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**SENATE BILL NO. 1400**

Offered January 18, 2011

A *BILL to amend the Code of Virginia by adding in Chapter 22 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2336 through 2.2-2350, and to repeal Chapter 73 (§§ 15.2-7300 through 15.2-7315) of Title 15.2 of the Code of Virginia, relating to the Fort Monroe Authority Act.*

Patrons—Locke and Miller, J.C.

Referred to Committee on Local Government

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 22 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2336 through 2.2-2350, as follows:**

*Article 10.**Fort Monroe Authority Act.*

§ 2.2-2336. *Short title; declaration of public purpose; Fort Monroe Authority created; successor in interest to Fort Monroe Federal Area Development Authority.*

A. *This article shall be known and may be cited as the Fort Monroe Authority Act.*

B. *The General Assembly finds and declares that:*

1. *Fort Monroe, located on a barrier spit at Hampton Roads Harbor and the southern end of Chesapeake Bay where the Old Point Comfort lighthouse has been welcoming ships since 1802, is one of the Commonwealth's most important cultural treasures. Strategically located near Virginia's Historic Triangle of Williamsburg, Yorktown, and Jamestown, the 565-acre site has been designated a National Historic Landmark District;*

2. *As a result of decisions made by the federal Defense Base Closure and Realignment Commission (known as the BRAC Commission), Fort Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the Commonwealth;*

3. *The planning phase of Fort Monroe's transition from use as a United States Army base has been managed by the Fort Monroe Federal Area Development Authority (FMFADA), established by the City of Hampton pursuant to legislation enacted by the General Assembly in 2007. The Fort Monroe Federal Area Development Authority, a partnership between the City and the Commonwealth, has fulfilled its primary purpose of formulating a reuse plan for Fort Monroe;*

4. *It is the policy of the Commonwealth to protect the historic resources at Fort Monroe, provide public access to the Fort's historic resources and recreational opportunities, exercise exemplary stewardship of the Fort's natural resources, and maintain Fort Monroe in perpetuity as a place that is a desirable one in which to reside, do business, and visit, all in a way that is economically sustainable;*

5. *Fort Monroe's status is unique. Municipal services will need to be provided to Fort Monroe's visitors, residents, and businesses. Both the Commonwealth and the FMFADA are signatories to a Programmatic Agreement under Section 106 of the National Historic Preservation Act that requires several specific actions be taken, including the enforcement of design standards to be adopted by the FMFADA or its successor to govern any new development or building restoration or renovation at Fort Monroe. There exists a need for an entity that can manage the property for the Commonwealth and ensure adherence to the findings, declarations, and policies set forth in this section; and*

6. *The creation of an authority for this purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth.*

C. *The Fort Monroe Authority is created, with the duties and powers set forth in this article, as a public body corporate and as a political subdivision of the Commonwealth. The Authority is constituted as a public instrumentality exercising public functions, and the exercise by the Authority of the duties and powers conferred by this article shall be deemed and held to be the performance of an essential governmental function of the Commonwealth. The exercise of the powers granted by this article and its public purpose shall be in all respects for the benefit of the inhabitants of the Commonwealth.*

D. *The Fort Monroe Authority is the successor in interest to that political subdivision formerly known as the Fort Monroe Federal Area Development Authority. As such, the Authority stands in the place and stead of, and assumes all rights and duties formerly of, the Fort Monroe Federal Area Development Authority, including but not limited to all leases, contracts, grants-in-aid, and all other agreements of whatsoever nature; holds title to all realty and personalty formerly held by the Fort Monroe Federal Area Development Authority; and may exercise all powers that might at any time past have been exercised by the Fort Monroe Federal Area Development Authority, including the powers and authorities of a Local Redevelopment Authority under the provisions of any and all applicable federal*

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59 laws, including the Defense Base Closure and Realignment Act of 2005.

60 E. The Fort Monroe Authority shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et  
61 seq.) and the Board shall adopt procedures consistent with that Act to govern its procurement processes.

62 F. Employees of the Fort Monroe Authority shall be eligible for membership in the Virginia  
63 Retirement System and all of the health and related insurance and other benefits, including premium  
64 conversion and flexible benefits, available to state employees as provided by law.

65 § 2.2-2337. Definitions.

