

Chapter 2
ADMINISTRATION

Article 1. In General

- Sec. 2-1-1. Magisterial districts described.
- Sec. 2-1-2. Office of tie breaker abolished.
- Sec. 2-1-3. Assessment for construction, maintenance, etc., of courthouse and related facilities.
- Sec. 2-1-4. Assessment of costs in civil cases for law library.
- Sec. 2-1-5. Assessment of costs in certain criminal and traffic cases.

Article 2. Election Districts.

- Sec. 2-2-1. Created and established.
- Sec. 2-2-2. Magisterial districts unaffected by article; representation to be by election district.
- Sec. 2-2-3. Districts enumerated; populations and polling places; precincts.
- Sec. 2-2-4. District boundaries.
- Sec. 2-2-5. Supervisors elected biennially; terms.
- Sec. 2-2-6. One supervisor elected from each district.

Article 3. Reserved.

Article 4. Planning Commission.

- Sec. 2-4-1. Generally.
- Sec. 2-4-2. Power and duties.
- Sec. 2-4-3. Designated to supervise, etc., development of plan for water and sewer systems.

Article 5. Finance

- Sec. 2-5-1. Signatures on warrants for payment of money.
- Sec. 2-5-2. Authority of county treasurer to invest idle funds at higher interest than on ordinary deposits.
- Sec. 2-5-2.1. Establishment of County Finance Board.
- Sec. 2-5-3. Fee for returned checks.

Article 6. Free Public Library

- Sec. 2-6-1. Continuation of free public library.

ADMINISTRATION

12-31-08

Sec. 2-6-2. Management vested board of trustees; terms of trustees; powers of board.

Chapter 2
ADMINISTRATION

Article 1. In General¹

Sec. 2-1-1. Magisterial districts described.²

BY VIRTUE of certain commissions issued by Gilbert C. Walker, Governor of Virginia, on the 9th of April, 1870, in pursuance of authority in him vested by the Act of the General Assembly of Virginia entitled "An act to provide for dividing the several counties of the State into "Townships" approved April 2, 1870, we the undersigned commissioners named in said commissions thereby appointed to lay off into townships the County of Fluvanna in said State and to perform all other duties imposed and prescribed by said Act do respectfully report:

That we met at Palmyra in said County on the 19th day of April, 1870, and proceeded at once to divide and lay off the County of Fluvanna into four townships the number we deem necessary and as compact and as near equal in territory and population as practicable. The County is divided by the Rivanna River into nearly equal parts and James River is the Boundary line on the South. That part of the County lying between the said Rivers we have divided into two townships by a line commencing at the Middleton Mills on James River and extending along the road leading from that point to Central Plains and thence along the road leading by the residence of the late Capt. John Noel by Richardson's Shop and by Solitude Mills to the Palmyra Bridge over the Rivanna River and we make the public highways above designated the boundary line between said two townships. The township of Fork Union in the County of Fluvanna and it will embrace all the territory between the said dividing line and the said two rivers; The township lying west of said line we designate as the township of Cunningham in the County of Fluvanna and it will embrace all the balance of the territory of said county lying on the south side of the Rivanna. The section of the public highways, lying between the Middleton Mills and the residence of the late Capt. John Noel aforesaid shall belong to the Township of Fork Union and the balance of said highways to the Township of Cunningham.

That section of the county lying on the North side of the Rivanna we have divided into two Townships by a line commencing on the Rivanna at the mouth of Long Island Creek and

¹For Virginia Freedom of Information Act, see Code of Va., § 2.1-340 et seq; as to counties, cities and towns, see Code of Va., Title 15.1; as to counties generally, see Code of Va., § 15.1-503.4:10 et seq.

²*Editor's note.* - The text of this section derives unchanged from the commissioners' report which is of record in the office of the clerk of the circuit court of the county in Deed Book 20 (Old Series) at pages 327 and 328.

extending up that creek as it meanders to the point on the Old Stage road public highway lying between Wilmington and the Rising Sun at which said creek intersects or crosses said road and thence along said road to the point at which the public road leading by White's Shop and thence by Holland's Old Mill and thence to the three chopped Road at Willis Parrish's residence leaves the road first named about 200 yards from the dwelling house now occupied by Holman Bragg and on the West thereof said House being about 200 yards west of the intersection of Long Island Creek with the road first named and we make the said Creek to the aforesaid point and the said public highways lying between said Townships. That part of said highways lying between the point of intersection with said Creek and the point at which a branch running out of the farm of Pleasant Howard crosses the road leading by Holland's Old Mill to Willis Parrish's shall belong to the Township of Columbia hereinafter named and the balance of said road to the Township of Palmyra hereinafter named. All the territory of said County lying on the East side boundary line will constitute one Township which we name the Township of Columbia in the County of Fluvanna and all lying on the West will constitute another Township which we name the Township of Palmyra in the County of Fluvanna. (Comp. 1974, ch. 2)

Sec. 2-1-2. Office of tie breaker abolished.

