

Chapter 2 - ADMINISTRATION

***Cross reference** – Division of police, § 15-19 et seq.; public procurement, ch. 16.

***State law reference** – Administration of counties having county manager form of government, Code of Virginia, § 15.2-607 et seq.

ARTICLE I. - IN GENERAL

Secs. 2-1 – 2-18. - Reserved.

ARTICLE II. - PLANNING COMMISSION

***Cross reference** – Subdivisions, ch. 19; zoning, ch. 24; administration and enforcement of the zoning chapter, § 24-107 et seq.

***State law reference** – Duty of county to create planning commission, Code of Virginia, § 15.2-2210; local planning generally, Code of Virginia, § 15.2-2200 et seq.

Sec. 2-19. - Created; membership; term of members; staff.

(a) There is hereby created a county planning commission. The planning commission shall consist of six members appointed by the board of supervisors. All members shall be county residents, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members shall be owners of real property. There shall be one member from the board of supervisors and five citizen members. Each member shall take the oath of office in the form prescribed in Code of Virginia, § 49-1.

(b) The term of the board of supervisors member shall be coextensive with the term of office to which he has been elected or appointed, unless the board of supervisors, at its first regular meeting each year, appoints another to serve as its representative. The citizen members shall be appointed in January of each year for one-year terms.

(c) The director of planning shall serve as secretary to the planning commission and shall be responsible for maintaining the planning commission's records and for providing the staff support necessary for proper functioning of the planning commission.

(Code 1980, § 2-4; Code 1995, § 2-31)

State law reference – Planning commission required, Code of Virginia, § 15.2-2210; appointment of members of planning commission, Code of Virginia, § 15.2-2212; standards of conduct, Code of Virginia, § 2.2-3100 et seq.

Sec. 2-20. - Officers; rules of procedure; records.

The planning commission shall elect a chairperson and vice-chairperson from among the citizen members for one-year terms. The planning commission shall adopt rules for the transaction of business and shall keep a record of its transactions. Such record shall be a public record.

(Code 1980, § 2-8; Code 1995, § 2-32)

State law reference – Officers and records of local planning commissions, Code of Virginia, § 15.2-2217.

Sec. 2-21. - Powers and duties.

- (a) The planning commission shall exercise all powers and perform all duties prescribed in the Code of Virginia.
- (b) The planning commission shall perform all duties required by this Code, including review of every proposed amendment, supplement or change of the zoning and subdivision ordinances and every proposed change in district boundaries shown on county zoning maps. The planning commission may initiate changes in the district boundaries on its own motion.
- (c) The planning commission may hold public hearings to consider amendments to the zoning ordinance or to make recommendations to the board of supervisors on any matter the board of supervisors refers.
- (d) The planning commission shall exercise its powers and perform its duties only as funds are appropriated by the board of supervisors for such purpose.
- (Code 1980, § 2-5; Code 1995, § 2-33)*

State law reference—Duties of planning commission, Code of Virginia, § 15.2-2221; comprehensive planning, Code of Virginia, § 15.2-2223 et seq.

Sec. 2-22. - Preparation of comprehensive plan.

The planning commission shall prepare and recommend a comprehensive plan for the growth and development of the county in accordance with Code of Virginia, § 15.2-2223. Upon request, the county manager shall provide the planning commission copies of any consultant reports prepared for the county.

(Code 1980, § 2-7; Code 1995, § 2-34)

State law reference—Comprehensive planning, Code of Virginia, § 15.2-2223 et seq.

Secs. 2-23 – 2-47. - Reserved.**ARTICLE III. - OFFICERS AND EMPLOYEES**

***Cross reference**—Ordinances relating to compensation of officers or employees saved from repeal, § 1-10(a)(8); animal control supervisor, § 5-2; division of police, § 15-19 et seq.

***State law reference**—State and Local Government Conflict of Interests Act, Code of Virginia, § 2.2-3100 et seq.

Sec. 2-48. - Bonds.

