

098547592

HOUSE BILL NO. 2355

Offered January 14, 2009

Prefiled January 14, 2009

A *BILL to amend and reenact §§ 15.2-201, 15.2-202, 15.2-619, 15.2-903, 15.2-909, 15.2-951, 15.2-1201, 15.2-1301, 15.2-1416, 15.2-1719, 15.2-1720, 15.2-1813, 15.2-2108.7, 15.2-2114, 15.2-2204, 15.2-2214, 15.2-2316.2, 15.2-2400, 15.2-2401, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-3107, 15.2-3400, 15.2-3537, 15.2-3913, 15.2-4528, 15.2-5104, 15.2-5403, 15.2-5431.5, 15.2-5602, 15.2-5702, and 15.2-5711 of the Code of Virginia, relating to local government; publication of notices for charter changes, referenda, and public hearings, etc.; alternatives.*

Patrons—Landes and Lohr

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-201, 15.2-202, 15.2-619, 15.2-903, 15.2-909, 15.2-951, 15.2-1201, 15.2-1301, 15.2-1416, 15.2-1719, 15.2-1720, 15.2-1813, 15.2-2108.7, 15.2-2114, 15.2-2204, 15.2-2214, 15.2-2316.2, 15.2-2400, 15.2-2401, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-3107, 15.2-3400, 15.2-3537, 15.2-3913, 15.2-4528, 15.2-5104, 15.2-5403, 15.2-5431.5, 15.2-5602, 15.2-5702, and 15.2-5711 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-201. Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass in General Assembly.

A locality may provide for holding an election to be conducted as provided in § 24.2-681 et seq. of Title 24.2 to determine if the voters of the locality desire that it request the General Assembly to grant to the locality a new charter or to amend its existing charter. At least ten days prior to the holding of such election, the text or an informative summary of the new charter or amendment desired shall be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.

If a majority of the voters voting in such election vote in favor of such request, the locality shall transmit two certified copies of the results of such election together with the publisher's affidavit and the new charter or the amendments to the existing charter, to one or more members of the General Assembly representing such locality for introduction as a bill in the succeeding session of the General Assembly.

If a bill incorporating such charter or amendments is not introduced at the succeeding session of the General Assembly, the approval of the voters for such charter or amendments shall be void. If, at such session, members of the General Assembly fail to enact or pass by indefinitely and do not carry over such a bill incorporating such charter or amendments, the charter or amendments shall again be presented to the voters for their approval or submitted to a public hearing pursuant to § 15.2-202 before reintroduction in the General Assembly.

§ 15.2-202. Public hearing in lieu of election; procedure when bill not introduced or fails to pass in General Assembly.

In lieu of the election provided for in § 15.2-201, a locality requesting the General Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing with respect thereto, at which citizens shall have an opportunity to be heard to determine if the citizens of the locality desire that the locality request the General Assembly to grant to it a new charter, or to amend its existing charter. At least ten days' notice of the time and place of such hearing and the text or an informative summary of the new charter or amendment desired shall be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the

INTRODUCED

HB2355

59 *locality. In addition, any resident of the locality annually filing a written request for notification with*
60 *the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality*
61 *and such individual. The request shall include the resident's name, address, zip code, daytime telephone*
62 *number, and electronic mail address, if available. Such public hearing may be adjourned from time to*
63 *time, and upon the completion thereof, the locality may request, in the manner provided in § 15.2-201,*
64 *the General Assembly to grant the new charter or amend the existing charter and the provisions of*
65 *§ 15.2-201 shall be applicable thereto.*

66 If a bill incorporating such charter or amendments is not introduced at the succeeding session of the
67 General Assembly, the authority of the locality to request such charter or amendments by reason of such
68 public hearing shall thereafter be void. If at such session members of the General Assembly fail to enact
69 and do not carry over or pass by indefinitely a bill incorporating such charter or amendments, the
70 charter or amendments may again be submitted to a public hearing in lieu of an election as provided
71 hereinabove before reintroduction in the General Assembly.

72 The locality requesting a new or amended charter shall provide with such request a publisher's
73 affidavit showing that the public hearing was advertised and a certified copy of the governing body's
74 minutes showing the action taken at the advertised public hearing.

75 § 15.2-619. Same; powers of commissioners of revenue; real estate reassessments.

76 The director of finance shall exercise all the powers conferred and perform all the duties imposed by
77 general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the
78 obligations and penalties imposed by general law.

79 Every general reassessment of real estate in the county, unless some other person is designated for
80 this purpose by the county manager in accordance with § 15.2-612 or unless the board creates a separate
81 department of assessments in accordance with § 15.2-616, shall be made by the director of finance; he
82 shall collect and keep in his office data and devise methods and procedures to be followed in each such
83 general reassessment that will make for uniformity in assessments throughout the county.

84 In addition to any other method provided by general law or by this article or to certain classified
85 counties, the director of finance may provide for the annual assessment and equalization of real estate
86 and any general reassessment order by the board. The director of finance or his designated agent shall
87 collect data, provide maps and charts, and devise methods and procedures to be followed for such
88 assessment that will make for uniformity in assessments throughout the county.

89 There shall be a reassessment of all real estate at periods not to exceed six years between such
90 reassessments.

91 All real estate shall be assessed as of January 1 of each year by the director of finance or such other
92 person designated to make assessment. Such assessment shall provide for the equalization of assessments
93 of real estate, correction of errors in tax assessment records, addition of erroneously omitted properties
94 to the tax rolls, and removal of properties acquired by owners not subject to taxation.

95 The taxes for each year on the real estate assessed shall be extended on the basis of the last
96 assessment made prior to such year.

97 This section shall not apply to real estate assessable under the law by the Commonwealth, and the
98 director of finance or his designated agent shall not make any real estate assessments during the life of
99 any general reassessment board.

100 Any reassessments which change the assessment of real estate shall not be extended for taxation until
101 forty-five days after a written notice is mailed to the person in whose name such property is to be
102 assessed at his last known address, setting forth the amount of the prior assessment and the new
103 assessment.

104 The board shall establish a continuing board of real estate review and equalization to review all
105 assessments made under authority of this section and to which all appeals by any person aggrieved by
106 any real estate assessment shall first apply for relief. The board of real estate review and equalization
107 shall consist of not fewer than three nor more than five members who shall be freeholders in the county.
108 The appointment, terms of office and compensation of the members of such board shall be prescribed by
109 the board of supervisors. The board of real estate review and equalization shall have all the powers
110 conferred upon boards of equalization by general law. All applications for review to such board shall be
111 made not later than April 1 of the year for which extension of taxes on the assessment is to be made.
112 Such board shall grant a hearing to any person making application at a regular advertised meeting of the
113 board, shall rule on all applications within sixty days after the date of the hearing, and shall thereafter
114 promptly certify its action thereon to the director of finance. The equalization board shall conduct
115 hearings at such times as are convenient, after publishing a notice *in a manner gauged to ensure that*
116 *the maximum number of persons within the locality are likely to be informed and shall include at least*
117 *two of the following forms of publication: (i) in a newspaper having a general circulation in the county,*
118 *including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any*
119 *public access channel operated by the locality, to be aired during prime time programming and at least*
120 *two other times during the day, or (iv) using any automated voice or text alert systems used by the*

locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. Notice shall be published as provided above at least ten days prior to any such hearing at which any person applying for review will be heard.

Any person aggrieved by any reassessment or action of the board of real estate review and equalization may apply for relief to the circuit court of the county in the manner provided by general law.

