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SENATE BILL NO. 563

Offered January 24, 2000

A BILL to extend the term of existence of the Southeastern Public Service Authority of Virginia, created pursuant to the provisions of the Virginia Water and Waste Authorities Act, as provided in Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2 of the Code of Virginia, from a period of fifty years from its creation to one of perpetual existence until its dissolution pursuant to the provisions of the Virginia Water and Waste Authorities Act, and to allow the withdrawal of a member of the Southeastern Public Service Authority of Virginia at any time provided that all obligations to the Southeastern Public Service Authority of Virginia incurred by the locality shall remain in full force and effect following the withdrawal.

Patrons—Quayle, Forbes, Lucas, Rerras, Schrock and Stolle; Delegates: Blevins, Drake, Hall, Hamilton, Joannou, Jones, J.C., McDonnell, Purkey, Robinson, Spruill, Suit, Tata, Wagner, Wardrup and Williams

Referred to Committee on Local Government

Whereas, the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach and the counties of Isle of Wight and Southampton have heretofore created the Southeastern Public Service Authority of Virginia pursuant to the provisions of the Virginia Water and Waste Authorities Act, as provided in Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2 of the Code of Virginia, for the purpose of providing for the acquisition, financing, construction, operation and maintenance of a garbage and refuse collection and disposal system; and

Whereas, § 15.2-5112 provides that no locality may withdraw from any authority created pursuant to the Virginia Water and Waste Authorities Act that has outstanding bonds without the unanimous consent of all of the holders of such bonds unless all such bonds have been paid or cashed or United States government obligations have been deposited for their payment; and

Whereas, § 15.2-5114 provides that authorities created pursuant to the Virginia Water and Waste Authorities Act may exist for a period of fifty years; and

Whereas, the localities comprising the membership of the Southeastern Public Service Authority of Virginia, for operational, financial and strategic planning purposes, desire to extend the life of the Southeastern Public Service Authority of Virginia indefinitely and to allow for the withdrawal of members at any time, without regard to any outstanding bonds issued by the Authority; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Southeastern Public Service Authority of Virginia created by the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach and the counties of Isle of Wight and Southampton pursuant to the Virginia Water and Waste Authorities Act, as provided in Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2 of the Code of Virginia, shall continue and have perpetual existence until dissolved pursuant to § 15.2-5109.*

§ 2. *That any locality which is a member of the Southeastern Public Service Authority of Virginia may withdraw therefrom, whether or not there are any outstanding bonds of the Southeastern Public Service Authority of Virginia; provided, however, that all obligations to the Southeastern Public Service Authority of Virginia incurred by a locality while the locality was a member shall remain in full force and effect following the locality's withdrawal.*

§ 3. *That the governing body of any locality wishing to withdraw from the Southeastern Public Service Authority of Virginia shall signify its desire by resolution or ordinance. The resolution or ordinance for withdrawal of a member locality of the Southeastern Public Service Authority of Virginia shall be advertised in accordance with the provisions of § 15.2-5104. Upon adoption or approval of the ordinance or resolution of withdrawal, the governing body of the locality seeking to withdraw from the Southeastern Public Service Authority of Virginia shall file a notice of withdrawal with the State Corporation Commission. The notice of withdrawal from the Southeastern Public Service Authority of Virginia shall be executed by the proper officers of the withdrawing locality under its official seal, and shall be joined in by the proper officers of the governing board of the Southeastern Public Service Authority of Virginia.*

§ 4. *That if the State Corporation Commission finds that the notice of withdrawal conforms to the requirements above, it shall acknowledge the notice of withdrawal. At such time as the State Corporation Commission acknowledges the notice of withdrawal, it shall issue to the withdrawing locality and to the Southeastern Public Service Authority of Virginia a certificate of withdrawal attached to the notice of withdrawal. The withdrawal shall become effective, and the terms of office of the board*

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60 *members representing the locality withdrawing from the Southeastern Public Service Authority of*
61 *Virginia shall terminate, upon the issuance of such certificate.*