REPORT OF THE VIRGINIA METROPOLITAN AREAS STUDY COMMISSION

To The

GOVERNOR OF VIRGINIA

And The

MEMBERS OF THE GENERAL ASSEMBLY OF VIRGINIA

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THE REPORT BY THE VIRGINIA METROPOLITAN AREAS STUDY COMMISSION

"That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal."

Article I, Section 3, The Constitution of Virginia

Richmond, Virginia, November 15, 1967

To:

HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

It is an honor and a pleasure to transmit herewith the Report of the Virginia Metropolitan Areas Study Commission, in compliance with Chapter 479 of the 1966 Acts of the General Assembly.

The Report summarizes the increasingly critical problems facing Virginia's growing metropolitan areas. It offers a series of recommendations, a Program for Action, through which the State can assume a positive role in encouraging the localities in each metropolitan area to work together on matters involving area-wide resources and needs, in the interest of local government, the metropolitan area, and the Commonwealth.

Much of the State's growth during the past several decades has occurred in its urban areas, a trend that will intensify in the years ahead. The metropolitan area has become the heart of Virginia's industrializing economy. If that economy is to expand as rapidly as possible, and if Virginians are to enjoy maximum opportunities for economic advancement and the most beneficial environment, then positive, constructive steps to deal more effectively with the problems of the metropolitan areas are essential.

Virginia has a unique opportunity. Although the critical problems of its urban areas are urgently in need of solution, these problems have not reached the dimensions of those in other states. There is still the opportunity to develop effective long-range solutions. In the years ahead remedial action will become increasingly difficult.

The Commission wishes to express its deep appreciation to the countless citizens, officials, and organizations who contributed so much to its work.

Respectfully submitted,

T. Marshall Hahn, Jr.
Chairman

PREFACE

This report to the Governor, General Assembly, and citizens of the Commonwealth summarizes the findings and the recommendations of the Virginia Metropolitan Areas Study Commission. These recommendations are the result of more than a year of study, consultation, public hearings, and intensive staff work.

With their widely varying backgrounds and perspectives, all members of the Commission do not necessarily agree with every detail of every recommendation offered in this report. However, these proposals represent the best thinking of the Commission, have been adopted by it, and are strongly recommended as a program of action for Virginia's metropolitan areas.

To some the proposals outlined in this report may seem too modest, to others too drastic. It is the strong hope of the Commission, however, that every citizen of the State will consider this report thoughtfully, and recognize that the action taken will have major impact on our lives and those of our children and their children. Delay in meeting the growing problems of urban and metropolitan Virginia will exact an immeasurable cost in money, in the well-being of many citizens, and in the economic and social development of the Commonwealth.

The Virginia Metropolitan Areas Study Commission was appointed by Governor Mills E. Godwin, Jr., in accordance with an act of the 1966 General Assembly. The Commission members were drawn from various areas of the State and have represented a wide range of occupations, experience, interests, and backgrounds.

Since the summer of 1966, the Commission has devoted a great deal of time to consideration of the problems of Virginia's metropolitan areas. It has heard consultants from state and local governments and from other organizations in Virginia and other parts of the United States and Canada. All of these consultants presented their viewpoints frankly and openly and discussed with the Commission at length the nature of metropolitan growth and its problems and possible solutions. The Commission wishes to express its deep appreciation to the many leaders who took time from their busy schedules to assist the Commission with its work.

In May, 1967, the Commission prepared and distributed throughout the State two reports, *Governing the Virginia Metropolitan Areas: An Assessment* and *Metropolitan Virginia 1967: A Brief Assessment.* These reports carefully reviewed many existing problems.

During May and June, 1967, public hearings were held in each of the State's six existing Standard Metropolitan Statistical Areas.* At these hearings leading representatives of local and State government, members of numerous organizations, and many private citizens exhibited sincere concern about the future of Virginia and its major metropolitan areas, as well as the cooperative attitude the Commission has consistently encountered during its heavy work schedule.

It is impossible to acknowledge individually all of those persons who contributed significantly to the work of the Commission, since they are

* Under the definition of the U. S. Bureau of the Budget and the Bureau of the Census, a Standard Metropolitan Statistical Area is "an integrated economic and social unit with a recognized large population nucleus." Each area must contain at least one city of 50,000 inhabitants or more or "twin cities" with a combined population of at least 50,000. The metropolitan nature of the surrounding or adjoining area is established through determination that it is a place of work or residence for a concentration of non-agricultural workers. A variety of other detailed criteria is employed in delineating Standard Metropolitan Statistical Areas.

far too numerous and their contributions far too great to express adequately the appreciation they are due. The Commission can only hope this report in some measure rises to the high standard of their generosity and unstinting cooperation.

For invaluable support throughout the course of its work, including assistance with the drafting of this report, the Commission is indebted to Mr. S. J. Makielski, Jr., and his assistants, Mr. Donald Dixon and Mrs. Judith Palkovitz, all members of the staff of the Institute of Government of the University of Virginia.

The Commission also wishes to express its appreciation to Mr. T. Edward Temple, Director of the Division of Planning, and his staff for invaluable support in the role of secretariat to the Commission. Especially helpful were the economic base studies undertaken for the Commission by Mr. John L. Knapp, Chief of the Research Section of the Division of Planning. The results of these studies are available in a separate publication from the Division of Planning, *Projections to 1980 for Virginia Metropolitan Areas.*

The Commission also is most grateful to Mr. Toy D. Savage, Jr., Legal Counsel to the Commission, and to his associates for invaluable technical and legal assistance.

Mr. Richard H. Kraft was most helpful in his role of Special Consultant to the Commission.

The work of the Commission and the preparation of this report were materially assisted by a Federal grant from the Department of Housing and Urban Development under the Urban Planning Assistance Program, authorized by Section 701 of the Housing Act of 1954, as amended.

I. A PROGRAM FOR ACTION

The recommendations of the Virginia Metropolitan Areas Study Commission outlined in the following pages envision a series of basic innovations in the relationships and functions of the various governmental units within the Commonwealth's metropolitan areas.

Together these recommendations constitute a far-reaching approach to the problems of governing the metropolitan areas. They propose, in substance, that the State, the localities, and the proposed new area-wide agencies form effective partnerships to establish the procedures and resources needed to resolve the increasingly complex problems of urban Virginia.

The proposals of the Commission contain recommendations that the State assume a positive role in encouraging the localities in each metropolitan area to work together on matters involving area-wide resources and needs, in the interest of local government, the metropolitan area, and the Commonwealth. The Commission recommends this be accomplished by: (1) the establishment of a new State agency, the Commission on Local Government, to provide leadership and assert the State's concern with the sound development of its metropolitan areas; (2) the expansion of the State Division of Planning to the Division of State Planning and Community Affairs, to aid localities, promote area-wide planning, and provide technical staff services for the Commission on Local Government; (3) the division of the State into Planning Districts, better structured and better financed than the present scattered regional planning commissions; and (4) the provision of means for advancing from the level of a Planning District to that of a Service District, a new unit of government designed to deal effectively with area-wide problems.

In addition, it is recommended that voluntary merger or consolidation be facilitated by providing for district representation. The removal of irritants and obstacles to cooperation between localities is recommended, along with greater State financial support for certain area-wide functions.

This program for action for Virginia's metropolitan areas is based on respect for present governmental devices and local initiative, and it moves ahead to provide for planning and governing in the new reality of rapidly growing metropolitan areas.

The task will not be easy. Even when the recommendations are translated into legislation, and the legal relationships which they recommend are established, they will not, alone, solve the problems of city and suburb. Governmental structures and governmental resources are only tools. If used well, these tools will produce good results; if used badly, no matter how soundly conceived they may be, they can produce only indifferent or poor results.

The Commission's recommendations will provide the framework for effective and necessary innovation designed to resolve many of the pressing governmental problems in urban Virginia. They are designed with an awareness of the unique structure of Virginia local government.

These recommendations will provide the basis for workable solutions to many complex and serious problems in urban Virginia if they are conscientiously implemented. They cannot do more. The Commission cannot create the desire for progress and area-wide leadership, generate cooperation between and among officials and citizens, or provide the initiative and vision essential for effective action. The Commission cannot search out skilled administrators and insure they will act with the vigor and wisdom demanded to accomplish what must be done.

The initiative and effective action necessary for the resolution of the problems of urban Virginia must come from State and local leadership. Such leadership must include the officials and administrators who translate governmental concepts into everyday plans, decisions, and actions.

These leaders must be willing to plan constructively, with foresight for a future that will soon be here. They must develop the plans and policies essential for orderly development and growth of any locality, any area, and the State itself. They must be willing to experiment with new ideas, new approaches, new concepts. They must translate, finally, the recommendations of this report into effective action.

Virginia has, at this time in its illustrious history, the opportunity to assert once more her national leadership. The problems confronting the Commonwealth are not unique. Positive, aggressive steps to resolve these problems are unique. Virginia has the opportunity to make her urban areas what they are meant to be: centers for cultural, political, economic, and social opportunity; places where pride instead of apology is the norm.

Failure to seize this opportunity will not mean simply failure to meet the needs of urban Virginia; it will result in a growing blight spreading equally over city, suburb, and countryside; it will mean major loss to the economy and life of the Commonwealth.

The Commission believes that if this opportunity is missed, or misused, solution to the pressing problems of urban Virginia will become increasingly difficult in future years. But the Commission also believes Virginia and Virginians have the foresight and the courage to do what must be done.

Today the flexibility exists in Virginia to meet and guide change. Down the long road of tomorrow, as patterns of development become more firmly set, action will be more difficult. The time to act is now.

II. THE ROLE OF THE STATE AND LOCAL GOVERNMENTS

Virginia has been fortunate in the quality of local government in the metropolitan areas of the State. Counties, cities, and towns have risen to the challenge of rapidly expanding populations, increased demands for services, and pressures of urgent physical, economic, and social problems. These local governmental units have been successful in dealing with local problems on an individual basis, but only limited success in meeting area-wide problems has been achieved.

Two broad factors contribute to the limited success of government in metropolitan Virginia. The first of these is the failure of the State to assume a more positive role in restructuring its political subdivisions and encouraging them to work together on matters involving area-wide resources and needs. The second is the inadequacy of local governments individually to meet area-wide problems. This inadequacy stems from limited jurisdiction, limited finances, and insufficient intergovernmental cooperation.

The State

The State is sovereign, and the political subdivisions, such as counties and cities, are creatures of the State, created for the purpose of fulfilling a part of the State's responsibility to its citizens. The General Assembly, within constitutional limitations, may revise local governmental structure, abolish or create local governments, assign new functions, or remove existing ones. Although this power rests in large part on legal precedent and historical tradition, it exists also for practical reasons. The State has the geographic, economic, and social base to make broad policy decisions effective.

In Virginia this role of the State has been clearly demonstrated in public health, highways, and, increasingly, public welfare and education. In each case the General Assembly has established minimum planning, coordination, and performance standards for local governments and State agencies. Generally such programs are administered by local governments, individually or in combination. To the extent this approach has been used, it has achieved greater success and more effective programs than possible by either the State or the localities, individually.

However, such action by the State has had only limited application in Virginia. Without more and better directed State resources, the State can exercise only relatively minor influence on local decision-making. Although Federal programs invariably provide for State participation, relatively little State coordination of participation by local governments in Federal programs in relation to State interests has been established.

As a result of these deficiencies in State leadership, serious problems have developed in the metropolitan areas. Key programs requiring new governmental structures and positive action are left to local initiative; too frequently inaction results. Since the correction of a fault is always more expensive than its prevention, increased costs to the taxpayer develop. Perhaps even more serious are the growing problems of the core cities, and the inevitable spread of many of these problems to the suburbs.

All too visible are air pollution, crowded schools, traffic congestion, inadequate water supplies, polluted recreational areas, slums and wasted or destroyed natural beauty. Equally present, although less visible, are

the out-migration of the young and talented from the cities and the State, the wasted energy and frustration of conscientious public servants, the despair of the impoverished, and the dollars wasted for basically sound programs that fail to do enough soon enough.

The Commonwealth can and should do more. It can provide the area-wide mechanisms through which basic and effective area-wide decisions can be made and successfully implemented. The State can and should provide at least some of the funds for policy-making and implementation. And the State, through appropriate existing and new programs and agencies, can and should articulate and implement State policies.

The Local Governments

Over the years the State has allocated certain governmental functions to local government and retained others. Counties have performed those limited functions needed for rural populations, towns have provided services for more densely populated areas, and cities have provided the intensive level of services and governmental activities required by urban populations.

In the past this allocation of functions among State, county, and municipal governments met the varying needs of a large and heterogeneous area. Municipalities were generally isolated from one another by open areas, comparatively few people lived in urban areas, and the impact of the city, while culturally and economically great, was small in a governmental and social sense. Cities interacted with only small portions of surrounding counties.

However, with the rapid urbanization that has come to Virginia since the 1940's, many traditional distinctions have become obsolete. The densely populated urban county has appeared on the scene. The city, isolated from other urban areas by rural counties, has been replaced by the city surrounded by urban counties in which economic, social, and governmental activities differ little from those in the city. With such blurring of traditional distinctions, most apparent in the metropolitan areas, but also occurring throughout the State, adjustment of accepted concepts of local government is essential.

Citizens in metropolitan areas expect the same quality of services regardless of residence in the city or in the county. They expect to travel easily to and from places of work, commerce, and recreation. They understand intuitively what many governmental officials may recognize consciously: problems are not confined to local governmental boundaries.

Criminals can commute like anyone else. The person bearing tuberculosis, venereal disease, or polio is free to move from one local governmental jurisdiction to another. The growing problems associated with the concentration of disadvantaged persons in slum areas cannot be quarantined by city boundaries. Polluted air and water do not stop at city or county lines. Haphazard and uncontrolled development in one jurisdiction can render inoperative efforts to produce an effective traffic plan in another.

This does not indicate that local government is obsolete, but that local government based on the concept of self-contained and self-sustaining geographic areas is impossible. Certain governmental functions can be provided most efficiently by local governments. At the same time, local governments are often frustrated in the performance of obligations by conditions which they only partly control or which they refuse to confront.

Any local government, no matter how wealthy the residents of the area it represents, has at best limited financial resources. Such limits are imposed politically by the failure of local officials to provide the leadership required to persuade the taxpayers to devote a greater share of their income and property to government. Local governments are also restricted geographically by the limited area included within even the largest jurisdiction. The ability of local governmental units to support services is frequently disproportionate to the need for such services. In addition, any single local government is restricted in the range of its policy making and implementation by its geographic limits, its inability to control the social and economic forces outside its boundaries, and its consequent inability to plan successfully. In some cases the effectiveness of local government is impaired by intergovernmental hostilities and failure to face realities.

Local governments cannot overcome these limitations alone. As fondly as officials and citizens may cling to the hope that single-handed efforts will solve the problems of today and hold back the future, clearly this is a fanciful hope. What must be done is neither easy nor simple, but it is within the responsibility and capacity of State and local governments working together.

Local governments have shown repeatedly that they can support services and facilities cooperatively that would be impossible for single units alone. Joint efforts can result in enormous expansion of the financial base for the solution of a problem. Available administrative and policy talent are enlarged and benefit from exchange of information. The prospects for achieving mutually beneficial solutions to problems tormenting the jurisdictions are greatly enhanced.

In addition, the cooperation and coordination of local governments in resolving problems of area-wide concern free resources for meeting local problems and needs. Thus, local government as a strong participant in area-wide affairs can also mean local government with greater potential to fulfill its purely local role.

Desirable levels of local government coordination and cooperation can be achieved only through the establishment of area-wide agencies and procedures, greater State participation in community affairs, and expanded bases for interjurisdictional cooperation.

III. METROPOLITAN VIRGINIA: AN ASSESSMENT

The emergence of rapidly growing urban areas is a relatively new phenomenon in the Commonwealth, and the full impact of urban growth is still to be felt. Virginia currently has six metropolitan areas. One of these, in Northern Virginia, is part of the Washington metropolitan area. The other five existing metropolitan areas are Richmond, Roanoke, Lynchburg, and the two sides of the Hampton Roads. These six metropolitan areas encompass eleven counties and twelve cities. They include twelve percent of Virginia's land area and contain fifty-six percent of the State's population. Dramatically underscoring the direction of future growth, eighty-five percent of the State's entire population increase between 1950 and 1960 occurred in these six metropolitan areas.

The Division of Planning undertook for the Metropolitan Areas Study Commission a year-long study of population and employment projections to 1980. The results of this study are summarized in another report, *Projections to 1980 for Virginia Metropolitan Areas*, available as a separate publication from the Division of Planning. These projections indicate that by 1980, in addition to the six existing metropolitan areas,

four additional metropolitan areas will have emerged. These include an additional interstate area, Bristol-Kingsport, and also Charlottesville, Danville, and the Petersburg-Hopewell-Colonial Heights area.

The State's ten existing and emerging metropolitan areas now contain a population of three million, about sixty-seven percent of all Virginians. By 1980, the total population of these ten metropolitan areas is expected to reach 4.3 million and to account for nearly three-fourths of the total population of the State.

Virginia soon will have its own megalopolis extending from Northern Virginia down the Interstate 95 corridor through Fredericksburg to Richmond, and then along the James River to Tidewater. In addition to this growing urban corridor, another is emerging along Routes 11 and 81 through the Great Valley of Virginia.

It is difficult to make valid comparisons among the Virginia metropolitan areas. Each has its unique character; each has a separate history and is facing a somewhat different future. Governmental arrangements for meeting area-wide needs range from friendly cooperation to hostility. And, although each metropolitan area is unique, as noted in a previous Commission report, certain major problems recur and are common to most of the metropolitan areas.

Some Critical Problems

In urban Virginia, as in the metropolitan areas of other states, perhaps the most critical and far-reaching urban problems stem from the growing concentrations of slums and core-city blight, with all accompanying social and economic ills.

The sociological and economic problems of these areas are far different from those of more stable communities, sometimes only a few short blocks distant, and from the rapidly expanding suburbs which characterize modern urban growth.

The social dangers inherent in the continued deterioration of the central city have become too obvious in the waning decades of the 20th Century. Its residents, sensitive to the growing affluence surrounding them, can lose hope; their protests, incoherent and scarcely understood, can explode into violence.

Although many cities have launched ambitious redevelopment efforts, these rebuilding programs too often treat only the symptoms and not the cause of the real problems which exist. As useful as many have been, urban redevelopment programs at times lack the scope, vision, and human and financial resources required to establish the core areas as attractive centers for urban life. In addition, effective programs to retain and maintain the present quality of many urban areas are lacking.

Any consideration of the governmental functions of a metropolitan area can ignore these problems only at the risk of serious danger. The Virginia metropolitan areas, pondering their future, must be aware of the core city, and must provide the human and financial resources necessary to find solutions to its pressing problems.

But these are only part of the difficulties inherent in rapid metropolitan growth. There is a growing awareness that a frequent cost of urban living is the loss of the amenities, pleasures, and recreational advantages of the natural environment.

The need for a place to play, to walk, and to enjoy the outdoors has recently received dramatic recognition in the Commonwealth by the work

of the Virginia Outdoor Recreation Commission. This is a need that some of the metropolitan areas are attempting to meet, but efforts thus far appear to fall far short of what is required. The cost of open land is high, the availability of open space often is limited, and the rapid population growth is decreasing the land availability very rapidly. The unplanned and wasteful use of so vital a resource is too familiar a part of metropolitan growth.

Similarly, congested streets and highways and inadequate mass transit facilities are so much a part of the metropolitan areas that little elaboration is required here. Virginia's metropolitan areas without exception are struggling with these problems. State and local governments have made huge investments in street systems, often at the cost of heavy debt burdens. The increase in the number of special transportation authorities supported by economically expensive tolls emphasizes the scope and seriousness of the problem. Public transit systems too frequently are designed to conform to artificial boundaries rather than to the needs of area-wide populations.

Many other problems equally significant are apparent in urban Virginia, problems which spill over into less populous areas. One major problem is water pollution, spoiling the beauty and utility of many of the State's major streams. The growing concentrations of population, along with the Commonwealth's rapid industrialization, continually intensify pollution problems.

The adequacy of sanitary sewer facilities also controls water quality and poses serious problems. Urban and suburban development is heavily influenced by patterns of sanitation arrangements; often local governments are faced with enormous capital burdens from "inherited," inadequate systems. Waste disposal facilities have frequently been located without thought to area-wide planning; combined storm and sanitary sewer systems, particularly in older congested areas, contribute to pollution problems and are expensive to replace. Where comprehensive planning should take place, piecemeal development is the rule.

This same situation too often applies to local water supplies and to the development of water treatment facilities. Although all of the localities in the metropolitan areas thus far have developed generally adequate water sources, the future is far less promising. Local governments throughout the State are facing potential water shortages; the metropolitan areas are no exception.

To single out these area-wide problems is not to ignore other important needs, such as community library facilities, fire protection, law enforcement, solid waste disposal, community renewal, welfare needs, educational programs, and such major area-wide public facilities as airports, stadiums, coliseums, and detention facilities. Those discussed, however, are some of the more serious problems that most of Virginia's metropolitan areas are facing.

Governmental Considerations

A number of basic governmental problems concern the metropolitan areas in varying degrees. In some areas, annexation is a source of governmental tension, a barrier to coherent policy-making. Counties are quite reluctant to enter into intergovernmental agreements or to cooperate with cities, since such actions may ultimately contribute to loss of county territory in an annexation court.

Intergovernmental agreements frequently could be helpful in solving metropolitan problems. All too often, however, they are ineffective because of the threat of annexation. Consequently, many service contracts are short-term or carry "at will" termination clauses and often are unsatisfactory to those purchasing services. These agreements frequently are not developed on a basis beneficial to an entire metropolitan area.

The fragmentation of governmental units and powers is one of the most difficult problems facing metropolitan areas throughout the nation and often results in expensive duplications of services and facilities, uneconomical operating levels, and problems of coordination. Such fragmentation is encouraged in Virginia's metropolitan areas through the creation of special service districts, and the low population level required for town incorporation and the transition from town to city status.

Major deficiencies exist in metropolitan planning and policy-making. Planning should encompass appropriate areas, and focus not only on the orderly physical development of the metropolitan areas, but also treat comprehensively the full range of problems implicit in urban development. Planning must be more adequately financed to provide necessary professional support and, to be effective, must be more closely related to the decision-making process. In a democracy this involves political decisions, made by elected officials.