66 As used in this article, unless the context requires a different meaning:

67 "Area of Operation" means an area coextensive with the territorial boundaries of the land acquired  
68 or to be acquired from the federal government by the Authority or the Commonwealth.

69 "Authority" means the Fort Monroe Authority.

70 "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the  
71 Authority pursuant to this article.

72 "City of Hampton" means the City of Hampton, Virginia, a municipal corporation of the  
73 Commonwealth of Virginia.

74 "Facility" means a particular building or structure or particular buildings or structures, including all  
75 equipment, appurtenances, and accessories necessary or appropriate for the operation of such facility.

76 "Project" means any specific enterprise undertaken by the Authority, including the facilities as  
77 defined in this article, and all other property, real or personal, or any interest therein, necessary or  
78 appropriate for the operation of such property.

79 "Real property" means all lands, including improvements and fixtures thereon, and property of any  
80 nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal  
81 or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise  
82 and the indebtedness secured by such liens.

83 "Trustees" means the members of the Board of Trustees of the Authority.

84 § 2.2-2338. Board of Trustees; membership.

85 There is hereby created a political subdivision and public body corporate and politic of the  
86 Commonwealth of Virginia to be known as the Fort Monroe Authority, to be governed by a Board of  
87 Trustees consisting of 11 voting members appointed as follows: the Secretary of Natural Resources and  
88 the Secretary of Commerce and Trade, or their successor positions if those positions no longer exist,  
89 from the Governor's cabinet; the member of the Senate of Virginia and the member of the House of  
90 Delegates representing the district in which Fort Monroe lies; two members appointed by the Hampton  
91 City Council; and five nonlegislative citizen members appointed by the Governor, four of whom shall  
92 have expertise relevant to the implementation of the Fort Monroe Reuse Plan, including but not limited  
93 to the fields of historic preservation, tourism, environment, real estate, finance, and education, and one  
94 of whom shall be a citizen representative from the Hampton Roads region. Cabinet members and elected  
95 representatives shall serve terms commensurate with their terms of office. Citizen appointees shall  
96 initially be appointed for staggered terms of either one, two, or three years, and thereafter shall serve  
97 for four-year terms. Cabinet members shall be entitled to send their deputies or another cabinet  
98 member, and legislative members another legislator, to meetings as full voting members in the event that  
99 official duties require their presence elsewhere. The Assistant to the Governor for Commonwealth  
100 Preparedness may serve as an ex officio, nonvoting member of the Board.

101 The Board so appointed shall enter upon the performance of its duties and shall initially and  
102 annually thereafter elect one of its members as chairman and another as vice-chairman, and shall also  
103 elect annually a secretary or secretary-treasurer who need not be a member of the Board. The  
104 chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the  
105 absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who  
106 shall preside at such meetings. Six Trustees shall constitute a quorum, and all action by the Board shall  
107 require the affirmative vote of a majority of the Trustees present and voting, except that any action to  
108 amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative  
109 vote of 75 percent or more of the Trustees present and voting. The members of the Board shall be  
110 entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while  
111 otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of  
112 the Authority in such manner as shall be prescribed by the Authority.

113 § 2.2-2339. Duties of the Authority.

114 The Authority shall have the power and duty:

115 1. To do all things necessary and proper to further an appreciation of the contributions of the first  
116 permanent English-speaking settlers as well as the Virginia Indians to the building of our  
117 Commonwealth and nation, to commemorate the establishment of the first coastal fortification in the  
118 English-speaking New World, to commemorate the lives of prominent Virginians who were connected to  
119 the largest moated fortification in the United States, to commemorate the important role of African  
120 Americans in the history of the site, including the "Contraband" slave decision in 1861 that earned Fort

Monroe the designation as "Freedom's Fortress," to commemorate Old Point Comfort's role in establishing international trade and British maritime law in Virginia, and to commemorate almost 250 years of continuous service as a coastal defense fortification of the United States of America;

2. To hire and develop a professional staff including an executive director and such other staff as is necessary to discharge the responsibilities of the Authority;

3. To establish personnel policies and benefits for staff;

4. To oversee the preservation, conservation, protection, and maintenance of the Commonwealth's natural resources and real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community;

5. To adopt an annual budget, which shall be submitted to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations and the Department of Planning and Budget by July 1 of each year; and

6. To provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole.

§ 2.2-2340. Additional declaration of policy; powers of the Authority.

