

AGENDA
HAMPTON ROADS PLANNING DISTRICT COMMISSION
ANNUAL RETREAT

February 16, 2012

- 11:30 1. Call to Order
- 2. Public Comment Period
- 3. Submitted Public Comments
- 4. Approval/Modification of Agenda

HRPDC ADMINISTRATION

- 11:35 5. Electronic Agendas
- 11:45 6. Agenda Notes/Meeting Templates
- 11:50 7. Staff Compensation
- 12:00 8. Operating Budget – FY 2013
- 12:15 9. Regional Economic Analyses

“HRPDC: CONSULTANT OF FIRST RESORT”

- 12:30 10. Water Resource Studies
- 12:38 11. Emergency Management Sustainment
- 12:46 12. Environmental Education Program
- 12:54 13. Housing Studies
- 1:02 14. Comprehensive Planning
- 1:10 15. Hampton Roads Strategic Plan
- 1:18 16. Third Party Contract Management
- 1:25 17. For Your Information
- 1:28 18. Old/New Business

AGENDA NOTE – HRPDC ANNUAL RETREAT

ITEM #1: CALL TO ORDER

The meeting will be called to order by the Chair at 11:30 a.m.

ITEM #2: PUBLIC COMMENT PERIOD

Members of the public are invited to address the Hampton Roads Planning District Commission. Each speaker is limited to three minutes.

ITEM #3: SUBMITTED PUBLIC COMMENTS

There are no recently submitted written public comments. Any new written public comments will be distributed as a handout at the meeting.

ITEM #4: APPROVAL/MODIFICATION OF AGENDA

Members are provided an opportunity to add or delete items from the agenda. Any item for which a member desires consideration from the Hampton Roads Planning District Commission should be submitted at this time, as opposed to under “Old/New Business”.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #5: ELECTRONIC AGENDAS

SUBJECT:

Consider all agendas and related materials being transmitted electronically.

BACKGROUND:

Over the past four years, the HRPDC has converted all Committee Agendas from paper to electronic transmission. Recently, a number of Board members have recommended that staff consider transmitting Board agendas electronically. This will include all attachments as well as enclosures. A limited number of paper copies may be produced for "hardship" cases.

Mr. Dwight Farmer will be present to brief the Board on this suggestion.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #6: AGENDA NOTES/MEETING TEMPLATES

SUBJECT:

HRPDC meeting agendas and presentations – format style and content.

BACKGROUND:

Mr. Dwight Farmer will review the structure of the one page agenda notes. He will also outline the proposed concept behind HRPDC staff powerpoint presentations at the monthly Commission and Executive Committee meetings. The HRPDC staff believes that it is particularly important that these meetings involve discussion among the Board members and is attempting to structure the agenda notes and presentations to facilitate Board discussion.

Discussion among the Board members on their expectations and preferences concerning staff briefing materials and presentations is requested.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #7: STAFF COMPENSATION

SUBJECT:

Pay adjustments.

BACKGROUND:

Mr. Farmer will review historical experience with local jurisdictions' adjustments to compensation during the past four (4) years. Mr. Farmer will also discuss staff's proposed approach for FY 2013 as well as the alternative schedules for implementing adjustments.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #8: OPERATING BUDGET - FY 2013

SUBJECT:

The HRPDC staff will be developing the FY 2013 Budget during the next three months.

BACKGROUND:

Revenues for FY 2013 are anticipated to be down from those in FY 2012. Based on discussions with the Personnel and Budget Committee, the staff is proposing a 2.5% reduction in local government per capita contributions from \$0.82 to \$0.80. All indicators show the DHCD State Grant will remain low, and other state grants have been reduced.

Ms. Nancy K. Collins, Chief Financial Officer, will provide a summary of the anticipated sources of revenues and projected expenditures for the upcoming FY 2013. We anticipate continuing to fund various reserve accounts.

Mr. John M. Carlock, HRPDC Deputy Executive Director, will provide an overview of the special local program funding for regional water-related and education programs.

A recap of the FY 2012 approved budgeted revenues and expenditures will also be provided.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #9: REGIONAL ECONOMIC ANALYSES

SUBJECT:

Local economic metrics.

BACKGROUND:

The recent evolution of state and federal budgets is expected to have a substantial impact on Hampton Roads. Annually the HRPDC staff prepares several regional economic analyses – Benchmarking Study, Annual Economic Forecast and Data Book.