The demands of urban life impose an increasingly heavy burden on the fiscal resources of local government in the metropolitan areas. Problems generated outside local boundaries become problems which local governments must solve. Services are required and serious strain is imposed on the limited financial resources of the localities. The result often is inadequate provision of necessary programs for education, welfare, public health, and other services.

The ability of local governments in Virginia's metropolitan areas to provide appropriate services efficiently, economically, and on an equitable cost basis to their citizens is a key test of their effectiveness. The results have been mixed, varying from area to area.

With reduced annexation pressures, similar problems, a tradition of cooperation, and the willingness of officials to consider area-wide problems, the Hampton-Newport News and Northern Virginia areas have made progress in meeting common needs. The Norfolk area also shows strong potential for developing area-wide solutions to its problems.

The elements of the Richmond and Roanoke metropolitan areas are in need of closer cooperation on urgent problems. Recent annexation proceedings have impaired the cooperative efforts that previously existed. The problems of the Lynchburg area are less intense but eventually may emerge as major problems if the present situation continues. The early beginnings of many of the same metropolitan problems are already evident in the State's emerging metropolitan areas.

Virginia localities theoretically possess the necessary legal powers to meet area-wide governmental and service problems. In actual practice truly effective area-wide policy-making for a metropolitan area does not exist. Continuity of intergovernmental agreements is shaped by personalities and temporary political conditions. It is a delicate thread easily broken by the uncertainty of annexation, changes in local leadership, or administrative reorganization.

The growing problems of Virginia's metropolitan areas and the manner in which these problems are being met—or neglected— suggest

the need for new approaches, new alternatives. Again it should be emphasized that the metropolitan areas, despite their significant differences, share major common problems.

Careful analysis of those problems indicates that neither the State nor the metropolitan areas themselves can depend upon local agreements and contracts alone for solutions. A compelling need is apparent for permanent arrangements for coordinated area-wide planning, policy decisions, and implementation.

Such arrangements must possess the full legal, organizational, and financial base required to deal effectively with area-wide service problems. In addition, they must provide the flexibility necessary to meet the varying local needs of each area.

There is little question that solutions must be developed for the governmental problems associated with annexation, inter-governmental agreements, governmental fragmentation, and fiscal problems. Many of the existing service problems result in varying degree from intergovernmental difficulties. A major issue is whether or not the subdivisions of the State are designed so that they can effectively and economically provide that share of governmental responsibility expected of them in the interest of the whole State as well as in the interest of only a part.

In the context of the very rapid growth of Virginia's population and the continued concentration of her citizens in larger urban areas in the years immediately ahead, the need for action is urgent. There is time, yet, to resolve problems which, while critical, are still manageable. In a few short years they may not be.

IV. ALTERNATIVE APPROACHES

Many approaches aimed at resolving metropolitan problems more effectively have been considered by the Commission. Various recommendations have been offered by consultants, participants at public hearings, and government officials, all of whom have given careful thought to the problems of Virginia's metropolitan areas. Many of these concepts have been incorporated into the recommendations contained in these pages. Other approaches suggested, although utilized in other parts of the nation, were not recommended for a variety of reasons. Some of the alternative approaches considered for Virginia's metropolitan areas can be summarized here.

Regional Planning Commissions

Regional planning commissions may be established through voluntary intergovernmental agreements to provide some planning functions for areas involving more than one jurisdiction. These commissions seek to develop comprehensive plans for the coordination of decision-making by local governmental units.

In Virginia such commissions are composed largely of private citizens. Present statutes prohibit more than one elected official from each cooperating jurisdiction from serving on a regional planning commission. As an incentive to regional planning, the State is authorized to provide financial assistance not exceeding $10,000 annually to each regional planning body. Other financial support typically is made available from the local governments and by Federal grants. Available financial support, however, is often inadequate to provide necessary professional planning services.

Plans developed by regional planning commissions become effective within local governmental units only when adopted by their governing bodies. The lack of a closer relationship between the regional planning function and the political decision-making process is a serious deterrent to implementation of area-wide planning. In addition, the planning frequently involves limited political and geographical areas. Regional planning commissions as presently utilized appear to have limited potential in the orderly development of metropolitan areas.

Councils of Government

Councils of government are voluntary associations of elected public officials from the governmental units within a metropolitan area. Such councils normally have no operating functions, but rather provide forums for discussion, research, and recommendations. Councils of government generally are financed by voluntary local support, often supplemented by matching Federal grants.

Although councils of government are entirely voluntary, a number of such associations in the nation have achieved significant results in stimulating cooperation among local governmental units within a metropolitan area. The Metropolitan Washington Council of Governments, which includes representatives from localities in the Northern Virginia metropolitan area, has exerted a beneficial influence on that area. Because of their voluntary nature and their lack of general governmental powers, however, their contributions are limited. Decision-makers for a metropolitan area can be assembled, but a mechanism is needed for positive action on an area-wide basis.

Public Service Authorities

Public service authorities normally perform governmental functions which can be financed through service and user charges. Such authorities can be either single-purpose or multi-purpose. The former provide a single, self-financing service, concerned with a single problem on an area-wide basis. Such an authority, for example, can provide water, sanitation services, regional parks, or other community needs without restriction by the boundaries of local governmental units.

The principal difficulty of this approach is that it complicates rather than simplifies governmental coordination in a metropolitan area. Heavy reliance on single-purpose authorities inevitably leads to fragmentation of governmental powers.

Within limits, single-purpose authorities can be helpful, but widespread creation of such authorities adds to the complexity of government in metropolitan areas and results in the inability of counties and cities to meet metropolitan problems on a coordinated and effective basis.

The tendency to rely on single-purpose authorities may indicate lack of governmental leadership and foresight, leading ultimately to serious aggravation of metropolitan problems.

Multi-purpose service authorities are designed to provide more than one service, but these also are limited to services financed by service or user charges. Because they may provide more than one service, multi-purpose authorities do not lead to the extreme fragmentation of governmental powers resulting from the proliferation of single-purpose authorities. The multi-purpose authority can provide only self-financing activities, however, and its range of usefulness is restricted. Such au-

thorities contribute to fragmentation of governmental powers in metropolitan areas. Their effectiveness is limited.

Abandonment of City-County Separation

There is little question of the significant advantages offered by a governmental structure in which those governmental functions which can best be provided on an area-wide basis are performed by an area-wide governmental unit, and those functions which should be performed locally are retained by local governmental units. However, these advantages are lost if one layer of government is not truly area-wide. The elimination of city-county separation in Virginia generally would not result in an area-wide jurisdiction.

City-county separation on a state-wide basis is unique to Virginia. Under this system of local government cities have possessed greater powers and greater freedom of administrative arrangments than counties. In recent years the powers of counties have been increased and the distinctions between counties and cities significantly reduced.

It has been suggested that the problems of local governments in Virginia would be reduced with the elimination of city-county separation. Such suggestions envision that area-wide services would be provided by the county, and urban services required by city residents would be provided by municipal government. Under such a system the county overlaps the municipality, common and overlapping service functions are maintained, and the legal status of the municipality is similar to that of the present Virginia town. Since the county then could levy taxes on privately-owned municipal property, it is suggested the fiscal issues of annexation might be considerably reduced.

While the elimination of city-county separation has some appeal, such a step would appear to create more problems that it would solve. All of Virginia's metropolitan areas, except Roanoke, contain more than two counties or cities. In such metropolitan areas the elimination of city-county separation would provide no basis for an area-wide approach to metropolitan problems.

It is significant that in metropolitan areas of comparable size in other states, intergovernmental conflicts and tensions are far more serious and damaging than in Virginia where city-county separation exists. The slight advantages that might be gained by abandoning city-county separation would almost certainly be offset by the confusion and cost of overlapping levels of government, diffusion of responsibility, and duplication of functions and services that characterize local government in other states. It should be noted, in fact, that in other states county-city separation is often cited as a means of reducing metropolitan problems.

Increased State Responsibilities

During the past several decades a trend has developed in the partial or total transfer of the responsibility for and control of some functions of local government to the State. These include the administration of public health, the county road and highway systems, and the financing of education and welfare.

It has been suggested that some metropolitan problems could be eliminated by transferring the responsibility for additional functions from the localities to the State.

There is little question that in some instances, such as the provision of an adequate and safe highway system and a sound welfare program, it is desirable that the State's greater financial, technical, and administrative resources be utilized to achieve uniform standards on a State-wide basis. It also may be reasonable for the State to assume a larger role in certain aspects of local functions, such as the training of personnel, tax equalization, and the development of an air transportation system.

However, practical considerations make it desirable that many governmental functions be administered at the local or area level by appropriate political subdivisions of the State. Although greater State assistance in education, planning, recreation, and in the development of street and highway systems is clearly needed in the metropolitan areas, there is sufficient difference in demand and resources that central administration by the State is not desirable or practical.

Annexation

The enlargement of a city's boundaries by annexation of a portion of an adjoining or surrounding county provides an expanded economic base and may provide a larger development area for a city. Throughout the country annexation is frequently recommended as a solution to metropolitan problems. In most states, however, annexation is legally permitted but politically impractical. Virginia's long-established system by which annexation may be accomplished is often envied by many political scientists in other states.

With the increasingly rapid development of Virginia's urban areas, however, annexation is becoming less effective in helping to resolve the State's metropolitan problems. The annexation process contemplates the orderly extension of municipal services to adjoining areas where a gradual pattern of outward growth of urban utilities and services is necessary. In recent years rapid and widely dispersed growth and provision of services by adjacent counties has so far outpaced the extension of city boundaries and service facilities that annexation in most cases no longer offers practical solutions to metropolitan problems.

Under current annexation guidelines, financial reimbursements to counties for annexed territory often are at levels the city is unable or unwilling to assume. As a result, the annexation process breaks down. In effect, the annexation court decides that it is necessary and expedient that a portion of the county's territory be awarded to the city, but the city is unable or unwilling to carry out the court's judgment.

The uncertainty of future annexation efforts also is a source of intergovernmental tension. Without adequate knowledge of future boundary changes, local governmental units cannot plan wisely for major long-term development. Existing permissive legislation authorized broad intergovernmental agreements; any two governmental units in Virginia can perform almost any function they can exercise separately. All too frequently, however, this approach to coordinated metropolitan action is made ineffective because of the uncertainty or likelihood of annexation. Counties are reluctant to enter into intergovernmental agreements and arrangements with cities for the joint performance of functions, for fear the cities can then argue dependency and community of interest in an annexation proceeding.

The Virginia system of annexation has been successful in the past and may continue to have at least limited success in the future. In heavily urbanized areas present annexation procedures can become a disruptive

process, resulting in enormous governmental effort and expense to achieve limited goals.

Consolidation

Consolidation is the merger of two or more governmental units into a single, new unit. Since it is a far-reaching process, involving a variety of complex political, legal, and social adjustments, relatively few consolidations have occurred in the United States.

Virginia's record of consolidations has been remarkable. Six consolidations have occurred in this century, all in present metropolitan areas. Four such mergers have occurred since 1950. In three of the four recent cases it would appear that the possibility of annexation contributed to consolidation.

Consolidation reduces governmental fragmentation and provides a larger and more heterogeneous tax base. The larger area and more diversified economic base of a consolidated governmental unit provide for the support of orderly growth and a balance of service benefits and costs.

A major advantage of consolidation is its resulting simplicity. In some cases consolidation is the ideal solution to the problems of a metropolitan area. Even though all but one of Virginia's present metropolitan areas contain more than two units of government, consolidation can be helpful in reducing some of the problems of metropolitan areas and should be encouraged. It should be recognized that the political feasibility of consolidation is generally limited.

Summary of Alternatives

While all of the alternatives discussed here have varying degrees of merit, they have not been successful in resolving the problems of Virginia's metropolitan areas. Clearly a broader and more flexible approach is essential.

V. RECOMMENDATIONS

In the pages which follow the major recommendations of the Metropolitan Areas Study Commission are outlined in detail, along with appropriate discussion of their rationale and purpose.

In developing these recommendations the Commission observed a number of standards. The most important of these are listed below.

It was considered essential:

1. That there be provided a flexible and coherent system through which the State could assume a positive role in assuring the governmental health, efficiency, and success of its metropolitan areas.

2. That means be provided by which local citizens could participate in meaningful area-wide decision-making.

3. To build wherever possible on the strengths and achievements of existing patterns of local government.

4. To provide the opportunity to create and utilize new combinations of State, local, and area-wide governmental responses to the problems of rapid urbanization.

5. That fragmentation of governmental units and powers be discouraged, conflict among local governments be reduced, and intergovernmental cooperation be stimulated and encouraged.

6. To provide for the greatest possible participation of the State, local governments, and citizens in joint efforts to meet the problems and needs of modern government in a metropolitan era.

The Metropolitan Areas Study Commission believes its proposed program for action conforms to these standards, and it recommends:

Division of State Planning and Community Affairs

I. *That the State Division of Planning become the Division of State Planning and Community Affairs, with appropriate strengthening of resources and personnel to meet its added responsibilities.*

The creation of the State Division of Planning by the 1966 General Assembly was an important and constructive first step in expanding the State's role in community affairs. However, there is clear need for greater State participation which can be expressed through technical assistance, formal and informal advice and recommendations, and coordination of the various programs that affect local and regional decision-making. The strengthening of the role of the Division of Planning and changing its name to the Division of State Planning and Community Affairs are essential for this purpose.

II. *That the Division of State Planning and Community Affairs shall collect from the political subdivisions of the State information relevant to boundary changes, changes of forms of government or of status, intergovernmental agreements and arrangements, and such other information as it may deem necessary.*

One of the most serious deficiencies in State and local government in Virginia is the absence of basic information from which to develop major policy decisions. The Division of State Planning and Community Affairs should become a center for basic information, technical assistance, and coordination for State and local affairs.

Once this information is systematically reported to a single data-collecting agency, it can be made available to members of the General Assembly, political subdivisions of the State, and the Commission on Local Government proposed in a subsequent recommendation.

In addition, the Division of State Planning and Community Affairs will play a vital role in providing professional staff assistance to local and area planning agencies and to the Commission on Local Government. As a result it will develop expert knowledge in such fields as annexation, area-wide planning, and governmental services.

A strong Division of State Planning and Community Affairs will also provide an improved flow of information between State and local governments, an important reservoir of knowledge and skill valuable in helping to prepare legislation affecting local governments, and a more rational and efficient pattern of State-local relations.

Commission on Local Government

III. *That there be established a permanent Commission on Local Government.*

In order to assert effectively the interest of the State in the sound development of Virginia's metropolitan areas, there must be provided an appropriate means of developing and articulating a coherent State policy toward local and metropolitan government. While the fundamental need

for data collection and analysis can be met by a strengthened Division of State Planning and Community Affairs, the next step must be the creation of a body able to utilize this information.

A. *The Commission on Local Government shall be composed of three members elected by the General Assembly for terms of six years. The terms of the members shall be staggered. No person shall be selected who has then attained the age of 64 years or above.*

The recommended six-year terms, with reappointment possible, would permit members of the Commission to develop a comprehensive and detailed knowledge of community affairs. Continuity is provided by the staggered terms.

The Commission on Local Government, through continued study and involvement in local and metropolitan affairs, would develop a high level of expertise. The Commission thus would serve as an impartial agency of the State and propose sound and reasonable solutions to local a d metropolitan problems.

B. *The Division of State Planning and Community Affairs shall provide professional staff services to the Commission on Local Government. These services shall include those necessary for the effective performance of the duties of the Commission. The Commission shall also have the power to employ its own staff and to employ special consultants from time to time as necessary.*

The strength of the Commission on Local Government will be its ability to promote sound and practical solutions to metropolitan problems. This strength can be realized only if the Commission has available the most current analyses of the problems and alternatives to meeting them. To fulfill this demanding role, the Commission must have continuous access to the competence and talent within the Division of State Planning and Community Affairs. Accordingly, the Division will be the permanent and continuing staff for the Commission of Local Government.

C. *On and after January 1, 1972, where Service Districts (subsequently recommended) have not been established, the Commission on Local Government shall replace the present specially constituted annexation courts for hearing and ordering annexation proposals in those Planning Districts (subsequently recommended) which include all or part of a Standard Metropolitan Statistical Area. In all other areas of the State, the parties to an annexation proceeding instituted on and after January 1, 1972, may by mutual agreement have the boundary extension determined by the Commission on Local Government in lieu of the special annexation court. The principles that shall govern the Commission shall be the same as those applied by the special annexation court.*

In metropolitan areas the annexation process is cast into a special context that brings into play complex factors that do not exist in other parts of the State. A boundary revision through annexation in a metropolitan area has great implications for the area as a whole, and a body making such determinations needs both great knowledge and experience. To answer these needs it is proposed, therefore, that the Commission on Local Government review annexation proceedings in metropolitan areas. The knowledge and experience developed by the Commission in considering boundary extensions in the metropolitan areas also could be beneficial in annexation proceedings in other parts of the State. Since the Commission on Local Government will be a permanent body, it will develop

competence to deal with these questions and moreover will have at its disposal the necessary staff resources.

D. *The Commission on Local Government shall approve or disapprove incorporations of towns, transitions from town to city status, and transition from cities of the second class to cities of the first class. This provision shall not apply to towns which had a population of five thousand or more according to the U.S. Census of 1960 or to existing cities of the second class in 1960. Transition to city status in the case of towns with a population of five thousand or more according to the 1960 Census, and transition of cities of the second class which were cities of the second class in 1960, shall be governed by the provisions of law in effect at the present time. In instances where a town, with a population of five thousand or more according to the Census of 1960, or a city of the second class in 1960, petitions the Circuit Court for transition in status, the order approving the transition shall not become effective until the Court has approved the financial arrangements for the transition. In all other instances in which a town or a city petitions the Commission on Local Government for a change in status, the order approving the transition shall not become effective until the Commission on Local Government has approved the financial arrangements for the transition.*

In metropolitan areas the transition of towns to cities, and to a lesser extent the incorporation of towns, can result in serious fragmentation of governmental units. The high level of competence achieved by the Commission on Local Government will be valuable in reviewing such proposed transition. While the population level is, of course, a factor in considering the desirability of such transitions, it should be recognized that other standards are important, including whether the environmental setting is urban or rural, the size and character of the adjoining county or counties, and the needs of the entire area. The Commission review of the financial arrangements for transition will assure careful and expert analysis.

According to the 1960 U. S. Census, a number of municipalities have populations which currently qualify for transition from town to city or transition from city of the second class to city of the first class. The saving clause for such municipalities is included in the previous recommendation to avoid an excessive number of transitions as a result of the recommendation.

E. *The Commission on Local Government shall approve or disapprove the establishment of new public authorities and special service districts which are proposed to be created under general enabling legislation, the jurisdicition of which will be either partly or wholly within a Standard Metropolitan Statistical Area. Those public authorities with the entire State as their jurisdiction shall be exceptions to this provision. In acting upon such establishment, the Commission on Local Government shall consider: (1) whether or not the public authority or special service district is in the best interests of the entire metropolitan area and the State as a whole; and (2) the availability in that metropolitan area of the services to be provided by the new public authority or special service district and the cost thereof.*

Extensive creation of special service districts in metropolitan areas can result in unresponsive units of government removed from the people, duplication of functions, and fragmentation of governmental powers. The

high level of competence of the Commission on Local Government will be valuable in reviewing proposals for the creation of such districts.

F. *The Commission on Local Government shall review, suggest modifications where deemed necessary, and approve or disapprove all proposed intergovernmental agreements and contracts proposed to be entered upon, between, or among local governments or political subdivisions of the State located within a Standard Metropolitan Statistical Area. In such actions, the Commission on Local Government shall consider: (1) whether or not the proposed intergovernmental agreement or contract is in the best interest of the entire metropolitan area and the State as a whole; and (2) whether or not the financial terms for the services to be provided under such arrangements or contracts are appropriate, with the rates not limited to the financial elements of the service itself, but, nevertheless, bearing some reasonable relation thereto, and to other arrangements among governmental units in the area.*

Intergovernmental agreements are to be encouraged in metropolitan areas. However, such agreements should be equitable to all parties involved and should be as comprehensive as possible to meet area-wide needs.

G. *Appeal from actions by the Commission on Local Government on matters of law shall be to the Supreme Court of Appeals of Virginia.*

The significant role proposed for the Commission on Local Government argues forcefully for an appeal from its decisions on matters of law directed to the Supreme Court of Appeals of Virginia. Under this arrangement the Commission on Local Government would be guided in its decisions by the interpretation given by the State's highest court but would itself be responsible for the findings of fact.

Planning Districts

IV. *That no later than December 31, 1969, the State shall be divided into Planning Districts by the Commission on Local Government, on recommendation of the Division of State Planning and Community Affairs, with appropriate public hearings and consultation with local officials and citizens. These Planning Districts shall supersede regional planning commissions where they exist and shall assume their assets and responsibilities.*

Although regional planning commissions have contributed to area-wide planning in a constructive fashion, their powers, their financing, and their relation to the decision-making processes of the State and local governments are inadequate for the demands of a rapidly urbanizing State. If sound planning is to be a feature of Virginia's metropolitan development, it is imperative that the planning include appropriate geographical areas and that it be more closely related to the political decision-making process.

It is contemplated that the transition from Regional Planning Commissions to Planning Districts will be made in such manner as not to be interruptive of the personnel, work in progress, or duties and responsibilities of the existing regional planning commissions.

A. *The Planning District Commission, which shall administer the Planning District, shall be created by agreement adopted by the majority of the counties, cities, and towns of over thirty-five hundred population in the Planning District. Membership of the Planning District Commission shall be determined by such agree-*

ment, but a majority, although not substantially more than a majority, of the membership of the Planning District Commission shall be elected officials from the governing bodies of the participating municipalities and counties.

These Planning Districts will provide the basis for area-wide planning throughout the State, and thus will help to meet not only present metropolitan problems but also provide a basis for joint local effort in emerging metropolitan areas. In order to enhance the implementation of sound planning and to improve intergovernmental communication and understanding, it is desirable that a majority of the membership of each Planning District Commission be elected officials from the involved jurisdictions.

It is thought to be important, however, that significant participation of area citizens in the decisions of the Planning District Commission be assured. Therefore, it is intended that not substantially more than a majority of the Commission members be drawn from elected officials of the participating jurisdictions. In determining the plan of membership and voting rights best suited to a particular Planning District, this latter principle must be weighed against the desirability of having at least one elected official from each participating jurisdiction.

