City of Hampton

Legislation Details (With Text)

File #:	20-0352	**Version:** 1	**Name:**	Retirement of Sheriff and Petition to Circuit Court	
Type:	Resolution		**Status:**	Passed	
File created:	11/30/2020		**In control:**	City Council Legislative Session	
On agenda:	12/9/2020		**Final action:**	12/9/2020	

Title: Resolution Authorizing the City Attorney to Submit a Petition to the Circuit Court of Hampton Requesting that no Special Election be Ordered to Fill the Vacancy Created by the Retirement of the Duly Elected Sheriff of the City of Hampton

Sponsors:

Indexes: , , City Attorney's Office, Legal Compliance

Code sections: 24.2-228.1(B) - Election to fill vacancy in constitutional office

Attachments:

Date	Ver.	Action By	Action	Result
12/9/2020	1	City Council Legislative Session	approved	Pass

Resolution Authorizing the City Attorney to Submit a Petition to the Circuit Court of Hampton Requesting that no Special Election be Ordered to Fill the Vacancy Created by the Retirement of the Duly Elected Sheriff of the City of Hampton

PURPOSE/BACKGROUND:

Sheriff B.J. Roberts has notified the Hampton City Council of his intent to retire as Sheriff of the City of Hampton, Virginia, effective the 1st day of January 2021. This retirement will result in a vacancy in an elected constitutional office within twelve months preceding the end of his term of office. The Hampton City Council, pursuant to Section 24.2-228.1(B) of the Virginia Code may petition the Circuit Court of Hampton to request that no special election be ordered to fill the vacancy. The Circuit Court shall grant the request and the highest ranking deputy officer who is qualified to vote for and hold that office, shall be vested with the power and perform all the duties for the remainder of the unexpired term. This resolution authorizes the City Attorney to submit a petition to the Circuit Court of Hampton, requesting that no special election be ordered.

Discussion:

Impact:

Recommendation:

The recommendation is that Council approve this resolution.

WHEREAS, Sheriff B.J. Roberts is the duly elected Sheriff of the City of Hampton, Virginia, having been last elected on the 7th day of November 2017; and

WHEREAS, Sheriff B.J. Roberts has notified the Hampton City Council of his intent to retire as

Sheriff of the City of Hampton, Virginia effective the 1st day of January 2021; and

WHEREAS, Sheriff Roberts' retirement will result in a vacancy in an elected constitutional office within twelve months preceding the end of his term of office; and

WHEREAS, the Hampton City Council, pursuant to Section 24.2-228.1(B) of the Virginia Code may petition the Circuit Court of Hampton to request that no special election be ordered to fill the aforesaid vacancy; and

WHEREAS, foregoing the special election has been determined to be prudent given the limited amount of time before the next regularly scheduled election for the Sheriff of the City of Hampton; and

WHEREAS, Section 24.2-228.1(B) of the Virginia Code states that the Circuit Court shall grant such request and the highest ranking deputy officer who is qualified to vote for and hold that office, shall be vested with the power and shall perform all of the duties, and shall be entitled to all the privileges and protections afforded by law for the remainder of the unexpired term; and

WHEREAS, a resolution is in order authorizing the City Attorney to submit a petition to the Circuit Court of Hampton, requesting that no special election be ordered.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 24.2-228.1(B) of the Virginia Code, the City Attorney of Hampton is hereby authorized to file a petition with the Circuit Court of Hampton requesting that no special election be ordered and that the highest ranking deputy in the Sheriff's Office shall complete Sheriff B.J. Roberts' term of office for the remainder of the unexpired term.