Chairman Thomas Shepperd has suggested that it would be helpful if these reports include locality-specific data and comparisons. Mr. Shepperd will brief the Board on his suggestion. Mr. Greg Grootendorst, Chief Economist, will briefly summarize these reports and suggested metrics that could be broken out by locality.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #10: WATER RESOURCE STUDIES

SUBJECT:

Two water resources issues will continue to be of paramount importance to Hampton Roads: Groundwater Resource Management and TMDL Water Quality.

BACKGROUND:

Over the past year, the Commission and localities have devoted considerable effort to addressing the restoration of the Chesapeake Bay. Local implementation of strategies and practices will proceed during the next fiscal year. Concurrently, there is a need to continue working with the state and EPA to refine the Chesapeake Bay model and various permitting strategies. Additional TMDL work to address local water quality issues is likely to receive renewed attention. EPA has proposed an integrated planning process to allow local governments to prioritize wastewater and stormwater improvements.

At the February 2011 Annual Retreat, the Commission directed the staff to pursue development of a regional policy for allocating the ground water resource among competing public and private groundwater users. This issue is likely to receive renewed attention from the state as it moves forward to finalize revisions to the state's groundwater permitting regulations and addresses applications for renewed permits to withdraw groundwater.

Ms. Whitney Katchmark, Principal Water Resources Engineer, will provide an overview of these continuing issues. She will also highlight HRPDC resources that could be utilized in locality specific studies.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #11: EMERGENCY MANAGEMENT SUSTAINMENT

SUBJECT:

Through the Urban Areas Security Initiative (UASI) and Metropolitan Medical Response System (MMRS) grant programs, Hampton Roads has been able to develop considerable capability to respond to both man-made and natural emergencies.

BACKGROUND:

Federal funding to support the UASI and MMRS initiatives is expected to be further reduced in the coming years. The Hampton Roads region needs to address sustainment of the capabilities that have been developed over the past several years. As Commissioners are aware, the region's localities have already addressed this issue with respect to the MMRS program. Localities currently contribute \$0.20 per capita to the sustainment of the Regional Strike Team and the various drug caches.

A number of capabilities acquired through the UASI program remain at risk if the question of program sustainment and governance is not addressed. They include communications interoperability, sheltering, medical special needs and other specialized programs.

Mr. Curtis Brown, Emergency Management Administrator, will brief the Commission on the at-risk programs and proposed regional process for determining sustainment.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #12: ENVIRONMENTAL EDUCATION PROGRAM

SUBJECT:

The HRPDC presently facilitates four environmental education initiatives to assist the region's member localities in addressing local needs and meeting state and federal regulations.

BACKGROUND:

Since the early 1990s, the region's localities have requested the HRPDC staff to coordinate and manage a series of environmental education programs on their behalf. Each program is designed to address local priorities while enabling the localities to comply with state and federal regulatory requirements. Funded by the localities, generally through their utility enterprise funds, these programs include:

HR CLEAN – Litter Control, Recycling and Beautification Education

HR FOG – Wastewater Education (Fats, Oils and Grease)

HR STORM – Stormwater Education

HR WET – Water Conservation Education

In previous briefings, the HRPDC staff has advised the Commission of efforts to integrate the four programs under the umbrella of askHRGREEN.org

Ms. Julia Hillegass, Public Information and Community Affairs Administrator, will provide an overview of the regional environmental education programs and their utility in addressing state and federal regulations. She will also highlight HRPDC resources that could be utilized in locality specific studies.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #13: HOUSING STUDIES

SUBJECT:

Considerable research has been completed around the country addressing the linkage between housing, economic conditions and transportation. The HRPDC staff proposes to begin a study to quantify housing and transportation costs and determine an index of housing and transportation affordability.

BACKGROUND:

A number of other metropolitan regions and research organizations have and are exploring the linkage between housing, economic conditions and transportation. In some cases, these efforts have led to the creation of indices of housing and transportation affordability. Such indices could provide an additional measure for benchmarking and comparing Hampton Roads to competitor regions. In conjunction with the gap analysis being undertaken as one element of the Housing Portal project, this type of affordability index could assist the region and the member localities in ongoing housing and transportation planning. The gap analysis examines the needs for housing services in terms of the resources available to meet those needs.

