

# 1996 SESSION

ENROLLED

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.1-1638 of the Code of Virginia, relating to the Virginia Coalfield*  
3 *Economic Development Authority.*

4 [S 286]  
5 Approved

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

7 **1. That § 15.1-1638 of the Code of Virginia is amended and reenacted as follows:**

8     § 15.1-1638. Board of Authority; members and officers; staff; annual report.

9     All powers, rights and duties conferred by this chapter, or other provisions of law, upon the  
10 Authority shall be exercised by the Board of the Virginia Coalfield Economic Development Authority,  
11 hereinafter referred to as the Board or the Board of the Authority. Board members shall serve for terms  
12 of four years except that all vacancies shall be filled for the unexpired term. All terms shall commence  
13 July 1 of the year of appointment. Initial appointments shall begin July 1, 1988. The Board shall consist  
14 of fifteen sixteen members, residents of the Commonwealth, as follows:

15     Three initial members shall be the sitting chairmen of the county boards of supervisors of the three  
16 counties which are the three largest contributors to the coal and gas road improvement fund for the  
17 fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected counties and  
18 city. Every four years thereafter, the three members shall be supervisors from the county boards of  
19 supervisors of the three counties which are the three largest contributors to the Virginia Coalfield  
20 Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new  
21 terms of members are to begin. Such supervisors shall be selected by their respective county boards of  
22 supervisors.

23     Five members shall be appointed by the Governor at large, provided that if there be any participating  
24 county or city in which there resides no member of the Board appointed by the other methods herein  
25 specified, the Governor shall include at least one member who is a resident of each such county or city  
26 among his appointees. For the first four-year terms these five members shall be selected to the extent  
27 possible from former members of the Southwest Virginia Economic Development Commission who  
28 reside in Planning District 1 or 2.

29     One member shall be a representative of the Virginia Department of Economic Development, as  
30 designated by the Director of the Department.

31     One member shall be a representative named by the Virginia Coal Association.

32     Two members shall be the Executive Directors of the LENOWISCO and Cumberland Plateau  
33 Planning District Commissions.

34     Three initial members shall be representatives named by the three largest coal producers determined  
35 by the dollar value of their contribution to the respective county coal and gas road improvement funds  
36 for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected  
37 counties and city. Every four years thereafter, the three members shall be representatives named by the  
38 three largest coal producers determined by the dollar value of their contributions to the Virginia  
39 Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in  
40 which new terms of members are to begin.

41     One member shall be a representative named by the largest oil and gas producer determined by the  
42 dollar value of its contributions to the Virginia Coalfield Economic Development Fund for the fiscal  
43 year immediately preceding July 1 of the year in which new terms of members are to begin.

44     Should a member who is a member solely by virtue of his office as member of a board of  
45 supervisors or executive director of a planning district commission cease to hold such office, then an  
46 immediate vacancy shall occur, and the vacancy shall be filled for the remainder of the term by his  
47 successor selected by the board of supervisors of his county or as executive director.

48     Each member of the Board shall, before entering upon the discharge of the duties of this office, take  
49 and subscribe the oath prescribed in § 49-1. They shall receive their expenses spent on business of the  
50 Authority.

51     Ten members of the Authority shall constitute a quorum and the affirmative vote of a majority of the  
52 quorum present shall be necessary for any action taken by the Authority. No vacancy in the membership  
53 of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties  
54 of the Authority.

55     The Board shall elect from its membership a chairman, a vice-chairman, a treasurer and a secretary  
56 for each calendar year. The secretary shall keep the minutes of the Board and affix the seal of the

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57 Authority.

58 The Board may also appoint an executive director, an assistant treasurer and an assistant secretary,  
59 and staff to assist same, who shall discharge such functions as may be directed by the Board.

60 Staff functions of the Authority may be undertaken by the LENOWISCO and Cumberland Plateau  
61 Planning District Commissions, as agreed by the Board and participating Commissions.

62 The Board, promptly following the close of the calendar year, shall submit an annual report of the  
63 Authority's activities for the preceding year to the Governor, the General Assembly, the boards of  
64 supervisors of the seven coalfield counties and the Norton City Council. Each such report shall set forth  
65 a complete operating and financial statement covering the operation of the Authority during such year.  
66 The Authority shall cause an audit of its books and accounts to be made at least once each year by a  
67 certified public accountant and the cost thereof may be treated as part of the expense of operation.