

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to create the Middle Peninsula Regional Airport Authority.

[H 2427]

Approved

Be it enacted by the General Assembly of Virginia:**1. § 1. Title.**

This act shall be known and may be cited as the Middle Peninsula Regional Airport Authority Act.

§ 2. Creation; public purpose.

If the Town of West Point, or the governing bodies of any the Counties of Gloucester, King William, King and Queen, Mathews, Middlesex, and New Kent, and the Town of West Point, by resolution declare that there is a need for an airport authority to be created, and an operating agreement is developed for the purpose of establishing or operating airport facilities for any such participating political subdivisions, and that they should unite in its formation, an airport authority to be known as the Middle Peninsula Regional Airport Authority (hereinafter the "Authority") shall thereupon exist for such participating counties and town and shall exercise its powers and functions as prescribed herein. The region for which such Authority shall exist shall be coterminous with the boundaries of the participating political subdivisions.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the Middle Peninsula Regional Airport Authority, the Authority shall be deemed to have been created as a body corporate and to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution as aforesaid by the governing bodies of such counties and town declaring that there is a need for such Authority and that they should unite in its formation. A copy of such resolution duly certified by the clerks of the counties and town by which it is adopted shall be admissible as evidence in any suit, action, or proceedings. Any political subdivision of the Commonwealth is authorized to join such Authority pursuant to the terms and conditions of this Act.

The ownership and operation by the Authority of modern and efficient air transportation and related facilities and the exercise of powers conferred by this Act are proper and essential governmental functions and public purposes and matters of public necessity for which public moneys may be spent and private property acquired through the power of eminent domain as hereinafter provided. Contract obligations of a county or town to provide payments over a period of more than one year to the Authority shall be excluded from existing indebtedness of such county or town for purposes of calculating debt limit pursuant to Section 10 (a) of Article VII of the Constitution of Virginia. The Authority is a regional entity of government by or on behalf of which debt may be contracted by or on behalf of any county or town pursuant to Section 10 (a) of Article VII of the Constitution of Virginia.

§ 3. Definitions.

As used in this act the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the Middle Peninsula Regional Airport Authority Act.

"Authority" means the Middle Peninsula Regional Airport Authority created by this Act.

"Board of Directors" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, or other evidence of financial indebtedness issued by this Authority pursuant to this Act.

"Commonwealth" means the Commonwealth of Virginia.

"Facility" means any and all airports, terminals, runways, hangars, loading facilities, repair shops, parking areas, facilities for the preparation of in-flight meals, restaurants and accommodations for temporary or overnight use by passengers, and other facilities functionally related to the needs or convenience of passengers, shipping companies and airlines, and industrial and commercial facilities, purchased, constructed or otherwise acquired or operated by the Authority pursuant to the provisions of this Act. Any facility may consist of or include any or all buildings or other structures, improvements, additions, extensions, replacements, machinery, or equipment, together with appurtenances, lands, rights in land, aviation rights, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways, or other facilities necessary or desirable in connection therewith or incidental thereto.

"Middle Peninsula Regional Airport" means the airport facilities located south of State Route 33 and west of State Route 605 in King and Queen County, approximately one mile from the Town of West Point, and any other facilities necessary, incidental, or convenient to the operation of the facilities.

57 *"Participating political subdivision" means any of the Counties of Gloucester, King William, King*
 58 *and Queen, Mathews, Middlesex, New Kent or the Town of West Point or any other subdivision which*
 59 *may join or has joined the Authority pursuant to §§ 4 and 5 of this Act.*

60 *"Political subdivision" means a county, municipality or other public body of this Commonwealth.*

61 *§ 4. Participating political subdivision.*

62 *Prior to becoming a participating political subdivision, each political subdivision shall enter into a*
 63 *contract with the Authority and other participating political subdivisions setting forth the financial*
 64 *contribution to be made by such political subdivision to the Authority.*