Pursuant to section 15.1-535 of the Code of Virginia the office of tie breaker is hereby abolished. (Comp. 1974, ch. 2)

Sec. 2-1-3. Assessment for construction, maintenance, etc., of courthouse and related facilities.

Pursuant to section 14.1-133.2 of the Code of Virginia, there is hereby assessed, as part of the fees taxed as costs in each civil, criminal or traffic case in the district and circuit courts of the county, the sum of two dollars.

Such assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of the county and held by such treasurer subject to disbursements by the board of supervisors for the construction, renovation or maintenance of the courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

The assessment provided for in this section shall be in addition to any other fees prescribed by law.

Sec. 2-1-4. Assessment of costs in civil cases for law library.

Pursuant to section 42.1-70 of the Code of Virginia, there is hereby imposed and levied an assessment of two dollars for each civil case filed in the courts of the county. Such assessment shall be paid as part of the costs incident to each such civil action.

The assessment levied by this section shall be collected by the respective clerks of the courts in which such actions are filed and shall be remitted to the treasurer of the county for the purposes set forth in section 42.1-70 of the Code of Virginia, subject to disbursement, from time to time, as the board of supervisors may direct in accordance with the aforesaid statute.

The assessment levied by this section shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, political subdivision thereof, or federal government. (Code 1996; Ord. 6-21-00)

Section 2-1-5. Assessment of costs in certain criminal and traffic cases.

Pursuant to section 53.1-120 of the Code of Virginia, there is hereby assessed, as part of the costs in each criminal or traffic case in the district and circuit courts of the county in which the defendant is convicted of a violation of any statute or ordinance, the sum of ten dollars.

Such assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the county and held by such treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security personnel.

The assessment provided for in this section shall be in addition to any other fees prescribed by law. (Ord. 6-19-02; Ord. 2-20-08)

Article 2. Election Districts.

Sec. 2-2-1. Created and established.

Pursuant to authority contained in Title 24.2, Ch. 3, Article 2.1, Sections 24.2-304.1, *ff.*, and Title 24.2, Ch. 3, Article 3, Sections 24.2-305, *ff.*, of the Code of Virginia, the election districts and their respective polling places for the county are hereby created and established as set forth in this article. (Min. Bk. 6, pp. 482-484; Comp. 1974, ch. 2; Ord. 7-1-81; Ord. 5-15-91; Ord. 5-16-01)

Sec. 2-2-2. Magisterial districts unaffected by article; representation to be by election district.

The magisterial districts of the county, with boundary lines and names thereof respectively as constituted and known on the day before the ordinance from which this article derives took effect, shall remain the same, but representation on the governing body shall be by election districts described in this article. (Min. Bk. 6, pp. 482-484; Comp. 1974, ch. 2; Ord. 7-1-81; Ord. 5-15-91; Ord. 5-16-01)

Sec. 2-2-3. Districts enumerated; populations and polling places; precincts.³

(a) *The election districts, with populations and polling places set forth, are as follows:*

<i>Name</i>	<i>Population</i>	<i>Polling Place</i>
Palmyra	3467	Palmyra Fire House ⁴
Columbia	3255	Kents Store Agricultural Recreation Center ⁵
Fork Union	3204	Fluvanna County Community Center
Cunningham	3372	Antioch Baptist Church ⁶
Rivanna	6749	Lake Monticello Fire & Rescue Building Lake Monticello Clubhouse

(b) Precincts shall be known by their respective polling places and shall be coterminous with the respective electoral districts, except that, for the Rivanna District, there shall be two precincts, as follows:

- (1) Lake Monticello Fire and Rescue Precinct shall be that portion of the Rivanna District southerly from a line running from the intersection of Jefferson Drive and South Bearwood Drive; thence along South Bearwood Drive in a northerly direction to the intersection of South Bearwood Drive and Kingswood Road; thence along Kingswood Road to its terminus and continuing in a direct line easterly to the center of Lake Monticello; thence along the center of Lake Monticello in an easterly direction to a direct line, the northerly extension of Chatham Lane; thence in a southerly direction along Chatham Lane to its intersection with Woodridge Road; thence along Woodridge Road in an easterly

³ For state law as to central absentee voter precinct, see Code of Va., § 24.2-712.

