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SENATE BILL NO. 767

Offered January 18, 2008

A BILL to amend and reenact § 33-255.44:12 of the Code of Virginia, continued in effect and carried by reference in § 33.1-320 of the Code of Virginia and to amend the Code of Virginia by adding in Article 9 of Chapter 3 of Title 33.1 a section numbered 33.1-320.01 relating to composition of the Board of Directors of the Richmond Metropolitan Authority; additional powers.

Patrons—Watkins; Delegate: Hall

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 33-255.44:12 of the Code of Virginia, continued in effect and carried by reference in § 33.1-320 of the Code of Virginia, is amended and reenacted and the Code of Virginia is amended by adding in Article 9 of Chapter 3 of Title 33.1 a section numbered 33.1-320.01 as follows:

§ 33-255.44:12. Creation of the Authority.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the "Richmond Metropolitan Authority" (hereinafter referred to as the "Authority") to be governed by a Board of Directors consisting of eleven members; *as follows:* one member to be appointed by the Board of Supervisors of Chesterfield County for a period of two years from the date of appointment; ~~one member~~ *three members* to be appointed by the Board of Supervisors of Chesterfield County for a ~~term~~ *terms* of four years from the date of appointment; ~~one member~~ to be appointed by the Board of Supervisors of Henrico County for a period of two years from the date of appointment; ~~one member~~ *three members* to be appointed by the Board of Supervisors of Henrico County for a ~~term~~ *terms* of four years from the date of appointment; ~~one member~~ to be appointed by the Board of Supervisors of Hanover County for a term of four years from the date of appointment; ~~three members~~ to be appointed by the Mayor of the City of Richmond with the approval of the City Council for a term of two years from the date of appointment; ~~three members~~ to be appointed by the Mayor of the City of Richmond with the approval of the City Council for a ~~term~~ *terms* of four years from the date of appointment and one ex-officio member from the State Highway Commission Commonwealth Transportation Board to be appointed by the State Highway Commonwealth Transportation Commissioner; and thereafter the appointive members of the Board shall be appointed for terms of four years and until their successors have been appointed and are qualified. Vacancies in the membership of the Board shall be filled by the appointment of the governing body which had appointed the member of the Board which created such vacancy for the unexpired portion of the term. The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as Chairman and another as Vice Chairman, and shall also elect annually a Secretary or Secretary-Treasurer who need not be a member of the Board. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings of the Board, and in the absence of both the Chairman and Vice Chairman, the Board shall elect a Chairman pro tempore who shall preside at such meetings. Six Directors shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Directors present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties, and each member shall also be paid the sum of fifty dollars per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

Any additional locality that is a member of the Richmond Regional Planning District may by affirmative vote of the governing body request to be included in the Authority. The Authority shall determine the conditions by which such additional locality may join the Authority. Any such additional locality shall have all the powers and obligations of other member localities.

§ 33.1-320.01. Additional powers.

To the extent not inconsistent with the other provisions of this article, and without limiting or restricting the powers otherwise given the Authority, the Authority may exercise all of the powers contained in §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-605, 58.1-606, 58.1-625.1, 58.1-802.1, 58.1-1724.3, 58.1-1724.6, and 58.1-2402.1 and given to the Hampton Roads Transportation Authority established pursuant to § 33.1-391.7 and the Northern Virginia Transportation Authority established pursuant to § 15.2-4830, and as such powers may be amended from time to time.

2. That the fees and taxes authorized by this Act by § 33.1-320.01 of the Code of Virginia for

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59 imposition or assessment by the Authority shall only be imposed or assessed by the Authority if (i)
60 the member localities approve the restructuring of the Board of Directors of the Authority as
61 proposed by this Act and (ii) a majority of Authority members that include at least 51 percent of
62 the population of the localities embraced by the Authority pass a duly adopted resolution stating
63 its approval of such power of the Authority. For purposes of this enactment, "population" means
64 the population as determined by the most recently preceding United States decennial census or the
65 most recent population estimates of the Weldon Cooper Center for Public Service of the University
66 of Virginia, whichever is most recent.

67 3. That the Authority, the cities and counties embraced by the Authority, the Commissioner of the
68 Department of Taxation, the Commissioner of the Department of Motor Vehicles, and other
69 appropriate entities shall develop guidelines, policies, and procedures for the efficient and effective
70 collection and administration of the fees and taxes authorized for use by the Authority. The
71 guidelines, policies, and procedures shall be made public at least 60 days prior to their
72 implementation. The development of the guidelines, policies, and procedures shall be exempt from
73 the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The Secretary of
74 Finance may authorize an anticipation loan for the purposes of meeting the requirements of this
75 enactment.

76 4. That the terms of the additional Board members to be appointed by Chesterfield County and
77 Henrico County and the Board member to be appointed by Hanover County shall commence on
78 July 1, 2008. In order to implement the reduction in the Board membership appointed by the City
79 of Richmond, the terms of all current members of the Board appointed by the City shall expire on
80 July 1, 2008, and the Mayor of the City of Richmond shall appoint three new Board members,
81 which number may include members of the Board whose terms expire on July 1, 2008.

82 5. That the current assets and obligations of the Authority shall not be affected by the passage or
83 implementation of this Act.