

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 15.2-4904 and 36-11 of the Code of Virginia and to amend and reenact § 3, as amended, of Chapter 133 of the Acts of Assembly of 1966 and § 2, as amended, of Chapter 271 of the Acts of Assembly of 1966, relating to term limits; certain public bodies in City of Chesapeake.

[S 1553]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4904 and 36-11 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority, the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council, the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs, and one at-large member, with terms staggered as agreed upon by the city council, the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; ~~and the;~~ *however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may* appoint 11 members, with terms staggered as agreed upon by the city council.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any

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57 12-month period. In either such event, a successor shall be appointed by the governing body for the
 58 unexpired portion of the term of the member who has been removed.

59 B. Each director shall, upon appointment or reappointment, before entering upon his duties take and
 60 subscribe the oath prescribed by § 49-1.

61 C. No director shall be an officer or employee of the locality except (i) in a town with a population
 62 of less than 3,500 where members of the town governing body may serve as directors provided they do
 63 not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has
 64 previously served on the board of directors may serve as a director provided the governing body of such
 65 county approves, and (iii) in Frederick County where the board of supervisors may appoint one of its
 66 members to the Economic Development Authority of the County of Frederick, Virginia. Every director
 67 shall, at the time of his appointment and thereafter, reside in a locality within which the authority
 68 operates or in an adjoining locality. When a director ceases to be a resident of such locality, the
 69 director's office shall be vacant and a new director may be appointed for the remainder of the term.

70 D. The directors shall elect from their membership a chairman, a vice-chairman, and from their
 71 membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall
 72 continue to hold such office until their respective successors are elected. The directors shall receive no
 73 salary but may be compensated such amount per regular, special, or committee meeting or per each
 74 official representation as may be approved by the appointing authority, not to exceed \$200 per meeting
 75 or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in
 76 the performance of their duties.

77 E. Four members of the board of directors shall constitute a quorum of the board for the purposes of
 78 conducting its business and exercising its powers and for all other purposes, except that no facilities
 79 owned by the authority shall be leased or disposed of in any manner without a majority vote of the
 80 members of the board of directors. No vacancy in the membership of the board shall impair the right of
 81 a quorum to exercise all the powers and perform all the duties of the board.

82 F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection
 83 at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140,
 84 it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the
 85 governing body of the locality and shall be open to public inspection.

86 Two copies of the report concerning issuance of bonds required to be filed with the United States
 87 Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant
 88 secretary of the authority. One copy shall be furnished to the governing body of the locality and the
 89 other copy mailed to the Department of Small Business and Supplier Diversity.

90 **§ 36-11. Appointment and tenure of commissioners; compensation.**

91 When the need for an authority to be activated in a city or county has been determined in the
 92 manner prescribed by law, the governing body of the city or county shall appoint not more than nine or
 93 less than five persons as commissioners of the authority created for such city or county. The governing
 94 body of the city or county may subsequently increase the number of commissioners of the authority to a
 95 maximum of nine. The commissioners who are first appointed shall be designated to serve for terms of
 96 one, two, three, four and five years, respectively, from the date of their appointment, but thereafter
 97 commissioners shall be appointed as aforesaid for a term of office of four years except that all vacancies
 98 shall be filled for the unexpired term. *Notwithstanding any special or general law to the contrary, after*
 99 *July 1, 2017, no member of the Chesapeake Redevelopment and Housing Authority shall serve more*
 100 *than two consecutive terms. Any person who has served more than one and one-half terms as a member*
 101 *of the Chesapeake Redevelopment and Housing Authority as of July 1, 2017, shall not be eligible for*
 102 *reappointment for another consecutive term. A member of the Chesapeake Redevelopment and Housing*
 103 *Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake*
 104 *Redevelopment and Housing Authority member shall work for the Authority within one year after*
 105 *serving as a member.* Except as may be otherwise expressly provided in the charter of a city or town
 106 specifically pertaining to such authority, no commissioner of any authority may be an officer or
 107 employee, of the city or county for which the authority is created. A commissioner shall hold office
 108 until his successor has been appointed and has qualified. A certificate of the appointment or
 109 reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive
 110 evidence of the due and proper appointment of such commissioner. A commissioner may receive
 111 compensation as may be determined by a locality for each meeting of the authority attended by the
 112 commissioner. A commissioner shall be entitled to the necessary expenses, including traveling expenses,
 113 incurred in the discharge of his duties.

114 Any exercise of the powers of an authority by its commissioners after June 30, 1968, otherwise in
 115 compliance with applicable law, is hereby declared to be valid and effective in all respects,
 116 notwithstanding that the number of commissioners exercising the powers, though not exceeding seven
 117 from July 1, 1968, through June 30, 1978, and not exceeding nine thereafter, may have exceeded the

number appointed at the time the need for the authority to be activated had been determined in accordance with this section. No suit or action to vacate or set aside any exercise of said powers may be brought on the ground that the number of commissioners, though not exceeding seven from July 1, 1968, through June 30, 1978, and not exceeding nine thereafter, did exceed the number appointed at the time the need for the authority to be activated had been determined.

