



Steven B. Miner
County Administrator

COUNTY OF ACCOMACK

OFFICE OF THE COUNTY ADMINISTRATOR

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November 15, 2012

Mr. Douglas Buckley, Senior Forensic Evidence Fellow
The Unalienable Rights Foundation
22108 Fox Grove Road
Parksley, VA 23421

RE: Response to ten page Virginia Freedom of Information Request by Douglas Buckley, UARF, dated and received Wednesday, November 14, 2012, Requesting Records back to 1634 regarding Accomack County's Form of Government

Dear Mr. Buckley:

Please accept the following in response to your FOIA inquiry referenced above. I respond on behalf of the Accomack County Board of Supervisors, Steven B. Miner, Clerk of the Board, Mark B. Taylor, County Attorney. I cannot; however, speak for the Constitutional Officers of the County of Accomack.

You have asked for records back to 1634 regarding Accomack County's form of government. Local government form is adopted or modified through processes prescribed in the Virginia Code, all of which involve action of the Board of Supervisors. Supervisors records maintained in the office of the County Administrator date from February 26, 1958 through present. Additional records dating from November 15, 1882 through January 22, 1958 are maintained at the office of the Clerk of the Circuit Court. Older records have been transcribed are available and can be reviewed at the Eastern Shore Public Library.

The "default" form of county government is referred to as the "Traditional County" form. All counties that do not take some action pursuant to state law (and recorded in their minutes) to either adopt one of the optional statutory forms of county government (See, Va Code Sec 15-2-300) or petition the General Assembly to grant them a charter (Va Code Sec 15.2-200) fall by default into the Traditional County form.

Accomack County's Board of Supervisors has never acted to adopt an optional form of government pursuant to state law and has never petitioned for the grant of a charter. So, we operate as a Traditional County.

I invite you to come and read through the minute books to search for any action by the Board.

For your ready reference, I am enclosing a copy of a chart that shows, circa 2006, the distribution of the various forms of county government.

Thank you. I am,

Very sincerely yours,

A handwritten signature in black ink, appearing to read "Steven B. Miner". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke at the end.

Steven B. Miner
County Administrator

Enclosure: (1)

Copy to: Members, Accomack County Board of Supervisors
Mark B. Taylor, Esq.

ALTERNATIVE FORMS OF COUNTY GOVERNMENT IN VIRGINIA
PRINCIPAL CHARACTERISTICS

(Incorporates changes enacted through the 2006 Session of the General Assembly)

	County Executive	County Manager Form	Urban County Executive	County Manager Plan	County Board	Traditional	Comments
GENERAL PROVISIONS							
<i>Counties Using</i>	Prince William and Albemarle Counties	Henrico	Fairfax	Arlington	Scott, Carroll, Russell, and Grayson Counties	All others, unless granted charter	Roanoke, Chesterfield, and James City Counties have charters.
<i>Statutory Authorization</i>	§§15.2-300 – 15.2-307; 15.2-500 – 15.2-541.	§§15.2-300 – 15.2-307; 15.2-600 – 15.2-642.	§§15.2-300 – 15.2-307; 15.2-800 – 15.2-858.	§§15.2-300 – 15.2-307; 15.2-800 – 15.2-858.	§§15.2-300 – 15.2-307; 15.2-400 – 15.2-418.	§§15.2-1200 – 15.2-1249; 15.2-1400 – 15.2-1543. (These are the basic provisions; others are scattered throughout the Code.)	
<i>Statutory Eligibility Requirements</i>	Any county may adopt form. (§15.2-501)	Any county may adopt form. (§15.2-601)	Only county with population of at least 90,000 may adopt form. (§15.2-801)	Only county with population density of 500 or more per square mile may adopt form. (§15.2-701)	Any county may adopt form. (§15.2-401)	Used by all counties not having adopted an alternative form or operating under a charter.	
<i>Method of Adoption</i>	Referendum -- conducted on petition of at least 10% of qualified voters or on resolution of Board of Supervisors. Referendum may be held only once in 3-year period. (§§15.2-301, 15.2-306)	Referendum -- conducted on petition of at least 10% of qualified voters or on resolution of Board of Supervisors. Referendum may be held only once in 3-year period. (§§15.2-301, 15.2-306)	Referendum -- conducted on petition of at least 10% of qualified voters or on resolution of Board of Supervisors. Referendum may be held only once in 3-year period. (§§15.2-301, 15.2-306)	Referendum -- conducted on petition of at least 10% of qualified voters or on resolution of Board of Supervisors. Referendum may be held only once in 3-year period. (§§15.2-301, 15.2-306)	Referendum -- conducted on petition of at least 10% of qualified voters or on resolution of Board of Supervisors. Referendum may be held only once in 3-year period. (§§15.2-301, 15.2-306)	Not Applicable.	Results of any election to adopt an optional form of county government must be certified by local electoral board to the Commission on Local Government. (§15.2-301)

