



Virginia Government

*In
Brief*

Branches of State Government

Since its adoption in 1776, the Constitution of Virginia has undergone many changes due to the economic, technological, political, and legal developments in the Commonwealth. The Constitution has continued to serve as the political base upon which Virginia's state and local governments are built. The two major components of the Constitution are the provisions for the three separate and distinct branches of state government and the election process for all statewide elected officers, legislators, local governing body members, and local constitutional officers.

Executive Branch of State Government

The **Executive Branch** is composed of statewide elected officers, Governor's Secretaries, and state agencies. Each state agency in the Executive Department is assigned to and reports through a Secretary.

Reference

Constitution of Virginia:

Article V outlines the qualifications and powers of the Governor of Virginia. The Constitution of Virginia also sets forth the election process for all statewide elected officials, legislators, members of local governing bodies and local constitutional officers in Article II.

Code of Virginia:

Title 2.2. Administration of Government.

Statewide Elected Officers

Governor

The Governor is responsible for the execution of state laws, for the preparation of the biennial budget, and for the appointment of executive agency heads and members of over 300 boards, commissions, and advisory councils. The Governor may recommend legislation to the General Assembly and veto any bill approved by the legislature. In addition, pardons and reprieves may be granted by the Governor to persons convicted of crimes. The Governor cannot serve consecutive terms.

Lieutenant Governor

The Lieutenant Governor presides over the Senate and may only vote to break a tie. No limit is placed on the terms of the Lieutenant Governor. The Lieutenant Governor succeeds to the Office of the Governor in case of the Governor's death, failure to qualify, resignation, removal, or inability to serve.

Attorney General

The Attorney General is elected to represent the state or any of its agencies in civil or criminal cases before the courts. The Attorney General also provides official opinions on the application or provisions of state laws upon the written request of the Governor, legislators, judges, and certain elected or appointed state or local officials. The four-year term runs concurrently with that of the Governor and Lieutenant Governor and no restriction is placed on successive terms.

Gubernatorial Secretaries

Administration, Secretary of

The five state agencies in the Administration secretariat manage the Commonwealth's buildings and grounds, administer employee policies and benefits, oversee elections, safeguard human rights, work to improve manager-employee relations in state government, direct state funds to constitutional officers, and oversee the Commonwealth's information technology.

Agriculture and Forestry, Secretary of

This secretariat oversees the Department of Agriculture and Consumer Services, the Virginia Racing Commission, and the Department of Forestry.

Commerce and Trade, Secretary of

This secretariat oversees the Department of Small Business and Supplier Diversity, Department of Housing and Community Development, Department of Energy, Tobacco Region Revitalization Commission, Virginia Economic Development Partnership, Virginia Housing, and Virginia Tourism Corporation.

Commonwealth, Secretary of

This secretariat is responsible for assisting the Governor in a number of different capacities. That includes appointments to boards and commissions, authentications, executive clemency, extraditions, restoration of rights, service of process, liaison to the 11 state recognized Virginia Indian tribes, serving as the Keeper of the Seal, publishing the state organizational chart, and constituent services.

Education, Secretary of

The Education Secretariat provides guidance to the Virginia Department of Education (VDOE), the Virginia Community College System (VCCS) and The State Council of Higher Education for Virginia (SCHEV), as well as Virginia's 16 public colleges and universities, 23 community colleges and five higher education and research centers. This secretariat also provides support to seven state-funded arts/cultural institutions.

Finance, Secretary of

This secretariat provides guidance to the four key agencies within the Finance Secretariat. These agencies handle all the financial transactions of the Commonwealth — from collecting taxes to paying bills and distributing aid to localities.

Health and Human Resources, Secretary of

This secretariat oversees twelve state agencies which provide often-vital services to Virginians. Individuals with disabilities, the aging community, low-income working families, children, caregivers and the provider network are supported through the work of this Secretariat.

Labor, Secretary of

This Secretary oversees regional, state, and federal programs that connect Virginians to the skills, training, and opportunities they need to thrive in the 21st-century economy. The Secretary also works with public sector partners and Virginia's labor and business communities to identify and fill vacant jobs in high-demand sectors.

Natural Resources, Secretary of

The Secretary of Natural and Historic Resources advises the Governor on natural resources issues and works to advance the Governor's top environmental priorities. The Secretary oversees five agencies that protect and restore the Commonwealth's natural and historic resources.

Public Safety and Homeland Security, Secretary of

The Secretary of Public Safety and Homeland Security enhances the quality of Virginia's citizens, visitors and businesses of the Commonwealth through public awareness, education, training, emergency response, disaster preparedness, prevention, policy development, enforcement, response, recovery and reentry.

Transportation, Secretary of

This secretariat oversees the Virginia Department of Aviation, Department of Motor Vehicles, Department of Rail and Public Transportation, Department of Transportation, Virginia Commercial Space Flight Authority the Port of Virginia, and the Office of Intermodal Planning and Investment.

Veterans and Defense Affairs, Secretary of

This secretariat oversees the Department of Veterans Services, Department of Military Affairs, Virginia Veterans Services Foundation, Joint Leadership Council, and Virginia War Memorial.

Independent Agencies

By law, the following agencies exercise legislative, judicial, and executive powers.

Virginia Commonwealth University Health System Authority

The Authority is charged by statute with the missions of operating its hospitals as teaching hospitals for the benefit of the health sciences schools of VCU, providing high quality patient care and providing a site for medical and biomedical research, all of which missions are required to be performed in close affiliation with the Office of the Vice President for VCU Health Sciences.

