

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8-G: ADDITION OF TOWN OF SMITHFIELD TO HRPDC

SUBJECT:

The Smithfield Town Council recently executed a resolution formalizing Smithfield's intent to join the HRPDC.

BACKGROUND:

The Code of Virginia provides that eligible localities that are not original members of a PDC may elect to join the applicable PDC pursuant to procedures established by a charter agreement. Article VI of HRPDC's Charter Agreement made as of July 1, 1990, and as amended contains three provisions regarding the addition of new localities.

- 1) An eligible locality may join the HRPDC at the ***end of the HRPDC's current fiscal year***, provided the locality ***adopts and executes*** the Charter Agreement.
- 2) Within ***60 days*** of notification of the locality's desire to join, the HRPDC shall ***submit a report to the remaining governing bodies*** recommending any necessary ***modifications*** to the Charter Agreement or Bylaws.
- 3) The new locality is responsible for its ***pro rata share*** of the operation from the ***effective date of the addition***.

The resolution states that Smithfield adopts the Charter Agreement. Smithfield must now execute the Charter Agreement and they will become a member on July 1, 2014. No revisions to the Charter agreements or bylaws are necessary. Attached is a copy of the Smithfield resolution and a report regarding Smithfield's pro rata share of the HRPDC budget including the corresponding adjustment for Isle of Wight County. Additionally, Smithfield should appoint two members to the HRPDC Board, The Chief Administrative Officer and an elected official.

Attachment 8-G1

Attachment 8-G2

RECOMMENDED ACTION:

Approve the report. The agenda note and enclosure constitutes the required report to the localities as outlined in the Charter Agreement.

RESOLUTION TO ADOPT AND EXECUTE CHARTER AGREEMENT OF
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

WHEREAS, the Town Council of the Town of Smithfield had determined that the Town is eligible for membership in the Hampton Roads Planning District Commission; and,

WHEREAS, the Town Council has determined that it is in the best interest of the Town and its citizens to become a member of the Hampton Roads Planning District Commission.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Smithfield that it does hereby adopt the Charter Agreement of the Hampton Roads Planning District Commission, dated July 1, 1990, a copy of which is attached hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED that the Mayor of the Town of Smithfield is hereby authorized and directed to execute said charter agreement and any other documents that may be necessary for the Town to become a member of Hampton Roads Planning District Commission.

Adopted May 6, 2014.

TOWN COUNCIL OF THE
TOWN OF SMITHFIELD

By T. Carter Williams
T. Carter Williams, Mayor

ATTEST:

Lesley G. King
Lesley G. King, Clerk

RECEIVED

MAY 13 2014

HRPDC

EXHIBIT "A"
CHARTER AGREEMENT
OF THE
HAMPTON ROADS PLANNING DISTRICT COMMISSION

This Charter Agreement to organize a planning district COMMISSION is made as of the 1st day of July, 1990, by and between the undersigned governmental subdivisions as authorized by the Virginia Area Development Act. (Title 15.1, Chapter 34, 515.1-1400, et seq., VA Code Ann., (1950), as amended);

NOW THEREFORE, it is agreed that:

ARTICLE I

ORGANIZATION

1. Name. The name of this organization shall be the Hampton Roads Planning District Commission (the "COMMISSION").
2. Principal Office. The principal office of the COMMISSION shall be in Chesapeake, Virginia. The location of the principal office may be changed by the concurrence of the COMMISSION.
3. Effective Date of Organization. The effective date of organization shall be July 1, 1990 or upon the date as of which the Virginia Department of Housing & Community Development declares that Planning Districts Twenty and Twenty-One are merged, whichever occurs later.

