owners of real property.

~~C.B. Appointment and terms~~ Nomination and appointment. Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows: ~~One member of the planning commission shall be appointed by the board of supervisors with the advice of the president of the University of Virginia for a term of one year, to serve in an advisory capacity without voting rights.~~

1. *Voting members.* ~~Of the seven (7) voting members, one shall be~~ is nominated from each of the six ~~(6)~~ magisterial districts by the ~~board~~ member of the Board of Supervisors representing that district, and one ~~shall be~~ is nominated to serve at-large. ~~Three (3) of the members appointed from specified magisterial districts shall be appointed in each even-numbered year following county elections, by nomination of the newly elected board members and for terms coextensive with theirs. The at-large member shall be appointed each even-numbered year following county elections for a two-year term. Vacancies occurring due to resignation or other causes shall be filled by appointment for the unexpired term only.~~

2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.

D. *Terms.* The terms served by members of the Planning Commission are as follows:

1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.

2. *Voting member, at-large.* The at-large member is appointed for a two year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.

3. *Non-voting member.* The non-voting member is appointed for a one year term.

~~E.C. Compensation.~~ All members of the planning commission, except the nonvoting member appointed with the advice of the president of the University of Virginia, shall receive four thousand one hundred dollars (\$4,100.00) per annum Each voting member of the Planning Commission shall be paid \$4,100 per year, to be paid in monthly installments. The chairman of the planning commission Planning Commission shall receive be paid an additional one thousand five hundred dollars (\$1,500.00) per annum year, to be paid in monthly installments.

~~D. Quorum.~~ A majority of the voting members shall constitute a quorum, and no action of the planning commission shall be valid unless authorized by a majority vote of those present and voting.

F. Vacancies. The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.

G. Holdover until successor appointed. Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

(4-21-66, § 1; 2-15-68, § 1; 1-16-69; 10-16-69; 1-21-71; 7-19-73; 4-17-75; 1-15-76; 4-21-76; 1-3-77; 5-2-79; 2-13-80; 12-10-80; 2-10-82; 6-13-84; 11-14-84; 3-12-86; 9-10-86; Ord. of 8-1-90; Code 1988, § 2-4; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00)

State law references-Va. Code § 15.2-2212.

Sec. 2-402 Organization.

~~———— The planning commission shall elect from among the appointive members a chairman and vice-chairman, whose terms shall be for one year. The chairman and vice-chairman are eligible for reelection. The planning commission may create and fill such other offices as it deems necessary.~~

~~(Code 1967, § 2-5; Code 1988, § 2-5; Ord. 98 A(1), 8-5-98)~~

~~———— State law reference — Va. Code § 15.2-2217:~~

Sec. 2-403 Finances.

~~———— The planning commission shall, at such times as the board of supervisors may require by resolution, submit a budget to the board of supervisors outlining proposed expenditures for the next fiscal year. The board of supervisors may approve, reject or amend the budget, in whole or in part. The planning commission may expend sums appropriated to it for its purposes and activities.~~

~~———— The board of supervisors may accept gifts and donations for planning commission purposes. Any moneys so accepted shall be deposited in a special nonreverting planning commission fund to be available for expenditure by the planning commission for the purpose designated by the donor. The finance director may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the planning commission.~~

~~(Code 1967, § 2-7; 4-21-76; Code 1988, § 2-7; Ord. 98 A(1), 8-5-98)~~

~~———— State law reference — As to duty of planning commission to prepare annual budget, see Va. Code § 15.2-2221(7); for authority to accept gifts and donations, see Va. Code § 15.2-2222.~~

Sec. 2-~~402~~ 404 Employees; contracts with planners and consultants; limitation on expenditures **Authority to appoint employees and contract with consultants;** **required appropriation.**

The county planning commission shall have the power and authority The Planning Commission is authorized to appoint such employees and staff as it may deem necessary for its work, and may contract with consultants for such services as it may require to provide required services. Such expenditures, exclusive of gifts or grants, Any expenditures for employees and consultants shall be within the amount appropriated for the purpose by the ~~board of supervisors~~ Board of Supervisors.

(Code 1967, § 2-8; Code 1988, § 2-8; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-2217.

Sec. 2-405 Adoption of rules; records; assistance by other county and municipal officials.

~~_____ The planning commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Upon request of the planning commission, the board of supervisors may, from time to time, for the purpose of special surveys under the direction of the planning commission, assign or detail to the planning commission any members of the staffs of county departments, or may direct any such department to make for the commission special surveys or studies requested by the planning commission.~~

~~(Code 1967, § 2-9; Code 1988, § 2-9; Ord. 98-A(1), 8-5-98)~~

~~State law reference—Duty of planning commission to adopt rules of procedure and maintain records, see Va. Code § 15.2-2217.~~

Sec. 2-406 Duties generally.

~~_____ The planning commission shall:~~

~~_____ A. _____ Serve as an advisory body to the board of supervisors to promote the orderly development of the county and its environs and to accomplish the objectives set forth in Virginia Code § 15.2-2200;~~

~~_____ B. _____ Prepare and recommend a comprehensive plan for the physical development of the county pursuant to Virginia Code §§ 15.2-2223 et. seq.;~~

~~_____ C. _____ At the direction of the board of supervisors, or may on its own initiative, make or cause to be made an official map pursuant to Virginia Code §§ 15.2-2233 et. seq.;~~

~~_____ D. _____ At the discretion of the board of supervisors, or may on its own initiative, prepare and revise annually a capital improvement program based on the comprehensive plan of the county for a period not to exceed the ensuing five years pursuant to Virginia Code § 15.2-2239;~~

~~_____ E. _____ At the request of the board of supervisors, or may on its own initiative, prepare and recommend amendments to the Subdivision Ordinance;~~

~~_____ State law reference—Va. Code § 15.2-2253.~~

~~_____ F. _____ At the direction of the board of supervisors, or may on its own initiative, prepare and recommend amendments to the Zoning Ordinance including a map or maps showing the zoning districts of the county;~~

~~_____ State law reference—Va. Code § 15.2-2285.~~

~~_____ G. _____ Administer the subdivision ordinance and zoning ordinance as set forth in such; and~~

~~_____ H. _____ Make recommendations and an annual report to the board of supervisors concerning the operation of the planning commission and the status of planning within the county.~~

~~(Code 1988, §§ 2-10, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23; Ord. 98-A(1), 8-5-98)~~

~~_____ State law reference—Va. Code § 15.2-2221(6); powers of authority generally, see Va. Code § 15.2-2221.~~

ARTICLE V. LAW ENFORCEMENT
Article 5. Law Enforcement

Sec. 2-500 ~~Police department~~ Albemarle County Police Department established.

