

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-27-04

At the regular meeting of the Board of Supervisors of the County of New Kent in the Board Room of the County Office Building in New Kent, Virginia, on the 13th day of December, 2004:

Present:	Vote:
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye

Motion was made by Mr. Sparks, which carried 5:0, to adopt the following Ordinance:

**AN ORDINANCE TO AMEND CHAPTER 18
OF THE CODE OF NEW KENT COUNTY
TO CHANGE THE COMPOSITION OF THE PLANNING
COMMISSION MEMBERS**

WHEREAS, the County has established a planning commission consisting of eleven members, ten of whom are appointed by the Board of Supervisors and a member of the Board of Supervisors; and

WHEREAS, the Board of Supervisors desires to appoint two commissioners from each of the five election districts; and

WHEREAS, the Board has determined that reorganizing the commissioners' terms of office will enhance the continuity and operation of the planning commission; and

WHEREAS, the Board desires for this amendment to be codified in the Code of New Kent;

NOW THEREFORE BE IT ORDAINED that in order to promote the health, safety, and welfare of the citizens of the County and pursuant to the authority granted under § 15.2- 2210 et seq. of the Code of Virginia, § 18-231 of the Code of New Kent shall be amended to read as follows:

Sec. 18-231. Created; composition; appointment, term and removal of members; vacancies.

A planning commission is hereby created for the county in accordance with the provisions of Code of Virginia, § 15.2-2210 et seq. The planning commission shall consist of eleven members, one of whom shall be a member of the board of supervisors, and the remaining ten members shall be referred to as "appointed members." The term of the board of supervisors' member shall in all cases correspond with his tenure of office as supervisor, unless the board of supervisors, at the first regular meeting each year, appoints another member of the board to serve as its representative. There shall be two appointed members from each election district, each of whom shall be a resident of the district from which appointed or reappointed. Each appointed member shall serve for a four-year term of office or until his successor has been appointed, whichever occurs later; provided, however, that beginning on December 31, 2004, the appointed members shall initially serve staggered terms as follows:

District	Current Term Ends	New Term (years)	New term Ends
1	12/31/2004	2	12/31/2006
1	12/31/2004	4	12/31/2008
2	12/31/2007	1	12/31/2008
2	12/31/2007	3	12/31/2010
3	12/31/2007	1	12/31/2008
3	12/31/2007	3	12/31/2010
4	12/31/2005	3	12/31/2008
4	12/31/2006	4	12/31/2010
5	12/31/2006	2	12/31/2008
5	12/31/2006	4	12/31/2010

Any vacancy in membership shall be filled through appointment by the board of supervisors, and such appointment in the case of any appointed member shall be for the unexpired term. Any appointed member may be removed by the board of supervisors for inefficiency, neglect of duty, malfeasance in office, failure to attend three consecutive meetings of the planning commission, or by reason of having moved out of the county; provided, however, that such removal may be made only after the member proposed to be removed is given an opportunity to appear before the board of supervisors and be heard on the charges against him.

AND NOW THEREFORE BE IT FURTHER ORDAINED that if any section, sentence, paragraph, term, or provision of this Ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term, or provision of this Ordinance, all of which will remain in full force and effect.

This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors.

Connie C. Nalls

Connie C. Nalls
Clerk of the Board

James H. Burrell

James H. Burrell
Chairman