§ 15.2-903. Ordinances taxing and regulating "automobile graveyards," "junkyards," and certain vacant and abandoned property.

A. Any locality may adopt ordinances imposing license taxes upon and otherwise regulating the maintenance and operation of places commonly known as automobile graveyards and junkyards and may prescribe fines and other punishment for violations of such ordinances.

No such ordinance shall be adopted until after notice of the proposed ordinance has been published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once a week for two successive weeks in a newspaper having general circulation in the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. The ordinance need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed ordinance and a reference to the place or places within the locality where copies of the proposed ordinance may be examined.

As used in this section the terms "automobile graveyard" and "junkyard" have the meanings ascribed to them in § 33.1-348.

B. The Counties of Bedford, Campbell, Caroline, Fauquier, Rockbridge, Shenandoah, Tazewell, Warren and York may adopt an ordinance imposing the screening of automobile graveyards and junkyards, unless screening is impractical due to topography, as set forth in § 33.1-348. Any such ordinance may apply to any automobile graveyard or junkyard within the boundaries of such county regardless of the date on which any such automobile graveyard or junkyard may have come into existence, notwithstanding the provisions of § 33.1-348.

C. The City of Newport News may adopt an ordinance imposing screening or landscape screening for retail or commercial properties that have been vacant or abandoned for more than three years within designated areas consistent with the city's comprehensive plan.

§ 15.2-909. Authority to require removal, repair, etc., of wharves, piers, pilings, bulkheads, vessels or abandoned, obstructing or hazardous property.

Any locality may by ordinance provide:

1. The owners of property therein shall at such time or times as the governing body may prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such locality. If such property is deemed to be abandoned, the governing body may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property;

2. The locality, through its own agents or employees, may remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within such locality, if the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel;

3. In the event the locality, through its own agents or employees removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the locality as taxes are collected;

4. If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the locality, through its own agents or employees, may repair such wharf, pier, piling, bulkhead or other structure or vessel or remove such property after giving notice by publication in a manner gauged to

182 ensure that the maximum number of persons within the locality are likely to be informed and shall
183 include at least two of the following forms of publication: (i) once each week for two weeks in a
184 newspaper of general circulation in the area where such property is located, including such newspaper's
185 online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated
186 by the locality, to be aired during prime time programming and at least two other times during the day,
187 or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of
188 the locality annually filing a written request for notification with the locality shall be provided notice by
189 the locality in a manner mutually agreed upon by the locality and such individual. The request shall
190 include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if
191 available;

192 5. Every charge authorized by this section with which the owner of any such property has been
193 assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's
194 real property, and such lien shall be recorded in the judgment lien docket book in the circuit court for
195 such locality. Such lien may also be reduced to a personal judgment against the owner.

196 § 15.2-951. Acquisition, disposition and use of personal property by localities generally.

197 Localities, for the purposes of exercising any of their powers and duties and performing any of their
198 functions, may acquire by gift, bequest, purchase, lease, or installment purchase contract; and may own
199 and make use of and may grant security interests in, sell and otherwise dispose of, within and outside
200 the localities, personal property, including any interest, right or estate therein. In addition, localities may
201 sell and otherwise dispose of surplus materials, as defined in § 2.2-1124, by public sale or auction,
202 including online public auction, provided that such sale or auction conforms with the procedures set
203 forth in subdivisions B 3 through B 5 and subdivision B 8 of § 2.2-1124. In any instance where
204 personal property in any of the following categories: school or transit bus fleet, vehicle fleet, or road
205 construction equipment is sold with the intent to lease back the property, when the value of the
206 proposed sale amount exceeds \$2,000,000 approval by the governing body, after notice and a public
207 hearing, shall be required. The public hearing shall be advertised in a manner gauged to ensure that the
208 maximum number of persons within the locality are likely to be informed and shall include at least two
209 of the following forms of publication: (i) once in a newspaper having general circulation in the locality,
210 including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any
211 public access channel operated by the locality, to be aired during prime time programming and at least
212 two other times during the day, or (iv) using any automated voice or text alert systems used by the
213 locality. In addition, any resident of the locality annually filing a written request for notification with
214 the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality
215 and such individual. The request shall include the resident's name, address, zip code, daytime telephone
216 number, and electronic mail address, if available. Notice shall be published as provided above at least
217 seven days prior to the date set for the hearing. Any debt incurred by a municipality pursuant to the
218 provisions of this section shall be subject to the limitations imposed by Article VII, Section 10 of the
219 Constitution of Virginia.

220 § 15.2-1201. County boards of supervisors vested with powers and authority of councils of cities and
221 towns; exceptions.

222 The boards of supervisors of counties are hereby vested with the same powers and authority as the
223 councils of cities and towns by virtue of the Constitution of the Commonwealth of Virginia or the acts
224 of the General Assembly passed in pursuance thereof. However, with the exception of ordinances
225 expressly authorized under Chapter 13 of Title 46.2, no ordinance shall be enacted under authority of
226 this section regulating the equipment, operation, lighting or speed of motor-propelled vehicles operated
227 on the public highways of a county unless it is uniform with the general laws of the Commonwealth
228 regulating such equipment, operation, lighting or speed and with the regulations of the Commonwealth
229 Transportation Board adopted pursuant to such laws. Nothing in this section shall be construed to give
230 the boards of supervisors any power to control or exercise supervision over signs, signals, marking or
231 traffic lights on any roads constructed and maintained by the Commonwealth Transportation Board. No
232 powers or authority conferred upon the boards of supervisors of counties solely by this section shall be
233 exercised within the corporate limits of any incorporated town except by agreement with the town
234 council.

235 In the County of Fairfax an ordinance may be adopted by the board of supervisors under this section
236 after a descriptive notice of intention to propose the same for passage has been published in a manner
237 gauged to ensure that the maximum number of persons within the locality are likely to be informed and
238 shall include at least two of the following forms of publication: (i) once a week for two successive
239 weeks in a newspaper having a general circulation in the county, including such newspaper's online
240 publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the
241 locality, to be aired during prime time programming and at least two other times during the day, or (iv)
242 using any automated voice or text alert systems used by the locality. In addition, any resident of the
243 locality annually filing a written request for notification with the locality shall be provided notice by the

locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. After the enactment of such ordinance by the board of supervisors, no publication of the ordinance shall be required and such ordinance shall become effective upon adoption or upon a date fixed by the board of supervisors.

§ 15.2-1301. Voluntary economic growth-sharing agreements.

A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with any other county, city or town, or combination thereof, whereby the locality may agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services or facilities or any type of economic development project, to enter into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits of the economic growth of their localities. However, if any such agreement contains any provision addressing any issue provided for in Chapters 32, 33, 36, 38, 39 or 41 of this title, the agreement shall be subject to the review and implementation process established by Chapter 34 of this title.

B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as provided in subsection A shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing which shall be advertised in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once a week for two successive weeks in a newspaper of general circulation in the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. However, the public hearing shall not take place until the Commission on Local Government has issued its findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any agreement authorized by subsection A which obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but shall not include any interlocal service agreement.

C. Any revenue, tax base or economic growth-sharing agreement entered into under the provisions of this section that creates a debt pursuant to Article VII, Section 10 (b) of the Constitution of Virginia, shall require the board of supervisors to hold a special election on the question as provided in § 15.2-3401.

D. Revenue, tax base and economic growth-sharing agreements drafted under the provisions of this chapter shall be submitted to the Commission on Local Government for review as provided in subdivision 4 of § 15.2-2903.

