

LD6874260

HOUSE BILL NO. 1682

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on February 20, 1995)

(Patron Prior to Substitute—Delegate Hall)

A BILL to amend and reenact §§ 15.1-1400 through 15.1-1412 and 15.1-1416 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 15.1-1405.1, 15.1-1411.1, 15.1-1412.1, 36-139.6 and 36-139.7; and to repeal §§ 15.1-1414 and 36-140 of the Code of Virginia, relating to planning district commissions, the Virginia Area Development Act and the Department of Housing and Community Development.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-1400 through 15.1-1412 and 15.1-1416 of the Code of Virginia are amended and reenacted, and that the Code of Virginia amended by adding sections numbered 15.1-1405.1, 15.1-1411.1, 15.1-1412.1, 36-139.6 and 36-139.7 as follows:

§ 15.1-1400. Short title.

This chapter shall be known and may be cited as the "Virginia Area Development Act." "Regional Cooperation Act."

§ 15.1-1401. Purpose of chapter.

This chapter is enacted:

(a)1. To improve public health, safety, convenience and welfare, and to provide for the social, economic and physical development of communities and metropolitan areas of the Commonwealth on a sound and orderly basis, within a governmental framework and economic environment which will foster constructive growth and efficient administration.

(b)2. To provide a means of coherent articulation ~~for~~ of community needs, problems, and potential for service in relation to state government.

(c)3. To foster planning for such development by encouraging the creation of effective regional planning agencies and providing the financial and professional assistance of the Commonwealth.

(d) ~~To make provision for the creation of a unit of government capable of efficiently performing governmental functions and services on a regional basis, the cost of which can be borne equitably by those receiving the benefits thereof.~~

4. To provide a forum for state and local government on issues of a regional nature.

5. To encourage regional cooperation and coordination with the goals of improved services to citizens and increased cost-effectiveness of governmental activities.

(e)6. To deter the fragmentation of governmental units and services.

§ 15.1-1402. Definitions.

For the purposes of this chapter:

(g) "Commission" ~~shall mean~~ means the planning district commission and is composed of the duly appointed representatives of the governmental subdivisions which are parties to the charter agreement.

(e) "Governing body" ~~shall include~~ includes the board of supervisors of a county, the council of a city or town, the board of commissioners or other board or body in which the powers of a political subdivision are vested by law.

(e) "Governmental subdivision" ~~shall mean~~ means the counties, cities and towns of this Commonwealth.

(a) "Planning district" ~~shall mean~~ means a contiguous area within the boundaries established by the Department of Housing and Community Development.

(d) "Political subdivisions" ~~shall include~~ includes the governmental subdivisions, sanitary, sanitation and transportation districts, authorities and other such public bodies created under the laws of this Commonwealth.

(f) "Population," unless a different census is clearly set forth, ~~shall mean~~ means the number of inhabitants according to the United States census latest preceding the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available an annual estimate of population prepared by the Weldon Cooper Center for Public Service of the University of Virginia, which has been filed with the Department of Housing and Community Development, in which event the estimate shall govern.

(b) "Service district" ~~shall mean~~ a unit of government created as provided in this chapter.

§ 15.1-1403. Organization of planning district commission.

(a)A. At any time after the establishment of the geographic boundaries of a planning district, the governmental subdivisions embracing at least forty-five percent of the population within the district acting by the governing body may organize a planning district commission by written agreement among

60 them. Any governmental subdivision not a party to such charter agreement shall continue as a part of
61 the planning district but, until such time as such governmental subdivision elects to become a part of the
62 planning district commission as hereinafter provided, shall not be represented in the composition of the
63 membership of the planning district commission. Whenever a planning district is created which contains
64 only two counties, the governing body of either county may organize a planning district commission in
65 accordance with the provisions of this chapter if the governing body of the other county does not agree
66 to organize such a planning district commission.

67 ~~(b)~~B. The charter agreement shall set forth:

68 ~~(1)~~1. The name of the planning district.

69 ~~(2)~~2. The governmental subdivision in which its principal office shall be situated.