The proposed study would result in identification of best practices followed in other metropolitan regions for analyzing the housing, transportation, economic conditions linkage. These best practices would serve as additional tools for the region's localities to use in addressing potential deficiencies in provision of housing and employment opportunities in Hampton Roads. Concurrently, a preliminary index of housing and transportation affordability in Hampton Roads would be prepared.

In addition to the research noted above, a Regional Steering Committee would be convened to guide the study efforts and to determine the applicability of results to Hampton Roads. Steering Committee members could include representatives of local planning and housing departments/authorities; HRT and WATA; state agencies, such as DHCD, VDOT and DRPT; private sector representatives, such as non-profit organizations, Chamber of Commerce, TBA; and the HRPDC and HRTPO staffs.

Ms. Shernita Bethea, Housing and Human Services Administrator, will brief the Commission on this initiative and related HRPDC staff resources.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #14: COMPREHENSIVE PLANNING

SUBJECT:

The region's localities presently contract on a regular basis with the HRPDC to undertake comprehensive planning and related studies, in addition to grant-funded work in environmental planning.

BACKGROUND:

The Regional Planning Department receives annual funding through the Virginia Coastal Zone Management Program to provide a basic level of technical environmental assistance to the region's localities. The HRPDC has been very successful over the years in augmenting this funding through competitive grants to support specialized environmental planning studies, addressing such areas as sea level rise, development of tools for use by localities in managing land use and water quality, environmental education and wetlands management.

Additionally, over the past twenty years, the region's localities have contracted with the HRPDC to develop comprehensive plans; parks and recreation plans; and to conduct specialized planning studies. These have included ground water studies, watershed plans and the environmental (Chesapeake Bay Preservation Act) elements of comprehensive plans.

Ms. Jimontanae "Jai" McBride, Principal Regional Planner, will provide an overview of these programs and HRPDC staff capabilities to assist the localities.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #15: HAMPTON ROADS STRATEGIC PLAN

SUBJECT:

The Hampton Roads Planning District Commission may want to consider preparation of a strategic plan for the region.

BACKGROUND:

The Regional Cooperation Act establishes, in Section 15.2-1409, a requirement that each PDC “shall prepare a regional strategic plan for the guidance of the district. The plan shall concern those elements which are of importance in more than one of the localities”...”shall include regional goals and objectives, strategies to meet those goals and objectives and mechanisms for measuring progress toward the goals and objectives.” Section 15.2-1409 further addresses plan content and the range of interests that should be involved in preparing the plan.

Since passage of the strategic plan requirement, the HRPDC has relied on the *Plan 2007* effort of the Chamber of Commerce and *Vision Hampton Roads*, prepared by the Hampton Roads Partnership, as the regional strategic plan in its annual reports to the Department of Housing and Community Development. HRPDC reporting has augmented this by referring to a wide range of HRPDC planning efforts as elements of a strategic plan.

A number of strategic planning initiatives have been undertaken in Hampton Roads. *Vision Hampton Roads*, which focuses on economic development. Reality Check, to be conducted in May 2012 through the auspices of the Hampton Roads Chapter of the Urban Land Institute, is expected to focus on development patterns and land use. The Virginia Department of Rail and Public Transportation has recently completed the *Hampton Roads Transit Vision Plan*. A number of functional plans are being prepared by the HRPDC and other regional agencies. They include the Hampton Roads Regional Water Supply Plan, the HRTPO Long Range Transportation Plan, Regional Wet Weather Management Plan, and the regional Chesapeake Bay TMDL work.

There is relatively little coordination and integration of these “vision” and functional plans. A Regional Strategic Plan, prepared under the auspices of the HRPDC, would engage the elected officials of the region’s localities in establishing a framework for guiding and integrating these regional planning efforts. It could capitalize on the work already completed by others and the capabilities of the HRPDC staff to facilitate the process and to undertake the technical studies necessary to support the regional vision.

Mr. John Carlock, Deputy Executive Director, will brief the Commission on this proposal.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #16: THIRD PARTY CONTRACT MANAGEMENT

SUBJECT:

The HRPDC is a resource that can be used by the localities to manage third party consultant contracts on their behalf in addressing matters of regional significance.