The Albemarle County Police Department, ~~hereinafter, the police department,~~ is hereby established as the department of law enforcement for the ~~e~~County, and ~~shall be responsible for the enforcement of is~~ responsible for enforcing all criminal laws and local ordinances, ~~the safeguard of~~ safeguarding life and property, ~~and the preservation of~~ preserving peace throughout the ~~e~~County.

The chief of police and all police officers shall be appointed by the board of supervisors pursuant to Virginia Code § 15.2-512. The ~~e~~Chief of ~~p~~Police shall serve as the chief administrative law enforcement officer of the ~~police department~~ County. The ~~e~~County ~~e~~Executive shall ~~have supervision and control of the police department~~ supervise the Police Department.

(5-11-83; 6-1-83; 7-13-83; 3-9-88; Code 1988, § 10.1-1; Ord. 98-A(1), 8-5-98)

~~State law reference-Authority to adopt this provision-Va. Code §§ 15.2-528, 15.2-1700 et seq.~~

Sec. 2-501 ~~Employment of Off-Duty Police Officers~~ Off-duty employment of police officers may be authorized by the Chief of Police.

~~Upon individual application to, and approval by, the chief of police, police officers may engage in off-duty employment, including employment that may occasionally require such officers to use their police powers in the performance of such employment. The chief of police is hereby authorized to promulgate rules and regulations applying to such off-duty employment.~~

The Chief of Police may authorize police officers to engage in off-duty employment which may occasionally require the officers to use their police powers in the performance of their off-duty employment, subject to the following:

- A. *Application and approval.* Before engaging in off-duty employment, the police officer shall apply to the Chief of Police and obtain the Chief's approval to engage in the off-duty employment.
- B. *Rules.* The Chief of Police is authorized to promulgate reasonable rules regarding police officers engaging in off-duty employment.

(Ord. 98-A(1), 8-5-98)

~~State law reference-Authority to adopt this provision-Va. Code § 15.2-1712.~~

Sec. 2-502 ~~Concealed handgun permits.~~

~~As a condition for issuance of a concealed handgun permit pursuant to Virginia Code § 18.2-308, and in order to determine the suitability for a concealed handgun permit, any applicant for such permit who resides in the county shall be fingerprinted by the sheriff and shall provide personal descriptive information.~~

~~(Code 1988, § 10.1-4; Ord. 98-A(1), 8-5-98; Ord. 02-2(1), 4-17-02)~~

Sec. 2-~~502~~ 503 Disposition of unclaimed personal property in possession of law enforcement agencies.

- A. *Authority to dispose of unclaimed personal property.* Any unclaimed personal property that has been in the possession of the ~~chief of police~~ Chief of Police, sheriff ~~Sheriff~~, or any of their duly authorized and sworn officers or deputies, and which has remained unclaimed for more than ~~sixty~~ (60) days, may be (i) sold at public auction in accordance with the provisions of this section or (ii) be retained for use

by the law-enforcement agency, after payment of a reasonable storage fee to the Sheriff or other agency storing the property. No storage fee shall be charged or accounted for if the property has been stored by and is to be retained by the Sheriff's office or other law enforcement agency.

- ~~B. Prior to the sale or retention for use by the law enforcement agency of any unclaimed item, the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the Commonwealth's Attorney a written statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the county once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the law enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law enforcement agency shall become the property of the county and shall be retained only if, in the opinion of the chief law enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.~~
- ~~C. If no claim has been made by the owner for the property or proceeds of such sale within sixty days of the sale, the remaining funds shall be deposited in the general fund of the county and the retained property may be placed into use by the law enforcement agency. Any such owner shall be entitled to apply to the county within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the county shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.~~
- B. Prerequisites to disposing unclaimed personal property. Before the sale or retention for use by the law enforcement agency of any unclaimed item, the Chief of Police, Sheriff, or their duly authorized agents shall do all of the following:
1. Attempt to notify the rightful owner. Make reasonable attempts to notify the rightful owner of the property.
 2. Obtain a statement from the Commonwealth's Attorney. Obtain from the Commonwealth's Attorney a written statement advising that the property is not needed in any criminal prosecution.
 3. Publish notice of public display and sale of property. Cause notice of the public display and sale of property to be published in a newspaper of general circulation in the County once a week for two successive weeks. The notice shall state that there will be a public display and sale of unclaimed personal property, and state the date, time, and place of the sale. The notice shall also generally describe the property to be displayed and sold and the property selected for retention by the law enforcement agency.
 4. Allow the public to view the property at the sale. The property shall be available for public viewing at the sale.
- C. Use of the proceeds from the sale. The Chief of Police, Sheriff, or their duly authorized agents shall use the proceeds from the sale of unclaimed personal property as follows:
1. Pay for advertising and other costs. Pay any costs to advertise, remove, store, investigate ownership and liens, and provide notice of the sale.

2. Retain balance of funds for the owner. After the costs under subsection (C)(1) are paid, hold the balance of the funds to be claimed by the owner, which shall be paid to the owner upon satisfactory proof of ownership.

