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HOUSE BILL NO. 3180

AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Local Government
 on February 13, 2007)

(Patron Prior to Substitute—Delegate Gear)

A BILL to permit the conveyance of Fort Monroe to the Federal Area Development Authority, to amend and reenact § 15.2-6304 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 15.2-6304.1, relating to Fort Monroe and appointment of Fort Monroe Federal Area Development Authority board of commissioners.

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding the provisions of § 1-406 of the Code of Virginia or any other provision of law to the contrary, the Governor, on behalf of the Commonwealth and at such time as the Governor deems appropriate, may convey all right, title, and interest of the Commonwealth in and to certain real property located within the City of Hampton commonly referred to as "Fort Monroe," including any right of the Commonwealth to receive such property in the event of a reversion or the triggering of a possibility of a reverter to the Federal Area Development Authority created by the City of Hampton pursuant to § 15.2-6302 of the Code of Virginia.

2. That § 15.2-6304 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section number 15.2-6304.1 as follows:

§ 15.2-6304. Board of commissioners; appointment of director, agents and employees.

A. All powers, rights and duties conferred by this chapter, or other provisions of law, upon an authority created hereunder shall be exercised by a board of commissioners of that authority, hereinafter referred to as board or board of commissioners.

B. In the case of authorities created by proclamation of the Governor pursuant to § 15.2-6302, the board shall consist of seven members to be appointed by the Governor, of whom at least five shall be residents of the locality or localities in which the authority is located. The members shall serve for terms of six years each, the initial appointment to be two members for terms of six years, two members for terms of five years, two members for terms of four years and one member for a term of three years, and subsequent appointments to be made for terms of six years, except appointments to fill vacancies which shall be made for the unexpired term.

C. In the case of authorities created by the City of Hampton pursuant to § 15.2-6302, *other than the Fort Monroe Federal Area Development Authority pursuant to § 15.2-6304.1*, the board shall consist of up to seven members appointed by the locality in which the authority is located, all of whom shall be residents of such locality. The members shall serve for terms of not more than four years each. If a member resigns, dies, or is otherwise removed from his position on the board, the locality may appoint a new member to fill the vacancy for the remainder of the unexpired term.

D. Members shall receive from the authority their necessary travel and business expenses while on business of the board. Each commissioner shall before entering on his duties take and subscribe the oath prescribed by § 49-1.

E. The board shall appoint the chief executive officer of the authority, who shall not be a member thereof, to be known as the director of that authority, hereinafter referred to as director, and whose compensation shall be paid by the authority in the amount determined by the board. The board shall employ or retain such other agents or employees subordinate to the director as may be necessary, including persons with special qualifications, and shall determine which such agents or employees shall be bonded and the amount of such bonds. The director and other agents and employees so appointed shall serve at the pleasure of the board, which shall fix their compensation and prescribe their duties.

The board shall elect from its membership a chairman, vice-chairman, a secretary and a treasurer, or secretary-treasurer, and shall prescribe their powers and duties. ~~Four~~ *Except as provided in § 15.2-6304.1, four* members shall constitute a quorum of the board for the purpose of conducting its business and exercising its powers and for all other purposes. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection. It shall keep suitable records of all of its financial transactions and shall arrange to have the same audited annually.

§ 15.2-6304.1. Board of commissioners; Fort Monroe Federal Area Development Authority.

A. In the case of the Fort Monroe Federal Area Development Authority created by the City of Hampton pursuant to § 15.2-6302, the board shall consist of 14 members as follows: seven members shall be appointed by the locality in which the authority is located, all of whom shall be residents of such locality; one member shall be the member of the House of Delegates in whose district Fort Monroe is located; one member shall be the member of the Senate in whose district Fort Monroe is located; and the Secretary of Administration or his designee, the Secretary of Commerce and Trade or his designee,

60 *the Assistant to the Governor for Commonwealth Preparedness or his designee, the Secretary of Finance*
61 *or his designee, and the Secretary of Natural Resources or his designee, who shall serve ex officio with*
62 *full voting privileges. The members appointed by the locality shall serve for terms of not more than four*
63 *years each. If a member appointed by the locality resigns, dies, or is otherwise removed from his*
64 *position on the board, the locality may appoint a new member to fill the vacancy for the remainder of*
65 *the unexpired term.*

66 *B. The Fort Monroe Federal Area Development Authority shall adopt and make public bylaws that*
67 *shall include governance provisions describing the processes by which the Authority shall be operated*
68 *and the powers and duties of the board. The governance provisions shall include provisions regarding*
69 *the disposition of funds and property owned by the Authority in the event of the dissolution of the*
70 *Authority, and these provisions shall control such distribution in lieu of the provisions of § 15.2-6319.*
71 *For matters pertaining to Fort Monroe, the bylaws shall provide that 11 members shall constitute a*
72 *quorum of the board for the purpose of conducting its business and exercising its powers and for all*
73 *other purposes pertaining to Fort Monroe. The affirmative vote of 75 percent of the membership of the*
74 *board shall be required to adopt any final re-use plan or amendment thereto pertaining to Fort Monroe,*
75 *and for other matters as provided in the bylaws. The board shall keep detailed minutes of its*
76 *proceedings, which shall be open to public inspection. It shall keep suitable records of all of its*
77 *financial transactions and shall arrange to have the same audited annually.*

78 *C. The provisions of § 15.2-6304 shall apply mutatis mutandis to the Fort Monroe Federal Area*
79 *Development Authority.*

80 **3. That it is the intent of the General Assembly of Virginia that any Federal Area Development**
81 **Authority created by the City of Hampton pursuant to this act shall not be deemed an agency of**
82 **the Commonwealth.**

83 **4. That an emergency exists and this act is in force from its passage.**