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HOUSE BILL NO. 2241

Offered January 10, 2007

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A BILL to amend and reenact §§ 144(a) through 144(p), as severally amended, of Chapter 463 of the Acts of Assembly of 1948, which provided a charter for the City of Norfolk, relating to the Norfolk Airport Authority.

Patrons—Howell, A.T. and Moran

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 144(a) through 144(p), as severally amended, of Chapter 463 of the Acts of Assembly of 1948 are amended and reenacted as follows:

§ 144(a). There is hereby created in the City of Norfolk a political subdivision of the Commonwealth, with such public and corporate powers as are hereinafter set forth, to be known as the "Norfolk Airport Authority." Such Authority may sue and be sued, plead and be impleaded, and shall have the power and authority to contract and be contracted with and to exercise and discharge all the powers and duties imposed and conferred upon it, as hereinafter provided.

§ 144(b). How Governed.

(a)(1) Such authority shall be governed by a board of not less than seven nor more than nine commissioners, one-third of whom may be from areas outside of the City of Norfolk, who shall be known as commissioners, and who shall be appointed by the Council of the City of Norfolk, and who shall be residents of the City of Norfolk at the time of their appointment and during the term of their office except as herein provided. All of the powers and duties conferred upon such authority shall be exercised through said board of commissioners.

(b)(2) All members shall be appointed for terms of four years. Any vacancy shall be filled by appointment by the Council for the unexpired term. Each commissioner shall continue, however, to hold office until his successor has been appointed and qualified. Each commissioner, before entering upon the duties of his office, shall take and subscribe the oath provided by the Norfolk Charter of 1918 for city officers, and a certificate of the same shall be filed with the city clerk.

(c)(3) Immediately after their appointment such commissioners shall enter upon the performance of their duties. Said commissioners shall annually elect one of its members as chairman and another as vice-chairman, and shall also elect annually a secretary and a treasurer, each of whom may or may not be one of the said commissioners. The positions of secretary and treasurer may be held by the same person. A majority of the commissioners shall constitute a quorum for the transaction of business. The board of commissioners shall make rules and regulations for its own government and procedure, ~~shall hold at least one regular meeting each month, and may~~ shall hold such special meetings as it may deem necessary.

(d)(4) The commissioners shall receive no salaries but shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

(e)(5) Any of said commissioners may be removed from office by the Council of the City of Norfolk for malfeasance, misfeasance, ~~incompetency~~ incompetence or gross neglect of official duty, but a commissioner may be removed only after he shall have been given a copy of the charges against him at least ten days prior to the hearing thereon before the Council and had an opportunity to be heard in person and by counsel. In event of the removal of any commissioner a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the city clerk.

§ 144(c). Powers and duties.

Such Authority shall have the following powers:

(a)(1) To adopt and use a corporate seal, and to alter the same at its pleasure.

(b)(2) To acquire, hold and dispose of such personal property as may be necessary for its purposes.

(c)(3) To acquire by purchase, lease, gift, devise, condemnation or otherwise, property, real and personal, or such riparian and other rights, easements, or estate or interest therein as may be necessary for its purposes, and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any portion thereof or interest therein, whenever it shall become expedient to do so; provided, however, that the Authority shall have the power of condemnation only within the corporate limits of the City of Norfolk, unless agreed to by the governing body or bodies of the locality or localities so affected and provided further, that the Authority may exercise its power of condemnation only in furtherance of one or more of its public purposes and any property so acquired may be improved, sold, leased, mortgaged,

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HB2241

59 pledged or otherwise disposed of only after a determination by the Authority that such improvement,
60 sale, lease, mortgage, pledge or disposition will be consistent with and in furtherance of such public
61 purposes or after a determination by the Authority that such property is no longer needed for such
62 public purposes.

63 ~~(d)~~(4) To acquire, lease, construct or maintain and operate, landings, wharves, docks and piers,
64 commodity elevators, and the approaches to and appurtenances thereof, tracks, spurs, crossings,
65 switchings, terminals, warehouses and terminal facilities of every kind and description necessary or
66 useful in the transportation and storage of goods, wares and merchandise, to perform any and all
67 services at said facilities in connection with the receipt, delivery, shipment and transfer in transit,
68 weighing, marking, tagging, ventilating, fumigating, refrigerating, icing, storing and handling of goods,
69 wares and merchandise, to prescribe and collect charges from vessels coming into or using any landings,
70 wharves, docks, piers, and commodity elevators operated and maintained by said Authority and from
71 persons using any of the other facilities of the Authority, and to lease any and all of such facilities or
72 any concessions properly incident thereto to any person, firm or corporation for the maintenance and
73 operation of any and all of such facilities on such terms and conditions as it may deem proper.