B. *Upon the creation of each Planning District Commission, State funds in the amount of $10,000 annually for each twenty-five thousand persons residing within the District shall be made available for professional planning. No District shall receive less than $10,000 annually. For the purpose of determining the amounts of the annual State grants to each Planning District the most recent calculations of population as provided for by law shall be used.*

The new Planning Districts will require adequate financing if they are to play an effective role.

C. *The Planning District shall be responsible for social, economic, and physical planning. It shall be the duty of every Planning District Commission to prepare a comprehensive plan for the social, economic, and physical development of the District. The Planning District Commission shall adopt and recommend the plan to the governing bodies of the counties, cities, and towns within the District. Each governing body shall approve or disapprove the plan or propose amendments. Amendments proposed by any local governing body shall not become effective unless approved by the Planning District Commission. The plans shall not become effective and binding within a jurisdiction without approval of the plan by the governing body of that jurisdiction.*

The Planning District Commission will be responsible for social, economic, and physical planning on an area-wide basis. Local planning and planning implementation, including subdivision regulations and zoning, should continue to be the responsibility of local planning commissions and governing bodies.

D. *The Planning District shall be further charged with coordinating Federal and State grant-in-aid programs within its jurisdiction. The Planning District Commission shall review all applications from all political subdivisions in the Planning District for State or Federal grants or loans and shall indicate its approval or disapproval of those projects or programs which have area-wide*

implications, including, but not limited to, air pollution control, regional detention facilities, regional libraries, area-wide special education programs, public utility systems, open spaces, recreational facilities, and mass transit facilities. The Planning District Commission shall indicate its reasons for the action taken.

In order to fulfill its area-wide planning responsibilities in an effective manner, the Planning District Commission should review each such application to determine compatibility with area-wide needs and the comprehensive plan.

E. *Appeal from actions taken by the Planning District Commission shall be to the Commission on Local Government.*

The Planning District Commission is envisioned as a strong and effective agency for area-wide planning. In addition, it should establish a forum for review of the mutual concerns of local governments and provide a means of coordinating Federal, State, and local efforts to resolve problems affecting an entire area. The Planning District Commission alone cannot be expected to solve the major problems of metropolitan areas, but it should provide the foundation for implementing such solutions.

In addition to its important function as a planning agency, the Planning District Commission is envisioned as a natural first step toward the creation of a Service District. Normally, the Planning District Commission, being the most convenient instrumentality, will serve as the "charter commission" for a Service District.

Service Districts

V. *That there be established a new governmental unit, the Service District.*

Many elements of governmental service in metropolitan areas can be provided efficiently and economically on a local basis. At the same time, there is no reasonable alternative to providing certain governmental functions and services most effectively on an area-wide basis. Although the Planning District will represent a major forward step in providing for area-wide cooperation, the need clearly exists for the opportunity to create a jurisdiction with area-wide powers that go beyond planning and coordination. The Service District is recommended to fill this need.

The Service District should be another general purpose unit of government, taking its place with the county, city, and town in meeting the needs of the citizens of the State. It should be a political subdivision of the State, enjoying the status, general powers within its assigned jurisdiction and functions, and the strength of Virginia's other units of local government.

The services to be initially provided should be of sufficient number and importance to produce a meaningful governmental unit and program. An opportunity should be provided to offer, on an area-wide basis, all of the functions and services which are truly area-wide in nature.

A growing gap exists between services provided by the State and local governments and the need for a regional approach to many problems. Provision for the addition of this new unit of government to the variety of governmental approaches available in Virginia would create the necessary mechanism to meet area-wide needs while leaving local governments undisturbed in the performance of their vital roles.

A. *A Service District may be created following the approval of a plan, by each governing body within the jurisdiction of the Serv-*

ice District, requesting the Commission on Local Government to call a referendum in each of the participating jurisdictions. The plan shall be prepared by: (1) the governing bodies of the involved jurisdictions; or (2) a commission composed of representatives from the involved jurisdictions and appointed by the Commission on Local Government. The services of the Division of State Planning and Community Affairs shall be available for assistance in the development of the plan. The plan shall state the functions and services to be assumed by the Service District and shall be submitted to and approved by the Commission on Local Government prior to any referendum held for the purpose of creating the Service District. Such approval shall be granted only upon a determination by the Commission on Local Government that the initial governmental services and functions to be assumed or established by the proposed Service District are of sufficient number and importance to produce a meaningful unity of policy and program for the proposed District. The purpose of the Service District is to provide eventually the opportunity to offer all those functions and services which are truly area-wide in nature. A favorable vote in each of the participating jurisdictions shall be required by the Commission on Local Government to certify the creation of the Service District.

The Service District, when created, is to be a substantial unit of government. It should undertake a significant number of major governmental functions and services of both a revenue producing and a non-revenue producing nature. The Commission on Local Government approval of the functions and services to be assumed by the Service District will assure that a substantial unit of government is proposed. The creation of the governmental unit by referendum will assure citizen support.

B. *At least a majority of the Service District Commission, the governing board of the Service District, shall be elected from single-member districts apportioned on the basis of population. Members of the Service District Commission shall serve four-year terms. The chairman of the Service District Commission shall be elected at large. No elected member of the Service District Commission shall be a member of the governing body of a county, city, or town.*

For the Service District to be an effective unit of government, it must have its own independent electoral base. The election of the chairman of the Service District Commission at large will help to generate the interest of strong leaders in District government.

C. *One member of the governing body of each participating county, city, or town of a population of thirty-five hundred and above, as determined by the most recent U.S. Census, shall serve on the Service District Commission. These members shall be selected by each governing body and shall serve at the pleasure of the governing body.*

Such representation provides for coordination and communication between the Service District and local governmental units within the District.

D. *The Service District Commission shall appoint a manager who shall be the administrative and executive head of the Service District.*

The council-manager form of government is desirable to provide for strong administration and executive leadership in the Service District. The administrative departments and other arrangements should be determined according to need and the functions performed.

E. *The boundaries of the Service District shall be coterminous with the boundaries of the Planning District, and the Planning District shall be superseded by the Service District.*

The creation of a Service District by the citizens of an area can be expected to evolve naturally following a period of area-wide planning involving citizens and elected officials in a Planning District. The boundaries of the Planning District will define a logical area of common economic, social, and geographic ties.

F. *Annexation within a Service District shall require the mutual consent of the local governmental units involved and the approval of the Service District Commission and the Commission on Local Government.*

As has been made clear, annexation proceedings represent a serious source of intergovernmental conflicts. Such conflicts and the corresponding instabilities could seriously impair the performance of a Service District in developing effective solutions to area-wide problems.

G. *Incorporation, transition from town to city status, and transition from a city of the second class to a city of the first class in a Service District which includes all or part of a Standard Metropolitan Statistical Area shall require the approval of the Service District Commission and the Commission on Local Government. This provision shall be subject to the same saving clause for towns and cities as provided in Section III-D.*

This provision guards against undesirable fragmentation of governmental units within a Service District in a metropolitan area.

H. *Upon the creation of any Service District: (1) the Service District will continue to receive for planning purposes the same State financial support previously available to the Planning District; (2) not prior to January 1, 1970, but as soon as possible the State shall assume the costs and administration of public welfare for all local governments participating in the Service District; and (3) as soon as funds become available, but no later than July 1, 1975, the State shall assume full responsibility for expressways and arterial and primary roadways within the cities and counties participating in the Service District and not receiving such assistance at that time.*

A major problem facing local governments in urban areas is the rising cost of public welfare and municipal highways. The full effectiveness of a Service District can be achieved only if participating local governments can make available maximum resources for local needs. In a Service District, effective area-wide plans for welfare and highways could be implemented.

I. *The Service District shall be empowered: (1) to allocate the costs of area-wide government among participating governmental units, based on the true value of all locally taxed real estate; (2) to issue bonds; (3) to require consumers of services available from the Service District to obtain those services from the Service District; (4) to impose charges for services; and (5) to*

levy a real estate tax on privately-owned property within the District only to prevent a default on debt. The localities shall shall have the power to determine the means by which the pro-rata share of the costs of the Service District shall be met.

These provisions assure the fiscal base of a Service District in order that it will be a strong and effective unit of government.

J. *In order to finance the functions and services to be provided by the Service District, and for that purpose only, the governing body of any jurisdiction within the Service District shall be permitted to establish differential real estate taxing districts within the jurisdiction.*

With the diversity of the localities which could participate in a Service District, the provision for each local government being able to designate within its jurisdiction differential taxing districts will assure equitable means for obtaining funds for its share of the cost of the Service District. Such tax districts should be of reasonable size and bear a reasonable relation to the level of services provided by the Community Service District. Taxes collected by the local governmental units for the purpose of financing the Service District should be so designated.

K. *If, after two years from the date of the preparation of a plan for the creation of a Service District, and in any event no later than December 31, 1973, the governing bodies do not request the Commission on Local Government to order an election, or if two years have elapsed following an unsuccessful referendum, then the Commission on Local Government may order an election to determine if a Service District shall be created following: (1) a petition to the Planning District Commission by not less than five percent of the number voting in that District in the last gubernatorial election; or (2) the passage of a resolution by the Planning District Commission; or (3) by order of the Commission on Local Government. In such case, the plan shall be prepared by: (1) the governing bodies of the involved jurisdictions; or (2) a commission composed of representatives from the involved jurisdictions and appointed by the Commission on Local Government. The services of the Division of State Planning and Community Affairs shall be available for assistance in the development of the plan. The plan shall state the functions and services to be assumed by the Service District and shall be submitted to and approved by the Commission on Local Government prior to any referendum held for the purpose of creating the District. The basis for such approval shall be the same as provided in Section V-A. The referendum shall be a single general referendum for the entire area proposed to be included in the Service District. A favorable majority vote shall constitute approval of the proposed Service District.*

In some instances all of the local governing bodies in an area might not seek the establishment of a Service District, and yet the citizens of that area could view such a step as desirable and beneficial. Alternative means of creating a Service District, based on citizen participation in the area to be served, are therefore desirable.

L. *Appeal from actions of the Service District Commission shall be to the Commission on Local Government.*

The Metropolitan Areas Study Commission strongly feels this recommended new unit of government will provide an effective new approach

to the resolution of area-wide problems. It will materially assist the progress of Virginia's metropolitan areas. At the same time, it will retain the advantages of continued local government, voter participation, and a balance of functions between area-wide government and local government. The Service District has the added advantage of providing the localities with the opportunity to develop area-wide government closely related to their particular needs. It also would have the flexibility to meet the varying needs of the several metropolitan areas. In every case initiative and approval would remain with the localities and citizens of the area.

Consolidation

VI. *That the following changes be made in existing consolidation procedures.*

A. *Upon the request of the governing body of any of the affected jurisdictions, or upon receipt of a petition bearing the signatures of the qualified voters of any jurisdiction, those signatures not being less than five percent of the number voting in the last gubernatorial election, or upon the request of the Planning District Commission or the Service District Commission, the Commission on Local Government shall be empowered to initiate a referendum on consolidation to be conducted under the terms of the existing statutes. The consolidation plan shall be prepared by: (1) the governing bodies of the involved jurisdictions; or (2) a commission composed of representatives from the involved jurisdictions and appointed by the Commission on Local Government. The services of the Division of State Planning and Community Affairs shall be available for assistance in the development of the plan. The Commission on Local Government shall review, modify if necessary, and approve the consolidation plan prior to referendum.*

As has been noted, consolidation can be a valuable method of creating governmental units well designed to resolve urban problems. Consolidation can unify service areas and reduce governmental fragmentation. In some areas there is strong indication that consolidation would be the most desirable course of action. Accordingly, the possibility of consolidation should be encouraged. It would appear desirable for the State to initiate consolidation referenda in areas where consolidation might be beneficial and where local initiative is not forthcoming. The logical State body to assume this responsibility is the Commission on Local Government.

A deterrent to consolidation should be removed by eliminating any constitutional question concerning a tax differential in areas where the level of services range from urban to rural in the single governmental unit formed through consolidation. This practice already exists, but its constitutionality under Section 168 of the Virginia Constitution has never been tested in the Supreme Court of Appeals of Virginia. The prospect for consolidation also might be enhanced by assuring appropriate district representation within a consolidated governmental unit.

B. *In the case of consolidation approved by the Commission on Local Government the resulting jurisdiction shall enjoy all the financial benefits available from the State that are available to a Service District.*

Within the area created by the consolidation of two or more governmental units, the same needs and area-wide advantages would exist as in a Service District. This financial support, such as State assumption of the responsibilities for welfare, expressways, and primary and arterial

highways, under the same schedule as suggested for a Service District, also might encourage desirable consolidation.

The Urban Assistance Incentive Fund

VII. *That there be established, in the Governor's Office, an Urban Assistance Incentive Fund to encourage innovation in the solution of urban problems. In connection with the administration of this Fund, there shall be appointed an advisory committee with representatives knowledgeable about and involved in urban problems.*

The previous recommendations can be most helpful in providing for the governmental structure required to deal more effectively with metropolitan problems. However, structural changes are not enough. New and novel solutions for metropolitan problems should be encouraged; innovation should be stimulated.

A relatively modest investment of State resources in promising and imaginative projects can sometimes lead to unexpected and far-reaching solutions. Such innovation might then be applied throughout the State through a combination of the resources of government and private enterprise.

An advisory committee of professional persons and laymen, involved in and knowledgeable about urban problems, could improve communications and insure maximum beneficial impact of this recommended State assistance.

As local officials seek to deal effectively with the problems of urban areas, they frequently must seek financial resources outside their particular area. Although Federal action alone cannot and should not solve most urban problems, frequently the only source of funds is the Federal government. Many programs through which funds are available impose such rigid requirements as to deter experimental approaches to urban problems. The Urban Assistance Incentive Fund could encourage novel and experimental solutions in efforts to slow the deterioration of housing, increase employment opportunities, and alleviate unhealthy and dangerous social conditions.

The Division of State Planning and Community Affairs should recommend to the Governor grants to be made from the Urban Assistance Incentive Fund. The proposals which should receive support are envisioned as those which could most likely serve as pilot projects for application elsewhere in the State. A project, for example, which could combine the resources of government and private enterprise to develop new area-wide approaches to prevalent social problems well might be funded in this manner. Similarly a project designed to provide greater coordination of several existing programs might well qualify for State grants.

VI. PROPOSED LEGISLATION

Implementation of the recommendations of the Metropolitan Areas Study Commission will require a substantial amount of new general legislation and the revision of existing statutes. The details of the legislation proposed will be available in a separate report, available from the State Division of Planning.

The Constitution of Virginia makes provision for counties, cities, and towns. There is no expressed provision for any other type of government below the State level, nor is there any constitutional prohibition or restriction on the creation of other forms of general government for localities. The General Assembly has full authority to enact general laws

making provision for new units of general government below the State level. Section 63 of the Constitution and the basic principles of Virginia constitutional law provide in part as follows:

> "The authority of the General Assembly shall extend to all subjects of legislation, not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject."

The Supreme Court of Appeals of Virginia has held that the Legislature can do those things which are not forbidden by the State or the Federal constitutions, or which are not repugnant to those elemental social rights upon which society rests.

More important than the constitutional authority to create various modes and forms of government is the constitutional mandate contained in the Bill of Rights of the Constitution of Virginia. Section 3 provides as follows:

> "That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal."

While it is clear that the Legislature has the authority and duty to make general laws in this field, consideration has been given to the various Constitutional aspects of the subject.

The blending of certain administrative and judicial techniques, which is deemed necessary for the effective functioning of the Commission on Local Government, is not regarded as being contrary to the separation of powers provisions of the Virginia Constitution, as those provisions have been construed by the Supreme Court of Appeals of Virginia. The Court has upheld a much greater blending of the Legislative, Executive and Judicial powers granted to the State Corporation Commission. Although the Court indicated that the fact that the State Corporation Commission was established by the organic law of the State was not necessary to its decision, it seems desirable to confer upon the Commission on Local Government Constitutional status by making express provision for it.

The Metropolitan Areas Study Commission is advised that there has been a recent unreported Circuit Court decision to the effect that the Constitutional provisions for transition from town to city status are not mandatory and self executing. The case is now pending before the Supreme Court of Appeals. Because of the saving clause for towns having a population in excess of five thousand persons no problem should be encountered in the immediate future with respect to the new requirements for transition from town to city status which are recommended. Whether or not Constitutional change is indicated will depend upon the decision of the Court in the case now pending before it on appeal.

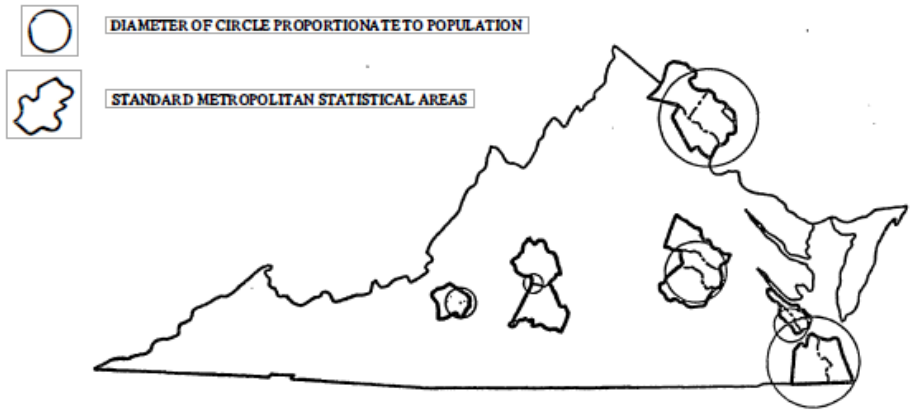
The Supreme Court of Appeals of Virginia has held that Section 168 of the Constitution, dealing with uniformity of taxation, does not prohibit the use by Virginia counties of differential taxing districts in appropriate

circumstances. An unreported decision of a Circuit Court has upheld differential taxing districts upon consolidation, pursuant to Code Section 15.1-1135 (9). Nevertheless, clarification of the provisions of Section 168, as they apply to these recommendations, may well be desirable.

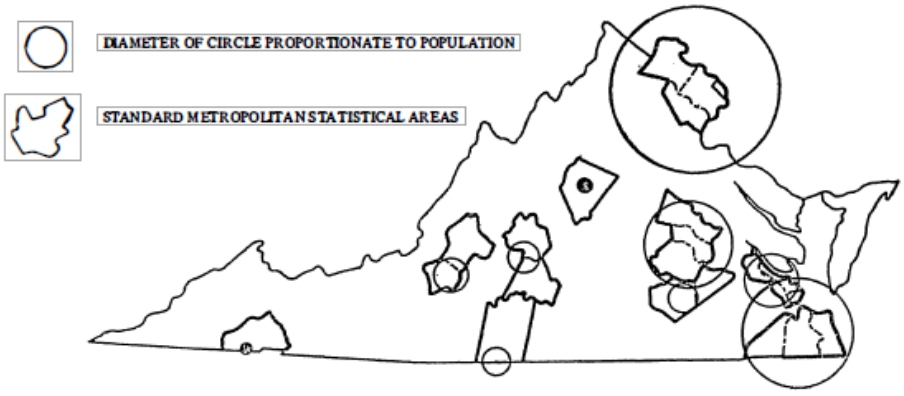
The schedule contemplated by the recommendations allows a period of several years for voluntary implementation of the Service District program by the act of the governing body and the people, by referendum, in each political subdivision. Only after such period is provision made for implementation of the Service District recommendations by a referendum, with the results determined by the vote of the entire District. In such instances, the wishes of an individual governmental subdivision within the District, as expressed by the governing body or by the people, by referendum, could be overridden. If this should occur, certain constitutional issues may be raised. Because of the novelty of these recommendations, there has been no opportunity for a judicial construction of the constitutional provisions relating to counties, cities, and towns with respect to the points involved. Express constitutional sanction would be advantageous, so that the new unit of government will have clear constitutional authority for the exercise and enforcement of its powers. This is particularly desirable as it relates to the issuance of bonds, and ordinances with provisions for fines and penalties.

The proposed legislation will, therefore, include the suggested constitutional provisions. Those which relate to the Service Districts would become effective, in the normal course, prior to the creation of a Service District other than by voluntary act of each governmental subdivision.

Metropolitan Virginia 1967



Metropolitan Virginia 1980



NOTE: Standard Metropolitan Statistical Areas as defined by the U. S. Board of the Census are contiguous with county boundaries

VII. A BRIEF SUMMARY OF RECOMMENDATIONS

The Metropolitan Areas Study Commission recommends the following:

I. That the State Division of Planning become the Division of State Planning and Community Affairs, with appropriate strengthening of resources and personnel to meet its added responsibilities.

II. That the Division of State Planning and Community Affairs shall collect from the political subdivisions of the State information relevant to boundary changes, changes of forms of government or of status, intergovernmental agreements and arrangements, and such other information as it may deem necessary.

III. That there be established a permanent Commission on Local Government.

A. The Commission on Local Government shall be composed of three members elected by the General Assembly for terms of six years. The terms of the members shall be staggered. No person shall be selected who has then attained the age of 64 years or above.

B. The Division of State Planning and Community Affairs shall provide professional staff services to the Commission on Local Government. These services shall include those necessary for the effective performance of the duties of the Commission. The Commission shall also have the power to employ its own staff and to employ special consultants from time to time as necessary.

C. On and after January 1, 1972, where Service Districts (subsequently recommended) have not been established, the Commission on Local Government shall replace the present specially constituted annexation courts for hearing and ordering annexation proposals in those Planning Districts (subsequently recommended) which include all or part of a Standard Metropolitan Statistical Area. In all other areas of the State, the parties to an annexation proceeding instituted on and after January 1, 1972, may by mutual agreement have the boundary extension determined by the Commission on Local Government in lieu of the special annexation court. The principles that shall govern the Commission shall be the same as those applied by the special annexation court.

D. The Commission on Local Government shall approve or disapprove incorporations of towns, transitions from town to city status, and transition from cities of the second class to cities of the first class. This provision shall not apply to towns which had a population of five thousand or more according to the U.S. Census of 1960 or to existing cities of the second class in 1960. Transition to city status in the case of towns with a population of five thousand or more according to the 1960 Census, and transition of cities of the second class which were cities of the second class in 1960, shall be governed by the provisions of law in effect at the present time. In instances where a town with a population of five thousand or more according to the Census of 1960, or a city of the second class in 1960, petitions the Circuit Court for transition in status, the order approving the transition shall not become effective until the Court has approved the financial arrangements

for the transition. In all other instances in which a town or a city petitions the Commission on Local Government for a change in status, the order approving the transition shall not become effective until the Commission on Local Government has approved the financial arrangements for the transition.

