

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 394

An Act to amend the Code of Virginia by adding in Title 62.1 a chapter numbered 5.6, consisting of sections numbered 62.1-69.45 through 62.1-69.52, relating to the Rivanna River Basin Commission.

[S 267]

Approved April 12, 2004

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 62.1 a chapter numbered 5.6, consisting of sections numbered 62.1-69.45 through 62.1-69.52, as follows:

CHAPTER 5.6.

RIVANNA RIVER BASIN COMMISSION.

§ 62.1-69.45. *Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Rivanna River Basin" means that land area designated as the Rivanna River Basin by the State Water Control Board pursuant to § 62.1-44.38 and that is also found in the Fifteenth, Seventeenth, Twenty-fourth and Twenty-fifth state Senatorial districts or the Twenty-fifth, Fifty-seventh, Fifty-eighth and Fifty-ninth House of Delegates districts, as those districts existed on January 1, 2002.

§ 62.1-69.46. *The Rivanna River Basin Commission; establishment; purpose.*

A. The Rivanna River Basin Commission (the Commission) shall be established as an independent local entity without political subdivision status, and shall be established upon the passage of a resolution by three-fourths of the Rivanna River Basin's localities, in which not less than three percent of the jurisdiction is found wholly or partially within the Rivanna River Basin, that commits them to participation in the Commission as described in this chapter. Localities located in the Rivanna River Basin include the Counties of Albemarle, Fluvanna, Greene, Louisa, Orange and Nelson, and the City of Charlottesville. The resolution shall contain the following language:

"The (governing body) of this jurisdiction hereby agrees to become a member of and participate in the Rivanna River Basin Commission as described in Chapter 5.6 (§ 62.1-69.45 et seq.) of Title 62.1 of the Code of Virginia."

B. The purpose of the Commission shall be to provide guidance for the stewardship and enhancement of the water and natural resources of the Rivanna River Basin. The Commission shall be a forum in which local governments and citizens can discuss issues affecting the Basin's water quality and quantity and other natural resources. Through promoting communication, coordination, and education, and by suggesting appropriate solutions to identified problems, the Commission shall promote activities by local, state, and federal governments, and by individuals, that foster resource stewardship for the environmental and economic health of the Basin.

§ 62.1-69.47. *Membership; terms; vacancies; chairman and vice chairman; quorum; meetings; voting.*

A. The Commission shall consist of 14 nonlegislative members as follows: two members each of the local elected governing body of the Counties of Albemarle, Fluvanna, and Greene, and the City of Charlottesville; two nonlegislative citizen members, one each from the Culpeper Soil and Water Conservation District and the Thomas Jefferson Soil and Water Conservation District; and four nonlegislative citizen members at-large, one member each appointed by the local elected governing body of the Counties of Albemarle, Fluvanna, and Greene, and the City of Charlottesville, upon the recommendation of the Thomas Jefferson Planning District Commission. All members recommended by the Thomas Jefferson Planning District Commission and appointed to the Commission by the relevant local elected governing bodies shall be citizens who demonstrate interest, experience, or expertise in water-related Basin issues.

B. Members of the Commission who are local elected governing body officials or members of the soil and water conservation districts shall serve terms coincident with their terms of office. Initial appointments of the four nonlegislative citizen-at-large members shall be staggered as follows: two members for a term of two years; and two members for a term of four years. Thereafter, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a nonlegislative citizen at-large member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The Commission shall elect a chairman and vice chairman from among its membership. A majority of the voting members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request. Each member of the

Commission shall have an equal vote.

§ 62.1-69.48. Compensation; expenses.

Members of the Commission may receive compensation and may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as the Commission may deem appropriate. The costs of compensation and expenses shall be paid from such funds as may be available to the Commission.

§ 62.1-69.49. Funding.

A. The Commission shall adopt annually a budget that includes the Commission's estimated expenses. A process for distributing the costs for the support of the Commission among the relevant local governing bodies, based on each jurisdiction's proportional share of the population within the Rivanna River Basin, shall be determined by the Commission's local elected governing body members, unless such members choose otherwise.

B. The Commission shall designate a fiscal agent annually.

§ 62.1-69.50. Powers and duties of the Rivanna River Basin Commission.

The Rivanna River Basin Commission shall have the following powers and duties:

1. Develop a plan to promote the coordination of water management within the Basin to maintain flow conditions to protect instream beneficial uses and public water supplies for human consumption;

2. Provide guidance and make recommendations to local, state, and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;

3. Undertake studies and prepare, publish, and disseminate information in reports and in other forms related to the water and natural resources of the Basin and to further its purposes and mission, including but not limited to studies to determine the flow conditions necessary to protect instream beneficial uses and public water supplies for human consumption;

4. Enter into contracts and execute all instruments necessary or appropriate;

5. Perform any lawful acts necessary or appropriate;

6. Establish a nonprofit corporation as an instrumentality of the Commonwealth to assist in the details of administering its affairs and in raising funds;

7. Seek, apply for, accept, and expend gifts, grants, and donations, services, and other aids, from public or private sources. Other than those from member jurisdictions and those appropriated by the General Assembly, funds may be accepted by the Commission only after an affirmative vote by the Commission or by following such other procedure as may be established by the Commission for the conduct of its business;

8. Establish balanced advisory committees that may include representation from agricultural, environmental, resource-based, industrial, recreational, riparian landowner, development, educational, and other interests as it deems necessary and appropriate; and

9. Develop rules and procedures for the conduct of its business as necessary to carry out its purpose and mission, including but not limited to, selecting a chairman and vice chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote of a majority of the Commission's members.

§ 62.1-69.51. Staffing and support.

The local governing bodies, soil and water conservation districts, and planning district commissions found wholly or partially in the Rivanna River Basin may provide staff support to the Commission as the localities determine appropriate. Additional staff support may be hired or contracted for by the Commission through funds raised by or provided to it. The Commission shall determine the duties of such staff and fix compensation within available resources.

All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

§ 62.1-69.52. Withdrawal; dissolution.

A. A locality may withdraw from the Commission one year after providing written notice to the Commission of its intent to do so.

B. The Commission may be dissolved (i) upon three-fourths vote of its members, (ii) if the membership falls below three-fourths of the number of localities eligible for membership in the Commission, or (iii) by repeal or expiration of this chapter.

C. Upon the Commission's dissolution, all funds and assets of the Commission, including funds received from private sources, shall be divided and distributed on a pro rata basis to the member local governing bodies. All state funds and assets, if any, shall be transferred to the Office of the Secretary of Natural Resources for appropriate distribution.