⁴ Change in Palmyra polling place was adopted 11-15-06; federal preclearance was obtained 1-29-07.

⁵ Change in Columbia polling place was adopted 6-15-05; federal preclearance was obtained 9-2-05.

⁶ Change in Cunningham polling place was adopted 7-18-07; federal preclearance was obtained 9-5-07.

direction to its intersection with Jefferson Drive; thence in a westerly direction along Jefferson Drive to its intersection with Slice Road; thence along Slice Road in an easterly direction to the intersection with State Route 600 (South Boston Road);

(2) Lake Monticello Clubhouse Precinct shall be that portion of the Rivanna District northerly from the line described in the preceding subsection.

(c) In addition to the foregoing precincts, there is hereby established a central absentee voting precinct, which shall be in the Historic Courthouse⁷, Palmyra, Virginia. The central absentee voting precinct shall be used for all elections.

(Min. Bk. 6, pp. 482-484; Comp. 1974, ch. 2; Ord. 7-1-81; Ord. 5-15-91; Ord. 1-18-95; Ord. 5-16-01; Ord. 3-20-02; Ord. 11-15-06; Ord. 7-18-07; Ord. 2-18-09)

Sec. 2-2-4. District boundaries.

The boundaries of the respective election districts are as set forth below:

Palmyra Election District - Number 1.

Beginning at the intersection of the Rivanna River and the Albemarle County border and following the Rivanna River in a southeasterly direction until its intersection with the northerly border of Census Block 2034 to the intersection of Route 600 (South Boston Road), following Route 600 (South Boston Road) in a southerly direction to its intersection with Route 53 (Thomas Jefferson Parkway), following Route 53 (Thomas Jefferson Parkway) in an easterly direction to its intersection with Route 15 (James Madison Highway), following Route 15 (James Madison Highway) in a northerly direction to its intersection with the Fluvanna-Louisa County line, then in a westerly direction following the Fluvanna-Louisa County line, then in a southerly direction following the Fluvanna-Albemarle County line to its intersection with the Rivanna River, the point of beginning.

Columbia Election District - Number 2.

Beginning at the intersection of Route 15 (James Madison Highway) and the Fluvanna-Louisa County line; thence in an easterly direction with the Fluvanna-Louisa line to its intersection with the Goochland County line; thence in a southerly direction with the Fluvanna-Goochland County line to its intersection with the James River on the east side of the Town of Columbia; following the James River to the Rivanna River; thence up the Rivanna River to U. S. Route 15 (James Madison Highway); thence in a northerly direction

⁷ Change in central absentee voting precinct was adopted 2-18-09; federal preclearance was obtained 5-5-09.

with Route 15 (James Madison Highway) to its intersection with the Fluvanna-Louisa County line, the point of beginning.

Fork Union Election District - Number 3.

Beginning at the common corner of the counties of Fluvanna, Cumberland and Goochland east to the Town of Columbia; thence up the James River to its intersection with Rockfish Creek; thence up Rockfish Creek to its intersection with the southerly border of Census Block 2003; thence along the southerly border of Census Block 2003 in a westerly direction to its intersection with State Route 646 (Hardware Road); thence in a northerly direction along Route 646 (Hardware Road) to its intersection with State Route 6 (West River Road); thence in a northeasterly direction along Route 6 (West River Road) to its intersection with the westerly boundary of Census Block 2002; thence with the westerly boundary of Census Block 2002 in a southerly direction to its intersection with State Route 697 (Cunningham Road); thence along Route 697 (Cunningham Road) in an easterly direction to its intersection with State Route 640 (Cunningham Road); thence along Route 640 (Cunningham Road) in an easterly direction to its intersection with State Route 6 (West River Road); thence along Route 6 (West River Road) in an easterly direction to its intersection with State Route 640 (Haden Martin Road); thence in a northerly direction with State Route 640 (Haden Martin Road) to its intersection with U. S. Route 15 (James Madison Highway); thence in a northerly direction with U.S. Route 15 (James Madison Highway) to its intersection with the Rivanna River; thence in an easterly direction with the Rivanna River to its intersection with the James River; thence down the James River to point of beginning.

Cunningham Election District - Number 4.

