



**RECONVENED MEETING OF THE
PRINCE EDWARD COUNTY BOARD OF SUPERVISORS**

**July 15, 2014
6:00 p.m.**

5:00 p.m.

1. The Chairman will call the Reconvened Meeting to order.
2. Writ of Election
3. Interim Appointment
4. Redistricting



County of Prince Edward
Board of Supervisors
Agenda Summary

Meeting Date: July 15, 2014
Item No.: 2-4
Department: County Administrator
Staff Contacts: W.W. Bartlett/Sarah Elam Puckett/James R. Ennis
Issue: Vacancy on Board of Supervisors

Summary: Regrettably, the Board must make some decisions regarding the vacancy on the Board of Supervisors.

- **Special Election:** *Section 24.2-226 of the Code of Virginia* states that the governing body shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy. The Court then issues a writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November (unless the governing body requests a different date, in which case no special election may be held within 55 days of a general election).
- **Interim Appointment:** *Section 24.2-228 of the Code of Virginia* authorizes the members of the governing body, within 45 days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members of the body or board cannot agree, or do not act, the judges of the circuit court of the county or city may make the appointment.
- **Redistricting:** Supervisor Wilck requested that staff prepare information for a discussion of the process by which the Board could consider decreasing the number of Board of Supervisors voting districts in the county from eight to seven. See ATTACHMENT B – Scenario B for an example of the chronology of actions/decisions that would need to be made by the Board in order to accomplish this by the end of calendar year 2014.

Attachments: ATT. A – Scenario A-Timeline for Special Election/Interim Appointment
ATT. B – Scenario B-Timeline for Special Election/Int. Appt./Redistricting
ATT. C – *Section 24.2-226, Code of Virginia*
ATT. D – *Section 24.2-228, Code of Virginia*
ATT. E – *Section 24.2-312, Code of Virginia*
ATT. F – *Map of Current Voting Districts*
ATT. G – *2010 Population by Election Districts*

Recommendation:

1. Authorize the County Attorney to file a petition with the Circuit Court of Prince Edward County to schedule a special election for the Prospect District seat on the Board of Supervisors in conjunction with the November 4, 2014 General Election.
2. Discuss how the Board wishes to fill the interim vacancy on the Board of Supervisors.
3. Discuss if the Board wishes to consider decreasing the number of Board of Supervisors voting districts.

Motion _____
Second _____

Cooper-Jones _____
Jones _____

McKay _____
Simpson _____
Timmons _____

Townsend _____
Wilck _____



Scenario A

Timeline for Special Election to Fill Vacancy/Interim Appointment

July 8, 2014	Date of Vacancy.
July 23, 2014	Deadline for Board to petition the Circuit Court for a Writ of Election to fill the vacancy. (<i>Section 24.2-226, Code of Virginia</i>)
August 22, 2014	Deadline for Board to appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. The person so appointed shall hold office only until the qualified voters fill the vacancy by special election and the person so elected has qualified. (<i>Section 24.2-228, Code of Virginia</i>)
November 4, 2014	Presumed date of Special Election (to coincide with General Election). Person so elected takes office once he/she has qualified and will serve until December 31, 2017, unless re-elected.



Scenario B

Timeline for Special Election to Fill Vacancy/Interim Appointment/Redistricting

July 8, 2014	Date of Vacancy.
July 23, 2014	Deadline for Board to petition the Circuit Court for a Writ of Election to fill the vacancy. (<i>Section 24.2-226, Code of Virginia</i>)
August 12 2014	<p>August Board of Supervisors Meeting:</p> <ol style="list-style-type: none"> 1. Staff recommends public input session on proposed redistricting to downsize Board of Supervisors from eight to seven seats. 2. Following public input session, staff recommends that the Board be prepared to appoint a Citizen Committee (as has historically been done with the decennial redistricting) to develop redistricting options. Makeup of committee: representative of Republican Party, representative of Democratic Party, representative of NAACP. 3. Give committee the Board's directives for redistricting (e.g. seven voting districts, identify district to be reduced, number of map options to be presented to Board). 4. Authorize funds to pay estimated cost of redistricting <ol style="list-style-type: none"> a. CRC = Cost is hourly for staff time. Estimated cost for 20 hours of staff time and maps is \$1,100. b. Legal Services = Cost is hourly for staff time. Estimate for 100 hours of legal staff time is \$11,000. c. Voter Registration Cards = \$15,000 (estimate)
August 13, 2014 – October 14, 2014	Redistricting Committee meets to develop district options. Mapping work to be conducted by staff of CRC. A County staff person, a representative of County Attorney's office and the Registrar serve as staff/consultants to the committee.
August 22, 2014	Deadline for Board to appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. The person so appointed shall hold office only until the qualified voters fill the vacancy by special election and the person so elected has qualified. (<i>Section 24.2-228, Code of Virginia</i>)