65 *No pecuniary liability of any kind shall be imposed upon any participating political subdivision*
 66 *because of any act, omission, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or*
 67 *on the part of the Authority or any member thereof, or its agents, servants, or employees, except as*
 68 *otherwise provided in this Act with respect to contracts and agreements between the Authority and any*
 69 *other political subdivision.*

70 *§ 5. Appointment of a board of directors.*

71 *The powers of the Authority shall be vested in the directors of the Authority. The governing body of*
 72 *each participating political subdivision shall appoint a director, who may be a member of the*
 73 *appointing governing body. In the event there are two or fewer participating jurisdictions in the*
 74 *Authority, each participating jurisdiction shall appoint three directors. The governing body of each*
 75 *political subdivision shall be empowered to remove at any time, without cause, any director appointed*
 76 *by it and appoint a successor director to fill the unexpired portion of the removed director's term.*

77 *Each director may be reimbursed by the Authority for the amount of actual expenses incurred by him*
 78 *in the performance of his duties.*

79 *§ 6. Organization.*

80 *A simple majority of the directors in office shall constitute a quorum. No vacancy in the membership*
 81 *of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties*
 82 *of the Authority.*

83 *The Authority shall hold regular meetings at such times and places as may be established by its*
 84 *bylaws duly adopted and published at the organizational meeting of that body.*

85 *The board of directors shall annually elect a chairman and a vice-chairman from their membership,*
 86 *a secretary and a treasurer or a secretary-treasurer from their membership or not as they deem*
 87 *appropriate, and such other officers as they may deem appropriate.*

88 *The board of directors may make and from time to time amend and repeal bylaws, not inconsistent*
 89 *with this Act, governing the manner in which the Authority's business may be transacted and in which*
 90 *the power granted to it may be enjoyed. The board of directors may appoint such committees as they*
 91 *may deem advisable and fix the duties and responsibilities of such committees.*

92 *§ 7. Powers.*

93 *The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of*
 94 *this Act, including the following, to:*

95 *1. Adopt bylaws for the regulation of its affairs and the conduct of its business;*

96 *2. Sue and be sued in its own name;*

97 *3. Have perpetual succession;*

98 *4. Adopt a corporate seal and alter the same at its pleasure;*

99 *5. Maintain offices at such places as it may designate;*

100 *6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any airport,*
 101 *air landing fields, structures, aviation facilities, and other property incidental thereto within the*
 102 *territorial limits of the participating political subdivisions;*

103 *7. Construct, install, maintain, and operate facilities for the servicing and storage of aircraft and for*
 104 *the accommodation of cargo, freight, mail, express, etc., and for the accommodation and comfort of air*
 105 *travelers, and for lease or sale to industrial or commercial users, and to purchase and sell equipment*
 106 *and supplies incidental to the operation of its airport facilities;*

107 *8. Grant to others the privilege to operate for profit concessions, leases, and franchises, including,*
 108 *but not limited to, the sale of airplanes, fuel, parts and equipment, maintenance of aircraft, the*
 109 *accommodation and comfort of persons using its facilities and the providing of ground transportation*
 110 *and parking facilities for such persons, and such concessions, leases, and franchises shall be exclusive*
 111 *or limited when deemed by the Authority necessary to further the public safety, improve the quality of*
 112 *air service, avoid duplication of service or conserve airport property and the airport operation;*

113 *9. Determine fees, rates, and charges for the use of its facilities;*

114 *10. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property or*
 115 *other financial assistance from the United States of America and agencies and instrumentalities thereof,*
 116 *Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition,*
 117 *ownership, operation, maintenance or repair of the Authority's facilities or for the payment of principal*

of any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the Authority shall have the power to render such services, comply with such conditions and execute such agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a condition to such financial aid;

11. Establish, operate, and maintain a foreign trade zone and otherwise to expedite and encourage foreign commerce;

12. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;

13. Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services contemplated by § 14 hereof, accounting services, including the annual independent audit required by § 11 hereof, procurement of goods and services, and to act as fiscal agent for the Authority;

14. Establish personnel rules;

15. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;