State Corporation Commission

Established by the 1902 Constitution of Virginia, the Commission is vested with regulatory authority over many business and economic interests in Virginia. The Commission's authority ranges from setting rates charged by large investor-owned utilities to serving as the central filing agency for corporations in Virginia.

The SCC's jurisdiction now includes utilities, insurance, state-chartered financial institutions, securities and retail franchising, as well as rail service and track safety. It is the state's central filing office for corporations, limited partnerships, limited liability companies, general partnerships, and Uniform Commercial Code liens. The three-member Commission acts as a court of record, holds formal hearings when warranted, and conducts investigations relating to enforcement of certain laws and Commission regulations.

Virginia College Savings Plan

The Board of the Virginia College Savings Plan shall administer the fund and shall develop and implement a program for the prepayment of undergraduate tuition at a fixed, guaranteed level for application at a two-year or four-year public institution of higher education in the Commonwealth.

Virginia Retirement System

The Virginia Retirement System administers the Virginia Retirement System, State Police Officers' Retirement System, Group Life Insurance Program, and the federal- state agreement for Social Security coverage for state and local public employees in the Commonwealth.

Virginia Workers' Compensation Commission

In 1918, the General Assembly passed the Workmens' Compensation Act and authorized the establishment of the Commission to administer the act. The primary task of the Commission is to hear and investigate compensation claims of victims of industrial injuries and violent crimes. The Commission also determines the amounts of compensation to be awarded to accident/crime victims.

Virginia Lottery Department

In 1987, the General Assembly approved the State Lottery Law, which provided for the operation of a state lottery and the creation of a **Virginia Lottery Department**. This legislation became effective on December 1, 1987, based upon approval of a majority of the voters in a referendum held on November 3, 1987. The major activity of the Virginia Lottery Department is to operate and administer a state lottery involving the sale of lottery tickets to the citizens of the state.

Virginia Office for Protection and Advocacy

The former Department for Rights of Virginians with Disabilities ceased to exist as an executive branch state agency in 2002, and was replaced by a newly created independent state agency, the **Virginia Office for Protection and Advocacy (VOPA)**. The agency operates under the authority of both federal and state statutes. It helps with disability-related problems like abuse, neglect, and discrimination and also helps people with disabilities obtain services and treatment.

Explore

Online:

Governor of Virginia

<http://governor.virginia.gov>

Judicial Branch of State Government

The **Judicial Branch** consists of the lower courts, courts of appeal and the Supreme Court of Virginia. This branch interprets the laws establishing policy.

Reference

Constitution of Virginia:

Article VI of the Constitution of Virginia establishes the Judicial Branch, including the Supreme Court of Virginia and administration of Virginia's Judicial System.

The Supreme Court

The Supreme Court of Virginia is the highest court in the judicial system of the Commonwealth and one of the oldest continuous judicial bodies in the United States. Although the Supreme Court possesses both original and appellate jurisdiction, its primary function is to review decisions of lower courts, including the Court of Appeals, from which appeals have been allowed. Virginia does not allow an appeal to the Supreme Court as a matter of right except in cases involving the State Corporation Commission, certain disciplinary actions regarding attorneys, and review of the death penalty. The Supreme Court has original jurisdiction in cases of habeas corpus (ordering one holding custody to produce the detained person before the Court for the purpose of determining whether such custody is proper), mandamus (ordering the holder of an office to perform his duty), prohibition (ordering a public official to stop an action), and actual innocence (based on the results of scientific testing of human biological evidence). The Supreme Court also has original jurisdiction in matters filed by the Judicial Inquiry and Review Commission relating to the censure, retirement, and removal of judges.

The Supreme Court consists of seven judges, each of whom has the title of Justice. The Justices are elected by the joint vote of the two houses of the General Assembly for twelve-year terms. The Chief Justice of the Supreme Court, chosen by a majority vote of the justices for a term of four years, serves as the administrative head of Virginia's Judicial System. Assisting with the administration of the judicial branch is the Office of the Executive Secretary to the Supreme Court, who is the court administrator for the Commonwealth and provides administrative assistance to the courts of the Commonwealth and to Virginia's magistrates.

Court of Appeals

The Court of Appeals of Virginia was established January 1, 1985. It is an intermediate appellate court, created in order to increase appellate capacity and expedite the appellate process. The Court of Appeals provides appellate review of final decisions of the circuit courts in domestic relations matters, appeals from decisions of administrative agencies, traffic infractions, and criminal cases, except where a sentence of death has been imposed. It also hears appeals of final decisions of the Virginia Workers' Compensation Commission. While appeals in criminal and traffic infraction cases, final decisions on applications for concealed weapons permits and certain preliminary rulings in felony cases are presented by a petition for appeal, other appeals to the Court of Appeals are a matter of right.

The Court of Appeals consists of 17 judges, elected by the General Assembly for a term of eight years. The court sits in panels of three judges at such locations as the chief judge designates so as to provide convenient access to the various geographic areas of the Commonwealth.

Circuit Courts

Circuit courts are trial courts of general jurisdiction in Virginia and have authority to try a full range of cases both civil and criminal. In addition, circuit courts have appellate jurisdiction over appeals from the district courts in civil and criminal cases as well as appeals from certain administrative agencies. The Virginia circuit court system is comprised of 31 judicial circuits with 120 separate circuit courts, one in every county and city of the Commonwealth. Circuit court judges are elected by the General Assembly for eight-year terms.

District Courts

In 1973, the unified district court system was created by the General Assembly to replace the municipal and county courts and regional juvenile and domestic relations courts. Within the 32 judicial districts in the Commonwealth, every city and county has a general district court and juvenile and domestic relations district court. District courts are courts not of record and are subordinate to the circuit courts. District court judges are elected by the General Assembly for six-year terms.