70 ~~(3)~~3. The effective date of the organization of the planning district commission.

71 ~~(4)~~4. The composition of the membership of the planning district commission. At least a majority of
72 its members shall be elected officials of the governing bodies of the governmental subdivisions within
73 the district, or members of the General Assembly, with each county, city and town of more than 3,500
74 population having at least one representative. *A planning district commission may be composed solely of*
75 *local government elected officials if the commission so chooses.* In any planning district other than
76 planning district number 23, a town of 3,500 or less population may petition the planning district
77 commission to be represented thereon. The planning district commission may, in its discretion, grant
78 representation to such town by a majority vote of the members of the commission. Other members shall
79 be qualified voters and residents of the district ~~who hold no office elected by the people~~. Should the
80 charter agreement, as adopted, so provide, an alternate may serve in lieu of one of the elected officials
81 of each of the governing bodies of the participating governmental subdivisions.

82 ~~(5)~~5. The term of office of the members, their method of selection or removal and the method for
83 the selection and the term of office of a chairman.

84 ~~(6)~~6. The voting rights of members, and such voting rights need not be equal and may be weighed
85 on the basis of the population of the governmental subdivision represented by the member, the
86 aggregation of the voting rights of members representing one governmental subdivision, or otherwise.

87 ~~(7)~~7. The procedure for amendment, for addition of other governmental subdivisions within the
88 planning district which are not parties to the original charter agreement, and the withdrawal from the
89 charter agreement by governmental subdivisions within the planning district electing to do so.

90 ~~(c)~~C. The governing body of any governmental subdivision which is a member of the planning
91 district commission may provide for compensation to be paid by it for its commission members, except
92 for any full-time salaried employees of the subdivision. The amount of such compensation shall not
93 exceed the amount fixed by the planning district commission.

94 § 15.1-1403.1. Disposition of earnings and assets of planning district commissions.

95 No part of the net earnings of the ~~Fifth and Fifteenth District Planning Commissions~~ *any planning*
96 *district commission*, organized under the provisions of this chapter, shall inure to the benefit of, or be
97 distributable to, any of its members, officers or other private persons, other than its member
98 governmental subdivisions as hereinafter provided; ~~and except that; however, the Fifth and Fifteenth~~
99 ~~District Planning Commissions shall be authorized and empowered to~~ *commission may pay reasonable*
100 *compensation for services rendered and to make payments and distributions in furtherance of the*
101 *purposes of a planning district commission as set forth in this chapter and in its charter and bylaws.*
102 *Upon the dissolution or termination of existence of the Fifth and Fifteenth District Planning*
103 ~~Commissions~~ *any planning district commission*, it shall, after paying or making provisions for the
104 payment of all of its liabilities, distribute all of its assets to its member governmental subdivisions, pro
105 rata, based upon the ~~population of each such governmental subdivision~~ *formula used to determine local*
106 *government dues to the commission.*

107 § 15.1-1404. Powers of commission generally.

108 ~~(a)~~A. Upon organization of a planning district commission, pursuant to charter agreement, it shall be
109 a public body corporate and politic, the purposes of which shall be to perform the planning and other
110 functions provided by this chapter, and it shall have the power to perform such functions and all other
111 powers incidental thereto.

112 ~~(b)~~B. Without in any manner limiting or restricting the general powers conferred by this chapter, the
113 planning district commission shall have power:

114 ~~(1)~~1. To adopt and have a common seal and to alter the same at pleasure.

115 ~~(2)~~2. To sue and be sued.

116 ~~(3)~~3. To adopt bylaws and make rules and regulations for the conduct of its business; ~~provided,~~
117 *however, a planning district commission shall not amend its budget once adopted during the applicable*
118 *fiscal year except pursuant to an affirmative vote of the same number of the entire membership of the*
119 *planning district commission required to adopt the budget.*

120 ~~(4)~~4. To make and enter into all contracts or agreements, as it may determine, which are necessary or
121 incidental to the performance of its duties and to the execution of the powers granted under this chapter.