E. The Commission on Local Government shall approve or disapprove the establishment of new public authorities and special service districts which are proposed to be created under general enabling legislation, the jurisdiction of which will be either partly or wholly within a Standard Metropolitan Statistical Area. Those public authorities with the entire State as their jurisdiction shall be exceptions to this provision. In acting upon such establishment, the Commission on Local Government shall consider: (1) whether or not the public authority or special service district is in the best interests of the entire metropolitan area and the State as a whole; and (2) the availability in that metropolitan area of the services to be provided by the new public authority or special service district and the cost thereof.

F. The Commission on Local Government shall review, suggest modifications where deemed necessary, and approve or disapprove all proposed intergovernmental agreements and contracts proposed to be entered upon, between, or among local governments or political subdivisions of the State located within a Standard Metropolitan Statistical Area. In such actions, the Commission on Local Government shall consider: (1) whether or not the proposed intergovernmental agreement or contract is in the best interest of the entire metropolitan area and the State as a whole; and (2) whether or not the financial terms for the services to be provided under such arrangements or contracts are appropriate, with the rates not limited to the financial elements of the service itself, but, nevertheless bearing some reasonable relation thereto, and to other arrangements among governmental units in the area.

G. Appeal from actions by the Commission on Local Government on matters of law shall be to the Supreme Court of Appeals of Virginia.

IV. That no later than December 31, 1969, the State shall be divided into Planning Districts by the Commission on Local Government, on recommendation of the Division of State Planning and Community Affairs, with appropriate public hearings and consultation with local officials and citizens. These Planning Districts shall supersede regional planning commissions where they exist and shall assume their assets and responsibilities.

A. The Planning District Commission, which shall administer the Planning District, shall be created by agreement adopted by the majority of the counties, cities, and towns of over thirty-five hundred population in the Planning District. Membership of the Planning District Commission shall be determined by such agreement, but a majority, although not substantially more than a majority, of the membership of the Planning District Commission shall be elected officials from the governing bodies of the participating municipalities and counties.

B. Upon the creation of each Planning District Commission, State funds in the amount of $10,000 annually for each twenty-five

thousand persons residing within the District shall be made available for professional planning. No district shall receive less than $10,000 annually. For the purpose of determining the amounts of the annual State grants to each Planning District, the most recent calculations of population as provided for by law shall be used.

C. The Planning District shall be responsible for social, economic, and physical planning. It shall be the duty of every Planning District Commission to prepare a comprehensive plan for the social, economic, and physical development of the District. The Planning District Commission shall adopt and recommend the plan to the governing bodies of the counties, cities, and towns within the District. Each governing body shall approve or disapprove the plan or propose amendments. Amendments proposed by any local governing body shall not become effective unless approved by the Planning District Commission. The plans shall not become effective and binding within a jurisdiction without approval of the plan by the governing body of that jurisdiction.

D. The Planning District shall be further charged with coordinating Federal and State grant-in-aid programs within its jurisdiction. The Planning District Commission shall review all applications from all political subdivisions in the Planning District for State or Federal grants or loans and shall indicate its approval or disapproval of those projects or programs which have area-wide implications, including, but not limited to, air pollution control, regional detention facilities, regional libraries, area-wide special education programs, public utility systems, open spaces, recreational facilities, and mass transit facilities. The Planning District Commission shall indicate its reasons for the action taken.

E. Appeal from actions taken by the Planning District Commission shall be to the Commission on Local Government.

V. That there be established a new governmental unit, the Service District.

A. A Service District may be created following the approval of a plan, by each governing body within the jurisdiction of the Service District, requesting the Commission on Local Government to call a referendum in each of the participating jurisdictions. The plan shall be prepared by: (1) the governing bodies of the involved jurisdictions; or (2) a commission composed of representatives from the involved jurisdictions and appointed by the Commission on Local Government. The services of the Division of State Planning and Community Affairs shall be available for assistance in the development of the plan. The plan shall state the functions and services to be assumed by the Service District and shall be submitted to and approved by the Commission on Local Government prior to any referendum held for the purpose of creating the Service District. Such approval shall be granted only upon a determination by the Commission on Local Government that the initial governmental services and functions to be assumed or established by the proposed Service District are of sufficient number and importance to produce a meaningful unity of policy and program for the proposed District. The purpose

of the Service District is to provide eventually the opportunity to offer all those functions and services which are truly area-wide in nature. A favorable vote in each of the participating jurisdictions shall be required by the Commission on Local Government to certify the creation of the Service District.

B. At least a majority of the Service District Commission, the governing board of the Service District, shall be elected from single-member districts apportioned on the basis of population. Members of the Service District Commission shall serve four-year terms. The chairman of the Service District Commission shall be elected at large. No elected member of the Service District Commission shall be a member of the governing body of a county, city, or town.

C. One member of the governing body of each participating county, city, or town of a population of thirty-five hundred and above, as determined by the most recent U.S. Census, shall serve on the Service District Commission. These members shall be selected by each governing body and shall serve at the pleasure of the governing body.

D. The Service District Commission shall appoint a manager who shall be the administrative and executive head of the Service District.

E. The boundaries of the Service District shall be coterminous with the boundaries of the Planning District, and the Planning District shall be superseded by the Service District.

F. Annexation within a Service District shall require the mutual consent of the local governmental units involved and the approval of the Service District Commission and the Commission on Local Government.

G. Incorporation, transition from town to city status, and transition from a city of the second class to a city of the first class in a Service District which includes all or part of a Standard Metropolitan Statistical Area shall require the approval of the Service District Commission and the Commission on Local Government. This provision shall be subject to the same saving clause for towns and cities as provided in Section III-D.

H. Upon the creation of any Service District: (1) the Service District will continue to receive for planning purposes the same State financial support previously available to the Planning District; (2) not prior to January 1, 1970, but as soon as possible the State shall assume the costs and administration of public welfare for all local governments participating in the Service District; and (3) as soon as funds become available, but no later than July 1, 1975, the State shall assume full responsibility for expressways and arterial and primary roadways within the cities and counties participating in the Service District and not receiving such assistance at that time.

I. The Service District shall be empowered: (1) to allocate the costs of area-wide government among participating governmental units, based on the true value of all locally taxed real estate; (2) to issue bonds; (3) to require consumers of services available from the Service District to obtain those services from the Service District; (4) to impose charges for services; and (5)

to levy a real estate tax on privately-owned property, within the District only to prevent a default on debt. The localities shall have the power to determine the means by which the pro-rata share of the costs of the Service District shall be met.

J. In order to finance the functions and services to be provided by the Service District, and for that purpose only, the governing body of any jurisdiction within the Service District shall be permitted to establish differential real estate taxing districts within the jurisdiction.

K. If, after two years from the date of the preparation of a plan for the creation of a Service District, and in any event no later than December 31, 1973, the governing bodies do not request the Commission on Local Government to order an election, or if two years have elapsed following an unsuccessful referendum, then the Commission on Local Government may order an election to determine if a Service District shall be created following: (1) a petition to the Planning District Commission by not less than five percent of the number voting in that District in the last gubernatorial election; or (2) the passage of a resolution by the Planning District Commission; or (3) by order of the Commission on Local Government. In such case, the plan shall be prepared by: (1) the governing bodies of the involved jurisdictions; or (2) a commission composed of representatives from the involved jurisdictions and appointed by the Commission on Local Government. The services of the Division of State Planning and Community Affairs shall be available for assistance in the development of the plan. The plan shall state the functions and services to be assumed by the Service District and shall be submitted to and approved by the Commission on Local Government prior to any referendum held for the purpose of creating the District. The basis for such approval shall be the same as provided in Section V-A. The referendum shall be a single, general referendum for the entire area proposed to be included in the Service District. A favorable majority vote shall constitute approval of the proposed Service District.

L. Appeal from actions of the Service District Commission shall be to the Commission on Local Government.

VI. That the following changes be made in existing consolidation procedures.

A. Upon the request of the governing body of any of the affected jurisdictions, or upon receipt of a petition bearing the signatures of the qualified voters of any jurisdiction, those signatures not being less than five percent of the number voting in the last gubernatorial election, or upon the request of the Planning District Commission or the Service District Commission, the Commission on Local Government shall be empowered to initiate a referendum on consolidation to be conducted under the terms of the existing statutes. The consolidation plan shall be prepared by: (1) the governing bodies of the involved jurisdictions; or (2) a commission composed of representatives from the involved jurisdictions and appointed by the Commission on Local Government. The services of the Division of State Planning and Community Affairs shall be available for assistance in the de-

velopment of the plan. The Commission on Local Government shall review, modify if necessary, and approve the consolidation plan prior to referendum.

B. In the case of consolidation approved by the Commission on Local Government the resulting jurisdiction shall enjoy all the financial benefits available from the State that are available to a Service District.

VII. That there be established, in the Governor's Office, an Urban Assistance Incentive Fund to encourage innovation in the solution of urban problems. In connection with the administration of this Fund, there shall be appointed an advisory committee with representatives knowledgeable about and involved in urban problems.

Adopted by the following members of the Virginia Metropolitan Areas Study Commission:

T. Marshall Hahn, Jr., *Chairman*
J. Lewis Rawls, Jr., *Vice Chairman*
Willis M. Anderson
Harold I. Baumes
FitzGerald Bemiss
Weldon Cooper
Alan S. Donnahoe
John D. Gray
Francis S. Kenny
Carlton C. Massey
John B. McGaughy
W. Ferguson Reid
J. Harvie Wilkinson, Jr.

I do not agree fully with the language of the report. However, with the reservation noted in the Preface, I do join in its adoption.

George R. Long

There are numerous parts of the majority report with which I agree; however, there is a considerable portion with which I cannot concur. I have, accordingly, filed a dissenting statement.

William F. Parkerson, Jr.

ADDENDUM

DISSENTING STATEMENT

As members of this Commission, we have worked together for more than a year, and my respect for the judgment of my colleagues is high. There are numerous parts of the majority report with which I agree; however, there is a considerable portion with which I cannot concur.

I agree that the times call for the formation of a more effective partnership between the State and her localities if orderly development and growth are to obtain, and if the best interests of the citizens of Virginia are to be served.

The Commonwealth of Virginia has expressed confidence in its local government over the years. Counties have been given extensive powers and have been furnished with a wide range of special forms of government from which their people could choose that form best suited to their needs. Our cities and towns have been granted a wide range of powers so that they could effectively meet the problems of an urban society. With a background of five years as Commonwealth's Attorney for a large county, I can testify to the solutions reached on many complex problems by an informed citizenry and a progressive administration. With a background of six years in the General Assembly, I have seen other localities similarly solve difficult problems. In the metropolitan areas of Virginia, I believe that it is safe to say that the authority placed by the State in local hands has been used well. The question is how can we most effectively continue our progress and at the same time preserve the best of what we have.

It should be observed that under existing law any two units of local government can do jointly practically anything that they can do separately. That decision, at the present time, is a matter for local determination. I agree that problems today are more complex and that they do not confine themselves in every case to local boundaries. Yet I feel that several proposals in the majority report represent an extreme departure from the tradition of local determination and should be rejected for that reason.

The majority report contains a Summary of Recommendations upon which I will comment in as constructive a manner as possible.

STATE DIVISION OF PLANNING

The Legislature at the last session established a new State Division of Planning placed under our Chief Executive to work with State agencies and subdivisions of the State in implementing and carrying out a comprehensive plan of development for our State. I supported this action.

The responsibilities of the State Division of Planning should now be broadened to include rendering advice to local governments within a Standard Metropolitan Statistical Area on proposals to create new public authorities or special service districts. The State Division of Planning should encourage intergovernmental agreements where mutually advantageous to several localities.

I agree with the majority report that the State Division of Planning should be given an expanded role of responsibility because the problems generated by a growing and shifting population continue to mount. The State Division of Planning should make continuing studies of local and metropolitan affairs and propose solutions. I would charge the Division

of Planning with all of the responsibilities, except those of a judicial nature, that the majority desires placed in its proposed Commission on Local Government. The added functions assigned to the State Division of Planning should, however, be on an advisory basis to the localities and to the proposed new Planning Districts.

COMMISSION ON LOCAL GOVERNMENT

I register my dissent to the creation of this new State agency on the grounds that it is unnecessary and that it represents a radical departure from the established principle of local determination in local affairs. I consider the duties proposed to be assigned to this agency to be in violation of Article III, Section 39, of the Constitution of Virginia. The Constitution provides that the legislative, executive and judicial departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others, nor any person exercise the power of more than one of them at the same time.

The majority report would make this agency a part of the judicial system of Virginia by giving it the power to hear and decide annexation cases. The judicial process is a mockery and a sham when it is not completely impartial and obedient to the command that decisions are reached based upon the evidence introduced.

The majority report, however, would also have this Commission "continually study and involve itself in local and metropolitan affairs, speak with authoritative voice as an impartial State agent, and propose sound and reasonable solutions to local and metropolitan problems."

Not only is a new agency composed of quasi administrators-judges undesirable, but no new agency is needed to articulate a coherent State policy toward local and metropolitan government as suggested by the majority report. I conceive it to be the direct responsibility of the General Assembly of Virginia to establish such policy.

This same Commission would approve or disapprove the establishment by local governments of sanitary districts, public authorities and even contracts between two governments. Let me say that sanitary districts have been a valuable aid to counties to render special services where needed. We petition our courts to establish these districts, and the court, after a hearing, establishes the sanitary district if it is needed.

How can anyone say that establishing a sanitary district is governmental fragmentation? This district isn't a government. It is run by the County Board of Supervisors and fills a tremendous need in many counties. Here then is a new State agency empowered to disapprove a tested means of providing services—and then at a later date decide in a lawsuit that the county isn't properly serving an area in need of services and award the territory to another locality in an annexation proceeding.

The judicial functions, which the majority favors conferring upon the proposed new Commission on Local Government, I favor leaving with our present judicial system. This is where they belong, and I might add, where annexation proceedings have been for the past sixty-five years. My view is shared by the Commission to Study Urban Growth, 1952, House Document No. 13. This Commission reported that it was opposed to changing from the judicial process because no abuse has been shown and the court is skilled in deciding the merits of opposing claims. As late as 1966, Dr. Chester W. Bain, in his book, *Annexation in Virginia,* concluded that the judicial process for determining annexation should be retained.

PLANNING DISTRICTS

I concur with the majority that it is desirable that the State be divided into Planning Districts. The membership of the Planning District Commissions, as recommended, wisely provides for a majority of the members to be elected officials from the localities. In my opinion, improved intergovernmental communication would result. The Planning District Commissions would replace existing Regional Planning Commissions.

The comprehensive plan developed by a Planning District Commission should become effective in a locality only after approval by the governing body thereof. Amendments to the plan should only become effective after similar local approval. Local zoning and subdivision control ordinances should not be affected by Planning District action.

SERVICE DISTRICTS

Our State, compared with other states, is universally complimented upon the simplicity of our governmental structure. The majority report would create a new layer of government, but if properly restricted I view the good that would result to outweigh the disadvantages.

The creation of the Service District should embrace only such localities as decide by majority vote to become a part in a separate referendum in such locality. The general legislation should specifically list those services which the Service District Commission would provide. The majority report states that "many functions of government could continue to be provided by existing local governments". I believe it would be desirable to specify also the functions of general government that would be retained locally. Certainly water supply, sewage disposal, water and air pollution abatement could properly be area-wide functions. Most certainly do I approve of the majority proposal not to permit annexation in a Service District without the consent of the localities involved and approval by the governing board of the Service District.

I disagree with the election of a chairman at large, believing that he should be selected by the members of the Service District Commission. An at-large election would favor a candidate from the largest single-member district. I concur that the Service District should be created by referendum only and the membership thereof elected from each single-member district. The State Division of Planning should advise the localities involved and the Planning District as to whether or not a substantial number of services are proposed to be rendered by the Service District before action is taken to create a Service District.

I dissent most strongly from the majority report recommendation that under certain circumstances a Service District can be created by a single majority vote in the entire area proposed to be included in the Service District.

As a related matter, I recommend the enactment of legislation that would permit a petition by a local government to the State Corporation Commission to establish rates to be charged for utility services proposed to be furnished by one locality to another. This would insure that a fair and equitable charge would be established by a State agency already in existence and already experienced in rate making matters.

CONSOLIDATION

I concur with the recommended changes in the consolidation statutes, except for the recommendation that the State initiate a referendum. I recommend that consolidation referenda be initiated by each jurisdiction affected, and voted upon separately by the qualified voters of each jurisdiction, with a majority vote required in each affected jurisdiction, as is now the law. If neither the governing bodies nor the people themselves initiate a referendum, it is self-evident that a favorable climate does not exist for consolidation.

ANNEXATION

I oppose the use of this power as between cities and the large suburban counties in Virginia. This procedure works well enough when a city or town seeks to extend its boundaries into an undeveloped area of a rural county that cannot provide basic services the people need and desire.

The large suburban counties are a different matter. Fairfax County, for example, is larger in population than any city in Virginia, and Arlington and Henrico Counties are larger than all but two cities in Virginia. Chesterfield's population will shortly reach the same standing. In these situations, the county governments mentioned are fully capable of providing all needed and desirable services.

The unfair and unwise unilateral power of annexation prevents governmental cooperation between metropolitan area governments. Neither a person nor a government works in much harmony with a neighbor who has in the past or may in the future file a lawsuit against him. I approve the concept, expressed in the majority report of utilizing the resources of an entire area to achieve specific objectives. The deterrent to translating this concept into action is the threat of annexation.

CONCLUSION

The elimination of the suggested new Commission on Local Government, and its attendant bureaucracy, will permit a direct liaison between the State Division of Planning and the Planning District Commissions. The expanded role of the State Division of Planning will provide unified direction and assistance to the governmental units within each Planning District and the elected representatives who are on the Planning District Commissions will be brought together to consider matters in the best interests of the entire area.

The Urban Assistance Incentive Fund is a worthwhile effort looking to the solution of serious problems and exerts State effort in an area heretofore left primarily to the Federal government. I support this recommendation.

This concludes my minority view. At this time, I believe that the majority report with the changes which I suggest will enable our State to achieve necessary solutions to urban problems and yet remain in keeping with the tradition of Virginia government.

William F. Parkerson, Jr.

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Virginia Department of Highways, pages 10, 12, 14, 15, 16, 32
National Park Service, pages 6, 7, 20, 23, 24, 27, 33
Virginia Division of Planning, pages 34, 35, 40
Portsmouth Planning Commission, page 5, top
Lynchburg Chamber of Commerce, pages 12, 13
Haycox Photoramic, Inc., page 5
Photo Craftsmen, Inc., page 4
William A. Graham, page 29

Note: Photographs have been deleted in this printing.

AN ACT to create a Virginia Metropolitan Areas Study Commission, to provide for its composition and to prescribe its powers and duties.

Be it enacted by the General Assembly of Virginia:

§ 1. The General Assembly—recognizing that in recent years the process of industrialization has rapidly accelerated in Virginia and has caused concentrations of population which present special and urgent governmental problems, and further recognizing that such problems must be regarded as problems of entire metropolitan areas comprising both cities and surrounding urban counties—hereby declares that it is the policy of this Commonwealth and necessary in the public interest that the expansion and development of such metropolitan areas proceed on a sound and orderly basis within a governmental framework and economic environment which will foster the constructive growth and efficient administration of such areas.

§ 2. In furtherance of this policy, there is hereby created a Virginia Metropolitan Areas Study Commission which shall consist of fifteen members to be appointed by the Governor from the State at large. The Chairman of the Commission shall be designated by the Governor. The Commission shall make a comprehensive study of metropolitan area governmental problems and undertake to develop solutions to such problems which will further the orderly growth of such areas and facilitate productive governmental responses to the needs and interests of the inhabitants thereof. The Commission shall consider all pertinent intergovernmental relationships, as well as cooperative action between public and private agencies. The Commission may also canvass the experience of other cities of the United States and shall examine all relevant provisions of Virginia Law to determine whether or not existing laws are adequate to meet the present and future needs of such areas, and the Commission shall recommend such changes in existing laws as it shall deem appropriate.

§ 3. The members of the Commission shall be paid their necessary expenses incurred in the performance of their duties but shall receive no other compensation. The Commission may employ a director and such professional, technical, legal or financial counsel as may be necessary to complete its study, including such secretarial, clerical or other assistance as the Commission may require.

§ 4. The Commission may accept and expand gifts, grants, and donations from any or all sources or persons for the purpose of carrying out its study, including such appropriations as may be made to it by law.

§ 5. All agencies of the State and the governing bodies and agencies of all political subdivisions of the State shall cooperate with and assist the Commission in its study.

§ 6. The Commission shall make a report to the Governor and the General Assembly not later than October 1, 1967.

ADDENDUM

Proposed Legislation to Carry Out Recommendations
of Report of
THE VIRGINIA METROPOLITAN AREAS STUDY COMMISSION

A BILL to amend the Code of Virginia by adding in Title 15.1 thereof chapters numbered 34, and 35 containing, respectively, sections numbered 15.1-1400 through 15.1-1492, 15.1-1500 through 15.1-1505, to create a Commission on Local Government which shall be empowered to establish Virginia Standard Metropolitan Statistical Areas, divide the several governmental subdivisions of the State into Planning Districts, and regulate the incorporation of towns, the transition of towns into cities and cities of the second class into cities of the first class, the creation of sanitary and sanitation districts, and agreements between political subdivisions for performance of governmental services; to provide for the establishment of Planning District Commissions and prescribe their powers and duties, including preparation and periodic review of District comprehensive plans; to provide for State financial aid to such Commissions; to provide for merger, under certain conditions, of Regional Planning Commissions; to provide methods for the creation of Service Districts, including referenda on the creation thereof, and for election of certain members of Service District Commissions, and the merger of Planning District Commissions with Service District Commissions; to provide for the assumption by the State of welfare and certain highway costs in Service Districts; to authorize Service Districts to make assessments on governmental subdivisions, to charge and collect fees, rents and charges for services, and to issue bonds for certain purposes; to create an Urban Assistance Incentive Fund and for making of grants therefrom to assist in local and area-wide approaches to common problems; and to further amend the Code of Virginia by adding sections numbered 15.1-1039.1 and 15.1-1132.1, relating respectively to jurisdiction of certain annexation proceedings and to consolidation agreements.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 15.1 thereof chapters numbered 34 and 35, containing, respectively, sections numbered 15.1-1400 through 15.1-1492, 15.1-1500 through 15.1-1505; and sections numbered 15.1-1039.1 and 15.1-1132.1, as follows:

CHAPTER 34

VIRGINIA AREA DEVELOPMENT ACT

ARTICLE 1

General Provisions

§ 15.1-1400. This Chapter shall be known and may be cited as the "Virginia Area Development Act."