General district courts hear cases involving misdemeanors, traffic infractions, and all civil cases involving \$4,500 or less. The general district court has concurrent jurisdiction with the circuit court in claims involving more than \$4,500 and up to \$25,000. Cases are heard by a judge without a jury. General district courts also conduct preliminary hearings for individuals charged with a felony.

Juvenile and domestic relations district courts hear cases involving child abuse and neglect, delinquency, crimes by one family or household member against another, and civil cases involving families in general, including protective orders, custody, visitation, and support. Juvenile and domestic relations district courts differ from other courts in their duty to protect the confidentiality and privacy of juveniles and their families who have legal matters before the court.

Explore

Other functions of the Judicial Branch include the following:

Virginia Administrative Code:

Title 15. Judicial. Agency 5. Virginia State Bar.

Title 15. Judicial. Agency 10. Judicial Inquiry and Review Commission.

Code of Virginia:

Title 17.1. Courts of Record. Chapter 8. Virginia Criminal Sentencing Commission.

Title 19.2. Criminal Procedure. Chapter 3. Magistrates.

Title 54.1. Professions and Occupations. Chapter 39. Attorneys. Article 3. Virginia Board of Bar Examiners.

Online:

Virginia's Judicial System
<https://www.vacourts.gov/>

Legislative Branch of State Government

The **Legislative Branch** is the Virginia General Assembly, a bi-cameral legislature consisting of the Senate of Virginia and the Virginia House of Delegates. One hundred forty members of the General Assembly establish public policy through the enactment of legislation.

Reference

Constitution of Virginia:

Article IV outlines the manner in which our legislature conducts business. This includes the qualification of senators and delegates, the dates on which the Senate and House convene for session and the enactment of laws.

Organization of the House

The House of Delegates consists of 100 members. Each member represents approximately 80,000 citizens. The term of office for a member of the House of Delegates is two years. Each member receives an annual salary of \$17,640. The Speaker of the House is the presiding officer of the House and is elected by the House in even-numbered years for a two-year term. The Speaker's duties are dictated by the Rules of the House. Among these duties are the assigning of bills to committee and appointing the membership of the 14 House standing committees.

The Clerk of the House is elected by the House in even-numbered years and continues in office until another is chosen. The Clerk is responsible for the administration of the House under the direction of the Speaker.

Organization of the Senate

The Senate of Virginia consists of 40 members. Each member is elected for a term of four years and receives an annual salary of \$18,000. A Senator represents approximately 200,000 citizens of the Commonwealth. The Lieutenant Governor is the presiding officer of the Senate and is elected in a statewide election for a four-year term. In the event of the Lieutenant Governor's absence, the President pro tempore carries out the duties of the presiding officer. The President pro tempore is elected by the Senate for a term of four years.

The Clerk of the Senate is elected by the Senate. The Clerk's duties are overseeing the daily operations of the Senate, maintaining all Senate records, keeping the daily Journal, and referring bills to committees.

Explore

Code of Virginia:

Title 30. General Assembly.

Online:

Virginia General Assembly

<http://viriniageneralassembly.gov>

Legislative Branch Agencies

Auditor of Public Accounts

In 1927, the Constitution of Virginia established the Office of the Auditor of Public Accounts. In addition to auditing agencies that handle state funds, this agency

- approves accounting systems developed for state agencies and institutions for adequacy of audit trails and financial control,
- prescribes systems of accounting for local governmental offices,
- provides specifications to be followed by accounting firms in their audits of counties and cities, and
- prepares annual, comparative costs reports of counties and cities.

Division of Legislative Services

The Division of Legislative Services was created in 1973 to provide general staff services to the General Assembly. The Division is authorized to draft and prepare legislation for introduction into either house of the General Assembly, and serve as legal, research, and secretarial staff to all legislative study commissions and standing committees.

Division of Legislative Automated Systems

The Division of Legislative Automated Systems, established by an Act of the General Assembly in 1980, provides data processing operations, systems and programming, photo composition, and publication management services for the General Assembly.

Division of Capitol Police

The Division of Capitol Police was established in 1618 to protect the Governor. In 1890, an Act of the General Assembly added the protection and security of members and staff of the General Assembly to its duties. The Capitol Police operates within Capitol Square and, when assigned, on property owned or controlled by the Commonwealth or its agencies, departments, institutions, or commissions.

Explore

Code of Virginia:

Title 30. General Assembly. Chapter 2.2. Division of Legislative Services.

Title 30. General Assembly. Chapter 3.2. Division of Legislative Automated Systems.

Title 30. General Assembly. Chapter 14. Auditor of Public Accounts.

Local Government

All local governments in Virginia are tools of the state. They were created by specific action of the Virginia General Assembly to fulfill state purposes and address local concerns. The Constitution of Virginia and the Code of Virginia work together to define and limit the power of local governments.

The three primary forms of local government in Virginia are counties, cities and towns. Virginia is a Dillon Rule state, which basically means that counties, cities and towns are very restricted in what they can do without first getting permission from the Virginia General Assembly.

Reference

Constitution of Virginia:

Article VII defines local government and establishes, among others, the foundation for powers, officers, governing bodies, municipal offices and procedures.

Code of Virginia:

Title 15.2. Counties, Cities and Towns.

Dillon Rule

The following is an excerpt from an article by Clay L. Wirt entitled Dillon's Rule.

The Dillon Rule is used in interpreting state law when there is a question of whether or not a local government has a certain power. Lawyers call it a rule of statutory construction.