§ 15.2-1416. Regular meetings.

The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and ~~inserted~~ published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper having general circulation in the county or municipality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. Notice shall be published as provided above at least seven days prior to the first such meeting at such other day, place or time. Should the day

305 established by the governing body as the regular meeting day fall on any legal holiday, the meeting
306 shall be held on the next following regular business day, without action of any kind by the governing
307 body.

308 At its annual meeting the governing body may fix the day or days to which a regular meeting shall
309 be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is
310 unable to act, finds and declares that weather or other conditions are such that it is hazardous for
311 members to attend the regular meeting. Such finding shall be communicated to the members and the
312 press as promptly as possible. All hearings and other matters previously advertised shall be conducted at
313 the continued meeting and no further advertisement is required.

314 Regular meetings, without further public notice, may be adjourned from day to day or from time to
315 time or from place to place, not beyond the time fixed for the next regular meeting, until the business
316 before the governing body is completed.

317 Notwithstanding the provisions of this section, any city or town that holds an organizational meeting
318 in compliance with its charter or code shall be deemed to be in compliance with this section.

319 § 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.

320 Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of
321 this section or (ii) the retention for use by the law-enforcement agency of any unclaimed personal
322 property which has been in the possession of its law-enforcement agencies and unclaimed for a period
323 of more than sixty days. As used herein, "unclaimed personal property" shall be any personal property
324 belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which
325 is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which
326 the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of
327 Unclaimed Property Act (§ 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of
328 in accordance with § 15.2-1720. Unclaimed firearms may also be disposed of in accordance with
329 § 15.2-1721.

330 Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief
331 of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful
332 owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising
333 that the item is not needed in any criminal prosecution, and cause to be published *in a manner gauged*
334 *to ensure that the maximum number of persons within the locality are likely to be informed of the*
335 *existence of the unclaimed personal property and shall include at least two of the following forms of*
336 *publication: (i) in a newspaper of general circulation in the locality once a week for two successive*
337 *weeks, ~~notice~~ including such newspaper's online publication, if any, (ii) on any website of the locality,*
338 *(iii) on any public access channel operated by the locality, to be aired during prime time programming*
339 *and at least two other times during the day, or (iv) using any automated voice or text alert systems used*
340 *by the locality. In addition, any resident of the locality annually filing a written request for notification*
341 *with the locality shall be provided notice by the locality in a manner mutually agreed upon by the*
342 *locality and such individual. The request shall include the resident's name, address, zip code, daytime*
343 *telephone number, and electronic mail address, if available. Notice that there will be a public display*
344 *and sale of unclaimed personal property. Such property, including property selected for retention by the*
345 *law-enforcement agency, shall be described generally in the notice, together with the date, time and*
346 *place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff*
347 *or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal,*
348 *storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be*
349 *held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any*
350 *unclaimed item retained for use by the law-enforcement agency shall become the property of the locality*
351 *served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer,*
352 *there is a legitimate use for the property by the agency and that retention of the item is a more*
353 *economical alternative than purchase of a similar or equivalent item.*

354 If no claim has been made by the owner for the property or proceeds of such sale within sixty days
355 of the sale, the remaining funds shall be deposited in the general fund of the locality and the retained
356 property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to
357 apply to the locality within three years from the date of the sale and, if timely application is made
358 therefor and satisfactory proof of ownership of the funds or property is made, the locality shall pay the
359 remaining proceeds of the sale or return the property to the owner without interest or other charges or
360 compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery
361 of such funds or property after three years from the date of the sale.

362 § 15.2-1720. Localities authorized to license bicycles, electric power-assisted bicycles, mopeds, and
363 electric personal assistive mobility devices; disposition of unclaimed bicycles, electric power-assisted
364 bicycles, mopeds, and electric personal assistive mobility devices.

365 Any locality may, by ordinance, (i) provide for the public sale or donation to a charitable
366 organization of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or

moped that has been in the possession of the police or sheriff's department, unclaimed, for more than thirty days; (ii) require every resident owner of a bicycle, electric power-assisted bicycle, or moped to obtain a license therefor and a license plate, tag, and, in the case of an electric personal assistive mobility device, an adhesive license decal of such design and material as the ordinance may prescribe, to be substantially attached to the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; (iii) prescribe the license fee, the license application forms and the license form; and (iv) prescribe penalties for operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on public roads or streets within the locality without an attached license plate, tag, or adhesive decal. The ordinance shall require the license plates, tags, or adhesive decals to be provided by and at the cost of the locality. Any locality may provide that the license plates, tags, or adhesive decals shall be valid for the life of the bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to which they are attached or for such other period as it may prescribe and may prescribe such fee therefor as it may deem reasonable. When any town license is required as provided for herein, the license shall be in lieu of any license required by any county ordinance. Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the police or sheriff's department by a private person that thereafter remains unclaimed for thirty days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the existence of the unclaimed property and shall include at least two of the following forms of publication: (i) at least once a week for two successive weeks in a newspaper of general circulation within the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.* In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, or moped, the record owner shall be notified directly.

§ 15.2-1813. Notice when public hearing required.

Any public hearing required by this chapter shall be advertised *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once in a newspaper having general circulation in the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.* Notice shall be published as provided above at least seven days prior to the date set for the hearing.

§ 15.2-2108.7. Public hearings on feasibility study; notice.

A. If the results of the feasibility study satisfy the revenue requirements of subsection D of § 15.2-2108.6, the governing body shall, at the next regular meeting after the governing body receives the results of the feasibility study, schedule at least two public hearings to be held at least seven days apart, but both shall be held not more than 60 days from the date of the meeting at which the public hearings are scheduled. The purpose of such public hearings shall be to allow the feasibility consultant to present the results of the feasibility study, and to inform the public about the feasibility study results and offer the public the opportunity to ask questions of the feasibility consultant about the results of the feasibility study.

B. Except as provided in subsection C, the municipality shall publish notice of the public hearings required under subsection A *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) at least once a week for three consecutive weeks in a newspaper of general circulation in the municipality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually*

428 *agreed upon by the locality and such individual. The request shall include the resident's name, address,*
429 *zip code, daytime telephone number, and electronic mail address, if available.* The last publication of
430 notice required under this subsection shall be at least three days before the first public hearing required
431 under subsection A.

432 C. If there is no newspaper of general circulation in the municipality, for each 1,000 residents the
433 municipality shall post at least one notice of the hearings in a conspicuous place within the municipality
434 that is likely to give notice of the hearings to the greatest number of residents of the municipality. The
435 municipality shall post the notices at least seven days before the first public hearing required under
436 subsection A is held.

437 D. After holding the public hearings required by this section, if the governing body of the
438 municipality elects to proceed, the municipality shall adopt by resolution the feasibility study.

439 § 15.2-2114. Regulation of stormwater.