- (a) *Director of social services.* The director of social services shall give bond with surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of such director's duties.
- (b) *Director of finance.* The director of finance shall give bond with surety in the amount of \$1,000,000.00, conditioned on the faithful discharge of his duties and the proper accounting for all funds coming into his possession, which shall be satisfied by his inclusion in the state self-insurance plan or a similar plan promulgated by the division of risk management of the state department of general services.
- (c) *Other persons.* Persons holding the following positions shall give bond with surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession:
- (1) The county manager and all deputy county managers;
 - (2) The purchasing director; and

(3) The registrar.

(d) *Payment of premium.* Except with respect to the director of finance, the county shall pay the premium for all such bonds.

(Code 1980, § 2-1; Code 1995, § 2-51; Ord. No. 897, § 1, 6-14-1995)

State law reference— Bond of certain employees, Code of Virginia, § 15.2-641; blanket bonding, Code of Virginia, § 2.2-1840.

Sec. 2-49. - Deferred compensation accounts; use of deferred compensation funds.

The director of finance shall establish special accounts for the deferred compensation program. Funds retained by the county under such program shall be placed in such accounts and utilized only for purposes of defraying obligations which the county may incur as part of the program.

(Code 1980, § 2-20; Code 1995, § 2-52)

State law reference— Deferred compensation program, Code of Virginia, § 51.1-600 et seq.

Sec. 2-50. - Criminal history record check and fingerprinting.

(a) *Finding.* The board of supervisors finds it necessary in the interest of public welfare and safety to determine whether the past criminal conduct of each person described in subsection (d) of this section is compatible with the nature of the county employment conditionally offered to such person.

(b) *Intent.* It is the intent of the board of supervisors in enacting this section to comply with the provisions of Code of Virginia, §§ 15.2-1503.1, 15.2-1505.1 and 19.2-389(A)7 to be able to access criminal history record information regarding those persons described in subsection (d) of this section conditionally offered county employment in order to determine whether the past criminal conduct of such persons would be compatible with the nature of such employment. Further, the provisions of this section are intended to be in addition to, and not in derogation of, all other federal and state statutes providing for access to criminal history record information concerning applicants for, and persons offered, county employment.

(c) *Definitions.*

(1) As used in this section, the term "conditionally offered employment" shall include a conditional offer of initial employment or a conditional offer to promote, demote, or laterally transfer an employee.

(2) As used in this section, the term "authorized position" means a position listed in the personnel complement as approved by the board of supervisors or the county manager, as the case may be, and assigned a unique position number by the department of human resources.

(3) As used in this section, the term "hourly safety-sensitive position" shall mean an hourly position, as defined in the County of Henrico, Virginia, Personnel Rules and Regulations, that the county manager, after consultation with the director of human resources, has determined is safety-sensitive. In determining whether an hourly position is safety-sensitive, the county manager shall consider whether the prospective employee would:

- a. Be responsible for providing services directly to members of the public;
- b. Be able to enter residences or businesses in the course of employment;
- c. Have the capability of making changes to county technology systems;
- d. Be permitted to operate a county vehicle in the course of employment;
- e. Be permitted to handle cash, have the ability to effect transfers of funds of the county or others, or otherwise be accountable for funds of the county or others;
- f. Have access to records containing identifying information of a personal, medical or financial

nature; or

g. Be permitted to enter restricted or secure county facilities.

(4) For purposes of this section, the director of human resources must be a county employee.

(d) *Policy; authorized and hourly safety-sensitive positions.* All persons conditionally offered employment in an authorized or hourly safety-sensitive position shall, as a condition of employment, submit to fingerprinting and provide personal descriptive information to be forwarded to the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. All offers of employment in such positions shall be conditioned upon the person offered such employment submitting to fingerprinting and providing personal descriptive information as described above. Failure of the person conditionally offered employment in such a position to submit to fingerprinting and to provide personal descriptive information shall disqualify the person from employment in the position.

(e) *Voluntary disclosure.* Nothing in this section shall be construed as prohibiting:

(1) The voluntary disclosure by an applicant of convictions of felonies, misdemeanors, or traffic infractions; or

(2) The solicitation of such voluntary disclosure by an applicant.

