

# VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

## CHAPTER 400

*An Act to amend and reenact §§ 15.2-1535 and 37.2-603 of the Code of Virginia, relating to behavioral health authority board membership.*

[H 1802]

Approved March 27, 2009

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1535 and 37.2-603 of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-1535. Members of governing body not to be elected or appointed by governing body to certain offices.

A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law and except that a member of a governing body may be named to fill a vacancy in the office of mayor or board chairman if permitted by general or special law.

B. Pursuant to Article VII, Section 6 of the Constitution of Virginia, and without limiting any other provision of general law, a governing body member may be named by the governing body to one or more of the following positions:

1. Director of emergency management pursuant to § 44-146.19;
2. Member of a planning district commission pursuant to § 15.2-4203;
3. Member of a transportation district commission pursuant to § 15.2-4507;
4. Member of a ~~district home~~ behavioral health authority board pursuant to ~~Article 2 (§ 63.1-183 et seq.) Chapter 6 (§ 37.2-600 et seq.) of Chapter 9 of Title 63.1~~ 37.2;
5. Member of a hospital or health center commission pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2;
6. Member of a community services board pursuant to Chapter 5 (§ 37.2-500 et seq.) of Title 37.2;
7. Member of a park authority pursuant to Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2;
8. Member of a detention or other residential care facilities commission pursuant to Article 13 (§ 16.1-315 et seq.) of Chapter 11 of Title 16.1;
9. Member of a board of directors, governing board or advisory council of an area agency on aging pursuant to § 2.2-703;
10. Member of a regional jail or jail farm board, pursuant to § 53.1-106 or of a regional jail authority or jail authority pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1;
11. With respect to members of the governing body of a town under 3,500 population, member of an industrial development authority's board of directors pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2;
12. Member of a disability services board pursuant to Chapter 10 (§ 51.5-47 et seq.) of Title 51.5;
13. Member of the board of directors, governing board, or advisory council or committee of an airport commission or authority;
14. Member of a Board of Directors of a Regional Industrial Facility Authority pursuant to Chapter 64 (§ 15.2-6400 et seq.) of Title 15.2; and
15. Member of a local parks and recreation commission.

C. If any governing body member is appointed or elected by the governing body to any office, his qualification in that office shall be void except as provided in subsection B or by other general law.

D. Except as specifically provided in general or special law, no appointed body listed in subsection B shall be comprised of a majority of elected officials as members, nor shall any locality be represented on such appointed body by more than one elected official.

E. For the purposes of this section, "governing body" includes the mayor of a municipality and the county board chairman.

§ 37.2-603. Board of directors; terms; vacancies; removal.

The term of office of each member of the behavioral health authority board of directors shall be for three years from January 1 of the year of appointment or, at the option of the governing body of the city or county, from July 1 of the year of appointment, except that of the members first appointed, several shall be appointed for terms of one year each, several for terms of two years each, and the remaining members for terms of three years each. The appointment of members for one-year, two-year, and three-year terms shall be as nearly equal as possible with regard to the total number of members. If the governing body has appointed members for terms commencing January 1 or July 1 but desires to change the date on which the terms of office commence, the governing body may, as the terms of the

members then in office expire, appoint successors for terms of two and one-half or three and one-half years, so that the terms expire on June 30 or December 31. Vacancies shall be filled for unexpired terms in the same manner as original appointments. No person shall be eligible to serve more than three full *consecutive* three-year terms; however, persons appointed to fill vacancies may serve three additional full *consecutive* three-year terms. *However, after a three-year period has elapsed since the end of the member's last three-year term, the governing body may reappoint that member.* Any member of the board of directors may be removed by the appointing authority for cause, after being given a written statement of the causes and an opportunity to be heard thereon.