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HOUSE BILL NO. 641

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on February 13, 1998)

(Patron Prior to Substitute—Delegate Hall)

A BILL to amend and reenact §§ 15.2-4203 and 15.2-4207 through 15.2-4210 of the Code of Virginia, relating to the Regional Cooperation Act.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4203 and 15.2-4207 through 15.2-4210 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-4203. Organization of planning district commission.

A. At any time after the establishment of the geographic boundaries of a planning district, the localities embracing at least forty-five percent of the population within the district acting by their governing bodies may organize a planning district commission by written agreement. Any locality not a party to such charter agreement shall continue as a part of the planning district but, until such time as such locality elects to become a part of the planning district commission as hereinafter provided, shall not be represented in the composition of the membership of the planning district commission. Whenever a planning district is created which contains only two counties, the governing body of either county may organize a planning district commission in accordance with the provisions of this chapter if the governing body of the other county does not agree to organize such a planning district commission.

B. The charter agreement shall set forth:

1. The name of the planning district. *An entity organized as a planning district commission under this Act may employ the name "regional council" or "regional commission" as a substitute for the name "planning district commission."*

2. The locality in which its principal office shall be situated.

3. The effective date of the organization of the planning district commission.

4. The composition of the membership of the planning district commission. At least a majority of its members shall be elected officials of the governing bodies of the localities within the district, or members of the General Assembly, with each county, city and town of more than 3,500 population having at least one representative. In any planning district other than planning district number 23, a town of 3,500 or less population may petition the planning district commission to be represented thereon. The planning district commission may, in its discretion, grant representation to such town by a majority vote of the members of the commission. Other members shall be qualified voters and residents of the district. Should the charter agreement, as adopted, so provide, an alternate may serve in lieu of one of the elected officials of each of the governing bodies of the participating localities.

5. The term of office of the members, their method of selection or removal and the method for the selection and the term of office of a chairman.

6. The voting rights of members. Such voting rights need not be equal and may be weighed on the basis of the population of the locality represented by the member, the aggregation of the voting rights of members representing one locality, or otherwise.

7. The procedure for amendment, for addition of other localities within the planning district which are not parties to the original charter agreement, and the withdrawal from the charter agreement by localities within the planning district electing to do so.

C. The governing body of any locality which is a member of the planning district commission may provide for compensation to be paid by it for its commission members, except for any full-time salaried employees of the locality. The amount of such compensation shall not exceed the amount fixed by the planning district commission.

§ 15.2-4207. Purposes of commission.

A. It is the purpose of the planning district commission to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance. The cooperation resulting from this chapter is intended to assist localities in meeting their own problems by enhancing their abilities to recognize and analyze facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing their public policies and services. Functional areas warranting regional cooperation may include, but shall not be limited to: (i) economic and physical infrastructure development; (ii) solid waste, water supply and other environmental management; (iii) transportation; (iv) criminal justice; (v) emergency management; (vi) human services; and (vii) recreation.

Types of regional cooperative arrangements that commissions may pursue include but are not limited to (i) the facilitation of revenue sharing agreements; (ii) joint service delivery approaches; (iii) joint

60 government purchasing of goods and services; (iv) regional data bases; and (v) regional plans.

61 B. The planning district commission shall also promote the orderly and efficient development of the
62 physical, social and economic elements of the district by planning, and encouraging and assisting
63 localities to plan, for the future. If requested by a member locality or group of member localities and to
64 the extent the commission may elect to act, the commission may assist the localities by carrying out
65 plans and programs for the improvement and utilization of their physical, social and economic elements.
66 The commission shall not, however, have a legal obligation to perform the functions necessary to
67 implement the plans and policies established by it or to furnish governmental services to the district.

68 C. The authority of the commission includes the power, to the extent the commission may from time
69 to time determine, when requested to do so by a member locality or group of member localities, (i) to
70 participate in the creation or organization of nonprofit corporations to perform functions or operate
71 programs in furtherance of the purposes of this chapter; (ii) to perform such functions and to operate
72 such programs itself; (iii) to contract with nonprofit entities, including localities, performing such
73 functions or operating such programs to provide administrative, management, and staff support,
74 accommodations in its offices, and financial assistance; and (iv) to provide financial assistance, including
75 matching funds, to interdistrict entities which perform governmental or quasi-governmental functions
76 directly benefiting the commission's district and which are organized under authority of the
77 Commonwealth or of the federal government.

