

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 387

An Act to provide for the submission to the voters of a proposed amendment to Section 2 of Article VII of the Constitution of Virginia, relating to the organization and government of localities.

[S 2]

Approved April 12, 1998

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 1998, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 2 of Article VII of the Constitution of Virginia as follows:

ARTICLE VII

LOCAL GOVERNMENT

Section 2. Organization and government.

The General Assembly shall provide by general law for the organization, government, powers, change of boundaries, consolidation, and dissolution of counties, cities, towns, and regional governments. The General Assembly may also provide by general law optional plans of government for counties, cities, or towns to be effective if approved by a majority vote of the qualified voters voting on any such plan in any such county, city, or town.

The General Assembly may also provide by special act for the organization, government, and powers of any county, city, town, or regional government, including such powers of legislation, taxation, and assessment as the General Assembly may determine, but no such special act shall be adopted which provides for the extension or contraction of boundaries of any county, city, or town.

Every law providing for the organization of a regional government shall, in addition to any other requirements imposed by the General Assembly, require the approval of the organization of the regional government by a majority vote of the qualified voters voting thereon in each county and city which is to participate in the regional government and of the voters voting thereon in a part of a county or city where only the part is to participate.

The General Assembly may provide by general law or special act for agreements between or among two or more counties, cities, or towns, or any combination thereof, to share the revenues and costs associated with the development and management of a particular land area to be designated in the agreement. The law shall provide for the establishment of a special governing body for the area to be comprised of members selected by the governing bodies of the participating localities. The law shall provide for the number of members of the special governing body and their terms and compensation and for the powers of the special governing body which may include one or more of the powers of county or city governing bodies and which shall pertain to the land area designated in the agreement. The powers provided to the special governing body may include any power granted to any of the participating localities pursuant to general law or special act. The law may provide for the adoption of the agreement upon the approval of the governing bodies of the participating localities. Fiscal commitments to finance the development and maintenance of areas under the jurisdiction of a special governing body and to share revenues derived from such areas shall not be considered debt, as defined in Section 10 of this article, of any participating locality.

§ 2. The ballot shall contain the following question:

"Question: Shall the Constitution of Virginia be amended to authorize agreements among localities for sharing the revenues and costs of a specified land area and establishing a special governing body for the area, and to provide that fiscal commitments related to the land area will not be deemed local debt?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record

a certified copy of such report in its office, and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 1999.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.