

10103997D

HOUSE BILL NO. 1297

Offered January 21, 2010

A BILL to amend and reenact § 15.2-6304 of the Code of Virginia and to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 72, consisting of sections numbered 15.2-7200 through 15.2-7215, and to repeal the first and third enactments of Chapter 707 of the Acts of Assembly of 2007, the first and third enactments of Chapter 740 of the Acts of Assembly of 2007, and § 15.2-6304.1 of the Code of Virginia, relating to the Fort Monroe Authority Act.

Patron—Gear

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-6304 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 72, consisting of sections numbered 15.2-7200 through 15.2-7215, as follows:

§ 15.2-6304. Board of commissioners; appointment of director, agents and employees.

A. All powers, rights and duties conferred by this chapter, or other provisions of law, upon an authority created hereunder shall be exercised by a board of commissioners of that authority, hereinafter referred to as board or board of commissioners.

B. In the case of authorities created by proclamation of the Governor pursuant to § 15.2-6302, the board shall consist of seven members to be appointed by the Governor, of whom at least five shall be residents of the locality or localities in which the authority is located. The members shall serve for terms of six years each, the initial appointment to be two members for terms of six years, two members for terms of five years, two members for terms of four years and one member for a term of three years, and subsequent appointments to be made for terms of six years, except appointments to fill vacancies which shall be made for the unexpired term.

C. In the case of authorities created by the City of Hampton pursuant to § 15.2-6302, ~~other than the Fort Monroe Federal Area Development Authority pursuant to § 15.2-6304.1~~, the board shall consist of up to seven members appointed by the locality in which the authority is located, all of whom shall be residents of such locality. The members shall serve for terms of not more than four years each. If a member resigns, dies, or is otherwise removed from his position on the board, the locality may appoint a new member to fill the vacancy for the remainder of the unexpired term.

D. Members shall receive from the authority their necessary travel and business expenses while on business of the board. Each commissioner shall before entering on his duties take and subscribe the oath prescribed by § 49-1.

E. The board shall appoint the chief executive officer of the authority, who shall not be a member thereof, to be known as the director of that authority, hereinafter referred to as director, and whose compensation shall be paid by the authority in the amount determined by the board. The board shall employ or retain such other agents or employees subordinate to the director as may be necessary, including persons with special qualifications, and shall determine which such agents or employees shall be bonded and the amount of such bonds. The director and other agents and employees so appointed shall serve at the pleasure of the board, which shall fix their compensation and prescribe their duties.

The board shall elect from its membership a chairman, vice-chairman, a secretary and a treasurer, or secretary-treasurer, and shall prescribe their powers and duties. ~~Except as provided in § 15.2-6304.1, four~~ Four members shall constitute a quorum of the board for the purpose of conducting its business and exercising its powers and for all other purposes. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection. It shall keep suitable records of all of its financial transactions and shall arrange to have the same audited annually.

CHAPTER 72.**FORT MONROE AUTHORITY ACT.**

§ 15.2-7200. *Short title; declaration of public purpose; Fort Monroe Authority created; successor in interest to Fort Monroe Federal Area Development Authority.*

A. *This chapter 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*

INTRODUCED

HB1297

59 *Historic Landmark District;*

60 2. As a result of decisions made by the federal Base Realignment and Closure Commission, Fort
61 Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the
62 Commonwealth;

63 3. The planning phase of Fort Monroe's transition from a United States Army base to a village that
64 will be owned by the Commonwealth has been managed by the Fort Monroe Federal Area Development
65 Authority (FMFADA), established by the City of Hampton pursuant to legislation enacted by the
66 General Assembly in 2007. The Fort Monroe Federal Area Development Authority, a partnership
67 between the City and the Commonwealth, has fulfilled its primary purpose of formulating a reuse plan
68 for Fort Monroe;

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

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

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

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

91 D. The Fort Monroe Authority is the successor in interest to that political subdivision formerly
92 known as the Fort Monroe Federal Area Development Authority. As such, the Authority stands in the
93 place and stead of, and assumes all rights and duties formerly of, the Fort Monroe Federal Area
94 Development Authority, including but not limited to all leases, contracts, grants-in-aid, and all other
95 agreements of whatsoever nature; holds title to all realty and personalty formerly held by the Fort
96 Monroe Federal Area Development Authority; and may exercise all powers that might at any time past
97 have been exercised by the Fort Monroe Federal Area Development Authority, including the powers and
98 authorities of a Local Redevelopment Authority under the provisions of any and all applicable federal
99 laws, including the Base Relocation and Closure Act of 2005.