3. Deposit remaining funds in the County's general fund. If no claim has been made by the owner for the property or proceeds of the sale within 60 days after the sale, deposit the remaining funds into the County's general fund.

D. Right of owner to claim remaining funds or unsold property. An owner may apply to the County within three years after the date of the sale and, if the application is timely and the owner provides satisfactory proof of ownership of the funds or the property:

1. Pay the remaining funds. If the property was sold, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation.

2. Return the unsold property that was not disposed. If the property was not sold and was not disposed, the County shall return the property to the owner.

3. Bar to make a claim. No claim shall be made nor any suit, action, or proceeding be instituted for the recovery of any remaining funds or property after three years from the date of the sale.

E. Unclaimed property retained by the law enforcement agency. If no claim has been made by the owner for the property within 60 days after the sale, any retained property may be placed into use by the law enforcement agency. Any unclaimed property retained for use by a law enforcement agency shall become the property of the County and shall be retained only if, in the opinion of the Chief of Police, there is a legitimate use for the property by the agency and that retaining the property is a more economical alternative than purchasing a similar or equivalent item.

~~ED.~~ Definition of unclaimed personal property. As used herein in this section, "unclaimed personal property" shall be is any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Virginia Code §§ 55-210.1 et seq.).

~~E.~~ The chief of police and sheriff are hereby constituted the agents of the county for purposes of administration of this section.

~~GF.~~ Alternative procedure for unclaimed bicycles and mopeds. Any bicycle or moped which has been in the possession of the police department or sheriff's department, unclaimed, for more than thirty (30) days, may be sold at public auction or donated to a charitable organization, in the discretion of the police or sheriff's department may be disposed of as provided in this section or as provided in Virginia Code § 15.2-1720.

(1-11-84; Ord. No. 94-10.1(1), 12-7-94; Code 1988, § 10.1-2; Ord. 98-A(1), 8-5-98)

~~State law reference—Authority to adopt this provision, Va. Code § 15.2-1719.~~

Sec. 2-~~503~~ 504 Albemarle County Volunteer eCommunity sService fForce.

There is hereby created a volunteer community service force which shall be designated the "Albemarle County Community Service Force." The volunteer community service force known as the "Albemarle County Community Service Force" is hereby created, subject to the following:

A. Purpose. The purpose and function of the Community Service Force is to provide assistance to the Chief of Police and the regular police force in maintaining police records and communications, and providing public education and information in crime prevention and detection and similar police activities.

BA. Composition. The ~~community service force~~ Community Service Force shall consist is composed of unpaid volunteer citizens designated volunteer community service officers, who shall be ~~are~~ under the direct supervision of the ~~chief of police~~ Chief of Police of the county.

~~B. The purpose and function of the volunteer service force shall be to provide assistance to the chief of police and the regular county police force in the maintenance of police records and communications, to provide public education and information in crime prevention and detection and similar police activities; provided, that no volunteer community service officer shall carry weapons of deadly force or have power of arrest.~~

C. Outfitting, equipping, qualifications, training, duties, and operating procedures subject to approval by the Board of Supervisors. The Chief of Police and the County Executive shall recommend to the Board of Supervisors for approval regulations pertaining to uniforms and equipment for volunteer community service officers, the qualification and training of candidates, duties and operating procedures, and all other matters not specified in this section shall be as prescribed by regulations recommended from time to time by the chief of police and county executive and approved by the board of supervisors. Uniforms and equipment shall be ~~are~~ provided by the ~~e~~County from the budget of the ~~county police force~~ Albemarle County Police Department.

D. Carrying weapons of deadly force prohibited; no power of arrest. Community service officer shall not carry weapons of deadly force and do not have power of arrest.

ED. Officers not County employees. ~~Volunteer e~~Community service officers shall not be ~~are not~~ deemed ~~e~~County employees for purposes of tenure, nor shall they be ~~are they~~ subject to the ~~e~~County employee grievance procedure.

FE. Insurance coverage. To the extent possible, ~~volunteer~~ community service officers shall be covered by the ~~e~~County's liability insurance.

GF. Officers are not auxiliary police officers. ~~Volunteer e~~Community service officers shall not be ~~are not~~ deemed auxiliary police officers under Virginia Code § 15.2-1731, or special police officers under Virginia Code § 15.2-1737.

(8-10-88; Code 1988, § 10.1-3; Ord. 98-A(1), 8-5-98; Ord. 13-2(2), 12-4-13)

Sec. 2-~~504~~ 505 Albemarle County Auxiliary pPolice fForce.

~~There is hereby created an auxiliary police force which shall be designated the "Albemarle County Auxiliary Police Force."~~ The auxiliary police force known as the "Albemarle County Auxiliary Police Force" is hereby created, subject to the following:

A. Composition. The ~~auxiliary police force~~ Auxiliary Police Force shall be comprised is composed of citizen volunteers selectively used to conduct a variety of operational support and administrative assignments.

B. Eligibility and appointment. The ~~chief of police shall have the authority~~ Chief of Police is authorized to appoint as auxiliary police officers as many persons of good character as he deems ~~deemed~~ necessary, not to exceed 15 percent of the paid regular police force; and their appointment shall be ~~revocable at any time by the chief of police~~ subject to the following:

1. Eligibility for appointment. Any citizen of the United States of good character may to apply to be appointed to the ~~auxiliary police force~~ Auxiliary Police Force.
 2. Application for appointment. The Chief of Police is authorized to prescribe the form and manner by which a person applies to be appointed, and the criteria for appointment.
 3. Revoking an appointment. The Chief of Police may revoke an appointment at any time.
- C. Outfitting and equipping; rules and regulations. ~~The chief of police shall have the authority~~ The Chief of Police is authorized to prescribe the uniform, equipment, organization, and such rules and regulations as ~~he shall deem~~ deemed necessary for the operation of to operate the auxiliary police force Auxiliary Police Force. The members of the Auxiliary Police Force shall wear the uniform and equipment prescribed by the Chief of Police at all times while they are in service as auxiliary police officers.
- D. When the force may be called into service. ~~The chief of police may call into service such auxiliary policemen as may be deemed necessary~~ The Chief of Police may call into service Auxiliary Police Force officers deemed necessary:
1. Emergencies. ~~In time of~~ When there is a public emergency;
 2. Insufficient number of regular police officers. ~~At such times as~~ When there is an insufficient number of regular ~~policemen~~ police officers to preserve the peace, safety, and good order of the community; ~~or,~~
 3. Training. ~~At any time for the purpose of training such auxiliary policemen~~ To train the auxiliary police officers.
- E. Act within the County; exceptions. ~~The members of the auxiliary police force~~ Auxiliary police officers shall not be required to act beyond the limits of the jurisdiction of the ~~e~~County except:
1. Protect County property. ~~W~~hen called upon to protect any public property belonging to the ~~e~~County which may be located beyond its boundaries,
 2. When authorized by a mutual aid agreement. ~~When unless~~ authorized by a mutual aid agreement pursuant to Virginia Code § 15.2-1736.
- F. Officers are not County employees. ~~The members of the auxiliary police force~~ Auxiliary police officers ~~shall not be~~ are not deemed ~~e~~County employees and shall serve without compensation.
- G. Insurance coverage. To the extent possible, ~~members of the auxiliary police force~~ officers shall be covered by the ~~e~~County's liability insurance.
- H. ~~The members of the auxiliary police force shall not be deemed special police officers under Virginia Code § 15.2-1737.~~
- I. ~~The members of the auxiliary police force shall wear the uniform and equipment prescribed by the chief of police at all times while serving as auxiliary policemen.~~
- J. ~~Any citizen of the United States shall be eligible to make application to become a member of the auxiliary police force. Applicants shall apply and will be selected in the form and manner prescribed by the chief of police.~~

(Ord. 13-2(2), 12-4-13)

State law reference-Va. Code §§ 15.2-1731-15.2-1736.

ARTICLE VI. ECONOMIC DEVELOPMENT AUTHORITY
Article 6. Economic Development Authority

Sec. 2-600 Creation of economic development authority Economic Development Authority created.

~~There is hereby created pursuant to the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 et seq.) a political subdivision of the Commonwealth of Virginia to be known as the “Economic Development Authority of Albemarle County, Virginia,” which is hereinafter referred to in this article as the “economic development authority.”~~ The authority known as the “Economic Development Authority of Albemarle County, Virginia” is hereby created as an authority under the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 et seq.). It is referred to in this article as the “Economic Development Authority.”

(5-12-76, §§ 1, 2; Ord. of 5-4-94; Code 1988, §§ 2-47, 2-48; § 2-600, Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08; Ord. 16-2(2), 11-9-16)

State law reference-Va. Code § 15.2-4900 et seq.

Sec. 2-601 Powers, duties, and procedures.

~~The economic development authority shall have~~ The Economic Development Authority has all public and corporate ~~of the~~ powers as are or may from time to time be conferred upon economic development authorities pursuant to ~~granted by~~ the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 et seq.). ~~In the exercise of its powers, the economic development authority shall perform all applicable duties and comply with all applicable procedures~~ The Economic Development Authority shall exercise its powers and perform its duties as required by the Act, including obtaining the prior approval of the ~~board of supervisors~~ Board of Supervisors when that approval is required by state or federal law before the economic development authority Economic Development Authority may act.

(5-12-76, § 3; 11-1-78; 8-14-80; 12-2-81; 3-16-83; 12-21-83; Ord. of 12-16-92; Ord. of 5-4-94; Code 1988, § 2-49; § 2-601, Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08; Ord. 16-2(2), 11-9-16)

State law reference-Va. Code § 15.2-4905.

Sec. 2-602 Board of directors Directors.

~~(Formerly Board of supervisors to approve financing. Repealed 11-9-16)~~

~~The economic development authority~~ Economic Development Authority shall be governed by a ~~board of directors~~ Board of Directors in which all powers of the authority shall be vested, ~~composed of seven (7) members appointed by the board of supervisors as provided by law.~~

(Ord. of 5-4-94; Code 1988, § 2-52; § 2-604, Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08; § 2-602, Ord. 16-2(2), 11-9-16)

State law reference-Va. Code § 15.2-4904.

Sec. 2-603 Composition, appointment, and terms.

The composition of the Board of Directions and the appointment and terms of the Directors are as follows:

A. Composition. The Board of Directors is composed of seven members.

B. Nomination and appointment. Each Director is appointed by the Board of Supervisors. Before being appointed by the Board, each Director is nominated from each of the six magisterial districts by the

member of the Board of Supervisors representing that district, and one member is nominated to serve at-large. Directors are not required to be residents of the magisterial district of the Board member who nominated them.

C. Terms. The terms of the Directors are four years. The terms are staggered as provided by State law.

D. Vacancies. The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.

E. Holdover until successor appointed. Any Director whose term has expired shall continue to act as a Director until the Board of Supervisors re-appoints the Director or appoints a successor and that person is qualified.

F. Oath required. Each person appointed or re-appointed as a Director shall take or subscribe the oath required by Virginia Code § 49-1 before performing any duties as a Director.

State law reference--Va. Code § 15.2-4904.

Sec. 2-603 (Repealed 11-9-16)

Sec. 2-605 (Repealed 11-9-16)

ARTICLE VII. ALBEMARLE COUNTY SERVICE AUTHORITY

Article 7. Albemarle County Service Authority

Sec. 2-700 Service authority Albemarle County Service Authority created.