~~(5)~~5. To make application for and to accept, disburse and administer, for itself or for member governmental subdivisions so requesting, loans and grants of money or materials or property at any time from any private or charitable source or the United States of America or the Commonwealth of Virginia, or any agency or instrumentality thereof.

~~(6)~~6. To exercise any power usually possessed by private corporations, including the right to expend such funds as may be considered by it to be advisable or necessary in the performance of its duties and functions.

~~(7)~~7. To employ engineers, attorneys, planners, such other professional experts and consultants and such general and clerical employees as may be deemed necessary, and to prescribe their powers and duties and fix their compensation.

~~(8)~~8. To do and perform any acts and things authorized by this chapter through or by means of its own officers, agents and employees, or by contracts with any persons, firms or corporations.

~~(9)~~9. To execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this chapter.

~~(10)~~10. To create an executive committee which may exercise the powers and authority of the planning district commission under this chapter. The chairman of the planning district commission shall serve as a member and as the chairman of the executive committee. The composition of the remaining membership of the executive committee, the term of office of its members and any alternate members, their method of selection or removal, the voting rights of members, procedures for the conduct of its meetings, and any limitations upon the general authority of the executive committee shall be established by the bylaws of the planning district commission. Any planning district commission may establish such other special and standing committees, advisory, technical, or otherwise, as it shall deem desirable for the transaction of its affairs.

§ 15.1-1404.1. Additional powers of planning district commissions.

The Fifth and Fifteenth District Planning Commissions, organized under the provisions of this chapter, Planning district commissions shall have the power, in addition to and not in limitation of all other powers granted by this chapter:

1. To acquire, lease, sell, exchange, donate and convey any or all of its projects, property or facilities in furtherance of the purposes of planning district commissions as set forth in this chapter, including this section;

2. To issue its bonds, notes or other evidences of indebtedness, whether payable solely out of the revenues and receipts derived or to be derived from the leasing, sale or other disposition or use of such projects, property or facilities or otherwise, for the purpose of carrying out any of its powers or purposes set forth in this chapter, including this section; and

3. As security for the payment of the principal of and premium, if any, and interest on any such bonds, notes or other evidences of indebtedness, to mortgage and pledge any or all of its projects, property or facilities or any part or parts thereof and to pledge the revenues therefrom or from any part thereof.

§ 15.1-1405. Purpose of commission.

~~(a)~~A. It shall be is the purpose of the planning district commission to *encourage and facilitate local government cooperation in addressing on a regional basis problems of greater than local significance. The cooperation resulting from this Act is intended to assist local governments in meeting their own problems by enhancing their abilities to recognize and analyze regional opportunities and take account of regional influences in planning and implementing their public policies and services. Functional areas warranting regional cooperation may include, but shall not be limited to: (i) economic and physical infrastructure development; (ii) solid waste, water supply and other environmental management; (iii) transportation; (iv) criminal justice; (v) emergency management; (vi) human services; and (vii) recreation.*

Types of regional cooperative arrangements that commissions may pursue include but are not limited to: (i) the facilitation of revenue sharing agreements; (ii) joint service delivery approaches; (iii) joint government purchasing of goods and services; (iv) regional data bases; and (v) regional plans.

B. The planning district commission shall also promote the orderly and efficient development of the physical, social and economic elements of the district by planning, and encouraging and assisting governmental subdivisions to plan, for the future ~~and, if~~. If requested by a member governmental subdivision or group of member governmental subdivisions and to the extent the commission may elect to act, ~~assisting the commission shall assist~~ the subdivisions by carrying out plans and programs for the improvement and utilization of ~~said~~ the elements. The commission shall not, however, have a legal obligation to perform the functions necessary to implement the plans and policies established by it or to furnish governmental services to the district.

C. The authority of the commission ~~shall include~~ includes the power, to the extent the commission may from time to time determine, to exercise such power when requested to do so by a member

governmental subdivision or group of member governmental subdivisions, (i) to participate in the creation or organization of nonprofit corporations to perform functions or operate programs in furtherance of the purposes of this chapter; (ii) to perform such functions and to operate such programs itself; (iii) to contract with nonprofit entities, including local governments, performing such functions or operating such programs to provide administrative, management, and staff support, accommodations in its offices, and financial assistance; and (iv) to provide financial assistance, including matching funds, to interdistrict entities which perform governmental or quasi-governmental functions directly benefiting the commission's district and which are organized under authority of the Commonwealth or of the federal government.