§ 15.1-1401. This Chapter is enacted:

(a) To improve public health, safety, convenience and welfare, and to provide for the social, economic and physical development of communities and metropolitan areas of the State on a sound and orderly basis, within a governmental framework and economic environment which will foster constructive growth and efficient administration.

(b) To provide a means of coherent articulation for community needs, problems, and potential for service in relation to State government.

(c) To establish an agency to regulate community development in order to assure that such development is consonant with the plans and policies of the State.

(d) To foster planning for such development by encouraging the creation of effective regional planning agencies and providing the financial and professional assistance of the State.

(e) To make provision for the creation of a unit of government capable of efficiently performing governmental functions and services on a regional basis, the cost of which can be borne equitably by those receiving the benefits thereof.

(f) To deter the fragmentation of governmental units and services.

§ 15.1-1402. For the purposes of this Chapter:

(a) *"Commission"* shall mean the Commission on Local Government.

(b) *"Commissioners"* shall mean the Commissioners of the Commission.

(c) *"Planning District"* shall mean a contiguous area within the boundaries established by the Commission, as provided in this Chapter.

(d) *"Service District"* shall mean a unit of government created as provided in this Chapter.

(e) *"Governmental subdivision"* shall mean the counties, cities and towns of this State.

(f) *"Political subdivisions"* shall include the governmental subdivisions, sanitary, sanitation and transportation districts, authorities and other such public bodies created under the laws of this State.

(g) *"Governing body"* shall include the board of supervisors of a county, the council of a city or town, the board of commissioners or other board or body in which the powers of a political subdivision are vested by law.

(h) *"Population"*, unless a different census is clearly set forth, shall mean the number of inhabitants according to the United States Census latest preceding the time at which any provision dependent upon population is being applied, or the time as of which it is being construed.

ARTICLE 2

Commission on Local Government

§ 15.1-1403. Effective July 1, 1968, there shall be a permanent commission, which shall be known as the "Commission On Local Government," created to carry out the stated purposes of this Act.

§ 15.1-1404. (a) The Commission shall consist of three members and the regular term of office of each member shall be six years, provided that the terms shall be staggered so that the regular term of one of the Commissioners begins on the 1st of February of each even-numbered year. Commissioners, except as hereinafter provided, shall be chosen by the joint vote of the two houses of the General Assembly. The initial Commissioners shall take office on July 1, 1968, and thereafter, Commissioners elected for regular terms shall take office at the beginning of the term for which

elected, and those appointed or elected to fill vacancies shall take office immediately upon their election or appointment.

(b) Prior to July 1, 1968, the Governor shall appoint the three initial Commissioners for staggered terms expiring on the last days of January of each of the next three even-numbered years.

(c) Whenever a vacancy in the Commission shall occur or exist when the General Assembly is in session, it shall elect a successor for the unexpired term. If the General Assembly is not in session, the Governor shall forthwith appoint, pro tempore, a qualified person to fill the vacancy for a term ending thirty days after the commencement of the next session of the General Assembly, and the General Assembly shall elect a successor for such unexpired term.

(d) Each Commissioner shall, at the time of his election or appointment, be a qualified voter under the Constitution and laws of this State.

(e) If any person appointed or elected as a Commissioner shall fail to qualify, as required by the Constitution or by law, within thirty days after the date fixed as the commencement for the term of office, then such office shall, because of such failure to qualify within the time aforesaid, become vacant and such vacancy shall be filled as hereinabove prescribed.

(f) Any Commissioner who, during the term of his office, shall be guilty of misfeasance or malfeasance in office, shall be impeached and removed from office in the same manner provided for the impeachment and removal of Judges of the Supreme Court of Appeals.

(g) Commissioners shall receive such compensation as may be provided in accordance with law.

§ 15.1-1405. The members of the Commission shall elect from their number a Chairman in such manner and for such term as the Commission may, from time to time, by rule determine.

§ 15.1-1406. (a) The offices of the Commission shall be located, and its public sessions held, in the City of Richmond, and all notices, writs and processes issued by the Commission shall be returnable to, and command those against whom directed to appear before, the Commission and answer on a certain day to be named therein; but the Commission may, in its discretion, if public necessity or the convenience of the parties require, hold public sessions elsewhere in the State, and may order any notice, writ or process to be made returnable to the place of any such sessions; and, for the holding of any such session, the Commission may occupy the courtroom of the Court House of the city or county wherein such session may be held, if such courtroom shall not at the time be in use for the sessions of the court of any such city or county.

(b) The Commission shall have and use a common seal, to consist of a circular die, with the coat of arms of Virginia and the title "Commission On Local Government" stamped upon the face of the die, and shall have the power to affix such seal to any paper, record, or document when necessary for the purpose of authentication, and such seal, when so affixed to any paper, record or document emanating from the Commission or its Clerk's Office, shall have the same force and effect for authentication as the seal of any court of record in this State.

(c) The Commission shall have authority to purchase all necessary supplies, and to have all necessary printing and publishing done, and to secure all telephone and telegraph service necessary to the efficient dis-

charge of its duties, and the same shall be paid out of the fund appropriated for its incidental and contingent expenses. All printing necessary for the Commission shall be done under the supervision of the Comptroller.

§ 15.1-1407. The Commission shall appoint a Clerk, a bailiff and such deputies and assistants to them as are required. For clerical staff and for such other services as cannot be conveniently furnished by the Division of State Planning and Community Affairs, the Commission may employ or appoint, for the purpose of carrying out the powers vested in or conferred upon it, all other officers or employees as it shall deem necessary, who shall have the qualifications for office, be clothed with the power, discharge the functions and perform all of the duties hereinafter prescribed, and as may be prescribed or required by the Commission. The respective terms of office or employment of such officers and employees shall be as prescribed by the Commission and they shall be subject to removal by the Commission, as prescribed by it. The officers so appointed shall hold office until their successors have been appointed, qualify and have given such bond, if any, as may be required by law or by the Commission, unless they shall sooner be removed from office. Such officers and employees shall receive such compensation as may be provided in accordance with law. The officers of the Commission shall, at the time of their appointment, be actual residents of this State and qualified voters therein under the Constitution and laws thereof.

§ 15.1-1408. The Clerk of the Commission shall:

(a) Keep a minute book in which shall be recorded all the proceedings, orders, findings and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its Chairman, or Acting Chairman.

(b) Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers and files of the Commission, or which may be filed before it in any proceeding, and such records, documents, papers and files shall be open to public examination in the office of the Clerk to the same extent as the records and files of the courts of this Commonwealth.

(c) When requested, make and certify copies from any record, document, paper or file in his office, and if required, affix the seal of the Commission thereto, and he shall charge and collect such fees as are fixed by the Commission; and any such copy, so certified, shall have the same faith, credit and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof.

(d) Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses.

(e) Issues all notices, writs, processes or orders awarded by the Commission, or authorized by law, or by the rules of the Commission.

(f) Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission.

§ 15.1-1409. The bailiff of the Commission shall, in all matters within the jurisdiction of the Commission, have the powers, discharge the functions, and perform the duties of a sheriff or sergeant under the law. He shall preserve order during the public sessions of the Commission, and may make arrests and serve and make return on any writ or process

awarded by the Commission, and execute any writ, order, or process of execution awarded upon the orders or decisions of the Commission in any matter within its jurisdiction.

§ 15.1-1410. (a) The Commission on Local Government shall establish the boundaries of Virginia Standard Metropolitan Statistical Areas within the State.

(b) Each Virginia Standard Metropolitan Statistical Area must include at least

(1) one city, with population in excess of 50,000, or
(2) two cities having contiguous boundaries and constituting for general economic and social purposes, a single community, with a combined population in excess of 50,000, the smaller of which must have a population in excess of 15,000.

If two or more cities, with a population in excess of 50,000, are within twenty miles of each other, they should be included in the same area unless there is definite evidence that the two cities are not economically and socially integrated.

(c) At least seventy-five per cent of the labor force of the area must be in the non-agricultural labor force.

(d) Each governmental subdivision to be included within a Virginia Standard Metropolitan Statistical Area must meet at least one of the following conditions:

(1) It must have fifty per cent or more of its population living in a contiguous area, having a density of at least 150 persons per square mile, which area must adjoin a central city in the Standard Metropolitan Statistical Area.

(2) The number of non-agricultural workers employed in a governmental subdivision other than the central city must equal at least ten per cent of the number of non-agricultural workers employed in the central city, or such governmental subdivision must be the place of employment of at least 10,000 non-agricultural workers.

(3) The non-agricultural force living in the governmental subdivision other than the central city must equal at least ten per cent of the number of the non-agricultural labor force living in the central city, or such governmental subdivision must be the place of residence of a non-agricultural labor force of at least 10,000.

(e) A governmental subdivision other than the central city is regarded as being integrated with the central city if

(1) fifteen per cent of the workers living in the governmental subdivision other than the city work in the central city, or

(2) twenty-five per cent of those working in the governmental subdivision other than the central city live in the central city.

(f) In defining the Virginia Standard Metropolitan Statistical Area for the State, the Commission shall, so far as is practical, coordinate the names and boundaries of such areas with Standard Metropolitan Statistical Areas established by the Bureau of the Budget of the United States.

(g) The Commission shall review the Virginia Standard Metropolitan Statistical Areas established by it on a continuing basis and, from time to time as it deems advisable, modify the boundaries of such Areas and establish such new Areas as are deemed appropriate.

§ 15.1-1411. (a) Each governmental subdivision within the State shall be included within the boundaries of a Planning District on or before December 31, 1969. The Commission, upon the recommendation of the Division of State Planning and Community Affairs, shall establish the boundaries of each Planning District. Planning Districts may be composed of any combination of governmental subdivisions, provided that there are at least two counties, or two cities, or one county and one city. If any part of a governmental subdivision is included in a Planning District, the entire governmental subdivision shall be included in such Planning District.

(b) Within sixty days after the receipt of the recommendations of the Division of State Planning and Community Affairs for the boundaries of a Planning District, the Commission shall hold a hearing in regard thereto. The governing body of each governmental subdivision within the proposed boundaries of the Planning District, the governing body of each adjoining governmental subdivision, and the governing body of such other governmental subdivisions as the Commission shall deem desirable shall be given notice of such hearing and shall be entitled to appear and present evidence and argument.

(c) As promptly as practicable after such hearing, the Commission shall determine the boundaries of the Planning District. The determination of the governmental subdivisions to be included in a Planning District shall be based upon the community of interest among the governmental subdivisions, the ease of communication and transportation, geographic factors and natural boundaries, and the appropriateness of the boundaries of the Planning District to the provision of services and performance of governmental functions in the area by a Service District. In creating a Planning District, the Commission may also give consideration to the wishes of the governmental subdivisions within or surrounding such proposed Planning District, as expressed by resolution of the governing bodies of such governmental subdivisions.

(d) Upon establishing a Planning District, the Commission shall assign a designation to the Planning District for purposes of identification.

(e) Upon the recommendation of the Division of State Planning and Community Affairs, the Commission may adjust the boundaries of any Planning District. The procedure for such action by the Commission shall be the same as provided above for the establishment of the boundaries of Planning Districts.

(f) In the event the Planning District Commission has been organized for any Planning District to which a governmental subdivision is added or from which a governmental subdivision is taken in any such boundary adjustment, then the written consent of the Planning District Commission or Commissions affected, filed with the Commission on Local Government, shall be required before any such boundary adjustment is made.

§ 15.1-1412. (a) No petition shall be presented to any court, or the judge thereof, for the incorporation of any area in the Commonwealth as a town, pursuant to the provisions of Chapter 21, of Title 15.1, anything therein to the contrary notwithstanding, until such petition shall have been submitted to and approved by the Commission on Local Government. No court, or the judge thereof, shall act upon any such petition until the approval thereof by the Commission.

(b) The procedure for the submission of such petition, hearing thereon, and notice thereof shall be as hereinafter provided in § 15.1-1417,

and, in every instance, a copy of the petition and any accompanying information shall also be furnished to the county in which such town is situated and a hearing shall be held.

(c) The Commission on Local Government shall approve any such petition if it shall be satisfied that such incorporation will not adversely affect the orderly development of the area of the plans of the State for the development of the area as a part of the State as a whole. In making such determination, the Commission shall give consideration to the degree of urbanization of the county as a whole, the area of the proposed town with relation to the geographic size of the county, the advisability of the subsequent transition of the town to city status, and the fragmentation of governmental units and governmental service which will result upon the incorporation of the town and in the foreseeable future.

§ 15.1-1413. (a) No application shall be presented to any court, or the judge thereof, to have a legal enumeration of the population of a town claiming to have population in excess of 5,000, pursuant to the provisions of Chapter 22, of Title 15.1, anything therein to the contrary notwithstanding, until the town shall have submitted to the Commission and obtained approval of a petition to be allowed to proceed to become a city of the second class. No court, or the judge thereof, shall act upon any such application until the approval of such petition by the Commission.

(b) The procedure for the submission of such petition shall be as hereinafter provided in § 15.1-1417, except that the petition, in addition to such other matters as the Commission may require, shall set forth the following:

(1) The financial resources and revenues of the proposed city and the anticipated demands upon those resources and revenues for the five years next ensuing.

(2) The services to be provided upon becoming a city and for the five years next ensuing.

(3) Any proposed agreement between the town and the county in which it is situated, for the assumption by the proposed city of and provision for the reimbursement of the county for a just and reasonable portion of any debt of the county existing at the date the town becomes a city, and also for compensation to any school district of which the town was a part for the city's just and reasonable portion of any debt existing on the district at such date; or, if there be no such agreement, the proposal of the town in regard thereto.

(c) The procedure for hearing upon such petition and notice thereof shall be as hereinafter provided in § 15.1-1417, and in every instance, a copy of the petition together with any accompanying information, shall also be furnished to the county in which such town is situated and a hearing shall be held.

(d) After hearing, the Commission may approve, disapprove or modify the terms of the assumption of debt and financial adjustment with such county or school district. In approving or modifying the financial arrangements, the Commission shall give consideration to the city's just proportion of money collected by the county treasurer under § 15.1-1002 and of any unexpended balance in the county treasury belonging to any fund to which the territory embraced in the city has contributed, and shall take into consideration all other equitable claims of the proposed city, county and school district.

(e) If such financial terms are approved, with or without modification, the Commission shall approve such petition if it finds that the town's becoming a city will not adversely affect the orderly development of the area or the plans of the State for the development of the areas as a part of the State as a whole. In making such determination, the Commission shall give consideration to the financial ability of the proposed city to perform those services which shall be appropriate to its status as an independent city.

(f) The decision of the Commission with respect to the financial adjustment between the proposed city and the county shall, upon the town's becoming a city, have the same effect and be enforceable in the same manner as a decree of a circuit court under the proceeding provided in § 15.1-1004.

(g) Upon the approval by the Commission of a petition filed under this section, the Clerk of the Commission shall certify such action to the judge of the circuit court having jurisdiction in the county in which the town lies and, thereafter, the proceedings for the transition of the town to a city shall be as set forth in Chapter 22, of Title 15, except that §§ 15.1-1003 and 1004 shall be inapplicable.

(h) This section shall not apply to any town which had a population, according to the U. S. Census of 1960, in excess of 5,000.

§ 15.1-1414. (a) No application shall be presented to the judge of any court to have a legal enumeration of the population of a city, pursuant to § 15.1-17, nor shall the judge of any court enter the results of any local census authorized by law in the law order book of his court, pursuant to § 15.1-1012, anything in said sections to the contrary notwithstanding, until the city wishing such enumeration or having such local census shall have submitted to the Commission and obtained approval of a petition to be allowed to proceed to become a city of the first class.

(b) The procedure for the submission of such petition, hearing thereon and notice thereof shall be as hereinafter provided in § 15.1-1417.

(c) The Commission shall approve such petition if it shall be satisfied that the transition from city of the second class to city of the first class will not adversely affect the orderly development of the communities in the area or the plans of the State for the development of the area as a part of the State as a whole.

(d) This section will not apply to any city which become a city on or before December 31, 1959.

§ 15.1-1415. (a) No petition shall be presented to any court or the judge thereof for the creation of a sanitary district or sanitation district, pursuant to the provisions of Chapters 2, 3, or 4, of Title 21, anything therein to the contrary notwithstanding, until such petition shall have been submitted to and approved by the Commission. The creation of any authority, pursuant to the provisions of Chapters 27, 28 or 29, of Title 15.1, or of any transportation district, pursuant to the provisions of Chapter 32, of Title 15.1, shall not become effective until the ordinances or resolutions creating such authority or district shall have been submitted to and approved by the Commission.

(b) The procedure for the submission of any such petition or resolutions or ordinances, hearing thereon and notice thereof shall be as hereinafter provided in § 15-1417.

(c) The Commission shall approve any such petition or ordinances or resolutions if it shall be satisfied that the creation of any such sanitary

district, sanitation district, authority or transportation district will not adversely affect the orderly development of the area or the plans of the State for the development of the area as a part of the State as a whole. In making such determination, the Commission shall give consideration to the availability of comparable services from other facilities or resources in the area and the relative cost thereof.

(d) This section shall be applicable only where the facilities or the services to be furnished by the proposed sanitary district, sanitation district, authority or transportation district are to be wholly or partly within a Virginia Standard Metropolitan Statistical Area.

§ 15.1-1416. (a) No agreement between political subdivisions relating to the performance of functions or provision of services significant to the development of a Virginia Standard Metropolitan Statistical Area shall become effective until it has been submitted to and approved by the Commission.

(b) The procedure for the submission of such agreement, hearing thereon and notice thereof shall be as hereinafter provided in § 15.1-1417.

(c) The Commission shall approve any such agreement if it shall be satisfied that it will not adversely affect the orderly development of the area or the plans of the State for the development of the area as a part of the State as a whole. The Commission shall give consideration to the appropriateness of the rates and charges for any services to be furnished under a proposed agreement. It shall not be necessary to approval that such rates and charges be limited to the financial elements of the service itself, but, nevertheless, such rates and charges shall bear some reasonable relation thereto and to other comparable arrangements among governmental units and political subdivisions in the area.

(d) This section shall be applicable only where one or more of the political subdivisions party to the proposed agreement is wholly or partly located within, or has facilities or furnishes services wholly or partly within, a Virginia Standard Metropolitan Statistical Area.

§ 15.1-1417. (a) The Commission may by rule require that any proposal be submitted on such forms and in such manner as it may prescribe and be accompanied by such information in regard thereto as it deems necessary. The term "proposal" as used in this section shall include any petition, ordinance, resolution, agreement, plan or other application, approval of which is sought from the Commission and for which no special procedure for obtaining such approval is otherwise provided.

(b) Within five days after submission of a proposal, the Clerk of the Commission shall furnish a copy thereof, together with a copy of any accompanying information, to the Division of State Planning and Community Affairs. The Division shall conduct such studies and make such reports and recommendations in regard thereto as are appropriate.

(c) Within five days after the submission of any such proposal, the Clerk of the Commission shall send a copy thereof, together with a copy of any accompanying information, to any Planning District Commission or Service District within the jurisdiction of which the proposal would be effective. If there be no Planning District Commission or Service District organized for the Planning District, the Clerk of the Commission, within said five-day period, shall send a copy of any such proposal (without accompanying information) to the governing body of each governmental subdivision within the Planning District. The Clerk may send any such copies by U. S. certified mail.

(d) If any such Planning District Commission or Service District, or any governmental subdivision in such District, shall, within twenty-one days after the submission of such proposal to the Commission, request that a hearing be held, the Commission shall hold a hearing upon the proposal. Upon any such request for a hearing or in the event the Commission shall itself determine that the proposal is of sufficient significance to the development of the area and the policies of the State, it shall require a public hearing in regard thereto and shall set a date and time therefor not less than thirty nor more than ninety days from the submission of the proposal.

(e) Notice of any such hearing shall be given by the Clerk of the Commission to the petitioner submitting such proposal and to the Planning District Commission or Service District and to each governmental subdivision within the District, at such time and in such manner as the Commission shall deem reasonable. If the number of petitioners shall exceed five, it shall not be necessary to give notice to more than five of them.

(f) If no hearing has been requested as above provided and the Commission has not within thirty days of the submission of the proposal determined that a hearing is required, the proposal shall be deemed to be approved by the Commission, and the Clerk of the Commission shall certify such approval to any person upon request.

§ 15.1-1418. (a) The Commission shall cause its rules of order and procedure to be entered upon the records of its proceedings and to be printed, as well as all amendments and additions to the same, and shall furnish copies thereof to the clerks of governmental subdivisions and to any citizen of this State upon application therefor.

(b) The Commission shall keep a docket of all proceedings pending before it, numbered in chronological order, and the papers therein docketed and numbered in the same consecutive order and, when finally determined and disposed of, the papers and files shall be filed and preserved in the same numerical order and properly indexed for future reference.

(c) The sessions of the Commission for the hearing of any proceeding pending before it shall be public, and its findings, decisions and judgments shall be announced and rendered in public session. The Commission may hold sessions for the hearing of any proceeding at such time or times as it may deem advisable, not inconsistent with provisions of this Chapter, and may also provide by its rules for regular public sessions to be held each year.

(d) For the purpose of compelling the attendance of witnesses, the production of books and papers, the convening of parties, the Commission shall, in all matters within its jurisdiction, have the same power and authority to award and issue, and to have served, executed and returned, any writ, notices, process, order or order of publication as any court of law or equity in this Commonwealth would have if the proceeding were in such court.

(e) Any political subdivision, Planning District Commission, Service District or petitioner to which was sent notice of any proceeding before the Commission shall be entitled to process, to convene parties, compel the attendance of witnesses, or the production of books and papers in any such proceeding or hearing before the Commission.