BACKGROUND:

On several occasions, the region's localities in various combinations have used the HRPDC to contract, on their behalf, with public and private entities to undertake studies of regionally significant issues. Examples include:

Regional Groundwater Studies. Since the mid-1980s, the HRPDC has contracted with the U.S. Geological Survey, on behalf of the Directors of Utilities Committee, to complete annual monitoring programs and to complete a variety of technical studies.

Hampton Roads Joint Land Use Study. HRPDC received a grant from the Office of Economic Adjustment, on behalf of the Cities of Chesapeake, Norfolk and Virginia Beach to conduct the Joint Land Use Study. HRPDC staff efforts involved contracting with the selected consultant, managing that contract and facilitating the regional advisory process.

Regional Solid Waste Program. HRPDC has contracted, on behalf of the eight localities that are members of SPSA, to complete a series of studies examining solid waste management after 2018 and related studies.

Emergency Management Program. HRPDC has contracted with a consultant to prepare Hazard Mitigation Plans for seven of the eight Southside Hampton Roads localities. HRPDC has also managed consultant initiatives on behalf of the Virginia Department of Emergency Management and the former Office of Commonwealth Preparedness.

Mr. Farmer will brief the Commission on this regional capability and resource.

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #17: FOR YOUR INFORMATION

A. CODE OF VIRGINIA

Attached is a copy of the Virginia Code dealing with Planning District Commissions. The Regional Cooperation Act, Section 15.2-4200, et.seq., sets forth the powers and responsibilities of the state's 21 Planning District Commissions.

C. MARCH 2012 MEETING – REMINDER

The March Executive Committee Meeting will be held on March 15, 2012 at 9:30 AM.

Attachments

17A – Regional Cooperation Act

Code of Virginia

§ 15.2-4200. Short title.

This chapter shall be known and may be cited as the "Regional Cooperation Act."

(1968, c. 224, § 15.1-1400; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4201. Purpose of chapter.

This chapter is enacted:

1. 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 Commonwealth on a sound and orderly basis, within a governmental framework and economic environment which will foster constructive growth and efficient administration.
2. To provide a means of coherent articulation of community needs, problems, and potential for service.
3. To foster planning for such development by encouraging the creation of effective regional planning agencies and providing the financial and professional assistance of the Commonwealth.
4. To provide a forum for state and local government on issues of a regional nature.
5. To encourage regional cooperation and coordination with the goals of improved services to citizens and increased cost-effectiveness of governmental activities.
6. To deter the fragmentation of governmental units and services.

(1968, c. 224, § 15.1-1401; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4202. Definitions.

For the purposes of this chapter:

"Commission" means a planning district commission. Planning district commissions are composed of the duly appointed representatives of the localities which are parties to the charter agreement.

"Planning district" means a contiguous area within the boundaries established by the Department of Housing and Community Development.

"Population," unless a different census is clearly set forth, means 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, unless there is available an annual estimate of population prepared by the Weldon Cooper Center for Public

Service of the University of Virginia, which has been filed with the Department of Housing and Community Development, in which event the estimate shall govern.

(1968, c. 224, § 15.1-1402; 1976, c. 760; 1986, c. 164; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4203. Organization of planning district commission.

A. At any time after the establishment of the geographic boundaries of a planning district, the localities embracing at least 45 percent of the population within the district acting by their governing bodies may organize a planning district commission by written agreement. Any locality not a party to such charter agreement shall continue as a part of the planning district but, until such time as such locality elects to become a part of the planning district commission as hereinafter provided, shall not be represented in the composition of the membership of the planning district commission. Whenever a planning district is created which contains only two counties, the governing body of either county may organize a planning district commission in accordance with the provisions of this chapter if the governing body of the other county does not agree to organize such a planning district commission.

B. The charter agreement shall set forth:

1. The name of the planning district. An entity organized as a planning district commission under this act may employ the name "regional council" or "regional commission" as a substitute for the name "planning district commission."
2. The locality 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. At least a majority of its members shall be elected officials of the governing bodies of the localities within the district, or members of the General Assembly, with each county, city and town of more than 3,500 population having at least one representative. In any planning district other than planning district number 23, a town of 3,500 or less population may petition the planning district commission to be represented thereon. The planning district commission may, in its discretion, grant representation to such town by a majority vote of the members of the commission. Other members shall be qualified voters and residents of the district. In planning districts number 4 and 14, the membership may also include representatives of higher education institutions. Should the charter agreement, as adopted, so provide, an alternate may serve in lieu of one of the elected officials of each of the governing bodies of the participating localities.
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. Such voting rights need not be equal and may be weighed on the basis of the population of the locality represented by the member, the aggregation of the voting rights of members representing one locality, or otherwise.

