

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 645

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 70, consisting of sections numbered 15.2-7000 through 15.2-7013, relating to the Charlottesville-Albemarle Regional Transit Authority.

[H 2158]

Approved March 30, 2009

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 70, consisting of sections numbered 15.2-7000 through 15.2-7013, as follows:

CHAPTER 70.

CHARLOTTESVILLE-ALBEMARLE REGIONAL TRANSIT AUTHORITY.

§ 15.2-7000. Short title.

This chapter shall be known and may be cited as the Charlottesville-Albemarle Regional Transit Authority.

§ 15.2-7001. Authority created.

There is hereby created a political subdivision of the Commonwealth known as the Charlottesville-Albemarle Regional Transit Authority, hereinafter known as "the Authority."

§ 15.2-7002. Powers of the Authority.

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this act, including the following, to:

1. Prepare a regional transit plan for all or a portion of the areas located within the jurisdictional boundaries of each member locality. The regional transit plan may include all or portions of those areas within the City of Charlottesville and the County of Albemarle and shall include, but not necessarily be limited to, transit improvements of regional significance, and those improvements necessary or incidental thereto, and shall from time to time revise and amend the plan;

2. When a transit plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, contract, or otherwise, the transit facilities specified in such transit plan;

3. Make, assume, and enter into all contracts, agreements, arrangements, and leases with public or private entities as the Authority may determine, which are necessary or incidental to the operation of its facilities or to the execution of the powers granted by this chapter, or may operate such facilities itself;

4. Enter into contracts or agreements with the counties and cities embraced by the Authority, with other transit commissions of transportation districts adjoining any county or city embraced by the Authority, with any transportation authority, or with any state, local, private, or federal entity to provide, or cause to be provided, transit facilities and services to the area embraced by the Authority. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transit facilities and such contracts, agreements, or leases shall inure to the benefit of any creditor of the Authority;

5. Notwithstanding any other provision of law to the contrary to:

a. Acquire land or any interest therein by purchase, lease, or gift and provide transit facilities thereon for use in connection with any transit service; and

b. Prepare a plan for mass transit services with persons, cities, counties, agencies, authorities, or transportation commissions and contract with any such person or other entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan;

6. Adopt, amend or repeal bylaws, rules and regulations, not inconsistent with this chapter or the general laws of the Commonwealth, for the regulation of its affairs and the conduct of its business and to carry into effect its powers and purposes;

7. Adopt an official seal and alter the same at pleasure;

8. Maintain an office at such place or places as it designates;

9. Sue and be sued;

10. Determine and set fees, rates, and charges for transit services;

11. Establish retirement, group life insurance, and group accident and sickness insurance plans or systems for its employees in the same manner as localities are permitted under §§ 51.1-801 and 51.1-802;

12. Provide by resolution for the issuance of revenue bonds of the Authority for the purpose of paying the whole or any part of the cost of operating any transit system. Revenue bonds issued under the provisions of this chapter shall not constitute a pledge of the faith and credit of the Commonwealth or of any political subdivision. All bonds shall contain a statement on their face substantially to the effect that neither the faith and credit of the Commonwealth nor the faith and credit of any political

subdivision are pledged to the payment of the principal of or the interest on the bonds. The issuance of revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth or any political subdivision to levy any taxes or to make any appropriation for their payment except from the funds pledged under the provisions of this chapter;

13. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers and other advisors, consultants, and agents as may be necessary or appropriate, and to pay compensation and fix their duties; and

14. Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and accounting services, including an annual independent audit, procurement of goods and services, and to act as fiscal agent for the Authority.

§ 15.2-7003. Counties and cities initially embraced by the Authority.

The Authority shall initially embrace the City of Charlottesville and all or such portions of the County of Albemarle as its governing body desires to have included. The City of Charlottesville and the County of Albemarle shall be the initial members of the Authority upon adoption of an approving ordinance or resolution by each of their respective governing bodies.

§ 15.2-7004. Joinder of other counties, agencies, institutions, and facilities.