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<i>Provisions for Reversion to Traditional Form or Other Form</i>	Same as those for adoption (see above). If referendum for change fails, another referendum cannot be held during next three years. (§§15.2-305, 15.2-306)	Same as those for adoption (see above). If referendum for change fails, another referendum cannot be held during next three years. (§§15.2-305, 15.2-306)	Same as those for adoption (see above). If referendum for change fails, another referendum cannot be held during next three years. (§§15.2-305, 15.2-306)	Same as those for adoption (see above). If referendum for change fails, another referendum cannot be held during next three years. (§§15.2-305, 15.2-306)	Same as those for adoption (see above). If referendum for change fails, another referendum cannot be held during next three years. (§§15.2-305, 15.2-306)	Not Applicable.	Roanoke County voters in 1973 approved change to county executive form; however, before change became effective, there was another referendum in which voters opted to stay with traditional form. There have been two referenda in Scott County to revert to traditional form; both failed.
GOVERNING BODY							
<i>Statutorily Designated Role of Board of Supervisors</i>	"Policy determining body of the county." (§15.2-504)	"Policy determining body of the county." (§15.2-604)	"Policy determining body of the county." (§15.2-803)	All legislative powers of county; also, Board charged to exercise "general management of the affairs of the county." (§§15.2-702, 15.2-746)	"Policy determining body of the county." (§15.2-403.)	Not explicitly set out in statute. Statutory powers and duties are combination of legislative and administrative.	
<i>Size of Board of Supervisors</i>	3-9 members. (§15.2-502)	3-9 members. (§15.2-602)	5-11 members. (§§15.2-802, 15.2-855)	5 members. (§15.2-702)	Not specified. (See provisions for traditional form.)	3-11 members. (§15.2-1400)	

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<i>Electoral Arrangements for Board of Supervisors</i>	Members may be elected either at large or by district. If elected at large, there still must be one member from each district. If county chooses option to elect chairman at-large, members must be elected by district. (§§15.2-502, 15.2-503)	Members elected at large or by district with option of one at-large member. Any referendum to adopt form must also allow voters to designate whether representation on Board will be by district or at-large. If representation by district is chosen, voters must also indicate whether there should be one at-large member. A county adopting form as provided in 1932 act may request court to hold such a referendum. (§§15.2-603)	Members elected by district. (§§15.2-802, 15.2-855)	Members elected at large. (§15.2-705)	One member elected at-large; other members elected from districts. (§15.2-402)	Members may be elected by single member or multi-member districts or at-large or by a combination of the three methods. (§24.2-304.1)	