74 ~~(f)~~(5) To acquire, purchase, construct, lease, operate, maintain and undertake any bus, railroad or
75 airline terminal facility and to make charges for the use thereof.

76 Before the powers set forth in this paragraph are exercised by the Authority prior approval of the
77 council shall be first obtained.

78 ~~(g)~~(6) For the purpose of encouraging and promoting industry and manufacturing; the development of
79 trade by inducing manufacturing, industrial, governmental, educational, commercial and retail enterprises
80 to locate in or remain in the City of Norfolk; the using of the natural resources and advantages of the
81 City of Norfolk and the Commonwealth; the development and increase of the commerce of the City of
82 Norfolk and the Commonwealth; the promotion of the safety, welfare, education, convenience and
83 prosperity of the inhabitants of the City of Norfolk and the Commonwealth; and to carry out all other
84 purposes of the Authority, the Authority shall have the power: 1) to acquire by purchase, exchange, gift,
85 lease or otherwise (including condemnation subject to the limitations set forth in § 144(c)(c), as
86 amended), and to improve, maintain, equip and furnish one or more facilities including all real and
87 personal properties and any interest or estate therein which the Authority may deem necessary to
88 accomplish said purposes and regardless of whether or not any of such facilities shall then be in
89 existence; 2) to lease to others any or all of its facilities and to charge and collect rent therefor and to
90 terminate any such lease upon the failure of lessee to comply with any of the obligations thereof, and to
91 include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such
92 lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of
93 the Authority it may lease or convey any or all of its facilities to the lessee thereof, with or without
94 consideration; 3) to sell, exchange, donate, and convey any or all of its properties whenever its Board of
95 Commissioners shall find any such action to be in furtherance of the purposes for which the Authority
96 was established; and, 4) as security for the payment of the principal of and interest on any bonds, notes,
97 or other evidences of debt so issued and any agreements made in connection therewith, to mortgage and
98 pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired,
99 and to pledge the revenues therefrom or from any part thereof.

100 The term "facility" or "facilities" used in this section and in other sections enumerating the powers of
101 the Authority shall mean any or all industrial, manufacturing, commercial, retail, governmental,
102 education or other facilities described herein and located within or without or partially within or without
103 the City of Norfolk now existing or hereafter acquired or constructed by the Authority pursuant to its
104 powers, together with any or all buildings, improvements, additions, extensions, replacements,
105 appurtenances, lands, rights, interests and estates in land including interest and estates in land acquired
106 by mortgage, deed of trust or otherwise, water rights, franchises, machinery, equipment, furnishings,
107 landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection
108 therewith or incidental thereto, acquired or constructed by the Authority. This section shall be liberally
109 construed.

110 ~~(h)~~(7) To establish, construct, acquire, purchase, lease, maintain and operate any airport and air
111 navigational facilities now or hereafter owned by the Authority or the City of Norfolk with the same
112 powers and authority thereover that said city may have or as provided by law, subject, however, to the
113 provisions of § 144(d), as amended, with respect to the operation and maintenance of any airport and air
114 navigational facility now or hereafter owned by the City of Norfolk.

115 ~~(i)~~(8) To make capital improvements on any airport and air navigational facility, any port terminal
116 facility described in § 144(c)(d), as amended, and on any other facility and public utility now or
117 hereafter owned or leased by the City of Norfolk and transferred to said Authority to operate and
118 maintain, or title to which is transferred to said Authority, with the same powers to issue its bonds
119 ~~therefor~~ *therefore* as it has for its other purposes, subject, however, to the approval of the council of the
120 City of Norfolk.

(j)(9) To foster and stimulate the commerce of the Port of ~~Norfolk~~ Virginia and the shipment of freight through such port and to investigate and handle matters pertaining to all transportation rate structures affecting the commerce of the port.

~~(k)~~(10) To establish, acquire, lease, maintain and operate, within the corporate limits of the city, a public transportation system, when and as authorized by the council of the City of Norfolk.

To extend the operation and maintenance of such transportation system in territory adjoining the city of Norfolk when and as authorized so to do by the governing body of the political subdivision in which extended and as otherwise provided by law.