Dillon's Rule construes grants of power to localities very narrowly. The bottom line is that if there is a question about a local government's power or authority, then the local government does not receive the benefit of the doubt. Under Dillon's Rule, one must assume that the local government does not have the power in question.

In legal language, the first part of Dillon's Rule

reads like this: Local governments have only three types of powers: those granted in express words, those necessarily or fairly implied in or incident to the powers expressly granted and those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable.

It is the second part of the Dillon Rule, however, that puts the vice on local government's powers. This part states that if there is any reasonable doubt whether a power has been conferred on a local government, then the power has not been conferred. This is known as a rule of strict construction of local government powers.

Wirt, C. L. (1989, August). Virginia Town and City, 12-15.

Constitutional Officers

Reference

Constitution of Virginia:

Article VII, Section 4 of the Constitution of Virginia makes certain offices responsible for overseeing particular statutory responsibilities.

Clerk of the Circuit Court

The Clerk of the Circuit Court is elected by the qualified voters in the county for an eight-year term and serves as the chief administrative officer of court operations. The Clerk is responsible for managing and keeping records of court proceedings; collecting fines; recording and keeping land records and transfer of land ownership records such as deeds and mortgages; the custody of subdivision plats and land tract maps; the sale of hunting, fishing, and marriage licenses; and administering oaths.

County Treasurer

The County Treasurer is elected by the qualified voters in the county for a four-year term and is responsible for the collection, custody, and disbursement of county funds. This official is also responsible for the custody of certain state funds which flow through the county offices. Under several optional forms of government, the Treasurer is replaced by an appointed Director of Finance.

Commissioner of the Revenue

The Commissioner of the Revenue is elected by the qualified voters in the county for a four-year term and is charged with assessing local taxes including the preparation of the real estate and personal property tax books and tax bills. For example, the Commissioner may also assess taxes on merchant capital, business, and professional occupation license and certain machinery and tools. Under several optional forms of government the Commissioner of the Revenue is replaced by an appointed Director of Finance.

Commonwealth's Attorney

The Commonwealth's Attorney is elected by the qualified voters in the county for a four-year term and is the state's attorney for the prosecution of local criminal offenses. The Board of Supervisors may employ a County Attorney to represent the Board in civil cases and to prosecute violations of county ordinances.

Sheriff

The Sheriff is elected by the qualified voters in the county for a four-year term. He/She and the deputies are responsible for the protection of the lives and property of county residents. The Sheriff serves all warrants of arrest and summonses for witnesses and jurors, acts as bailiff at sessions of the Circuit and District Court, maintains order at meetings of the Board of Supervisors, and supervises the county jail and its inmates. It should be noted that the Sheriff is the chief law enforcement officer in counties which do not have police departments. He/She is relieved of law enforcement activities in counties where police departments have been established. As of 2013, 86 of 95 county Sheriffs serve as the chief local law enforcement officer (only nine counties maintain police departments).

Explore

Online:

State Compensation Board
<https://www.scb.virginia.gov/>

Counties

The Commonwealth's 95 counties have two distinct governmental capacities. As units of local government, they adopt and enforce local ordinances and provide services for their residents. As political subdivisions of the state, they assist in the local implementation of state laws and programs.

Forms of County Government

Summary

Virginia counties are permitted to establish one of several forms of government for the conduct of their affairs. The following information introduces each of the various forms of county government in the Commonwealth.

Traditional Form

The type of county government utilized by most Virginia counties throughout this century is commonly referred to as the "traditional form" of county government. Under this form of government, an elected Board of Supervisors is responsible generally for the legislative and administrative affairs of the county. Under this form of county government, however, the voters also elect five other officers who are responsible for the conduct and administration of various aspects of the county's affairs. Since these officers – Commissioner of the Revenue, Treasurer, Clerk of the Circuit Court, Commonwealth's Attorney and Sheriff - are identified by title in Virginia's Constitution, they are commonly referred to as "constitutional officers." Due to the expanding activities of county government in recent decades, virtually all Virginia county Boards of Supervisors still operating under the traditional form now appoint a County Administrator to assist in the daily administration of county affairs.

County Executive Form

In an endeavor to permit the state's more rapidly developing counties to adopt a form of government better suited for their needs, the General Assembly enacted in 1932 the Optional Forms Act which permitted counties to adopt, by referendum, one of two new forms

of government. One of the options permitted by the 1932 enactment was the establishment of the County Executive Form. Under this form of government, the appointed position of County Executive is established and given an increased administrative authority. A major feature of this form of government involves the abolition of the offices of Commissioner of the Revenue and Treasurer, with the duties of those offices placed upon a Director of Finance who serves under the administrative management of the County Executive. Also, under this form of government the County Executive is statutorily directed to make recommendations to the Board of Supervisors for persons to head the major administrative departments which he/she oversees. At the current time, only two counties (Albemarle and Prince William) are organized under the County Executive Form.

County Manager Form

The County Manager Form was the second alternative form of county government authorized by the Optional Forms Act of 1932. While this form is quite similar to the County Executive Form, the County Manager is given stronger administrative authority. In particular, the appointed County Manager has the statutory authority to appoint all of the department heads who serve in his/her administration. Also, under the County Manager Form, the offices of Commissioner of the Revenue and Treasurer are abolished, with their duties being transferred to a Director of Finance who is appointed by the County Manager. Only Henrico County utilizes this form of government.

County Board Form

The 1940 Session of the General Assembly authorized Virginia counties to adopt, by referendum, an organization of county government known as the County Board Form. This type of county government closely parallels the traditional form. Unlike the traditional form, however, the County Board Form requires the county's appointment of a County Administrator. The County Board Form also calls for one member of the Board of Supervisors to be elected at large, with the other members elected from various election districts of the county. Four counties (Carroll, Grayson, Russell, and Scott) currently utilize the County Board Form alternative.

