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A study of the administration of the government in Sussex County, Virginia

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A STUDY OF THE ADMINISTRATION OF THE GOVERNMENT
IN SUSSEX COUNTY, VIRGINIA

A Thesis
Presented to
the Faculty of the
Department of History and Political Science
University of Richmond

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Alton Feild Owen

June 1957

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That government is, or ought to be instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.--Virginia Bill of Rights, Art. 3, June 12, 1776.

IN APPRECIATION

Those who may happen to read the pages which follow will probably think of them only as a collection of facts, or just so many pages or words written after months of research and study. I, however, like to think of them as being likened unto a jewel-studded crown, to be used as the capstone of my formal education.

The jewels contained therein I like to think of as representing those persons who have made it possible for me to write this thesis.

First, there are my parents whose faithful guidance and influence instilled in me a thirst for knowledge and provided the foundation upon which all else is to be built, molding each fiber with patience and care.

Next, there are the teachers and professors who have aided me in my quest to satisfy that thirst, whose counsel and patience have led me through fields of knowledge and have pointed the way to higher goals. By building upon that foundation with mortar tempered by their experiences and knowledge.

And, then there are my employers who, while encouraging my growth in the academic field, gave freely of their time to permit me to be away from their business while attending classes or gathering research materials.

And, in the background there are numerous jewels, representing all of those with whom I came in contact while pursuing my studies. Many of these I have known only from the printed page while using their writings as textbooks, reference works, or parallel readings. From others, my classmates and friends, I have grown by association and exchange of ideas.

To each of these, I would like to dedicate this thesis, as a token of appreciation for the part they have played, not only in the academic work I have sought after but also, for that part of them which has become a part of me and my conceptual framework as a result of our working together and our exchange of ideas.

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CHAPTER I

THE COUNTY AS A UNIT OF GOVERNMENT

The constitution of Virginia has quite a bit to say about counties and the administration of county government, its duties, and its relationships to the state and to its citizens. Yet the constitution never defines the term. Since it is not defined therein we must look to the courts and to the writers on Virginia state government for it.

From these sources the Virginia county emerges with two distinct roles: first, it is a territorial subdivision of the state created by the State to assist it in the discharge of its functions and duties and the enforcement of its laws; and, second, it is an agency for the administration of governmental affairs which are strictly local in nature.¹

As to the reason for its creation we find some insight into the matter from a court decision:

A county organization is created almost exclusively with a view to the policy of the state at large, for purposes of political organization and civil administration, in matters of finance, of education, of provision for the poor, of military organization, of the means of travel and transport, and especially for the general administration of justice. With scarcely an exception, all the powers and functions of the county organization have a direct and exclusive reference to the general policy of the state and are, in fact

¹. Virginia County Supervisors' Manual, (League of Virginia Counties and Bureau of Public Administration, University of Virginia), p. 25.

but a branch² in the general administration of that policy.

As the county has emerged and grown in its role as an agency of the state and an agency for the administration of affairs strictly local in nature, it has grown under the direction of the state and its institutions. It was molded in compliance with the Virginia State Constitution and with state laws dealing with the subject.

The present form of local government in Sussex County, the Board of Supervisors type, is that form which was prescribed by the Virginia Constitution of 1902. Sussex grew as did the other counties of the state, but as it grew it became an organization of government, which, like the other counties in the state, has a very poor system of administration. This system of administration has been the object of sharp criticism by leading authorities in the field of local government. The following comment by a municipal research group best describes the chaos of this type of county administration.

In our study of Virginia county government we were particularly impressed by the scattered,

2. Hamilton County v. Mighels, 7 Ohio 109.

disjointed, and irresponsible type of organization that exists in all the counties... the present county government has no responsible head; it is without a chief administrative officer and the board of supervisors controls through appointment only a small part of the county administration... The voters of the county have very little power in the determination of county policies... In fact there is nothing to commend the present form of county government in Virginia. In many of the counties it is grossly political, careless, wasteful, and thoroughly inefficient... It has been that way for years, but still it exists and seems to flourish. Perhaps the reason for this is that the people of the state have not yet become aware of the possibility of establishing a different form of county government, which is less costly, more efficient, and able to meet modern conditions.³

Because of the chaos which was prevalent in county administration, the General Assembly passed in 1932 a bill entitled, The Optional Forms Act of 1932. This act set up or provided the way to set up two complete forms of county government in addition to the form which was available to the localities at that time. These two forms were the County Executive form of local government, and the County Manager form of local government. Either form may become effective in a given county when the voters of that particular county so choose in a general election or special election as we shall see later.