16. Subject to the provisions of any deed or deeds from the Town of West Point to the Authority and any agreement or agreements among or between the Authority and any participating political subdivision, to sell, lease, grant options upon, exchange, transfer, assign, or otherwise dispose of any property, real or personal, or any interest therein if such disposition is in the public interest and in furtherance of the purposes of this Act or if such property is not necessary for the purposes of the Authority; and to mortgage, pledge, or otherwise encumber such real or personal property for furtherance of any purposes of the Authority;

17. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

18. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;

19. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

20. Purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee or agent of the Authority against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such;

21. Do all things necessary or convenient to the purposes of this Act. To that end, the Authority may acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and adopt rules and regulations;

22. Whenever it shall appear to the Authority, or to a simple majority of participating political subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision may petition the circuit court of a participating political subdivision for the dissolution of the Authority. If the court shall determine that the need for the Authority as set forth in this Act no longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

Upon dissolution, the court shall order any real or tangible personal property contributed to the Authority by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivisions. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Authority.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. From the final judgment of the court, an appeal shall lie to the Supreme Court of Virginia.

§ 8. Name of airport.

The name of the airport operated by the Authority within the boundaries of King and Queen County shall be the Middle Peninsula Regional Airport. The name of this airport, or any other airport owned and/or operated by the Authority, may be changed upon approval of a simple majority of the directors of the Authority.

§ 9. Rules, regulations, and minimum standards.

The Authority shall have the power to adopt, amend, and repeal rules, regulations, and minimum

standards, for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities.

Unless the Authority shall by unanimous vote of the board of directors determine that an emergency exists, the Authority shall, prior to the adoption of any rule or regulation or alteration, amendment or modification thereof:

1. Make such rule, regulation, alteration, amendment or modification in convenient form available for public inspection in the office of the Authority for at least ten days; and

2. Post in a public place a notice declaring the board of directors' intention to consider adopting such rule, regulation, alteration, amendment or modification and informing the public that the Authority will at a public meeting consider the adoption of such rule or regulation or such alteration, amendment, or modification, on a day and at a time to be specified in the notice, after the expiration of at least ten days from the first day of the posting of the notice thereof. The Authority's rules and regulations shall be available for public inspection in the Authority's principal office.

The Authority's rules and regulations relating to: (i) traffic, including but not limited to motor vehicle speed limits and the location of and charges for public parking; (ii) access to Authority facilities, including but not limited to solicitation, handbilling, and picketing; and (iii) aircraft operation and maintenance shall have the force of law, as shall any other rule or regulation of the Authority which shall contain a determination by the Authority that it is necessary to accord the same force and effect of law in the interest of the public safety. However, with respect to motor vehicle traffic rules and regulations, the Authority shall obtain the approval of the appropriate official of the political subdivision in which such rules or regulations are to be enforced. The violation of any rule or regulation of the Authority relating to motor vehicle traffic shall be tried and punished in the same manner as if it had been committed on the public roads of the participating political subdivision in which such violation occurred. All other violations of the rules and regulations having the force of law shall be punishable as misdemeanors.

All ordinances, rules, regulations, and minimum standards duly adopted for the regulation, administration and operation of Middle Peninsula Regional Airport, in force at the effective date of this Act, shall remain in full force insofar as they or any part thereof are not inconsistent with the provisions of this Act until amended or repealed in accordance with this Act.

§ 10. Eminent domain.

The Authority is hereby granted full power to exercise the right of eminent domain within the participating political subdivisions in the acquisition of any lands, easements, privileges, or other property interests which are necessary for airport purposes, including, where necessary to provide unobstructed air space for the landing and taking off of aircraft utilizing its airport, aviation easements over lands or water outside the boundaries of its airport, even though such aviation easement may be either inconsistent with the continued use of such land for the same purposes for which it had been used prior to such acquisition, or inconsistent with the maintenance, preservation, and renewal of any structure or any tree or other vegetation standing or growing on said land at the time of such acquisition. Proceedings for the acquisition of such land, easements, and privileges by condemnation may be instituted and conducted in the name of the Authority in accordance with Title 25 of the Code of Virginia.

§ 11. Reports.