Urban County Executive Form

In response to the continued development and urbanization of some Virginia counties, the 1960 Session of the General Assembly authorized certain counties in the state, by referendum, to establish a type of county governmental organization known as the Urban County Executive Form. In order to adopt the appointed Urban County Executive Form, a county is required to have a population of more than 90,000. While this form of government is similar to the County Executive Form, it is intended specifically to meet the needs of heavily populated and urbanized areas. This form of government is designed to facilitate the provisions of varying levels of urban services throughout different portions of the county. In addition, no new municipalities may be established within the jurisdiction of any county having adopted the Urban County Executive Form. Some of the other major characteristics of this form of county government are as follows:

- Towns located within the county that operates under Urban Executive Form are permitted to abandon their charters and be administered by the county on the same basis as the unincorporated areas of the county, depending on the choice of the town residents;
- The Chairman of the Board of Supervisors is

elected at large by the county voters;

- The Director of Finance is appointed to perform the duties of the Commissioner of the Revenue and Treasurer;
- Constitutional officers, such as the Sheriff, County Clerk, and Commonwealth's Attorney continue to be elected by the voters.

Only Fairfax County is currently organized under the Urban County Executive Form.

County Manager Plan

In 1930 the General Assembly authorized qualifying counties to adopt, by referendum, the County Manager Plan. This type of government, which should not be confused with the County Manager Form, was made available only to a county with a population density of at least 500 persons per square mile. This governmental form is specifically intended for densely populated and small counties. Counties adopting the County Manager Plan are exempt from annexation by adjacent cities unless the annexation of the entire county is approved by referendum of the county voters. This government is similar to the County Manager Form. Only Arlington County utilizes the County Manager Plan.

Explore

Code of Virginia:

Title 15.2. Counties, Cities and Towns; Subtitle I. Chapters 1 through 8.

Organization of County Government

Summary

Virginia's 95 counties are governed by Boards of Supervisors, constitutional officers, and various appointed officials. A brief description of the responsibilities of the major officials follows.

The Board of Supervisors

The Board of Supervisors constitutes the governing body of each Virginia county. In this capacity, the elected members of a Board of Supervisors are responsible for establishing local public policy, raising local resources for the support of public programs, and acting through its appointed administrative officials to oversee the conduct of the county affairs.

Under general law, the number of supervisors in Virginia's counties may vary between 3 and 11. Members of the Boards of Supervisors may be elected from the county at large, from single member districts, or from a combination of such arrangements. Unless a separate form of government provides otherwise, the Board of Supervisors of each county selects one of its members as chair at its first meeting each new year.

The Code of Virginia states that the county Board of Supervisors shall have power to:

- prepare and approve the county budget;
- levy taxes and appropriate funds;
- audit claims against the county;
- issue warrants in settlement of all claims and accounts;
- construct and maintain county buildings;
- approve and enforce the county's comprehensive plan and land use control ordinances;
- make and enforce ordinances for the health, safety, and welfare of county residents, as authorized by law;
- provide for the care and treatment of indigent and physically handicapped county citizens.

In the majority of instances where a county has an appointed chief executive including a County Administrator, a County Executive, or a County Manager, such officials are responsible for assisting the Board of Supervisors in its planning for the conduct of these activities and for implementing the Board's policies and decisions regarding them.

Tie Breaker

The governing body of each county may designate a tie breaker, whose duty it shall be to cast the deciding vote in case of a tie. The designation of the tie breaker shall be by election by the voters of the county from the county at large. Every tie breaker shall serve for a period of four years from the date of his/her election and every tie breaker so elected shall serve the same term as a member of the governing body. No person shall be elected or serve as tie breaker who is not a resident of the county, who is not qualified to hold office as supervisor or who is an employee or officer of the county. Tie breakers heretofore appointed or elected shall continue in office until the expiration of the respective terms. Vacancies in the position of tie breaker shall be filled in the same manner as vacancies in the governing body. A tie vote would defeat the motion, resolution, or issue voted upon by the board in such counties that do not designate a Tie Breaker. School Board Tie Breakers must be elected in the same manner as the members of the School Board.

Explore

Code of Virginia:

Title 15.2. Counties, Cities and Towns, Subtitle II.

Appointed County Officials

Summary

In addition to the chief executive or county administrator, a number of appointed officials, boards, commissions, and advisory agencies serve each county. A brief description of a selected set is below. County administrators are appointed by the Board of Supervisors.

County School Board and School Superintendent

Public education in Virginia is provided through geographic districts known as school divisions which, with a few exceptions, coincide with the boundaries of the state's counties and cities. The Constitution of Virginia places the responsibility for the supervision of schools in each school division with a School Board. Prior to 1994 in counties operating under the traditional form of government, School Boards were either chosen by a School Board Selection Commission, appointed by the Circuit Court of the County, or, if authorized by county voters in a referendum, by the Board of Supervisors. In all instances where counties functioned under one of the other forms of county government, School Board members were appointed by the Board of Supervisors.

As a result of legislation adopted by the General Assembly in 1992, counties were authorized to establish, by referendum, a process whereby School Board members would be elected by the voters. A majority of counties have approved such an arrangement, with the first election of School Boards held in 1994. The number of School Board members varies with each school division. The School Board is responsible for the appointment of a division School Superintendent from a list of persons certified to be eligible for such a position by the State Board of Education. The School Superintendent is responsible for a variety of administrative and instructional functions, including the employment of teachers and the supervision of educational programs. All school divisions in Virginia are expected to meet certain standards of educational quality which are established biennially by the State Board of Education, subject to review and approval by the General Assembly.