3. George W. Spicer, Fifteen Years of County Manager Government in Virginia (Charlottesville: University of Virginia Extension, 1951), p. 14.

The two forms of local government provided for by this act are very similar in nature; the differences will be pointed out as we deal with the various phases of county government which would be affected. The main differences, according to the Optioal Forms Act, being:

- (1) The board of supervisors under the County Manager form are elected from the county at large, whereas under the County Executive form, the board of supervisors would be elected as they are under the present system. (One supervisor is elected from each district.)
- (2) Under the County Manager form more power is given to the manager than is given to the executive under the County Executive form. In fact under a County Manager form the county manager would appoint all appointive positions in the county and his appointments are approved by the board of supervisors. The county executive, however, would recommend to the board of supervisors personnel and the board would make the appointments.
- (3) The county manager would set the salary of those officers appointed by him, and the salary would be approved by the board of supervisors. Again the county executive would only recommend to the board of supervisors and they would set the salary.

These are the main differences in the two forms of local

government as provided for by the Optional Forms Act. In the ensuing pages we shall see the changes which would be made in the government of Sussex County should the voters of the county decide to change from the present form to one of the optional forms. Since in many cases the changes would be the same with either form, unless a difference is noted in the text the change would be the same in either the case of the County Manager form or the County Executive form.

CHAPTER II

COUNTY OFFICIALS

At present the voters of Sussex County elect the following officials:

1. Board of Supervisors
2. Clerk of the Circuit Court
3. Commissioner of Revenue
4. Treasurer
5. Sheriff
6. Commonwealth Attorney
7. Justices of the Peace

The members of the board of supervisors are elected by the voters of the district which they serve. The Supervisor must be a resident of the district from which he is elected. Once he is elected he becomes a county official. The Supervisor is elected for a term of four years.

The Clerk of the Circuit Court is elected from the county at large.

The Commissioner of Revenue, Treasurer, and Commonwealth Attorney are also elected from the county at large.

The Justices of the Peace are elected by the voters

of the district which they serve. They are the only elected officials which are not County officials but only district officials. There is a legal limit of three Justices of the Peace in each district.

The only other officials of the county which the voters have even the slightest bit of voice in selecting and here indirectly, are the Planning Commissioners, the Sanitary District Officers, and the Farm and Home Demonstration Agents. The reason for this is that these are the only officers of the county which are appointed by any of the elected officials on the county.

All other officials of the county are appointed by a very indirect method insofar as the voters are concerned.

The following officers are appointed by state agencies:

1. Coroner
2. Game Warden
3. Forest Warden
4. Members of the County Board of Health

The following officials are appointed by the Judge of the Circuit Court:

1. County Assessors

2. County Board of Equalization
3. Tie Breaker
4. County Electoral Board
5. County School Trustee Electoral Board
(this Board elects or appoints the
School Board.)
6. County Welfare Board
7. Citizen member of the Finance Board

Should Sussex County adopt the County Executive or County Manager form of local government, the citizens of the county would have a much more direct influence in the filling of the previously mentioned offices. The reason for this is that under the County Executive form the board of supervisors would appoint most of the officers upon the recommendation of the county executive, or under the county manager form the manager would with approval by the board of supervisors appoint the county employees.

Under either of the optional forms the voters would elect a board of supervisors, the clerk of the Circuit Court, the Commonwealth Attorney, and the sheriff who remain electe. All other administrative officers and employees of the county are appointed by the board of supervisors upon recommendation of the county executive of in

the case of a county manager the manager would appoint these officers with the approval of the board of supervisors.

