

JAMES CITY COUNTY.

Charter, 1993, c. 779, 798.

Amended 1995, c. 348 (§ 6.7)
1996, c. 359 (§ 3.8 [added]).

Chapter 1.
Charter and Boundaries.

§ 1.1. Charter.

The General Assembly hereby charters the County of James City, a political subdivision of the Commonwealth of Virginia, as a county within the Commonwealth of Virginia and as such shall have perpetual succession and all other powers and responsibilities granted by this charter or general law. (1993, c. 779, 798)

§ 1.2. Transition to charter form of government.

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as they, or any portion thereof, are not inconsistent herewith, shall remain in full force and effect until amended or repealed in accordance with the provisions of this charter and general law.

All the county levies and taxes, both current and delinquent, and all school and other funds held by the Commonwealth to the credit of the County of James City shall be turned over to the chartered County of James City. The tax levy and assessments made for the current and ensuing year or years shall stand as the levy and assessment of the county. All contracts entered into by the county for materials or supplies or construction work in force on the date of chartering shall thereby become the contracts of the chartered county. (1993, c. 779, 798)

§ 1.3. Transition of office holders.

Upon granting of the charter, the persons holding office as members of the board of supervisors of the county immediately preceding the granting of a charter shall become members of and shall constitute the Board of Supervisors of the County of James City and shall continue to constitute such board until the election and qualification of their successors subject to the following specific requirements and qualifications:

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

supervisors shall continue to be elected for staggered terms as immediately prior to the adoption of a charter.

Those persons who shall hold office as Attorney for the Commonwealth, Clerk of the Circuit Court, Sheriff, Treasurer and Commissioner of the Revenue, immediately preceding the granting of a charter, shall by virtue of such chartering become respectively the Attorney for the Commonwealth, Clerk of the Circuit Court, Sheriff, Treasurer and Commissioner of the Revenue of the chartered County of James City and shall continue to hold office until the expiration of the respective terms for which they were elected or appointed and until their successors have been elected and have qualified. Such officers and their successors shall have and exercise all of the rights, powers and privileges conferred upon them and shall be subject to all of the duties, liabilities and restrictions imposed by law upon such officers of counties of the Commonwealth. (1993, c. 779, 798)

§ 1.4. Effective date.

This charter shall be in effect from July 1, 1993, and thereafter until repealed or amended as provided by law. (1993, c. 779, 798)

Chapter 2.

Powers of County.

§ 2.1. General grant of powers.

The powers set forth in Title 15.1 of the Code of Virginia and all other powers which are now or may be conferred upon or delegated to counties under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a county are hereby specifically conferred upon the County of James City, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. There is hereby specifically conferred upon James City County without further act all of the powers contained in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as now and hereafter to be amended not inconsistent with this charter. All such power and authority shall be exercised insofar as they are consistent with the provisions of this charter. All powers granted by this charter shall be liberally construed so as to best effectuate the use of such powers. (1993, c. 779, 798)

§ 2.2. Additional powers.

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

franchise any business or calling so as to protect the public interest; and to require licenses of all owners of vehicles as provided by general law.

In addition to the other powers conferred by law, the County of James City shall have the power to impose, levy and collect, in such manner as its board may deem expedient, a consumer tax upon the amount paid for the use of water, gas, electricity, telephone, cable television, and any other public utility service within the county or upon the amount paid for any one or more of such public utility services, subject to provisions of general law and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1993, c. 779, 798)

§ 2.3. Acquisition of real estate.

In addition to the powers granted by other sections of this charter, the county may acquire property within or without its boundaries for any of its facilities or functions, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or eminent domain for property within the county and may sell, lease, hold, manage and control such property as the county's interest may require. No judicial process need precede the exercise of these powers except acquisition of property by eminent domain. (1993, c. 779, 798)

§ 2.4. Special districts.

The county, in addition to any other authority provided by law, may by ordinance create special districts or areas within the county if those areas desire additional or more complete governmental services than are desired in the county as a whole. The board of supervisors shall have the power to levy a higher tax in such areas and the proceeds therefrom shall be so segregated as to enable the same to be expended in the areas in which raised. Any sanitary districts in existence shall continue to exist as immediately prior to the issuance of a charter. (1993, c. 779, 798)

Chapter 3.