440 A. Any locality, by ordinance, may adopt a stormwater control program consistent with Article 1.1
441 (§ 10.1-603.1 et seq.) of Chapter 6 of Title 10.1, or any other state or federal regulation, by establishing
442 a utility or enacting a system of service charges. Income derived from these charges shall be dedicated
443 special revenue and may be used only to pay or recover costs for the following:

444 1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein,
445 necessary to construct, operate and maintain stormwater control facilities;

446 2. The cost of administration of such programs;

447 3. Engineering and design, debt retirement, construction costs for new facilities and enlargement or
448 improvement of existing facilities, including the enlargement or improvement of dams, whether publicly
449 or privately owned, that serve to control stormwater; however, prior to adoption of any ordinance
450 pursuant to this section related to the enlargement or improvement of privately owned dams, a locality
451 shall comply with the notice provisions of § 15.2-1427 and hold a public hearing;

452 4. Facility maintenance, including the maintenance of dams, whether publicly or privately owned,
453 that serve to control the stormwater; however, prior to adoption of any ordinance pursuant to this section
454 related to the maintenance of privately owned dams, a locality shall comply with the notice provisions
455 of § 15.2-1427 and hold a public hearing;

456 5. Monitoring of stormwater control devices;

457 6. Pollution control and abatement, consistent with state and federal regulations for water pollution
458 control and abatement; and

459 7. Planning, design, land acquisition, construction, operation and maintenance activities.

460 B. The charges may be assessed to property owners or occupants, including condominium unit
461 owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and
462 shall be based upon their contributions to stormwater runoff; however, prior to adopting such a system,
463 a public hearing shall be held after giving notice as required by charter or by publishing *in a manner*
464 *gauged to ensure that the maximum number of persons within the locality are likely to be informed and*
465 *shall include at least two of the following forms of publication:* (i) a descriptive notice once a week for
466 two successive weeks prior to adoption in a newspaper with a general circulation in the locality,
467 *including such newspaper's online publication, if any,* (ii) *on any website of the locality,* (iii) *on any*
468 *public access channel operated by the locality, to be aired during prime time programming and at least*
469 *two other times during the day, or* (iv) *using any automated voice or text alert systems used by the*
470 *locality. In addition, any resident of the locality annually filing a written request for notification with*
471 *the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality*
472 *and such individual. The request shall include the resident's name, address, zip code, daytime telephone*
473 *number, and electronic mail address, if available.* The second publication of such notice shall not be
474 sooner than one calendar week after the first publication. A locality adopting such a system shall
475 provide for full waivers of charges to federal, state, or local government agencies when the agency owns
476 and provides for maintenance of storm drainage and stormwater control facilities or is a unit of the
477 locality administering the program. A locality shall also provide full waivers of charges for roads and
478 public street rights-of-way that are owned and maintained by state or local agencies. A locality adopting
479 such a system may also provide for full or partial waivers of charges to any person who develops,
480 redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in
481 post-development stormwater flow and pollutant loading. The locality shall base the amount of the
482 waiver in part on the percentage reduction in both stormwater flow and pollutant loading, from
483 predevelopment to postdevelopment. No locality shall provide a waiver to any person who does not
484 obtain a stormwater permit from the Department of Environmental Quality when such permit is required
485 by statute or regulation. A locality adopting such a system may also provide for full waiver of charges
486 to cemeteries. Income derived from service charges may not exceed the actual costs incurred by a
487 locality operating under the provisions of this title.

488 C. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of
489 infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall

include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

D. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

E. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the existence of the proposed plans, ordinances, or amendments and shall include at least two of the following forms of publication: (i) once a week for two successive weeks in some newspaper published or having general circulation in the locality; ~~however, the~~ including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. The notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper or other method of notice selected by the local planning commission or governing body. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as above required, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map

classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as above required, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) of this chapter where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

§ 15.2-2214. Meetings.

The local planning commission shall fix the time for holding regular meetings. The commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and

other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be ~~inserted~~ *published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper having general circulation in the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. Notice shall be published as provided above at least seven days prior to the first meeting held pursuant to the adopted schedule.*

Commissions shall meet at least every two months. However, in any locality with a population of not more than 7,500, the commission shall be required to meet at least once each year.

Special meetings of the commission may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

§ 15.2-2316.2. Localities may provide for transfer of development rights.

A. Pursuant to the provisions of this article, the governing body of any locality by ordinance may, in order to conserve and promote the public health, safety, and general welfare, establish procedures, methods, and standards for the transfer of development rights within its jurisdiction. Any locality adopting or amending any such transfer of development rights ordinance shall give notice and hold a public hearing in accordance with § 15.2-2204 prior to approval by the governing body.

B. Any proposed transfer of development rights shall only be initiated upon application by the property owners of both the sending and receiving properties. A locality may not require property owners to transfer development rights as a condition of the development of any property.

C. Prior to any transfer of development rights, a locality shall adopt an ordinance based on findings of public benefit. Such ordinance shall provide for:

1. The issuance and recordation of the instruments necessary to sever development rights from the sending property and to affix development rights to the receiving property. These instruments shall be executed by the affected property owners and lienholders. The instruments shall identify the development rights being transferred, identification of the sending property and the receiving property;

2. The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner;

3. The severance of transferable development rights from the sending property and the transfer of development rights to a receiving property;

4. The purchase, sale, exchange, or other conveyance of transferable development rights prior to the rights being affixed to a receiving property;

5. A system for monitoring the severance, ownership, assignment, and transfer of transferable development rights;

6. A map or other description of areas designated as sending and receiving areas for the transfer of development rights between properties;

7. The identification of parcels, if any, within a receiving area that are inappropriate as receiving properties;

8. The ordinance shall include permitted uses and the maximum increases in density in the receiving area;

9. The minimum acreage of a sending property and the minimum reduction in density of the sending property that may be conveyed in a transfer of development rights;

10. An assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area;

11. The review of an application by the planning commission or its agent to determine whether the application complies with the provisions of the ordinance. The application shall be deemed approved upon the determination of compliance with the ordinance and upon recordation of the instrument transferring the development rights in the land records of the office of the circuit court clerk for the locality; and

674 12. Such other provisions as the locality deems necessary to aid in the implementation of the
675 provisions of this article.

676 D. The ordinance may provide for the allowance for residential density to be converted to an
677 increase in the square feet of a commercial, industrial or other use on the receiving property.

678 E. Development rights made transferable pursuant to this article shall be interests in real property and
679 shall be considered as such for purposes of conveyance and taxation. Once an application has been
680 approved and a deed of transferable development rights created pursuant to this article has been sold,
681 conveyed, or otherwise transferred by the owner of the sending property, the transfer of development
682 rights shall vest in the grantee and may be transferred to a successor in interest. Any transfer of the
683 development rights to a different property in a receiving area shall be subject to review pursuant to the
684 provisions of the ordinance adopted pursuant to provision 11 of subsection C.

685 F. For the purposes of ad valorem real property taxation, the value of a transferable development
686 right shall be deemed appurtenant to the sending property until the transferable development right is
687 recorded as a distinct interest in real property with the appropriate tax assessor or the transferable
688 development right is used at a receiving property and becomes appurtenant thereto.

689 G. Approved transfers of development rights shall become effective upon the recording of the
690 conveyance and the filing of a certified copy of such recording with the local governing body of the
691 locality.

692 H. Localities shall incorporate the map identified in provision 6 of subsection C into the
693 comprehensive plan.

694 I. No amendment to the zoning map, nor any amendments to the text of the zoning ordinance with
695 respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or
696 materially restrict, reduce, or modify the uses, or the density of use permitted in the zoning district
697 applicable to any property to which development rights have been transferred, shall be effective with
698 respect to such property unless there has been mistake, fraud, or a change in circumstances substantially
699 affecting the public health, safety, or welfare.

700 J. A county adopting an ordinance pursuant to this article may designate eligible receiving areas in
701 any incorporated town within such county, if the governing body of the town has also amended its
702 zoning ordinance to designate the same areas as eligible to receive density being transferred from
703 sending areas in the county.