This is in my opinion one of the most important factors in the advantages of the county executive or county manager forms over the present form of government in use in Sussex County. As we shall see later, the board of supervisors would appoint the School Board, as well as the previously mentioned officers. This would give the board of supervisors and through them the citizens a direct control over the policies followed in the administration of the schools in the county.

Under the optional forms of local government, the citizens would no longer elect a treasurer or commissioner of revenue. The reasons for this change will be noted in that section of this paper dealing with the financial structure of the county.

CHAPTER III

THE COUNTY EXECUTIVE FORM

The main point of the County Executive form of government is that the position of the county board of supervisors is greatly strengthened and the present county officers are made subordinate to them in most cases. Under this form the board of supervisors would:

1. determine county policy
2. enact local ordinances or resolutions
3. levy taxes
4. make appropriations
5. fix compensation of all employees
6. direct and control in a general way the activities of the county
7. appoint a county executive
8. upon recommendation of the executive appoint all administrative officers of the county except the Clerk, Commonwealth Attorney, and Sheriff who remain elective.
9. regroup or consolidate all administrative functions of the county which they would deem necessary in the interest of economy

or to provide better service to the citizens of the county

10. choose a school board to serve at its (the board of supervisors) pleasure

CHAPTER IV

THE COUNTY MANAGER FORM

The main points of the county manager form of local government as provided for in the Optional Forms Act are very similar to those of the county executive. With the following exceptions they are the same. Under this form:

1. The manager would appoint his subordinate officers with the approval of the board of supervisors.
2. The county manager would fix the salary of all of his subordinate officers with the consent of the board of supervisors
3. The county manager would have more control over county affairs than the county executive, since the other officers are responsible to the manager whereas under the county executive the other officers have somewhat of a dual loyalty to the board of supervisors and the executive
4. The supervisors would have to be chosen from the county at large rather than by

districts as is presently done and as would be done under the county executive form. This requirement has been altered in some cases by the General Assembly, and it is possible that the same thing could be done in the case of this county.

CHAPTER V

ADMINISTRATION OF THE COUNTY GOVERNMENT

The present form of government in Sussex County is best described by James E. Pate in his book LOCAL GOVERNMENT AND ADMINISTRATION:

A typical county government... has no executive. It has a weak governing body elected from wards of districts. It has several elected officers and some officers appointed by various local and state agencies. Obsolete offices, a disintegrated organization, no executive, lack of co-ordination, indefinite responsibility, poor or no financial planning, and defective treasury management are some of the disadvantages of the traditional county. The structure of county government therefore consists of a group of unrelated officers and a governing body that has limited power of policy making and no control of the administration of policy through a responsible county executive.⁴

The board of supervisors is at present composed of six members, one from each of the six magisterial districts, chosen for a period of four years. It meets monthly on the third Thursday or at special meetings if they are deemed necessary.

The board of supervisors at present is recognized as the legislative and executive department of the county.

⁴. James E. Pate, Local Government and Administration (New York: American Book Company, 1951) pp. 225, 226.

However, its ordinance making power is almost non-existent, since the county's policies are settled by the state legislature.⁵ "Another serious obstacle in the county board's taking its place as the county's principal organ of government is the tendency to divide activities among special function boards."⁶

Since the activities of the county are divided among the special function boards, the board of supervisors are able to exert little influence over the various functions of the county. Especially is this true in the case of the schools.

The main control of the board of supervisors lies in their power to levy taxes and formulate the budget. In the case of school administration, however, the board of supervisors has no control over the manner in which the money is spent once it has been appropriated to the school board. The board of supervisors may make its power felt in a small way through its power to determine the salary of some of the county officers. Also, the board of supervisors has the power to require financial reports from all officers of the county monthly.

