

960880100

## HOUSE BILL NO. 210

Offered January 10, 1996

*A BILL to require agreement on the operation hours and budget for certain regional libraries.*

Patron—Abbitt

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That the board of supervisors of any county having a population larger than 12,550 but no greater than 12,830 and the governing board of the regional library serving such county shall agree to the use of moneys appropriated to the library by such board of supervisors and the hours of operation for such library. If such board of supervisors and regional library board cannot reach an agreement, either board may request that a three-member panel be selected to resolve the dispute. The board of supervisors and the regional library board shall select one panel member each from among its members within five days of any request for such panel hearing. The chief judge of the circuit court of the jurisdiction in which such regional library is located shall select the third member from a list of qualified and impartial fact finders. The persons comprising the list may reside within or without the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia and, in all cases, shall be deemed by the judge capable of presiding over an administrative hearing. The third impartial panel member shall chair the panel. With the agreement of the other panel members, the impartial panel member shall have the authority to conduct the hearing.

The panel shall set the time for a hearing, which shall be held within thirty days, and shall so notify the board of supervisors and the regional library board. The panel may ask, at the beginning of the hearing, for statements from the board of supervisors and the regional library board clarifying the issues involved. The parties shall then present their claims and evidence. Witnesses may be presented and questioned by the panel members. The panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties. The recommendations and findings of fact of the panel shall be based exclusively upon the evidence presented to the panel at the hearing and shall be arrived at by a majority vote of the panel members. The decision of the panel shall be final and binding upon the board of supervisors and the regional library board; however, the hearing may be reopened by the panel on its own motion or upon application of the board of supervisors or the regional library board for good cause shown to hear after-discovered evidence at any time before the panel's report is made.

The panel shall make a written report which shall include its decision, findings of fact, and any recommendations and shall file it with the members of the board of supervisors and the regional library board, not later than thirty days after the completion of the hearing.

Members of the panel shall serve without compensation. The board of supervisors and the regional library shall each bear its own expenses and shall share equally the expenses, if any, of the panel.

INTRODUCED

HB210