(f) All writs, processes and orders of the Commission shall run in the name of the Commonwealth, and shall be attested by its Clerk or a Deputy Clerk, shall be directed to its bailiff, and may be served, executed and returned by the said bailiff in any governmental subdivision of this

State, or by the sergeant or sheriff, or any constable of any city or county in this State, within his bailiwick. All such writs, notices, processes or orders of the Commission may be served, executed and returned in like manner as the processes, writs, notices or orders of the courts of record of this Commonwealth, and, when so served, executed and returned, shall have the like legal effect. The bailiff or other officer serving or executing any writ, notice, process or order of the Commission shall receive like fees and commissions allowed by law for like services to the sergeants and sheriffs of the cities and counties of this State; but the bailiff of the Commission shall account for and pay to its Clerk all fees and commissions received by him for any services which he may render. The bailiff or any other officer hereinbefore named, who shall fail to execute and return any writ, notice, process or order of the Commission, shall be subject to the penalties prescribed by law for the failure to execute and return the process of any court, which penalties may be enforced by the judgment of the Commisison.

(g) Unless otherwise provided by law for certain proceedings before the Commission:

(1) All relevant and material evidence shall be received, except that: the rules relating to privileged communications and privileged topics shall be observed; hearsay evidence shall be received only if the declarant is not readily available as a witness; and secondary evidence of the contents of a document shall be received only if the original is not readily available. In deciding whether a witness or document is readily available, the Commission shall balance the importance of the evidence against the difficulty of obtaining it, and the more important the evidence is the more effort should be made to produce the eyewitness or the original document.

(2) All reports of the Division of State Planning and Community Affairs and other records and documents in the possession of the Commission bearing on the case may be introduced by the Commission at the hearing.

(3) The Commissioners, any representative designated by the Division of State Planning and Community Affairs and every participant in the proceeding entitled to notice by law or to which was sent notice thereof shall have the right to cross-examine adverse witnesses and to submit evidence and rebuttal evidence.

§ 15.1-1419. The Commission shall have the same powers and jurisdiction to punish for contempt, and punishment shall be carried out in the same manner as provided in § 12-21 for the State Corporation Commission.

§ 15.1-1420. Any person who shall wilfully swear falsely touching any material fact or matter in any proceeding pending before the Commission shall be deemed guilty of perjury.

§ 15.1-1421. (a) The Commission shall cause to be taxed and collected in all proceedings pending before it like fees and costs taxed and collected for like services by officers of the courts of this Commonwealth; also the fees and mileage of witnesses attending upon its public sessions, and may enter judgment for the same and issue execution thereon, which execution may be levied and executed in like manner as an execution issued upon the judgments or decrees of the courts of law or equity of this Commonwealth.

(b) The Commission shall, by order entered upon the records of its proceedings, make all allowances to be paid out of the public treasury for

expenses, witness fees and mileage and for the service of process and, when so allotted and certified by the Clerk of the Commission to the Comptroller, the Comptroller shall draw his warrant for the payment of the amount of any such allowances out of the public treasury; but the Commission shall not allow to any witness exceeding $1.00 per day for his attendance nor exceeding $0.05 per mile for each mile traveled to and from the place of attendance, and shall not make any allowance to be paid out of the public treasury save when expenses are incurred, the witnesses' attendance, or the service of process is at the instance of the Commission or on behalf of the Commonwealth.

§ 15.1-1422. (a) Any political subdivision, Planning District Commission, Service District or petitioner entitled to notice by law or to which was sent notice of any proceeding before the Commission may, regardless of the amount involved, petition for an appeal to the Supreme Court of Appeals from any final order or decision of the Commission.

(b) The Supreme Court of Appeals may, on petition, if such petition be presented within four months from the date of the final order or decision of the Commission, award a Writ of Supersedeas to any such final order or decision and may review, affirm, reverse or modify the same, as justice may require, and it may enter therein such order as may be right and just. Upon such an appeal, findings of the Commission shall be entitled to the weight accorded the verdict of a jury in a civil case.

(c) All such appeals shall be taken and perfected, heard and determined, and the mandate of the Supreme Court of Appeals certified down to the Commission in the same manner as appeals in equity causes from the circuit or corporation courts of this Commonwealth to the Supreme Court of Appeals.

ARTICLE 3

Planning District Commission

§ 15.1-1430. (a) At any time after the establishment of the geographic boundaries of a Planning District, a majority of the governmental subdivisions within the District may organize a Planning District Commission by written charter agreement among them. For the purpose of determining such majority, towns of less than 3,500 population shall not be counted.

(b) The charter agreement shall set forth:

(1) The name of the Planning District.

(2) The governmental subdivision in which its principal office shall be situated.

(3) The effective date of the organization of the Planning District Commission.

(4) The composition of the membership of the Planning District Commission, provided, however, that at least a majority, but not substantially more than a majority, of its members shall be elected officials of the governing bodies of the governmental subdivisions within the District with each county, city and town of more than 3,500 population (whether or not parties to the charter agreement) having at least one representative, and the other members being qualified voters and residents of the District, who hold no office elected by the people.

(5) The term of office of the members, their method of selection or removal, and the method for the selection and the term of office of a Chairman.

(6) The voting rights of members, and such voting rights need not be equal and may be weighed on the basis of the population of the governmental subdivision represented by the member, the aggregation of the voting rights of members representing one governmental subdivision, or otherwise.

(7) The procedure for amendment, provided that any amendment pursuant thereto shall not become effective until submitted to and approved by the Commission on Local Government, as provided in § 15.1-1417.

(c) The organization of the Planning District Commission shall not become effective until the charter agreement has been submitted to and approved by the Commission on Local Government, and the procedure for the submission of such agreement, hearing thereon and notice thereof shall be as provided in § 15.1-1417.

§ 15.1-1431. (a) Upon organization of a Planning District Commission, pursuant to charter agreement, it shall be a public body corporate and politic, the purposes of which shall be to perform the planning and other functions provided by this Chapter, and it shall have the power to perform such functions and all other powers incidental thereto.

(b) Without in any manner limiting or restricting the general powers conferred by this Chapter, the Planning District Commission shall have power:

(1) To adopt and have a common seal and to alter the same at pleasure.

(2) To sue and be sued.

(3) To adopt by-laws and make rules and regulations for the conduct of its business.

(4) To make and enter into all contracts or agreements, as it may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this Chapter.

(5) To make application for and to accept loans and grants of money or materials or property at any time from any private or charitable source or the United States of America or the Commonwealth of Virginia, or any agency or instrumentality thereof.

(6) To exercise any power usually possessed by private corporations, including the right to expend such funds as may be considered by it to be advisable or necessary in the performance of its duties and functions.

(7) To employ engineers, attorneys, planners, such other professional experts and consultants and such general and clerical employees as may be deemed necessary, and to prescribe their powers and duties and fix their compensation.

(8) To do and perform any acts and things authorized by this Chapter through or by means of its own officers, agents and employees, or by contracts with any persons, firms or corporations.

(9) To execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this Chapter.

§ 15.1-1432. It shall be the purpose of the Planning District Commission to promote the orderly and efficient development of the physical, social and economic elements of the District by planning, and encouraging and assisting governmental subdivisions to plan for the future. It shall not be the duty of the Commission to perform the functions necessary to implement the plans and policies established by it or to furnish governmental services to the District. No action of a Planning District Commission shall affect the powers and duties provided to local planning commissions by law.

§ 15.1-1433. (a) Each Planning District Commission shall undertake to prepare a comprehensive plan for the guidance of the development of the District. Such plan shall concern those elements which are of importance in more than one of the governmental subdivisions within the District, as distinguished from matters of only local importance. The comprehensive plan may concern such subjects and may be divided into such parts or sections as the Planning District Commission may deem desirable to promote the orderly and efficient development of the physical, social and economic elements of the District. Individual parts or sections of the plan may from time to time be adopted as they are ready.

(b) Before the comprehensive plan, or any part thereof, shall be adopted, it shall be submitted to the Division of State Planning and Community Affairs and to the local planning commission (or, if there be none, to the governing body) of each governmental subdivision within the District for a period of not less than thirty days prior to a hearing to be held by the Planning District Commission thereon, after notice as provided in § 15.1-431. Each such local planning commission shall make recommendations to the Planning District Commission with respect to the effect of the plan, or part thereof, within its governmental subdivision on or before the date of said hearing.

(c) Upon approval of the comprehensive plan, or part thereof, by a Planning District Commission after such public hearing, it shall be submitted to the governing body of each governmental subdivision (excluding towns of less than 3,500 population) within the District for adoption and, upon adoption thereof by the governing bodies of a majority of such governmental subdivisions, the comprehensive plan, or part thereof, shall become effective with respect to all action of a Planning District Commission. The plan shall not become effective with respect to the action of the governing body of any governmental subdivision within the District until adopted by the governing body of such governmental subdivision.

§ 15.1-1434. When the comprehensive plan, or any completed part thereof, shall become effective as the District plan, the Planning District Commission shall not, except as provided in the plan, establish any policies or take any action which, in its opinion, is not in conformity therewith. When the comprehensive plan, or any completed part thereof, shall have become effective in any governmental subdivision, such governmental subdivision shall not proceed with the construction of any public improvement or public institution or with the acquisition of any land for public purposes or the disposition of any public lands, which construction, acquisition or disposition is in conflict with the District plan.

§ 15.1-1435. The comprehensive plan, or any completed part thereof, may be amended in the same manner as provided for the original approval and adoption of the plan and parts thereof, provided, however, that if the Planning District Commission determines that a proposed amendment has less than District-wide significance, such amendment may be submitted only to the local planning commissions and governing bodies of those governmental subdivisions which the Planning District Commission shall determine to be affected.

§ 15.1-1436. At least once every five years, the comprehensive plan, or completed parts of it, shall be reviewed by a Planning District Commission to determine whether it is advisable to amend the plan.

§ 15.1-1437. (a) In each Planning District in which a Planning District Commission has been organized, the governing body of each governmental subdivision shall submit to the Planning District Commission for review any application to agencies of the State or federal government for loans or grants in aid for special projects before such application is made.

(b) The Planning District Commission shall advise the governmental subdivision, within ten days from the date of the submission of the application, as to whether or not the proposed project, for which funds are requested, has District-wide significance. If it does not have District-wide significance, the Planning District Commission shall certify that it is not in conflict with the District plan or policies. If it does have District-wide significance, the Planning District Commission shall determine, within forty days from the date of the submission of the application, whether or not it is in conflict with the District plan or policies. In making such determination, it may also consider whether the proposed project is properly coordinated with other existing or proposed projects within the District.

§ 15.1-1438. A Planning District Commission may cooperate with other Planning District Commissions or the legislative and administrative bodies and officials of other Districts or governmental subdivisions, within or without a District, so as to coordinate the planning and development of a District with the plans of other Districts and governmental subdivisions and the State. A Planning District Commission may appoint such committees and adopt such rules as needed to effect such cooperation. A Planning District Commission shall also cooperate with the Division of State Planning and Community Affairs and use advice and information furnished by such Division and by other State and federal officials, departments and agencies. Such Division and such officials, departments and agencies having information, maps and data pertinent to the planning and development of a District may make the same, together with services and funds, available for use of a Planning District Commission.

§ 15.1-1439. Upon the organization of a Planning District Commission, it shall be entitled to receive State financial support to assist it in carrying out its purposes. Such State aid shall be in an amount not in excess of $10,000.00 for each 25,000 persons residing in the District, but, in any event, not less than $10,000.00 for any such Planning District Commission. In order to be allocated such State aid, each Planning District Commission shall prepare and submit annually to the Governor, in such manner as he shall direct, a budget showing its estimated receipts and expenditures during the next fiscal year. After the review of such budget, the Governor shall, subject to the availability of funds, allocate such amount as will, in his judgment, be sufficient to enable the Planning District Commission to carry out its functions. The fiscal year of the Planning District Commission shall end June 30.

§ 15.1-1440. The governing bodies of the governmental subdivisions within a Planning District are authorized to appropriate or lend funds to the Planning District Commisison.

§ 15.1-1441. (a) As promptly as practicable and no later than six months after the organization of a Planning District Commission, any of the governmental subdvisions of which participate in a Regional Planning Commission organized pursuant to § 15.1-432, one of the following shall occur:

(1) If the population of the governmental subdivisions within the Planning District participating in the Regional Planning Commission exceeds two-thirds of the population of all of the governmental subdivisions participating in the Regional Planning Commission, those governmental subdivisions participating in the Regional Planning Commission, but not within the Planning District, shall withdraw and, thereupon, the Regional Planning Commission shall merge into the Planning District Commission.

(2) If the population of the governmental subdivisions in the Planning District participating in the Regional Planning Commission is less than one-third of the population of all of the governmental subdivisions participating in the Regional Planning Commission, those governmental subdivisions participating in the Regional Planning Commission and being within the Planning District shall withdraw from the Regional Planning Commission.

(3) If the population of the governmental subdivisions in the Planning District participating in the Regional Planning Commission is more than one-third but less than two-thirds of the population of all of the governmental subdivisions participating in the Regional Planning Commission, the Regional Planning Commission may merge into the Planning District Commission, with the concurrence of a majority of both commissions. After such concurrence but prior to such merger, the governmental subdivisions not within the Planning District shall withdraw from the Regional Planning Commission. If such merger is not consummated within six months from the date of the organization of the Planning District Commission, the governmental subdivisions within the Planning District Commission shall withdraw from the Regional Planning Commission.

(b) Upon the withdrawal of a governmental subdivision from a Regional Planning Commission, pursuant to the provisions of this section, all of its interest in the assets and responsibility for the liabilities of the Regional Planning Commission shall cease and terminate as of the date of such withdrawal.

(c) Upon the merger of a Regional Planning Commission into a Planning District Commission, the Planning District Commission shall be the surviving entity and be entitled to all of the assets and shall assume all of the liabilities of the Regional Planning Commission, provided that the agreement between the participating governmental subdivisions establishing the Regional Planning Commission shall not be effective after such merger.

§ 15.1-1442. The Planning District Commission shall not be required to pay any taxes or assessments upon any project or upon any property acquired or used by it or upon the income therefrom. For purposes of § 58-441.6(p), a Planning District Commission shall be deemed a "political subdivision of this State" as the term is used in that section.

ARTICLE 4

Service Districts

§ 15.1-1460. At any time after the establishment of the geographic boundaries of a Planning District and the promulgation of a plan for a Service District prepared in any of the ways hereinafter provided for, a Service District may be created by the concurrence of a majority of the

qualified voters of each of the governmental subdivisions within the proposed Service District. The boundaries of each Service District shall be coterminous with those of a Planning District.

§ 15.1-1461. (a) Each Planning District Commission is authorized to prepare and promulgate a plan for the creation of a Service District at any time and, upon request of the governing bodies of a majority of the governmental subdivisions within the Planning District, it shall promulgate such plan within one year from the date of such request.

(b) In any Planning District for which a Planning District Commission has not been created:

(1) Any two or more governmental subdivisions are authorized to jointly prepare and promulgate a plan for the creation of a Service District; or

(2) The Commission on Local Government is authorized to appoint a Service District Plan Committee, composed of representatives selected by it from each of the governmental subdivisions within the District. Any such Committee shall prepare and promulgate a plan within one year from the date of its appointment.

§ 15.1-1462. (a) The Service District Plan shall set forth the following:

(1) The charter of the Service District.

(2) The boundaries of the single member election districts.

(3) The services and functions to be initially performed by the Service District and the manner of financing the cost thereof.

(4) The authority of the Service District to undertake additional services and functions and the terms and conditions under which such authority may be exercised.

(5) Terms of agreements to be entered into between the Service District and the political subdivisions, the rights, properties and functions of which will be affected by the creation of the Service District.

(6) Terms of agreements between the Service District and the governmental subdivisions within the District with respect to commitments of the Service District for the construction of facilities and the performance of services subsequent to the creation of the Service District.

(7) Such other compacts, conditions, reservations and restrictions with respect to the Service District and the political subdivisions within its boundaries as are pertinent to the creation of the Service District.

(8) Terms of arrangements for the continuation of the performance of the functions of any Planning District Commission.

(9) An informative summary of sub-sections (3) through (8) above, sufficient to advise of the basic elements of the plan.

(10) The date of the plan and a schedule and procedure for the submission of the plan to the Commission on Local Government and the governing bodies of the governmental subdivisions within the District for approval and to the qualified voters of each such governmental subdivision for adoption.

(b) The plan shall assure that the services to be initially provided by the Service District shall be of sufficient number and importance to produce a meaningful governmental unit and program and shall provide the framework of government for the eventual performance by the Service District of all of the functions and services which are appropriate for performance on a District-wide basis.

§ 15.1-1463. The charter of the Service District shall set forth:

(1) The name of the Service District.

(2) The boundaries of the District.

(3) The governmental subdivision within the District in which its seat of government shall be situated.

(4) The composition of the membership of the commission which shall be the governing body of the Service District, pursuant to § 15.1-1467.

(5) Such restrictions upon or additions to powers provided by law to Service Districts as are appropriate to the functions to be performed by the Service District.

(6) Such other provisions as may be appropriate to the adoption of a form of government of the Service District and the procedures thereof, provided that the principles of a Council-Manager form of government shall be followed.

(7) The powers and duties of the Chairman of the commission.

(8) The composition of the board of a planning division of the Service District, provided that persons not holding an office elected by the people shall constitute a substantial proportion (but not necessarily a majority) of the membership of such board.

(9) The procedure for amendment, provided that any amendment pursuant thereto shall not become effective until submitted to and approved by the Commission on Local Government, as provided in § 15.1-1417 and, no amendment shall provide the power to perform functions or services not provided in the initial plan or charter without compliance with the requirements of §§ 15.1-1485 or 15.1-1486.

§ 15.1-1464. (a) Promptly upon the promulgation of a Service District Plan, it shall be submitted to the Commission on Local Government which may by rule require that plans be submitted on such forms, in such manner, and be accompanied by such information as it prescribes. The Clerk of the Commission on Local Government shall forward a copy thereof, together with a copy of any accompanying information, to the Division of State Planning and Community Affairs. The Division shall conduct such studies and make such reports and recommendations in regard thereto as are appropriate.

(b) The Commission on Local Government shall require a public hearing in regard to the plan and shall set a date and time therefor not less than thirty nor more than ninety days from the submission thereof. Notice of such hearings shall be given to the governing body of each governmental subdivision within the Planning District and to the citizens of the District in such manner as the Commission shall deem reasonable.

(c) After such hearing, the Commission on Local Government may approve, disapprove or modify the Service District Plan. The Commission

on Local Government shall approve such plan if it finds that the plan, with such modifications as the Commission on Local Government shall deem advisable, will provide services of sufficient number and importance to produce a meaningful governmental unit and program and the opportunity for eventually offering on a District-wide basis all of the functions and services which are most appropriately performed on a District-wide basis; that such Service District will not adversely affect the orderly development of the communities in the District or in adjoining Districts or the plans of the State for the development of the area as a part of the State as a whole; and that the services to be performed by the Service District can be appropriately provided on a District-wide basis. In making such determination, the Commission on Local Government shall give consideration to the present and projected degree of urbanization of the District as a whole and the effect of the creation of the Service District as a deterrent to the further fragmentation of governmental units and governmental service within the District.

§ 15.1-1465. (a) Upon approval of a Service District Plan, the Commission on Local Government shall submit the plan, as modified by it, to the governing body of each governmental subdivision within the District, for consideration and approval or disapproval within the time limits provided by the plan. If the governing body of each governmental subdivision in the District shall approve the plan, the Commission on Local Government shall cause a copy of the charter and the informative summary of the plan to be published in a newspaper or newspapers having general circulation in each governmental subdivision in the District at least once a week for four successive weeks.

(b) When such publication of the Service District Plan is completed, of which a certificate to the judges of the circuit courts having jurisdiction in the counties and towns and to the judges of the corporation courts having jurisdiction in the cities, from the owner, editor or manager of the newspaper publishing the same, shall be proof, the respective judges of the circuit courts of the counties and the corporation courts of the cities shall, by order entered of record, require the regular election officers of such counties, towns and cities, at the next regular November election or on a date fixed in the order, which date may be provided for in the plan and shall be the same in each of the governmental subdivisions within the District, to open the polls and take the sense of the qualified voters of each governmental subdivision on the question submitted as hereinafter provided.

(c) The regular election officers, on the date designated in the order requiring the vote, shall open the polls at the various voting places in their respective governmental subdivisions and conduct the election in such manner as is provided by general law for other elections in so far as the same is applicable. The ballots for each governmental subdivision shall be prepared by the electoral boards thereof and distributed to the various election precincts therein, as provided by law. The ballots used shall be printed and shall contain the following:

"Shall the.....Service District Plan dated .....be approved and the Charter adopted?

☐ For

☐ Against"

The squares to be printed on such ballots are to be not less than ¼" nor more than ½" in size and shall be marked as provided by general law for other elections in so far as the same is applicable.

(c) The qualifications for elected members shall be the same as for members of the Senate of Virginia. No person shall serve as an elected member who holds any other office elected by the voters.

(d) The date and manner of nomination and election and the term of elected members and the manner of filling vacancies shall be the same as for members of the Senate of Virginia.

(e) If the effective date of the creation of a Service District does not permit the nomination and election of the initial elected members to coincide with the nomination and regular election of members of the Senate, then the initial elected members shall be elected in the November general election of the year next preceding the effective date of the creation of the Service District; and they shall serve until January 1 of the year next following the regular election of the members of the Senate.

§ 15.1-1469. The Chairman of the Commission shall be elected at large by a plurality of the voters of the entire District, but his qualifications and the time, manner of election, term and filling of the vacancy in his office shall otherwise be the same as for elected members. The Chairman shall be entitled to the same voting rights as a member.

§ 15.1-1470. The effective date of the organization of a Service District shall be the next January 1 which is more than six months from the date of the referendum by which the creation of the Service District Plan was approved and Charter adopted. The fiscal year of the Service District shall be the year ending June 30.

§ 15.1-1471. (a) Upon its creation, a Service District shall be a public body politic and corporate and shall be deemed to be a public instrumentality, exercising public and essential governmental functions, and shall have all of the powers conferred upon it by its charter and by general law.

(b) Without in any manner limiting or restricting the general power conferred by its charter or by this Chapter, a Service District shall have power:

(1) to adopt and have a common seal and to alter the same at pleasure.