7. The procedure for amendment, for addition of other localities within the planning district which are not parties to the original charter agreement, and the withdrawal from the charter agreement by localities within the planning district electing to do so.

C. The governing body of any locality which is a member of the planning district commission may provide for compensation to be paid by it for its commission members, except for any full-time salaried employees of the locality. The amount of such compensation shall not exceed the amount fixed by the planning district commission.

(1968, c. 224, § 15.1-1403; 1970, cc. 303, 703; 1972, c. 595; 1973, c. 176; 1982, c. 660; 1989, c. 49; 1993, c. 838; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686; 2000, c. 984; 2005, c. 819.)

§ 15.2-4204. Disposition of earnings and assets of planning district commissions.

No part of the net earnings of any planning district commission organized under the provisions of this chapter shall inure to the benefit of, or be distributable to, any of its members, officers or other private persons, other than to its member localities as provided in this chapter. However, the commission may pay reasonable compensation for services rendered and make payments and distributions in furtherance of the purposes of a planning district commission as set forth in this chapter and in its charter and bylaws. Upon the dissolution or termination of any planning district commission, it shall, after paying or making provisions for the payment of its liabilities, distribute its assets to its member localities, pro rata, based upon the formula used to determine local government dues to the commission.

(1989, c. 178, § 15.1-1403.1; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4205. Powers of commission generally.

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 may:

1. Adopt and have a common seal and to alter the same at pleasure.

2. Sue and be sued.

3. Adopt bylaws and make rules and regulations for the conduct of its business; however, a planning district commission shall not amend its budget once adopted during the applicable fiscal year except pursuant to an affirmative vote of the same number of the entire membership of the planning district commission required to adopt the budget.

4. 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. Apply for and accept, disburse and administer, for itself or for member localities so requesting, 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, or any agency or instrumentality thereof.
6. 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. Employ engineers, attorneys, planners, such other professional experts and consultants and such general and clerical employees as may be deemed necessary, and prescribe their powers and duties and fix their compensation.
8. 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.
9. Execute instruments and do and perform acts or things necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this chapter.
10. Create an executive committee which may exercise the powers and authority of the planning district commission under this chapter. The chairman of the planning district commission shall serve as a member and as the chairman of the executive committee. The composition of the remaining membership of the executive committee, the term of office of its members and any alternate members, their method of selection or removal, the voting rights of members, procedures for the conduct of its meetings, and any limitations upon the general authority of the executive committee shall be established by the bylaws of the planning district commission. Any planning district commission may establish such other special and standing committees, advisory, technical, or otherwise, as it deems desirable for the transaction of its affairs.

(1968, c. 224, § 15.1-1404; 1975, c. 83; 1986, c. 164; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4206. Additional powers of planning district commissions.

Planning district commissions may, in addition to and not in limitation of all other powers granted by this chapter:

1. Acquire, lease, sell, exchange, donate and convey its projects, property or facilities in furtherance of the purposes of planning district commissions as set forth in this chapter;
2. Issue its bonds, notes or other evidences of indebtedness, whether payable solely out of the revenues and receipts derived or to be derived from the leasing, sale or other disposition or use of such projects, property or facilities or otherwise, for the purpose of carrying out any of its powers or purposes set forth in this chapter; and

3. As security for the payment of the principal of and premium, if any, and interest on any such bonds, notes or other evidences of indebtedness, mortgage and pledge its projects, property or facilities or any part or parts thereof and pledge the revenues therefrom or from any part thereof.

(1989, c. 178, § 15.1-1404.1; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4207. Purposes of commission.

A. It is the purpose of the planning district commission to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance. The cooperation resulting from this chapter is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. Functional areas warranting regional cooperation may include, but shall not be limited to: (i) economic and physical infrastructure development; (ii) solid waste, water supply and other environmental management; (iii) transportation; (iv) criminal justice; (v) emergency management; (vi) human services; and (vii) recreation.

Types of regional cooperative arrangements that commissions may pursue include but are not limited to (i) the facilitation of revenue sharing agreements; (ii) joint service delivery approaches; (iii) joint government purchasing of goods and services; (iv) regional data bases; and (v) regional plans.

