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HOUSE BILL NO. 2158

House Amendments in [] — February 4, 2009

A *BILL 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.*

Patron Prior to Engrossment—Delegate Toscano

Referred to Committee on Counties, Cities and Towns

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

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59 the provisions of this chapter shall not constitute a pledge of the faith and credit of the Commonwealth
60 or of any political subdivision. All bonds shall contain a statement on their face substantially to the
61 effect that neither the faith and credit of the Commonwealth nor the faith and credit of any political
62 subdivision are pledged to the payment of the principal of or the interest on the bonds. The issuance of
63 revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently
64 obligate the Commonwealth or any political subdivision to levy any taxes or to make any appropriation
65 for their payment except from the funds pledged under the provisions of this chapter;

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

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

72 § 15.2-7003. Counties and cities initially embraced by the Authority.

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

77 § 15.2-7004. Joinder of other counties, agencies, institutions, and facilities.

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

86 § 15.2-7005. Governance of Authority; composition; terms.

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

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

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

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

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

97 [~~Members of the respective governing bodies may serve as directors on the Authority Board.~~] The
98 Authority shall appoint a chair and vice-chair.

99 § 15.2-7006. Staff.

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

105 § 15.2-7007. Decisions of Authority.

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

108 § 15.2-7008. Allocation of certain Authority expenses.

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

113 § 15.2-7009. Payment to directors of the Authority Board.

114 The directors of the Authority Board may be paid for their services in either (i) the amount provided
115 in the general appropriation act for members of the General Assembly engaged in legislative business
116 between sessions or (ii) a lesser amount as determined by the Authority. Directors of the Authority
117 Board may be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and
118 2.2-2825, if approved by the Authority. Funding for the costs of compensation and expenses of the
119 directors of the Authority Board shall be provided by the Authority.

120 § 15.2-7010. Formation of advisory committees.

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

122 § 15.2-7011. Other duties and responsibilities of Authority.

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

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

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

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

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

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

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

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

145 § 15.2-7012. Withdrawal from the Authority.

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

152 § 15.2-7013. Dissolution of the Authority.

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