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<i>Selection of Board Chairman</i>	Selected by Board from among its membership. (Not explicitly addressed by Code; general law applicable to counties applies.) In addition, any county in which members are elected by district may elect chairman at-large if authorized to do so in a referendum on issue. (§15.2-503)	Selected by Board from among its membership. (Not explicitly addressed by Code; general law applicable to counties applies.)	Elected at-large by voters. (§15.2-802)	Selected annually by Board from among its membership. (§15.2-702)	Selected by Board from among its membership. (§15.2-402)	Selected by Board from among its membership. Chairman may be selected for term corresponding to term as Supervisor or for such period designated by Board. (§15.2-1422)	By special acts, Loudoun, Frederick and Page Counties were authorized to have referenda on the question of electing board chairmen at-large. To date, Loudoun and Frederick have adopted that procedure. (Chapter 398 of the 1974 Acts of Assembly, carried by reference in §15.1-1212, for Frederick, Chapter 895 of the 1990 Acts of Assembly, carried by reference in §15.2-1213, for Loudoun and Chapter 18 of the 2004 Acts of the Assembly, carried by reference in §15.2-1213.1, for Page.)

ALTERNATIVE FORMS OF COUNTY GOVERNMENT IN VIRGINIA
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OTHER ELECTED OFFICIALS							
<i>Constitutional Officers</i>	Sheriff, Clerk of the Court, and Commonwealth's Attorney. Duties of Commissioner of Revenue and Treasurer performed by appointed director of finance. (§§15.2-521, 15.2-522)	Sheriff, Clerk of the Court, and Commonwealth's Attorney. Duties of Commissioner of Revenue and Treasurer performed by appointed director of finance. (§§15.2-619, 15.2-620)	Sheriff, Clerk of the Court, and Commonwealth's Attorney. Duties of Commissioner of Revenue and Treasurer performed by appointed director of finance. (§§15.2-828, 15.2-829)	Sheriff, Clerk of the Court, Commonwealth's Attorney, Commissioner of Revenue, and Treasurer. (§15.2-715)	Sheriff, Clerk of the Court, Commonwealth's Attorney, Commissioner of Revenue, and Treasurer. (§15.2-408)	Sheriff, Clerk of the Court, Commonwealth's Attorney, Commissioner of Revenue, and Treasurer. (§15.2-1600)	
<i>School Board Composition and Selection</i>	3-7 members; appointed by Board of Supervisors; except for Prince William, in which case school board must have same number of members as there are supervisor districts and one member shall be appointed from each district. (§15.2-531)	3-9 members; at least 1 from each election district. Elected from districts coterminous with those of Board of Supervisors. (§15.2-627)	5-12 members; appointed by Board of Supervisors for 2-year terms. (§15.2-837)	3-7 members; appointed by Board of Supervisors. (§22.1-47)	3-6 members; appointed by Board of Supervisors. (§15.2-410)	Same number as there of members of Board of Supervisors, except Board may also establish up to two at-large seats. Chosen by school board selection commission, which is court-appointed. However, if approved in referendum, authority for making appointments may rest with Board of Supervisors. (§§ 22.1-36, 22.1-42, and 22.1-44)	If approved by referendum, the members of the school board in any county may be elected by popular vote. (§22.1-57.1 et seq.)

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CHIEF ADMINISTRATIVE OFFICER							
<i>Statutory Provision</i>	Required to be hired; designated "county executive." (§15.2-509)	Required to be hired; designated "county manager." (§15.2-609)	Required to be hired; designated "urban county executive." (§15.2-804)	Required to be hired; designated "county manager." (§15.2-706)	Required to be hired; designated "county administrator." (§15.2-406)	Hiring discretionary on part of Board of Supervisors. (§15.2-1540)	
<i>Statutorily Designated Role</i>	"Administrative head of the board for the proper administration of the affairs of the county which the board has authority to control." (§15.2-516)	"Administrative head of county government"; "for proper administration of all the affairs of county." (§§15.2-609, 15.2-612)	"Administrative head of county"; "responsible to board of supervisors for the proper administration of all the affairs of the county which the board has authority to control." (§15.2-811)	Vested with all "administrative and executive powers of the county." (§15.2-706)	Insofar as required by Board of Supervisors, responsible to Board for proper administration of affairs of county. (§15.2-407)	Responsible generally for handling administrative affairs of Board and performing any duties assigned by Board. (§15.2-1541)	

