

10105548D

## SENATE BILL NO. 315

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws  
on February 23, 2010)

(Patron Prior to Substitute—Senator Locke)

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.

**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 Historic Landmark District;

2. As a result of decisions made by the federal Base Realignment and Closure Commission, Fort

60 *Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the*  
61 *Commonwealth;*

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

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

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

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

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

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

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

100 F. *Employees of the FMFADA shall be eligible for membership in the Virginia Retirement System*  
101 *and participation in health insurance and other benefits programs for employees of local governments*  
102 *established in accordance with § 2.2-1204.*

103 § 15.2-7201. *Definitions.*

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

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

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

109 "Authority" *means the Fort Monroe Authority.*

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

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

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

117 "Real property" *means all lands, including improvements and fixtures thereon, and property of any*  
118 *nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal*  
119 *or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise*  
120 *and the indebtedness secured by such liens.*

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

122 § 15.2-7202. Board of Trustees; membership.

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

139 The Board so appointed shall enter upon the performance of its duties and shall initially and  
140 annually thereafter elect one of its members as chairman and another as vice-chairman, and shall also  
141 elect annually a secretary or secretary-treasurer who need not be a member of the Board. The  
142 chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the  
143 absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who  
144 shall preside at such meetings. Six Trustees shall constitute a quorum, and all action by the Board shall  
145 require the affirmative vote of a majority of the Trustees present and voting, except that any action to  
146 amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative  
147 vote of 75 percent or more of the Trustees present and voting. The members of the Board shall be  
148 entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while  
149 otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of  
150 the Authority in such manner as shall be prescribed by the Authority.

151 § 15.2-7203. Duties of the Authority.

152 The Authority shall have the following duties to:

153 1. Do all things necessary and proper to further an appreciation of the contributions of the first  
154 permanent English-speaking settlers as well as the Virginia Indians to the building of our  
155 Commonwealth and nation, to commemorate the establishment of the first coastal fortification in the  
156 English-speaking New World, to commemorate the lives of prominent Virginians who were connected to  
157 the largest moated fortification in the United States, to commemorate the important role of African  
158 Americans in the history of the site, including the "Contraband" slave decision in 1861 that earned Fort  
159 Monroe the designation as "Freedom's Fortress," to commemorate Old Point Comfort's role in  
160 establishing international trade and British Maritime law in Virginia, and to commemorate almost 250  
161 years of continuous service as a coastal defense fortification of the United States of America;

162 2. Provide for the education, safety, and well-being of the residents, businesses and visitors at Fort  
163 Monroe;

164 3. Hire and develop a professional staff including an executive director and such other staff as is  
165 necessary to discharge the responsibilities of the Authority;

166 4. Establish personnel policies and benefits for staff;

167 5. Oversee the preservation, conservation, protection, and maintenance of the Commonwealth's  
168 natural resources and real property interests at Fort Monroe and the renewal of Fort Monroe as a  
169 vibrant and thriving community; and

170 6. Adopt an annual budget, which shall be submitted to the Chairmen of the Senate Committee on  
171 Finance and the House Committee on Appropriations and the Department of Planning and Budget by  
172 March 1 of each year.

173 § 15.2-7204. Additional declaration of policy; powers of the Authority.

174 A. It is the policy of the Commonwealth that property at Fort Monroe shall not be sold to private  
175 interests, but shall be maintained as Commonwealth-owned land that is leased, whether by short-term  
176 operating/revenue lease or long-term ground lease, to appropriate public, private, or joint venture  
177 entities. If the decision is ever made to sell property at Fort Monroe, it may only be sold with the  
178 consent of both the Governor and the General Assembly, and approval as to form of the documents by  
179 the Attorney General.

180 B. The Authority shall have the following powers to:

181 1. Sue and be sued; to adopt and use a common seal and to alter the same as may be deemed  
182 expedient; to have perpetual succession; to make and execute contracts and other instruments necessary

183 or convenient to the exercise of the powers of the Authority; and to make and from time to time amend  
184 and repeal bylaws, rules, and regulations, not inconsistent with law, to carry into effect the powers and  
185 purposes of the Authority;