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

102 F. Employees of the Authority shall be eligible for membership in the Virginia Retirement System and
103 participation in all of the health and related insurance and other benefits, including premium conversion
104 and flexible benefits, available to state employees as provided by law.

105 § 15.2-7201. Definitions.

106 As used in this chapter, unless the context requires a different meaning:

107 "Adjacent to such Authority" means real or personal property that is contiguous, neighboring, or
108 within reasonable proximity of Fort Monroe.

109 "Area of operation" means an area coextensive with the territorial boundaries of the land acquired
110 or to be acquired from the federal government by the Authority.

111 "Authority" means the Fort Monroe Authority.

112 "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an
113 authority pursuant to this chapter.

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

116 "Project" means any specific enterprise undertaken by an authority, including the facilities as defined
117 in this chapter, and all other property, real or personal, or any interest therein, necessary or
118 appropriate for the operation of such property.

119 "Real property" means all lands, including improvements and fixtures thereon, and property of any
120 nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal

or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

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

§ 15.2-7202. Board of Trustees; membership.

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

The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as chairman and another as vice-chairman, and shall also elect annually a secretary or secretary-treasurer who need not be a member of the Board. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who shall preside at such meetings. Six Trustees shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Trustees present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

§ 15.2-7203. Duties of the Authority.

The Authority shall have the following duties:

1. To do all things necessary and proper to further an appreciation of the contributions of the first permanent English-speaking settlers as well as the Virginia Indians to the building of our Commonwealth and nation, to commemorate the establishment of the first coastal fortification in the English-speaking New World, to commemorate the lives of prominent Virginians who were connected to the largest moated fortification in the United States, to commemorate the important role of African 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 provide for the education, safety, and well-being of the residents, businesses and visitors at Fort Monroe;

3. 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;

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; and

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 March 1 of each year.

§ 15.2-7204. Powers of the Authority.

The Authority shall have the following powers:

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 and its area of influence, including without limitation development for business, employment, housing, commercial, recreational, educational, and other public purposes; to prepare and carry out plans and projects to

182 accomplish such objectives; to provide for the construction, reconstruction, improvement, alteration,
183 maintenance, removal, equipping, or repair of any buildings, structures, or land of any kind; to lease, or
184 rent to others or to develop, operate, or manage with others in a joint venture or other partnering
185 arrangement, on such terms as it deems proper and which are consistent with the provisions of
186 § 15.2-7209, any lands, dwellings, houses, accommodations, structures, buildings, facilities, or
187 appurtenances embraced within Fort Monroe; to establish, collect, and revise the rents charged and
188 terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon the
189 failure of the lessee or renter to comply with any of the obligations thereof; to arrange or contract for
190 the furnishing by any person or agency, public or private, of works, services, privileges, or facilities in
191 connection with any activity in which the Authority may engage, including the provision of any and all
192 municipal services that may be required at Fort Monroe; to acquire, own, hold, and improve real or
193 personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise,
194 easement, dedication, or otherwise any real or personal property or any interest therein, which
195 purchase, lease, or acquisition may be made for less than fair market value; to sell, lease, exchange,
196 transfer, assign, or pledge any personal property or any interest therein, which sale, lease, or other
197 transfer or assignment may be made for less than fair market value; to dedicate, make a gift of, or lease
198 for a nominal amount any real or personal property or any interest therein to the Commonwealth or the
199 localities or agencies, public or private, within the area of operation or adjacent to such authority,
200 jointly or severally, for public use or benefit, such as, but not limited to, game preserves, playgrounds,
201 park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire, lease,
202 maintain, alter, operate, improve, expand, sell, or otherwise dispose of on-site utility and infrastructure
203 systems or sell any excess service capacity for off-site use; to acquire, lease, construct, maintain, and
204 operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal facilities of every
205 kind and description necessary or useful in the transportation and storage of goods, wares, and
206 merchandise; and to insure or provide for the insurance of any real or personal property or operation
207 of the Authority against any risks or hazards. The title to any real property acquired shall be in the
208 name of the Commonwealth;

