

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 506

An Act to amend and reenact § 62.1-234 of the Code of Virginia, relating to the management of the Virginia Water Supply Revolving Fund.

[H 2156]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-234 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-234. Creation and management of Fund.

A. There shall be set apart as a permanent and perpetual fund, to be known as the "Virginia Water Supply Revolving Fund," sums appropriated to the Fund by the General Assembly, all receipts by the Fund from loans made by it to local governments or other entities, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source public or private. The Fund shall be administered and managed by the Authority as prescribed in this chapter, subject to the right of the Board, following consultation with the Authority, to direct the distribution of loans, loan subsidies (including principal forgiveness) or grants from the Fund to particular local governments or other entities and to establish the interest rates and repayment terms and those public health conditions deemed necessary by the Board of such loans, loan subsidies or grants as provided in this chapter. In order to carry out the administration and management of the Fund, the Authority is granted the power to employ officers, employees, agents, advisers and consultants, including, without limitation, attorneys, financial advisers, engineers and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality. However, the Authority shall adopt policies and procedures that minimize the costs of professional services associated with the processing of a loan application and the financing or refinancing of a project, especially in those instances in which the Board has identified the applicant as "disadvantaged."

The Board shall reimburse the Authority for its reasonable costs and expenses incurred in the administration and management of the Fund, and the Board may disburse a reasonable fee, to be approved by the Board, for the Authority's management services. The Board may require status reports on the Fund from the Authority.

B. *The Board may enter into a memorandum of understanding or interagency agreement with the State Water Control Board to manage aspects of the Fund, which may include (i) reviewing assistance applications and project bid documents, (ii) monitoring projects, and (iii) ensuring compliance with environmental review and other program requirements. Any memorandum of understanding or interagency agreement shall be approved by the United States Environmental Protection Agency.*