186 2. Foster and stimulate the economic and other development of Fort Monroe and its area of  
187 influence, including without limitation development for business, employment, housing, commercial,  
188 recreational, educational, and other public purposes; to prepare and carry out plans and projects to  
189 accomplish such objectives; to provide for the construction, reconstruction, improvement, alteration,  
190 maintenance, removal, equipping, or repair of any buildings, structures, or land of any kind; to lease, or  
191 rent to others or to develop, operate, or manage with others in a joint venture or other partnering  
192 arrangement, on such terms as it deems proper and which are consistent with the provisions of  
193 § 15.2-7209, any lands, dwellings, houses, accommodations, structures, buildings, facilities, or  
194 appurtenances embraced within Fort Monroe; to establish, collect, and revise the rents charged and  
195 terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon the  
196 failure of the lessee or renter to comply with any of the obligations thereof; to arrange or contract for  
197 the furnishing by any person or agency, public or private, of works, services, privileges, or facilities in  
198 connection with any activity in which the Authority may engage, including the provision of any and all  
199 municipal services that may be required at Fort Monroe; to acquire, own, hold, and improve real or  
200 personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise,  
201 easement, dedication, or otherwise any real or personal property or any interest therein, which  
202 purchase, lease, or acquisition may be made for less than fair market value; to sell, lease, exchange,  
203 transfer, assign, or pledge any personal property or any interest therein, which sale, lease, or other  
204 transfer or assignment may be made for less than fair market value; to dedicate, make a gift of, or lease  
205 for a nominal amount any real or personal property or any interest therein to the Commonwealth or the  
206 localities or agencies, public or private, within the area of operation or adjacent to such authority,  
207 jointly or severally, for public use or benefit, such as, but not limited to, game preserves, playgrounds,  
208 park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire, lease,  
209 maintain, alter, operate, improve, expand, sell, or otherwise dispose of on-site utility and infrastructure  
210 systems or sell any excess service capacity for off-site use; to acquire, lease, construct, maintain, and  
211 operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal facilities of every  
212 kind and description necessary or useful in the transportation and storage of goods, wares, and  
213 merchandise; and to insure or provide for the insurance of any real or personal property or operation  
214 of the Authority against any risks or hazards. The title to any real property acquired shall be in the  
215 name of the Commonwealth;

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

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

229 5. Administer, develop, and maintain at Fort Monroe permanent commemorative cultural and  
230 historical museums and memorials;

231 6. Adopt names, flags, seals, and other emblems for use in connection with such shrines and to  
232 copyright the same in the name of the Commonwealth;

233 7. Enter into any contracts not otherwise specifically authorized herein to further the purposes of the  
234 Authority, after approval as to form by the Attorney General;

235 8. Establish nonprofit corporations as instrumentalities to assist in administering the affairs of the  
236 Authority;

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

242 10. Convey by lease land to any person, association, firm, or corporation for such term and on such  
243 conditions as the Authority may determine, after approval as to form by the Attorney General;

244 11. Receive and expend gifts, grants, and donations from whatever source derived for the purposes

245 of the Authority;

246 12. Employ an executive director and such deputies and assistants as may be required;

247 13. Elect any past chairman of the Board of Trustees to the honorary position of chairman emeritus.  
248 Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in  
249 addition to the at-large positions defined in § 15.2-7202;

250 14. Determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired by  
251 purchase, gift, or loan, and to exchange or sell the same if not inconsistent with the terms of such  
252 purchase, gift, loan, or other acquisition;

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

257 16. Cooperate with the federal government, the Commonwealth, and the localities within its area of  
258 operation or adjacent to such authority in the discharge of its enumerated powers;

259 17. Exercise all or any part or combination of powers herein granted;

260 18. Do any and all other acts and things that may be reasonably necessary and convenient to carry  
261 out its purposes and powers;

262 19. Adopt by the Board of Trustees of the Authority, or the executive committee thereof, such  
263 regulations from time to time, concerning the use and visitation of properties under the control of the  
264 Fort Monroe Authority, to protect or secure such properties and the public enjoyment thereof;

265 20. Provide parking and traffic rules and regulations on property owned by the Authority; and

266 21. Provide that any person who knowingly violates a regulation of the Authority may be requested  
267 by an agent or employee of the Authority to leave the property and upon the failure of such person so  
268 to do, shall be guilty of a trespass, as provided in § 18.2-119.

269 § 15.2-7205. Payments to Commonwealth or political subdivisions thereof.

270 No locality shall be required to provide proprietary municipal services including, but not limited to,  
271 utility services to residents and businesses at Fort Monroe, except in accordance with an agreement  
272 between the Authority and such locality. The Authority may agree to make such payments to the  
273 Commonwealth, a locality, or any political subdivision thereof, which payments such bodies are hereby  
274 authorized to accept, as the Authority finds consistent with the purposes for which the Authority has  
275 been created, including but not limited to the municipal services set forth herein. These payments shall  
276 adequately and fairly reimburse the Commonwealth, locality, or political subdivision for the cost of  
277 providing such services so that the services are provided at no increased, incremental cost to the  
278 provider. If the provider makes improvements to its system, the Authority shall only be required to pay  
279 its proportionate share of the cost of such improvements. Fees charged pursuant to this agreement shall  
280 not be higher than those charged for other, similarly situated residents of the locality or recipients of  
281 the proprietary services.

