

RESOLUTION

AUTHORIZING LEGAL REPRESENTATION FOR THE BOARD OF ZONING APPEALS

WHEREAS, the Board of Supervisors of the County of James City, Virginia has established a five-member Board of Zoning Appeals (BZA) in conformance with Virginia Code Section 15.2-2308; and

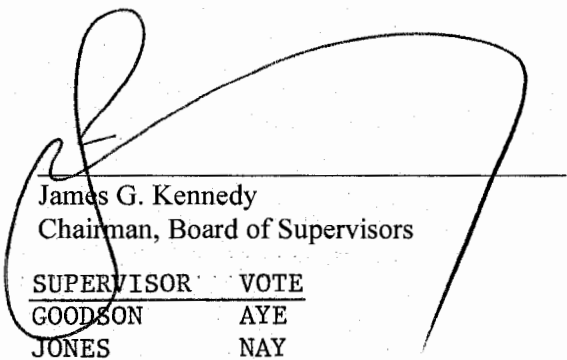
WHEREAS, the Virginia Supreme Court has determined that the BZA is a creature of statute possessing only those powers expressly conferred on it; and

WHEREAS, there is no statutory authority granting a board of zoning appeals the power to sue or be sued; and

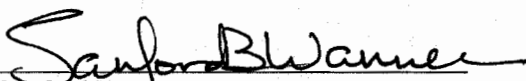
WHEREAS, the Board of Supervisors wishes to provide the BZA with the assistance of counsel in those specific circumstances set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the BZA shall be provided with legal counsel, through the County Attorney's Office, in the following exclusive situations:

1. General corporate representation, such as the preparation, review, and revision of bylaws, rules, regulations, and organizational documents and parliamentary interpretation of such bylaws, rules, regulations, or organizational documents; and
2. General government representation to insure compliance with federal, State and local laws and regulations, such as Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia), providing informal opinions regarding the Virginia State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq. of the Code of Virginia), completion of required disclosure forms, and advice regarding general BZA meeting format and procedure; and
3. Litigation initiated against an individual member of the BZA in his or her official capacity as a member of the BZA.


James G. Kennedy
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
GOODSON	AYE
JONES	NAY
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of February, 2009.