Most of Virginia's cities also constitute school divisions, with those entities being served by School Boards and School Superintendents in the same manner as county school divisions. Prior to 1994, all

the School Boards serving city school divisions were appointed by city council. However, as a result of the previously cited 1992 legislation, most of Virginia's cities have established, by referendum, a process for the election of such officials by the voters. In addition, the town of Colonial Beach and the town of West Point constitute school divisions.

Explore

Code of Virginia:

15.2. Counties Cities and Towns. Subtitle II.

Planning Commission

Every county in Virginia is required to have a Planning Commission advising the Board of Supervisors about its physical development including land use planning. The Commissions consist of between 5 and 15 members and are appointed by the Board of Supervisors. One member of the Commission may be a member of the Board of Supervisors, and one member may be an official serving in the administrative branch of county government. At least one half of the members of a Planning Commission must be property owners. Members of Planning Commissions serve four-year terms. Among the duties statutorily assigned to local Planning Commissions are those requiring the preparation of a comprehensive plan and a subdivision ordinance for review and approval by the Board of Supervisors.

Explore

Code of Virginia:

15.2. Counties Cities and Towns. Subtitle II.

Board of Zoning Appeals

Every county which enacts a zoning ordinance for purposes of regulating its physical development is required to have a Board of Zoning Appeals comprised of five or seven residents of the county. The members of the Board of Zoning Appeals, who serve five-year terms, typically are appointed by the Circuit Court of the county. A few Boards of Supervisors appoint the members of the local Board of Zoning Appeals. The Board of Zoning Appeals is required to hear and decide appeals made by the county residents from decisions of county officials (e.g., zoning administrators) enforcing the terms of zoning ordinances. In instances where the Board of Zoning Appeals decides that the strict application of the terms of a zoning ordinance will result in unnecessary hardship, it may grant a variance to the property owner.

Explore

Code of Virginia:
Title 15.2. Counties Cities and Towns. Subtitle II.

Board of Social Services

Every county in Virginia is required to have a Board of Social Services (which may be entitled the Board of Public Welfare) whose members are designated by the Board of Supervisors. The Board of Social Services is responsible for the administration of various public welfare programs conducted within the county. The Board of Social Services may be comprised, at the discretion of the Board of Supervisors, of three or more county residents. Alternatively, under the Urban County Executive Form, the Board of Supervisors may designate the officer in charge of the administration of social service programs in the county as the “Board of Social Services.” Where this is done, the Board of Supervisors is required to appoint a committee to serve in an advisory capacity to that officer. Under the County Manager Plan, the Board of Supervisors is permitted to abolish the Board of

The Virginia Association of Counties (VACO) maintains a list of county profiles online at

Social Services and delegate its duties, authority, and powers to the county manager or any other officer of the county.

Explore

Code of Virginia:
Title 63.2. Welfare (Social Services). Chapter 2 and 3.

Board of Assessors

The determination of the value of real property in counties is generally undertaken by the Commissioner of the Revenue, by a professional assessor, or a Board of Assessors appointed by the Board of Supervisors. The Board of Assessors is also authorized to review requests by property owners for reconsideration of the assessed value assigned to their property. Many localities also maintain Boards of Equalization. Boards of Equalization consider taxpayer appeals. Depending upon the locality, Boards of Equalization are appointed by the Board of Supervisors or the Circuit Court.

The reassessment of property for local tax purposes is Constitutionally mandated and may be accomplished annually or less frequently in accordance with the law. For example, counties having a population of 50,000 or less may conduct general reassessments of their real property at five or six-year intervals.

Explore

Code of Virginia:
Title 58.1. Taxation. Subtitle III. Chapter 32. Article 6.

www.vaco.org. City and town charters are available on the Virginia Law Portal at <https://law.lis.virginia.gov/charters/>

Medical Examiner

The Chief Medical Examiner for the Commonwealth of Virginia is required to appoint one or more medical examiners for service in each county. The local medical examiners must be licensed to practice medicine and must be selected from a list of nominees prepared by the medical society of the county in which the officer will serve. A county medical examiner is responsible for investigating the cause of death in instances where the cause is suspected of being other than natural. The determination of the county medical examiner in each case is presented to the State's Chief Medical Examiner and to the Commonwealth's Attorney in the county.

Explore

Code of Virginia:
Title 32.1. Health. Chapter 8. Article 1.

Extension Agents

Extension Agents are assigned to counties. The agents are appointed by the Cooperative Extension Service of Virginia Polytechnic Institute and State University typically in cooperation with the Board of Supervisors. They provide the county residents with information and practical methods in the areas of agriculture, business, industry, home economics, and resource development.

Explore

Online:
Virginia Cooperative Extension
<https://ext.vt.edu/employment/agentanr.html>

Game Wardens

State Game Wardens, appointed by the state's Board of Wildlife Resources, are charged with enforcing the state's game, inland fishing, and boating laws. They are authorized to arrest persons who are in the act of violating the state game laws and to search for game taken unlawfully.

Explore

Code of Virginia:
Title 29.1. Chapter 1. Article 2.

In addition, the County Board of Supervisors may enact local animal ordinances and appoint an Animal Warden to enforce the requirements.

Explore

Code of Virginia:
Title 3.2. Subtitle V. Chapter 65. Article 7.

Transportation and Public Works

The state is responsible for maintaining local county roads, however, counties may elect to maintain their local roads. To date, only two counties maintain their local roads (Arlington and Henrico). Unlike counties, cities and specific towns maintain their local roads.

