

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 210

An Act to amend and reenact § 1, and § 2 as amended, of Chapter 66 of the Acts of Assembly of 1960, relating to Hampton Roads Sanitation District Commission.

[S 449]

Approved April 2, 1998

Be it enacted by the General Assembly of Virginia:

1. That § 1, and § 2 as amended, of Chapter 66 of the Acts of Assembly of 1960 are amended and reenacted as follows:

§ 1. The creation of the Hampton Roads Sanitation District is hereby ratified, validated and confirmed, and said District shall embrace all the territory within the Cities of *Chesapeake*, Hampton, Newport News, Norfolk and South Norfolk, that portion of Princess Anne County contained in Lynnhaven Magisterial District, Bayside Magisterial District and Kempsville Magisterial District, that portion of Norfolk County contained in Washington Magisterial District, Western Branch Magisterial District and that part of Deep Creek Magisterial District north of Herron Ditch and of a line extending due west from its junction with Deep Creek Canal, that portion of Isle of Wight County, other than the Town of Smithfield, contained in Newport Magisterial District and Hardy Magisterial District, and that portion of Nansemond County contained in Sleepy Hole Magisterial District and Chuckatuck Magisterial District, all as said cities and magisterial districts existed on December 30, 1959, provided the territory annexed to the city of Portsmouth, effective January 1, 1960, shall cease to be a part of the district, and provided, that all rights of the Commission and its bondholders shall remain unchanged by such annexation until adjudicated by a court of competent jurisdiction; and provided, further, that any one affected may petition such court or the State Corporation Commission to fix and determine the fair market value of the facilities of the Commission within the annexed area; said Corporation Commission being hereby authorized and directed to then make such determination, *Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg; the Counties of Gloucester, Isle of Wight, James City, King William, Mathews, Middlesex and York; and the Town of Urbanna*. Territory may be added to the District as hereinafter provided in this act.

For the purpose of this section the territory of a county included within the District shall include all the territory lying within the boundaries of any town in the county.

Said District shall constitute a political subdivision of Commonwealth established as a governmental instrumentality to provide for the public health and welfare.

§ 2. The functions, affairs and property of the Hampton Roads Sanitation District shall be managed and controlled by a commission, known as the "Hampton Roads Sanitation District Commission," consisting of eight members appointed by the Governor. The Commission and the term of each such member shall continue until his successor shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of four years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Commission shall be eligible for reappointment without limitation as to the number of terms that may be served. Members of the Commission may be suspended or removed by the Governor at his pleasure.

At the time of their appointment, one of the members of the Commission, and each of his successors, shall be residents of the territory in the District within the City of Norfolk, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Virginia Beach, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Newport News, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Hampton, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Chesapeake, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Suffolk or Isle of Wight County, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Williamsburg or James City County or York County or the City of Poquoson or Gloucester County or *King William County or Mathews County or Middlesex County or the Town of Urbanna*, and one of the members, and each of his successors, shall be residents of the territory in the District within the City of Portsmouth. Any member who shall cease to reside within the territory from which he was appointed shall thereupon be disqualified from holding office as a member of the Commission and the vacancy thus created shall be filled by appointment by the Governor for the balance of the unexpired term.

The initial term of the appointee from the City of Chesapeake shall terminate June 7, 1976, and the initial term of the appointee from the City of Williamsburg or James City County or York County or the

City of Poquoson or Gloucester County shall terminate June 7, 1977. Both of such Commission memberships shall be eligible for immediate appointment on July 1, 1976.

The initial term of the appointee from the City of Portsmouth shall terminate June 7, 1979. Such Commission memberships shall be eligible for immediate appointment on July 1, 1976.