ARTICLE II

MEMBERSHIP

1. Method of Appointment. Members of the COMMISSION shall be appointed by the respective governing bodies (the "Governing Bodies") of those governmental subdivisions which are parties to this Charter Agreement (the "Subdivisions").
2. Composition. The Governing Bodies shall appoint members to the COMMISSION on the following basis:
 - (a) Each Subdivision shall be entitled to two (2) initial members;

(b) Each Subdivision with a population greater than or equal to 100,000 and less than 200,000 shall be entitled to one additional member, for a total of three. Each Subdivision with a population greater than or equal to 200,000 but less than 300,000 shall be entitled to three additional members, for a total of five. Each Subdivision with a population greater than or equal to 300,000 shall be entitled to five additional members for a total of seven. Of the two initial members, one shall be an elected official of the Subdivision, and one shall be the Chief Administrative Officer of the Subdivision. At least one-half of the additional members for each Subdivision shall be elected official of the Subdivision.

3. Basis for Representation. The population on which representation on the COMMISSION is based shall be established annually by the COMMISSION, using the most recent United States Census at the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available a final annual estimate of population prepared by the Center for Public Service, the University of Virginia, in which event that estimate shall govern. If a Subdivision is determined to be entitled to increased membership on the COMMISSION, such increase shall become effective on the 1st of July immediately following such determination.

4. Term. Of the first members appointed to the Commission, one-half (1/2) of the members from each Subdivision shall be appointed for one year terms and the remaining half shall be appointed for two year terms. Where the number of members representing a Subdivision is not divisible by two, then the Subdivision shall appoint the extra member to a two-year term. The term of appointment for all subsequent members shall be two (2) years. This section intends as near as possible to have such Subdivision appoint one-half of its representation annually. Any additions to or reductions in representation on the COMMISSION shall be carried out in accordance with the stated intent of this section.

5. Vacancies. Any member of the COMMISSION may be removed from office at any time, with or without cause, by the Governing Body that appointed the member. Any COMMISSION member who is an elected representative of the Subdivision shall be removed immediately upon the expiration of his elected term of office. Any employee of a Subdivision shall be removed immediately upon the termination of his employment by the Subdivision. Vacancies on the COMMISSION shall be filled for the unexpired portion of the term in the same manner as the original appointment was made.

6. Voting. Each member of the COMMISSION shall have one equal vote in all matters before the COMMISSION.

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ARTICLE III

OFFICERS

1. Officers. The Officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman and such other officers as may be deemed advisable by the COMMISSION. The Vice-Chairman shall serve, and may also be known, as the Chairman-Elect. All officers shall be elected by the COMMISSION from amongst its members, except that it may elect a secretary and treasurer who need not be members of the COMMISSION.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman must be from different Subdivisions. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession.

3. Election. Election of Officers shall be held at the annual meeting of the COMMISSION. Any vacancy occurring in an office shall be filled at the next regular meeting following the occurrence of such vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

4. Bylaws. The COMMISSION may adopt bylaws and such other rules as it may deem necessary or advisable for the conduct of its business, providing they are not inconsistent with the provisions of the Charter Agreement and the Virginia Area Development Act.

ARTICLE IV

MEETINGS

1. Regular Meetings. The COMMISSION shall hold regular meetings at such times as the bylaws may provide or as the COMMISSION may determine.

2. Special Meetings. Special meetings will be held upon call by the Chairman and in accordance with the procedures as may be established by the bylaws or the COMMISSION.

ARTICLE V

COMMISSION MERGER

Upon the effective date of this Charter Agreement, Southeastern Virginia Planning District Commission and the Peninsula Planning District Commission shall merge into the

Hampton Roads Planning District Commission, which shall be the surviving entity and which shall be entitled to all the assets and shall assume all the liabilities of the two entities.

ARTICLE VI

ADDITION OR WITHDRAWAL OF PARTY TO THIS CHARTER AGREEMENT

1. Addition. Any governmental subdivision within Planning District Nos. Twenty or Twenty-One which is not a party to this Charter Agreement at the effective date hereof, may thereafter join the COMMISSION at the end of the COMMISSION'S then current fiscal year, provided that such governmental subdivision is eligible for membership and that the governing body of the governmental subdivision previous thereto adopts and executes this Charter Agreement.

