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SENATE BILL NO. 267

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend the Code of Virginia by adding in Title 62.1 a chapter numbered 5.6, consisting of sections numbered 62.1-69.45 through 62.1-69.53, relating to the Rivanna River Basin Commission; report.

Patrons—Deeds, Hanger and Ruff; Delegates: Abbitt, Scott, E.T. and Van Yahres

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 62.1 a chapter numbered 5.6, consisting of sections numbered 62.1-69.45 through 62.1-69.53, as follows:

CHAPTER 5.6.

RIVANNA RIVER BASIN COMMISSION.

§ 62.1-69.45. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Rivanna River Basin" means that land area designated as the Rivanna River Basin by the State Water Control Board pursuant to § 62.1-44.38 and that is also found in the 15th, 17th, 24th and 25th state Senatorial districts or the 25th, 57th, 58th and 59th House of Delegates districts, as those districts existed on January 1, 2002.

§ 62.1-69.46. The Rivanna River Basin Commission; establishment; purpose.

The Rivanna River Basin Commission (the "Commission") shall be established as an independent Commission in the executive branch of state government upon passage by two-thirds majority vote among the localities located in the Rivanna River Basin, which include the Counties of Albemarle, Fluvanna, Greene, Louisa, Orange and Nelson, and the City of Charlottesville. The resolution shall be to commit the locality to participate in the Commission as described in this chapter, and shall contain the following language:

"The governing body of this jurisdiction hereby agrees to become a member of and participate in the Rivanna River Basin Commission as described in Chapter 5.6 (§ 62.1-69.45 et seq.) of Title 62.1 of the Code of Virginia."

The purpose of the Commission shall be to provide guidance for the stewardship and enhancement of the water and natural resources of the Rivanna River Basin. The Commission shall be a forum in which local governments and citizens can discuss issues affecting the Basin's water quality and quantity and other natural resources. Through promoting communication, coordination, and education, and by suggesting appropriate solutions to identified problems, the Commission shall promote activities by local, state, and federal governments, and by individuals, that foster resource stewardship for the environmental and economic health of the Basin.

§ 62.1-69.47. Membership; terms; vacancies; chairman and vice chairman; quorum; meetings; voting.

The Commission shall consist of 21 members, including four legislative ex officio members, 11 members from local governing bodies, two members from the soil and water conservation districts, and four citizen-at-large members. Members shall be appointed as follows: one member of the Senate whose district includes a portion of the Rivanna River Basin to serve as a nonvoting ex officio member, and to be appointed by the Senate Committee on Privileges and Elections; three members of the House of Delegates whose districts include a portion of the Rivanna River Basin to serve as nonvoting ex officio members, and to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; 11 members from the elected governing bodies of the localities found wholly or partially within the Rivanna River Basin to be appointed by each governing body as follows: two members each from the Counties of Albemarle, Fluvanna, and Greene, and the City of Charlottesville, and one member each from the Counties of Louisa, Nelson, and Orange. Each local governing body shall select its representative and an alternate in such manner as it decides; two members from the soil and water conservation districts found wholly or partially within the Rivanna River Basin to be appointed by each district as follows: one member from the Culpeper Soil and Water Conservation District and one member from the Thomas Jefferson Soil and Water Conservation District. The representative and an alternate shall be selected from among the elected members of each soil and water conservation district in a manner agreed upon by such district; four citizens at large to be appointed by the local governing bodies of each jurisdiction found wholly or substantially within the Rivanna River Basin and based upon recommendations

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submitted by the Thomas Jefferson Planning District Commission as follows: one citizen-at-large each from the Counties of Albemarle, Fluvanna, and Greene, and the City of Charlottesville. Each person recommended by the Thomas Jefferson Planning District and appointed by a locality shall be a citizen who demonstrates interest, experience, or expertise in water-related Basin issues; nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

Members of the Commission who are elected officials, including legislative ex officio members, members from local governing bodies, and members from soil and water conservation districts, shall serve terms that are coincident with their terms of office and at the minimum one year in length. Initial appointments of the four citizen-at-large members shall be staggered as follows: two members for a term of two years; and two members for a term four years. Thereafter, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice chairman from among its membership. A majority of the voting members shall constitute a quorum. The Commission shall meet at least four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the voting members so request.