There is hereby created a water and sewer authority to be known as the "Albemarle County Service Authority," hereinafter, the service authority. The authority known as the "Albemarle County Service Authority" is created as an authority under the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 et seq.) by a resolution adopted by the Board of Supervisors on April 2, 1964 (referred to in this article as the "Resolution") and a Certificate of Incorporation issued by the State Corporation Commission on April 23, 1964. It is referred to in this article as the "Service Authority."

(Code 1967, § 2-19; Code 1988, § 2-24; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 15.2-5100 to 15.2-5151; 15.2-5103.

Sec. 2-701 Purposes and powers.

The service authority is created for the purpose of acquiring, financing, constructing, operating and maintaining one or more water systems and one or more sewer systems, or any combination thereof, including pipe lines and other property and facilities incidental thereto for the primary purpose of furnishing water and sewer facilities, or both, to residents and places of business in certain areas in the county, and for the purpose of exercising the powers conferred by Virginia Code §§ 15.2-5100 through 15.2-5151. No project, other than that specified in the articles of incorporation of such authority, shall be undertaken by such authority until and unless the board of supervisors shall, by subsequent resolution, after public hearing and with or without referendum, specify the further projects to be undertaken. The Service Authority is created for the purposes, and with the powers, stated in its Articles of Incorporation, which may be amended from time to time. The original Articles of Incorporation are stated in the Resolution.

(Code 1967, § 2-20; Code 1988, § 2-25; Ord. 98-A(1), 8-5-98)

State law reference--For state law as to general powers of water and sewer authorities, see Va. Code § 15.2-5114; limitation of projects--Va. Code § 15.2-5111; 15.2-5103.

Sec. 2-702 ~~Membership; appointment and term of office of members; filling of vacancies~~
Composition, appointment, and terms.

A. ~~— The service authority shall consist of six members, to be appointed by the board of supervisors, with one member being appointed from each of the six magisterial districts in the county. Upon expiration of the original terms of office of present board members and the new board member, as shown on a chart on file in the clerk's office, which chart is hereby made a part of this section, successors shall be appointed for the terms shown on such chart. Thereafter, each successor shall serve a term of office concurrent with the term of office of the supervisor appointing that member. Each such person appointed shall serve until the expiration of his term or until his successor shall have been duly appointed and qualified.~~

~~— B. — Any vacancy in the members of the service authority, other than by expiration of such member's term of office, shall be filled by the appointment of a member to fill such vacancy for the unexpired term only.~~

The composition of the Service Authority Board and the appointment and terms of the members of the Board are as follows:

A. *Composition.* The Board is composed of six members, one from each magisterial district in the County.

B. *Nomination and appointment.* Each member is appointed by the Board of Supervisors. Before being appointed by the Board of Supervisors, each member is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district

C. *Terms.* The terms of the members are four years. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.

D. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.

E. *Holdover until successor appointed.* Any member whose term has expired shall continue to act as a member until the Board of Supervisors re-appoints the member or appoints a successor and that person is qualified.

(Code 1967, 2-21; § 12-12-84; Code 1988, § 2-26; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-5113.

ARTICLE VIII. AIRPORT COMMISSION
Article 8. Charlottesville-Albemarle Joint Airport Commission

Sec. 2-800 Airport eCommission.

There is hereby established a joint airport commission to be known as the “Charlottesville-Albemarle Joint Airport Commission”, ~~hereinafter, the airport commission.~~ As used in this article, the term “~~a~~Airport eCommission” or “eCommission” means the joint airport commission established pursuant to § 7(D) of the Charlottesville-Albemarle Airport Authority Act (2003 Acts of Assembly, Chapter 864), as set forth within section 2-801, below.

(8-18-54, § 1; 5-16-74, § 1; Code 1988, §§ 2-27 and 2-28; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03)

State law reference-2003 Acts of Assembly, Chapter 864; ~~F~~for state law authorizing city and county to act jointly in regard to airport, see Va. Code §§ 5.1-35, 5.1-36. As to aviation generally, see Va. Code §§ 5.1-1 et seq.

Sec. 2-801 Composition ~~and appointment~~; ~~appointment of members.~~

The ~~a~~Airport ~~e~~Commission shall consist of seven members. The members shall be citizens of the City of Charlottesville or the ~~e~~County who hold no other municipal or ~~e~~County office and who shall be appointed as follows: three ~~(3)~~ members shall be appointed by the Charlottesville City Council, three ~~(3)~~ members shall be appointed by the ~~board of supervisors~~ Board of Supervisors, and one (1) member shall be appointed by the joint action of the City Council and ~~board of supervisors~~ Board of Supervisors, each for a three-year term. The member appointed by joint action of the ~~e~~City and ~~e~~County shall also serve as a member of the governing board of the Charlottesville-Albemarle Airport Authority. An appointment to fill any vacancy on the ~~e~~Commission resulting from the resignation, removal or other unavailability of a member shall be for the unexpired portion of the vacant term only.

(8-18-54, § 1; 11-21-68; 5-16-74, § 1; Code 1988, § 2-29; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03).

State law reference-2003 Acts of Assembly, Chapter 864.

Sec. 2-802 Compensation and term of office of members.

- A. All members of the ~~a~~Airport ~~e~~Commission shall serve without compensation.
- B. All members will serve terms which expire on December 1 of the third year following their appointment. No member will be appointed to more than two ~~(2)~~ consecutive three-year terms. A person initially appointed to serve the unexpired term of another may thereafter serve no more than two ~~(2)~~ consecutive three-year terms of his own.
- C. In the event a member appointed to the ~~e~~Commission by the ~~e~~City or ~~e~~County is subsequently selected as the ~~e~~City/~~e~~County joint appointee, and commencement of the term of the joint appointment does not coincide with the expiration of the appointee's then-current term, then he shall be deemed to have vacated the seat held on the ~~e~~Commission immediately prior to the joint appointment. Selection as the joint appointee of the ~~e~~City and ~~e~~County shall not extend the amount of time or the number of terms such person is eligible to serve on the commission, except that the time served in the seat vacated shall be treated the same as time served by persons initially appointed to fill the unexpired term of another.
- D. Any member serving on the ~~e~~Commission on January 1, 2003 and who is at that time serving a second three-year term of his own, shall be eligible for one ~~(1)~~ additional three-year term.