D. Nothing herein shall be construed to permit the commission to perform functions, operate programs, or provide services within and for a governmental subdivision if the governing body of that jurisdiction opposes its doing so.

(a1) No action of a planning district commission shall affect the powers and duties provided to local planning commissions by law, except as a special case recognized and approved as such by the General Assembly, two such special cases being the LENOWISCO (Lee, Norton, Wise, Scott, and Big Stone Gap) Planning District Commission of Southwest Virginia, and the Cumberland Plateau (Buchanan, Dickenson, Russell and Tazewell) Planning District Commission.

(b) The following functions may be assumed by the LENOWISCO (Lee, Norton, Wise, Scott, and Big Stone Gap) Planning District Commission.

The authority conferred by this subsection is contingent upon its ratification by resolution of the governing body of each member governmental subdivision of the planning district. This shall not apply to any function assumed prior to January 1, 1975.

1. To carry out a program of small stream maintenance for purposes of environmental improvement and minor flood control and to have the authority to own and operate equipment and own properties necessary to undertake such a program. Any and all such stream improvements and flood control measures shall be coordinated with the Department of Game and Inland Fisheries, State Water Control Board, and Division of Parks and Recreation, as they relate to the quality or quantity of water and aquatic life in the streams affected, or related to land resources. Official agency views regarding improvement and control measures shall be drafted and provided to the LENOWISCO Planning District Commission.

2. To operate a solid waste disposal program, including: (i) the operation of an experimental rural solid waste collection system; (ii) a junk or abandoned car collection and disposal program; or (iii) a program to eliminate promiscuous dumps; and to have the authority to own and operate equipment and own properties necessary to undertake such a program.

(b1) The Cumberland Plateau Planning District Commission may assume the following functions, and shall have the authority to own and operate the equipment and properties necessary to carry out such functions:

1. To carry out a program of small stream maintenance for purposes of environmental improvement and minor flood control; any and all such stream improvements and flood control measures shall be coordinated with the Department of Game and Inland Fisheries, State Water Control Board, and Division of Parks and Recreation, as they relate to the quality or quantity of water and aquatic life in the streams affected, or related to land resources. Official agency views regarding improvement and control measures shall be drafted and provided to the Cumberland Plateau Planning District Commission.

2. To operate a tanker truck water supply and street cleaning system for public bodies and industries in the Cumberland Plateau Planning District experiencing drought and water shortage.

3. To operate a program of assistance to local governments in site preparation of public land to accommodate public improvements, including site preparation for industry and recreation.

4. To aid public water and sewer development by installing, repairing and taking out pipelines, and by detecting and correcting sewer infiltration.

5. To operate programs for elimination of promiscuous dumps and other environmental clean-up activities as determined by local governments.

6. To engage in construction and repair work on roads and streets not in the State Highway System or the secondary system of highways.

7. To undertake other public works activities as requested by member local governments.

8. To undertake the above functions within other areas of the Commonwealth on the request of the town and county or city, and the planning district commission, within which the function is to be performed.

The authority conferred by this subsection is contingent upon its ratification by resolution of the governing body of each member governmental subdivision of the planning district.

(c) The aforementioned programs in subsections (b) and (b1) shall not be undertaken by the planning district commission within the boundaries of any county, city or town in the district without the express consent by duly adopted resolution of the governing body of the county, city or town.

§ 15.1-1405.1. General duties of planning district commissions.