Board of Supervisors.

§ 3.1. Magisterial district.

There shall be one magisterial district to be known as the James City County Magisterial District. The boundaries of such district shall be contiguous with and identical to the boundaries of the county. (1993, c. 779, 798)

§ 3.2. Composition and election.

The County of James City shall be divided into five election districts, which shall comprise the five election districts of the County of James City as existing immediately preceding the effective date of this charter and shall be known as the Districts of Berkeley, Jamestown, Roberts, Powhatan and Stonehouse. The board of supervisors shall consist of five members and shall be elected one from each district. The board members shall qualify and be elected as provided by general law for members of county boards of supervisors elected for staggered terms. The board may redistrict or change the number, form of the membership or manner of electing board members in accordance with general law without the necessity of amending the charter.

Vacancies in the office of supervisor, for whatever cause, shall be filled within 30 days for the unexpired portion of the term by a majority vote of the remaining members of the board; however, if any supervisor is elected from an election district, the vacancy shall be filled by a qualified voter residing in the same election district. If a vacancy is not filled by the board within 30 days as provided herein, the vacancy shall be filled in

accordance with general law. Members of the board of supervisors shall act in accordance with the Virginia Comprehensive Conflict of Interests Act, as now written or as amended. (1993, c. 779, 798)

§ 3.3. Compensation.

The board members shall receive as compensation for their services such amounts as the board may determine, in accordance with general law, provided that no salary increase approved by the board shall be effective during the term of such board. The salary in effect upon chartering shall remain in effect until changed by the board. In addition to a salary, members of the board may receive reimbursement for reasonable expenses incurred in the conduct of county business as provided by law. (1993, c. 779, 798)

§ 3.4. Board of supervisors chair and vice chair.

The board at its first meeting in January and annually thereafter, unless otherwise provided by the board, shall elect one of its members, who shall have the title of chairman, preside at meetings of the board, and be recognized as head of the county government for all official ceremonial purposes. The chairman shall serve for a term of one year or until his replacement is elected. The board shall elect a new chairman when a vacancy occurs in that office. The board shall also elect a vice chairman annually who shall act as chairman during the absence or disability of the chairman. The chairman shall have the same powers and duties as other members of the board and shall have a vote, but no power of veto. (1993, c. 779, 798)

§ 3.5. Procedural powers.

The board shall have the power, subject to the provisions of this charter, to adopt its own rules of procedure and other guidelines controlling the actions of its members. Such rules shall provide for the time and place of holding regular meetings of the board which shall be not less frequently than once a month. The procedure for calling special meetings shall be as provided by general law in the Code of Virginia. A majority of the board shall constitute a quorum for the transaction of business. (1993, c. 779, 798)

§ 3.6. Powers.

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

1. To control and manage the fiscal affairs of the county and all property, real and personal, belonging to the county.
2. To provide revenue for the county and appropriate the revenue for expenses; to provide annual assessments of taxable persons and property in the county; and it may adopt such ordinances, orders and bylaws relating to the powers of this charter as it shall deem proper and necessary.
3. To adopt such ordinances, bylaws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in it:
 - a. To provide for the preservation of the general health, safety and welfare of the inhabitants of the county.

b. To require and compel the abatement and removal of all public nuisances within the county at the expense of the person or persons causing the nuisance or the occupant or owner of the ground upon which the nuisance is located.

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

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

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

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

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

8. To make or cause to be made such investigation relating to the financial affairs and internal operations of the county government as it may deem necessary.

9. As a collective body, to make appointments to boards, commissions and other bodies as provided by law or board action.

Nothing contained herein shall be construed to deprive the board of supervisors or county of any of the powers conferred upon it either by general or special laws of the Commonwealth of Virginia, except insofar as the same may be inconsistent with the provisions of this charter. (1993, c. 779, 798)

§ 3.7. County clerk.