October 14, 2014	<p>October Board of Supervisors Meeting:</p> <ol style="list-style-type: none"> 1. Redistricting Committee presents options to Board. 2. Board gives final edits to Committee for selected option. 3. Committee to finalize selected option by November Board meeting. 4. Board authorizes County Attorney's office to draft amendments to County Ordinance Establishing Boundary Lines for Election Districts.
November 4, 2014	Presumed date of Special Election (to coincide with General Election). Person so elected takes office once he/she has qualified and will serve until December 31, 2017, unless re-elected.
November 11, 2014	<p>November Board of Supervisors Meeting:</p> <ol style="list-style-type: none"> 1. Committee presents final map to Board. 2. County Attorney presents amended County Ordinance. 3. Board authorizes public hearing on proposed amendments to County Ordinance for the December Board meeting.
December 9, 2014	<p>December Board of Supervisors Meeting:</p> <ol style="list-style-type: none"> 1. Board conducts Public Hearing on amended County Ordinance. 2. Following Public Hearing, Board votes on redistricting by acting on the amended County Ordinance.
December 31, 2014 (at midnight)	Redistricting takes effect (Section 24.2-312, Code of Virginia).
January 1, 2015	<p>The Board member whose district was eliminated continues to serve until the expiration of his/her current term of office (December 31, 2015 or December 31, 2017)</p> <p>The School Board member whose district was eliminated continues to serve until the expiration of his/her current term of office.</p>

§ 24.2-226. Election to fill vacancy.

A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled as provided by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter requiring special elections within the time limits provided in this title. The governing body or, in the case of an elected school board, the school board of the county, city, or town in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if the governing body or the school board requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of § 24.2-682. If the vacancy occurs within 90 days of the next such general election and the governing body or the school board has not requested in its petition a different date for the election, the special election shall be held on the date of the second such general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body or school board, as the case may be, may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a vacancy in any governing body or elected school board has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.

(Code 1950, §§ 24-145, 24-147.1; 1958, c. 621; 1970, c. 462, §§ 24.1-76, 24.1-79; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641; 1996, c. 873; 2000, cc. 787, 1045, 1070; 2003, c. 1015; 2010, cc. 431, 449, 645; 2011, c. 206; 2014, c. 476.)

§ 24.2-228. Interim appointment to local governing body or elected school board; elected mayor.

A. When a vacancy occurs in a local governing body or an elected school board, the remaining members of the body or board, respectively, within 45 days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members of the body or board cannot agree, or do not act, the judges of the circuit court of the county or city may make the appointment. Notwithstanding any charter provisions to the contrary, the person so appointed shall hold office only until the qualified voters fill the vacancy by special election pursuant to § 24.2-682 and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.

If a majority of the seats on any governing body or elected school board are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227.

B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall make an interim appointment to fill the vacancy as provided in subsection A.

C. For the purposes of this article and subsection D of § 22.1-57.3, local school boards comprised of elected and appointed members shall be deemed elected school boards.

D. The failure of a member of a local governing body or elected school board or mayor to take the oath of office required by § 49-1 before attending the first meeting of the governing body or school board held after his election shall not be deemed to create a vacancy in his office provided that he takes the oath within 30 days after that first meeting.

(1975, c. 515, § 24.1-76.1; 1993, c. 641; 1996, c. 873; 1999, c. 128; 2010, cc. 431, 624; 2011, c. 78.)

§ 24.2-312. Effective date of other redistricting measures; elections following annexation.

A. Any redistricting, other than the decennial redistricting, of any county, city, or town shall be effective at midnight December 31 of the year in which the redistricting occurs.

B. Members of county, city, and town governing bodies in office when any such redistricting measure is adopted shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the redistricting.

C. When a county has been redistricted as a result of annexation and the redistricting occurs in the year of a regularly scheduled November general election for members of the county's board of supervisors, the November general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to March 15 of the year of the election.