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<i>Specific Legal Prerogatives of Chief Administrative Officer</i>	Has statutory right to participate in all discussions and present views on all matters before Board. (§15.2-512)	None.	Entitled to attend all meetings of Board of Supervisors; has statutory right to participate in all discussions and present views on all matters before Board. (§15.2-807; 15.2-811)	Appointed for term to expire each June 30; Board must give 60 days notice if term not to be renewed. Otherwise, can be removed only for cause. However, if approved in referendum, can be appointed to indefinite term and serve at pleasure of Board. (§15.2-708) Board members prohibited from interfering with hiring or removing of employees; also Board members required to deal with employees through County Manager, rather than directly. (§15.2-703)	None.	None.	

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<i>Appointment of Officers and Employees</i>	By Board of Supervisors, upon recommendation of County Executive. Board may delegate hiring of subordinates to department heads. (§15.2-512)	By County Manager or by department head as authorized by manager. (§15.2-612)	By Board of Supervisors, upon recommendation of County Executive. Board may authorize County Executive to appoint department heads and may authorize department heads to appoint subordinates. (§15.2-807)	By County Manager, unless appointment provided for otherwise by law. Board may create civil service commission which would provide for hiring, promotion, etc. (§§15.2-706, 15.2-721)	By Board of Supervisors. Board may delegate authority to any officer or department head. (§15.2-404)	The Board of Supervisors has ultimate authority to hire all officers and employees. However, Board must establish personnel system. (§§15.2-1401, 15.2-1500, 15.2-1506)	
<i>Termination of Officers and Employees</i>	By Board of Supervisors or by officer making the appointment. (§15.2-513)	By County Manager or by officer making the appointment. (§15.2-613)	By Board of Supervisors or by officer making the appointment. (§§15.2-808, 15.1-821)	By County Manager, unless appointment power given to Board or unless civil service commission established. (§§15.2-706, 15.2-721)	By Board of Supervisors or by officer or department head making the appointment. (§15.2-404)	By Board of Supervisors. (§§15.2-1500, 15.2-1503)	

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<i>Fixing of Salaries of Officers and Employees</i>	By Board of Supervisors. Required to establish uniform salary schedule. Board may delegate to department head. Board may authorize county executive to set terms and conditions of employment for department heads and others who report directly to county executive. (§15.2-514)	By County Manager, with approval of Board of Supervisors. Board required to establish uniform compensation schedule. (§§15.2-614, 15.2-637)	By Board of Supervisors. Required to establish uniform compensation schedule. Board may delegate authority to department head. (§§15.2-809, 15.2-845, 15.2-847)	Not explicitly set out in Code. Implicit in exclusive authority of county manager to hire and manage employees would be the power to establish compensation. However, Board may establish civil service commission which has duty of establishing and operating classified personnel system. (§15.2-721)	By Board of Supervisors: may delegate authority to any officer or department head. Required to establish uniform compensation schedule. (§§15.2-404, 15.2-415)	By Board of Supervisors. Board required to establish uniform pay plan. (§15.2-1506)	

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GOVERNMENTAL ADMINISTRATION							
Budget Preparation	Chief administrative officer has statutory responsibility to submit proposed budget to Board. (§§15.2-516 and 15.2-539)	County Manager required by law to submit proposed budget to Board. (§§15.2-614 and 15.2-638)	County Executive required by law to submit proposed budget to Board. (§§15.2-811 and 15.2-847)	County Manager required by law to submit tentative budget for Board approval. (§15.2-710)	County Administrator required to prepare and submit budget, under direction of board. Board may direct county clerk to prepare budget. (§15.2-407)	County Administrator has statutory duty to prepare budget for submission to Board of Supervisors, unless directed otherwise by Board of Supervisors. (§15.2-1541) Board has ultimate responsibility for preparation of budget. All departments required to submit estimates of budget needs. Board may designate clerk or some other person to assist it in preparation of budget. (§15.2-2503)	