5. Ibid., p. 226

6. Ibid., p. 227

Should Sussex County adopt either of the optional forms of local government, the position of the board of supervisors would then be:

The policy-determining body of the county, and as such it enacts local ordinances or resolutions, levies taxes, makes appropriations, fixes the compensation of all officers and employees in the administrative service of the county, and directs and controls in a general way the activities of the county.⁷

In short, under the county executive or county manager form of local government the board of supervisors would have power to:

1. Determine county policy
2. Enact local ordinances and resolutions
3. Levy taxes
4. Make appropriations
5. Fix compensation for all employees of the county
6. Direct and control in a general way all activities of the county
7. Upon recommendation of the county executive appoint all administrative officers of the county except those which remain elective. (Here there is a difference in the county manager

7. Spicer, op. cit., p. 18

form, even though minor. The manager would appoint the administrative officers and the board of supervisors would approve the appointment.)

8. Regroup or consolidate all administrative functions of the county as it becomes necessary
9. Choose a school board to serve at its pleasure.⁸

Thus should Sussex County citizens choose to have a county manager or county executive form of government they would change the board of supervisors from a board with little effective responsibility to the people for all phases of county government, to a board which would be responsible to the people for all phases of county government and one which would be able to deal effectively with all of the governmental functions and services which the county provides.

To aid the board of supervisors in the discharge of all of its duties, the board would appoint a county executive or county manager as the case might be. This of-

8. Ibid., pp. 18,19.

ficer would be a full time administrative officer whose main duty would be the administrative head of the county.

CHAPTER VI

THE COUNTY EXECUTIVE

Should the voters of Sussex County decide to have a county executive form of government, the board of supervisors would appoint for no definite term a county executive. It would be his duty to act as the administrative head of the county.⁹ He would be required to carry out the policies determined by the board, to coordinate the affairs of the county, and to see that the proper administrative procedure is instituted and enforced in all departments of the county government.

The executive would prepare the budget for adoption by the board of supervisors and to see that it is carried out as the board intended after its adoption.

The executive would be required to make monthly reports to the board regarding all departments in the county after his thorough inspection of the records and actions of the various officers and departments of the county. His presence is required at each board meeting where he has not only a right but an obligation to participate in the discussions under way.¹⁰ It is at these

9. Spicer, *op. cit.*, p. 18.

10. Ibid.

meetings that the executive is instructed as to the policy which the board favors on a given subject.

The executive recommends to the board for appointment all of the administrative officers of the county, based upon ability, training, and experience of the appointee, except of course those three which remain elective.

The executive, as he sees the need for making changes in the duties assigned to the various departments, recommends such a change to the board of supervisors, and they, deeming such a change expedient, may reassign, transfer, or combine any county function, activity, or department. Thus the local governing body will be able to make changes as they become necessary, a power which they do not have at present.

In addition to the previously mentioned duties, the executive is required to perform any other duties which the board may require. For instance, the executive could be required to head the finance department or any other department if the board deemed it economically advisable, and administratively wise.

CHAPTER VII

THE COUNTY MANAGER

Should the voters of Sussex County decide to have the county manager form of local government, the board of supervisors would appoint a county manager. His duty like that of the county executive under that form of government, would be to be the administrative head of the county, carrying out the policies and directives of the county board of supervisors.

The manager's duties would be the same as those previously mentioned for the county executive with the following exceptions.

The county manager would have more authority in some respects than the executive would have. The manager would appoint the administrative employees to work under him. His appointments would be approved by the board of supervisors. Likewise the manager would have a little more power in that he sets with the approval of this board of supervisors the salaries of all the employees working under him.

Beyond these two items his powers go very little if any beyond those of the executive, and he is required to carry out the directives of the board of supervisors,

to attend their meetings, and to keep them informed on the latest developments in county government. This factor would be a great help to the board of supervisors in their task of directing the county government.

CHAPTER VIII

FINANCIAL ADMINISTRATION

At present the chief financial officers of the county are the treasurer and the commissioner of revenue.

It is the duty of the Commissioner of Revenue to assess the personal property of the citizens of the county annually. The commissioner also assesses the real property omitted by the reassessment board or improvements made to the real property after the assessment by the reassessment board.

The reassessment board is at present appointed by the judge of the circuit court and reassesses real property every six years.

All public service corporations are assessed by the State Corporation Commission.

After all property is assessed the commissioner of revenue then prepares tax lists to be used in the assessment of taxes for a given year.