(2) to sue and be sued.

(3) to contract and be contracted with.

(4) to contract debts, borrow money and make and issue bonds and other evidences of indebtedness.

(5) to expend the money of the District for all lawful purposes.

(6) to acquire by purchase, gift, devise, condemnation or otherwise property, real or personal, or any estate or interest therein, within or without the District, and for any of the purposes of the District; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.

(7) to make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred upon the District, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine, not exceeding $1,000.00, or imprisonment in jail, not exceeding twelve months, either or

(d) The ballots shall be counted and the returns made and canvassed as in other elections, the results certified by the Commissioners of Elections to each of the judges of the circuit courts having jurisdiction in the counties and towns and to each of the judges of the corporation courts having jurisdiction in the cities within the District. The judge or judges shall enter of record in such court in each county and city the number of votes certified to be "for" and the number "against" the approval of the Service District Plan and adoption of the Charter. The clerk of each such court shall file a certified copy thereof with the Clerk of the Commission on Local Government.

(e) Upon receipt by the Clerk of the Commission on Local Government of certification of the results of the election so held from the clerks of all of such courts within the proposed Service District, the Clerk of the Commission shall canvass such certificates and shall promptly furnish to the judges of such courts a certificate setting forth whether or not the majority of the qualified voters of each governmental subdivision within the District voted in favor of the Service District Plan and adoption of the Charter.

§ 15.1-1466. When a majority of the qualified voters of each governmental subdivision within the proposed Service District votes in favor of the Service District Plan and adoption of the Charter, of which fact the certificate of the Clerk of the Commission on Local Government shall be proof, the respective judges of the circuit courts having jurisdiction in the counties and towns, and the corporation courts having jurisdiction in the cities shall, by order entered of record in such court in each county and city, require that an election be held, as provided in § 15.1-1468, at which election the elected members and a Chairman shall be elected.

§ 15.1-1467. (a) At least a majority of the members of the Service District Commission shall be elected by the qualified voters from single member election districts and shall be known as "elected members." Elected members shall be qualified voters of and reside within the single member election district.

(b) The other members of the Service District Commission shall be members of the governing bodies of the governmental subdivisions within the District, who were elected by the qualified voters of the governmental subdivisions and shall be known as "official members." Each county, city and town of more than 3,500 population shall have at least one official member.

(c) Each member of the Service District Commission, whether an elected member or an official member, shall be entitled to one vote.

(d) The governing body of each governmental subdivision within a Service District entitled to an official member shall appoint its official member or members of the Commission, to service at the pleasure of such governing body.

§ 15.1-1468. (a) Single member election districts shall be composed of contiguous and compact territory containing, as nearly as practicable, an equal number of inhabitants. If any part of a town is included with all or part of a county in a single member election district, all of such town shall be included. A town may be divided into two or more single member election districts.

(b) The Service District shall reapportion its single member election districts in the year 1982 and every ten years thereafter.

both. The District may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation.

§ 15.1-1472. (a) Upon the creation of a Service District, any Planning District Commission organized for the District shall be merged into the Service District and the Planning District Commission shall terminate.

(b) The Service District shall have a planning division, which shall assume functions relating to planning of a Planning District Commission subject to the approval of the Service District Commission. A Service District Plan shall make provision for the orderly transition from Planning District Commission in such manner as not to be interruptive of the personnel, work in progress, or duties and responsibilities of the planning functions. Any comprehensive plan or completed part thereof effective in the Planning District shall continue to be effective in the Service District.

(c) The Service District shall continue all of the functions of the Planning District Commission provided in §§ 15.1-1433 through 15.1-1438, and, for the purpose of this section, all references therein to a Planning District Commission shall be taken to mean the Service District. The Service District shall, by operation of law, own and be entitled to possession of all of the assets of the superseded Planning District Commission and shall assume all of the liabilities thereof and agree to perform all of its obligations.

§ 15.1-1473. Upon the creation of a Service District, it shall be entitled to receive State financial support to assist it in carrying out its planning functions to the same extent and in the same manner as the Planning District Commission, pursuant to § 15.1-1439.

§ 15.1-1474. If a Service District has been created, as soon as funds can be made available for the purpose after January 1, 1970, the State shall assume the entire cost and administration of public welfare for all governmental subdivisions within the Service District.

§ 15.1-1475. If a Service District has been created, as soon as funds become available for the purpose but no later than July 1, 1975, the State shall assume full responsibility for and pay the cost of the construction and maintenance of expressways and arterial and primary roadways within the governmental subdivisions within the Service District.

§ 15.1-1476. (a) A Service District is authorized and empowered to make an annual assessment upon each governmental subdivision within the District, for the purpose of financing its functions. The amount of the assessment for each fiscal year shall be prorated among the governmental subdivisions within the District on the basis of the ratio of the true value of taxable real estate within each governmental subdivision, as of the preceding January 1, to the total value of all taxable real estate within the District on such date. The amount of the assessment for each fiscal year shall be determined and apportioned on or before the preceding March 1.

(b) In the event that the governing body of any governmental subdivision within the District shall determine to obtain all or part of funds for the payment of such assessment by making a separately stated levy of a tax on real estate, such governmental subdivision shall have the power to levy a higher tax in such areas thereof as obtain additional or more

complete services from the Service District than the governmental subdivision as a whole obtains.

§ 15.1-1477. (a) A Service District is authorized to charge and collect fees, rents or other charges for services provided by it. Such fees, rents and charges may be charged to and collected from any person contracting for the service, or from the owner or tenant, or some or all of them, who uses or occupies any real estate which directly or indirectly is or has been provided such services, and the owner or tenant of any such real estate shall pay such fees, rents and charges to the Service District at the time when and the place where such fees, rents and charges are due and payable.

(b) Such fees, rents and charges shall, as nearly as the Service District shall deem practicable and equitable, be uniform throughout the District for the same type, class and amount of service.

(c) The Service District shall prescribe and, from time to time when necessary, revise the schedule of fees, rents and charges which shall comply with the terms of any contract of the District with holders of bonds of the District issued pursuant to this Chapter. A copy of the schedules of all fees, rents and charges in effect shall at all times be kept on file at the seat of government of the District, and such schedules shall at all reasonable times be open to public inspection.

(d) The charter of the Service District shall make provision for the enforcement of the collection of rents, fees and charges for services and may provide that such unpaid fees, rents and charges for such services as sewer disposal systems and water supply systems may be liens upon the real estate served by such facilities.

(e) The Service District is authorized and empowered to require owners or tenants of any property in the District to connect with any such system or systems and to contract with the owners or tenants for such connections.

§ 15.1-1478. (a) (1) The Service District is hereby authorized to issue bonds from time to time in its discretion for the purpose of paying all or any part of the cost of acquiring, purchasing, constructing, reconstructing, improving or extending any project and acquiring necessary land and equipment therefor. The Service District may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable as to principal and interest: (a) from its revenues generally; (b) exclusively from the income and revenues of a particular project; or (c) exclusively from the income and revenues of certain designated projects, whether or not they are financed in whole or in part from the proceeds of such bonds.

(2) Any such bonds may be additionally secured by a pledge of any assessment made or to be made against governmental subdivisions within the Service District or any grant or contribution from the Commonwealth or any governmental subdivision, agency or instrumentality thereof, any federal agency or any unit, private corporation, copartnership, association, or individual, or a pledge of any income or revenue of the Service District, or a mortgage of any project or other property of the Service District.

(3) Neither the members of the Service District Commission nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the Service District (and such bonds and obligations shall so state on

their face) shall not be a debt of the Commonwealth or any political subdivision thereof and neither the Commonwealth nor any political subdivision thereof other than the Service District shall be liable thereon, nor shall such bonds or obligations be payable out of any funds or properties other than those of the Service District. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction. Bonds of the Service District are declared to be issued for an essential public and governmental purpose.

(b) (1) Bonds of the Service District shall be authorized by resolution and may be issued in one or more series, shall be dated, shall mature at such time or times not exceeding forty years from their date or dates and shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, as may be determined by the Service District, and may be made redeemable before maturity, at the option of the Service District at such price or prices and under such terms and conditions as may be fixed by the Service District prior to the issuance of the bonds. The Service District shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before delivery of such bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this act or any recitals in any bonds issued under the provisions of this act, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth. The bonds may be issued in coupon or registered form or both, as the Service District may determine, and proivsion may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Service District may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the Service District, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor more than six per centum (6%), computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) Prior to the preparation of definitive bonds the Service District may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Service District may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(3) Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau or agency of the Commonwealth or of any governmental subdivision, and without any other proceedings or the happening of other conditions or things than those proceedings, conditions or things which are specifically required by this act.

(c) (1) In the discretion of the Service District any bonds issued under the provisions of this act may be secured by a trust indenture by

way of conveyance, deed of trust or mortgage of any project or any other property of the Service District, whether or not financed in whole or in part from the proceeds of such bonds, or by a trust agreement by and between the Service District and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth or by both such conveyance, deed of trust or mortgage and indenture or trust agreement. Such trust indenture or agreement, or the resolution providing for the issuance of such bonds may pledge or assign fees, rents and other charges to be received. Such trust indenture or agreements, or resolution providing for the issuance of such bonds, may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Service District in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and issuance of any project or other property of the Service District, and the rates of fees, rents and other charges to be charged, and the custody, safeguarding and application of all moneys of the Service District, and conditions or limitations with respect to the issuance of additional bonds. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depository of the proceeds of such bonds or of other revenues of the Service District to furnish indemnifying bonds or to pledge such securities as may be required by the Service District. Such trust indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders.

(2) In addition to the foregoing, such trust indenture or agreement or resolution may contain such other provisions as the Service District may deem reasonable and proper for the security for the bondholders. All expenses incurred in carrying out the provisions of such trust indenture or agreement or resolution may be treated as a part of the cost of a project.

(d) The Service District is hereby authorized to fix, revise, charge and collect fees, rents and other charges for the use of any project and the facilities thereof. Such fees, rents and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay: first, the cost of maintaining, repairing and operating the project, and second, the principal of and interest on such bonds as the same shall become due and payable, and third, to create reserves for such purposes and for other purposes of the Service District. Such fees, rents and charges shall not be subject to supervision or regulation by any commission, board, bureau or agency of the Commonwealth or any such governmental subdivision. The fees, rents and other charges received by the Service District, except such part thereof as may be necessary to pay the cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture or agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust indenture or agreement in a sinking fund which is hereby pledged to, and charged with, the payment of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of such bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. The fees, rents and charges so pledged and thereafter received by the Service District shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all par-

ties having claims of any kind in tort, contract or otherwise against the Service District, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Service District. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture or agreement. Except as may otherwise be provided in such resolution or trust indenture or agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

(e) Any holder of bonds, notes, certificates or other evidence of borrowing issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under any trust indenture or agreement, except to the extent of the rights herein given may be restricted by such trust indenture or agreement, may, either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted by this act or under such trust indenture or agreement or the resolution authorizing the issuance of such bonds, notes or certificates, and may enforce and compel the performance of all duties required by this act or by such trust indenture or agreement or resolution to be performed by the Service District or by any officer or agent thereof, including the fixing, charging and collection of fees, rents and other charges.

(f) The exercise of the powers granted by this act shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health, welfare, convenience and prosperity, and as the operation and maintenance of any project which the Service District is authorized to undertake will constitute the performance of an essential governmental function, no Service District shall be required to pay any taxes or assessments upon any project acquired and constructed by it under the provisions of this Chapter; and the bonds, notes, certificates or other evidences of debt issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any governmental subdivision thereof.

(g) Bonds issued by the Service District under the provisions of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and its governmental subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or governmental subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 15.1-1479. (a) If a Service District has not been created in any Planning District before December 31, 1973, or if no referendum for the creation of a Service District has been held within two years from the date of the approval by the Commission on Local Government of a Service District Plan for such District, or if two years have elapsed from the date of a referendum upon a Service District Plan in which the qualified voters failed to approve the creation of a Service District, then and in any such event, a Service District may be created by the concurrence of a majority of the qualified voters of the District by referendum initiated by the Commission on Local Government upon the conditions and in the manner

set forth in §§ 15.1-1480 and 15.1-1481. The Service District Plan to be voted upon in such referendum shall be prepared and promulgated as provided in § 15.1-1480. The boundaries of each Service District shall be coterminous with those of a Planning District.

(b) Such referendum may be initiated by the Commission on Local Government upon its own motion; and it shall be initiated by the Commission on Local Government upon the request of a Planning District Commission or upon receipt of a petition signed by qualified voters of the District constituting five per cent of the number voting in the last gubernatorial election held in the Planning District.

§ 15.1-1480. The provisions of §§ 15.1-1461 through 15.1-1464 shall apply, mutatis mutandis, to the preparation and promulgation of a Service District Plan for the referendum under § 15.1-1479, provided that a plan may be prepared and promulgated under the provisions of sub-section (b) of § 15.1-1461 in Districts in which a Planning District Commission has been created, as well as in those in which a Planning District Commission has not been created.

§ 15.1-1481. (a) Upon approval of a plan for the creation of a Service District, pursuant to the provisions of § 15.1-1480, the Commission on Local Government shall cause a copy of the charter and the informative summary of the plan to be published in a newspaper, or newspapers, having general circulation in each of the governmental subdivisions in the District at least once a week for four successive weeks.

(b) When such publication of the Service District Plan is completed, a referendum shall be held and the returns made, canvassed, and certified, as provided in sub-section (b) through (e) of § 15.1-1465, provided that the certificate of the Clerk of the Commission on Local Government provided for in sub-section (e) shall set forth whether or not a majority of the qualified voters within the entire District voted in favor of the Service District Plan and adoption of the Charter.

§ 15.1-1482. When a majority of the qualified voters of the proposed Service District votes in favor of the Service District Plan and the adoption of the Charter, of which fact the certificate of the Clerk of the Commission on Local Government shall be proof, the respective judges of the circuit courts having jurisdiction in the counties and towns and the corporation courts having jurisdiction in the cities shall, by order entered of record in each such county and city, require that an election be held as provided in § 15.1-1468, at which election members to be elected from single member election districts, and a chairman, shall be elected.

§ 15.1-1483. There shall be no adjustment of the boundaries of governmental subdivisions within a Service District without the concurrence of each governmental subdivision, the boundaries of which would be affected thereby, by resolution or ordinance of its governing body and by the Service District Commission. No such adjustment shall become effective until a proposal therefor shall have been submitted to and approved by the Commission on Local Government in accordance with the provisions of § 15.1-1417.

§ 15.1-1484. The exercise of the powers granted by this Chapter shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health, welfare, convenience and prosperity, and as the operation and maintenance of any project which the Service District is authorized to undertake, will constitute the performance of an essential governmental function, no Service District shall be required to pay any taxes or assessments upon any project or property acquired,

constructed or used by it or upon the income therefrom under the provisions of this Chapter. For purposes of § 58-441.6(p), a Service District shall be deemed a "political subdivision of this State" as the term is used in that section.

§ 15.1-1485. (a) Upon the concurrence of a majority of the qualified voters of each of the governmental subdivisions within the Service District, a Service District Plan may be amended so as to authorize the performance of functions and provision of services by the Service District in addition to those provided for in its plan.

(b) The proposed amendment shall be prepared and promulgated by the Service District.

(c) The amendment shall set forth the same information as required by § 15.1-1462 (a) (4) through (7) and (9) and (10).

(d) Promptly upon promulgation of the amendment to a Service District Plan, it shall be submitted to and acted upon by the Commission on Local Government, as provided in § 15.1-1464. The Commission shall approve such amendment, with such modification as it deems advisable, if it finds that such amendment will not adversely affect the orderly development of the communities in the District or in adjoining Districts or the plans of the State for the development of the area as a part of the State as a whole, and that the services to be performed under the amendment can be appropriately provided on a District-wide basis.

(e) Upon the approval of an amendment to a Service District Plan, the Commission on Local Government shall submit the amendment, as modified by it, to the governing body of each governmental subdivision within the District for consideration and approval or disapproval within the time limits provided by the plan, in accordance with the provisions of § 15.1-1465. Each reference in the last-mentioned section to the "plan" shall refer to the "amendment." The ballot provided for in sub-section (c) of the last mentioned section shall contain the following:

"Shall the amendment dated ..... to the ..... Service District Plan be approved?

☐ For
☐ Against"

Upon the certification by the Clerk of the Commission on Local Government that a majority of the qualified voters of each governmental subdivision within the District voted in favor of the amendment, it shall thereupon be in full force and effect.

§ 15.1-1486. (a) If two years have elapsed from the approval of an amendment to a Service District Plan by the Commission on Local Government and no referendum thereon has been held, or if two years have elapsed from the date of a referendum upon an amendment to a Service District Plan in which the qualified voters failed to approve such amendment, then and in any such event a Service District Plan may be amended by the concurrence of a majority of the qualified voters of the entire District by referendum initiated by the Commission on Local Government, as provided in § 15.1-1479(b). The referendum shall be held as provided in § 15.1-1481, and the amendment shall become effective upon the certification of the Clerk of the Commission therein provided for.

ARTICLE 5

Miscellaneous Provisions

§ 15.1-1490. This Chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

§ 15.1-1491. The provisions of this Chapter are severable and, if any of its provisions shall be held to be unconstitutional by any court of competent jurisdiction, the decisions of such court shall not affect or impair any of the remaining provisions of this Chapter. It is hereby declared to be the legislative intent that this Chapter would have been adopted had such unconstitutional provisions not been included therein.

§ 15.1-1492. All other general or special laws inconsistent with any provisions of this Chapter are hereby declared to be inapplicable to the provisions of this Chapter.

CHAPTER 35

Urban Assistance Incentive Fund Act

§ 15.1-1500. This Chapter shall be known and may be cited as the "Urban Assistance Incentive Fund Act."

§ 15.1-1501. This Chapter is enacted to provide a system for the allocation of funds to governmental subdivisions in urban and urbanizing areas of the Commonwealth to assist local and area-wide approaches to common social problems with the concentrated and coordinated use of local, State, federal and private resources.

§ 15.1-1502. (a) The governing bodies of governmental subdivisions may individually or jointly apply to the Division of State Planning and Community Affairs for a grant of funds made available for the purpose of this Chapter.

(b) Upon receipt of an application for funds, the Division shall conduct studies, determine compliance with the conditions for eligibility hereinafter set forth, and make recommendations to the Governor.

(c) Upon receipt of recommendations from the Division, the Governor may allocate among the applicants funds made available to him for the purpose of this Chapter.

§ 15.1-1503. (a) The Division shall establish rules and regulations for the administration of the funds, including forms of applications, eligibility requirements, and terms and duration of grants.

(b) Any program for which a grant is sought shall:

(1) Contain substantially innovative methods, approaches and conconcepts for social, cultural, economic and educational problems, including, but not limited to, provision of social services, neighborhood redevelopment, increased housing, employment and recreational opportunities, and alleviation of unhealthy and dangerous social conditions.

(2) Utilize private initiative and enterprise insofar as feasible.

(3) Emphasize coordination of available governmental and private financial and technical resources.

(4) Contain a plan for its execution.

(c) Among those programs which satisfy the specific eligibility criteria, the highest priority shall be accorded programs which maximize inter-governmental cooperation and coordination for the solutions of common problems.

(d) The Division shall from time to time require reports from recipient governmental subdivisions concerning progress of programs and the use of funds, in such way as it may by rule determine.

§ 15.1-1504. (a) The Governor shall appoint the members of an advisory committee to perform the functions hereinafter set forth.

(b) The committee shall consist of fifteen members and the regular term of office of each member shall be three years, provided that the terms shall be staggered so that the regular term of five of the members begins on the first of February of each year.

(c) The members shall be qualified by training and experience or individual involvement in urban affairs.

(d) The members shall elect from their number a Chairman in such manner and for such term as they may determine.

(e) Members shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties.

(f) The advisory committee shall assist the Division in the following manner:

(1) Develop standards for the allocation of funds to achieve the objectives of this Chapter, and

(2) Review annually the criteria for allocation and selection and recommend changes to the Division.

§ 15.1-1505. The following rules shall govern the allocation and use of funds:

(a) A grant may equal up to one hundred per centum of the cost of a program.

(b) A grant may be used to pay all or part of the local share of any matching State or federal grants.

(c) A grant shall not replace existing available financial resources.

§ 15.1-1039.1. (a) The Commission on Local Government shall have exclusive jurisdiction of proceedings for changes in the boundaries of cities and towns initiated on or after January 1, 1972, in those instances in which all or part of the area sought to be annexed lies within a Virginia Standard Metropolitan Statistical Area.

(b) With the consent of the counties, cities and towns party to any annexation proceeding initiated on or after January 1, 1972, the Commission on Local Government shall have jurisdiction of the proceeding in those instances in which no part of the area sought to be annexed lies within a Virginia Standard Metropolitan Statistical Area.

(c) In such instances, the proceeding for annexation shall be instituted as provided in § 15.1-1033 or § 15.1-1034, and notice shall be given as provided in § 15.1-1035, but the motion provided for in the last-mentioned section shall be made to the Commission on Local Government and the notice and ordinance shall be returned, after service, to the Clerk of the Commission. The subsequent provisions of this Article shall apply, mutatis

mutandis, to such proceedings before the Commission on Local Government, except that all reference therein to the court, or the judges or clerk thereof, shall be taken to mean the Commission on Local Government, the Commissioners and the Clerk thereof.

§ 15.1-1132.1. Upon the request of the qualified voters of any county or city whose governing body has not taken the initiative under § 15.1-1131, by filing with the Commission on Local Government a petition signed by qualified voters of the county or city not less in number than five per cent of the voters of the county or city voting in the last preceding gubernatorial election, the Commission shall direct the governing body of each county, city or town named in such petition to perfect a consolidation agreement for such counties, cities and towns, and to petition for a referendum on the question, in accordance with § 15.1-1131. A copy of the petition of the voters shall also be filed, as provided in § 15.1-1132. If such governing bodies are able, within six months from the filing of such petition, to perfect a consolidation agreement, the procedure shall be the same as set forth in this Article. If such governing bodies within such period of time are unable, or for any reason fail, to perfect a consolidation agreement, the Commission on Local Government shall appoint a committee of such number as it deems advisable, having at least one representative from each such governmental subdivision, to perfect a consolidation agreement. Such consolidation agreement shall be presented to the governing body of each of the counties, cities and towns named in such petition, and thereafter, the procedure shall be the same as if the governing bodies had perfected such consolidation agreement.

