

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 285

An Act to amend and reenact § 15.1-1249 of the Code of Virginia, relating to qualifications of alternates for members of authorities.

[H 1419]

Approved March 16, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-1249 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-1249. Members of authority; chief administrative or executive officer.

The powers of each authority created by the governing body of a single political subdivision shall be exercised by five members, or at the option of the governing body of a county, a number of members equal to the number of members of the governing body in the political subdivision. The powers of each authority created by the governing bodies of two or more political subdivisions shall be exercised by the number of members specified in its articles of incorporation, which shall be not less than one member from each participating political subdivision and not less than a total of five members. The members of an authority shall be selected in the manner and for the terms provided by the ordinance or resolution or concurrent ordinances or resolutions creating the authority, which shall name the first members and their respective terms of office. One or more members of the governing body of a political subdivision may be appointed members of the authority, the provisions of any other law to the contrary notwithstanding. No member shall be appointed for a term of more than four years. When one or more additional political subdivisions join an existing authority, each of such joining political subdivisions shall have not less than one member on the board. Members shall hold office until their successors have been appointed and may succeed themselves. The members of the authority shall elect one of their number chairman of the authority, and shall elect a secretary and treasurer who need not be members of the authority. The offices of secretary and treasurer may be combined. A majority of members of the authority shall constitute a quorum and the vote of a majority of members shall be necessary for any action taken by the authority. An authority may, in its discretion, by bylaw, provide a method of resolution of tie votes or deadlock issues, or it may, in its discretion, by bylaw, provide that, whenever it cannot resolve, because of a tie vote or a deadlock caused by the lack of votes of a majority of members, any resolution, policy, question or matter after a period of sixty days from the time such resolution, policy, question or matter is first voted upon, any member of the authority shall then have the right to apply to the circuit court wherein the authority is located for the appointment of a tie-breaker. The court shall make such appointment upon request and the tie-breaker shall appear at the next regular meeting of the authority after his appointment. He shall be entitled to be fully advised as to the matter upon which he is to vote, and if not prepared to cast his vote at that time, he may require the authority to adjourn the meeting to some future date within a period of thirty days. When he casts his vote, it shall be recorded and counted the same as those of other votes of authority members. His duties shall then be terminated, and he shall be paid by the authority such amount for his services as the court, in the order of appointment directs. Any such bylaw heretofore adopted shall be valid without reenactment thereof. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. If a vacancy shall occur by reason of the death, disqualification or resignation of a member, the governing body of the political subdivision which shall have appointed such member shall appoint a successor to fill his unexpired term. Whenever a political subdivision shall withdraw its membership from an authority, the term of any member or members appointed to the board of the authority from such political subdivision shall immediately terminate. Members shall receive such compensation as shall be fixed from time to time by resolution or resolutions of the governing body or bodies then members of the authority, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties. All authorities heretofore created by the governing bodies of two or more political subdivisions by concurrent ordinances or resolutions conforming to this section are hereby validated and confirmed and declared to be legally created.

Alternate members may also be selected. Such alternates shall be selected in the same manner *and shall have the same qualifications* as the members *except that an alternate for an elected member need not be an elected official*. The term of each alternate shall be the same as the term of the member for whom each serves as an alternate; provided, however, that the alternate's term shall not expire because of the member's death, disqualification, resignation, or termination of employment with the member's political subdivision. If a member is not present at a meeting of the authority, the alternate for that member shall have all the voting and other rights of a member and shall be counted for purposes of determining a quorum at any meeting of the authority.

The members may appoint a chief administrative or executive officer who shall serve at the pleasure of the members. He shall execute and enforce the orders and resolutions adopted by the members and perform such duties as may be delegated to him by the members.