The tax list are then gone over by the treasurer, whose duties are the collection, care, and disbursements of the county funds.

The treasurer compiles the tax bills from the lists furnished him by the commissioner of revenue and is responsible for seeing that these taxes are paid. If the

taxes are not paid by the deadline date they are then turned over to deputies for collection.

Once the monies are deposited with the treasurer, they may be disbursed only upon checks signed by the treasurer and drawn in payment of lawfully issued and properly drawn warrants and matured bonds and other obligations of the county.¹¹

Before the treasurer may pay a claim against the county, it must be first presented to the board of supervisors and be approved by resolution and recorded votes. If approved the board of supervisors issues a warrant signed by the chairman, and when this warrant is countersigned by the treasurer it becomes a check to pay the claim.

At the close of the year the accounts of the treasurer are audited by an auditor chosen by the board of supervisors. In each of the auditors' reports for the past few years he has said that the county was in good financial condition and seemed to be run in an efficient and economical manner.

The budget under which the county operates is formulated by the board of supervisors at the beginning of the calendar year for the ensuing fiscal year.

11. Manual, p. 161.

To aid the board of supervisors in preparing a budget the various county officers submit estimates of the funds they think it will take to run their operations for the coming year. With these estimates the board then adopts a budget for the coming year. The board of supervisors does not have to adopt the amounts requested by the various departments as they have requested in their estimates. They may decrease or extend the amounts requested to fit the overall county policy. This at present is the main avenue of control which the board of supervisors has over county policy.

After the tentative budget is prepared the general features of it are published in a local newspaper together with a date set for a public hearing. At this hearing the citizens of the county may voice their opinions and argue before the board of supervisors for or against features of the budget. Also at this public hearing the citizens have an opportunity to voice their opinions regarding the proposed tax rate which is published at the same time the tentative budget is published.

After the hearing the board of supervisors may decrease, increase, or leave it as it was proposed. Then the board of supervisors adopt a budget for the

coming fiscal year.

After its adoption, a copy of it is sent to the State Director of the Budget along with a copy of the notice of public hearings which appeared in the local newspapers.

Upon its adoption, the county budget becomes the official pattern of county expenditures for the ensuing appropriation year and its provisions for the expenditures limits for all county departments and agencies.¹²

In terms of expenditures for school purposes, once the budget is adopted there the authority of the board of supervisors ends. For when the board adopts the budget the amount set up for school expenditures is controlled by the school board, and the amount set up represents the maximum amount which may be spent for school purposes. The board of supervisors may not in any way determine the manner in which the funds shall be spent. This as we shall see later in that chapter dealing with education has been the cause for public dissatisfaction in recent years.

At present the board of supervisors appropriate money to the school board on a month to month basis. The reason for this is that the board of supervisors wish to

12. Manual, p. 142.

having two officers here there would be one director of finance, appointed by the board of supervisors under the county executive form and appointed by the manager under the county manager form. This as one can readily see would at once result in a saving to the county of the salary of one officer. Also the board of supervisors may require the manager or executive, as the case may be, to be the head of the department of finance.

The department of finance would in addition to performing the duties of the treasurer and commissioner of revenue under the present system would also have charge of the purchasing and distribution of all supplies and services needed by the county. This department would also have charge of all county accounts including school finances. In fact all of the financial affairs of the county are under the care and supervision of this department. The main feature is, however, that this department is under the direct control of the board or supervisors and must follow the policy determined by it. The functions of the department of finance include:

1. preparation and execution of the budget
2. assessment of property (The state Corporation Commission still assesses public service corporations and utilities)
3. custody of all public funds handled by the county

keep it within their power to close the public school system of the county should there be any danger of the system becoming "inefficient."

The present system of collections, disbursements, and keeping account of the county monies, even though efficiently administered, is a poor and costly system. This system prohibits the board of supervisors from having ~~but~~^{very} little control over the most important business of the county, namely, education. This system is quite costly and is less responsive to the will of the citizens than would be possible under one of the optional forms of county government.

With these observations in mind let us now examine the changes which would be made in the financial organization and procedure under the county executive and county manager forms of local government.