The board of supervisors may appoint a county clerk who shall serve at the pleasure of the board. The clerk of the board shall also serve as custodian of the corporate seal of the county and shall have such other public duties as prescribed by general law or as the board may prescribe. The clerk shall in addition:

1. Record the proceedings of the board in a book to be provided for that purpose.
2. Preserve and file all accounts and papers acted upon by the board with its

action thereon.

If the board chooses not to appoint a county clerk, such duties and responsibilities shall be performed by the county administrator. (1993, c. 779, 798)

§ 3.8. Additional powers; consolidation of sheriff's office.

The board of supervisors may, in concurrence with the city council of the City of Williamsburg, petition the circuit court asking that a referendum be held in accordance with the provisions of § 15.1-40.2 of the Code of Virginia on the question of whether the two localities may share the office of sheriff; provided, rather than by a petition of qualified voters, the petition may be initiated by the two governing bodies upon the written concurrence of the sheriffs of James City County and the City of Williamsburg and following a public hearing and adoption by each governing body of a resolution in favor of the consolidation of the two offices. (1996, c. 359)

Chapter 4.

County Administrator.

§ 4.1. Appointment of county administrator.

The board shall appoint a county administrator who shall be the administrative head of the county government and who shall be responsible for the proper administration of the government as reflected by the legislative and policy directions of the board and general law. The county administrator shall serve at the pleasure of the board and shall enforce the laws of the county and, where applicable, the Commonwealth and shall ensure the faithful performance of all administrative duties required by the board. The board may enter into an employment agreement with the county administrator, defining terms of employment. (1993, c. 779, 798)

§ 4.2. Duties and responsibilities.

The county administrator shall have all the responsibility and shall carry out all the duties prescribed by § 15.1-117 of the Code of Virginia, as now and hereafter may be amended, and in such other duties and responsibilities as may be established by the board of supervisors.

The county administrator shall devote full time to the work and services of the county under the direction of the board of supervisors to whom the county administrator shall be accountable. The county administrator need not be a resident of the county at the time of appointment, but shall become an actual resident of the county within a time prescribed by the board.

In the absence or disability of the county administrator, the assistant county administrator shall perform the duties of the office.

In addition, it shall be the duty of the county administrator:

1. To execute and enforce all lawful resolutions and orders of the board concerning any department in the county government and to ensure that all laws of the Commonwealth required to be enforced through the board are faithfully executed.
2. To make reports to the board in regard to matters of administration and keep it fully advised as to the financial condition of the county.
3. To appoint qualified officers and employees to head the administrative departments of the county and to dismiss, suspend and discipline, in accordance with duly adopted personnel regulations, all officers and employees in such departments, except as otherwise specifically provided by law or this charter. Department heads who are appointed by the county administrator shall serve at the pleasure of the county administrator. An assistant county administrator may be appointed by the county administrator.
4. To perform or cause to be performed by some other officer or employee the duties of any office or position of the administrative service under the county administrator's control which is vacant or which lacks administration due to the absence or disability of the incumbent.
5. To recommend to the board appropriate ordinances to carry out the policies of the board.
6. To assign any employee of the county to any department requiring services in accordance with duly adopted personnel regulations.
7. To prescribe such rules and regulations necessary or expedient for the conduct of administrative departments or agencies subject to the county administrator's authority; the county administrator shall have the power to revoke, suspend or amend any rule or

regulation of any such department or agency, promulgated by any officer or employee subject to the county administrator's control so long as such rules or regulations are not promulgated by the board of supervisors.

8. To conduct or have conducted an administrative investigation into the affairs or operation of any department, division or agency of the county.

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

10. To direct any department, division or agency of the county to perform work for any other department, division or agency of the county and may, subject to the county administrator's retention of general supervision and control, delegate any powers and duties conferred upon the county administrator by this charter to any other officer or employee who is subject to the county administrator's supervision. (1993, c. 779, 798)

Chapter 5.

Budget and Accounting.

§ 5.1. Fiscal year.

The fiscal year of the county shall begin on the first day of July of each year and shall also constitute the budget and accounting year. The provisions of Title 15.1 of the Code of Virginia shall control the preparation, consideration, adoption and execution of the budget of the county. (1993, c. 779, 798)

§ 5.2. Submission of budget.