B. The planning district commission shall also promote the orderly and efficient development of the physical, social and economic elements of the district by planning, and encouraging and assisting localities to plan, for the future. If requested by a member locality or group of member localities and to the extent the commission may elect to act, the commission may assist the localities by carrying out plans and programs for the improvement and utilization of their physical, social and economic elements. The commission shall not, however, have a legal obligation to perform the functions necessary to implement the plans and policies established by it or to furnish governmental services to the district.

C. The authority of the commission includes the power, to the extent the commission may from time to time determine, when requested to do so by a member locality or group of member localities, (i) to participate in the creation or organization of nonprofit corporations to perform functions or operate programs in furtherance of the purposes of this chapter; (ii) to perform such functions and to operate such programs itself; (iii) to contract with nonprofit entities, including localities, performing such functions or operating such programs to provide administrative, management, and staff support, accommodations in its offices, and financial assistance; and (iv) to provide financial assistance, including matching funds, to interdistrict entities which perform governmental or quasi-governmental functions directly benefiting the commission's district and which are organized under authority of the Commonwealth or of the federal government.

D. Nothing herein shall be construed to permit the commission to perform functions, operate programs, or provide services within and for a locality if the governing body of that jurisdiction opposes its doing so.

(1968, c. 224, § 15.1-1405; 1972, c. 814; 1975, c. 381; 1984, c. 739; 1986, c. 164; 1991, c. 208; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4208. General duties of planning district commissions.

Planning district commissions shall have the following duties and authority:

1. To conduct studies on issues and problems of regional significance;
2. To identify and study potential opportunities for state and local cost savings and staffing efficiencies through coordinated governmental efforts;
3. To identify mechanisms for the coordination of state and local interests on a regional basis;
4. To implement services upon request of member localities;
5. To provide technical assistance to state government and member localities;
6. To serve as a liaison between localities and state agencies as requested;
7. To review local government aid applications as required by §15.2-4213 and other state or federal law or regulation;
8. To conduct strategic planning for the region as required by §§15.2-4209 through 15.2-4212;
9. To develop regional functional area plans as deemed necessary by the commission or as requested by member localities;
10. To assist state agencies, as requested, in the development of substate plans;
11. To participate in a statewide geographic information system, the Virginia Geographic Information Network, as directed by the Department of Planning and Budget; and
12. To collect and maintain demographic, economic and other data concerning the region and member localities, and act as a state data center affiliate in cooperation with the Virginia Employment Commission.

(1995, cc. 732, 796, § 15.1-1405.1; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4209. Preparation and adoption of regional strategic plan.

A. Except in planning districts in which regional planning is conducted by multi-state councils of government, each planning district commission shall prepare a regional strategic plan for the guidance of the district. The plan shall concern those elements which are of importance in more than one of the localities within the district, as distinguished from matters of only local importance. The plan shall include regional goals and objectives, strategies to meet those goals and objectives and mechanisms for measuring progress toward the goals and objectives. The strategic plan shall include those subjects necessary to promote the orderly and efficient development of the physical, social and economic elements of the district such as transportation, housing, economic development and environmental management. The plan may be divided into

parts or sections as the planning district commission deems desirable. In developing the regional strategic plan, the planning district commission shall seek input from a wide range of organizations in the region, including local governing bodies, the business community and citizen organizations.

B. Before the strategic plan is adopted, it shall be submitted to the Department of Housing and Community Development and to the governing body of each locality 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 §15.2-2204. Each such local governing body shall make recommendations to the planning district commission on or before the date of the hearing with respect to the effect of the plan within its locality. The Department of Housing and Community Development shall notify the planning district commission prior to the hearing as to whether the proposed strategic plan conflicts with plans of adjacent planning districts.

C. Upon approval of the strategic plan by a planning district commission after a public hearing, it shall be submitted to the governing body of each locality (excluding towns of less than 3,500 population unless members of the commission) within the district for review and possible adoption. The plan shall become effective with respect to all action of a planning district commission upon approval by the planning district commission. The plan shall not become effective with respect to the action of the governing body of any locality within the district until adopted by the governing body of such locality.

D. The adopted strategic plan shall be submitted within thirty days of adoption to the Department of Housing and Community Development for information and coordination purposes.