One of the most far-reaching changes made from the old system in the Optional Forms Act was that of consolidating the administration of the financial affairs of the county in a single department of finance under the general supervision of the board of supervisors.¹³

Should the county manager or county executive form of local government be adopted there would be a department of finance which would replace the present offices of treasurer and commissioner of revenue. Instead of

13. Spicer, op. cit., p. 20

4. collection of revenue
5. supervision on expenditures
6. disbursement of all county funds
7. the purchase, storage, and distribution of all supplies, materials, equipment, and contractual services needed by any department, office, or other agency of the county
8. keeping and supervision of all accounts

The last two items, number seven and eight, are virtually non-existent under the present form of government.¹⁴

Under either county manager or county executive form the manager or executive, as the case may be, is required to submit a proposed budget to the board of supervisors for their consideration in determining the county's budget for the coming year. Also the executive or manager is expected to execute the budget as it is finally approved by the board of supervisors. The budget under this system is completely unified and contains all estimated receipts and disbursements of the county.

For example, the school budget, which now constitutes the bulk of the county expenditures is co-ordinated with the general county budget and thus rendered subject to more effective supervision and control by the board of supervisors.¹⁵

The executive or manager must make monthly reports to the board of supervisors as to the financial condition

14. Ibid., p. 21.

15. Ibid., p. 23.

of the county and matters of administration.

In simple terms, a county budget should tell in a reasonably simple form what the county has done in the past, what it proposes to do within a specified period of the future, what officers and agents are to perform the work contemplated, how much this is expected to cost, and how the cost is to be met.¹⁶

The most important change to be effected by a change to one of the optional forms of local government is noted in this phase of the county's government. The school finances are under the control of the board of supervisors rather than under the control of the school board. This in itself would be quite vital in situations which confront the county at present.

Another change under the optional forms of county government which is no small point is that the fee system as a method of paying officers is abolished with the exception of one justice of the peace in each magisterial district. All other employees of the county are paid definite salaries. The fees will continue to be collected but must be turned over to the county treasury and there used for county purposes. This would probably prove to be an additional source of income to the county.

16. Ibid., p. 24.

CHAPTER IX

EDUCATION

Education is the biggest business of the county. This is true not only in terms of the amount of money spent but also in terms of the number of citizens directly affected. Yet, this phase of the county's business is (at the present) the least responsive to the wishes of the citizens.

There are possibly two reasons for this lack of response to the citizens wishes; one, and perhaps the main one, is the method ^{by which} that school administrators are chosen. The board itself (composed of six members, one from each of the magisterial districts) is appointed by a school trustee electrol board composed of three members. This board is appointed by the judge of the Circuit Court. Thus, because of this roundabout method of selecting the school board it is not responsible to any elected official and does not have to answer to the citizens at the polls, either by standing for an election themselves or through any elected official. The other weakness in the present system is in the matter of finances. The school board has the final say in the disbursements of the money appropriated for school use. The school board, once it has received an appropriation from

the board of supervisors, may spend the money in any way ^{it} they see fit. ^{it} They are restricted only by the amount of the appropriation since that sets the upper limits on the amounts which can be spent by them.

The school board selects the division superintendent from a list of eligibles furnished by the State Board of Education. In Sussex county the superintendent also serves as the clerk of the school board. The school board meets once a month or oftener if they deem it necessary to care for the administration of the schools. At these meetings they determine school policy as well as tend to the administration of the schools.

At present there are twenty eight schools in Sussex county. Four are elementary and high schools combined for the education of white students in the county. Twenty three are elementary schools for colored students and one is a high school and elementary school combined for the education of the colored students. Concerning ^{for} the building of additional or better schools in the county ^{is} at present and has been for the past few years a source of jurisdictional conflict between the school board and the board of supervisors.

At present there is deposited in the banks \$336,017.00 earmarked for the construction of additional

school facilities, which are badly needed. There is also available \$431,770.00 from the Battle Fund. At present the only negro high school in the county is located at Waverly, in the extreme eastern end of the county, thus making transportation of negro students from the western end of the county a problem.