Planning district commissions shall have the following duties and authority:

1. To conduct studies on issues and problems of regional significance;
2. To identify and study potential opportunities for local cost savings and staffing efficiencies through coordinated local government efforts;
3. To identify mechanisms for the coordination of local interests on a regional basis;
4. To implement services upon request of member local governments;
5. To provide technical assistance to local governments;
6. To serve as a liaison between local governments and state agencies as requested;
7. To review local government aid applications as required by § 15.1-1410 and other state or federal law or regulation;
8. To conduct strategic planning for the region as required by §§ 15.1-1406 through 15.1-1409;
9. To develop regional functional area plans as deemed necessary by the commission or as requested by member local governments;
10. To assist state agencies, as requested, in the development of substate plans;
11. To participate in a statewide geographic information system, the Virginia Geographic Information Network, as directed by the Department of Planning and Budget; and
12. To collect and maintain demographic, economic and other data concerning the region and member local governments, and act as a state data center affiliate in cooperation with the Virginia Employment Commission.

§ 15.1-1406. Preparation and adoption of regional strategic plan.

(a) ~~Each~~A. Except in planning districts in which regional planning is conducted by multi-state councils of government, each planning district commission shall ~~undertake to prepare a comprehensive regional strategic plan for the guidance of the development of the district. Such~~ The plan shall concern those elements which are of importance in more than one of the governmental subdivisions within the district, as distinguished from matters of only local importance. The plan shall include regional goals and objectives, strategies to meet those goals and objectives and mechanisms for measuring progress toward the goals and objectives. The ~~comprehensive strategic plan may concern such subjects shall include all subjects necessary and may be divided into such parts or sections as the planning district commission may deem desirable to promote the orderly and efficient development of the physical, social and economic elements of the district, including, but not limited to transportation, housing, economic development and environmental management. Individual parts or sections of the plan may from time to time be adopted as they are ready.~~ The plan may be divided into parts or sections as the planning district commission deems desirable. In developing the regional strategic plan, the planning district commission shall seek input from a wide range of organizations in the region, including local governing bodies, the business community and citizen organizations.

(b) ~~B.~~ Before the ~~comprehensive strategic plan, or any part thereof, shall be~~ is adopted, it shall be submitted to the Department of Housing and Community Development and to the ~~local planning commission (or, if there be none, to the governing body)~~ governing body of each governmental subdivision within the district for a period of not less than thirty days prior to a hearing to be held by the planning district commission thereon, after notice as provided in § 15.1-431. Each such local ~~planning commission governing body~~ shall make recommendations to the planning district commission with respect to the effect of the plan; ~~or part thereof,~~ within its governmental subdivision on or before the date of ~~said the~~ hearing. The Department of Housing and Community Development shall notify the planning district commission prior to the hearing as to whether the proposed strategic plan conflicts with plans of adjacent planning districts.

(c) ~~C.~~ Upon approval of the ~~comprehensive strategic plan, or part thereof,~~ by a planning district commission after ~~such a~~ public hearing, it shall be submitted to the governing body of each governmental subdivision (excluding towns of less than 3,500 population ~~unless members of the commission~~) within the district for adoption and, upon adoption thereof by the governing bodies of a majority of such governmental subdivisions, the ~~comprehensive plan, or part thereof,~~ The plan shall become effective with respect to all action of a planning district commission upon approval by the ~~planning district commission.~~ The plan shall not become effective with respect to the action of the governing body of any governmental subdivision within the district until adopted by the governing body of such governmental subdivision.

D. The adopted strategic plan shall be submitted within thirty days of adoption to the Department of Housing and Community Development for information and coordination purposes.

§ 15.1-1407. Commission and governmental subdivisions to act only in conformity with regional strategic plan.

When the ~~comprehensive strategic plan, or any completed part thereof, shall become~~ becomes effective as the district plan, the planning district commission shall not, except as provided in the plan,

306 establish any policies or take any action which, in its opinion, is not in conformity therewith. When the
307 ~~comprehensive strategic plan; or any completed part thereof, shall have become~~ *becomes* effective in
308 any governmental subdivision, ~~such the~~ governmental subdivision shall not proceed with the construction
309 of any public improvement or public institution or with the acquisition of any land for public purposes
310 or the disposition of any public lands, which construction, acquisition or disposition is in conflict with
311 the district plan.

312 § 15.1-1408. Amendment of regional strategic plan.