~~(l)~~(11) To establish, acquire, lease, maintain and operate such other public utilities and facilities as may be required of said Port Authority by the council of the City of Norfolk and as may be otherwise authorized by law.

~~(m)~~(12) To establish, acquire, lease, maintain and operate places for the parking or storage of vehicles by the public; to operate and maintain such places; to authorize or permit others to use, operate or maintain such places upon such terms and conditions as it may prescribe; to charge or authorize the charging of compensation for the parking or storage of vehicles at or in such places; and to accept from others donations of money or other property, or the right to use such property, to aid, in whole or in part, in the acquisition, maintenance and operation of such places. Before the powers set forth in this paragraph are exercised by the Authority prior approval of the council shall be first obtained.

~~(n)~~(13) To fix and charge tolls, fees and other charges for the use of, or for services rendered by, any of the facilities it is authorized to establish, construct, acquire, lease, maintain and operate.

~~(o)~~(14) To appoint and employ such officers, agents and employees as may be necessary to carry out the purposes of said Authority, to fix their compensation and to prescribe their duties.

~~(p)~~ (i) To exercise full law-enforcement powers with regard to upon all property owned, operated, managed, leased or maintained by the Authority and to appoint and employ policemen to enforce within the area under the control of the Authority the laws of the Commonwealth and the ordinances of the Cities of Norfolk or Virginia Beach, whichever may be applicable establish and maintain a police department; and to appoint and employ police officers to enforce the laws of the Commonwealth and the ordinances of the Cities of Norfolk and Virginia Beach, whichever may be applicable. Such policemen The Authority, its police force and its police officers shall have all the powers vested in localities, police forces, and its police officers under §§ 15.2-1704 and 52-8 Chapter 17 of Title 15.2, Chapter 11 of Title 16.1, Title 18.2, Title 19.2 and Title 46.2 of the Code of Virginia which sections shall apply, mutatis mutandis, to police appointed hereunder as those titles may be amended from time to time. The police department and police officers shall have jurisdiction to enforce the applicable laws (aa) upon all property owned, operated, managed, leased or maintained by the Authority; and (bb) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which Authority owned, operated, managed, leased or maintained properties are located. A local governing body may also petition the appropriate circuit court to reduce or eliminate the concurrent jurisdiction granted in designated areas by petition.

Such policemen police officers appointed by the Authority may issue summons to appear, or arrest on view or on information without warrant as permitted by law, within the jurisdiction of this Commonwealth, and conduct before the courts of competent jurisdiction of the Cities of Norfolk or Virginia Beach, any person violating, within or upon the airport or other property under the control of the Authority, any law of this Commonwealth or any ordinance of the City of Norfolk or the City of Virginia Beach.

For the purposes of enforcing such laws and ordinances the court or courts having jurisdiction for the trial of criminal offenses in the Cities of Norfolk or Virginia Beach wherein the offense was committed shall have jurisdiction to try a person charged with violating any such law, whether statute or ordinance, and any fine imposed for violation of an ordinance shall be paid into the general fund of the City of Norfolk or the City of Virginia Beach, depending on which city shall have jurisdiction of the offense committed.

~~(q)~~(ii) To make and enforce all rules, resolutions, and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law concerning all property owned, operated, leased, managed or maintained by the Norfolk Port Airport and Industrial Authority, and to provide suitable penalties for the violation of such rules, resolutions, and regulations, or any of them, by fine not exceeding one thousand dollars or confinement in jail not exceeding twelve months, either or both.

~~(r)~~(15) To do all other acts and things which may be reasonably necessary and convenient to carry out the purposes and powers given herein.

The powers conferred upon the Authority by this section except the powers conferred by subdivisions ~~(h), (i), (j), and (k)~~ clauses 7, 8, 9 and 10 of this section shall be exercised solely within the corporate

limits of the City of Norfolk; provided further that rentals and charges for any and all facilities constructed and/or operated pursuant to subdivisions (f) and (g) shall, as near as possible, be at commercial rates for like facilities or services, and include a sum equivalent to real estate taxes at current rates on such property.

Whenever in this act approval of the council of the City of Norfolk is required to enable the Authority to exercise any power herein granted it, such approval shall be only by a formal ordinance.

§ 144(d). Transfer of City's Facilities.

