April 7, 2017

TO: The Honorable Mayor Krasnoff, Vice Mayor West and Members of the City Council

Re: RESOLUTION TO PETITION THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE, VIRGINIA TO ISSUE A WRIT OF ELECTION TO FILL THE CONSTITUTIONAL OFFICE OF THE CLERK OF THE CIRCUIT COURT UPON RETIREMENT OF THE HONORABLE FAYE W. MITCHELL.

Please find enclosed a resolution to petition the Chesapeake Circuit Court to issue a writ of election to fill the vacancy in the Office of the Clerk of the Circuit Court resulting from the retirement of the Honorable Faye W. Mitchell. Ms. Mitchell announced her retirement effective June 1, 2017 by letter addressed to Mayor Alan Krasnoff and Robyn M. de Socio, State Compensation Board, a copy of which is attached. Ms. Mitchell’s term of office expires on December 31, 2019.

Pursuant to Sections 24.2-226(A) and 24.2-228.1(C) of the Code of Virginia, the governing body of the jurisdiction in which a vacancy in a constitutional office is to occur may immediately petition the circuit court for a writ of election to fill the vacancy upon receipt of written notification of the constitutional officer’s resignation as of stated date. Thus, based on Ms. Mitchell’s letter to the Mayor, the City Council may petition the Chesapeake Circuit Court for the writ of election prior to the actual vacancy in the office.

State law governs the date on which the special election is to be called and would allow, in this instance, for the election to be held at the next general election on November 7, 2017. The resolution asks the Circuit Court to issue the writ of election for this date. The person elected to fill the vacancy shall begin serving as Clerk of the Circuit Court upon qualification and shall hold the office for the remainder of Ms. Mitchell’s unexpired term (December 31, 2019).

Upon approval of the resolution, the City Attorney shall immediately file a petition for a writ of election with the Chesapeake Circuit Court requesting that the special election be held on November 7, 2017.

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
Please advise if you have any questions or concerns in this regard.

Very truly yours,

Jan L. Proctor
City Attorney

JLP:hvm
Attachment
cc:  James E. Baker, City Manager
    Anna M. D’Antonio, Assistant to the City Manager
    The Honorable Faye W. Mitchell
    Mary Lynn A. Pinkerman, General Registrar
RESOLUTION TO PETITION THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE, VIRGINIA TO ISSUE A WRIT OF ELECTION TO FILL THE CONSTITUTIONAL OFFICE OF THE CLERK OF THE CIRCUIT COURT UPON RETIREMENT OF THE HONORABLE FAYE W. MITCHELL.

WHEREAS, the Honorable Faye W. Mitchell was elected to the constitutional office of Clerk of the Chesapeake Circuit Court ("Clerk of the Court") for an eight year term beginning January 1, 2011 and expiring on December 31, 2019; and

WHEREAS, on March 16, 2017, Ms. Mitchell submitted her written resignation as Clerk of the Court to Mayor Alan Krasnoff and Robyn M. de Socio of the State Compensation Board, effective June 1, 2017; and

WHEREAS, Section 24.2-226(A) and Section 24.2-228.1(C) of the Code of Virginia, 1950, as amended, provide that the local governing body of the jurisdiction in which the vacancy will occur may petition the circuit court for a writ of election immediately upon receipt of written notification of the resignation of an constitutional officer as of a stated date; and

WHEREAS, in accordance with this statutory authority, the City Council of the City of Chesapeake wishes to petition the Circuit Court for the City of Chesapeake to issue a writ of election for the pending vacancy in the Office of Clerk of the Court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Chesapeake that a petition be filed with the Circuit Court of the City of Chesapeake to issue a writ of election to fill the pending vacancy in the Office of Clerk of the Court resulting from the retirement of the Honorable Faye W. Mitchell on June 1, 2017, said writ to conform with the requirements of Title 24.2 of the Code of Virginia, 1950, as amended.
BE IT FURTHER RESOLVED by the Council of the City of Chesapeake that the writ of election be issued for November 7, 2017, the date of the next succeeding general election.

ADOPTED by the Council of the City of Chesapeake, Virginia on this _______ day of April, 2017.

APPROVED:

________________________________________
Mayor

ATTEST:

________________________________________
Clerk of the Council