(1968, c. 224, § 15.1-1406; 1976, c. 760; 1981, c. 315; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4210. Commission to act only in conformity with regional strategic plan.

When the strategic plan becomes 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 with the plan.

(1968, c. 224, § 15.1-1407; 1995, cc. 732, 796; 1997, c. 587; 1998, cc. 668, 686.)

§ 15.2-4211. Amendment of regional strategic plan.

The strategic plan may be amended in the same manner as provided for the original approval and adoption of the plan. However, if the planning district commission determines that a proposed amendment has less than districtwide significance, such amendment may be submitted only to the governing bodies of those localities which the planning district commission determines to be affected. The amended strategic plan shall be submitted within thirty days of amendment to the Department of Housing and Community Development.

(1968, c. 224, § 15.1-1408; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4212. Review of regional strategic plan by commission.

At least once every five years the regional strategic plan shall be revised and formally approved by the planning district commission. The revised plan shall not become effective with respect to the action of the governing body of any locality within the district until adopted by the governing body of such locality.

(1968, c. 224, § 15.1-1409; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4213. Commission to be informed of applications for state or federal aid by local governing bodies.

In each planning district in which a planning district commission has been organized, the governing body of each locality shall make available to the planning district commission a summary of applications to agencies of the state or federal government for loans or grants-in-aid for local projects. Submission of the summary of applications is for informational purposes only, unless otherwise directed by state or federal regulations or laws.

(1968, c. 224, § 15.1-1410; 1972, c. 599; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4214. Cooperation and consultation with other agencies.

A planning district commission may cooperate with other planning district commissions, councils of governments, or the legislative and administrative bodies and officials of other districts or localities within or outside a district, so as to coordinate the planning, development and services of a district with the plans and services of other districts and localities and the Commonwealth. A planning district commission may appoint committees and adopt rules to effect such cooperation. A planning district commission shall also cooperate with the Department of Housing and Community Development and use advice and information furnished by such Department and by other state and federal officials, departments and agencies. Such Department and such officials, departments and agencies having information, maps and data pertinent to the planning and development of a district may make the material, together with services and funds, available for use of a planning district commission.

All agencies of the Commonwealth shall notify the Department of Housing and Community Development prior to engaging in planning activities which will require planning district commission participation. State agencies are encouraged to consult with planning district commissions in the development of regional plans and services and for data collection.

(1968, c. 224, § 15.1-1411; 1976, cc. 488, 760; 1977, c. 613; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4215. Annual report required.

Each planning district commission shall submit an annual report by September 1 to its member local governments and the Department of Housing and Community Development in accordance with a format prescribed by the Department. The annual report shall contain at a minimum a description of the activities conducted by the planning district commission during the preceding

fiscal year, including how the commission met the provisions of this chapter, and information showing the sources and amounts of funding provided to the commission. The Department of Housing and Community Development shall summarize the annual reports in a report to be distributed in accordance with § 36-139.6.

(1995, cc. 732, 796, § 15.1-1411.1; 1997, c. 587.)

§ 15.2-4216. State aid.

A. 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 as provided in the general appropriations act. In order to be allocated such state aid, each planning district commission shall prepare and submit an annual report, as required in § 15.2-4215, which details its compliance with the provisions of this chapter, and an annual work program of activities proposed for the next fiscal year. The fiscal year of the planning district commission shall end June 30.

B. If two planning districts are merged pursuant to § 15.2-4221, the new district shall be entitled to receive the combined amount of aid to which the two districts it replaced separately would have been entitled for five years from the effective date of the merger.

(1968, c. 224, § 15.1-1412; 1977, c. 613; 1985, c. 127; 1990, c. 722; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4217. Regional Cooperation Incentive Fund created; administration thereof.

A. There is hereby created a Regional Cooperation Incentive Fund for the purpose of encouraging inter-local strategic and functional area planning and other regional cooperative activities. The Fund shall be administered by the Department of Housing and Community Development. Fund availability is subject to the Appropriation Act.

B. From time to time the General Assembly and the Governor may designate specific functional areas or activities which are to be given highest priority for funding, including but not limited to economic development, criminal justice, solid waste management, water supply, emergency management and transportation.

