



TRANSITION

**Fort Monroe Authority
effective July 1, 2010**

HB 1297 & SB 315

- General Assembly adopted certain statements of principles related to Fort Monroe
 - *Fort Monroe is one of the Commonwealth's most important cultural treasures.*
 - *It is the policy of the Commonwealth to*
 - *protect the historic resources at Fort Monroe*
 - *provide public access to the Fort's historic resources and recreational opportunities*
 - *exercise exemplary stewardship of the Fort's natural resources, and*
 - *maintain Fort Monroe in perpetuity as a place that is a desirable one in which to reside, do business, and visit, all in a way that is economically sustainable*

HB 1297 & SB 315

- Statements of principles (cont.)
 - *Commonwealth and the FMFADA are signatories to a Programmatic Agreement under Section 106 of the National Historic Preservation Act that requires several specific actions be taken, including the enforcement of Design Standards to be adopted by the FMFADA or its successor to govern any new development or building restoration or renovation at Fort Monroe.*
 - *There exists a need for an entity that can manage the property for the Commonwealth and ensure adherence to the findings, declarations, and policies set forth in this section*

HB 1297 & SB 315

- Statements of principles (cont.)
 - *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, and prosperity of the people of the Commonwealth.*

HB 1297 & SB 315

- Statements of principles (cont.)
 - *The Fort Monroe 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 as 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 and its public purpose shall be in all respects for the benefit of the inhabitants of the Commonwealth.*

HB 1297 & SB 315

- Statements of principles (cont.)
 - *The Fort Monroe Authority is the successor in interest to that political subdivision formerly known as the Fort Monroe Federal Area Development Authority.*
 - *The Authority stands in the place and stead of, and assumes all rights and duties formerly of, the Fort Monroe Federal Area Development Authority, including but not limited to:*
 - *all leases, contracts, grants-in-aid, and all other agreements of whatsoever nature*
 - *holds title to all realty and personalty formerly held by the Fort Monroe Federal Area Development Authority*
 - *may exercise all powers that might at any time past have been exercised by the Fort Monroe Federal Area Development Authority*

Fort Monroe Authority Board

- *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;*
 - *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.*
 - *The Governor's Assistant for Commonwealth Preparedness may serve as an ex officio, nonvoting member of the board.*

Fort Monroe Authority Board

- *Six Trustees shall constitute a quorum*
- *All action by the Board shall require the affirmative vote of a majority of the Trustees present and voting*
- *Any action to amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative vote of 75 percent or more of the Trustees present and voting.*

Duties of the Authority

- *Do all things necessary and proper to further an appreciation of Fort Monroe*
- *Provide for the education, safety, and well-being of the residents, businesses, and visitors at Fort Monroe*
- *. Hire and develop a professional staff including an executive director and such other staff as is necessary to discharge the responsibilities of the Authority*
- *Establish personnel policies and benefits for staff*
- *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*
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State Policy on Real Estate Interests

- *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.*

Powers and Authorities

- Sue and be sued, use a seal, enter into contracts, etc.
- Foster and stimulate economic development, renovate or repair buildings, set and collect rents, etc.
- Invest funds, issue debt, undertake studies, maintain museums and memorials, establish non-profits, lease land, receive gifts, hire staff, and do whatever is necessary to accomplish the purposes of the Authority.

Powers and Authorities

- Enter into agreements for proprietary municipal services to be provided to businesses and residents on Fort Monroe.
- Borrow from, or be eligible to receive grants from:
 - *Virginia Resources Authority*
 - *Urban Public-Private Partnership Redevelopment Fund*
 - *Enterprise Zone Grant Act*

Powers and Authorities

- Also participate in:
 - Participate in Public-Private Partnerships under the PPEA and PPTA
 - Local group insurance risk pools or the Commonwealth risk pool
- The Authority may also hire counsel, but must accept any services provided by the OAG.

Powers and Authorities

- Additional matters
 - Powers are supplemental to powers granted by other laws
 - New law controls over other, inconsistent laws
 - Sovereign immunity is not waived
 - Businesses and residents are citizens of Hampton for purposes of governmental services
 - Prior legislation regarding the FMFADA is repealed