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HOUSE BILL NO. 2043

Offered January 13, 2021

Prefiled January 12, 2021

A *BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 55.3, consisting of sections numbered 15.2-5523 through 15.2-5531, relating to the Virginia Beach Tourism Authority.*

Patrons—Guy, Askew, Conners-Fowler and Reid; Senator: Lewis

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 55.3, consisting of sections numbered 15.2-5523 through 15.2-5531, as follows:

CHAPTER 55.3.**VIRGINIA BEACH TOURISM AUTHORITY.****§ 15.2-5523. Short title; declaration of public purpose; Authority created.**

A. *This chapter shall be known and may be cited as the Virginia Beach Tourism Authority Act.*

B. *The General Assembly finds and declares that:*

1. *The City of Virginia Beach has tourist attractions that are of potential interest to millions of people who reside both in and outside the Commonwealth;*

2. *Promotion of tourism in the City of Virginia Beach is necessary to increase the prosperity of the people of the City and the Commonwealth; and*

3. *A tourism authority is therefore necessary to stimulate the tourism segment of the economy by promoting, advertising, and marketing the City's many tourist attractions and by coordinating other private and public efforts to do the same.*

The General Assembly determines that the creation of an authority for this purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, or prosperity of the people of the Commonwealth.

C. *The City of Virginia Beach Tourism Authority (the Authority) is created, with the duties and powers set forth in this chapter, as a public body corporate and as a political subdivision of the Commonwealth. The Authority is constituted a public instrumentality exercising public and essential governmental functions, and the exercise by the Authority of the duties and powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the Commonwealth. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the inhabitants of the Commonwealth and the increase of their commerce and prosperity.*

§ 15.2-5524. Board of Directors; members and officers.

A. *All powers, rights, and duties conferred by this chapter or other provisions of law upon the Authority shall be exercised by the Board of the City of Virginia Beach Tourism Authority (the Board). Initial appointments to the Board shall begin July 1, 2021. The Board shall consist of 13 members appointed by the governing body of the City of Virginia Beach. Notwithstanding § 15.2-1535, the governing body of the City of Virginia Beach may appoint no more than two of its members to the Board. The initial terms of members shall be four years for seven members, and six years for six members. Thereafter, the terms shall be four years. The governing body of the City of Virginia Beach may make interim appointments to fill a vacancy on the Board.*

B. *The Board shall elect from its membership a chairman, a vice-chairman, and from its membership or not, as they desire, a treasurer, who shall continue to hold such office until their respective successors are elected. The members of the Board shall receive no salary, unless specifically authorized by the governing body of the City of Virginia Beach.*

C. *The Board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions, and it shall arrange to have the records audited annually and provided to the Auditor of Public Accounts. The books and records of the Authority shall be available for audit by the City. Copies of each such audit shall be furnished to the governing body of the City of Virginia Beach and shall be open to public inspection.*

§ 15.2-5525. Executive Director; staff.

A. *The Board shall appoint an Executive Director who shall be authorized to employ such staff as necessary to enable the Authority to perform its duties as set forth in this chapter. The Executive Director is authorized to determine the duties of such staff and to fix salaries and compensation from such funds as may be received or appropriated.*

B. *The Executive Director shall serve as the ex officio secretary of the Board and shall administer,*

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59 manage, and direct the affairs and activities of the Authority. He shall attend meetings of the Board,
60 shall keep a record of the proceedings of the Board, and shall maintain and be custodian of all books,
61 documents, and papers of the Authority, the minute book of the Authority, and its official seal. He may
62 cause copies to be made of all minutes and other records and documents of the Authority and may give
63 certificates under seal of the Authority to the effect that the copies are true copies, and all persons
64 dealing with the Authority may rely upon the certificates. He shall also perform other duties as is
65 necessary to carry out the purposes of this chapter.

66 C. Employees of the Authority, including the Executive Director, shall be eligible for membership in
67 the Virginia Retirement System with such costs for VRS participation borne by the Authority and
68 participation in all of the health and related insurance and other benefits, including premium conversion
69 and flexible benefits, available to employees of the City of Virginia Beach.