A BILL to amend and reenact §§ 2.1-38, as amended, 2.1-51.2, 2.1-64 as amended and 55-297 as amended, of the Code of Virginia, relating to Divisions in the Governor's office, supervision by the Commissioner of Administration, the Division of Industrial Development, and the Division of Planning; to amend the Code of Virginia by adding in Title 2.1 thereof a chapter numbered 6.1 containing sections numbered 2.1-63.1 through 2.1-63.7, relating to the Division of State Planning and Community Affairs, its powers and duties, including studies and services relating to Planning Districts and charges for planning services; and to repeal §§ 2.1-64.1 through 2.1-64.3, relating to the Director of Planning and charges for planning services.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-38 as amended, 2.1-52.1, 2.1-64 as amended, and 55-297 as amended, be amended and reenacted, and that the Code of Virginia be amended by adding in Title 2.1 thereof a chapter numbered 6.1, containing sections numbered 2.1-63.1 through 2.1-63.7, as follows:

§ 2.1-38. Divisions in Governor's office; administrative assistants.—In the Governor's office there shall be the following divisions: Division of the Budget, Division of Records, Division of Industrial Development, Division of Personnel, Division of *State* Planning *and Community Affairs,* Division of Engineering and Buildings, and an office of Economic Opportunity. In addition thereto, the Governor may employ such administrative assistants as may be necessary and may fix their salaries within the limitation of funds appropriated for executive control of the State.

§ 2.1-51.2. Same; powers and duties.—The Commissioner of Administration shall supervise the Division of the Budget, the Division of Personnel, the Division of *State* Planning *and Community Affair*s and the Division of Engineering and Buildings and shall coordinate their activities with those of other divisions and agencies; all reports to the Governor from the directors of these divisions shall be made through the Commissioner. In addition, the Commissioner shall exercise such powers and perform such duties as may be delegated to him by the Governor to execute the management functions of the Governor. All State agencies shall make available to the Commissioner any information, when requested by him, which they are required by law to provide to the Governor. The Commissioner shall be responsible only to the Governor.

§ 2.1-64. Division of Industrial Development under supervision of Governor; appointment, term and compensation of Director; Advisory Board; State's program of industrial development; acceptance of grants and other assistance; expenditure of funds.—The Division of Industrial Development and Planning, heretofore established and hereinafter referred to as Division, is redesignated the Division of Industrial Development and shall be under the supervision and direction of the Governor. The Governor shall appoint a Director of the Division who shall hold his position at the pleasure of the Governor, and who shall be paid such compensation as the Governor may fix. The Governor shall also appoint an Advisory Board consisting of eleven members. The Director shall be an ex officio member of the Board. The members of the Advisory Board shall be appointed initially as follows: Three members for terms of two years, four members for terms of three years and four members for terms of four years, and thereafter all members shall be appointed for terms of four years. The appointments to membership on the Advisory Board shall be subject to confirmation by the General Assembly, if in session, and, if not, then at the succeeding session. Vacancies on the Advisory Board shall be filled for the unexpired term, subject to confirmation as original appointees.

The members of the Advisory Board shall receive no salaries but shall be paid their necessary traveling and other expenses incurred in attendance upon meetings, or while otherwise engaged in the discharge of their duties.

The Division, under the supervision and direction of the Governor, is charged with the responsibilities for carrying out the State's program in the field of industrial development including specifically the duty to (a) see that there is prepared and carried out an effective industrial advertising and promotional program and respond to inquiries resulting from the advertising program for new industries and received from other sources; (b) make available, in conjunction and cooperation with localities, chambers of commerce, and other private or public groups to prospective new industries basic information regarding industrial sites, natural resources and labor supply, and other pertinent factors of interest and concern to such industries; (c) formulate, promulgate and advance programs throughout the State for the purpose of encouraging the location of new industries in the State and the expansion of existing industries; in general, to encourage, stimulate and support the industrial development and the expansion of the economy of the Commonwealth.

The Division of Industrial Development * is authorized to apply for and accept and utilize grants and other assistance from any governmental agency or department, and from any public or private foundation, fund or trust, to contract with such governmental agency or department and any other public or private sources, to receive advances or progress payments, to contract with public agencies and political subdivisions, and to exercise all other powers necessary to carry out the purposes of this chapter.

The Governor shall have control of the expenditure of any funds appropriated for the industrial advertising and promotional program administered under the provisions of this section.

CHAPTER 6.1

Division of State Planning and Community Affairs

§ 2.1-63.1 (a) The Division of State Planning and Community Affairs provided for in § 2.1-38 shall be under the supervision and direction of the Governor, acting through the Commissioner of Administration.

(b) The Governor shall appoint a Director of the Division of State Planning and Community Affairs, who shall be a fully qualified, experienced planner, who shall hold his position at the pleasure of the Governor and who shall be paid such compensation as the Governor may fix.

(c) The Director, under the direction and control of the Governor, acting through the Commissioner of Administration, shall exercise such powers and perform such duties as are conferred by law upon him, and he shall perform such other duties as may be required of him by the Governor and the Commissioner of Administration.

§ 2.1-63.2. The Division shall have the following general powers:

(a) To employ such personnel as may be required to carry out the purposes of this Chapter.

(b) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, including, but not limited to, contracts with the United States, other States, agencies and governmental subdivisions of Virginia.

(c) To accept grants from the United States Government and agencies and instrumentalities thereof and any other source. To these ends, the Division shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable.

(d) To do all acts necessary or convenient to carry out the purposes of this Chapter and Chapters 34 and 35 of Title 15.1.

§ 2.1-63.3. The Division shall have the following duties with respect to State planning:

(a) Basic State-wide planning, to include:

(1) Encouraging, assisting and coordinating the planning efforts of State agencies, governmental subdivisions and geographical regions.

(2) Coordinating and developing a planning process for the economic, social, and physical needs of the Commonwealth and its political subdivisions.

(3) Developing a master plan for the State, incorporating projections and developments pertaining to population, transportation, commerce, agriculture, resources and land use; the master plan to represent the coordinated efforts and results of all participating planning groups.

(4) Making long- and short-range economic analyses and projections to anticipate future possibilities in developing various areas of the economy, such analyses and projections to assist in determining future sources of revenue and evaluating the efforts of current and proposed tax policies.

(5) Maintaining liaison with the appropriate agencies of the federal government for the purpose of keeping the Governor and State agencies informed as to their plans, programs and policies.

(b) Internal planning of State agencies:

(1) Assisting agencies in expressing their internal long-range plans in common terms so they may be translated into consistent goals and objectives that may, in turn, serve as the basis for budgetary request justifications.

(2) Reviewing, codifying, consolidating, publishing and distributing the long-range plans of State agencies.

(3) Furnishing State agencies with professional assistance in making special economic, resource or other types of studies, including the preparation of reports on such studies.

(c) Cooperative and joint efforts in planning:

(1) Participating in or arranging for the participation of others in interstate, regional or federal planning activities, as required.

(2) Cooperating with and utilizing the services of academic or private, nonprofit organizations active in the same or related fields of planning as the Division.

(d) Activities related to planning:

Constantly reviewing and analyzing the organizations and programs of the State's interagency operations in order to recommend simplification whenever practical.

(e) Providing staff services to the Commission on Local Government by performing planning functions, collecting information, conducting studies and surveys, and furnishing data.

§ 2.1-63.4. The Division shall have the following duties with respect to community affairs:

(a) Collecting from the governmental subdivisions of the State information relevant to boundary changes, changes of forms and status of governmental, intergovernmental agreements and arrangements, and such other information as it may deem necessary.

(b) Making information available to Planning District Commissions, Service Districts and governmental subdivisions of the State.

(c) Providing professional and technical assistance to any planning agency and to any Planning District Commission, Service District, Service District Plan Committee and governmental subdivision engaged in the preparation of a Service District Plan or consolidation agreement.

§ 2.1-63.5. (a) As soon as practical after July 1, 1968, the Division of State Planning and Community Affairs shall undertake the studies and surveys necessary for it to make recommendations for the grouping of governmental subdivisions of the State into Planning Districts. Planning Districts shall be composed of any combination of governmental subdivisions, provided that there are at least two counties, or two cities, or one county and one city. If any part of a county, city or town is included in a Planning District, the entire county, city or town shall be included in such District.

(b) From time to time, the Division of State Planning and Community Affairs shall propose the boundaries of Planning Districts in such manner that, by December 31, 1969, each of the governmental subdivisions of the State shall fall within the boundaries of a Planning District.

(c) Promptly upon proposing boundaries for any Planning District, the Division of State Planning and Community Affairs shall submit a recommendation in regard thereto to the Commission on Local Government for its consideration.

(d) In conducting the studies and surveys above provided for, the Division of State Planning and Community Affairs shall consult with such of the governing bodies of the governmental subdivisions within and adjoining a proposed Planning District and shall hold such public and other hearings upon such notice as it may deem advisable.

(e) The determination of the governmental subdivisions to be included in a Planning District shall be based upon the community of interest among the governmental subdivisions, the ease of communications and transportation, geographic factors and natural boundaries, and the appropriateness of the boundaries of the Planning District to the provision of services and performance of governmental functions in the area by a Service District. In making such recommendations, the Division may also give consideration to the wishes of the governmental subdivisions within or surrounding a proposed Planning District, as expressed by resolution of its governing body.

§ 2.1-63.6. The Division of State Planning and Community Affairs shall make studies and surveys of the boundaries of Planning Districts on a continuing basis and, from time to time, shall make such recommendations as it deems advisable for the adjustment of the boundaries of the Planning Districts based upon the same factors as the original proposal

of such boundaries, as the same shall have been affected by changing conditions.

§ 2.1-63.7. The Director, with the approval of the Governor, is authorized to fix and collect charges for planning services rendered counties, cities and towns by the Division. All such funds so collected shall be paid into the general fund of the State treasury, provided, however, that any such charges made for maps, photographs, plats or other prints or copies shall be based upon the actual cost of materials only used in producing the same, and the funds received therefrom shall be deposited in the State treasury to the credit of the Division and may be expended for the replacement of such materials so used.

§ 55-297. Division of *State* Planning *and Community Affairs* designated as administrative agency.—The Division of *State* Planning *and Community Affairs* is herewith designated as the authorized State agency to collect and distribute information, to authorize such modifications as are referred to in § 55-294, and generally to advise with and assist appropriate State and federal agencies and individuals interested in the development of the provisions of this chapter.

2. That §§ 2.1-64.1 through 2.1-64.3 of the Code of Virginia are repealed.

A BILL to amend and reenact §§ 14.1-44, 16.1-123, and 16.1-124 and 16.1-158 as amended of the Code of Virginia, relating to disposition of fees and fines in courts not of record and jurisdiction of such courts; and to amend the Code of Virginia by adding a section numbered 17-32.1, establishing the jurisdiction of certain courts as to certain proceedings.

Be it enacted by the General Assembly of Virginia:

1. That §§ 14.1-44, 16.1-123 and 16.1-124 and 16.1-158 as amended of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 17.1-32-1 as follows:

§ 14.1-44. Disposition of fees and fines.—All fees paid to and collected by a judge, substitute judge, clerk, deputy clerk or a substitute clerk of a county or municipal court, but not including fees belonging to officers other than the judge, his clerk or clerks, shall be paid promptly to the clerk of the circuit court, who shall pay same into the State treasury. If a fee is collected for services of the attorney for the Commonwealth, one-half of such fee shall be paid into the treasury of the county or city in which the offense for which warrant issued was committed, and the other one-half of the fees collected for the services of the attorney for the Commonwealth shall be paid promptly to the clerk of the circuit court, who shall pay same into the State treasury. Fines collected for violations of city, town or county ordinances shall be paid promptly into the treasury of the city, town or county whose ordinance has been violated. *Fines collected for violations of Service District ordinances shall be paid promptly into the treasury of the Service District.* All fines collected for violations of the laws of the Commonwealth shall be paid promptly to the clerk of the circuit court, who shall pay the same into the State treasury.

§ 16.1-123. Jurisdiction of county courts.—Each county court shall have:

(1) Exclusive original jurisdiction of all offenses against the ordinances, laws and by-laws of the county for which it is established and, except as otherwise provided herein, of the towns therein;

(2) Except as herein otherwise provided, exclusive original jurisdiction within such county and the towns therein for the trial of all other misdemeanors arising therein;

(3) Exclusive original jurisdiction within any city lying within the county, if no court of general criminal jurisdiction has been provided for such city by charter or under general law, for the trial of all misdemeanors arising therein except offenses against the ordinances of the city;

(3a) Exclusive original jurisdiction of all offenses occurring within the county for which it is established against the ordinances, laws and by-laws of a Service District within which such county is situated. All offenses against ordinances of a Service District shall be prosecuted in the name of such Service District.

(4) Such further jurisdiction, exclusive or concurrent, as may be conferred upon such court by law.

Nothing herein shall be held to take away the jurisdiction conferred upon juvenile and domestic relations courts by chapter 8 (§ 16.1-139 et seq.) of this title.

§ 16.1-124. Jurisdiction of municipal courts.—Each municipal court having jurisdiction of criminal matters shall have:

(1) Exclusive original jurisdiction within the city or town for which it is created, and, except as otherwise provided by general law or by its charter, within the area extending for one mile beyond the corporate limits thereof, for the trial of all offenses against the ordinances, laws and by-laws of the city or town committed within such city or town;

(2) If a municipal court of a city, concurrent jurisdiction with the corporation court of the city in all cases of violation of the revenue and election laws of the State, and of all offenses arising under the provisions of chapter 7 (§ 18.1-314 et seq.) of Title 18.1;

(3) Except when it is otherwise specifically provided, exclusive original jurisdiction within the corporate limits for the trial of all other misdemeanors arising therein;

(3a) Exclusive original jurisdiction of all offenses occurring within the municipality for which it is established against the ordinances, laws and by-laws of a Service District within which such municipality is situated. All offenses against ordinances of a Service District shall be prosecuted in the name of such Service District.

(4) Such other jurisdiction, exclusive or concurrent, as may be conferred upon it by general law, or by the provisions of its municipal charter.

§ 16.1-158. Jurisdiction.—The judges of the juvenile court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the corporate limits of such cities. Except as hereinafter provided, each juvenile and domestic relations court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the corporate limits of said city, concurrent jurisdiction with the juvenile court or courts of the adjoining county or counties over all cases, matters and proceedings involving:

(1) The custody, support, control or disposition of a child:

(a) whose parent or other person legally responsible for the care and support of such child is unable, or neglects or refuses when able so to do, provide proper or necessary support, education as required by law, or medical, surgical or other care necessary for his well being;

(b) who is without proper parental care, custody or guardianship;

(c) who is abandoned by his parent or other custodian;

(d) whose parent or parents or custodian for good cause desire to be relieved of his care and custody;

(e) whose custody or support is a subject of controversy, provided, however, that in such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-161 hereof;

(f) whose occupation, behavior, environment, condition, association, habits or practices are injurious to his welfare;

(g) who deserts or is a fugitive from his home, or who is habitually disobedient or beyond the control of his parents or other custodian, or is incorrigible;

(h) who being required by law or his parents or custodian to attend school is a willful and habitual truant therefrom;

(i) who violates any State or federal law, or any municipal or county ordinance; provided, however, that in violations of federal law jurisdiction in such cases shall be concurrent and shall be assumed only if waived by the federal court;

(j) whose condition or situation is alleged to be such that his welfare demands adjudication as to his disposition, control and custody, provided that jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction, as provided in § 16.1-161 hereof.

(k) Who violates within the county or municipality for which it is established any ordinance of a Service District, within which such county or municipality is situated.

(2) The commitment of a mentally defective or mentally disordered child who is within the purview of this law. Such commitment shall be in accordance with the provisions of chapters 3 (§ 37-61 et seq.), 6 (§ 37-154 et seq.) and 7 (§ 37-176 et seq.) of Title 37 of the Code.

(3) Judicial consent to the marriage of a child or minor, or for his enlistment in the armed forces, or for surgical or medical treatment for a child, who has been separated from his parents or guardian and is in the custody of the court when such consent is required by law.

(4) A minor who is charged with having violated, prior to the time he became eighteen years of age, any State or federal law, municipal or county ordinance, provided that jurisdiction in federal offenses shall be concurrent with federal courts and shall be assumed only if waived by the federal court. Such minor shall be dealt with under the provisions of this law relating to juveniles.

(5) An adult or a person sixteen years of age or over charged with deserting, abandoning or failing to provide support for any person in violation of law.

(6) The enforcement of any law, regulation, or ordinance for the education, protection or care of children; provided, that in any case where a child over whom the court has jurisdiction is not qualified to obtain a work permit under other provisions of law, the court may, whenever the judge thereof in his sound judicial discretion deems it for the best interest of such child, grant a special work permit to such child, which permit shall be on forms furnished by the Department of Labor and Industry, but any special work permit granted pursuant to this authority shall be valid only for the employment for which it is issued, and may be restricted in any other manner, or cancelled at any time, by the court which granted the permit; and such permit shall conform, except as to the age of the child, to the provisions of chapter 5 (§ 40-96 et seq.) of Title 40 of this Code.

The court shall forthwith transmit a copy of such permit to the Department of Labor and Industry, and shall likewise notify said Department of any subsequent restriction or cancellation of such permit.

(7) The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law which causes or tends to cause a child to come within the purview of this law, or with any other offense against a child except murder and manslaughter; provided, that in prosecution for other felonies over which the court shall have jurisdiction, such jurisdiction shall be limited to that of examining magistrate.

(8) All offenses except murder and manslaughter committed by one member of the family against another member of the family; and the trial

of all criminal warrants in which one member of the family is complainant against another member of the family, provided, that in prosecution for other felonies over which the court shall have jurisdiction, said jurisdiction shall be limited to that of examining magistrate. The word "family" as herein used shall be construed to include husband and wife, parent and child, brothers and sisters, grandparent and grandchild; and

(9) Any violation of law the effect or tendency of which is to cause or contribute in any way to the disruption of marital relations or a home.

§ *17-32.1. The circuit court of a county and the court of record of a city having original and general jurisdiction of suits in chancery and civil cases at law, in which county or city is situated the seat of government of a Service District, shall have original exclusive jurisdiction to issue writs of mandamus in all matters or proceedings arising from or pertaining to the action of the Service District Commission, provided that, if there are two or more such courts of such city, such jurisdiction shall be concurrent among them.*

HOUSE JOINT RESOLUTION NO.

Proposing an amendment to Section 116 of the Constitution of Virginia.

Resolved by the House of Delegates of Virginia, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of section one hundred ninety-six of the Constitution, namely:

Strike from the Constitution of Virginia Section 116, which is as follows:

Section 116. Definitions of "cities" and "towns."—As used in this article the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of five thousand or more, shall be known as cities; and all incorporated communities, having within defined boundaries a population of less than five thousand, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation of hustings court thereof.

And insert in lieu thereof the following:

Section 116. Cities and towns.—As used in this article, the words "incorporated communities" shall be construed to relate only to cities and towns. Any unincorporated community, having within defined boundaries a population of more than one thousand, may become a town in the manner provided by law, and any incorporated community, having within defined boundaries a population of five thousand or more, may become a city in the manner prescribed by law. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

HOUSE JOINT RESOLUTION NO.

Proposing an amendment to the Constitution of Virginia.

Resolved by the House of Delegates of Virginia, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of section one hundred ninety-six of the Constitution, namely:

Section 116a. Service Districts.—(a) As used in this article, the term "Service District" shall mean a unit of government organized in the manner prescribed by law within defined boundaries encompassing any combination of governmental subdivisions, provided that there are at least two counties, or two cities, or one county and one city. If any part of a county, city or town shall be included within such boundaries, the entire county, city or town shall be included therein.

(b) General laws for the organization and government of a Service District shall be enacted by the General Assembly.

(c) The General Assembly, may, by general law or special act, confer upon Commissions of Service Districts powers to enact special legislation, and to provide suitable penalties for the violation thereof; to levy taxes and to assess governmental subdivisions within a Service District in order to finance services and functions performed by the Service District; and to do everything necessary to carry on a Service District, not inconsistent with the limitations contained in this Constitution.

(d) The General Assembly may, by general law, provide a method for the transfer to the Service District of any and all services and functions and related facilities of any county, city or town within the boundaries of such Service District, which are appropriate for performance on a District-wide basis, anything in sections one hundred ten, one hundred twenty-four and one hundred twenty-five of this Constitution to the contrary notwithstanding.

(e) The bonds of a Service District shall not be a charge against the limit on indebtedness of any governmental subdivision within its boundaries.

HOUSE JOINT RESOLUTION NO.

Proposing an amendment to the Constitution of Virginia.

Resolved by the House of Delegates of Virginia, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of section one hundred ninety-six of the Constitution, namely:

Add to the Constitution of Virginia the following new section:

Section 128a. Commission on Local Government.—(a) The Commission on Local Government shall be a permanent Commission. The General Assembly may assign to the Commission on Local Government such governmental functions, powers, and duties as the General Assembly may deem appropriate to assure the development of the governmental subdivisions of this State in a manner consonant with the plans and policies of the State.

(b) The Commission shall consist of three members and the regular term of office of each member shall be six years, provided that the terms shall be staggered so that the regular term of one of the Commissioners begins on the first of February of each even-numbered year. Commissioners, except as hereinafter provided, shall be chosen by the joint vote of the two houses of the General Assembly. Commissioners elected for regular terms shall take office at the beginning of the term for which elected, and those appointed or elected to fill vacancies shall take office immediately upon their election or appointment.

(c) Whenever a vacancy in the Commission shall occur or exist when the General Assembly is in session, it shall elect a successor for the unexpired term. If the General Assembly is not in session, the Governor shall forthwith appoint, pro tempore, a qualified person to fill the vacancy for a term ending thirty days after the commencement of the next session of the General Assembly, and the General Assembly shall elect a successor for such unexpired term.

(d) The Commissioners shall have such qualifications as may be prescribed by the General Assembly in addition to the qualifications prescribed by section thirty-two of this Constitution.

(e) Any Commissioner who, during the term of his office, shall be guilty of misfeasance or malfeasance in office, shall be impeached and removed from office in the same manner provided for the impeachment and removal of judges of the Supreme Court of Appeals.

(f) Commissioners shall receive such compensation as may be provided in accordance with law.