A. It is the policy of the Commonwealth that the historic and natural resources of Fort Monroe be protected in any conveyance or alienation of real property interests by the Authority. Real property in the Area of Operation at Fort Monroe may be maintained as Commonwealth-owned land that is leased, whether by short-term operating/revenue lease or long-term ground lease, to appropriate public, private, or joint venture entities, with such historic and natural resources being protected in any such lease, to be approved as to form by the Attorney General of the Commonwealth of Virginia. If sold as provided in this article, real property interests in the Area of Operation at Fort Monroe may only be sold under covenants, historic conservation easements, or other appropriate legal restrictions approved as to form by the Attorney General that protect these historic and natural resources and only with the consent of both the Governor and the General Assembly, except that any sale to the National Park Service shall require only the approval of the Governor.

B. The Authority shall have the power and duty:

1. To sue and be sued; to adopt and use a common seal and to alter the same as may be deemed expedient; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with law, to carry into effect the powers and purposes of the Authority;

2. To foster and stimulate the economic and other development of Fort Monroe, including without limitation development for business, employment, housing, commercial, recreational, educational, and other public purposes; to prepare and carry out plans and projects to accomplish such objectives; to provide for the construction, reconstruction, improvement, alteration, maintenance, removal, equipping, or repair of any buildings, structures, or land of any kind; to lease or rent to others or to develop, operate, or manage with others in a joint venture or other partnering arrangement, on such terms as it deems proper and which are consistent with the provisions of § 2.2-2346, any lands, dwellings, houses, accommodations, structures, buildings, facilities, or appurtenances embraced within Fort Monroe; to establish, collect, and revise the rents charged and terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon the failure of the lessee or renter to comply with any of the obligations thereof; to arrange or contract for the furnishing by any person or agency, public or private, of works, services, privileges, or facilities in connection with any activity in which the Authority may engage, but expressly excluding works, services, privileges or facilities the City of Hampton provides; to acquire, own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, easement, dedication, or otherwise any real or personal property or any interest therein, which purchase, lease, or acquisition may be made for less than fair market value; as provided in this article, to sell, lease, exchange, transfer, assign, or pledge any real or personal property or any interest therein, which sale, lease, or other transfer or assignment may be made for less than fair market value; to dedicate, make a gift of, or lease for a nominal amount any real or personal property or any interest therein to the Commonwealth, the City of Hampton, or other localities or agencies, public or private, within the Area of Operation or adjacent thereto, jointly or severally, for public use or benefit, such as, but not limited to, game preserves, playgrounds, park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire, lease, maintain, alter, operate, improve, expand, sell, or otherwise dispose of onsite utility and infrastructure systems or sell any excess service capacity for offsite use; to acquire, lease, construct, maintain, and operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares, and merchandise; and to insure or provide for the insurance of any real or personal property or operation of the Authority against any risks or hazards. The title to any real property acquired by the Authority

182 shall be in the name of the Commonwealth;

183 3. To invest any funds held in reserves or sinking funds, or any funds not required for immediate  
184 disbursements, in property or security in which fiduciaries may legally invest funds subject to their  
185 control; to purchase its bonds at a price not more than the principal amount thereof and accrued  
186 interest, all bonds so purchased to be cancelled;

187 4. To undertake and carry out examinations, investigations, studies, and analyses of the business,  
188 industrial, agricultural, utility, transportation, and other economic development needs, requirements, and  
189 potentialities of its Area of Operation or offsite needs, requirements, and potentialities that directly  
190 affect the success of the Authority at Fort Monroe, and the manner in which such needs and  
191 requirements and potentialities are being met, or should be met, in order to accomplish the purposes for  
192 which it is created; to make use of the facts determined in such research and analyses in its own  
193 operation; and to make the results of such studies and analyses available to public bodies and to  
194 private individuals, groups, and businesses, except as such information may be exempted pursuant to the  
195 Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

196 5. To administer, develop, and maintain at Fort Monroe permanent commemorative cultural and  
197 historical museums and memorials;

198 6. To adopt names, flags, seals, and other emblems for use in connection with such shrines and to  
199 copyright the same in the name of the Commonwealth;

200 7. To enter into any contracts not otherwise specifically authorized in this article to further the  
201 purposes of the Authority, after approval as to form by the Attorney General;

