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SENATE BILL NO. 397

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on February 6, 2018)

(Patron Prior to Substitute—Senator Lewis)

A BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 59.2, consisting of sections numbered 15.2-5928 through 15.2-5933, relating to Hampton Roads Coastal Resiliency Authority.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 59.2, consisting of sections numbered 15.2-5928 through 15.2-5933, as follows:

CHAPTER 59.2.

HAMPTON ROADS COASTAL RESILIENCY AUTHORITY.

§ 15.2-5928. Authority created; membership.

The Hampton Roads Coastal Resiliency Authority, hereinafter referred to as the Authority, is created as a body politic and corporate, a political subdivision of the Commonwealth. As such, it shall have, and is hereby vested with, the powers and duties hereinafter conferred in this chapter. The Authority shall consist of all localities that make up the membership of the Hampton Roads Planning District Commission.

§ 15.2-5929. Purpose.

The Authority is created for the purpose of serving as a regional leader, resource, and partner for all issues related to coastal flooding and resiliency.

§ 15.2-5930. Board of Authority; members and officers; staff; annual report.

A. All powers, rights, and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of the Hampton Roads Coastal Resiliency Authority, hereinafter referred to as the Board or the Board of the Authority. Initial appointments shall begin July 1, 2018. The Board shall consist of 11 members, at least seven of whom shall be local elected officials, to be appointed for two-year terms by the Board of the Hampton Roads Planning District Commission. No locality shall be a member of the Authority until the governing body of such locality elects, by ordinance, to join the membership of the Authority. Any locality may withdraw, by ordinance, from the Authority at any time.

B. Each member of the Board shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath prescribed in § 49-1. Members shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

C. A majority of the members of the Board shall constitute a quorum, and the affirmative vote of a majority present shall be necessary for any action taken by the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

D. The Board shall elect from its membership a chairman and a vice-chairman for each calendar year.

E. Staffing and support for the Authority shall be provided by the localities and the planning district commission that make up the Authority. Additional staff support may be hired or contracted for by the Authority through funds raised by or provided to it. The Authority is authorized to determine the duties of such staff and fix staff compensation within available resources.

F. All agencies of the Commonwealth shall cooperate with the Authority and, upon request, shall assist the Authority in fulfilling its purposes and mission.

G. The Board, promptly following the close of the fiscal year, shall submit an annual report of the Authority's activities for the preceding year to the Governor, the General Assembly, and the governing body of each member locality. Each such report shall set forth a complete operating and financial statement covering the operation of the Authority during such year.

§ 15.2-5931. Powers of Authority.

The Authority acting through its Board:

1. Is vested with the powers of a body corporate, including the power to sue and be sued, plead and be impleaded, make contracts, and adopt and use a common seal and alter the same as may be deemed expedient;

2. May retain legal counsel to represent the Authority in hearings, controversies, or matters involving the interests of the Authority and the furtherance of its purposes;

3. May adopt, alter, or repeal its own bylaws and regulations that govern the manner in which its business may be transacted and may provide for the appointment of such committees, and the functions

60 thereof, as the Authority deems necessary to facilitate its business. Each committee shall consist of the
61 number of persons the Authority deems advisable; and

62 4. May solicit donations, grants, and any other funding from the Commonwealth, the federal
63 government, and regional, local government, and private entities to carry out its purposes, powers, and
64 duties.

65 **§ 15.2-5932. Duties of Authority; governmental functions.**

66 The Authority shall (i) provide a forum for the consideration of problems and possible solutions
67 related to coastal flooding and resiliency; (ii) develop and coordinate plans and programs, establish
68 priorities, and approve grants related to coastal resiliency; and (iii) encourage its member localities to
69 pursue all available resources for purposes of advancing solutions for coastal flooding.

70 **§ 15.2-5933. Dissolution of Authority.**

71 Whenever the Board determines that the purpose for which the Authority was created has been
72 substantially fulfilled or is impractical or impossible to accomplish and that all obligations incurred by
73 the Authority have been paid or that cash or a sufficient amount of United States government securities
74 has been deposited for their payment, or provisions satisfactory for the timely payment of all its
75 outstanding obligations have been arranged, the Board may adopt resolutions declaring and finding that
76 the Authority shall be dissolved. Appropriate attested copies of such resolutions shall be delivered to the
77 Governor so that legislation dissolving the Authority may be introduced in the General Assembly. The
78 dissolution of the Authority shall become effective according to the terms of such legislation. The title to
79 all funds and other property owned by the Authority at the time of such dissolution shall vest in the
80 counties that have contributed to the Authority's resources in proportion to their respective
81 contributions.

82 **2. That the provisions of this act shall not become effective until localities comprising at least**
83 **two-thirds of the population of the Hampton Roads Planning District have elected, by ordinance,**
84 **to join the membership of the Hampton Roads Coastal Resiliency Authority.**