

**AGENDA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
Monday, July 2, 2012  
6:45 p.m.**

**I. CALL TO ORDER**

**II. NEW BUSINESS**

**A. SUBJECT: RESOLUTION REQUESTING THE  
FILING OF A WRIT OF ELECTION**

**R-FY-13-01**

**RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO  
FILE A PETITION FOR THE CIRCUIT COURT OF MONTGOMERY COUNTY  
TO ISSUE A WRIT SETTING A SPECIAL ELECTION TO  
FILL VACANCY IN THE OFFICE OF THE COMMONWEALTH ATTORNEY**

WHEREAS, The Honorable Bradley W. Finch, Commonwealth Attorney for the County Montgomery, Virginia, notified the Board of Supervisors that he is resigning from the office of Commonwealth Attorney effective June 29, 2012, to become a Juvenile and Domestic Relations Judge; and

WHEREAS, Virginia Code Section 24.2-228.1 provides that a vacancy in any elected constitutional office shall be filled by special election; and

WHEREAS, The governing body of the County in which the vacancy occurs shall, within fifteen (15) days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy; and

WHEREAS, The Board of Supervisors of the County of Montgomery agrees that the County Attorney shall file in a timely manner the Petition with the Circuit Court requesting the Court to issue a Writ of Election to fill the vacancy in the office of the Commonwealth Attorney for the County of Montgomery.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Attorney to file a Petition with the Montgomery County Circuit Court requesting the Court to issue a Writ of Election to fill the vacancy in the office of the Commonwealth Attorney for the County of Montgomery, Virginia as provided for under Section 24.2-228.1 of the 1950 code of Virginia, as amended.

ISSUE/PURPOSE: To petition for a Writ of Election to fill the vacancy of the Commonwealth's Attorney.

JUSTIFICATION: The Commonwealth's Attorney, Brad Finch, submitted his notice of resignation from the office of the Commonwealth's Attorney to the Board of Supervisors effective June 29, 2012. Mr. Finch was appointed to a judgeship for the Juvenile and Domestic Relations District Court. Pursuant to Virginia Code Section 24.2-228.1 "a vacancy in any elected constitutional office...shall be filled by special election". This resolution authorizes the County Attorney to file a petition for Writ of Election with the Circuit Court to fill the vacant position. See TAB A for a copy of the Petition for Writ of Election and a copy of the Writ of Election.

### **III. OTHER BUSINESS**

### **IV. ADJOURNMENT**

#### **FUTURE MEETINGS**

Regular Meeting  
Monday, July 9, 2012  
6:00 p.m. – Closed Meeting Items  
7:00 p.m. Regular Agenda