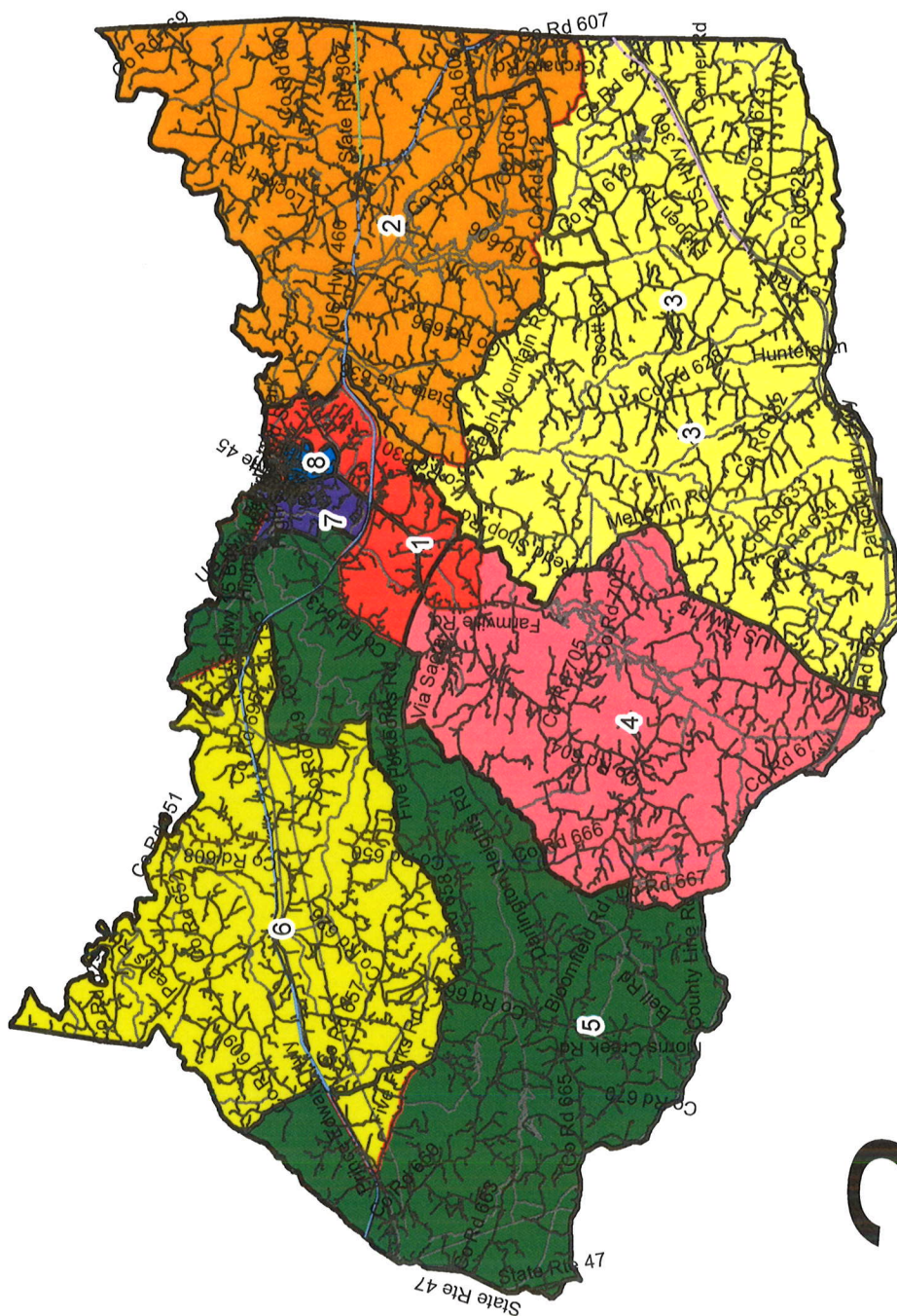
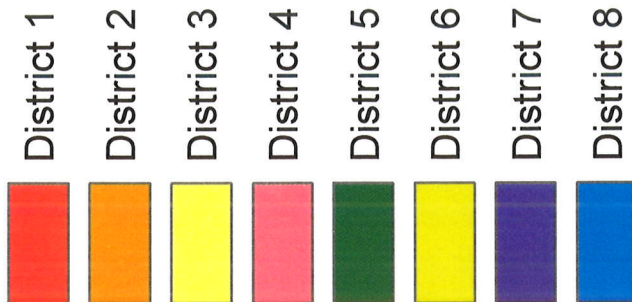
D. When a city or town has been redistricted as a result of annexation and the redistricting occurs prior to a regularly scheduled May general election for members of the city's or town's governing body, the May general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to the November 15 immediately preceding the election.

(1990, c. 500, § 24.1-17.3; 1993, c. 641; 1995, c. 249.)

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Prince Edward Redistricting Committee Recommendation

Legend



Date: February 18, 2011

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PRINCE EDWARD COUNTY 2010 POPULATION BY ELECTION DISTRICT

DISTRICT	CURRENT DISTRICT 2000 POPULATION	2000 MINORITY RATIO	CURRENT DISTRICT 2010 OPTIMAL POPULATION	CURRENT DISTRICT WITH INITIAL 2010 POPULATION	2010 MINORITY RATIO	VARIANCE WITH OPTIMAL	REVISED DISTRICTS	2011 MINORITY RATIO	VARIANCE WITH OPTIMAL	RATIO
1 - Farmville	2,476		2,921	5,249	17.57%	2328	2954	32.94%	33	1.011
2 - Lockett	2,345	43.0%	2,921	2,746	38.42%	-175	2879	40.15%	-42	0.986
3 - Leigh	2,457	52.6%	2,921	2,933	46.20%	12	2876	50.51%	-45	0.985
4 - Hampden	2,572		2,921	3,031	23.66%	110	2922	27.34%	1	1.000
5 - Buffalo	2,433		2,921	2,722	29.68%	-199	2950	41.15%	29	1.010
6 - Prospect	2,560	58.5%	2,921	2,673	53.46%	-248	2884	55.37%	-37	0.987
7 - West End	2,514		2,921	2,392	28.34%	-529	2949	13.33%	28	1.010
8 - Center	2,363	40%(73%)	2,921	1,622	48.83%	-1299	2954	33.41%	33	1.011
TOTALS	19,720		23,368	23,368		-	23,368			1.000

Notes

- District 8 contains ----- institutional citizens. These are predominantly students at Longwood University. If this population is removed from the calculations for District 8 the Minority Ratio becomes -----