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

213 4. To undertake and carry out examinations, investigations, studies, and analyses of the business,
214 industrial, agricultural, utility, transportation, and other economic development needs, requirements, and
215 potentialities of its area of operation, or off-site needs, requirements, and potentialities that directly
216 affect the success of the Authority at Fort Monroe, and the manner in which such needs and
217 requirements and potentialities are being met, or should be met, in order to accomplish the purposes for
218 which it is created; to make use of the facts determined in such research and analyses in its own
219 operation; and to make the results of such studies and analyses available to public bodies and to
220 private individuals, groups, and businesses, except as such information may be exempted pursuant to the
221 Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

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

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

226 7. After approval as to form by the Attorney General, to enter into any contracts not otherwise
227 specifically authorized herein to further the purposes of the Authority;

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

230 9. To exercise the power of eminent domain in the manner provided by Chapter 3 (§ 25.1-300 et
231 seq.) of Title 25.1; however, eminent domain may only be used to obtain easements across the leasehold
232 interests of lessees of property on Fort Monroe, for the provision of water, sewer, electrical, ingress and
233 egress, and other necessary or useful services to further the purposes of the Authority, unless the
234 Governor has expressly granted authority to obtain interests for other purposes;

235 10. After approval as to form by the Attorney General, to convey by lease land to any person,
236 association, firm, or corporation for such term and on such conditions as the Authority may determine;

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

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

240 13. To elect any past chairman of the Board of Trustees to the honorary position of chairman
241 emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected
242 in addition to the at-large positions defined in § 15.2-7202;

243 14. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired

by purchase, gift, or loan, and to exchange or sell the same if not inconsistent with the terms of such purchase, gift, loan, or other acquisition;

15. To change the form of investment of any funds, securities, or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same were acquired, and to sell, grant, or convey any such property, except that any transfers of real property may be made only with the consent of the Governor.

16. It is the policy of the Commonwealth that property at Fort Monroe shall not be sold to private interests, but shall 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. If the decision is ever made to sell property at Fort Monroe, it may only be sold with the consent of both the Governor and the General Assembly, and approval as to form of the documents by the Attorney General;

17. In the discharge of its enumerated powers, to cooperate with the federal government, the Commonwealth, and the localities within its area of operation or adjacent to such authority;

18. To exercise all or any part or combination of powers herein granted;

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

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

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

22. 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.

§ 15.2-7205. Leaseholds not subject to taxation, payments to Commonwealth or political subdivisions thereof.

A. Leaseholds at Fort Monroe shall not be subject to the provisions of § 58.1-3203.

B. No adjacent locality shall be required to provide utility services such as water and sewer to residents and businesses at Fort Monroe, except in accordance with an agreement between the Authority and such locality. The Authority may agree to make such payments to the Commonwealth, a locality, or any political subdivision thereof, which payments such bodies are hereby authorized to accept, as the Authority finds consistent with the purposes for which the Authority has been created, including but not limited to the provision of municipal services. These payments shall adequately and fairly reimburse the Commonwealth, locality, or political subdivision for the cost of providing such services so that the services are provided at no increased, incremental cost to the provider. The Authority shall not be required to solely bear the cost of improvements that will benefit other recipients of such services from the Commonwealth, locality, or political subdivision.

§ 15.2-7206. Authority may borrow money, accept contributions, etc.

In addition to the powers conferred upon the Authority by other provisions of this chapter, the Authority is empowered:

1. To borrow money or accept contributions, grants, or other financial assistance from the federal government; the Commonwealth; any locality or political subdivision; any agency or instrumentality thereof; 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.). 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; and

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.