282 § 15.2-7206. Authority may borrow money, accept contributions, etc.

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

285 1. Borrow money or accept contributions, grants, or other financial assistance from the federal  
286 government; the Commonwealth; any locality or political subdivision; any agency or instrumentality  
287 thereof, including but not limited to the Virginia Resources Authority; or any source, public or private,  
288 for or in aid of any project of the Authority, and to these ends, to comply with such conditions and  
289 enter into such mortgages, trust indentures, leases, or agreements as may be necessary, convenient, or  
290 desirable;

291 2. Apply for grants from the Urban Public-Private Partnership Redevelopment Fund pursuant to  
292 Chapter 24.1 (§ 15.2-2414 et seq.). The Authority shall be considered a local government eligible for  
293 grants under that chapter. Funds from any source available to the Authority may be used to meet the  
294 matching requirement of any such grant;

295 3. Participate in local group pools authorized pursuant to § 15.2-2703 or to participate in the  
296 Commonwealth's risk pool administered by the Division of Risk Management;

297 4. Utilize the provisions of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and the  
298 Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) as a qualifying  
299 public entity under those statutes; and

300 5. Apply for and receive enterprise zone designation under the Enterprise Zone Grant Act  
301 (§ 59.1-538 et seq.). Fort Monroe shall be considered an eligible area for such designation, although  
302 the Governor is not obligated to grant such a designation.

303 § 15.2-7207. Authority empowered to issue bonds; additional security; liability thereon.

304 The Authority shall have power to issue bonds from time to time in its discretion, for any of its  
305 corporate purposes, including the issuance of refunding bonds for the payment or retirement of bonds

306 previously issued by it. The Authority may issue such type of bonds as it may determine, including  
307 (without limiting the generality of the foregoing):

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

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

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

313 c. From its revenues generally; and

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

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

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

328 § 15.2-7208. Powers and duties of executive director.

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

334 § 15.2-7209. Legal services.

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

339 § 15.2-7210. Exemption from taxation; authorities to be municipal corporate instrumentalities of  
340 Commonwealth.

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

346 § 15.2-7211. Rents, fees, and charges; disposition of revenues.

347 The rents, fees, and charges established by the Authority for the use of its property, projects, and  
348 facilities and for any other service furnished or provided by the Authority shall be fixed so that they,  
349 together with other revenues of the Authority, shall provide at least sufficient funds to pay the cost of  
350 maintaining, repairing, and operating the Authority; its property, projects, and facilities; and the  
351 principal and interest of any bonds issued by the Authority or other debts contracted as the same shall  
352 become due and payable. A reserve may be accumulated and maintained out of the revenues of the  
353 Authority for extraordinary repairs and expenses and for such other purposes as may be provided in  
354 any resolution authorizing a bond issue or in any trust indenture securing such bonds. Subject to such  
355 provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or  
356 securing any of the bonds or other obligations issued hereunder, the Authority shall have exclusive  
357 control of the revenue derived from the operation of the Authority and the right to use such revenues in  
358 the exercise of its powers and duties set forth in this chapter. No person, firm, association, or  
359 corporation shall receive any profit or dividend from the revenues, earnings, or other funds or assets of  
360 such authority other than for debts contracted, for services rendered, for materials and supplies  
361 furnished, and for other value actually received by the Authority.

362 The accounts of the Authority shall be audited annually by the Auditor of Public Accounts, or his  
363 legally authorized representative, and the cost of such audit will be borne by the Authority. Copies of  
364 the annual audit shall be distributed to the Governor and to the chairmen of the House Committee on  
365 Appropriations and the Senate Committee on Finance.

366 § 15.2-7212. Powers conferred additional and supplemental; severability; liberal construction.

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

368 by any other law. The powers granted and the duties imposed in this chapter shall be construed to be  
369 independent and severable. If any one or more sections, subsections, sentences, or parts of any of this  
370 chapter shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair, or  
371 invalidate the remaining provisions thereof, but shall be confined in its operation to the specific  
372 provisions held unconstitutional or invalid. This chapter shall be liberally construed to effect the  
373 purposes hereof.

374 § 15.2-7213. Chapter controlling over inconsistent laws.

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

378 § 15.2-7214. Sovereign immunity.

379 No provisions of this chapter nor any act of the Authority, including the procurement of insurance or  
380 self-insurance, shall be deemed a waiver of any sovereign immunity to which the Authority or its  
381 directors, officers, employees, or agents are otherwise entitled.

382 § 15.2-7215. Status of residents.

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

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

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