(8-18-54, § 1; 12-17-64; 11-21-68; 5-16-74, § 1; 9-14-83; Code 1988, § 2-30; 10-8-97; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03).

Sec. 2-803 Officers and staff; minutes of meetings.

As soon after their appointment as possible, the members of the ~~a~~Airport ~~e~~Commission shall convene and elect a chairperson and vice-chairperson from their members for a term of one year. The airport's executive director or his designee(s) shall serve as staff to the ~~a~~Airport ~~e~~Commission and shall perform such duties as are appropriate, including the keeping of proper minutes of the meetings of the ~~e~~Commission. Anyone designated by the airport's executive director to perform duties for the ~~a~~Airport ~~e~~Commission shall report to, and be subject to the supervision of, the airport's executive director in the performance of such duties.

(8-18-54, § 1; 4-6-70; 5-16-74, § 1; 9-14-83; Code 1988, § 2-31; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03)

Sec. 2-804 Re-eligibility.

Any person who has served as a member of the ~~e~~Commission for the maximum amount of time authorized by this ordinance shall thereafter become re-eligible for appointment, following the passage of at least three ~~(3)~~ years from the expiration of his last term.

(8-18-54, § 1; 5-16-74, § 1; Code 1988, § 2-32; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03)

Sec. 2-805 Powers and duties.

The ~~a~~Airport ~~e~~Commission shall be an advisory body having the duty of keeping the governing bodies of the ~~e~~County and ~~the~~ City of Charlottesville and the Charlottesville-Albemarle airport board advised on all matters pertaining to the airport.

(8-18-54, § 2; 4-6-70; 5-16-74, § 1; Code 1988, § 2-33; Ord. 98-A(1), 8-5-98)

ARTICLE IX. LIBRARY BOARD

Sec. 2-900 Library board.

~~————— There is hereby created pursuant to Virginia Code §§ 42.1-33 et seq. a joint library board to be known as the Thomas Jefferson Regional Library Board, hereinafter, the library board. The library board shall consist of such number of members as established by agreement with the city council of the City of Charlottesville and the governing bodies of those counties participating in the regional library system.~~

~~(Code 1988, § 2-2; Ord. 98-A(1), 8-5-98)~~

ARTICLE X. EMERGENCY SERVICE ORGANIZATION

Sec. 2-1000 Office of emergency services.

~~————— In order to develop and maintain an emergency services organization to insure that preparations are adequate to deal with disasters or emergencies resulting from enemy attack, sabotage or other hostile action, resource shortage, or from fire, flood, earthquake, or other natural cause, and generally to protect the public peace, health, and safety and to preserve the lives and property and economic well being of the people, it is hereby found and declared to be necessary to provide and authorize an office of emergency services.~~

~~(11-20-75; 4-21-76; Code 1988, § 2-43; Ord. 98-A(1), 8-5-98)~~

~~————— State law reference Va. Code §§ 44-146.13 et. seq.~~

Sec. 2-1001 Director Designated.

~~————— The director of emergency services shall be the county executive for the county.~~

~~(11-20-75; 4-21-76; 5-14-80; Code 1988, § 2-44; Ord. 98-A(1), 8-5-98)~~

~~————— State law reference Va. Code § 44-146.19(B)(2).~~

Sec. 2-1002 Director Powers and duties.

~~————— A. ——— The director shall be responsible for organizing emergency services and directing emergency operations through the regularly constituted government structure, and shall utilize the~~

services, equipment, supplies and facilities of existing departments, offices and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the director or his agent upon request.

——— B. ——— The director will prepare or cause to be prepared and kept current a local emergency operations plan. He may, in collaboration with other public and private agencies develop or cause to be developed mutual aid agreements for reciprocal assistance in the case of a disaster or emergency.

——— C. ——— The director shall have authority to appoint a coordinator of emergency services and authorize the appointment of other personnel as is necessary, with the consent of the board of supervisors. (11-20-75; 4-21-76; Code 1988, § 2-45; Ord. 98-A(1), 8-5-98)

——— ~~State law reference~~ — Va. Code § 44-146.19.

Sec. 2-1003 Declaration of local emergency.

——— A. ——— A local emergency as defined in Virginia Code § 44-146.16(6) may be declared by the director of emergency services with the consent of the board of supervisors. In the event the board of supervisors cannot convene due to the disaster or other exigent circumstances, the director or any member of the board of supervisors in the absence of the director may declare the existence of a local emergency, subject to confirmation by the board of supervisors at its next regularly scheduled meeting or at a special meeting within fourteen (14) days of the declaration, whichever occurs first. The board of supervisors, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.

——— B. ——— A declaration of a local emergency shall activate the response and recovery programs of all applicable local and interjurisdictional emergency operations plans and authorize the furnishing of aid and assistance thereunder.

——— C. ——— Whenever a local emergency has been declared, the director of emergency services, or in the absence of the director any member of the board of supervisors, may control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of the county and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the board of supervisors, such director may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, provided such funds in excess of appropriations in the current approved budget, unobligated, are available. Whenever the Governor has declared a state of emergency in the county, the county may enter into contracts and incur obligations necessary to combat such threatened or actual disaster beyond the capabilities of the county, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the county may proceed without regard to time-consuming procedures and formalities prescribed by law pertaining to public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

(11-20-75; 4-21-76; Code 1988, § 2-46; Ord. 98-A(1), 8-5-98)

——— ~~State law reference~~ — Va. Code § 44-146.21.