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<i>Departments Statutorily Required</i>	Finance, Public Welfare, Law Enforcement, Education, Records, and Health. (§15.2-518)	Finance, Public Works, Social Services, Education, and Public Health. (§15.2-616)	Finance, Public Works, Social Services, Law Enforcement, Education, Records, and Health. (§15.2-823)	None, except those required by general law for all counties. (See Comments column).	Extension and Continuing Education. (§15.2-413)	None, except those required by general law for all counties. (See Comments column.)	All counties required to have school board and school system (Article VIII, Sec. 2 of the Virginia Constitution and §22.1-25), electoral board (§24.2-106), planning commission (§15.2-2210), health department (§32.1-30), social services department (§§63.1-38, 63.1-59), and community services board (§37.1-194).
<i>Other Departments Statutorily Authorized</i>	Assessments, Extension and Continuing Education, Public Works, and any others deemed necessary by Board. (§15.2-518)	Assessments, Extension and Continuing Education, Public Safety, Public Utilities, County Attorney, and any others deemed necessary by Board. (§§15.2-616, 15.2-630 - 15.2-634)	Assessments, Farm and Home Demonstration, Public Safety, Public Utilities, Commission on Human Rights, Committee for Legislative Audit and Review, Health (See Comments), and any others deemed necessary by Board. (§§15.2-823, 15.2-825)	Real Estate Assessments (subject to approval in referendum) (§15.2-716), Civil Service Commission (§15.2-721), Commission on Human Rights (§15.2-725), and Health (See Comments).	None.	Numerous departments authorized throughout Code.	Counties using County Manager Plan or Urban County Executive Form may operate health department under contractual agreement with State Department of Health. (Chap. 36, 1991 Acts of Assembly and Chap. 678, 1994 Acts of Assembly)

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<i>Modification of Administrative Structure</i>	Board may, upon recommendations of county executive, reorganize the administrative structure of county. (§15.2-518)	Board may, upon recommendations of county manager, reorganize the administrative structure of county. (§15.2-616)	Board may, upon recommendations of county executive, reorganize the administrative structure of county. (§15.2-823)	Except for those required by the Constitution, Board may abolish any board, commission, or office and delegate duties as it deems proper. (§15.2-715)	Board has authority to organize governmental structure and assign activities, not assigned by statute, to those employees it deems appropriate. (§§15.2-403 and 15.2-405)	Board may create any departments needed to carry out functions of government. Board may delegate authority to administrator. (§§15.2-1500 and 15.2-1501)	
<i>Special Provisions Relative to Towns, Annexation, etc.</i>	None.	None.	No new town or city may be incorporated within county boundaries. (§15.2-817) City bordering county may petition to become part of county on terms set by Board of Supervisors. If approved by residents of city in referendum and by Board, city will become part of county. (§15.2-818)	No portion of any county using this form may be annexed by a city, unless the annexation is for the whole county and the annexation approved by county residents in a referendum. (§15.2-748)	None.	Generally, counties are subject to annexation by cities and towns. However, if certain population and density criteria are met, counties may qualify for full or partial immunity from annexation by cities. (See §§15.2-3200 et seq. and §15.2-3300 et seq.) No new towns may be established in any county with population density of more than 200 persons per square mile. (§15.2-3602)	Currently, there is a statutory ban, effective through July 1, 2010, on city-initiated annexations, grants of charters for new independent cities, and grants of county immunity. (§15.2-3201)

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<i>Specific Provisions Relative to Special Districts</i>	None.	None.	County required to establish districts which serve as election districts and as sanitary districts, with all rights and powers of sanitary districts. Sanitary districts existing at the time of the adoption of the form of government are to be continued as "small" districts within sanitary districts. Board may create new small districts as well as enlarge or dissolve existing ones. (§§15.2-855, 15.2-858)	County may operate sanitary district which includes entire county. (§15.2-724)	None.	Circuit court may, upon petition of at least 50 voters, create a sanitary district within a county. The district, which is governed by the Board of Supervisors, is authorized to provide a wide variety of services to that portion of the county which it was created to serve. (See §21-112.22 et seq.)	

Staff
 Commission on Local Government
 March 15, 2006