313 The ~~comprehensive strategic plan; or any completed part thereof,~~ may be amended in the same
314 manner as provided for the original approval and adoption of the plan ~~and parts thereof, provided;~~
315 ~~however, that .~~ However, if the planning district commission determines that a proposed amendment has
316 less than ~~district-wide~~ *districtwide* significance, such amendment may be submitted only to the ~~local~~
317 ~~planning commissions and governing bodies of those governmental subdivisions which the planning~~
318 ~~district commission shall determine~~ *determines* to be affected. *The amended strategic plan shall be*
319 *submitted within thirty days of amendment to the Department of Housing and Community Development.*

320 § 15.1-1409. Review of regional strategic plan by commission.

321 At least once every five years the ~~comprehensive regional strategic plan; or completed parts of it,~~
322 shall be ~~reviewed~~ *revised and formally approved* by ~~a the~~ planning district commission ~~to determine~~
323 ~~whether it is advisable to amend the plan.~~ *The revised plan shall not become effective with respect to*
324 *the action of the governing body of any governmental subdivision within the district until adopted by the*
325 *governing body of such governmental subdivision.*

326 § 15.1-1410. Commission to be informed of applications for state or federal aid by local governing
327 bodies.

328 (a) In each planning district in which a planning district commission has been organized, the
329 governing body of each governmental subdivision shall ~~submit to the planning district commission for~~
330 ~~review any application to agencies of the state or federal government for loans or grants-in-aid for~~
331 ~~projects before such application is made~~ *make available to the planning district commission a summary*
332 *of applications to agencies of the state or federal government for loans or grants-in-aid for local*
333 *projects. Submission of the summary of applications is for informational purposes only, unless otherwise*
334 *directed by state or federal regulations or laws.*

335 (b) The planning district commission shall advise the governmental subdivision, within ten days from
336 the date of the submission of the application, as to whether or not the proposed project, for which funds
337 are requested, has ~~district-wide~~ significance. If it does not have ~~district-wide~~ significance, the planning
338 district commission shall certify that it is not in conflict with the district plan or policies. If it does have
339 ~~district-wide~~ significance, the planning district commission shall determine, within forty days from the
340 date of the submission of the application, whether or not it is in conflict with the district plan or
341 policies. In making such determination, it may also consider whether the proposed project is properly
342 coordinated with other existing or proposed projects within the district.

343 § 15.1-1411. Cooperation and consultation with other agencies.

344 A planning district commission may cooperate with other planning district commissions, councils of
345 governments, or the legislative and administrative bodies and officials of other districts or governmental
346 subdivisions within or without a district, so as to coordinate the planning ~~and,~~ development *and services*
347 of a district with the plans *and services* of other districts and governmental subdivisions and the
348 Commonwealth. A planning district commission may appoint ~~such~~ committees and adopt ~~such~~ rules as
349 needed to effect such cooperation. A planning district commission shall also cooperate with the
350 Department of Housing and Community Development and use advice and information furnished by such
351 Department and by other state and federal officials, departments and agencies. Such Department and
352 such officials, departments and agencies having information, maps and data pertinent to the planning and
353 development of a district may make the ~~same material,~~ together with services and funds, available for
354 use of a planning district commission.

355 All agencies of the Commonwealth shall ~~consult~~ *notify* the Department of Housing and Community
356 Development prior to engaging in planning activities which will require planning district commission
357 participation. *State agencies are encouraged to use planning district commissions in the development of*
358 *regional plans and services and for data collection.*

359 § 15.1-1411.1. Annual report required.

360 Each planning district commission shall submit an annual report by September 1 to its member local
361 governments and the Department of Housing and Community Development in accordance with a format
362 prescribed by the Department. The annual report shall contain at a minimum a description of the
363 activities conducted by the planning district commission during the preceding fiscal year, including how
364 the commission met the provisions of this Act, and information showing the sources and amounts of
365 funding provided to the commission. The Department of Housing and Community Development shall
366 summarize the annual reports in a report to be distributed in accordance with § 36-139.6.

367 § 15.1-1412. State aid.