Beginning at the intersection of the James River and Rockfish Creek; thence up the James River to its intersection with the Fluvanna-Albemarle County line at Scottsville; thence in a northerly direction with the Fluvanna-Albemarle County line to its intersection with Route 53 (Thomas Jefferson Parkway), following Route 53 (Thomas Jefferson Parkway) in an easterly direction to its intersection with Boston Creek; thence along Boston Creek in an easterly direction to its intersection with Jefferson Drive; thence along Jefferson Drive in a southerly direction to its intersection with Turkeysag Trail; thence along Turkeysag Trail in a southerly direction to its intersection with Windy Way; thence along Windy Way in a northerly direction to its intersection with Bridlewood Drive; thence along Bridlewood Drive in a southerly direction to its intersection with Turkeysag Trail; thence along Turkeysag Trail in a westerly direction to its intersection with Route 53(Thomas Jefferson Parkway); thence along Route 53 (Thomas Jefferson Parkway) in an easterly direction to its intersection with U. S. Route 15 (James Madison Highway); thence in a southerly direction with Route 15 (James Madison Highway) to its intersection with State Route 640 (Haden Martin Road); thence in a southerly direction with Route 640 (Haden Martin Road) to its intersection with State Route 6 (West River Road); thence along Route 6 (West River Road) in a westerly direction to its intersection with State Route 640 (Cunningham Road); thence along Route 640 (Cunningham Road) in a westerly direction to its intersection with State Route 697 (Cunningham Road);

thence along Route 697(Cunningham Road) in a westerly direction to its intersection with the westerly boundary of Census Block 2002; thence along the westerly boundary of Census Block 2002 in a northerly direction to its intersection with State Route 6 (West River Road); thence along Route 6 (West River Road) in a westerly direction to its intersection with State Route 646 (Hardware Road); thence along Route 646 (Hardware Road) in a southerly direction to its intersection with Census Block 2003; thence along the southerly boundary of Census Block 2003 in an easterly direction to its intersection with Rockfish Creek; thence down Rockfish Creek to its intersection with the James River, the point of beginning.

Rivanna Election District - Number 5.

Beginning at the Fluvanna-Albemarle County line at its intersection with State Route 53 (Thomas Jefferson Parkway), following the Fluvanna-Albemarle County line in a northerly direction to its intersection with the Rivanna River, following the Rivanna River in a southeasterly direction until its intersection with the northerly boundary of Census Block 2034 to the intersection of Route 600, following Route 600 (South Boston Road) in a southerly direction to its intersection with Route 53 (Thomas Jefferson Parkway); thence along Route 53 (Thomas Jefferson Parkway) in a westerly direction to its intersection with Turkeysag Trail; thence along Turkeysag Trail in a northerly direction to its intersection with Bridlewood Drive; thence along Bridlewood Drive in a northerly direction to its intersection with Windy Way; thence along Windy Way in a northerly direction to its intersection with Turkeysag Trail; thence along Turkeysag Trail in a northerly direction to its intersection with Jefferson Drive; thence along Jefferson Drive in a northerly direction to its intersection with Boston Creek; thence along Boston Creek in a westerly direction to its intersection with State Route 53 (Thomas Jefferson Parkway); thence along Route 53 (Thomas Jefferson Parkway) in a westerly direction to its intersection with the Fluvanna-Albemarle County line, the point of beginning. (Min. Bk. 6, pp. 482-484; Comp. 1974, ch. 2; Ord. 7-1-81; Ord. 5-15-91; Ord. 5-16-01)

Sec. 2-2-5. Supervisors elected biennially; terms.

The members of the county board of supervisors shall be elected biennially for four-year terms. (Comp. 1974, ch. 2; Ord. 5-16-01)

Sec. 2-2-6. One supervisor elected from each district.

One supervisor shall be elected from each election district established by this article, except that there shall be two supervisors elected from the Rivanna District, the terms of which supervisors shall not be coterminous. (Min. Bk. 6, pp. 482-484; Comp. 1974, ch. 2; Ord. 7-1-81; Ord. 5-15-91; Ord. 5-16-01)

Article 3. Reserved.**Article 4. Planning Commission.⁸****Sec. 2-4-1. Generally.**

The county planning commission shall consist of six members, appointed by the board of supervisors, all of whom shall be residents of the county and of the election district from which they are appointed, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. One member shall be appointed from each of the county's election districts, other than the Rivanna District, and two members shall be appointed from the Rivanna District. In addition, there shall be one member of the commission appointed by the board of supervisors from among its members, whose term as such member of the commission shall be coterminous with the term of such member as a member of the board of supervisors or such lesser term as the board of supervisors shall determine, who shall serve as liaison and who shall not be entitled to vote on matters before the commission. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. Removal of residence from the district from which a member is appointed shall automatically vacate the office of such member. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office. Each member of the commission shall receive compensation for his services as shall be established by resolution of the board of supervisors from time to time. (9-4-96; Ord. 1-15-97)

The foregoing notwithstanding, for so long as the terms of any of the members of the commission shall be unexpired as of the date of adoption of this amendment, such current members shall continue in office in all respects as members in good standing until their respective unexpired terms expire or otherwise terminate. As soon as may be after the adoption of this amendment, the board of supervisors shall ratify the designation of the current district members of the commission, and all current members not so designated shall be deemed to be members for the county at large. No member at large shall be reappointed as such; provided that any at large member whose term expires or otherwise terminates may be reappointed as a district member. (Ord 11-17-04)

Sec. 2-4-2. Power and duties.