The Counties of Fluvanna, Greene, Louisa, and Nelson may join the Authority, and the Authority shall embrace all or such portions as the counties' governing bodies desire to have covered. Additionally, private nonprofit tourist-driven agencies, higher education facilities of the Charlottesville-Albemarle area, and public transportation agencies serving the aforementioned counties may join the Authority. Such counties, agencies, institutions and facilities' governing bodies wishing to join the Authority and the governing bodies of the localities, agencies, institutions, and facilities then members of the Authority shall by concurrent resolution or ordinance or by agreement provide for the joinder of such county, agency, institution, and/or facility.

§ 15.2-7005. Governance of Authority; composition; terms.

The Authority shall be governed by a Board of Directors, hereinafter known as the "Authority Board," which shall consist of the following:

1. Two directors representing the County of Albemarle, each of whom shall be a member of the governing body of the county;

2. Two directors representing the City of Charlottesville, each of whom shall be a member of the governing body of the city;

3. One director representing each county that joins the Authority pursuant to § 15.2-7004, each of whom shall be a member of the governing body of each respective county; and

4. Up to four additional directors, who shall be nonvoting, representing the interests of such agencies, institutions, and facilities described in § 15.2-7004 that join the Authority.

The Authority shall appoint a chair and vice-chair.

§ 15.2-7006. Staff.

The Authority shall employ an executive director and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a director of the Authority Board. The Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

§ 15.2-7007. Decisions of Authority.

A majority of the Authority Board shall constitute a quorum. Decisions of the Authority Board shall require a quorum and shall be in accordance with voting procedures established by the Authority.

§ 15.2-7008. Allocation of certain Authority expenses.

The administrative expenses of the Authority, as provided in an annual budget adopted by the Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated among the participating counties, city, agencies, institutions, and facilities pursuant to a funding formula as duly adopted by the Authority.

§ 15.2-7009. Payment to directors of the Authority Board.

The directors of the Authority Board may be paid for their services in either (i) the amount provided in the general appropriation act for members of the General Assembly engaged in legislative business between sessions or (ii) a lesser amount as determined by the Authority. Directors of the Authority Board may be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825, if approved by the Authority. Funding for the costs of compensation and expenses of the directors of the Authority Board shall be provided by the Authority.

§ 15.2-7010. Formation of advisory committees.

The Authority may, in its discretion, form advisory committees to assist the Authority.

§ 15.2-7011. Other duties and responsibilities of Authority.

In addition to other powers herein granted, the Authority shall have the following duties and responsibilities:

1. General oversight of Charlottesville-Albemarle area programs involving mass transit or congestion mitigation;

2. Long-range transit planning in the Charlottesville-Albemarle area, both financially constrained and unconstrained;

3. Recommending to state, regional, and federal agencies regional transit priorities, including public-private transit projects and funding allocations;

4. Allocating to priority regional transit projects any funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects;

5. Recommending to the Commonwealth Transportation Board priority regional transit projects for receipt of federal and state funds;

6. Serving as an advocate for the transit needs of the Charlottesville-Albemarle area before the state and federal governments; and

7. Applying to and negotiating with the government of the United States, the Commonwealth of Virginia, or any agency or instrumentality thereof, for grants and any other funds available to carry out the purposes of this chapter and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter subject, however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance of its purposes.

§ 15.2-7012. Withdrawal from the Authority.

A member of the Authority may withdraw from the participation in and the obligations of the Authority by a resolution or ordinance of its governing body, and pursuant to such conditions and procedures adopted by the Authority. However, if the Authority has any outstanding bonds or other debt, no member may withdraw from the Authority without the unanimous consent of all the holders of such bonds unless such bonds have been paid or cashed or United States government obligations have been deposited for their payment.

§ 15.2-7013. Dissolution of the Authority.

Whenever the Authority Board by resolution determines that the purposes for which the Authority was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the Authority have been fully paid or adequate provisions have been made for the payment, the Authority Board shall execute and file for record with the participating localities, agencies, institutions, and facilities a resolution declaring such facts and providing for the disposition of the Authority assets, consistent with applicable state and federal law. If the participating localities, agencies, institutions, and facilities are of the opinion that the facts stated in the Authority's resolution are true and the Authority should be dissolved, they shall so resolve and the Authority shall stand dissolved as of the date on which the last participating locality, agency, institution and/or facility adopts such resolution.