78 D. Nothing herein shall be construed to permit the commission to perform functions, operate
79 programs, or provide services within and for a locality if the governing body of that jurisdiction opposes
80 its doing so.

81 § 15.2-4208. General duties of planning district commissions.

82 Planning district commissions shall have the following duties and authority:

- 83 1. To conduct studies on issues and problems of regional significance;
- 84 2. To identify and study potential opportunities for *state and* local cost savings and staffing
85 efficiencies through coordinated ~~local government~~ governmental efforts;
- 86 3. To identify mechanisms for the coordination of *state and* local interests on a regional basis;
- 87 4. To implement services upon request of member localities;
- 88 5. To provide technical assistance to *state government and* member localities;
- 89 6. To serve as a liaison between localities and state agencies as requested;
- 90 7. To review local government aid applications as required by § 15.2-4213 and other state or federal
91 law or regulation;
- 92 8. To conduct strategic planning for the region as required by §§ 15.2-4209 through 15.2-4212;
- 93 9. To develop regional functional area plans as deemed necessary by the commission or as requested
94 by member localities;
- 95 10. To assist state agencies, as requested, in the development of substate plans;
- 96 11. To participate in a statewide geographic information system, the Virginia Geographic Information
97 Network, as directed by the Department of Planning and Budget; and
- 98 12. To collect and maintain demographic, economic and other data concerning the region and
99 member localities, and act as a state data center affiliate in cooperation with the Virginia Employment
100 Commission.

101 § 15.2-4209. Preparation and adoption of regional strategic plan.

102 A. Except in planning districts in which regional planning is conducted by multi-state councils of
103 government, each planning district commission shall prepare a regional strategic plan for the guidance of
104 the district. The plan shall concern those elements which are of importance in more than one of the
105 localities within the district, as distinguished from matters of only local importance. The plan shall
106 include regional goals and objectives, strategies to meet those goals and objectives, and mechanisms for
107 measuring progress toward the goals and objectives. The strategic plan shall include those subjects
108 necessary to promote the orderly and efficient development of the physical, social and economic
109 elements of the district such as transportation, housing, economic development and environmental
110 management. The plan may be divided into parts or sections as the planning district commission deems
111 desirable. In developing the regional strategic plan, the planning district commission shall seek input
112 from a wide range of organizations in the region, including local governing bodies, the business
113 community and citizen organizations.

114 B. Before the strategic plan is adopted, it shall be submitted to the Department of Housing and
115 Community Development and to the governing body of each locality within the district for a period of
116 not less than thirty days prior to a hearing to be held by the planning district commission thereon, after
117 notice as provided in § 15.2-2204. Each such local governing body shall make recommendations to the
118 planning district commission on or before the date of the hearing with respect to the effect of the plan
119 within its locality. The Department of Housing and Community Development shall notify the planning
120 district commission prior to the hearing as to whether the proposed strategic plan conflicts with plans of
121 adjacent planning districts.

C. Upon approval of the strategic plan by a planning district commission after a public hearing, it shall be submitted to the governing body of each locality (excluding towns of less than 3,500 population unless members of the commission) within the district for *review and possible* adoption. The plan shall become effective with respect to all action of a planning district commission upon approval by the planning district commission. The plan shall not become effective with respect to the action of the governing body of any locality within the district until adopted by the governing body of such locality.

D. The adopted strategic plan shall be submitted within thirty days of adoption to the Department of Housing and Community Development for information and coordination purposes.

§ 15.2-4210. Commission to act only in conformity with regional strategic plan.

When the strategic plan becomes effective as the district plan, the planning district commission shall not, except as provided in the plan, establish any policies or take any action which, in its opinion, is not in conformity with the plan. ~~When the strategic plan becomes effective in any locality, the locality shall not proceed with the construction of any public improvement or public institution or with the acquisition of any land for public purposes or the disposition of any public lands, which construction, acquisition or disposition conflicts with the district plan.~~