202 8. To establish nonprofit corporations as instrumentalities to assist in administering the affairs of the  
203 Authority;

204 9. To exercise the power of eminent domain in the manner provided by Chapter 3 (§ 25.1-300 et  
205 seq.) of Title 25.1 within the Authority's Area of Operation; however, eminent domain may only be used  
206 to obtain easements across property on Fort Monroe for the provision of water, sewer, electrical,  
207 ingress and egress, and other necessary or useful services to further the purposes of the Authority,  
208 unless the Governor has expressly granted authority to obtain interests for other purposes;

209 10. To fix, charge, and collect rents, fees, and charges for the use of, or the benefit derived from, the  
210 services or facilities provided, owned, operated, or financed by the Authority benefiting property within  
211 the Authority's Area of Operation. Such rents, fees, and charges may be charged to and collected by  
212 such persons and in such manner as the Authority may determine from (i) any person contracting for  
213 the services or using the Authority facilities or (ii) the owners, tenants, or customers of the real estate  
214 and improvements that are served by, or benefit from the use of, any such services or facilities, in such  
215 manner as shall be authorized by the Authority in connection with the provision of such services or  
216 facilities. Such rents, fees, and charges shall not be chargeable to the Commonwealth or to the City of  
217 Hampton except as may be provided by lease or other agreement and shall be used to fund the  
218 provision of the additional, more complete, or more timely services authorized under subdivision 6 of  
219 § 2.2-2339, and the payments provided under § 2.2-2342 subject to the provisions of subsection B of  
220 § 2.2-2342;

221 11. To receive and expend gifts, grants, and donations from whatever source derived for the  
222 purposes of the Authority;

223 12. To employ an executive director and such deputies and assistants as may be required;

224 13. To elect any past chairman of the Board of Trustees to the honorary position of chairman  
225 emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected  
226 in addition to the nonlegislative citizen member positions defined in § 2.2-2338;

227 14. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired  
228 by purchase, gift, or loan and to exchange or sell the same if not inconsistent with the terms of such  
229 purchase, gift, loan, or other acquisition;

230 15. To change the form of investment of any funds, securities, or other property, real or personal,  
231 provided the same are not inconsistent with the terms of the instrument under which the same were  
232 acquired, and to sell, grant, or convey any such property, subject to the provisions of subsection A of  
233 § 2.2-2340;

234 16. To cooperate with the federal government, the Commonwealth, the City of Hampton, or other  
235 nearby localities in the discharge of its enumerated powers;

236 17. To exercise all or any part or combination of powers granted in this article;

237 18. To do any and all other acts and things that may be reasonably necessary and convenient to  
238 carry out its purposes and powers;

239 19. To adopt by the Board of Trustees of the Authority, or the executive committee thereof, and from  
240 time to time to amend and repeal regulations concerning the use and visitation of properties under the  
241 control of the Fort Monroe Authority to protect or secure such properties and the public enjoyment  
242 thereof;

243 20. To provide parking and traffic rules and regulations on property owned by the Authority; and

21. To provide that any person who knowingly violates a regulation of the Authority may be requested by an agent or employee of the Authority to leave the property and upon the failure of such person so to do shall be guilty of a trespass as provided in § 18.2-119.

§ 2.2-2341. Relationship to the City of Hampton.

The City of Hampton's jurisdictional limits include the Authority's Area of Operation; therefore, the City of Hampton is the locality and Virginia municipal corporation for the Authority's Area of Operation. Nothing in this article is intended to limit or restrict the otherwise existing authority of the City of Hampton which, except as expressly stated in this article, is reserved solely for the City of Hampton. As authorized in this article, the Authority may supplement in its area of operation the works, services, privileges, or facilities provided by the City of Hampton to provide additional, more complete, or more timely works, services, privileges, or facilities than provided by the City of Hampton.

§ 2.2-2342. Payments to Commonwealth or political subdivisions thereof; payments to the City of Hampton.

A. The Authority may agree to make such payments to the Commonwealth or any political subdivision thereof, which payments such bodies are hereby authorized to accept, for any goods, services, licenses, concessions or franchises as the Authority finds consistent with the purposes for which the Authority has been created.