Public water and sewer service are available in most counties, either provided directly by county government or through a public service authority.

Explore

Code of Virginia:
Streets and Highways are covered under Title 15.2. Counties, Cities and Towns, and Title 33.2. Highways and Other Transportation Systems.

Online:
Department of Transportation
www.virginiadot.org

Towns

The Commonwealth has 190 towns, as of July 1, 2022. Virginia towns are governmentally part of the county in which they are located. Thus, towns exist primarily for the provision of urban services to their residents and do not have, in general, responsibility for the administration of state programs. The current Virginia Constitution, which became effective in 1971, while recognizing as “towns” all communities previously incorporated as such, requires that all new towns must have a minimum population of 1,000 persons and become a town through the process established by law.

Virginia law permits towns that reach a population of 5,000 persons to seek city status. The process by which a town becomes a city requires judicial review of the fiscal capacity of the municipality, the impact of the proposed transition on the affected county, and other state concerns. The transition of a town to city status also requires approval by the town electorate in a referendum. The laws of the Commonwealth do not mandate that a town must become a city when it attains the population of 5,000 persons. Many Virginia towns have populations well in excess of that threshold.

Towns do not have constitutional officers (cities and counties do). Depending on the size and financial condition of the town, the municipality may also have positions that process payments or handle other tasks. Town residents pay town and county taxes.

Forms of Town Government

Summary

While all Virginia municipalities have charters which give them distinct governmental attributes, the two principal forms of town government are Council-Manager Form and Mayor-Council Form.

Council-Manager Form

This form of government was first adopted by the City of Staunton, Virginia, in 1908 and has since been widely adopted by many cities and towns in the nation. Under this form, a council is elected either by wards or at-large. The Council then appoints a professional manager to handle the day-to-day affairs of the city or town. In about half of the cities the Council also elects one of its members as the presiding officer (generally known as the Mayor), whose position is primarily ceremonial in nature. The Mayor serves as the official head of the city or town and generally has the same legislative power and duties as other council members. In about half of the cities, the mayor is elected directly by the voters. The mayor in most towns is elected at large, regardless of whether the town is organized under the council-manager or the mayor-council form of government.

Mayor-Council Form

The Mayor-Council Form is used by many of Virginia’s small towns. Under this form, Council members are elected by the people, and the Mayor is directly elected by the people. In addition to those legislative powers which he/she shares with members of Council, the Mayor has certain executive and administrative authorities. Under this form of municipal government, the Mayor may be granted the power to appoint and dismiss certain town officers and may veto ordinances and resolutions approved by the Council. Many of the towns that are organized under the mayor-council form of government also appoint a town manager to serve as the chief administrative officer.

Cities

The Commonwealth has 38 cities, as of July 1, 2022. Virginia cities, however, are distinct from cities in other states in that they are independent governmental entities. No county authority or taxing power extends within the boundaries of a Virginia city. Due to this situation, cities in Virginia are also required to serve like counties as administrative subdivisions of the state for the implementation of state programs and policies.

The Constitution, while recognizing as “cities” all communities previously incorporated as such, requires that all new cities must have a population of at least 5,000 persons and become a city in the manner provided by law. The Constitution, however, authorizes the General Assembly to increase by general law the population minimum required for town or city status. The Constitution also explicitly recognizes Virginia’s distinct system of city-county separation by defining a city as an “independent incorporated community.”

Forms of City Government

Summary

As is the case with towns in Virginia, 37 of the 38 cities in the Commonwealth operate under Council-Manager Form of government. The City of Richmond, however, is the only city to operate under the Strong Mayor Form.

Council-Manager Form

See “Council-Manager Form” under “Forms of Town Government.”

Mayor-Council Form

See “Mayor-Council Form” under “Forms of Town Government.”

Strong Mayor Form

Central to the Strong Mayor Form is an elected mayor that also serves as the chief administrative officer who is responsible for the day-to-day activities of city government. The other cities operate under the council-manager form of government. Many of the larger towns operate under the council-manager form of government as well.

Explore

Code of Virginia:

Title 15.2. Counties, Cities and Towns. Subtitle I. Chapters 1 through 8.

Online:

International County/City Management Association:
Council-Manager Form of Government Resources
<https://icma.org/council-manager-form-government-resources>

Common Officials in City and Town Governments

Summary

Depending on the size of a city or town government, the number and types of positions will vary; however, some positions are required by the Code of Virginia.

Council

The local legislative body with a power to act for the common good of the people in regard to such areas as police protection, fire protection, water, sewer, and street lights. Also, it can, by ordinances or resolutions, set business license rates and levy taxes and fees for covering the expenses of the governmental operations.

Clerk of Council

The Clerk is responsible for recording minutes of each council meeting. Depending on the size of the municipality, additional office-related duties may be assigned.

Manager

A manager, hired and reporting to the governing body, is the chief administrative officer of his/her locality and performs a variety of duties, which include:

- faithful implementation of all laws and ordinances;
- employment of certain city/town officials as needed to assist in the handling of the day-to-day affairs;
- reporting to the Council on the affairs of the city/town;
- keeping the Council fully advised of the city's/town's financial condition and its future financial needs;
- preparing an annual budget for review and approval by the Council;
- attending all Council meetings and performing such other duties as may be prescribed by the Council.

Attorney

An attorney serves as the chief legal advisor to the Council and is responsible for the drafting of local ordinances. In most municipalities, the city/town attorney is appointed by the City/Town Council. In some municipalities the attorney is appointed by the manager. Many municipalities retain an attorney in private practice to serve as the chief legal counsel.

