

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 553

An Act to authorize the creation of a Rappahannock River Basin Commission.

[S 598]

Approved April 15, 1998

Whereas, the Rappahannock River is a resource of great value to the Commonwealth of Virginia and to each of the localities within the Rappahannock River Basin; and

Whereas, members of the General Assembly and representatives of each of the local governments representing jurisdictions in the Rappahannock River Basin have met pursuant to Senate Joint Resolution No. 92 (1996) and Senate Joint Resolution No. 270 (1997) for two years as the Rappahannock River Basin Study Commission (RRBSC) to examine, evaluate and make recommendations on the potential structure, goals and purposes of a mechanism to address coordination, communications and planning on issues of river basin-wide significance; and

Whereas, the RRBSC has found that (i) there is a need for a mechanism for coordination and communication for the multitude of individual, local, state and federal activities that influence the Basin's natural resources; (ii) there is a need for easily accessible information for decision making at the public policy level as well as at the individual level; (iii) the environmental health of the Basin directly impacts economic health; and (iv) there are great benefits to be derived from the Basin's localities' meeting together and discussing their individual and mutual concerns; and

Whereas, to help address these findings (i) there should be a continuing commission composed of elected officials from throughout the Basin; (ii) such a commission should not be a regulatory body; and (iii) there should be a concise mission statement with emphasis on stewardship, protection and enhancement of the Basin's water quality and other natural resources; and

Whereas, the RRBSC has developed legislation to address these findings and to provide for establishing a Rappahannock River Basin Commission; and

Whereas, the creation of such a commission will be of great benefit to the Commonwealth by promoting better communication, assisting in achieving improved water quality and natural resources, and meeting its commitments under the Chesapeake Bay Agreement; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Definitions.

As used in this act, unless the context requires a different meaning:

"Rappahannock River Basin" means that land area designated as the Rappahannock River Basin by the State Water Control Board pursuant to § 62.1-44.38 and which is also found in the Fourth, Seventeenth, Twenty-fifth, Twenty-sixth, Twenty-seventh and Twenty-eighth Senatorial Districts or the Twenty-eighth, Thirtieth, Thirty-first, Fifty-fourth, Ninety-eighth and Ninety-ninth House of Delegates Districts, as those districts exist on January 1, 1998.

§ 2. Rappahannock River Basin Commission; establishment.

The Rappahannock River Basin Commission, hereinafter referred to as the "Commission," shall be established upon passage by two-thirds of the Rappahannock River Basin's localities of a resolution that commits them to participate in the Commission as described in this act. The resolution shall contain the following language:

"The (jurisdiction's governing body) does hereby agree to become a member of and participate in the Rappahannock River Basin Commission as described in Chapter (to be determined upon passage) of the Acts of Assembly of 1998."

§ 3. Commission purposes and mission.

The Commission's purposes and mission shall be to provide guidance for the stewardship and enhancement of the water quality and natural resources of the Rappahannock River Basin. The Commission shall be a forum in which local governments and citizens can discuss issues affecting the Basin's water quality and quantity and other natural resources. Through promoting communication, coordination and education, and by suggesting appropriate solutions to identified problems, the Commission shall promote activities by local, state and federal governments, and by individuals, that foster resource stewardship for the environmental and economic health of the Basin.

§ 4. Rappahannock River Basin Commission powers.

A. The Commission shall have no regulatory authority.

B. To carry out its purposes and mission, the Commission shall have the power to:

1. Communicate, including through legislative recommendations, Commission views to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate.

2. Undertake studies and prepare, publish and disseminate information in reports and in other forms related to the water quality and natural resources of the Basin and to further its purposes and mission.

3. Enter into contracts and execute all instruments necessary or appropriate.
4. Perform any lawful acts necessary or appropriate.
5. Establish a nonprofit corporation as an instrumentality to assist in the details of administering its affairs and in raising funds.
6. Seek, apply for, accept and expend gifts, grants and donations, services and other aids, from public or private sources. Other than those from member jurisdictions and those appropriated by the General Assembly, funds may be accepted by the Commission only after an affirmative vote by the Commission or by following such other procedure as may be established by the Commission for the conduct of its business.
7. Establish balanced advisory committees that may include representation from agricultural, environmental, resources-based, industrial, recreational, riparian landowner, development, educational and other interests as it deems necessary and appropriate.
8. Develop rules and procedures for the conduct of its business or necessary to carry out its purposes and mission, including, but not limited to, selecting a chair and vice-chairs, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members.

§ 5. Membership.

A. The membership of the Commission shall be as follows:

One member from each of the elected governing bodies of the jurisdictions found wholly or partially within the Rappahannock River Basin that, at any time, pass a resolution containing the language required by § 2. Each local governing body shall select its representative and an alternate in such manner as it decides. A local government representative's term shall be for a minimum of one year but shall not extend beyond his elected term.

One member shall be a representative of the Soil and Water Conservation Districts found wholly or partially within the Rappahannock River Basin. The representative and an alternate shall be selected from the elected members of the Basin's Soil and Water Conservation Districts in a manner agree upon by the Basin's Districts. The Soil and Water Conservation District representative's term shall be for a minimum of one year but shall not extend beyond his elected term.

Representation from the Senate and the House of Delegates shall be composed of those members of the Senate and House whose districts include a portion of the Rappahannock River Basin and who express their desire to be a Commission member to the Senate Committee on Privileges and Elections or to the Speaker of the House as appropriate for their respective chambers. Senate and House members' terms on the Commission shall coincide with their terms as members of the General Assembly or until they express a desire to no longer be a Commission member to the Senate Committee on Privileges and Elections or to the Speaker of the House as appropriate for their chambers.

B. Vacancies shall be filled in the same manner as the original selection.

§ 6. Voting.

Each member of the Commission shall have an equal vote.

§ 7. Staffing and support.

The local governing bodies and Planning District Commissions found wholly or partially in the Rappahannock River Basin shall provide staff support for the Commission as the localities determine appropriate. Additional staff support may be hired or contracted for by the Commission through funds raised by or provided to it. The Commission is authorized to determine the duties of such staff and fix staff compensation within available resources.

All agencies of the Commonwealth shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its purposes and mission. The Secretary of Natural Resources or his designee shall act as the chief liaison between the administrative agencies and the Commission.

§ 8. Withdrawal; dissolution.

A. A locality may withdraw from the Commission one year after providing a written notice to the Commission of its intent to do so.

B. The Commission may dissolve itself upon a two-thirds vote of all members.

C. The Commission may be dissolved by repeal or expiration of this act.

D. The Commission shall be dissolved if the membership of the Commission falls below two-thirds of those eligible.

E. Upon the Commission's dissolution, all funds and assets of the Commission shall be divided on a pro rata basis. The Commonwealth's share of the funds and assets shall be transferred to the Office of the Secretary of Natural Resources for appropriate distribution.

§ 9. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. The funding of the Commission shall be a shared responsibility of state and local governments. The Commonwealth's contribution shall be set through the normal state appropriations process. The Commission's local government members shall determine a process for distribution of costs among the local government members.

B. The Commission shall annually designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Auditor of Public Accounts or his legal representative, and the costs of such audit services shall be borne by the Commission. The results of the audits shall be delivered to the chief elected officer in each of the Commission's member jurisdictions, the members of the House of Delegates and the Senate who serve on the Commission, the Chairmen of the House Appropriations Committee and the Senate Finance Committee, and the Secretary of Natural Resources. The Commission's fiscal year shall be the same as the Commonwealth's.

2. That the provisions of this act shall expire on July 1, 2000, and the funds and assets of the Commission shall be distributed in accordance with subsection E of § 8.