

989172208

**HOUSE BILL NO. 728**

Offered January 23, 1998

*A BILL to amend and reenact §§ 15.2-1535, 16.1-316 as it is currently effective and as it may become effective, and 16.1-317 as it is currently effective and as it may become effective, of the Code of Virginia, relating to juvenile detention or residential care facilities commissions.*

Patrons—Dickinson, Howell and Orrock; Senators: Bolling and Houck

Referred to Committee for Courts of Justice

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

**1. That §§ 15.2-1535, 16.1-316 as it is currently effective and as it may become effective, and 16.1-317 as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-1535. Members of governing body not to be elected or appointed by governing body to certain offices.

A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law and except that a member of a governing body may be named to fill a vacancy in the office of mayor or board chairman if permitted by general or special law.

B. Pursuant to Article VII, Section 6 of the Constitution of Virginia, and without limiting any other provision of general law, a governing body member may be named by the governing body to one or more of the following positions:

1. Director of emergency services pursuant to § 44-146.19;
2. Member of a planning district commission pursuant to § 15.2-4203;
3. Member of a transportation district commission pursuant to § 15.2-4507;
4. Member of a district home board pursuant to Article 2 (§ 63.1-183 et seq.) of Chapter 9 of Title 63.1;
5. Member of a hospital or health center commission pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2;
6. Member of a community services board pursuant to Chapter 10 (§ 37.1-194 et seq.) of Title 37.1;
7. Member of a park authority pursuant to Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2;
8. Member of a detention or other residential care facilities commission pursuant to Article ~~12.1~~ 13 (~~§ 16.1-309.2~~ 16.1-315 et seq.) of Chapter 11 of Title 16.1;
9. Member of a board of directors, governing board or advisory council of an area agency on aging pursuant to § 2.1-373;
10. Member of a regional jail or jail farm board, pursuant to § 53.1-106 or of a regional jail authority or jail authority pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1;
11. With respect to members of the governing body of a town under 3,500 population, member of an industrial development authority's board of directors pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2;
12. Member of a disability services board pursuant to Chapter 10 (§ 51.5-47 et seq.) of Title 51.5;

and

13. Member of the board of directors, governing board, or advisory council or committee of an airport commission or authority.

C. If any governing body member is appointed or elected by the governing body to any office, his qualification in that office shall be void except as provided in subsection B or by other general law.

D. Except as specifically provided in general or special law, no appointed body listed in subsection B shall be comprised of a majority of elected officials as members, nor shall any locality be represented on such appointed body by more than one elected official.

E. For the purposes of this section, "governing body" includes the mayor of a municipality and the county board chairman.

§ 16.1-316. Number and terms of members; admission of additional local governing bodies.

A juvenile detention home, group home or other residential care facility commission shall consist of not less than three members and shall be comprised of at least one member from each participating political subdivision. *In addition, the participating political subdivisions may provide for the appointment of an alternate for each principal member of such a commission. The alternate members*

INTRODUCED

HB728

60 *may attend and participate in all meetings of the commission and may vote in the absence of their*  
61 *respective principals.* Such members *and alternates, if any,* shall be appointed, after consultation with  
62 the chief judge of the juvenile and domestic relations district court, by the governing body. Neither the  
63 chief judge nor any judge of the juvenile and domestic relations district court from his district shall be a  
64 member of the commission.

65 The term of office of all members *and alternates, if any,* shall be for four years. When additional  
66 local governing bodies desire to join the commission, they may do so upon the recommendation of the  
67 commission and with the approval of the sponsoring local governing bodies. The number of members  
68 which the applicant local governments will be entitled to appoint to such commission and other  
69 conditions relating to the expansion of sponsoring membership shall be determined by the agreement  
70 entered into between or among the sponsoring local governments and such applicant local governments.

71 § 16.1-316. (Delayed effective date) Number and terms of members; admission of additional local  
72 governing bodies.

73 A juvenile detention home, group home or other residential care facility commission shall consist of  
74 not less than three members and shall be comprised of at least one member from each participating  
75 political subdivision. *In addition, the participating political subdivisions may provide for the*  
76 *appointment of an alternate for each principal member of such a commission. The alternate members*  
77 *may attend and participate in all meetings of the commission and may vote in the absence of their*  
78 *respective principals.* Such members *and alternates, if any,* shall be appointed, after consultation with  
79 the chief judge of the family court, by the governing body. Neither the chief judge nor any judge of the  
80 family court from his district shall be a member of the commission.

81 The term of office of all members *and alternates, if any,* shall be for four years. When additional  
82 local governing bodies desire to join the commission, they may do so upon the recommendation of the  
83 commission and with the approval of the sponsoring local governing bodies. The number of members  
84 which the applicant local governments will be entitled to appoint to such commission and other  
85 conditions relating to the expansion of sponsoring membership shall be determined by the agreement  
86 entered into between or among the sponsoring local governments and such applicant local governments.

87 § 16.1-317. Quorum; chairman; rules of procedure; compensation.

88 The appointive members of the commission *and their alternates, if any,* shall constitute the  
89 commission, and the powers of the commission shall be vested in and exercised by the members in  
90 office, *or their alternates present and voting,* from time to time. Neither the chief judge nor any judge  
91 of the juvenile and domestic relations district court shall be a member of the commission.

92 A majority of the members in office, *or their alternates present and voting,* shall constitute a  
93 quorum. The commission shall elect a chairman, and shall adopt rules and regulations for its own  
94 procedure and government. The governing bodies of the participating political subdivisions may by  
95 ordinance or resolution provide for the payment of compensation to the members of the commission *and*  
96 *their alternates, if any,* and for the reimbursement of their actual expenses incurred in the performance  
97 of their duties.

98 § 16.1-317. (Delayed effective date) Quorum; chairman; rules of procedure; compensation.

99 The appointive members of the commission *and their alternates, if any,* shall constitute the  
100 commission, and the powers of the commission shall be vested in and exercised by the members in  
101 office, *or their alternates present and voting,* from time to time. Neither the chief judge nor any judge  
102 of the family court shall be a member of the commission.

103 A majority of the members in office, *or their alternates present and voting,* shall constitute a  
104 quorum. The commission shall elect a chairman, and shall adopt rules and regulations for its own  
105 procedure and government. The governing bodies of the participating political subdivisions may by  
106 ordinance or resolution provide for the payment of compensation to the members of the commission *and*  
107 *their alternates, if any,* and for the reimbursement of their actual expenses incurred in the performance  
108 of their duties.