

# VIRGINIA ACTS OF ASSEMBLY -- 2012 RECONVENED SESSION

## CHAPTER 745

*An Act to amend and reenact §§ 1, 3, and 5 of Chapter 871 of the Acts of Assembly of 1988, relating to the Tappahannock-Essex County Airport Authority.*

[H 120]

Approved April 18, 2012

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

**1. That §§ 1, 3, and 5 of Chapter 871 of the Acts of Assembly of 1988 are amended and reenacted as follows:**

§ 1. Definitions.-As used in this act the words and terms herein shall have the following meanings, unless the context shall indicate another or different meaning or intent:

A. The word "Authority" shall mean the ~~Tappahannock~~-Essex County Airport Authority hereinafter created or, if the authority shall be abolished, the board, body, commission, or agency succeeding to the principal functions thereof or upon whom the powers given by this act to the Authority shall be conferred by law. *The Authority is the same political subdivision formerly known as the Tappahannock-Essex County Airport Authority. As such, the Authority has all rights, obligations, and duties of the Tappahannock-Essex County Airport Authority, including but not limited to all leases, contracts, grants-in-aid, bonds, and all other agreements of whatsoever nature; holds title to all realty and personalty held by the former Tappahannock-Essex County Airport Authority; and may exercise all powers that might at any time past have been exercised by the Tappahannock-Essex County Airport Authority.*

B. The word "project" shall mean an airport for general, commercial, and private use acquired, *maintained*, constructed, or reconstructed by the Authority under the provisions of this act, together with all necessary and convenient approaches, air navigation equipment, roads, and streets used in connection with such airport.

C. The term "cost of the project" shall embrace the cost of acquisition, construction or reconstruction (including improvements), landscaping, and conservation; the cost of acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the Authority for the operation of the project; the cost of demolishing or removing any buildings or structures on land acquired, including the cost of acquiring any land to which such buildings or structures may be moved; the cost of all machinery and equipment, financing charges, interest prior to and during construction or reconstruction, and, if deemed advisable by the Authority for a period not exceeding one year after completion of the project, the cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, provision for working capital and a reserve for interest; other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incident to the project, the financing, and the placing of the project in operation.

D. The word "bonds" or the words "revenue bonds" shall mean revenue bonds or refunding bonds of the Authority, notes, interim certificates and any other evidences of indebtedness issued under the provisions of this act.

§ 3. ~~"Tappahannock-Essex County Airport Authority."~~There is hereby created and constituted a political subdivision of the Commonwealth to be known as the ~~"Tappahannock-Essex County Airport Authority."~~ The exercise by the Authority of the powers conferred by this act in the acquisition, construction, reconstruction, operation, and maintenance of the project authorized by this act shall be deemed and held to be the performance of an essential governmental function.

~~The~~ *Until July 1, 2013, the Authority shall consist of seven members; three members shall be appointed by the Tappahannock Town Council, and four members shall be appointed by the Board of Supervisors of Essex County. As of and after July 1, 2013, the Authority shall consist of seven five members; three of these members shall be appointed by the Tappahannock Town Council and four members who shall be appointed by the Board of Supervisors of Essex County with at least one member residing in the Town of Tappahannock; on that date, the terms of members previously appointed by the Tappahannock Town Council shall be deemed expired, but the terms of members previously appointed by the Board of Supervisors of Essex County shall not be affected hereby, with two members' terms to end June 30, 2013; one member's term to end June 30, 2014; one member's term to end June 30, 2015; and the new member residing in the Town of Tappahannock to be appointed by the Board of Supervisors shall have an initial term expiring June 30, 2014. All appointments shall require only a simple resolution motion passed by majority vote of the body concerned. Members shall be subject to removal from office under provisions of Article 1.1, Chapter 6, Title 24.1, Code of Virginia, 1950 as amended.*

Members of the Authority shall serve for a term of three years; except that, to insure membership continuity, initial appointments by the two governing bodies shall be delegated as follows: one of the three members from the Town of Tappahannock shall be appointed for a term ending on June 30, 1988; one member for a term ending on June 30, 1989; and one member for a term ending on June 30, 1990; one of the four members from the County of Essex shall be appointed for a term ending on June 30, 1988; one member for a term ending on June 30, 1989; one member for a term ending on June 30, 1990; and one member for a term ending on June 30, 1991; with succeeding appointments to be for a full three-year term, thus requiring the appointment or reappointment of one member of the Authority by each governing body every year and may be reappointed. Interim vacancies occurring in the membership of the Authority due to deaths, resignations, etc., will be filled only for the unexpired term of that member. A member shall continue to serve until his successor shall be duly appointed and qualified.

The Authority shall annually in July elect one of its members as chairman and another as vice-chairman and shall also elect annually a secretary-treasurer, who may or may not be a member of the Authority.

The secretary-treasurer shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

~~Four~~ Three members of the Authority shall constitute a quorum and the affirmative vote of ~~four~~ members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the other rights and perform all the duties of the Authority, and no vacancy in the membership of the Authority shall impair the validity of any bonds or other evidences of indebtedness issued by the Authority.

The Authority shall meet at least monthly, at a time and place to be determined by the members and at such other ~~duties~~ times as the members may deem necessary or appropriate; minutes of all meetings shall be recorded with copies provided to each governing body *the Board of Supervisors of Essex County*.

Each governing body will provide interim administrative support until such time as the Authority is fully organized and self-sufficient.

Before the issuance of any revenue bonds under the provisions of this act the secretary-treasurer of the Authority shall execute a surety bond in the penal sum of \$50,000, such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the Commonwealth as surety and to be approved by the Attorney General and filed in the office of the Secretary of the Commonwealth.

The members of the Authority shall be entitled to reimbursement for their expenses incurred in attendance upon the meetings of the Authority or while otherwise engaged in the discharge of their duties, but otherwise shall serve without compensation.

§ 5. Acquisition of property.-A. The Authority is hereby authorized and empowered to acquire by eminent domain in accordance with the *applicable* provisions of ~~Chapters 1-1 and 6 of Title 25 § 5.1-34 and Title 25.1~~ of the Code of Virginia, as amended, or by purchase from funds provided under the provisions of this act, and such other moneys as may be provided by federal, state and local governments or by gift, such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands as it may deem necessary or convenient for the project, upon such terms and conditions as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof.

All public agencies and commissions of the Commonwealth, with the approval of the Governor, and, notwithstanding any contrary provisions of law, general or special, ~~the Town of Tappahannock and the County of Essex and all other local governments of the Commonwealth~~, without the necessity for any advertisement, order of court, or other action or formality, are hereby authorized and empowered to lease, lend, grant, give, transfer, or convey to the Authority at its request upon such terms and conditions as may be mutually agreed upon any real, personal, or mixed property, including money, which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public highways and other property already devoted to public use. ~~Four-sevenths of required local appropriation shall be provided by the County of Essex, and three-sevenths of any required local appropriation shall be provided by the Town of Tappahannock. All agreements or arrangements entered into by the Town of Tappahannock and the County of Essex to provide support for bonds or other obligations of the Authority issued or incurred before July 1, 2013, are hereby continued and shall remain in force and effect in accordance with their terms, provided that four-sevenths of any payment made pursuant to any such agreement or arrangement shall be provided by the County of Essex and three-sevenths of any such payment shall be provided by the Town of Tappahannock.~~

B. Title to any property acquired by the Authority shall be taken in the name of the Authority.