The council of the city of Norfolk is hereby authorized and empowered to transfer to said ~~Port~~ Authority the operation and maintenance of such of the above or other facilities as are now or may be hereafter owned by the city of Norfolk, on such terms and conditions as said council may prescribe. Nothing herein contained shall be construed as authorizing such ~~Port~~ Authority to maintain and operate such facilities now or hereafter owned by the city of Norfolk unless and until the operation thereof has been transferred by said council.

The council of the city of Norfolk is also hereby authorized and empowered to transfer the operation and maintenance and all rights, title and interest of the city of Norfolk to the above facilities as are now or may be hereafter owned by the city of Norfolk to said ~~Port~~ Authority or to any other authority or body politic authorized by law to maintain, operate or own such facilities, on such terms and conditions as said council may prescribe, reserving to the City a reversionary interest in such facilities if the council so determines.

The council of the city of Norfolk is further authorized and empowered to acquire by gift, purchase, lease, condemnation or otherwise, from time to time, whether before or after it transfers all right, title and interest of such facility or facilities to said ~~Port~~ Authority or such other authority or body politic, additional lands or interest in lands necessary or desirable for the operation of said facility or facilities. If the council so determines, it may transfer all right, title and interest of such additional lands or interest in lands to said ~~Port~~ Authority or such other authority or body politic on such terms and conditions as said council may prescribe, reserving to the city a reversionary interest in such additional lands or interest in lands if the council so determines. The right of the city to acquire such additional lands or interest in lands shall be the same as it had prior to the transfer of the right, title and interest of such facility to said ~~Port~~ Authority or such other authority or body politic.

§ 144(e). Contributions by City.

The city of Norfolk is authorized and empowered to make such appropriations, to provide such funds, and to make such loans and charge interest thereon to said ~~Port~~ Authority for the operation of the said ~~Port~~ Authority and for said ~~Port~~ Authority to operate and maintain, including the making of capital improvements thereon, any public utility or facility it has the power to acquire, lease, maintain and operate either directly or by transfer by the city of Norfolk to the said Authority and for the general operation of said ~~Port~~ Authority in carrying out its functions and powers, as its council may deem proper.

§ 144(f). Bonds—Power to Issue.

The Authority shall have the power to borrow money on either a short-term or a long-term basis and to issue from time to time its notes, bonds and other evidences of debt payable on such terms, conditions and provisions as in its discretion may be advisable, for any of its corporate purposes, including the payment or retirement of bonds, notes or other evidences of debt previously issued by it. The cost of carrying out its corporate purposes shall include discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates, advice, administrative, operating and other expenses of the Authority prior to and during acquisition or construction including the payment of interest on bonds during the period of construction and for not exceeding one year thereafter and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of and interest on bonds during and after such acquisition or construction as the Commissioners of the Authority may determine, and also reimbursements to the city of Norfolk or to any other person or corporation on account of any moneys theretofore expended for the purpose of the Authority. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest:

(a)(1) from its revenues generally;

(b)(2) exclusively from the income and revenues of a particular "facility"; which term shall mean a particular building or structure or particular buildings or structures including all equipment, appurtenances and accessories necessary or appropriate for the operation of such facility; or

(c)(3) exclusively from the income and revenues of certain designated facilities whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government, Commonwealth of Virginia, or city of Norfolk, or a pledge of any income or revenues of the Authority, or a mortgage, deed of trust, or other lien of any particular facility or facilities or other property of the Authority.

Except as to provisions of subsection ~~(g)~~(6) of § 144(c), the power to issue bonds shall not be exercised prior to July 1, 1950.

Whenever in this or other sections relating to the power of the Authority to issue its bond or bonds, the term "bond" or "bonds" is used, it shall be construed to mean and embrace its bonds, notes or other evidences of debt or any other obligations of said Authority.

§ 144(g). Bonds: Liability.

Neither the commissioners of the Authority 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 Authority (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 nor the city of Norfolk shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of the authority. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction. Bonds of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities.

§ 144(h). Bonds—Provisions.

~~(a)~~(1) Bonds of the Authority shall be authorized by resolutions adopted by the Board of Commissioners and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, may be sold at such price, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide. The bonds may be sold at public or private sale.

~~(b)~~(2) Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude issuing other bonds in connection with the same facility or any other facility, as may be authorized by the provisions of the bond resolution, trust indenture or mortgage. Any bonds of the Authority at any time outstanding may from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the Board of Commissioners may deem necessary.