(f) *Responsibilities.*

(1) The county manager shall:

a. After consultation with the director of human resources, establish and maintain the list of hourly safety-sensitive positions that are subject to the provisions of this section. The county manager may, from time to time, add or remove positions from the list of hourly safety-sensitive positions.

b. Receive the report from the Central Criminal Records Exchange concerning whether the person conditionally offered employment in an authorized or hourly safety-sensitive position has no criminal history record information or the record of criminal history information. The county manager may designate the director of human resources to receive such reports.

(2) The director of human resources shall:

a. Ensure that potential applicants for authorized or hourly safety-sensitive positions are notified that the positions are subject to the provisions of this section.

b. Upon making a conditional offer of employment in an authorized or hourly safety-sensitive position, inform the applicant that, as a condition of employment, the applicant must submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints to the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.

c. Upon receipt of a report from the Central Criminal Records Exchange concerning a person conditionally offered employment that indicates that the person has a criminal history record, determine whether the conviction contained in the record directly relates to the authorized or hourly safety-sensitive position, whether the past criminal conduct contained in the record is compatible with the nature of the employment in the authorized or hourly safety-sensitive position, and whether such conviction disqualifies the person from employment in that authorized or hourly safety-sensitive position. In determining whether a criminal conviction directly relates to an authorized or hourly safety-sensitive position, the director shall consider the following criteria:

1. The nature and seriousness of the crime;

2. The relationship of the crime to the work to be performed in the position applied for;

3. The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

4. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought;
 5. The nature and extent of the person's past criminal activity;
 6. The age of the person at the time of the commission of the crime;
 7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;
 8. The conduct and work activity of the person before and after the criminal activity; and
 9. Evidence of the person's rehabilitation or rehabilitative efforts while incarcerated or following release.
- d. Notify in writing all persons who are denied employment in an authorized or hourly safety-sensitive position because of the information appearing in their criminal history record that information obtained from the Central Criminal Records Exchange contributed to such denial and inform them of their right to obtain a copy of their criminal history record from the Central Criminal Records Exchange.
- e. Issue procedural instructions and promulgate all forms necessary to carry out the provisions of this section.

(Ord. No. 1128, § 1(2-53), 12-9-2008)

Secs. 2-51 – 2-73. - Reserved.

ARTICLE IV. - CHECKS AND WARRANTS

***Cross reference** – Public procurement, ch. 16.

Sec. 2-74. - Issuance of warrants by school board.

The county school board shall issue all warrants for expenditures approved by the board in accordance with the laws of the state. The form of the warrants shall be approved by the county attorney.

(Code 1980, § 2-9; Code 1995, § 2-80)

State law reference – Payment of claims by school board, Code of Virginia, § 22.1-122.

Sec. 2-75. - Issuance of warrants by county manager and department heads.

The county manager, or, in his absence or inability to act, the acting county manager, is hereby authorized and empowered to issue and sign all orders and warrants on behalf of the board of supervisors for all expenditures other than expenditures by the county school board and the county board of social services. However, the county manager, or the acting county manager, is authorized and empowered to delegate to his assistants, or to heads of departments or their duly appointed deputies and assistants, the authority to issue and sign orders and warrants authorizing the expenditure of funds appropriated for the operation of their respective departments. The form of warrant shall be approved by the county attorney.

(Code 1980, § 2-10; Code 1995, § 2-81)

Sec. 2-76. - Preparation of checks.

The county school board, the county board of social services and the county manager shall cause all warrants to be sent to the director of finance, who shall prepare all checks in payment of all warrants received. The director of finance shall not prepare any check in payment of a warrant without first having

received a proper warrant issued by the proper authorities on the forms prescribed. The director of finance shall prepare any other checks which are permitted by law to be prepared without the issuance of a warrant.

(Code 1980, § 2-11; Code 1995, § 2-82)

Sec. 2-77. - Signing of checks by county manager.

The county manager or his duly appointed deputy or assistants are hereby authorized to sign all checks prepared and issued by the director of finance in accordance with this article and the laws of the state.

(Code 1980, § 2-12; Code 1995, § 2-83)

Sec. 2-78. - Countersigning of checks by director of finance.

The director of finance shall countersign all checks which have been issued by him and signed by the county manager.