704 K. Any county and an adjacent city may enter voluntarily into an agreement to permit the county to
705 designate eligible receiving areas in the city if the governing body of the city has also amended its
706 zoning ordinance to designate the same areas as eligible to receive density being transferred from
707 sending areas in the county. The city council shall designate areas it deems suitable as receiving areas
708 and shall designate the maximum increases in density in each such receiving area. However, if any such
709 agreement contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.),
710 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or
711 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process
712 established by Chapter 34 (§ 15.2-3400 et seq.).

713 1. The terms and conditions of the density transfer agreement as provided in this subsection shall be
714 determined by the affected localities and shall be approved by the governing body of each locality
715 participating in the agreement, provided the governing body of each such locality first holds a public
716 hearing, which shall be advertised *in a manner gauged to ensure that the maximum number of persons*
717 *within the locality are likely to be informed and shall include at least two of the following forms of*
718 *publication: (i) once a week for two successive weeks in a newspaper of general circulation in the*
719 *locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on*
720 *any public access channel operated by the locality, to be aired during prime time programming and at*
721 *least two other times during the day, or (iv) using any automated voice or text alert systems used by the*
722 *locality. In addition, any individual annually filing a written request for notification with the locality*
723 *shall be provided notice by the locality in a manner mutually agreed upon by the locality and such*
724 *individual. The request shall include the resident's name, address, zip code, daytime telephone number,*
725 *and electronic mail address, if available.*

726 2. The governing bodies shall petition a circuit court having jurisdiction in one or more of the
727 localities for an order affirming the proposed agreement. The circuit court shall be limited in its decision
728 to either affirming or denying the agreement and shall have no authority, without the express approval
729 of each local governing body, to amend or change the terms or conditions of the agreement, but shall
730 have the authority to validate the agreement and give it full force and effect. The circuit court shall
731 affirm the agreement unless the court finds either that the agreement is contrary to the best interests of
732 the Commonwealth or that it is not in the best interests of each of the parties thereto.

733 3. The agreement shall not become binding on the localities until affirmed by the court under this
734 subsection. Once approved by the circuit court, the agreement shall also bind future local governing
735 bodies of the localities.

§ 15.2-2400. Creation of service districts.

Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create service districts within the locality or localities in accordance with the provisions of this article. Service districts may be created to provide additional, more complete or more timely services of government than are desired in the locality or localities as a whole.

Any locality seeking to create a service district shall have a public hearing prior to the creation of the service district. Notice of such hearing shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the proposed creation of a service district and shall include at least two of the following forms of publication: (i) once a week for three consecutive weeks in a newspaper of general circulation within the locality, and the including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any individual annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. The hearing shall be held no sooner than ten days after the date the second notice appears in the newspaper.*

§ 15.2-2401. Creation of service districts by court order in consolidated cities.

In any city which results from the consolidation of two or more localities, service districts may, in addition to the method prescribed in § 15.2-2400, be created by order of the circuit court for the city upon the petition of fifty voters of the proposed district, which order shall prescribe the metes and bounds of the district.

Upon the filing of a petition the court shall fix a date for a hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the proposed creation of a service district and shall include at least two of the following forms of publication: (i) once a week for three consecutive weeks in a newspaper of general circulation within the city, and the including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. The hearing shall not be held sooner than ten days after the last publication. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein.*

Upon the petition of the city council and of not less than 50 voters of the territory proposed to be added, or if such territory contains less than 100 voters, of fifty percent of the voters of such territory, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court for the city which order shall prescribe the metes and bounds of the territory so added.

§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated.

A brief synopsis of the budget which, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once in a newspaper having general circulation in the locality affected, and including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. The notice given of one or more public hearings, at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. Any locality not having a newspaper of general circulation may in lieu of the foregoing notice newspaper publication option, provide for notice by*

797 written or printed handbills, posted at such places as it may direct. The hearing shall be held at least
798 seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school
799 division budget, such hearing shall be held at least seven days prior to the approval of that budget as
800 prescribed in § 22.1-93. The governing body may adjourn such hearing from time to time. The fact of
801 such notice and hearing shall be entered of record in the minute book.

802 In no event, including school division budgets, shall such preparation, publication and approval be
803 deemed to be an appropriation. No money shall be paid out or become available to be paid out for any
804 contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or
805 monthly appropriation for such contemplated expenditure by the governing body, except funds
806 appropriated in a county having adopted the county executive form of government, outstanding grants
807 may be carried over for one year without being reappropriated.

808 § 15.2-2507. Amendment of budget.

809 A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the
810 current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any
811 such amendment which exceeds one percent of the total expenditures shown in the currently adopted
812 budget must be accomplished by publishing a notice of a meeting and a public hearing *in a manner*
813 *gauged to ensure that the maximum number of persons within the locality are likely to be informed and*
814 *shall include at least two of the following forms of publication: (i) once in a newspaper having general*
815 *circulation in that locality, including such newspaper's online publication, if any, (ii) on any website of*
816 *the locality, (iii) on any public access channel operated by the locality, to be aired during prime time*
817 *programming and at least two other times during the day, or (iv) using any automated voice or text*
818 *alert systems used by the locality. In addition, any resident of the locality annually filing a written*
819 *request for notification with the locality shall be provided notice by the locality in a manner mutually*
820 *agreed upon by the locality and such individual. The request shall include the resident's name, address,*
821 *zip code, daytime telephone number, and electronic mail address, if available. Notice shall be published*
822 *as provided above* at least seven days prior to the meeting date. The notice shall state the governing
823 body's intent to amend the budget and include a brief synopsis of the proposed budget amendment. Any
824 local governing body may adopt such amendment at the advertised meeting, after first providing a public
825 hearing during such meeting on the proposed budget amendments.

826 B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-1636.13
827 through 15.2-1636.17 every county and city shall appropriate as part of its annual budget or in
828 amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers
829 that are not less than those established for such offices in the locality by the Compensation Board
830 pursuant to applicable law or, in the event of an appeal pursuant to § 15.2-1636.9, by the circuit court in
831 accordance with the provisions of that section.

832 § 15.2-2606. Public hearing before issuance of bonds.

833 A. Notwithstanding any contrary provision of law, general or special, but subject to subsection B of
834 this section, before the final authorization of the issuance of any bonds by a locality, the governing body
835 of the locality shall hold a public hearing on the proposed bond issue. Notice of the hearing shall be
836 published *in a manner gauged to ensure that the maximum number of persons within the locality are*
837 *likely to be informed and shall include at least two of the following forms of publication: (i) once a*
838 *week for two successive weeks in a newspaper published or having general circulation in the locality,*
839 *including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any*
840 *public access channel operated by the locality, to be aired during prime time programming and at least*
841 *two other times during the day, or (iv) using any automated voice or text alert systems used by the*
842 *locality. In addition, any resident of the locality annually filing a written request for notification with*
843 *the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality*
844 *and such individual. The request shall include the resident's name, address, zip code, daytime telephone*
845 *number, and electronic mail address, if available. The notice shall state the general purpose or purposes*
846 *and the estimated maximum amount of the bonds proposed to be issued and shall specify the time and*
847 *place of the hearing at which persons may appear and present their views. The hearing shall not be held*
848 *less than six nor more than twenty-one days after the date the second notice appears in the newspaper.*

849 B. No notice or public hearing shall be required for (i) bonds which have been approved by a
850 majority of the voters of the issuing locality voting on the issuance of such bonds or (ii) obligations
851 issued pursuant to §§ 15.2-2629, 15.2-2630 or § 15.2-2643.