§ 15.2-7207. Authority empowered to issue bonds; additional security; liability thereon.

The Authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes, including the issuance of refunding bonds for the payment or retirement of bonds previously issued by it. The Authority may issue such type of bonds as it may determine, including

305 (without limiting the generality of the foregoing):

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

307 a. Exclusively from the income and revenues of the project or facility financed with the proceeds of
308 such bonds;

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

311 c. From its revenues generally; and

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

314 Any such bonds may be additionally secured by a pledge of any grants or contributions from the
315 federal government, the Commonwealth, any political subdivision of the Commonwealth, or other source,
316 or a pledge of any income or revenues of the Authority, or a mortgage of any particular projects or
317 facilities or other property of the Authority.

318 Neither the Trustees of the Authority nor any person executing the bonds shall be liable personally
319 on the bonds by reason of the issuance thereof. The bonds and other obligations of the Authority (and
320 such bonds and obligations shall so state on their face) shall not be a debt of the Commonwealth or
321 any political subdivision thereof (other than the issuing Authority), and neither the Commonwealth nor
322 any political subdivision thereof (other than the issuing Authority) shall be liable thereon, nor shall such
323 bonds or obligations be payable out of any funds or properties other than those of the Authority. The
324 bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction.
325 Bonds of the Authority are declared to be issued for an essential public and governmental purpose.

326 § 15.2-7208. Powers and duties of executive director.

327 The executive director shall exercise such of the powers and duties relating to the Authority
328 conferred upon the Board as may be delegated to him by the Board, including powers and duties
329 involving the exercise of discretion. The executive director shall also exercise and perform such other
330 powers and duties as may be lawfully delegated to him and such powers and duties as may be conferred
331 or imposed upon him by law.

332 § 15.2-7209. Legal services.

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

337 § 15.2-7210. Exemption from taxation; authorities to be municipal corporate instrumentalities of
338 Commonwealth.

339 A. The bonds or other securities issued by the Authority, the interest thereon, and all real and
340 personal property and any interest therein of an authority, and all income derived therefrom by the
341 Authority shall at all times be free from taxation by the Commonwealth, or by any political subdivision
342 thereof. The Authority shall be regarded as a municipal corporate instrumentality of the Commonwealth
343 for the purpose of discharging its functions and exercising its powers under this chapter.

344 B. No business or resident located at Fort Monroe shall be subject to any real or personal property
345 tax, or any other tax, levied by the City of Hampton; however, the state portion of the retail sales tax
346 shall be collected for all appropriate transactions and all deeds, leases, UCC financing statements or
347 other documents recorded in the City regarding property or assets at Fort Monroe shall be subject to
348 recording fees and taxes and the Clerk's fee, as otherwise provided by law.

349 § 15.2-7211. 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 chapter. 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 § 15.2-7212. Powers conferred additional and supplemental; severability; liberal construction.

366 The powers conferred by this chapter shall be in addition and supplemental to the powers conferred

by any other law. The powers granted and the duties imposed in this chapter shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter 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 chapter shall be liberally construed to effect the purposes hereof.

§ 15.2-7213. Chapter controlling over inconsistent laws.

Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, special, or local, including provisions of charters of localities, the provisions of this chapter shall be controlling.

§ 15.2-7214. Sovereign immunity.

No provisions of this chapter 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.

§ 15.2-7215. Status of residents.

Property at Fort Monroe is owned by the Commonwealth of Virginia and is operated and managed on behalf of the Commonwealth by the Authority. As such, it is deemed to be state property lying within the jurisdictional limits of the City of Hampton. Those residing on Fort Monroe shall have the same rights to vote; precinct assignments; public education; police, fire, and emergency services; and access to courts as if the property at Fort Monroe were privately held property in the City of Hampton. The City of Hampton shall be compensated for such services as provided in § 15.2-7205.

2. That the first and third enactments of Chapter 707 of the Acts of Assembly of 2007 and the first and third enactments of Chapter 740 of the Acts of Assembly of 2007 are repealed.

3. That § 15.2-6304.1 of the Code of Virginia is repealed.