

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-2340 of the Code of Virginia and to amend the Code of Virginia by*
 3 *adding a section numbered 2.2-2340.1, relating to Fort Monroe Authority Act; powers and duties;*
 4 *collection of fees for goods and services offered by persons operating within the Area of Operation;*
 5 *installation of security cameras.*

6 [S 860]
 7 Approved

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

9 **1. That § 2.2-2340 of the Code of Virginia is amended and reenacted and that the Code of Virginia**
 10 **is amended by adding a section numbered 2.2-2340.1 as follows:**

11 **§ 2.2-2340. Additional declaration of policy; powers of the Authority; penalty.**

12 A. It is the policy of the Commonwealth that the historic, cultural, and natural resources of Fort
 13 Monroe be protected in any conveyance or alienation of real property interests by the Authority. Real
 14 property in the Area of Operation at Fort Monroe may be maintained as Commonwealth-owned land
 15 that is leased, whether by short-term operating/revenue lease or long-term ground lease, to appropriate
 16 public, private, or joint venture entities, with such historic, cultural, and natural resources being
 17 protected in any such lease, to be approved as to form by the Attorney General of the Commonwealth
 18 of Virginia. If sold as provided in this article, real property interests in the Area of Operation at Fort
 19 Monroe may only be sold under covenants, historic conservation easements, historic preservation
 20 easements, or other appropriate legal restrictions approved as to form by the Attorney General that
 21 protect these historic and natural resources. Properties in the Wherry Quarter and Inner Fort areas
 22 identified in the Fort Monroe Reuse Plan may only be sold with the consent of both the Governor and
 23 the General Assembly, except that any transfer to the National Park Service shall require only the
 24 approval of the Governor. The proceeds from the sale or pre-paid lease of any real or personal property
 25 within the Area of Operation shall be retained by the Authority and used for infrastructure improvements
 26 in the Area of Operation.

27 B. The Authority shall have the power and duty:

28 1. To sue and be sued; to adopt and use a common seal and to alter the same as may be deemed
 29 expedient; to have perpetual succession; to make and execute contracts and other instruments necessary
 30 or convenient to the exercise of the powers of the Authority; and to make and from time to time amend
 31 and repeal bylaws, rules, and regulations, not inconsistent with law, to carry into effect the powers and
 32 purposes of the Authority;

33 2. To foster and stimulate the economic and other development of Fort Monroe, including without
 34 limitation development for business, employment, housing, commercial, recreational, educational, and
 35 other public purposes; to prepare and carry out plans and projects to accomplish such objectives; to
 36 provide for the construction, reconstruction, rehabilitation, reuse, improvement, alteration, maintenance,
 37 removal, equipping, or repair of any buildings, structures, or land of any kind; to lease or rent to others
 38 or to develop, operate, or manage with others in a joint venture or other partnering arrangement, on such
 39 terms as it deems proper and which are consistent with the provisions of the Programmatic Agreement,
 40 Design Standards, and Reuse Plan governing any lands, dwellings, houses, accommodations, structures,
 41 buildings, facilities, or appurtenances embraced within Fort Monroe; to establish, collect, and revise the
 42 rents charged and terms and conditions of occupancy thereof; to terminate any such lease or rental
 43 obligation upon the failure of the lessee or renter to comply with any of the obligations thereof; to
 44 arrange or contract for the furnishing by any person or agency, public or private, of works, services,
 45 privileges, or facilities in connection with any activity in which the Authority may engage, provided,
 46 however, that if services are provided by the City of Hampton pursuant to § 2.2-2341 for which the City
 47 is compensated pursuant to subsection B of § 2.2-2342, then the Authority may provide for additional,
 48 more complete, or more timely services than are generally available in the City of Hampton as a whole
 49 if deemed necessary or appropriate by the Authority; to acquire, own, hold, and improve real or personal
 50 property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, easement,
 51 dedication, or otherwise any real or personal property or any interest therein, which purchase, lease, or
 52 acquisition may only be made for less than fair market value if the Board of Trustees determines, upon
 53 the advice of the Attorney General, that the transaction is consistent with the fiduciary obligation of the
 54 Authority to the Commonwealth and if necessary or appropriate to further the purposes of the Authority;
 55 as provided in this article, to sell, lease, exchange, transfer, assign, or pledge any real or personal
 56 property or any interest therein, which sale, lease, or other transfer or assignment may be made for less