B. On or before January 15, 2012, and thereafter on or before July 15 of every year, the Authority shall pay to the City of Hampton a fee in an amount to be determined by the following formula: the total assessed value of all real property interests in the Authority's Area of Operation, public and private, from September 15, 2011, through December 31, 2011, in the first year and thereafter as of January 1 of that year, determined as provided by law, divided by \$100, multiplied by the then-current real estate tax rate set by the City of Hampton, minus the actual real estate tax receipts by the City of Hampton from taxpayers within the Authority's Area of Operation, minus the amount of the real estate taxes that otherwise would be due on real property owned by the National Park Service or the City of Hampton and any real property remaining under the ownership of the federal government. The Authority shall use all funds available and manage its finances and take all necessary and prudent actions to ensure that the fee provided in subsection B of § 2.2-2342 is paid when due and shall notify the City of Hampton and the Trustees as soon as practical if the funds will not be available to pay the fee when due and the Trustees shall take all necessary actions to remedy any deficiency. In the event the fee is not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the City of Hampton until such time as the overdue payment and interest are paid. Unpaid fees and interest thereon shall rank in parity with liens for unpaid taxes and may be collected by the City of Hampton as taxes are collected; however, no property of the Commonwealth may be sold in such collection efforts.

C. The Authority shall have the right to contest the assessments made on property at Fort Monroe owned by the Commonwealth or itself using the procedures utilized by other citizens of the City of Hampton.

§ 2.2-2343. Authority may borrow money, accept contributions, etc.

In addition to the powers conferred upon the Authority by other provisions of this article, the Authority shall have the power:

1. To borrow moneys or accept contributions, grants, or other financial assistance from the federal government, the Commonwealth, any locality or political subdivision, any agency or instrumentality thereof, including but not limited to the Virginia Resources Authority, or any source, public or private, for or in aid of any project of the Authority, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases, or agreements as may be necessary, convenient, or desirable;

2. To apply for grants from the Urban Public-Private Partnership Redevelopment Fund pursuant to Chapter 24.1 (§ 15.2-2414 et seq.) of Title 15.2. The Authority shall be considered a local government eligible for grants under that chapter. Funds from any source available to the Authority may be used to meet the matching requirement of any such grant;

3. To participate in local group pools authorized pursuant to § 15.2-2703 or to participate in the Commonwealth's risk pool administered by the Division of Risk Management;

4. To utilize the provisions of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) as a qualifying public entity under those statutes;

5. To apply for and receive enterprise zone designation under the Enterprise Zone Grant Act (§ 59.1-538 et seq.). Fort Monroe shall be considered an eligible area for such designation, although the Governor is not obligated to grant such a designation;

6. To act as a local cooperating entity pursuant to § 62.1-148; and

7. To enter into privatized agreements with any public utility for the provisions of services at Fort

305 *Monroe, provided that the Authority and the City mutually agree that such services should not or need*  
306 *not be included under any franchise agreement that the City has with that utility. The utility shall*  
307 *provide the same service generally available to its other customers in the City of Hampton at*  
308 *reasonable rates.*

309 *§ 2.2-2344. Authority empowered to issue bonds; additional security; liability thereon.*

310 *The Authority shall have power to issue bonds from time to time in its discretion for any of its*  
311 *corporate purposes, including the issuance of refunding bonds for the payment or retirement of bonds*  
312 *previously issued by it. The Authority may issue such type of bonds as it may determine, including but*  
313 *not limited to:*

314 *1. Bonds on which the principal and interest are payable:*

315 *a. Exclusively from the income and revenues of the project or facility financed with the proceeds of*  
316 *such bonds;*

317 *b. Exclusively from the income and revenues of certain designated projects or facilities whether or*  
318 *not they are financed in whole or in part with the proceeds of such bonds; or*

319 *c. From its revenues generally; and*

320 *2. Bonds on which the principal and interest are payable solely from contributions or grants*  
321 *received from the federal government, the Commonwealth, or any other source, public or private.*

322 *Any such bonds may be additionally secured by a pledge of any grants or contributions from the*  
323 *federal government, the Commonwealth, any political subdivision of the Commonwealth, or other source,*  
324 *or a pledge of any income or revenues of the Authority, or a mortgage of any particular projects or*  
325 *facilities or other property of the Authority.*