C. Disbursements from the Regional Cooperation Incentive Fund shall be made on a matching grant basis to planning district commissions. The Department of Housing and Community Development shall promulgate regulations for the administration of the funds, including application forms, eligibility requirements and terms and duration of grants. In establishing regulations, the following criteria shall be met:

1. The planning district commission or member localities must provide, at a minimum, a twenty-five percent match to the grant; and

2. Any project for which a grant is sought shall use private initiative and enterprise insofar as feasible, and emphasize coordination of available governmental and private financial and technical resources.

D. The Department of Housing and Community Development shall require periodic reports from grant recipients concerning progress of the project and the use of funds.

(1995, cc. 732, 796, § 15.1-1412.1; 1997, c. 587.)

§ 15.2-4217.1. Specialized Transportation Incentive Fund.

The Specialized Transportation Incentive Fund (the "Fund") is established and shall be used to assist participating planning districts in the development of coordinated specialized transportation plans and projects. In order to be eligible to receive monies from the Fund, a planning district commission or single locality shall establish, in consultation with its metropolitan planning organization if one exists, an advisory transportation coordination committee and shall submit to the Disability Commission a plan for cost-effective coordination of specialized transportation services in the planning district or in localities within the planning district. Single localities may appoint an advisory transportation coordinating committee independent of the planning district commission and receive specialized transportation incentive funds if the locality is located in a regional planning district in which all other localities are recipients of the federal funds and subject to the provisions of Title II of the Americans with Disabilities Act, Public Law 101-336 (42 U.S.C. § 12131 et seq.). The advisory transportation coordination committee shall guide planning for the coordination and administration of specialized transportation with human service agencies, participating public transportation systems and, where appropriate, with private for-profit and nonprofit transportation providers. Advisory transportation coordination committees shall be composed of, but not limited to, elderly and disabled persons, providers of specialized transportation systems, participating public transportation systems, and local private for-profit and nonprofit transportation providers. Localities and public transportation systems subject to Title II of the Americans with Disabilities Act, Public Law 101-336 (42 U.S.C. § 12131 et seq.), shall not be required to participate in coordinated specialized transportation plans, but may participate at their option.

(2003, c. 454.)

§ 15.2-4218. Local governing bodies authorized to appropriate or lend funds.

The governing bodies of the localities within a planning district are authorized to appropriate or lend funds to the planning district commission.

(1968, c. 224, § 15.1-1413; 1997, c. 587.)

§ 15.2-4219. Exemption of commission from taxation.

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 subdivision 4 of §58.1-609.1, a planning district commission is deemed a "political subdivision of this Commonwealth" as the term is used in that section.

(1968, c. 224, § 15.1-1415; 1993, c. 310; 1997, c. 587.)

§ 15.2-4220. Dual membership authorized.

Any locality which is a member of a planning district commission may become a member of an additional planning district commission upon such terms and conditions as mutually agreed to by the locality and the additional planning district commission. The locality shall notify the Department of Housing and Community Development of its membership status in the additional planning district commission within thirty days of becoming a member. Whenever a state-directed activity is conducted by all the planning district commissions, the planning district boundaries identified by the Department of Housing and Community Development shall be used, unless alternative boundaries are agreed to by the localities and the planning district commissions affected. No additional state financial support shall be paid due to a locality becoming a member of an additional planning district commission.

(1985, c. 109, § 15.1-1416; 1988, c. 263; 1991, c. 35; 1993, c. 797; 1994, c. 650; 1995, cc. 732, 796; 1997, c. 587.)

§ 15.2-4221. Merger of two planning district commissions.

The commissions of any two planning districts and a majority of the governing bodies of the localities comprising each district, upon finding that the community of interest, ease of communications and transportation, and geographic factors and natural boundaries among the localities of the two districts are such that the best interest of the localities would be served, may by resolutions concurrently adopted vote to merge into one district and request the Department of Housing and Community Development to declare the districts so merged. Upon such declaration, the commissions of the two districts shall be merged into one commission. The commission of the new district thereupon shall organize as provided in § 15.2-4203; however, nothing shall prevent the commissions of the two districts which are to be merged from agreeing to the terms of such organization prior to their vote to merge.

(1990, c. 722, § 15.1-1416.1; 1997, c. 587.)

§ 15.2-4222. Inconsistent laws inapplicable.

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.

(1968, c. 224, § 15.1-1452; 1997, c. 587.)

AGENDA NOTE - HRPDC ANNUAL RETREAT

ITEM #18: OLD/NEW BUSINESS