



COMMONWEALTH of VIRGINIA

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The Honorable Robert Hurt
Member, Senate of Virginia
P.O. Box 2
Chatham, Virginia 24531

The Honorable Kathy J. Byron
Member, House of Delegates
523 Leesville Road
Lynchburg, Virginia 23502

Dear Senator Hurt and Delegate Byron:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issue Presented

You ask whether § 15.2-2403(1) authorizes the Campbell County Board of Supervisors to create a service district to provide, among other services, library and recreational related services.

Response

It is my opinion that § 15.2-2403(1) authorizes the Campbell County Board of Supervisors to create a service district to provide, among other services, library and recreational related services.

Background

You advise that the Timberlake Community Complex, a project of the Campbell County Library Foundation, is a facility that will provide multiple services to the community. You advise further that the Complex will offer a library, public computers, indoor facilities for county recreation programs, a gymnasium and stage, meeting places for county programs, ball fields and other recreational facilities. You relate that Campbell County has donated the land and is planning to create a service district to assist in the cost of construction and operation of the facility.

You note that § 15.2-2403(1) grants powers to service districts to construct, maintain, and operate such facilities and equipment as may be necessary or desirable to provide additional, more complete, or more timely governmental services within a service district. You observe that there are numerous services described including, but not limited to, items such as “sponsorship and promotion of recreational and cultural activities.”

Applicable Law and Discussion

Section 15.2-2403 provides that:

After adoption of an ordinance or ordinances or the entry of an order creating a service district, the governing body or bodies shall have the following powers with respect to the service districts:

1. To construct, maintain, and operate such facilities ... as may be necessary or desirable to provide additional, more complete, or more timely governmental services within a service district, including, but not limited to ... sponsorship and promotion of recreational and cultural activities; ... and other services, events, or activities that will enhance the public use and enjoyment of ... and public well-being within a service district.

“The province of [statutory] construction lies wholly within the domain of ambiguity, and that which is plain needs no interpretation.”¹ But when statutory language is clear and unambiguous, the plain meaning and intent of the enactment will be given to it.² The language used in § 15.2-2403(1) is clear and unambiguous where the General Assembly authorizes service districts to construct facilities to provide more complete governmental services. Such governmental services include “sponsorship and promotion of recreational activities.”

Section 42.1-33 provides that the governing body of any county shall have the power to establish a free public library. Under § 42.1-33, the term “support,” includes, but is not limited to, “purchase of land for library buildings, purchase or erection of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment.” Therefore, the establishment of a free public library is a governmental service specifically authorized by the General Assembly. Furthermore, a 1982 opinion of the Attorney General concludes that the meaning of the term “recreational facility” must be determined from the context of the statute within which it is used, and accepts the broad definition of such a facility as one “for amusement” or “for entertainment.”³

Conclusion

Accordingly, it is my opinion that § 15.2-2403(1) authorizes the Campbell County Board of Supervisors to create a service district to provide, among other services, library and recreational related services.

Thank you for letting me be of service to you.

Sincerely,



Robert F. McDonnell

¹Winston v. City of Richmond, 196 Va. 403, 408, 83 S.E.2d 728, 731 (1954).

²Brown v. Lukhard, 229 Va. 316, 321, 330 S.E.2d 84, 87 (1985).

³See 1982-1983 Op. Va. Att’y Gen. 205, 205.