In preparing, approving and adopting a budget for the county, the county administrator and the board of supervisors shall be governed by general law, specifically the provisions of Chapter 4 of Title 15.1 of the Code of Virginia. (1993, c. 779, 798)

§ 5.3. Borrowing.

The board of supervisors may incur indebtedness by issuing bonds, notes or other obligations for the purposes, in the manner and to the extent provided for by the Constitution of Virginia and the Code of Virginia. The term indebtedness shall not include contractual appropriations of the county, lease/purchase agreements subject to annual appropriations and revenue bonds payable solely from revenue producing properties. (1993, c. 779, 798)

Chapter 6.

Administration.

§ 6.1. Creation of departments and divisions.

The following administrative departments are hereby created:

1. Department of County Attorney.
2. Department of Financial and Management Services.
3. Department of Police.
4. Department of Fire.
5. Department of Development Management.
6. Division of Planning.
7. Department of Community Services.
8. Division of Social Services.
9. Department of Human Resource.

The board of supervisors may create new departments or divisions, or combine or abolish existing departments or offices and distribute the functions thereof or establish temporary departments for special work. (1993, c. 779, 798)

§ 6.2. Responsibilities of division, office and department heads.

There shall be a director at the head of each division and a manager at the head of each department. The director or manager of each administrative division or department, except the county attorney and the chief of police, shall be appointed by the county administrator. Such directors or managers shall serve in accordance with applicable personnel policies and may be removed by the county administrator. (1993, c. 779, 798)

§ 6.3. Responsibility of division or department directors and managers to the board and county administrator.

The director or manager of each administrative department or division shall be responsible to the county administrator and board for the administration of his respective department or division, and his advice may be required by the board on all matters affecting his department or division. (1993, c. 779, 798)

§ 6.4. Personnel rules and regulations.

The personnel system shall be established by the board of supervisors for county administrative officials and employees and set forth in a policies and procedures manual. The system shall be based on merit and professional ability without regard to race, national origin, religion, sex, age, disability, or political affiliation. The personnel system shall include a classification plan, a uniform pay plan and procedure for resolving grievances for employees of the county as provided by general law. Employees of constitutional officers and other agencies may participate in the personnel system at the discretion of the board and upon the concurrence of the constitutional officer or agency head. (1993, c. 779, 798)

§ 6.5. Department of county attorney.

The county attorney shall be the chief civil legal advisor of the board of supervisors, the county administrator and of all departments, boards, commissions and agencies of the county in all matters affecting the interests of the county and shall represent such departments and their employees in all civil litigation arising out of the provision of services. In addition to the duties of the county attorney provided by general law, the county attorney shall perform such other appropriate responsibilities as are assigned by the board. The county attorney shall be appointed by the board and shall serve at its pleasure. The county attorney shall devote full time to the work and services of the county. The board of supervisors may authorize the employment of assistant county attorneys as needed. (1993, c. 779, 798)

§ 6.6. Department of financial and management services.

The manager of financial and management services shall be responsible for carrying out the fiscal and financial affairs of the county as defined by the board of supervisors.

The manager of financial and management services shall perform such accounting, budgeting and financing responsibilities as are directed by the county administrator, so long as such responsibilities are not in conflict with general law. (1993, c. 779, 798)

§ 6.7. Department of police.

The police department shall be composed of a chief of police and such officers, patrol officers and other employees as the board of supervisors may determine. The powers and duties set forth in § 15.1-138 of the Code of Virginia shall apply to the police force. The chief of police shall be responsible for the immediate direction and control of the department. The chief of police shall promulgate rules and regulations for the

department subject to state and county law, personnel policies of the county and Commonwealth, and generally accepted policy practices of the board of supervisors.

The chief of police shall be appointed by the county administrator. (1993, c. 779, 798; 1995, c. 348)

§ 6.8. Department of fire.

The fire department shall be composed of a chief and such other officers, firefighters and employees as the board of supervisors may determine. The fire chief shall have immediate direction and control of the department. The chief shall be appointed by the county administrator and shall serve subject to the same terms and conditions applicable to other department heads. The members of the fire department shall be appointed and may be removed in accordance with established personnel policies. (1993, c. 779, 798)

§ 6.9. Division of social services.