The Authority shall keep minutes of its proceedings, which minutes shall be open to public inspection during normal business hours. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually by an independent certified public accountant. Copies of each such audit shall be furnished to each participating political subdivision and shall be open to public inspection.

§ 12. Procurement.

All contracts that the Authority may let for professional services, nonprofessional services, or materials shall be subject to the Virginia Public Procurement Act (§ 11-35 et seq.) of the Code of Virginia.

§ 13. Deposit and investment of funds.

Except as provided by contract with a participating political subdivision, all moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this Act. All moneys of the Authority shall be deposited as soon as practicable in a separate account or accounts in one or more banks or trust companies organized under the laws of the Commonwealth or national banking associations having their principal offices in the Commonwealth. Such deposits shall be continuously secured in accordance with the Virginia Security for Public Deposits Act (§ 2.1-359 et seq.).

Funds of the Authority not needed for immediate use or disbursement may, subject to the provisions

of any contract between the Authority and the holders of its bonds, be invested in securities which are considered lawful investments for fiduciaries.

§ 14. Authority to issue bonds.

The Authority shall have the power to issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of Authority facilities and including the payment or retirement of bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest: (i) from its revenues and receipts generally and (ii) exclusively from the revenues and receipts of certain designated facilities or loans whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contribution from a participating political subdivision, the Commonwealth or any political subdivision, agency or instrumentality thereof, and federal agency or any unit, private corporation, co-partnership, association, or individual, as such participating political subdivision, or other entities may be authorized to make under general law or by pledge of any income or revenues of the Authority or by mortgage or encumbrance of any property or facilities of the Authority. Unless otherwise provided in the proceeding authorizing the issuance of the bonds, or in the trust indenture securing the same, all bonds shall be payable solely and exclusively from the revenues and receipts of a particular facility or loan. Bonds may be executed and delivered by the Authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding forty years from the date thereof, may be payable at such place or places whether within or without the Commonwealth, may bear interest at such rate or rates, may be payable at such time or times and at such places, may be evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided and specified by the board of directors in authorizing each particular bond issue.

If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the Authority are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the Authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the Authority to be most advantageous, and the Authority may pay all costs, premiums, and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same facility or any other facility, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Any bonds of the Authority at any time outstanding may from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any costs, premiums, or commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the holders of the bonds so to be refunded, and regardless of whether or not the bonds to be refunded were issued in connection with the same facilities or separate facilities, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or on different dates or shall be due serially or otherwise.

All bonds shall be signed by the chairman or vice-chairman of the Authority or shall bear his facsimile signature, and the corporate seal of the Authority or a facsimile thereof shall be impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-treasurer) or the assistant secretary (or assistant secretary-treasurer) of the Authority or shall bear his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of said chairman. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before delivery of such bonds, such signature, or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. When the signatures of both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds must be authenticated by a corporate trustee or other authenticating agent approved by the Authority.

301 *If the proceeds derived from a particular bond issue, due to error of estimates or otherwise, shall be*
 302 *less than the cost of the Authority facilities for which such bonds were issued, additional bonds may in*
 303 *like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the*
 304 *proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the*
 305 *same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund*
 306 *without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue*
 307 *shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds or*
 308 *may be applied to the payment of the cost of any additions, improvements, or enlargements of the*
 309 *Authority facilities for which such bonds shall have been issued.*

310 *Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim*
 311 *receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such*
 312 *bonds shall have been executed and are available for delivery. The Authority may also provide for the*
 313 *replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be*
 314 *issued under the provisions of this Act without obtaining the consent of any department, division,*
 315 *commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the*
 316 *happening of any other conditions or things other than those proceedings, conditions, or things which*
 317 *are specifically required by this Act; provided, however, that nothing contained in this Act shall be*
 318 *construed as affecting the powers and duties now conferred by law upon the State Corporation*
 319 *Commission.*