852 § 15.2-3107. Publication of agreed boundary line.

853 Before adopting an agreement pursuant to § 15.2-3106, each governing body shall advertise its
854 intention to approve such an agreement *in a manner gauged to ensure that the maximum number of*
855 *persons within the locality are likely to be informed and shall include at least two of the following*
856 *forms of publication: (i) at least once a week for two successive weeks in a newspaper having general*
857 *circulation in its locality, and such notice including such newspaper's online publication, if any, (ii) on*
858 *any website of the locality, (iii) on any public access channel operated by the locality, to be aired*

during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. Such notice shall include a descriptive summary of the proposed agreement. The summary shall describe the new boundary, but need not include a metes and bounds description. The publication shall include a statement that a copy of the agreement is on file in the office of the clerk of the governing body which is considering the proposed agreement. A joint publication of the proposed agreement by the localities which otherwise meets the requirements of this section shall satisfy this requirement. If joint publication is used, the publication costs shall be apportioned between the participating localities in the manner agreed upon by them. After providing the notice required by this section, each locality shall hold at least one public hearing on the agreement prior to its adoption.

§ 15.2-3400. Voluntary settlements among local governments.

Recognizing that the localities of the Commonwealth may be able to settle the matters provided for in this subtitle through voluntary agreements and further recognizing that such a resolution can be beneficial to the orderly growth and continued viability of the localities of the Commonwealth the following provisions are made:

1. Any locality may enter voluntarily into agreement with any other locality or combination of localities whereby any rights provided for its benefit in this subtitle may be modified or waived in whole or in part, as determined by its governing body, provided that the modification or waiver does not conflict with the Constitution of Virginia.

2. The terms of the agreement may include fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements and arrangements for infrastructure, revenue and economic growth sharing, provisions for the acceptance on each other's behalf of proffered conditions under § 15.2-2298 or 15.2-2303, dedication of all or any portion of tax revenues to a revenue and economic growth sharing account, boundary line adjustments, acquisition of real property and buildings and the joint exercise or delegation of powers as well as the modification or waiver of specific annexation, transition or immunity rights as determined by the local governing body including opposition to petitions filed pursuant to § 15.2-3203, and such other provisions as the parties deem in their best interest. The terms of the agreement may also provide for subsequent court review, instituted pursuant to provisions contained in the agreement, by a special court convened under Chapter 30 (§ 15.2-3000 et seq.) of this title.

3. If a voluntary agreement is reached pursuant to this chapter, the governing bodies shall present to the Commission the proposed settlement. The Commission shall conduct a hearing pursuant to subsection A of § 15.2-2907. The Commission shall report, in writing, its findings and recommendations as to whether the proposed settlement is in the best interest of the Commonwealth. Such report shall not be binding upon any court but shall be advisory in nature only.

4. Upon receipt of the Commission report, the localities, by ordinance passed by a recorded affirmative vote of a majority of the members of each governing body thereof, may adopt either the original or a modified agreement acceptable to all parties. Before adopting such ordinance each local governing body shall advertise its intention to approve such agreement, or modified agreement, in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) at least once a week for two successive weeks in a newspaper having a general circulation in its jurisdiction and such advertisements, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. Such advertisements shall contain a descriptive summary of the agreement or modified agreement. Each locality shall hold at least one public hearing on the agreement or modified agreement prior to the adoption of the ordinance. The publication shall include a statement that a copy of the agreement, or modified agreement, is on file in the office of the clerk of the circuit court for each of the affected jurisdictions.

5. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed settlement. The circuit court with which the petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall be limited in its decision to either affirming or denying the voluntary agreement and shall have no authority, without the express

approval of each local governing body, to amend or change the terms or conditions of the agreement, but shall have the authority to validate the agreement and give it full force and effect. The court shall affirm the agreement unless the court finds either that the agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests of each of the parties thereto. In determining whether such agreement should be affirmed, the court shall consider, among other things, whether the interest of the Commonwealth in promoting orderly growth and the continued viability of localities has been met. If the agreement is validated and provides for annexation by a city or town, the agreement shall take effect on the first day of the month succeeding validation of the agreement unless the agreement stipulates that the annexation shall be effective on some other date.

6. The agreement shall not become binding on the localities until affirmed by the special court under this section. Once approved by the special court, the agreement shall also bind future local governing bodies of the localities.

7. The applicable provisions of this chapter shall be deemed to have been met with regard to any voluntary fiscal agreement or voluntary agreement in settlement of an annexation, transition or immunity petition or voluntary settlement agreement entered into pursuant to this chapter (i) which was entered into before July 1, 1990, (ii) which had been reviewed or was in the process of review by the Commission on Local Government on or before July 1, 1990, (iii) which had been or was the subject of review by a special court convened under Chapter 30 of this title on or before July 1, 1990, or (iv) which had been or was approved by a special court convened under Chapter 30 of this title on or before July 1, 1990.

8. The provisions of § 15.2-3226 shall apply when a voluntary agreement made under this section includes the annexation of territory by a city or town. No election for members of council shall be held as a result of such annexation unless the city or town increases its population by more than five percent due to the annexation.

§ 15.2-3537. Publication of consolidation agreement.

Each locality which is a party to a consolidation agreement shall cause a copy of the consolidation agreement, or a descriptive summary of the agreement and a reference to the place in the locality where a copy of the agreement may be examined, to be published in its locality *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) at least once a week for four successive weeks in a newspaper having a general circulation in the locality, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.*

§ 15.2-3913. Public hearing on charter; notice and publication; adoption of charter by governing body.

Upon the completion of the proposed charter the governing body shall hold a public hearing at which the citizens shall have an opportunity to be heard with respect thereto. Notice of the time and place of such hearing and the text of the charter, or an informative summary thereof, shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper of general circulation in the county at least once a week for two successive weeks, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.* The hearing shall not be held sooner than thirty days subsequent to the first publication. Such hearing may be adjourned from time to time, but shall be completed not less than thirty days before the election. Upon completion of the hearing the governing body shall adopt the charter with such revisions as it may accept.

§ 15.2-4528. Procedures.

A. To assure that the planning process specified in § 15.2-4527 is effectively and efficiently utilized, the commission shall conform to the following procedures and may prescribe such additional procedures as it deems advisable:

1. Commission meetings shall be held at least monthly and more often in the discretion of the commission, as the proper performance of its duties requires.

2. At such meetings the commission shall receive and consider reports from:

a. Its members who are also members of an agency, as to the status and progress of the work of such agency, and if the commission deems that such reports are of concern to them, shall fully inform its component governments, committees, and the Commonwealth Transportation Board with respect thereto, as a means of developing the informed views requisite for sound policy-making; and

b. Its members, technical and other committees, members of the governing bodies of the component governments and consultants, presenting and analyzing studies and data on matters affecting the making of policies and decisions on a transportation plan and the implementation thereof.

3. The objective of the procedures herein specified is to develop agreement, based on the best available information, among the district commission, the governing bodies of the component governments, the Commonwealth Transportation Board and an interstate agency with respect to the various factors which affect the making of policies and decisions relating to a transportation plan and the implementation thereof. If any material disagreements occur in the planning process with respect to objectives and goals, the evaluation of basic data or the selection of criteria and standards to be applied in the planning process, the commission shall exert its best efforts to bring about agreement and understanding on such matters. The commission, in its discretion, may hold hearings in an effort to resolve any such basic controversies.