~~(c)~~(3) If the proceeds derived from a particular bond issue due to error of estimates or otherwise, shall be less than the cost of the Authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such costs, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements or enlargements of the Authority facilities for which such bonds shall have been issued.

~~(d)~~(4) Prior to the preparation of definitive bonds, the Authority may, under like restriction, 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. Bonds may be issued under the provisions of this section without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this section, provided, however, that nothing contained in this section shall be construed as affecting the powers or duties now conferred by law upon the State Corporation Commission.

~~(e)~~(5) The bonds issued pursuant to this section shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians and for all public funds of the Commonwealth of Virginia or other political corporations or subdivisions of the Commonwealth. Such bonds shall be eligible to secure the deposit of any and all public funds of cities, towns, counties, school districts or other political corporations or subdivisions of the Commonwealth of Virginia, and such bonds shall be lawful and sufficient security for said deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto.

§ 144(i). Bonds: Validity.

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable within the meaning and for all the purposes of ~~chapter two hundred thirty-three~~ Chapter 233 of the Code of Virginia.

§ 144(j). In order to secure the payment of such bonds or other obligations the Authority shall have power by provision or provisions included in any resolution authorizing such bonds or in any indenture made to secure their payment:

(a)(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b)(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(c)(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any facility or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d)(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(e)(5) To covenant as to the rents and fees to be charged in the operation of a facility or facilities, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant, as to the use and disposition of the moneys held in such funds.

(f)(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g)(7) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h)(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i)(9) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenant securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said Authority, to take possession and use, operate and manage any facility or any part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee; or to appoint a receiver of any facility or part thereof to carry out such right, to provide for the powers and duties of a trustee or trustees or the holders of bonds or any proportion of them who may enforce any covenant or rights securing or relating to the bonds.

(j)(10) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of said Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

§ 144(k). Rights of Obligees.

An obligee of Authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee;

(a)(1) By mandamus, suit, action or proceeding at law or in equity to compel the Authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the authority and the fulfilment of all duties imposed upon the Authority by this chapter.

(b)(2) By suit, action or proceedings in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the Authority.

§ 144(l). Revenues.

The Authority established under this section (§ 144(a)) shall fix and revise from time to time the rents, fees and other charges to be paid by persons for the use of the various facilities of the Authority and for any other service furnished or provided by the Authority. Such rents, fees and charges shall be fixed so as to provide at least sufficient funds to pay the cost of maintaining, repairing and operating

such facilities and the principal and interest of any bonds issued by the authority or other debts contracted as the same shall become due and payable. A reserve may be accumulated and maintained out of the revenues of such authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution authorizing a bond issue or in any trust indenture securing such bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or securing any of the bonds or other obligations issued hereunder, such port authority shall have exclusive control of the revenues derived from any facility or facilities operated and controlled by it and the right to use such revenues in the exercise of its powers and duties set forth in this section. No individual, firm, association or corporation shall receive any profit or dividend from the revenues, earnings or other funds or assets of such Authority other than for debts contracted, for services rendered, for materials and supplies furnished and for other value actually received by the authority.

§ 144(m). Aid from Federal Government.

In addition to the other powers conferred by this act, such authority shall have the power to borrow money and to accept contributions, grants, and other financial assistance from the federal government and other agencies and agency or instrumentality thereof for or in aid of the construction and equipment of its facilities or the retirement or refunding of its bonds. To these ends such Authority shall have the power to comply with such conditions and to execute such mortgages, trust indentures and agreements as may be necessary, convenient or desirable and not in conflict with any provision of the Norfolk Charter of 1918.

§ 144(n). Nothing contained in any of the foregoing §§ 144(a) to 144(m), inclusive, shall be deemed to authorize the Authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by the city of Norfolk, or any public improvement or facility maintained by the City for the use of its inhabitants, without first obtaining the consent of the council of ~~said~~ the City.

§ 144(o). The powers granted and the duties imposed in any of the foregoing §§ 144(a) to 144(m), inclusive, shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of ~~the~~ §§ 144(a) to 144(m), inclusive, shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confirmed in its operation to the specific provisions so held unconstitutional or invalid.

§ 144(p). The powers conferred by any of ~~the~~ §§ 144(a) to 144(m), inclusive, shall be in addition to and not in substitution for any powers conferred on the city of Norfolk or its Council by any other laws.