320 *All bonds issued under the provisions of this Act shall have and are hereby declared to have all the*
 321 *qualities and incidents of and shall be and are hereby made negotiable instruments under the Uniform*
 322 *Commercial Code of Virginia (§ 8.1-101 et seq.), subject only to provisions respecting registration of the*
 323 *bonds.*

324 *In addition to all other powers granted to the Authority by this Act, the Authority is authorized to*
 325 *provide for the issuance, from time to time of notes or other obligations of the Authority for any of its*
 326 *authorized purposes. All of the provisions of this Act which relate to bonds or revenue bonds shall apply*
 327 *to such notes or other obligations insofar as such provisions may be appropriate.*

328 *§ 15. Fees, rents, and charges.*

329 *The Authority is hereby authorized to and shall fix, revise, charge, and collect fees, rents, and other*
 330 *charges for the use and services of any facilities. Such fees, rents, and other charges shall be so fixed*
 331 *and adjusted as to provide a fund sufficient with other revenues to pay the cost of maintaining,*
 332 *repairing, and operating the facilities and the principal and any interest on its bonds as the same shall*
 333 *become due and payable, including reserves therefor. Such fees, rents, and charges shall not be subject*
 334 *to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or any*
 335 *participating political subdivision. The fees, rents, and other charges received by the Authority, except*
 336 *such part thereof as may be necessary to pay the cost of maintenance, repair, and operation and to*
 337 *provide such reserves therefor as may be provided for in any resolution authorizing the issuance of such*
 338 *bonds or in any trust indenture or agreement securing the same, shall to the extent necessary, be set*
 339 *aside at such regular intervals as may be provided in any such resolution or trust indenture or*
 340 *agreement in a sinking fund or sinking funds pledged to, and charged with, the payment and the interest*
 341 *on such bonds as the same shall become due, and the redemption price or the purchase price of such*
 342 *bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the*
 343 *time when the pledge is made. So long as any of its bonds are outstanding, the fees, rents, and charges*
 344 *so pledged and thereafter received by the Authority shall immediately be subject to the lien of such*
 345 *pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be*
 346 *valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against*
 347 *the Authority irrespective of whether such parties have notice thereof. Neither the resolution nor any*
 348 *trust indenture by which a pledge is created need be filed or recorded except in the records of the*
 349 *Authority. The use and disposition of moneys to the credit of any such sinking fund shall be subject to*
 350 *the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture or*
 351 *agreement.*

352 *§ 16. Credit of Commonwealth and political subdivisions not pledged.*

353 *Bonds issued pursuant to the provisions of this Act shall not be deemed to constitute a debt of the*
 354 *Commonwealth, or any political subdivision thereof other than the Authority, but such bonds shall be*
 355 *payable solely from the funds provided therefor as herein authorized. All such bonds shall contain on*
 356 *the face thereof a statement to the effect that neither the Commonwealth, nor any political subdivision*
 357 *thereof, nor the Authority shall be obligated to pay the same or the interest thereon or other costs*
 358 *incident thereto except from the revenues and money pledged therefor and that neither the faith and*
 359 *credit nor the taxing power of the Commonwealth, or any political subdivision thereof, is pledged to the*
 360 *payment of the principal of such bonds or the interest thereon or other costs incident thereto.*

361 *All expenses incurred in carrying out the provisions of this Act shall be payable solely from the*

funds of the Authority and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall be available to the Authority.

Bonds issued pursuant to the provisions of this Act shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

§ 17. Directors and persons executing bonds not liable thereon.

Neither the board of directors nor any person executing the bonds shall be liable personally on the Authority's bonds by reasons of the issuance thereof.

§ 18. Security for payment of bonds; default.

The principal of and interest on any bonds issued by the Authority shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a trust indenture covering all or any part of the Authority facilities from which revenues or receipts so pledged may be derived, including any enlargements of any additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents for any portions thereof leased by the Authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, and trust indenture made for the benefit or security of any of the bonds of the Authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any trust indenture executed as security therefor, may be enforced by mandamus, suit, action, or proceeding at law or in equity to compel the Authority and the directors, officers, agents, or employees thereof to perform each and every term, provision and covenant contained in any trust indenture of the Authority, the appointment of a receiver in equity, or by foreclosure of any such trust indenture, or any one or more of said remedies.

