

# VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

## CHAPTER 211

*An Act to amend and reenact §§ 2 and 4, as amended, of Chapter 46 of the Acts of Assembly of 1952, which created the presently named Peninsula Ports Authority of Virginia.*

[S 621]

Approved April 2, 1998

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

**1. That §§ 2 and 4, as amended, of Chapter 46 of the Acts of Assembly of 1952 are amended and reenacted as follows:**

§ 2. The Authority may exercise its powers within the boundaries of the Cities of *Hampton*, Newport News, ~~Hampton~~, Poquoson, and Williamsburg and the Counties of *Gloucester*, James City and York and in the waters adjacent thereto and, in addition, may finance Authority Facilities without the boundaries of such cities and counties, and in connection with such financing of Authority Facilities, may acquire, construct, improve, maintain, equip and furnish such Authority Facilities, to the same extent and subject to the same restrictions imposed by Chapter 3 of the Acts of Assembly of 1981, (adding the second paragraph to § ~~15.1-1378~~ 15.2-4905 of the Code of Virginia), as amended or hereafter amended, on industrial development authorities created pursuant to Chapter 33 of Title ~~15.4~~ 15.2 of the Code of Virginia.

§ 4. The Authority shall be governed by a commission composed of nine commissioners. All powers and duties of the Authority shall be exercised and performed by the commission. The nine incumbent members of the commission are declared to be and are the lawfully constituted members of the commission, and their appointments to office, qualification and terms of office, being March 1, 1964 for two members, March 1, 1965 for two other members, March 1, 1966 for two other members and March 1, 1967 for the remaining three members, are hereby ratified, validated and confirmed. Each of such incumbent members shall continue in office until his successor shall be duly appointed and qualified. *Except as otherwise provided in this section, the successor of each member of the commission shall be a resident of the same city as his predecessor city or county that he is appointed to represent and shall be appointed for a term of four years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Two of the successors to the six current members residing in the City of Newport News shall be appointed by the council of the City of Newport News and. One of the successors to the remaining four current members residing in the City of Newport News shall be appointed by city council of the City of Newport News from the City of Williamsburg and the Counties of York, James City, and Gloucester upon the recommendation of the city council or board of supervisors of the city or county they are to represent. Two of the successors to the three members residing in the City of Hampton shall be appointed by the council of the City of Hampton. The successor to the other current member residing in the City of Hampton shall be appointed by city council of the City of Hampton from the City of Poquoson upon the recommendation of the Poquoson city council. Thereafter the city council or board of supervisors of the respective city or county shall appoint the member to represent their city or county.* Each member of the commission shall, before entering upon the discharge of his duties, take and subscribe the oath of office required by § 34 of the Constitution of Virginia.

Any member who shall cease to reside within the city from which he was appointed shall thereupon be disqualified from holding office as a member of the commission.

Five members of the commission shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the powers and perform all the duties of the commission.