A. Upon the organization of a planning district commission, it shall be entitled to receive state financial support to assist it in carrying out its purposes. Such state aid shall be in an amount as provided in the general appropriations act. In order to be allocated such state aid, each planning district commission shall prepare and submit annually to the Governor, in such manner as he shall direct, a budget showing its estimated receipts and expenditures during the next fiscal year. After the review of such budget, the Governor with the assistance of the Department of Housing and Community Development shall, subject to the availability of funds, allocate such amount as will, in his judgment, be sufficient to enable the planning district commission to carry out its functions. *an annual report, as required in § 15.1-1411.1, which details its compliance with the provisions of this Act, and an annual work program of activities proposed for the next fiscal year.* The fiscal year of the planning district commission shall end June 30.

B. ~~In the event that~~ *If* two planning districts are merged to form one district pursuant to § 15.1-1416.1, the new district shall be entitled to receive the combined amount of aid to which the two districts it replaced separately would have been entitled *for five years from the effective date of the merger.*

§ 15.1-1412.1. Regional Cooperation Incentive Fund created; administration thereof.

A. *There is hereby created a Regional Cooperation Incentive Fund for the purpose of encouraging inter-local strategic and functional area planning and other regional cooperative activities. The Fund shall be administered by the Department of Housing and Community Development. Fund availability is subject to the Appropriations Act.*

B. *From time to time the General Assembly and the Governor may designate specific functional areas or activities which are to be given highest priority for funding, including but not limited to economic development, criminal justice, solid waste management, water supply, emergency management and transportation.*

C. *Disbursements from the Regional Cooperation Incentive Fund shall be made on a matching grant basis to planning district commissions. The Department of Housing and Community Development shall promulgate regulations for the administration of the funds, including application forms, eligibility requirements and terms and duration of grants. In establishing regulations, the following criteria shall be met:*

1. The planning district commission or member local governments must provide, at a minimum, a twenty-five percent match to the grant; and

2. Any project for which a grant is sought shall use private initiative and enterprise insofar as feasible, and emphasize coordination of available governmental and private financial and technical resources.

D. *The Department of Housing and Community Development shall require periodic reports from grant recipients concerning progress of the project and the use of funds.*

§ 15.1-1416. Dual membership authorized.

Notwithstanding any contrary provision of law, Chesterfield County, a member of the Richmond Regional Planning District Commission, may also become a member of the Crater Regional Planning District upon such terms and conditions as may be mutually agreed to. No additional state financial support shall be paid due to Chesterfield County's becoming a member of the Crater Regional Planning District.

Notwithstanding any contrary provision of law, Prince George County, a member of Crater Planning District Commission, may also become a member of the Richmond Regional Planning District upon such terms and conditions as may be mutually agreed to. No additional state financial support shall be paid due to Prince George County's becoming a member of the Richmond Regional Planning District.

Notwithstanding any contrary provision of law, Bath County, a member of the Central Shenandoah Planning District Commission, may also become a member of the Fifth Planning District upon such terms and conditions as may be mutually agreed to. No additional state financial support shall be paid due to Bath County's becoming a member of the Fifth Planning District.

Notwithstanding any contrary provision of law, Gloucester County, a member of the Middle Peninsula Planning District Commission, may also become a member of the Hampton Roads Planning District upon such terms and conditions as may be mutually agreed to. No additional state financial support shall be paid due to Gloucester County's becoming a member of the Hampton Roads Planning District.

Notwithstanding any contrary provision of law, Louisa County, a member of the Thomas Jefferson Planning District Commission, may also become a member of the Richmond Regional Planning District upon such terms and conditions as may be mutually agreed to. No additional state financial support shall be paid due to Louisa County becoming a member of the Richmond Regional Planning District.

Notwithstanding any contrary provision of law, Fauquier County, a member of the Rappahannock-Rapidan Planning District Commission, may also become a member of the Northern

429 Virginia Planning District upon such terms and conditions as may be mutually agreed to. No additional
430 state financial support shall be paid due to Fauquier County becoming a member of the Northern
431 Virginia Planning District.