2. That § 3, as amended, of Chapter 133 of the Acts of Assembly of 1966 is amended and reenacted as follows:

§ 3. "Chesapeake Airport Authority."

There is hereby created and constituted a political subdivision of the Commonwealth to be known as the "Chesapeake Airport Authority". The exercise by the Authority of the powers conferred by this act in the construction, operation and maintenance of the project authorized by this act shall be deemed and held to be the performance of an essential governmental function.

The Authority shall consist of seven members, all of whom shall be appointed by the council of the city of Chesapeake. Four of the members of the Authority first appointed shall continue in office for terms expiring on June thirty, nineteen hundred sixty-nine, and three for terms expiring on June thirty, nineteen hundred sixty-eight the term of each such member to be designated by said council and to continue until his successor shall be duly appointed and qualified. On and after July one, nineteen hundred seventy-five, the membership of the Authority shall increase to nine members and there shall be appointed by the city council two additional members, one of whom shall serve until June thirty, nineteen hundred seventy-nine and the other to serve until June thirty, nineteen hundred seventy-eight. The successor of each such member shall be appointed for a term of five 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. Any member of the Authority shall be eligible for reappointment; *however, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Authority member shall work for the Authority within one year after serving as a member.* Members of the Authority shall be subject to removal from office in like manner as are State, county, town and district officers under the provisions of §§ 15.1-63 to 15.1-66, inclusive, of the Code of Virginia. The Authority shall annually elect one of its members as chairman and another as vice-chairman and shall also elect annually a secretary-treasurer, who may or may not be a member of the Authority.

The secretary-treasurer shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

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

Before the issuance of any revenue bonds under the provisions of this act the secretary-treasurer of the Authority shall execute a surety bond in the penal sum of fifty thousand dollars, such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the Commonwealth as surety and to be approved by the Attorney General and filed in the office of the Secretary of the Commonwealth.

The members of the Authority shall be entitled to reimbursement for their expenses incurred in attendance upon the meetings of the Authority or while otherwise engaged in the discharge of their duties. Each member shall also be paid the sum of twenty dollars per day for each day or portion thereof during which he is engaged in the performance of his duties, with the maximum payable to any one member in any one calendar year of fifteen hundred dollars.

3. That § 2, as amended, of Chapter 271 of the Acts of Assembly of 1966 is amended and reenacted as follows:

§ 2. The Authority shall be composed of eleven members, two of whom shall be licensed members of the medical profession, all of whom shall be appointed by the city council. The terms of the members shall be four years and staggered so that no more than four members shall be appointed in any one year; provided, however, that for terms which commence in 1999, the council shall appoint four members for four-year terms and two members for five-year terms, and for terms which commence in 2001, the council shall appoint four members for four-year terms and one member for a three-year term. Any member may be reappointed; *however, after July 1, 2017, no member shall serve more than two*

179 consecutive terms. Any person who has served more than one and one-half terms as a member of the
180 Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A
181 member of the Authority shall serve at the pleasure of the city council of the City of Chesapeake. No
182 Authority member shall work for the Authority within one year after serving as a member. Members
183 shall be compensated for their services in the amount of \$250 per attendance at each meeting, provided,
184 however, that no member shall be compensated for participation in a meeting by electronic means when
185 the member is not physically present at the meeting. The Authority shall adopt as part of its bylaws a
186 definition of "compensable meeting" prior to compensating any member in accordance with this section.
187 Members shall be entitled to reimbursement for necessary traveling and other expenses incurred while
188 engaged in the performance of their duties. Each member shall continue to hold office until the earlier
189 of the effective date of his resignation or the date on which his successor has been appointed and
190 qualified. The council shall have the right to remove any member or officer, for malfeasance or
191 misfeasance, incompetency or gross neglect of duty. Vacancies shall be filled by appointment of the
192 council for unexpired terms, or in the case of an increase in the size of the Authority, filled by
193 appointment of the council, which appointments may be for an initial term less than four years.
194 Members shall take an appropriate oath of office and same shall be filed with the city clerk. Members
195 shall elect on an annual basis one of their number as chairman and another as vice-chairman and shall
196 also elect a secretary and treasurer for terms to be determined by them, who may or may not be one of
197 the members. The same person may serve as both secretary and treasurer. The members shall make such
198 rules, regulations and bylaws for their own government and procedure as they shall determine; they shall
199 meet regularly at least once a month and may hold such special meetings as they deem necessary.