The division of social services shall consist of the director of social services, a social services advisory board, and such officers and employees organized in such manner as directed by the county administrator. The division shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the board of supervisors. The director of social services shall be appointed by the manager of community services and shall have general management and control of the division. The director shall report to and cooperate with the manager of community services to ensure the provision of social services is fairly coordinated with the provision of other governmental services. The social services advisory board shall consist of members appointed in the same fashion as existed prior to the adoption of a charter. The social services advisory board shall have such authority as is vested in it by general law and may recommend necessary rules and regulations not in conflict with this charter or general law concerning the social services division. (1993, c. 779, 798)

§ 6.10. Department of development management.

The department of development management shall be composed of the manager of development management and such additional employees as the board of supervisors may determine. The manager of development management shall have immediate direction and control of the department. The manager shall be appointed by the county administrator. The manager shall have general management responsibilities for such aspects of community planning, code enforcement, environmental management, and facilities planning as are directed by the county administrator, so long as such responsibilities are not in conflict with general law. (1993, c. 779, 798)

§ 6.11. Department of human resource.

The human resource department shall consist of a manager and such employees as the board of supervisors may determine. The department shall develop and maintain personnel rules and regulations. (1993, c. 779, 798)

Chapter 7.

Planning and Zoning.

§ 7.1. Planning commission.

There shall be a county planning commission which shall consist of no fewer than seven nor more than nine residents who shall be appointed and organized as provided by general law. (1993, c. 779, 798)

§ 7.2. Functions of planning commission.

The planning commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors. (1993, c. 779, 798)

§ 7.3. Board of zoning appeals.

There shall be a board of zoning appeals appointed as provided by law and with those powers granted by general laws. (1993, c. 779, 798)

§ 7.4. Division of planning.

The planning division shall be composed of a director of planning and such employees as the board of supervisors may determine. The planning division shall perform such responsibilities as are imposed by general law and as may be assigned by the planning commission and board of supervisors. The director of planning shall have immediate direction and control of the division, shall be appointed by the manager of development management and shall serve subject to the same terms and conditions as are applicable to other department heads. The director of planning shall report to the manager of development management. (1993, c. 779, 798)

Chapter 8.

Education.

§ 8.1. Composition.

The educational department shall consist of the county school board, the superintendent of schools, and the officers and employees thereof. The county school board and the superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law in a manner consistent with this charter. (1993, c. 779, 798)

§ 8.2. Joint school system.

The county and the city have elected to operate a joint school system under a contract entitled, "An Amended and Restated Contract for the Joint Operation of Schools, the City of Williamsburg and County of James City, adopted October 9, 1980," as amended. Upon the granting of a charter, the powers, duties, and responsibilities under the contract shall continue as immediately prior to the adoption of a charter. (1993, c. 779, 798)

Chapter 9.

Miscellaneous Provisions.

§ 9.1. Immunity from liability.

The county and all its officers, employees and agents shall retain all immunities from liability available to counties in the Commonwealth of Virginia. No actions or claims shall be instituted against the county unless the claimant shall have complied with all procedural prerequisites to such actions or claims as are contained in the Constitution and general laws of the Commonwealth. (1993, c. 779, 798)

§ 9.2. Retention of funding.

Unless revised or changed by this charter, the County of James City shall continue to receive state and federal funds in the same manner as if the County of James City had no charter. (1993, c. 779, 798)

§ 9.3. Amendments to charter.

This charter may be amended upon approval of any amendments by the Virginia General Assembly in accordance with the Constitution and general laws of the Commonwealth. (1993, c. 779, 798)

§ 9.4. Transition savings clause.

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

All assets and liabilities of the county existing as of the effective date of this charter shall continue to be assets and liabilities of the county from and after the effective date of this charter. (1993, c. 779, 798)

§ 9.5. Severability.

Should any part of this charter be declared unconstitutional by a court of competent jurisdiction, such action shall have no effect on the constitutionality or validity of any other part of this charter. (1993, c. 779, 798)