57 than fair market value; as provided in this article, to dedicate, make a gift of, or lease for a nominal
58 amount any real or personal property or any interest therein to the Commonwealth, the City of
59 Hampton, or other localities or agencies, public or private, within the Area of Operation or adjacent
60 thereto, jointly or severally, for public use or benefit, such as, but not limited to, game preserves,
61 playgrounds, park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire,
62 lease, maintain, alter, operate, improve, expand, sell, or otherwise dispose of onsite utility and
63 infrastructure systems or sell any excess service capacity for offsite use; to acquire, lease, construct,
64 maintain, and operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal
65 facilities of every kind and description necessary or useful in the transportation and storage of goods,
66 wares, and merchandise; and to insure or provide for the insurance of any real or personal property or
67 operation of the Authority against any risks or hazards;

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

72 4. To undertake and carry out examinations, investigations, studies, and analyses of the business,
73 industrial, agricultural, utility, transportation, and other economic development needs, requirements, and
74 potentialities of its Area of Operation or offsite needs, requirements, and potentialities that directly affect
75 the success of the Authority at Fort Monroe, and the manner in which such needs and requirements and
76 potentialities are being met, or should be met, in order to accomplish the purposes for which it is
77 created; to make use of the facts determined in such research and analyses in its own operation; and to
78 make the results of such studies and analyses available to public bodies and to private individuals,
79 groups, and businesses, except as such information may be exempted pursuant to the Virginia Freedom
80 of Information Act (§ 2.2-3700 et seq.);

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

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

85 7. To enter into any contracts not otherwise specifically authorized in this article to further the
86 purposes of the Authority, after approval as to form by the Attorney General;

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

89 9. To exercise the power of eminent domain in the manner provided by Chapter 3 (§ 25.1-300 et
90 seq.) of Title 25.1 within the Authority's Area of Operation; however, eminent domain may only be used
91 to obtain easements across property on Fort Monroe for the provision of water, sewer, electrical, ingress
92 and egress, and other necessary or useful services to further the purposes of the Authority, unless the
93 Governor has expressly granted authority to obtain interests for other purposes;

94 10. To fix, charge, and collect rents, fees, and charges (i) for the use of, or the benefit derived from,
95 the services or facilities provided, owned, operated, or financed by the Authority benefiting property
96 within the Authority's Area of Operation and (ii) for the consumption within the Area of Operation of
97 goods and services being provided in exchange for value by any person or business located and
98 operating, permanently or temporarily, within the Area of Operation. Such rents, fees, and charges may
99 be charged to and collected by such persons and in such manner as the Authority may determine from
100 (i) (a) any person contracting for the services or using the Authority facilities or (ii) (b) the owners,
101 tenants, or customers of the real estate and improvements that are served by, or benefit from the use of,
102 any such services or facilities, in such manner as shall be authorized by the Authority in connection
103 with the provision of such services or facilities. Such rents, fees, and charges shall not be chargeable to
104 the Commonwealth or, where such rents, fees or charges relate to services or facilities utilized by the
105 City of Hampton to provide municipal services, to the City of Hampton except as may be provided by
106 lease or other agreement and may be used to fund the provision of the additional, more complete, or
107 more timely services authorized under subdivision 6 of § 2.2-2339, the payments provided under
108 § 2.2-2342, or for other purposes as the Authority may determine to be appropriate, subject to the
109 provisions of subsection B of § 2.2-2342;

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

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

113 13. To elect any past chairman of the Board of Trustees to the honorary position of chairman
114 emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected
115 in addition to the nonlegislative citizen member positions defined in § 2.2-2338;

116 14. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired
117 by purchase, gift, or loan and to exchange or sell the same if not inconsistent with the terms of such

118 purchase, gift, loan, or other acquisition;

119 15. To change the form of investment of any funds, securities, or other property, real or personal,
120 provided the same are not inconsistent with the terms of the instrument under which the same were
121 acquired, and to sell, grant, or convey any such property, subject to the provisions of subsection A of
122 § 2.2-2340;

123 16. To cooperate with the federal government, the Commonwealth, the City of Hampton, or other
124 nearby localities in the discharge of its enumerated powers;

125 17. To exercise all or any part or combination of powers granted in this article;

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

128 19. To adopt, amend or repeal, by the Board of Trustees, or the executive committee thereof,
129 regulations concerning the use of, access to and visitation of properties under the control of the
130 Authority in order to protect or secure such properties and the public enjoyment thereof, with any
131 violation of such regulations being punishable by a civil penalty of up to \$100 for the first violation and
132 up to \$250 for any subsequent violation, such civil penalty to be paid to the Authority;

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

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

137 **§ 2.2-2340.1. Use of safety and security enhancement devices.**

138 *The Authority shall have the power to install, operate, maintain, repair, and replace, or to cause to*
139 *be installed, operated, maintained, repaired, and replaced, within the Area of Operation, security*
140 *cameras and any other devices or sensors that the Authority deems to be useful to enhance the safety*
141 *and security of persons or property located within the Area of Operation.*