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SENATE BILL NO. 1392

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 15, 2007)

(Patron Prior to Substitute—Senator Williams)

A *BILL 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 Virginia Fort Monroe Reuse Authority board of commissioners.*

Be it enacted by the General Assembly of Virginia:

1. 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 numbered 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, *other than the Virginia Fort Monroe Reuse Authority pursuant to § 15.2-6304.1*, 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, 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; Virginia Fort Monroe Reuse Authority.

A. *In the case of the Virginia Fort Monroe Reuse Authority created by the Governor pursuant to § 15.2-6302, the board shall consist of 21 members as follows: one member appointed by the Speaker of the House of Delegates, which member shall be the member of the House of Delegates in whose district Fort Monroe is located; one member appointed by the Senate Committee on Rules, which member shall be the member of the Senate of Virginia in whose district Fort Monroe is located; two nonlegislative citizen members who shall be appointed by the Speaker of the House of Delegates, both of whom shall be residents of the House of Delegates district in which Fort Monroe is located and one of whom shall be a representative of the Civil War Preservation Trust; two nonlegislative citizen members who shall be appointed by the Senate Committee on Rules, both of whom shall be residents of the Senate of Virginia district in which Fort Monroe is located; six nonlegislative citizen members, three of whom shall be appointed by the Speaker of the House of Delegates and three of whom shall be appointed by the Senate Committee on Rules, four of whom shall be residents of other than the locality or the House of Delegates district or Senate of Virginia district in which Fort Monroe is located and two of whom shall be residents of the City of Hampton; the Secretary of Administration or his designee, the Secretary of*

60 *Commerce and Trade or his designee, the Assistant to the Governor for Commonwealth Preparedness or*
61 *his designee, the Secretary of Finance or his designee, and the Secretary of Natural Resources or his*
62 *designee, who shall serve ex officio with full voting privileges; and four nonlegislative citizen members*
63 *appointed by the affirmative vote of 12 of the above 17 members of the board, one of whom shall have*
64 *recent and significant professional experience in the field of historic preservation, one of whom shall*
65 *have recent and significant professional experience in the field of regional economic development, one*
66 *of whom shall have recent and significant professional experience in the field of heritage tourism, and*
67 *one of whom shall have recent and significant professional experience in the field of conservation and*
68 *recreation. Vacancies shall be filled in the same manner as the original appointments. No member of*
69 *the board shall serve or have served on the Federal Area Development Authority created by the City of*
70 *Hampton pursuant to § 15.2-6302.*

71 *B. The Virginia Fort Monroe Reuse Authority shall adopt and make public bylaws that shall include*
72 *governance provisions describing the processes by which the Authority shall be operated and the powers*
73 *and duties of the board. For matters pertaining to Fort Monroe, other than the initial appointment of*
74 *the four professional members of the board and the reuse plan recommendation described in this*
75 *section, the bylaws shall provide that 16 members shall constitute a quorum for the purpose of*
76 *exercising its powers pertaining to Fort Monroe. Upon the affirmative vote of not less than 11 members*
77 *of the board, the Authority shall recommend to the Governor and the General Assembly a reuse plan*
78 *pertaining to Fort Monroe, including a specific recommendation as to the entity that should own and*
79 *operate all of Fort Monroe, and any recommended disposition of the right, title, and interest of the*
80 *Commonwealth in and to certain real property located within the City of Hampton commonly referred to*
81 *as "Fort Monroe," including any right of the Commonwealth to receive such property in the event of a*
82 *reversion or the triggering of a possibility of a reverter, and for other matters as provided in the*
83 *bylaws. The board shall keep detailed minutes of its proceedings, which shall be subject to the Freedom*
84 *of Information Act (§ 2.2-3700 et seq.). The board shall keep suitable records of all of its financial*
85 *transactions and shall arrange to have the same audited annually.*

86 *C. No reuse plan for state lands at Fort Monroe nor any property dispositions shall be recommended*
87 *by the Authority until it considers fully, with suitable professional input, the most appropriate and*
88 *beneficial use and management of these lands for this and future generations of Virginians, with due*
89 *regard for Fort Monroe's status as a National Historic Landmark District, its natural resources and*
90 *recreational opportunities, and its unique site on Hampton Roads and the Chesapeake Bay. Because the*
91 *completion of a National Park Service study for the potential inclusion of Fort Monroe in the National*
92 *Park System is necessary to full consideration of that alternative, the Commonwealth hereby states its*
93 *desire that the Virginia Congressional delegation promptly seek authorization for such a study in the*
94 *Congress, including possible consideration of a park paired with a trust to reduce or eliminate the*
95 *impact on federal budget. The Authority shall not recommend a reuse plan or any property disposition*
96 *until the results of such feasibility study have been reviewed by the Authority, or the Virginia*
97 *Congressional delegation advises the Authority that Congress has declined to authorize such a study.*

98 *D. The provisions of § 15.2-6304 shall apply, mutatis mutandis, to the Virginia Fort Monroe Reuse*
99 *Authority.*