Treasurer

A Town Council is authorized to employ a Town Treasurer to collect all town taxes. Under most of the current city charters, the tax collection and assessment functions are performed by the Commissioner of the Revenue and the City Treasurer or by the Finance Director.

Director of Public Works

A Director of Public Works serves as the head of the Department of Public Works and is generally responsible for such projects as road and street construction and maintenance, solid waste collection and disposal, and street cleaning.

Chief of Police

A Chief of Police has the responsibility to maintain law and order in his/her community. In some Virginia cities, the Department of Police has been merged with the Fire Department into a Department of Public Safety.

Explore

Code of Virginia:

Title 15.2. Counties, Cities and Towns; Chapters 14, 15 and 17.

Special Districts and Authorities, Examples of Commonly Found

Summary

Special districts and authorities are mostly political subdivisions of the state and are created by counties, cities and towns under special authorization of the General Assembly. Nearly all of these districts and authorities serve one or more special functions such as planning, transportation, and water and sewer.

Planning District Commissions

Each planning district commission is authorized to prepare plans and programs that will promote orderly physical, social, and economic development within the defined boundaries. Any action taken by a planning district commission, however, may not affect the powers and duties of local planning commissions. While initially established to function solely as regional planning entities, the planning district commissions are now authorized to undertake and implement programs on behalf of their member jurisdictions.

Transportation Districts

A transportation district is designed to facilitate the planning and development of the needed transportation facilities on a regional basis.

Industrial Development Authorities

Local governments are authorized to form nonprofit industrial development authorities to acquire, own, lease, and dispose of properties for the purpose of inducing new industrial, commercial, and institutional developments within their jurisdictional boundaries. These authorities have the power to issue revenue bonds from time to time to cover the cost of developing and/or operating their facilities. By law, an IDA is governed by a board of seven directors who are appointed by the local governing body.

Public Service Authorities

A governing body of any county, city, or town, or the governing bodies of two or more such localities, are permitted to create, by ordinance, resolution, or agreement a water authority, a sewer

authority, a sewage disposal authority, a storm water control authority, refuse collection and disposal authority, or any combination thereof. These authorities are considered as corporate entities and must be registered with the State Corporation Commission.

Sanitation Districts

A sanitation district is authorized to construct, maintain, operate, and use such trunk and intercepting sewers, conduits, pipes, pumping and ventilating stations, and treatment plants or works necessary to provide an effective and efficient water pollution control service to its users.

Sanitary Districts

Sanitary districts may construct and operate a variety of public facilities, among which are water and sewer, garbage collection and disposal, parking, recreational, and drainage facilities. To finance these activities, districts may impose user fees, levy taxes on property within the district, and issue bonds (under certain limitations). In counties operating under the Urban County Executive Form of government, sanitary districts can be created only by an act of the Board of Supervisors.

Soil and Water Conservation Districts

The General Assembly enacted the Soil Conservation District Law to allow the creation of soil and water conservation districts throughout the Commonwealth. A soil and water conservation district may be composed of one or more counties and cities.

Election System in the Commonwealth

Any person qualified to hold the office, other than a candidate for a party nomination or a party nominee, may become a candidate in any general or special election by filing notice of his/her candidacy and presenting petitions signed by the number of qualified voters specified by law for the office for which he/she offers. A candidate for any elective office in the Commonwealth must also file a statement, under oath, of his/her qualifications to hold the office he/she is seeking and other statements or disclosures required by law. Each party determines its own method of selecting party candidates for each office.

Reference

Constitution of Virginia:

Article II defines establishes the qualifications for voters, qualifications to hold elective office, district apportionment, electoral boards, registrars and officers of elections.

Department of Elections

The Commissioner of Elections is appointed by the Governor and serves as the Chief State Election Official of the Commonwealth. The Department of Elections supervises and coordinates the work of county and city electoral boards and registrars to ensure uniformity in registration and election proceedings in accordance with the law. The Department also maintains an automated central record-keeping system of all voters registered in the Commonwealth.

The State Board of Elections is the policy-making branch of election administration in the Commonwealth, and works in concert with the Department of Elections. The Board makes election administration regulations. The Board is composed of three members appointed by the Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. The Governor designates one member as the Secretary. The members are appointed for a term of four years. By law, a majority of the Board members are from the political party which cast the highest number of votes in the last preceding gubernatorial election.

Electoral Board

The local electoral board of each county or city is composed of three members; one appointed each year by the Circuit Court for a three-year term. The members represent each of the two political parties whose candidates, at the general election for the next Governor preceding their appointment, received the highest and the next highest number of votes. Each local electoral board elects one member to the position of Chair and another to the position of Secretary. These persons must represent different political parties. The local electoral board is responsible for the proper conduct of all elections held in its county or city. This board also appoints a general registrar and the officers of election for its county or city.

General Registrar / Director of Elections

The General Registrar is appointed by each local electoral board for a four-year term during which he/she may not hold any other elective or appointive office, and must be a qualified voter of the county or city for which he/she is appointed. Duties of the general registrar include maintaining a public office for the registration of voters and keeping current and accurate records of all persons registered to vote in the county or city. In the Commonwealth, the General Registrar may also be referred to as the Director of Elections.

Officers of Election

Officers of election for each precinct are appointed by the electoral board for a one-year term and must be qualified voters, and must complete a training and certification process. In appointing the officers of election, as equal representation as possible is given to each of the two political parties. The officers conduct the election at their respective polling places and count the votes.

Explore

Virginia Administrative Code:

Title 1. Administration. Agency 20.

Code of Virginia:

Title 24.2. Elections.

Online:

Virginia Department of Elections
<https://www.elections.virginia.gov/>



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