A recent survey was made of the schools in the county by three school superintendents and officials of the State Board of Education. The report of this survey recommends that all of the present system of colored schools be abandoned and that the county start from scratch and build new facilities.

The county board of supervisors passed a resolution at a recent meeting requesting the school board to start construction on a centrally located school for negro students. This was the latest attempt of the board of supervisors to get the school board to do something about the school needs of the county. However, the school board continually refuses to build additional facilities because of a split in the thinking of the board members. The board of supervisors because they are elected, must reflect the wishes of the citizens. If they do then it is the will of the citizens to build additional schools, yet the school board refuses to do so, and there is

very little pressure that can be brought to bear on the school board because of the method of selecting the school board members.

All of this could be changed if the voters of Sussex county would elect to change to either the County Executive or the County Manager form of local government. As noted previously the school board has complete control over the administration and spending policies (once the money is appropriated by the board of supervisors). Yet the school board, because of the circuitous method of selecting its members, does not have to answer to the people either at the polls themselves or through any elected representative of the people.

Under the County Manager or County Executive form of local government all of this would be changed. No longer could the school board "rule" in such an arbitrary manner as is described below:

The circuitous method of choosing the local school board and the division superintendent under the old system of county government has resulted in the creation of a cumbersome and irresponsible organization, and has operated to remove the administration of the schools far from the influence and control of the people or the board of supervisors as chosen representatives of the people... The county officials directly responsible to the people have virtually no part in local school administration.¹⁷

17. Ibid., p.25.

Should Sussex county decide to adopt either the County Manager or County Executive form of local government, then all of the foregoing would be corrected. The administration of the schools, the most important business of the county, would be in the hands of the people through their elected representatives on the board of supervisors.

Instead of a circuitous method of choosing the school board, it would be chosen by the elected representatives of the people, the board of supervisors. The school board, in addition to being appointed by the board of supervisors, would serve at the pleasure of the appointing board. Thus in case of a variance of opinion regarding school policy the wishes of the people through their elected representatives will always prevail.

Under the new system the school board would appoint the division superintendent as they do now, but in doing so they would be acting as agents of the board of supervisors.

Thus under the new law the school board is placed in a position of direct and continuous responsibility to the chosen representatives of the people.¹⁸

An equally drastic change from the present system of educational affairs would be the method of handel-

18. Ibid., p.27.

ing school finances. It will be recalled that under the present system the board of supervisors have little or no control over school finances once the money is appropriated. Under the county manager or county executive form the school budget would be consolidated with the general county budget and as such would be under the direct control of the elected representatives of the people, the board of supervisors.

The board of supervisors would know monthly from the county manager or county executive all pertinent facts dealing with school finances. With these facts and the power to formulate school policy, the board of supervisors and through them the citizens of the county would be able to have the schools operated and the schools maintained as the citizens see fit.

Should the voters of the county choose to have one of the optional forms of local government they would be electing to take over the administration of the schools, to run them as they see fit. This would be one of the most important changes which would take place as the result of changing forms of local government. The school system of the county would be controlled by the entire electorate of the county rather than by about a dozen or so men.

At present it seems to the writer that the only

way to secure better educational facilities in the county is to place the school board under the citizens as would be done under a new form of local government, rather than allowing the present school board to remain such a dominating force.

CHAPTER X

OTHER CHANGES

As we noted previously the major changes which would be brought into effect as a result of changing the form of local government in Sussex County would be those changes noted in the preceding chapters dealing with the administrative, financial, and educational departments of the county. However, there are a few other changes which would be made in the county government should the citizens decide to change the form of local government which we now have. These changes will be noted here.

The fee system as a method of compensating county employees would be abolished with one exception, one justice of the peace in each magisterial district would continue to retain the fees which he collected. all other employees of the county would be paid definite salaries fixed by the county manager under the county manager form and by the board of supervisors under the county executive form. The fees previously retained by certain officers of the county would be collected as is done presently, but those fees would be paid by the collecting officer to the general county

treasury to be used for general county purposes.