2. Withdrawals. Any Governing Body may withdraw its Subdivision from the COMMISSION by submitting to the COMMISSION in writing, at least sixty days before the end of the COMMISSION'S then current fiscal year, a notice of intent to withdraw. All withdrawals shall become effective at the end of the fiscal year. A notice of intent to withdraw may be withdrawn or canceled by the Governing Body concerned at any time prior to the effective date of the withdrawal.

3. Change of Charter. Within sixty days of receipt of such notification of intent to join or withdraw, the COMMISSION shall submit a report to the remaining Governing Bodies that would recommend any modifications to the Charter Agreement or bylaws of the COMMISSION which are necessary as a result of said addition or withdrawal.

4. Assets and Liabilities. Upon withdrawal of a Subdivision from the COMMISSION, all of its interest in the assets and responsibilities for the liabilities of the COMMISSION shall cease and terminate as of the effective date of such withdrawal.

5. Operating Costs. Upon the addition of a Subdivision to the COMMISSION, its responsibilities for its pro rata share of the operation of the COMMISSION shall begin on the effective date of such addition.

ARTICLE VII

FINANCES

1. Funds. Funds for the operation and administration of the COMMISSION shall be appropriated by the participating Governing Bodies on a pro rata basis based on population of

the Subdivisions as established for purposes of representation on the COMMISSION under Article II of this Charter Agreement.

2. Annual Payments. Payments to the COMMISSION shall be made quarterly, due within thirty days of the beginning of each quarter. No refund or adjustment of payments is authorized to any Subdivision until the close of the fiscal year. Any Subdivision which is more than sixty days delinquent in its payments to the COMMISSION shall stand suspended from membership on the COMMISSION until such delinquency is paid in full. During the period of any suspension, the members of the COMMISSION representing such Subdivision shall stand suspended from office and may not speak or vote on any matter before the COMMISSION. Any Subdivision that is more than six months delinquent in its payments to the COMMISSION shall automatically cease to be a member of the COMMISSION. Nothing contained herein shall be construed as a relieving an expelled Subdivision of the obligation to pay its pro rata share of the COMMISSION'S budget which is the basis for its expulsion.

3. Contracts. The COMMISSION shall have no authority or power to obligate in any manner any participating Subdivision beyond those funds duly appropriated by such Subdivision for the use of the COMMISSION.

ARTICLE VIII

AMENDMENTS

1. Approval. This Charter Agreement may be amended, supplemented or superseded only after concurring resolutions have been adopted by the Governing Bodies of two-thirds of the Subdivisions.

2. Procedure. Any proposal to amend, supplement or supersede this Charter Agreement must be submitted in writing to the COMMISSION and to each Governing Body. Thereafter, the COMMISSION shall review the proposal and submit its comments and recommendations thereon to each Governing Body. After comments and recommendations, each Governing Body may proceed to consider a resolution concurring in the proposed change.

LOCAL JURSDICTION CONTRIBUTIONS

| | Isle of Wight | Smithfield | TOTAL |
|------------------------|-----------------|-----------------|-----------------|
| 2014 Population | 35,457 | 0 | 35,457 |
| Dues | \$28,366 | \$0 | \$28,366 |
| Construction | 1,135 | 0 | 1,135 |
| MMRS | 7,091 | 0 | 7,091 |
| Water Programs | 10,638 | 4,421 | 15,059 |
| Storm Water Prog | 4,000 | 0 | 4,000 |
| HR CLEAN | <u>1,721</u> | <u>0</u> | <u>1,721</u> |
| TOTAL | \$52,951 | \$4,421 | \$57,372 |
| | | | |
| 2015 Population | 28,050 | 8,130 | 36,180 |
| Dues | \$22,440 | \$6,504 | \$28,944 |
| Construction | 1,960 | 447 | 2,407 |
| MMRS | 5,610 | 1,626 | 7,236 |
| Water Programs | 11,526 | 2,412 | 13,938 |
| Storm Water Prog | 3,919 | 2,244 | 6,163 |
| HR CLEAN | <u>1,721</u> | <u>0</u> | <u>1,721</u> |
| TOTAL | \$47,176 | \$13,233 | \$60,409 |