Each voting member of the Commission shall have an equal vote.

§ 62.1-69.48. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 62.1-69.49. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. Beginning in fiscal year 2005, the Commission may seek funding from the Commonwealth. The Commonwealth's contribution, if any, shall be through the normal budget appropriations process. The Commission's elected local government members shall determine a process for distribution of costs among the local government members, which shall be based on each jurisdiction's proportional share of the population within the Rivanna River Basin, unless the elected local government members choose otherwise.

B. The Commission shall annually designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Auditor of Public Accounts or his legal representative, and the costs of such audit shall be borne by the Commission. The results of the audits shall be delivered to the chief elected officer in each of the Commission's member jurisdictions, the members of the House of Delegates and the Senate who serve on the Commission, the chairmen of the House Appropriations Committee and the Senate Finance Committee, and the Secretary of Natural Resources. The Commission's first fiscal year shall be the same as the Commonwealth's.

§ 62.1-69.50. Powers and duties of the Rivanna River Basin Commission.

The Rivanna River Basin Commission shall have the following powers and duties:

1. Develop a plan that coordinates water management within the Basin to maintain flow conditions to protect instream beneficial uses and public water supplies for human consumption;

2. Provide guidance and make recommendations to local, state, and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;

3. Undertake studies and prepare, publish, and disseminate information in reports and in other forms related to the water and natural resources of the Basin and to further its purposes and mission, including but not limited to studies to determine the flow conditions necessary to protect instream beneficial uses and public water supplies for human consumption;

4. Enter into contracts and execute all instruments necessary or appropriate;

5. Perform any lawful acts necessary or appropriate;

6. Establish a nonprofit corporation as an instrumentality of the Commonwealth to assist in the details of administering its affairs and in raising funds;

7. Seek, apply for, accept, and expend gifts, grants, and donations, services, and other aids, from

public or private sources. Other than those from member jurisdictions and those appropriated by the General Assembly, funds may be accepted by the Commission only after an affirmative vote by the Commission or by following such other procedure as may be established by the Commission for the conduct of its business;

8. Establish balanced advisory committees that may include representation from agricultural, environmental, resource-based, industrial, recreational, riparian landowner, development, educational, and other interests as it deems necessary and appropriate; and

9. Develop rules and procedures for the conduct of its business as necessary to carry out its purpose and mission, including but not limited to, selecting a chairman and vice chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members.

§ 62.1-69.51. Staffing and support.

The local governing bodies, soil and water conservation districts, and planning district commissions found wholly or partially in the Rivanna River Basin may provide staff support to the Commission as the localities determine appropriate. Additional staff support may be hired or contracted for by the Commission through funds raised by or provided to it. The Commission is authorized to determine the duties of such staff and fix staff compensation within available resources.

All agencies of the Commonwealth shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its purpose and mission. The Secretary of Natural Resources or his designee shall act as the chief liaison between the executive administrative agencies and the Commission.

§ 62.1-69.52. Chairman's executive summary of activity and work of the Commission.

The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 62.1-69.53. Withdrawal; dissolution.

A. A locality may withdraw from the Commission one year after providing written notice to the Commission of its intent to do so.

B. The Commission may dissolve itself upon a two-thirds vote of all members.

C. The Commission may be dissolved by repeal or expiration of this chapter.

D. The Commission shall be dissolved if the membership of the Commission falls below two-thirds of those eligible.

E. Upon the Commission's dissolution, all funds and assets of the Commission, including funds received from private sources, shall be divided and returned on a pro rata basis. The Commonwealth's share of the funds and assets shall be transferred to the Office of the Secretary of Natural Resources for appropriate distribution.