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**HOUSE BILL NO. 1723**

Offered January 18, 1995

*A BILL to amend and reenact § 15.1-21 of the Code of Virginia, relating to joint exercise of powers by political subdivisions.*

Patrons—May and Katzen; Senator: Miller, K.G.

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:****1. That § 15.1-21 of the Code of Virginia is amended and reenacted as follows:**

§ 15.1-21. Joint exercise of powers by political subdivisions.

A. Any power, privilege or authority exercised or capable of exercise by any political subdivision of this Commonwealth may be exercised and enjoyed jointly with any other political subdivision of this Commonwealth having a similar power, privilege or authority except where an express statutory procedure is otherwise provided for the joint exercise.

B. Any two or more political subdivisions may enter into ~~agreements~~ *an agreement* with one another for joint action pursuant to the provisions of this section. Action by ordinance of the governing bodies of the participating political subdivisions shall approve such agreement before the agreement may enter into force. *When a participating political subdivision is not a regional government, county, city or town, the approval of the agreement shall be by resolution.*

C. The agreement shall specify the following:

1. Its duration.

2. Its purpose or purposes.

3. The manner of financing the joint undertaking and of establishing and maintaining a budget therefor.

4. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

5. All other necessary and proper matters.

D. The agreement, in addition to the items enumerated in subsection C hereof, shall contain the following:

1. Provision for an administrator or a joint board responsible for administering the undertaking. The precise organization (*which may be a separate legal entity*), composition, term, powers and duties of any administrator or joint board shall be specified.

2. The manner of acquiring, holding (including how title to such property shall be held) and disposing of real and personal property used in the undertaking.

3. How issues of liability will be dealt with and the types, amounts and coverages of insurance.

E. No agreement made pursuant to this section shall relieve any political subdivision of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by an administrator or joint board created by an agreement made hereunder, such performance may be offered in satisfaction of the obligation or responsibility.

F. Any political subdivision entering into an agreement pursuant to this section may appropriate funds and may sell, lease, give, or otherwise supply the administrator or joint board created to operate the undertaking with such property, personnel or services therefor as may be within its legal power to furnish.

G. Any power, privilege or authority exercised or capable of exercise by any political subdivision of this Commonwealth may be exercised and enjoyed jointly with any political subdivision of any other state or the District of Columbia subject to the provisions of subsections A, B, C, D, E and F above, which shall apply mutatis mutandis.

INTRODUCED

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