§ 19. Taxation.

The exercise of the powers granted by this Act shall in all respects be presumed to be for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their health, safety, welfare, convenience and prosperity, and as the operation and maintenance of any project which the Authority is authorized to undertake will constitute the performance of an essential governmental function, the Authority shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this Act and the bonds issued under the provisions of this Act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof. Persons, firms, partnerships, associations, corporations, and organizations leasing property of the Authority or doing business on property of the Authority shall be subject to and liable for payment of all applicable taxes of the political subdivision in which such leased property lies or in which business is conducted including, but not limited to, any leasehold tax on real property and taxes on hotel and motel rooms, taxes on the sale of tobacco products, taxes on the sale of meals and beverages, privilege taxes and local general retail sales and use taxes, taxes to be paid on licenses in respect to any business, profession, vocation or calling, and taxes upon consumers of gas, electricity, telephone, and other public utility services.

§ 20. Bonds as legal investments.

Bonds issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 21. Appropriation by political subdivision.

Any participating political subdivision, or other political subdivision of the Commonwealth, is authorized to provide services, to donate real or personal property and to make appropriations to the Authority for the acquisition, construction, maintenance, and operation of the Authority's facilities. Any such political subdivision is hereby authorized to issue its bonds, including general obligation bonds, in the manner provided in the Public Finance Act (§ 15.1-227.1 et seq.) or in any applicable municipal charter for the purpose of providing funds to be appropriated to the Authority, and such political subdivisions may enter into contracts obligating such bond proceeds to the Authority.

The Authority may agree to assume, or reimburse a participating political subdivision for any

indebtedness incurred by such participating political subdivision with respect to facilities conveyed by it to the Authority.

§ 22. Contracts with political subdivisions.

The Authority is authorized to enter into contracts with any one or more political subdivisions.

§ 23. Agreement with Commonwealth and participating political subdivisions.

The Commonwealth and, by participating in the Authority, each participating political subdivision pledge to and agree with the holders of any bonds issued by the Authority that neither the Commonwealth nor any participating political subdivision will limit or alter the rights hereunder vested in the Authority to fulfill the terms of any agreements made with said holders or in any way impair the rights and remedies of said holders until such bonds are fully met and discharged. The Authority is authorized to include this pledge and agreement in any contract with the holders of the Authority's bonds.

§ 24. Liberal construction.

Neither this Act nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the Authority might otherwise have under any laws of the Commonwealth, and this Act is cumulative to any such powers. This Act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this Act.

§ 25. Application of local ordinances, service charges, and taxes upon leaseholds.

Nothing herein contained shall be construed to exempt the Authority's property from any applicable zoning, subdivision, erosion and sediment control, and fire prevention codes or from building regulations of a political subdivision in which such property is located. Nor shall anything herein contained exempt the property of the Authority from any service charge authorized by the General Assembly pursuant to Article X, Section 6 (g) of the Constitution of Virginia, or exempt any lessee of any of the Authority's property from any tax imposed upon his leasehold interest in such property or upon the receipts derived therefrom.

§ 26. Existing contracts, leases, franchises, etc., not impaired.

No provisions of this Act shall relieve, impair, or affect any right, duty, liability, or obligation arising out of any contract, concession, lease, or franchise now in existence except to the extent that such contract, concession, lease, or franchise may permit. Notwithstanding the foregoing provision of this section, the Authority may renegotiate, renew, extend the term of, or otherwise modify at any time any contract, concession, lease, or franchise now in existence in such manner and on such terms and conditions as it may deem appropriate, provided that the operator of or under any said contract, concession, lease, or franchise consents to said renegotiation, renewal, extension, or modification.

§ 27. Withdrawal of membership.

Any member jurisdiction may withdraw from membership in the Authority by resolution or ordinance of its governing body; however, no member jurisdiction shall be permitted to withdraw from the Authority after any obligation has been incurred except by unanimous vote of all member jurisdictions.