ARTICLE XI. PERSONNEL

Article 9. Personnel

DIVISION 1. IN GENERAL

Sec. 2-1100 Authority.

~~———— The board of supervisors is authorized under the Code of Virginia to establish departments, to employ personnel and to set salaries. Accordingly, the board shall establish a schedule of compensation for officers and employees which provides uniform compensation for like service and shall fix the compensation of all officers and employees of the county, except as it may authorize the head of a department or office to fix the compensation of subordinates and employees in such department or office.~~

~~(Ord. 98-A(1), 8-5-98)~~

~~———— State law reference—Va. Code §§ 15.2-514, 15.2-1506.~~

Sec. 2-~~900~~ 1101 Administration Designation of the County Executive to develop and administer personnel policies and procedures.

The county executive or designee shall be responsible for the administration of the county personnel policies and procedures, and is hereby authorized to establish terms and conditions of employment for department heads and other specified employees who report directly to the county executive.

The Board of Supervisors designates the County Executive to develop and administer personnel policies and procedures, which include a grievance procedure.

(Ord. 98-A(1), 8-5-98)

State law reference—Va. Code §§ 15.2-508, 15.2-1506.

Sec. 2-~~901~~ 1102 Adoption of personnel policies and procedures by the Board of Supervisors.

~~The board of supervisors~~ Board of Supervisors hereby adopts the personnel policies and procedures set forth stated in the Albemarle County Personnel Policy Manual, which includes a grievance procedure, as the same ~~The personnel policies and procedures~~ may be amended from time to time.

(Ord. 98-A(1), 8-5-98)

State law reference—Va. Code §§ 15.2-504, 15.2-1506.

Sec. 2-1103 County executive.

~~———— A. ——— The county executive shall have the authority to recommend the appointment of all officers and employees in the administrative service of the county except as otherwise provided by law and except as the board of supervisors may authorize the head of a department or office to appoint subordinates in such department or office. All appointments shall be based on the ability, training and experience of the appointees which are relevant to the work which they are to perform.~~

~~———— B. ——— The county executive shall be the administrative head of the county. He shall attend all meetings of the board and recommend such action as he deems expedient. He shall be responsible to the board for the proper administration of the affairs of the county which the board has authority to control.~~

~~———— C. ——— The county executive shall also:~~

- ~~_____ 1. _____ make monthly reports to the board on matters of administration, and keep the board fully advised as to the county's financial condition;~~
- ~~_____ 2. _____ submit to the board a proposed annual budget, with his recommendations, and execute the budget as finally adopted;~~
- ~~_____ 3. _____ execute and enforce all board resolutions and orders and see that all laws of the Commonwealth required to be enforced through the board or some other county officer subject to the control of the board are faithfully executed;~~
- ~~_____ 4. _____ examine regularly the books and papers of every officer and department of the county and report to the board on their condition; and~~
- ~~_____ 5. _____ perform such other duties as may be required of him by the board, and as may be otherwise required of him by law.~~

~~State law reference--Va. Code §§ 15.2-512, 15.2-514, 15.2-516.~~

Sec. 2-902 Designation of the County Executive as the Director of Emergency Management.

The Board of Supervisors designates the County Executive to serve as the Director of Emergency Management.

State law reference--Va. Code § 44-146.19(B)(2).

Sec. 2-903 1104 Certain persons deemed part Designation of the eCounty's official safety program.

The County's official safety program of the county shall be carried into effect by the following organizations or departments, ~~whose~~ which are deemed to be an integral part of membership shall be the program deemed to be an integral part of the safety program of the county:

- A. ~~The county police department~~ Albemarle County Police Department and together with all of its law enforcement personnel.
- B. ~~All volunteer fire companies in the eCounty, there presently being the Earlysville Volunteer Fire Company, the East Rivanna Volunteer Fire Company, Inc., the Crozet Volunteer Fire Company, Inc., the North Garden Volunteer Fire Company, the Stony Point Volunteer Fire Company, the Scottsville Volunteer Fire Company and the Seminole Trail Volunteer Fire Department.~~
- C. ~~The Charlottesville Albemarle Rescue Squad, Inc.~~
- D. ~~The Scottsville Volunteer Rescue Squad, Inc.~~
- E. ~~The Western Albemarle Rescue Squad, Inc.~~
- B. The Albemarle County Department of Fire and Rescue (*nunc pro tunc*, effective January 1, 1993).
- C. The following volunteer fire companies and volunteer rescue squads in the County:
 1. Charlottesville-Albemarle Rescue Squad.
 2. Crozet Volunteer Fire Department.
 3. Earlysville Volunteer Fire Company.

4. East Rivanna Volunteer Fire Company.
5. North Garden Volunteer Fire Company.
6. Scottsville Volunteer Fire Department.
7. Scottsville Volunteer Rescue Squad.
8. Seminole Trail Volunteer Fire Department.
9. Stony Point Volunteer Fire Company.
10. Western Albemarle Rescue Squad.

~~DF.~~ Blue Ridge Mountain Rescue Group (*nunc pro tunc*, effective October 8, 1993)

~~G.~~ Albemarle County Fire/Rescue Division (*nunc pro tunc*, effective January 1, 1993)

~~HH.~~ ~~All other~~ Any other County law enforcement personnel ~~of the county~~ not included in paragraph subsection (A) of this section.

(9-12-79; 11-14-84; Ord No. 94-15(8), 8-3-94; Code 1988, § 15-1, Ord. 98-A(1), 8-5-98)

~~State law references~~ Line of Duty Act provides benefits for members of official safety program, Va. Code §§ ~~2-1-133.5~~ 9.1-400 *et seq.*

~~DIVISION 2. EQUALIZATION OF PAY OF CERTAIN BOARDS AND COMMISSIONS~~

~~Sec. 2-1105 Enumerated.~~

——— Each member of the following boards and commissions duly appointed by the board of supervisors shall be paid forty five dollars (\$45.00) for each and every regularly scheduled meeting of the board or commission actually attended, as set forth in the rules and regulations of that board or commission: board of zoning appeals; building code board of appeals; board of equalization; fire prevention code board of appeals; land use tax advisory board, and architectural review board.

