



# Albemarle County

## Legislation Text

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**File #:** 18-271, **Version:** 1

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**AGENDA DATE:** 4/11/2018

**TITLE:**

Ordinance to Amend County Code Chapter 2, Administration

**SUBJECT/PROPOSAL/REQUEST:** Public hearing to consider an ordinance to amend Chapter 2, Administration

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Kamptner

**PRESENTER (S):** Greg Kamptner

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 2 contains provisions related to the administration of elections, the Board of Supervisors, the School Board, the Planning Commission, Law Enforcement, the Economic Development Authority, the Albemarle County Service Authority, the Airport Commission, the Library Board, the Emergency Service Organization, and Personnel.

**STRATEGIC PLAN:** Quality Government Operations: Ensure County's government capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified Code later in 2018.

To facilitate finding subject matter in Chapter 2, the section headings have been clarified, and catchlines have been added to subsections.

Substantive changes are proposed for some provisions in Chapter 2 to be consistent with recent amendments to State law, and to repeal obsolete regulations and those regulations that are unnecessary.

Following are the notable substantive changes to Chapter 2:

1. Article 4, Planning Commission: Most of the requirements for the Planning Commission are completely governed by State law and do not have to be included in the County Code. Article 4 currently includes four sections proposed to be repealed because the subject matter is addressed by State law and is self-executing, and only some of the State laws that apply to the Planning Commission are included in the current County Code.

2. Article 5, Law Enforcement: Current County Code § 2-502, which establishes the requirement that a County resident applying for a concealed handgun permit be fingerprinted by the sheriff, must be repealed because the State enabling authority pertaining to concealed weapons permits has been significantly revised and a

local ordinance is not required.

3. Article 6, Economic Development Authority: This ordinance proposes to add County Code § 2-603, which states the composition, appointment, and terms of the EDA's Board of Directors. Although this section is not required because its subject matter is governed by State law, it is recommended to be added for two reasons: (1) similar information is provided for the other public bodies addressed in Chapter 2; and (2) the subject matter is frequently referenced for all of the public bodies.

4. Article 8, Charlottesville-Albemarle Joint Airport Commission: The proposed amendments to this article are limited to the most minimal matters of style because the applicable State law, which pertains solely to the Joint Airport Commission, requires that the City's and County's ordinances be identical.

5. Current Article IX, Library Board: The Jefferson-Madison Regional Library system is created by a joint exercise of powers agreement, most recently entered into by the participating localities in 2013, not by current County Code § 2-900.

6. Current Article X, Emergency Service Organization: The subject matter of this article is covered by the "Commonwealth of Virginia Emergency Services and Disaster Law of 2000" (Virginia Code § 44-146.13 et seq.) and it is self-executing. The language in current County Code § 2-1001, which provides that the County Executive shall serve as the County's director of emergency services, is revised and renumbered as proposed County Code § 2-902.

7. Proposed Article 9, Personnel: Current County Code §§ 2-1100 and 2-1103 are recommended to be deleted because the subject matter is addressed by State law and is self-executing, and only some of the State laws that apply to County departments (current County Code § 2-1100) and the powers and duties of the County Executive (current County Code § 2-1103) are included in the current County Code.

The attached proposed ordinance (Attachment A) also includes the four sections of Article 1 regarding Elections that the Board amended on March 14, 2018. The updated maps of the Jack Jouett, Rivanna, Scottsville, and White Hall Magisterial Districts reflecting the amended precincts and polling place locations in those magisterial districts are included as Attachment B.

**BUDGET IMPACT:** Adopting the proposed ordinance will have no budget impact.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

**ATTACHMENTS:**

A - Proposed Ordinance

B - Updated Magisterial District Maps

(Jack Jouett, Rivanna, Scottsville, and White Hall)