(Code 1980, § 2-13; Code 1995, § 2-84)

State law reference – Director of finance to have charge of disbursement of county funds, Code of Virginia, § 15.2-617.

Sec. 2-79. - Signing of checks in case of absence or inability of county manager or director of finance.

In the absence or inability of the county manager or his duly appointed deputy or assistants to act, the acting county manager shall sign all checks. In the absence or inability of the director of finance to act, the deputy director of finance shall perform his duties and shall countersign all checks. In the absence or inability of both the director of finance and the deputy director of finance to act, such one other assistant in the department of finance as the director of finance may designate shall perform the duties of the director of finance and shall countersign all checks. The county manager and the director of finance shall, in writing, inform the board of supervisors and its clerk of the identity of individuals whom they designate as authorized to sign checks in their absence.

(Code 1980, § 2-14; Code 1995, § 2-85)

Sec. 2-80. - Signing of checks using signature plates.

The county manager and his duly appointed deputy or assistants, the acting county manager, the director of finance, the deputy director of finance and such other one assistant in the department of finance as the director of finance may designate may use individual signature plates to sign county checks. Each plate shall be kept in a secure and safe place by the respective person whose signature is carried on the plate, and such plate shall be used only with the approval and at the direction of such individual.

(Code 1980, § 2-15; Code 1995, § 2-86)

Sec. 2-81. - Service charge on returned payments.

A person who tenders any check, draft, order, credit card, debit card, electronic funds transfer or other means of payment for the payment of taxes or any other sums due the county which is subsequently returned unpaid because of insufficient funds, because there is no account, or because the account has been

closed, shall be subject to a service charge of \$50.00 for the processing of the returned check, draft, order, credit card, debit card, electronic funds transfer or other means of payment. A drawer shall be charged a fee of \$50.00 for return of a check, draft or order on which the drawer placed a stop-payment order in bad faith.

(Code 1980, § 2-16; Code 1995, § 2-87; Ord. No. 1068, § 1, 8-10-2004)

State law reference – Fee for passing bad check to locality authorized, Code of Virginia, § 15.2-106.

Secs. 2-82 – 2-105. - Reserved.

ARTICLE V. - COUNTY PROPERTY

***Cross reference** – Parks and recreation, ch. 14; public procurement, ch. 16; streets, sidewalks and other public property, ch. 18.

Sec. 2-106. - Use for private purposes.

(a) Vehicles, machinery, tools and other items of personal property owned by the county shall not be loaned or leased to any person; provided that the board of supervisors may by resolution provide rules and regulations whereby the county manager may authorize specified items of county-owned personal property to be used for private purposes when such use would not interfere with or delay any county work project, upon the payment of specified charges, and subject to such terms and conditions as may be stipulated by the county manager. If and when any such resolution is in effect, the provisions thereof and the provisions of this subsection shall be deemed to be incorporated in and made a part of any authorization made thereunder by the county manager, and all persons for whose benefit any county-owned personal property is used shall be bound thereby and shall likewise be bound by the stipulations of the county manager.

(b) This section shall not be construed so as to limit the authority of the board of supervisors to authorize the use of county-owned personal property by public entities or agencies of the state under mutually agreed-upon terms and conditions.

(Code 1980, § 2-3; Code 1995, § 2-106)

Cross reference – Streets, sidewalks and other public property, ch. 18.

Secs. 2-107 – 2-125. - Reserved.

ARTICLE VI. - COURT COSTS

***Cross reference** – Offenses, ch. 13; police, ch. 15; traffic and vehicles, ch. 22.

DIVISION 1. - GENERALLY

Secs. 2-126 – 2-145. - Reserved.

DIVISION 2. - ASSESSMENTS

Sec. 2-146. - Funding of law library.

(a) The purpose of this section is to provide a source of funding for the law library maintained by the county as authorized by Code of Virginia, § 42.1-70, such library being located in the Tuckahoe Library and open to the public.

(b) In addition to any other fees imposed by law, there is hereby imposed on each civil action filed in the circuit, general district and juvenile and domestic relations district courts of the county a fee of \$4.00, which shall be assessed as part of the costs. Such fee shall not be imposed upon actions in which the state, or any political subdivision thereof, or the federal government is a party and in which the costs are assessed against such government.