4. Before a transportation plan is adopted, altered, revised or amended by the commission or by an agency on which it is represented, the commission shall transmit such proposed plan, alteration, revision or amendment to the governing bodies of the component governments, to the Commonwealth Transportation Board, and to its technical committees and shall release to the public information with respect thereto. A copy of the proposed transportation plan, amendment or revision, shall be kept at the commission office and shall be available for public inspection. Upon thirty days' notice, *a public hearing shall be held on the proposed plan, alteration, revision or amendment, which notice shall be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) once a week for two successive weeks in one or more newspapers of general circulation within the transportation district, ~~a public hearing shall be held on the proposed plan, alteration, revision or amendment including such newspaper's online publication, if any,~~ (ii) *on any website of the locality,* (iii) *on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or* (iv) *using any automated voice or text alert systems used by the locality. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.* The thirty days' notice period shall begin to run on the first day the notice appears in any ~~such newspaper~~ *publication method required above.* The commission shall consider the evidence submitted and statements and comments made at such hearings and, if objections in writing to the whole or any part of the plan are made by the governing body of any component government, or by the Commonwealth Transportation Board, or if the commission considers any written objection made by any other person, group or organization to be sufficiently significant, the commission shall reconsider the plan, alteration, revision or amendment. If, upon reconsideration, the commission agrees with the objection, then the commission shall make appropriate changes to the proposed plan, alteration, revision or amendment, and may adopt them without further hearing. If, upon reconsideration, the commission disagrees with the objection, the commission may adopt the plan, alteration, revision or amendment. No facilities shall be located in and no service rendered, however, within any county or city which does not execute an appropriate agreement with the commission or with an interstate agency as provided in § 15.2-4521; but in such case, the commission shall determine whether the absence of such an agreement so materially and adversely affects the feasibility of the transportation plan as to require its modification or abandonment.

§ 15.2-5104. Advertisement of ordinance, agreement or resolution and notice of hearing.

The governing body of each participating locality shall cause to be advertised *in such locality a copy of the ordinance, agreement, or resolution creating an authority, or a descriptive summary of the ordinance, agreement, or resolution and a reference to the place within the locality where a copy of the ordinance, agreement, or resolution can be obtained, and notice of the day, not less than 30 days after publication of the advertisement, on which a public hearing will be held on the ordinance, agreement, or resolution. Such advertisement shall be in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) at least one time in a newspaper of general circulation in such locality ~~a copy of the ordinance, agreement or resolution creating an authority, or a descriptive summary of the ordinance, agreement or resolution and a reference to the place within the locality where a copy of the ordinance, agreement or resolution can be obtained, and notice of the day, not less than thirty days after publication of the advertisement, on which a public hearing will be held on the ordinance, agreement or~~

1043 resolution, including such newspaper's online publication, if any, (ii) on any website of the locality, (iii)
1044 on any public access channel operated by the locality, to be aired during prime time programming and
1045 at least two other times during the day, or (iv) using any automated voice or text alert systems used by
1046 the locality. In addition, any resident of the locality annually filing a written request for notification
1047 with the locality shall be provided notice by the locality in a manner mutually agreed upon by the
1048 locality and such individual. The request shall include the resident's name, address, zip code, daytime
1049 telephone number, and electronic mail address, if available.

1050 § 15.2-5403. Creation of electric authority; referendum.

1051 The governing body of a governmental unit may by ordinance, or the governing bodies of two or
1052 more governmental units may by concurrent ordinances or agreement authorized by ordinance of each of
1053 the respective governmental units, create an electric authority, under any appropriate name and title
1054 containing the words "electric authority." Upon compliance with the provisions of this section and
1055 §§ 15.2-5404 and 15.2-5405, the authority shall be a political subdivision of the Commonwealth and a
1056 body politic and corporate. Any such ordinance shall be adopted in accordance with applicable general
1057 or special laws or charter provisions providing for the adoption of ordinances of the particular
1058 governmental unit, and shall be published in a manner gauged to ensure that the maximum number of
1059 persons within the locality are likely to be informed and shall include at least two of the following
1060 forms of publication: (i) once a week for two successive weeks prior to adoption in a newspaper of
1061 general circulation within the governmental unit, including such newspaper's online publication, if any,
1062 (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be
1063 aired during prime time programming and at least two other times during the day, or (iv) using any
1064 automated voice or text alert systems used by the locality. In addition, any resident of the locality
1065 annually filing a written request for notification with the locality shall be provided notice by the locality
1066 in a manner mutually agreed upon by the locality and such individual. The request shall include the
1067 resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.
1068 The second publication of the required notice shall not be sooner than one calendar week after the first
1069 publication.

1070 No governmental unit shall participate as a member of such an authority unless and until such
1071 participation is authorized by a majority of the voters voting in a referendum held in the governmental
1072 unit on the question of whether or not the governmental unit should participate in the authority. The
1073 referendum shall be held as provided in §§ 24.2-682 and 24.2-684. The foregoing referendum
1074 requirement shall not apply to the Town of Elkton if the Town creates an authority by an ordinance that
1075 includes articles of incorporation which comply with the provisions of § 15.2-5404 and also set forth a
1076 statement that such authority shall have only the Town as its sole member throughout its life.

1077 § 15.2-5431.5. Advertisement of resolution and notice of hearing.

1078 The governing body of the locality shall cause to be advertised a copy of the resolution creating the
1079 authority, or a descriptive summary of the resolution and a reference to the place within the locality
1080 where a copy of the resolution can be obtained, and notice of the day, not less than 30 days after
1081 publication of the advertisement, on which a public hearing will be held on the resolution. The
1082 advertisement shall be in a manner gauged to ensure that the maximum number of persons within the
1083 locality are likely to be informed and shall include at least two of the following forms of publication: (i)
1084 at least one time in a newspaper of general circulation in such locality a copy of the resolution creating
1085 the authority, or a descriptive summary of the resolution and a reference to the place within the locality
1086 where a copy of the resolution can be obtained, and notice of the day, not less than 30 days after
1087 publication of the advertisement, on which a public hearing will be held on the resolution, including
1088 such newspaper's online publication, if any, (ii) on any website of the locality, (iii) on any public access
1089 channel operated by the locality, to be aired during prime time programming and at least two other
1090 times during the day, or (iv) using any automated voice or text alert systems used by the locality. In
1091 addition, any resident of the locality annually filing a written request for notification with the locality
1092 shall be provided notice by the locality in a manner mutually agreed upon by the locality and such
1093 individual. The request shall include the resident's name, address, zip code, daytime telephone number,
1094 and electronic mail address, if available.

1095 § 15.2-5602. Creation of authorities.

1096 A. A locality may by ordinance or resolution, or two or more localities, may by concurrent
1097 ordinances or resolutions, signify their intention to create an authority under an appropriate name and
1098 title containing the word "authority." Each participating locality shall hold a public hearing, notice of
1099 which shall be given by publication in a manner gauged to ensure that the maximum number of persons
1100 within the locality are likely to be informed and shall include at least two of the following forms of
1101 publication: (i) at least once, not less than ten days prior to the date fixed for the hearing, in a
1102 newspaper having general circulation in the locality, including such newspaper's online publication, if
1103 any, (ii) on any website of the locality, (iii) on any public access channel operated by the locality, to be
1104 aired during prime time programming and at least two other times during the day, or (iv) using any

1105 *automated voice or text alert systems used by the locality. In addition, any resident of the locality*
 1106 *annually filing a written request for notification with the locality shall be provided notice by the locality*
 1107 *in a manner mutually agreed upon by the locality and such individual. The request shall include the*
 1108 *resident's name, address, zip code, daytime telephone number, and electronic mail address, if available.*
 1109 The notice shall contain a brief statement of the substance of the proposed authority, shall set forth the
 1110 proposed articles of incorporation of the authority and shall state the time and place of the public
 1111 hearing. The locality, by resolution, may call for a referendum on the question of the creation of an
 1112 authority, which shall be held as provided by § 24.2-681 et seq. When a referendum is to be held in
 1113 more than one locality, the referendum shall be held on the same date in all of such localities.