Under the optional forms act the following offices are abolished when a county sets up either of the optional forms of local government, in addition to those mentioned previously:

1. the county coronor
2. two justices of the peace in each district having its legal present quota of three.

The duties of those officers whose office is abolished would be assigned either by law or by the board of supervisors to other departments in the county.

CHAPTER XI

EVALUATION

After careful observance of the government of Sussex county as it presently operates, and after a number of interviews with both citizens and officers of the county, and after an intensive study of the Optional Forms Act of 1932, it is my sincere belief that the citizens of Sussex county would realize greater benefits and be able to exert more influence in their local affairs if they would change from the present form of local government to the County Executive form of local government.

The reasons which prompted this conclusion to be reached are numerous and include all of those benefits which have been listed in the preceding chapters as changes which would be effected should the citizens of Sussex county elect to have a county executive form of local government. The reasons are, however best summed up by Dr. George W. Spicer in his book Fifteen Years of County Manager Government in Virginia when speaking of the county manager and county executive forms of local government:

Both plans vest the full legislative and

administrative authority of the county in the board of supervisors. Both ~~appear~~ provide for the appointment of all officers in the administrative services of the county, except the three named. (Commonwealth attorney, Sheriff, and clerk) Both place all county officers and employees on salaries to be fixed either by the board of supervisors or by the manager with the approval of the board, and, therefore, effect a complete abolition of the fee system as a method of compensation. Both provide* the board of supervisors with a responsible executive agent having the power and responsibility for the efficient conduct of all the administrative activities of the county which the board has authority to control. Both provide for the abolition of many minor obsolete offices, comprising more than 2000 in the several counties and the transfer of these functions to 119 the appropriate divisions of the county government.

In addition to these ~~reasons~~* reasons, another factor, which to me is to me the most important in

19. Ibid., p.28.

the county, except the three named. (Commonwealth Attorney, Sheriff, and Clerk). Both place all county officers and employees on salaries to be fixed either by the board of supervisors or by the manager with the approval of the board, and, therefore, effect a complete abolition of the fee system as a method of compensation. Both provide the board of supervisors with a responsible executive agent having the power and responsibility for the efficient conduct of all the administrative activities of the county which the board has authority to control. Both provide for the abolition of many minor obsolete offices, comprising more than 2000 in the several counties and the transfer of these functions to the appropriate divisions of the county government.¹⁹

In addition to these reasons, ^{there is} another factor, which to me is the most important in government regardless of the scope or size of that government. That factor is home rule. And by adopting either form of the Optional Forms, home rule would be realized to a greater extent than is now the case. Instead of the state having a great part in the administration of the county government and the citizens of the county having a lesser role, the reverse would be true. The voters of the county would be able to make their views known and to have policies favorable to them through their power at the polls. During the past few decades there has been a tendency for the state to fail to meet the needs of the citizens and the national government taking over the duties of the state. The same has been true in state-local affairs. By adopting the county executive form of local government the county

¹⁹ Ibid., p. 28.

would have available the means to stop and reverse that trend, by giving to its officers the governmental machinery to do so.

One might wonder why I chose the county executive form over the county manager form. In order to answer that question I shall list three reasons:

1. The method of electing the county board of supervisors. Under the county manager form the supervisors would be elected from the county at large, whereas under the county executive form they would be elected from the districts as at present. This method gives each section of the county equal representation on the board.
2. Under the county executive form the board of supervisors have more control than under the county manager form. This is true in terms of appointments and salary fixing.
3. The county executive form seems to be the best one to adapt to the needs of a rural county whereas the county manager form seems to suit the urban counties better.

CHAPTER XII

METHODS OF ADOPTION

The Optional Forms Act provides two methods of adopting an optional form of local government. The board of supervisors may petition the judge of the Circuit Court to call a referendum of the people to vote on the question, or ten per cent of the voters (must be at least 100 voters) may petition the judge of the Circuit Court to call a referendum.

The judge would then set a date for a referendum, and the people would vote; first, on whether or not the form of the local government should be changed, and second, which one of the optional forms should be adopted.

If a new form is adopted then the act provides that the board of supervisors would set up the machinery for the new form to go into effect.

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