(c) The fee imposed by this section shall be collected by the clerks of the respective courts and periodically transmitted by them to the director of finance of the county for deposit into the treasury of the county.

(d) The sums collected from the fee imposed in this section shall be used only for such purposes as are authorized by Code of Virginia, § 42.1-70.

(Code 1980, § 2-21; Code 1995, § 2-126)

State law reference – Assessment of court costs for law library, Code of Virginia, § 42.1-70.

Sec. 2-147. - Funding of construction and maintenance of courthouse and jail facilities.

(a) The purpose of this section is to provide a source of funding for the construction, renovation or maintenance of the county courthouse and jail and court-related facilities, and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

(b) In addition to any other fees imposed by law, there is hereby imposed in each civil action and criminal and traffic case in the circuit, general district and juvenile and domestic relations district courts of the county a fee of \$2.00, which shall be assessed as part of the fees taxed as costs in each such action and case.

(c) The assessment imposed by this section shall be collected by the clerks of the respective courts and remitted to the director of finance of the county and held by such director subject to disbursements by the board of supervisors of the county for the construction, renovation or maintenance of the county's courthouse and jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

(Code 1980, § 2-22; Code 1995, § 2-127)

State law reference – Assessment for courthouse construction, renovation or maintenance, Code of Virginia, § 17.1-281.

Sec. 2-148. - Funding of courthouse security.

(a) The purpose of this section is to provide a source of funding of courthouse security.

(b) In addition to any other fees imposed by law, there is hereby assessed a fee of \$10.00 as part of the costs in each criminal and traffic case in the circuit and district courts of the county in which the defendant is convicted of a violation of any statute or ordinance.

(c) The assessment imposed by this section shall be collected by the clerks of the respective courts and remitted to the director of finance of the county and held by such director to be appropriated by the board of supervisors solely for the purposes enumerated in Code of Virginia, § 53.1-120.

(Code 1995, § 2-128; Ord. No. 1030, § 1, 8-13-2002; Ord. No. 1047, § 1, 8-12-2003; Ord. No. 1071, § 1, 8-10-2004; Ord. No. 1087, § 1, 8-22-2006; Ord. No. 1107, § 1, 8-14-2007)

State law reference – Assessment for funding of courthouse security personnel authorized, Code of Virginia, § 53.1-120.

Sec. 2-149. - Costs of processing arrested persons into jail following conviction.

(a) The purpose of this section is to provide a source of funding to defray the costs of processing arrested persons into the Henrico jail following conviction.

(b) In addition to any other fees imposed by law, there is hereby imposed in each case in the circuit, general district and juvenile and domestic relations district courts of the county after conviction a fee of \$25.00 which shall be assessed as part of the fees taxed as costs in each such case.

(c) The assessment imposed by this section shall be collected by the clerks of the respective courts and remitted to the director of finance of the county and held by such director subject to disbursements by the board of supervisors of the county to defray the costs of processing arrested persons into the Henrico jail following conviction.

(Code 1995, § 2-129; Ord. No. 1030, § 2, 8-13-2002)

State law reference – Assessment for costs of processing arrested persons into jail following conviction authorized, Code of Virginia, § 15.2-1613.1.

Sec. 2-150. - Funding of criminal justice training academies.

(a) The purpose of this section is to provide a source of funding for the training academies operated by the division of police and the sheriff.

(b) In addition to any other fees imposed by law, there is hereby imposed in each case in the circuit, general district and juvenile and domestic relations district courts of the county in which costs are assessable, pursuant to Code of Virginia, §§ 16.1-69.48:1, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$5.00 to support the criminal justice training academies operated by the division of police and the sheriff.

(c) The assessment imposed by this section shall be collected by the clerks of the respective courts and remitted to the director of finance of the county and held by such director subject to disbursements by the board of supervisors of the county solely to support the criminal justice training academies operated by the division of police and the sheriff.

(Code 1995, § 2-130; Ord. No. 1055, § 1, 10-14-2003)

State law reference – Assessment for funding of criminal justice training academies, Code of Virginia, § 9.1-106.