(6-20-74; 3-20-75; 10-16-75; 10-10-84; 4-13-88; Ord. of 8-1-90; Ord. of 7-17-91; Ord. of 12-11-91; Code 1988, § 15-2; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00)

~~Sec. 2-1106 Members excluded.~~

——— Notwithstanding the provisions of section 2-1105, all county employees and members of the board of supervisors, when serving as members of boards and commissions listed in such section, shall serve without compensation.

(6-20-74; 3-20-75; 1-15-76; 4-21-76; 10-10-84; 4-13-88; Ord. of 8-1-90; Code 1988, § 15-3; Ord. 98-A(1), 8-5-98)

~~Sec. 2-1107 Travel and other expenses.~~

——— Each member of the boards and commissions listed in section 2-1105 shall be paid his necessary traveling and other expenses incurred in attendance upon regularly scheduled meetings and while otherwise engaged in the discharge of his duties as such member.

(6-2-74; 3-20-75; 10-10-84; Ord. of 8-1-90; Code 1988, § 15-4; Ord. 98-A(1), 8-5-98)

Sec. 2-904 Identified appointed boards; compensation and reimbursement.

The duly appointed members of the boards identified in this section shall be compensated and entitled to reimbursement for their travel and related expenses as follows:

- A. *Eligible boards.* Each member of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals is entitled to compensation and reimbursement as provided in subsections (B) and (C).
- B. *Compensation to attend meetings.* Each member shall be paid \$45 for each regular and special meeting attended, provided that any member of the Board of Supervisors and any County employee appointed to a board shall not be compensated for attending meetings.
- C. *Reimbursement for travel and related expenses.* Each member shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

State law reference--Va. Code § 15.2-514.

DIVISION 3. DEFERRED COMPENSATION

Sec. 2-905 ~~1108~~ Establishment, execution and amendment of plan Deferred compensation plan established.

~~Pursuant to the Government Employees Deferred Compensation Act (Virginia Code §§ 51.1-600 et seq.), the county hereby re-adopts and re-establishes a plan of deferred compensation for its employees. The purpose of the plan shall be to provide for the deferral of compensation to the participants. The plan shall exist in addition to all other retirement, pension or other benefit systems available to the participants and shall not supersede, make inoperative or reduce any benefits provided by any other retirement, pension or benefit program established by law. It is understood that, other than the incidental expenses of collecting and disbursing of the employees' deferrals and other minor administrative matters, there is to be no cost or contribution by the county to the program. On behalf of the employer, the county executive is hereby authorized and directed to execute and deliver the plan to the plan administrator. He is further hereby authorized to execute for the county individual participation agreements with each employee requesting the same, to act as the "administrator" of the plan representing the county and to execute such agreements and contracts as are necessary to implement the program. The plan shall contain such terms and amendments as the county executive may, from time to time, approve, such approval to be conclusively evidenced by his execution thereof.~~

The Board of Supervisors hereby re-adopts and re-establishes a deferred compensation plan for its employees as follows:

- A. *Purpose.* The purpose of the plan is to provide for the plan participants to defer compensation.
- B. *Plan is non-exclusive.* The plan is in addition to any other retirement, pension, or other benefit systems available to the plan participants and does not supersede, make inoperative, or reduce any benefits provided by any other retirement, pension, or other benefit systems.
- C. *County contributions are limited.* The County does not contribute to the deferred compensation program other than to pay the cost of incidental expenses to collect and disburse the employees' compensation being deferred and other minor administrative matters.

D. *Contents of the plan.* The plan shall contain the terms and amendments approved in writing by the County Executive.

(9-14-83, art. I, § 1; 5-13-87; Ord. 1988, § 15-6; Ord. 98-A(1), 8-5-98; Ord. 14-2(2), 11-5-14)

State law reference--Va. Code § 51.1-600 et seq.

Sec. 2-906 Designation of the County Executive to perform certain plan duties.

The Board of Supervisors designates and authorizes the County Executive to:

A. *Deliver the plan.* Deliver the plan to the plan administrator.

B. *Execute agreements.* Execute, on behalf of the County, the individual plan participation agreements with each employee participating in the plan, and to act as the “administrator” of the plan on behalf of the County and to execute such agreements and contracts as are necessary to implement the deferred compensation program.

(9-14-83, art. I, § 1; 5-13-87; Ord. 1988, § 15-6; Ord. 98-A(1), 8-5-98; Ord. 14-2(2), 11-5-14)

State law reference--Va. Code § 51.1-600 et seq.

Sec. 2-907 1109 Deferred compensation committee— created.

There is hereby created a deferred compensation committee appointed by the county executive. A deferred compensation committee is hereby created. The County Executive shall appoint committee members.

(9-14-83, art. II, § 1; Code 1988, § 15-7; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 51.1-600 et seq.

Sec. 2-908 1110 Deferred compensation committee— powers Powers of the Deferred Compensation committee.

The dDeferred eCompensation eCommittee is hereby granted the power to do all things by way of supervision, administration and implementation of a plan of deferred compensation, including but not limited to the power to contract with private corporations or institutions for service in connection therewith. Provided, however, that nothing contained in this section shall be construed to authorize the deferred compensation committee to act beyond the limits of the plan.

The Deferred Compensation Committee has the power to:

A. *Supervise, administer, and implement.* Supervise, administer, and implement the deferred compensation plan, within the limits of the plan.

B. *Contract for services.* Contract for services with private entities to provide services related to supervising, administering, and implementing the deferred compensation plan.

(9-14-83, art. III, § 1; Code 1988, § 15-8; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 51.1-600 et seq.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____