326 *Neither the Trustees of the Authority nor any person executing the bonds shall be liable personally*  
327 *on the bonds by reason of the issuance thereof. The bonds and other obligations of the Authority, and*  
328 *such bonds and obligations shall so state on their face, shall not be a debt of the Commonwealth or any*  
329 *political subdivision thereof other than the issuing Authority, and neither the Commonwealth nor any*  
330 *political subdivision thereof other than the issuing Authority shall be liable thereon, nor shall such*  
331 *bonds or obligations be payable out of any funds or properties other than those of the Authority. The*  
332 *bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction.*  
333 *Bonds of the Authority are declared to be issued for an essential public and governmental purpose.*

334 *§ 2.2-2345. Powers and duties of executive director.*

335 *The executive director shall exercise such powers and duties relating to the Authority conferred upon*  
336 *the Board as may be delegated to him by the Board, including powers and duties involving the exercise*  
337 *of discretion. The executive director shall also exercise and perform such other powers and duties as*  
338 *may be lawfully delegated to him and such powers and duties as may be conferred or imposed upon*  
339 *him by law.*

340 *§ 2.2-2346. Legal services.*

341 *For such legal services as it may require, the Authority may employ its own counsel and legal staff*  
342 *or make use of legal services made available to it by any public body, or both; however, the Authority*  
343 *shall be required to use any legal services provided by the Office of the Attorney General, if such*  
344 *services are made available, since the property at Fort Monroe is an asset of the Commonwealth.*

345 *§ 2.2-2347. Exemption from taxation.*

346 *The bonds or other securities issued by the Authority, the interest thereon, and all real and personal*  
347 *property and any interest therein of the Authority, and all income derived therefrom by the Authority*  
348 *shall at all times be free from taxation by the Commonwealth, or by any political subdivision thereof.*

349 *§ 2.2-2348. Rents, fees, and charges; disposition of revenues.*

350 *The rents, fees, and charges established by the Authority for the use of its property, projects, and*  
351 *facilities and for any other service furnished or provided by the Authority shall be fixed so that they,*  
352 *together with other revenues of the Authority, shall provide at least sufficient funds to pay the cost of*  
353 *maintaining, repairing, and operating the Authority; its property, projects, and facilities; and the*  
354 *principal and interest of any bonds issued by the Authority or other debts contracted as the same shall*  
355 *become due and payable. A reserve may be accumulated and maintained out of the revenues of the*  
356 *Authority for extraordinary repairs and expenses and for such other purposes as may be provided in*  
357 *any resolution authorizing a bond issue or in any trust indenture securing such bonds. Subject to such*  
358 *provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or*  
359 *securing any of the bonds or other obligations issued hereunder, the Authority shall have exclusive*  
360 *control of the revenue derived from the operation of the Authority and the right to use such revenues in*  
361 *the exercise of its powers and duties set forth in this article. No person, firm, association, or*  
362 *corporation shall receive any profit or dividend from the revenues, earnings, or other funds or assets of*  
363 *such authority other than for debts contracted, for services rendered, for materials and supplies*  
364 *furnished, and for other value actually received by the Authority.*

365 *The accounts of the Authority shall be audited annually by the Auditor of Public Accounts, or his*  
366 *legally authorized representative, and the cost of such audit shall be borne by the Authority. Copies of*

the annual audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

§ 2.2-2349. Powers conferred additional and supplemental; severability; liberal construction.

The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law. The powers granted and the duties imposed in this article shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this article shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held unconstitutional or invalid. This article shall be liberally construed to effect the purposes hereof.

§ 2.2-2350. Sovereign immunity.

No provisions of this article nor any act of the Authority, including the procurement of insurance or self-insurance, shall be deemed a waiver of any sovereign immunity to which the Authority or its directors, officers, employees, or agents are otherwise entitled.

**2. That Chapter 73 (§§ 15.2-7300 through 15.2-7315) of Title 15.2 of the Code of Virginia is repealed.**

**3. That the repeal of Chapter 73 (§ 15.2-7300 et seq.) of Title 15.2 of the Code of Virginia shall not be construed to require the reappointment of any officer or any member of a board, council, committee, or other appointed body referred to in Article 10 (§ 2.2-2336 et seq.) of Chapter 22 of Title 2.2 of the Code of Virginia, and each such officer and member shall continue to serve for the term for which appointed pursuant to the provisions of Chapter 73 (§ 15.2-7300 et seq.) of Title 15.2 of the Code of Virginia.**