70 **§ 15.2-5526. Powers of Authority.**

71 The Authority, acting through the Board, shall be granted all powers necessary or appropriate to
72 carry out and to effectuate its purposes, including the following to:

73 1. Have perpetual succession as a public body corporate and as a political subdivision of the
74 Commonwealth;

75 2. Adopt, amend, and repeal bylaws, rules, and regulations, not inconsistent with this chapter for the
76 administration and regulation of its affairs, and carry into effect the powers and purposes of the
77 Authority and the conduct of its business;

78 3. Sue and be sued in its own name;

79 4. Have an official seal and alter it at will, although the failure to affix this seal shall not affect the
80 validity of any instrument executed on behalf of the Authority;

81 5. Maintain an office at any place within or outside the City that it designates;

82 6. Make and execute contracts and all other instruments and agreements necessary or convenient for
83 the performance of its duties and the exercise of its powers and functions under this chapter;

84 7. Acquire real or personal property, or any interest therein, by purchase, exchange, gift, assignment,
85 transfer, foreclosure, lease or otherwise, including rights or easements, and hold, manage, operate, or
86 improve such property;

87 8. Sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part
88 of its properties and assets;

89 9. Employ officers, employees, agents, advisers, and consultants, including without limitation
90 financial advisers and other technical advisers and public accountants and, the provisions of any other
91 law to the contrary notwithstanding, determine their duties and compensation without the approval of
92 any other agency or instrumentality;

93 10. Procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against
94 any loss, cost, or expense in connection with its property, assets, or activities, including insurance or
95 self-insurance against liability for its acts or the acts of its directors, employees, or agents and for the
96 indemnification of the members of its Board and its employees and agents;

97 11. Receive and accept from any source aid, grants, and contributions of money, property, labor, or
98 other things of value to be held, used, and applied to carry out the purposes of this chapter subject to
99 the conditions upon which the aid, grants, or contributions are made;

100 12. Enter into agreements with any department, agency, or instrumentality of the United States, the
101 Commonwealth, the District of Columbia, or any state for purposes consistent with its mission;

102 13. Establish and revise, amend and repeal, and charge and collect fees and charges in connection
103 with any activities or services of the Authority;

104 14. Issue periodicals and carry and charge for advertising therein;

105 15. Raise money in the corporate, nonprofit, and nonstate communities to finance the Authority's
106 activities;

107 16. Encourage, stimulate, and support tourism in the City by promoting, marketing, and advertising
108 the City's many tourist attractions and locations;

109 17. Develop a comprehensive plan to promote the City; and

110 18. Do any act necessary or convenient to the exercise of the powers granted or reasonably implied
111 by this chapter and not otherwise inconsistent with state law.

112 **§ 15.2-5527. Deposit of money; expenditures; security for deposits.**

113 All moneys of the Authority, except as otherwise authorized by law or this chapter, shall be
114 deposited in accounts in banks or trust companies organized under the laws of the Commonwealth or in
115 national banking associations located in Virginia or in savings institutions located in Virginia organized
116 under the laws of the Commonwealth or the United States. The moneys in these accounts shall be paid
117 by check signed by the Executive Director or any other officer or employee designated by the Board. All
118 deposits of moneys shall, if required by the Board, be secured in a manner determined by the Authority
119 to be prudent, and all banks, trust companies, and savings institutions are authorized to give security
120 for the deposits.

§ 15.2-5528. Exemption from taxation.

As set forth in subsection C of § 15.2-5523, the Authority shall be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter. Accordingly, the Authority shall not be required to pay any taxes or assessments upon any project or any property or upon any operations of the Authority or the income therefrom. Agents, lessees, sublessees, or users of tangible personal property owned by or leased to the Authority also shall not be required to pay any sales or use tax upon such property or the revenue derived therefrom.

§ 15.2-5529. Exemptions from procurement procedures and data collection.

The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority. The Authority may employ competitive purchasing practices where practicable.

The Authority shall be treated in the same manner as the Virginia Tourism Authority for purposes of the Government Data Collection and Dissemination Act as set forth in subdivision 10 of § 2.2-3802.

§ 15.2-5530. Sovereign immunity.

No provisions of this chapter or 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.

§ 15.2-5531. Liberal construction of chapter.

The provisions of this chapter shall be liberally construed to the end that its beneficial purposes may be effectuated.