

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-5102.1, as it is currently effective, of the Code of Virginia, relating*
3 *to Hampton Roads area authority; board terms.*

4 [H 1560]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-5102.1, as it is currently effective, of the Code of Virginia is amended and reenacted**
8 **as follows:**9 **§ 15.2-5102.1. (Contingent expiration date) Hampton Roads area refuse collection and disposal**
10 **system authority.**11 Any authority, or any subsidiary thereof, organized pursuant to § 15.2-5102 to operate a refuse
12 collection and disposal system that has among its members the Cities of Norfolk, Virginia Beach,
13 Portsmouth, Chesapeake, and Franklin, and the Counties of Isle of Wight, Southampton, and Suffolk,
14 shall, notwithstanding any other law to the contrary, comply with the following requirements:15 1. Each locality that is a member of the authority shall be entitled to nominate individuals to fill one
16 position on the Board of Directors (the Board) by submitting a list of three potential directors, each of
17 whom shall possess general business knowledge and shall not be an elected official, to the Governor.
18 The Governor shall then select and appoint one director from each of the lists of nominees prepared by
19 the member localities. In addition, each member locality shall be authorized to directly appoint, upon a
20 majority vote of the governing body of the member locality, one ex officio member of the Board who
21 shall be an employee of the member locality. The members of the Board shall be appointed for terms of
22 four years each. Vacancies occurring other than by expiration of a term shall be filled for the unexpired
23 term. Vacancies shall be filled in the same manner as the original appointments. No member shall serve
24 for more than two consecutive four-year terms, except that (i) any member appointed to the unexpired
25 term of another shall be eligible to serve two consecutive four-year terms and (ii) *a member directly*
26 *appointed by the governing body of a member locality shall not be subject to a term limit.*27 2. The authority shall develop and maintain an overall strategic plan that shall cover a period of at
28 least five years forward from the year in which it is submitted and approved by the Board. The plans
29 shall be reviewed annually to determine whether amendments are needed. Any such amendments shall
30 be submitted to the board of directors for approval.31 3. The authority's core purpose shall be defined as "management of the safe and environmentally
32 sound disposal of regional waste." The authority shall devote its time and effort to activities associated
33 with its core purpose. A vote of a majority of the Board shall be required prior to undertaking any
34 activities not associated with the authority's core purpose.35 4. The authority shall develop and maintain a strategic operating plan identifying all elements of its
36 core business units and core purpose, how each business and administrative unit will support the overall
37 strategic plan, and how the authority will achieve its stated mission and core purpose. The strategic
38 operating plan shall be subject to review and approval of the Board on an annual basis.39 5. The authority shall consider outsourcing any or all functions that may result in reduced costs to
40 the authority, and the authority shall annually issue requests for proposals that potentially reduce the
41 costs of any of its programs. In addition, the authority shall accept and review any proposals under the
42 Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) that potentially
43 reduce the costs of any of the authority's programs.44 6. The authority shall evaluate its landfill capacity annually, taking into consideration and projecting
45 future changes in the quantity of waste disposed of in its landfill, or landfills reasonably situated or
46 contractually obligated to accept its waste.47 7. The authority shall keep records of its costs, revenue, debts, and capital expenses by fiscal year
48 for each program. The authority shall also keep records of costs for each individual capital project.49 8. The authority shall maintain a detailed financing plan that shall include a plan for the retirement
50 of all debt and a plan for the funding of all planned capital projects. The plan for the funding of all
51 planned capital projects shall specify the amount of debt the authority will issue in furtherance of the
52 projects and the debt repayment plan for any new debt created by the capital projects, including the
53 revenue source that will be used to repay the debt. The detailed financing plan shall be updated and
54 approved annually by the Board and reviewed and certified annually by an external certified public
55 accountant.

56 9. Prior to issuance of new debt, the Board shall perform a due diligence investigation of the

57 appropriateness of issuing the debt, including an analysis of the costs of repaying the debt. Such analysis
58 shall be certified by an external certified public accountant, reviewed by the Board, and approved by a
59 vote of a minimum of 75 percent of the Board. The issuance of new debt shall require a vote of a
60 minimum of 75 percent of the Board of Directors of the authority. The authority shall not issue
61 long-term bond indebtedness to fund operational expenses. The provisions of this subdivision shall not
62 apply to the issuance of new debt issued for the purpose of refunding or refinancing debt incurred by
63 the authority prior to September 30, 2009.

64 10. In the interest of open and transparent government, the authority shall adhere strictly to the
65 requirements of the Freedom of Information Act (§ 2.2-3700 et seq.).

66 11. The executive director of the authority shall not be permitted to execute or commit the authority
67 to any contract, memorandum of agreement or memorandum of understanding without an informed vote
68 of approval by the Board. This subdivision shall not apply in the case of (i) contracts for the purchase
69 of goods and services for an aggregate sum of less than \$30,000, which are subject to the Virginia
70 Procurement Act (Va. Code § 2.2-4300 et seq.) but exempted from competitive negotiation or
71 competitive sealed bidding by a duly adopted policy of the Board and (ii) sole source and emergency
72 procurements made pursuant to subsections E and F of § 2.2-4303.