⁸For state law as to local planning commissions, see Code of Va., § 15.1-437 et seq.

The county planning commission shall have all the functions, powers and duties which are prescribed by law. (Min. Bk. 5, pp. 500 - 501; Comp. 1974, ch. 2)

Sec. 2-4-3. Designated to supervise, etc., development of plan for water and sewer systems.

The board of supervisors hereby designates the county planning commission to supervise and coordinate the development of a comprehensive area plan for the orderly development of water and sewer systems in the county. (Min. Bk. 6, p. 211; Comp. 1974, ch. 10)

Article 5. Finance.

Sec. 2-5-1. Signatures on warrants for payment of money.⁹

All warrants issued by the board of supervisors, or by its authority, for the payment of money, shall be signed by the chairman of the board and county administrator and by the county treasurer, each in his official capacity. (Comp. 1974, ch. 7)

Sec. 2-5-2. Authority of county treasurer to invest idle funds at higher interest than on ordinary deposits.¹⁰

The county treasurer, upon determining that county funds in any given amount would otherwise lie idle and draw a lesser rate of interest for a period of time not less than sixty days, may place such funds in such amount upon time deposit in any one or more of the duly designated county depositories at such rate of interest and upon such conditions of withdrawal as he may determine, or he may invest such funds in such amount as provided in section 2.1-328 of the Code of Virginia. (Comp. 1974, ch. 7)

Sec. 2-5-2.1. Establishment of County Finance Board.

There is hereby established a County Finance Board pursuant to Virginia Code Sec. 58.1-3151. The membership, powers, duties, compensation, organization and procedures of the Board shall be as provided in Virginia Code Sec. 58.1-3151, *et seq.*, or any successor

⁹For state law as to payment of warrants and signatures required thereon generally, see Code of Va., §§ 15.1-121,15.1-529,15.1-532,15.1-547.

¹⁰For state law as to interest on a fund belonging to the fund, see Code of Va., § 58.13142; as to investment of funds pursuant to state treasurer's guidelines, see Code of Va., § 58.1-3156.

statutes which concern substantially the same subject matter. The initial board shall be composed of the chairman of the governing body of the County, the treasurer of the County and a citizen of the County of proven integrity and business ability appointed by the circuit court of the County. The term of the citizen member shall be for four years, except as otherwise provided by law. (Ord. 3-19-08)

Sec. 2-5-3. Fee for returned checks.

Any person uttering, publishing or passing any check or draft to the county for payment of taxes or any other sums due, which check or draft is subsequently returned for (1) insufficient funds, (2) because there is no account, or (3) because the account has been closed, shall be liable to the county for a fee in the sum of twenty dollars to cover the county's administrative costs in processing or collecting such check or draft. (Comp. 1974, ch. 7; Ord. 6-4-84)

Article 6. Free Public Library

Sec. 2-6-1. Continuation of free public library.¹¹

The Fluvanna County Public Library, heretofore established as a free public library by resolution of the board of supervisors adopted May 20, 1998, effective July 1, 1998, is hereby continued.

Sec. 2-6-2. Management vested in board of trustees; terms of trustees; powers of board.

The management and control of the Fluvanna County Library shall be vested in a board of seven members or trustees, in accordance with the provisions of Virginia Code Section 42.1-35. They shall be appointed by the board of supervisors, chosen from the citizens at large with reference to their fitness for such office. However, one board member or trustee may be a member or an employee of the board of supervisors. Initially members shall be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, and the remaining members for terms of four years; thereafter all members shall be appointed for terms of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A member shall not receive a salary or other compensation for services as a member but necessary expenses actually incurred shall be paid from the library fund. A member of a library board may be removed for misconduct or neglect of duty by the board of supervisors. The members shall adopt such bylaws, rules and regulations for their own

¹¹For state law as to authority of county to establish a free public library, see Chapter 2, Title 42., Code of Va.

ADMINISTRATION

12-31-08

guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all moneys credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such free public library systems or endowments for same. (Ord. 6-17-98)