1114 B. The articles of incorporation shall set forth:

- 1115 1. The name of the authority and address of its principal office.
- 1116 2. A statement that the authority is created under this chapter.
- 1117 3. The name of each participating locality.
- 1118 4. The names, addresses and terms of office of the first members of the authority.
- 1119 5. The purpose or purposes for which the authority is to be created.

1120 C. Passage of such ordinance or resolution by the governing body or governing bodies shall
 1121 constitute the authority a body politic and corporate of the Commonwealth.

1122 D. Any locality may become a member of an existing authority, and any locality which is a member
 1123 of an existing authority may withdraw therefrom, but no locality shall be permitted to withdraw from
 1124 any authority that has outstanding obligations unless United States securities have been deposited for
 1125 their payment or without the unanimous consent of all holders of the outstanding obligations.

1126 E. Having specified the initial purpose or purposes of the authority in the articles of incorporation,
 1127 the governing bodies of the participating localities may, from time to time by subsequent ordinance or
 1128 resolution, after public hearing, modify the articles of incorporation and the purpose or purposes
 1129 specified therein. Such modification may be made either with or without a referendum.

1130 § 15.2-5702. Creation of authorities.

1131 A. A locality may by ordinance or resolution, or two or more localities may by concurrent
 1132 ordinances or resolutions, signify their intention to create a park authority, under an appropriate name
 1133 and title, containing the word "authority" which shall be a body politic and corporate.

1134 Whenever an authority has been incorporated by two or more localities, any one or more of the
 1135 localities may withdraw therefrom, but no locality shall be permitted to withdraw from any authority
 1136 that has outstanding obligations unless United States securities have been deposited for their payment or
 1137 without unanimous consent of all holders of the outstanding obligations.

1138 Other localities may join the authority as provided in the ordinances or resolutions.

1139 B. Each ordinance or resolution shall include articles of incorporation setting forth:

- 1140 1. The name of the authority and the address of its principal office.
- 1141 2. The name of each incorporating locality, together with the names, addresses and terms of office of
 1142 the first members of the board of the authority.

1143 3. The purpose or purposes for which the authority is created.

1144 C. Each participating locality shall cause to be published *a copy of the resolution creating the*
 1145 *authority, or a descriptive summary of the resolution and a reference to the place within the locality*
 1146 *where a copy of the resolution can be obtained, and notice of the day, not less than 30 days after*
 1147 *publication of the advertisement, on which a public hearing will be held on the resolution. Such*
 1148 *publication shall be in a manner gauged to ensure that the maximum number of persons within the*
 1149 *locality are likely to be informed and shall include at least two of the following forms of publication: (i)*
 1150 *at least one time in a newspaper of general circulation in its locality, a copy of the ordinance or*
 1151 *resolution together with a notice stating that on a day certain, not less than ten days after publication of*
 1152 *the notice, a public hearing will be held on such ordinance or resolution including such newspaper's*
 1153 *online publication, if any, (ii) on any website of the locality, (iii) on any public access channel operated*
 1154 *by the locality, to be aired during prime time programming and at least two other times during the day,*
 1155 *or (iv) using any automated voice or text alert systems used by the locality. In addition, any resident of*
 1156 *the locality annually filing a written request for notification with the locality shall be provided notice by*
 1157 *the locality in a manner mutually agreed upon by the locality and such individual. The request shall*
 1158 *include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if*
 1159 *available. If at the hearing substantial opposition to the proposed park authority is heard, the members*
 1160 *of the participating localities' governing bodies may in their discretion call for a referendum on the*
 1161 *question of establishing such an authority. The request for a referendum shall be initiated by resolution*
 1162 *of the governing body and filed with the clerk of the circuit court for the locality. The court shall order*
 1163 *the referendum as provided for in § 24.2-681 et seq. Where two or more localities are participating in*
 1164 *the formation of an authority the referendum, if any be ordered, shall be held on the same date in all*
 1165 *such localities so participating. In any event if ten percent of the registered voters in such locality file a*

1166 petition with the governing body at the hearing calling for a referendum such governing body shall
1167 request a referendum as herein provided.

1168 D. Having specified the initial plan of organization of the authority, and having initiated the program,
1169 the localities organizing such authority may, from time to time, by subsequent ordinance or resolution,
1170 after public hearing, and with or without referendum, specify further parks to be acquired and
1171 maintained by the authority, and no other parks shall be acquired or maintained by the authority than
1172 those so specified. However, if the governing bodies of the localities fail to specify any project or
1173 projects to be undertaken, and if the governing bodies do not disapprove any project or projects
1174 proposed by the authority, then the authority shall be deemed to have all the powers granted by this
1175 chapter.

1176 § 15.2-5711. Conveyance or lease of park to authority; contract for park services; when referendum
1177 required before certain contracts made.

1178 Each locality and other public body is hereby authorized and empowered:

1179 1. To convey or lease to any authority created hereunder, with or without consideration, any park
1180 upon such terms and conditions as the governing body thereof shall determine to be for the best
1181 interests of such locality or other public body; and

1182 2. To contract with any authority created hereunder for park services; provided, that no locality shall
1183 enter into any contract with an authority involving payments by such locality to such authority for park
1184 services which requires the locality to incur an indebtedness extending beyond one fiscal year, unless the
1185 question of entering into such contract shall first be submitted to the voters of the locality for approval
1186 or rejection by a majority vote. Nothing herein shall prevent any locality from making a voluntary
1187 contribution to any authority.

1188 In the event that a locality shall desire to contract with an authority under this subdivision, such
1189 governing body shall adopt a resolution stating in brief and general terms the substance of the proposed
1190 contract for park services and requesting the circuit court for the locality to order an election upon the
1191 question of entering into such contract. A copy of such resolution, certified by the clerk of the
1192 governing body, shall be filed with the judge of the circuit court who shall thereupon enter an order in
1193 accordance with § 24.2-681 et seq. Notice of such election entered and paid for by the locality shall be
1194 published at least *10 days before the election in a manner gauged to ensure that the maximum number*
1195 *of persons within the locality are likely to be informed and shall include at least two of the following*
1196 *forms of publication: (i) once in a newspaper of general circulation in the locality at least ten days*
1197 *before the election, including such newspaper's online publication, if any, (ii) on any website of the*
1198 *locality, (iii) on any public access channel operated by the locality, to be aired during prime time*
1199 *programming and at least two other times during the day, or (iv) using any automated voice or text*
1200 *alert systems used by the locality. In addition, any resident of the locality annually filing a written*
1201 *request for notification with the locality shall be provided notice by the locality in a manner mutually*
1202 *agreed upon by the locality and such individual. The request shall include the resident's name, address,*
1203 *zip code, daytime telephone number, and electronic mail address, if available.*

1204 The question to be submitted to the voters for determination shall include the names of the locality
1205 and the authority between whom the contract is proposed and the nature, duration and cost of such
1206 contract.