

**COUNTIES, CITIES AND TOWNS: BUDGETS, AUDITS AND REPORTS.**

**YOUTH AND FAMILY SERVICES: DELINQUENCY PREVENTION AND YOUTH DEVELOPMENT ACT.**

**ELECTIONS: FEDERAL, COMMONWEALTH, AND LOCAL OFFICERS.**

**CONSTITUTION OF VIRGINIA: LOCAL GOVERNMENT (DEBT).**

**Board of supervisors elected for four-year term in 1995 may not adopt resolution irrevocably committing its successors in office to expend portion of locality's resources to operate youth services program for fiscal year 2000-2001.**

The Honorable John J. Davies  
Member, House of Delegates  
July 28, 1999

You ask whether a local governing body may adopt a resolution that irrevocably commits its successors to expend a portion of the locality's resources to obtain a grant to operate a program under the Delinquency Prevention and Youth Development Act<sup>1</sup> ("youth services program").

You relate that a county board of supervisors has adopted a resolution committing a portion of its resources toward a grant to operate a youth services program. The program will focus on supporting early intervention efforts for those juveniles and their families who are eligible to receive the services of juvenile court services units. You relate that the county must submit a grant application in 1999 to be included in the state budget process and receive funding appropriated by the General Assembly for fiscal year 2000-2001.<sup>2</sup> Applications for renewal grants must be submitted annually thereafter. Contingent upon the General Assembly appropriating 75% of the costs for operating the youth services program, the supervisors have resolved to fund 25% of the costs.

Section 24.2-218 of the *Code of Virginia* requires that county supervisors be elected "at the general election in November 1995, and every four years thereafter for terms of four years." Consequently, the resolution adopted by the county board of supervisors will irrevocably commit the successor board<sup>3</sup> to a 25% share of the total funding to operate a youth services program for fiscal year 2000-2001.

Budgets adopted by local governing bodies are for planning and informative purposes and are statutorily distinguished from appropriations.<sup>4</sup> The local governing body may disburse money only pursuant to an appropriation for a contemplated expenditure.<sup>5</sup> Thus, adoption of a budget that contemplates certain expenditures does not automatically result in the expenditure of money for that purpose. Contractual provisions which purport to bind a locality to a fixed obligation to make payments in future years, however, generally are considered to be debts subject to the constitutional restrictions of Article VII, § 10 of the Constitution of Virginia (1971).<sup>6</sup>

Prior opinions of this Office consistently have concluded that a local governing body does not have the power or authority to take actions that irrevocably bind its successors in office, unless such binding action is expressly authorized by statute.<sup>7</sup> For many years Virginia has followed the Dillon Rule of strict construction concerning the powers of local governing bodies, limiting such powers to those conferred expressly by law or by necessary implication from such conferred powers.<sup>8</sup>

Based on these prior opinions, therefore, I must conclude that a local governing body may not adopt a resolution irrevocably committing its successors in office to a 25% share of the total funding required to operate a youth services program for fiscal year 2000-2001.

<sup>1</sup>The Delinquency Prevention and Youth Development Act authorizes the Director of the Department of Juvenile Justice to administer the youth services programs and make grants to localities seeking to operate such programs. See Va. Code Ann. §§ 66-26 to 66-35; § 66-1.

<sup>2</sup>Funding is provided on a fiscal year basis from July 1 through June 30.

<sup>3</sup>The county board of supervisors will be elected at the November 1999 general election.

<sup>4</sup>See §§ 15.2-2503, 15.2-2506; see *generally* Op. Va. Att'y Gen.: 1986-1987 at 141, 144; 1982-1983 at 16, 16; 1980-1981 at 9, 10.

<sup>5</sup>See § 15.2-2506.

<sup>6</sup>See Op. Va. Att'y Gen.: 1984-1985 at 95, *id.* at 96; 1982-1983 at 149.

<sup>7</sup>Op. Va. Att'y Gen.: 1990 at 105, 107; 1984-1985 at 99, 101; 1974-1975 at 33; 1972-1973 at 37; 1949-1950 at 31. *Cf.* 1982-1983 at 151, 154 n.9; 1981-1982 at 48, 50.

<sup>8</sup>*Stallings v. Wall*, 235 Va. 313, 315, 367 S.E.2d 496, 497 (1988); *County Board v. Brown*, 229 Va. 341, 329 S.E.2d 468 (1985); *Winchester v. Redmond*, 93 Va. 711, 25 S.E. 1001 (1896); Op. Va. Att'y Gen.: 1998 at 33, 34; 1986-1987 at 315, 316.