

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 634

An Act to amend and reenact § 15.1-1248 of the Code of Virginia, relating to authorities created pursuant to the Virginia Water and Sewer Authorities Act; joining and withdrawing from such authorities.

[H 2250]

Approved March 25, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-1248 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-1248. Joinder of new subdivision; withdrawal from authority.

Any political subdivision may become a member of any existing authority, and any political subdivision which is a member of an existing authority may withdraw therefrom upon unanimous consent of the remaining members of the authority in accordance with the procedure set forth below; provided, however, that no political subdivision shall be permitted to withdraw from any authority that has outstanding bonds unless all such bonds have been paid, or cashed or United States government obligations have been deposited for their payment or unanimous consent of the holders of all such bonds has been obtained.

The governing body of any political subdivision wishing to withdraw from an existing authority shall signify its desire by resolution or ordinance. The governing body of any political subdivision wishing to become a member of an existing authority and the governing bodies of the political subdivisions then members of the authority shall by concurrent resolutions or ordinances or by agreement provide for the joinder of such political subdivision and specify the number and term of office of members of the expanded authority which are to be appointed by each of the participating political subdivisions, together with the name, address and term of office of initial appointments to membership, which appointments shall become effective upon the date of issuance of the certificate by the State Corporation Commission hereinafter provided and, thereupon, the terms of office of the members of the existing authority shall terminate. If the authority shall by resolution express its consent to such withdrawal or joining, the governing body of the withdrawing political subdivision or the governing body of the joining political subdivision and the governing bodies of the political subdivisions then members of the authority shall comply with the provisions of § 15.1-1243.

Upon adoption or approval of the ordinance, resolution or agreement, the governing body or governing bodies shall file an application to withdraw from or to become a member of the authority as the case may be with the State Corporation Commission.

In the case of a political subdivision seeking to become a member of the authority, the application shall set forth all of the information required in the case of original incorporation insofar as it applies to the expanded authority and shall be accompanied by certified copies of the resolutions, ordinances or agreements hereinbefore described. The application in all cases shall be executed by the proper officers of the withdrawing or incoming political subdivision under its official seal, and shall be joined in by the proper officers of the governing body of the authority, and in the case of a political subdivision seeking to become a member of the authority also by the proper officers of each of the political subdivisions that are then members of the authority, pursuant to resolutions by the governing bodies of such political subdivisions. *Any authority created pursuant to § 15.1-1241 et seq., with assenting concurrent ordinances or resolutions of the political subdivisions which created it, may join an existing authority created pursuant to § 15.1-1241 et seq., notwithstanding any contrary provisions of § 15.1-1251. The provisions of this paragraph pertaining to a political subdivision becoming a member shall also apply, mutatis mutandis, to an authority becoming a member; however, if the political subdivisions, at the time of the creation of an authority, state that the authority is created with the intention of joining an existing authority, additional assenting concurrent ordinances or resolutions of the political subdivisions shall not be necessary.*

If the State Corporation Commission finds that the application conforms to law it shall, forthwith, endorse approval thereon, and when all proper fees and charges have been paid, shall file the same and issue a certificate of withdrawal, or a certificate of joinder, as the case may be, to which shall be attached a copy of the approved application. The withdrawal or joining shall become effective upon the issuing of such certificate.