432 Any local government which is a member of a planning district commission may become a member
433 of an additional planning district commission upon such terms and conditions as may be mutually
434 agreed to by the local government and the additional planning district commission. The local
435 government shall notify the Department of Housing and Community Development of its membership
436 status in the additional planning district commission within thirty days of becoming a member.
437 Whenever a state-directed activity is conducted by all the planning district commissions, the planning
438 district boundaries identified by the Department of Housing and Community Development shall be used,
439 unless alternative boundaries are agreed to by the local governments and the planning district
440 commissions affected. No additional state financial support shall be paid due to a locality becoming a
441 member of an additional planning district commission.

442 § 36-139.6. Additional powers and duties of Director; oversight of planning district commissions.

443 The Director of the Department of Housing and Community Development shall have the following
444 powers and duties relating to oversight of planning district commissions:

445 1. To recommend to the Governor the level of state general appropriation funding for each planning
446 district commission, taking into consideration the minimum funding level necessary for operation, the
447 population of each district, and other factors considered appropriate;

448 2. To distribute state general appropriation funding to planning district commissions and to
449 promulgate rules and regulations;

450 3. To administer the Regional Cooperation Incentive Fund in accordance with § 15.1-1412.1 of the
451 Code of Virginia;

452 4. To provide technical assistance to planning district commissions regarding regional approaches to
453 area-wide problems. Assistance may be initiated by the Department, individual local governments, or
454 planning district commissions;

455 5. To require the submission of annual programmatic and financial information by each planning
456 district commission in a format prescribed by the Director; and

457 6. To prepare a biennial report to the Governor and the General Assembly which identifies the
458 activities and other information deemed appropriate by the Director concerning planning district
459 commissions, including findings as to planning district commissions which are not complying with
460 Chapter 34 (§ 15.1-1400 et seq.) of Title 15.1 of the Code of Virginia. Copies of the biennial report
461 shall also be sent to the Commission on Local Government, Department of Conservation and
462 Recreation, Department of Economic Development, Department of Environmental Quality, Department of
463 Planning and Budget, Department of Transportation, Virginia Employment Commission, and others upon
464 request.

465 7. To establish the Virginia Planning District Commission Council made up of the chairman or
466 designated representative from each planning district commission to advise Department staff on
467 programs, rules and regulations for the planning district commissions. Technical committees of planning
468 district commission staff, state and local agency staff, and private sector individuals as needed, may be
469 created.

470 § 36-139.7. Boundaries of planning districts.

471 A. The Department shall review the boundaries of planning districts following every United States
472 decennial census of population. The Department shall also review the boundaries upon the request of a
473 member jurisdiction of a planning district. An initial review shall be conducted prior to July 1, 1996.
474 Upon concluding such review, the Department shall, subject to the provisions of the Administrative
475 Process Act (§ 9-6.14:1 et seq.), make adjustments to the boundaries of planning districts as it deems
476 advisable.

477 B. The Department shall consider the following criteria in making determinations as to the
478 governmental subdivisions to be included in a planning district: recognition of communities of interest
479 among the governmental subdivisions, the ease of communications and commissioner travel time,
480 metropolitan statistical area boundaries designated by the federal government, a population base
481 adequate to ensure financial viability, and geographic factors and natural boundaries. In making such
482 determination, the Department shall also consider the wishes of a governmental subdivision within or
483 surrounding a proposed planning district, as expressed by resolution of its governing body.

484 C. In conducting the boundaries review, the Department shall consult with the governing bodies of
485 the governmental subdivisions within and adjoining a planning district which is proposed to be changed
486 and shall hold such public and other hearing as it may deem advisable, provided at least one public
487 hearing shall be held in each planning district which is proposed to be changed.

488 D. To the extent practical, upon completion of a statutory review of planning district boundaries,
489 state agencies shall provide for sorting local statistical data according to planning district geography
490 for external use of information for state, regional and local strategic and economic development

491 *planning. Further, when establishing or reconfiguring substate administrative regions, state agencies*
492 *shall, to the extent practical, use planning district boundaries or multiples thereof.*
493 **2. That §§ 15.1-1414 and 36-140 of the Code of Virginia are repealed.**