



## MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

### MEMORANDUM

**TO:** MPCBPAA  
**FROM:** Harrison P. Bresee III, PAA Staff  
**DATE:** June 17, 2013  
**RE:** June 21, 2013 MPCBPAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, June 21, 2013 at or about **12:00 p.m.** The meeting will be held in the MPPDC Regional Board Room in Saluda. Lunch will be provided.

If you have any questions, please call (804-758-2311) or email me ([hbresee@mppdc.com](mailto:hbresee@mppdc.com)) at your convenience.

### AGENDA

1. Call to Order
2. Approval of April 2013 Minutes
3. Financial Report
4. Public Comment
5. Adoption of Annual Work Plan and Budget
6. Discussion of voting for officers
7. Resolution to open checking account with Citizens and Farmers Bank (Resolution to be Provided at Meeting)
8. Forestry update
  - a. Haworth
  - b. Clay Tract: bid summary
9. Lands End Update:
  - a. Commissioner of Revenue Issue
  - b. Coastal Program: Management Plan Framework
  - c. Crew Team: Road Maintenance and Dock
  - d. Flood and Property Insurance Update
  - d. Lease of Rental Unit: New Tenant
10. Perrin Wharf Update
11. Aberdeen Creek Management Plan Update
12. Two Mathews County Donation Sites
13. Hall Donation Site Update
14. Tidal Wetlands Bank Discussion
15. Other Business
16. Chairman Observations
17. Next Meeting: August 9<sup>th</sup>, 2013
18. Adjourn

#### MEMBERS

Essex County  
Hon. Margaret H. Davis

Gloucester County  
Hon. Louise Theberge  
(Chair)

King and Queen County  
Hon. Doris Morris

King William County  
Mr. Trenton Funkhouser

Mathews County  
Ms. Melinda Moran

Middlesex County  
Hon. Carlton Revere

Town of Tappahannock  
Mr. G. Gayle Belfield, Jr.

Town of Urbanna  
Vacant

Town of West Point  
Mr. John B. Edwards, Jr.

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MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY  
MINUTES  
April 12, 2013  
Middle Peninsula Planning District Commission  
Saluda, Virginia

**1. Call to Order**

**Attending:** Mr. Brett Schardein, King William County, Ms. Margaret H. “Prue” Davis, Essex County, Administrator, Mr. John Edwards, Town of West Point, Mr. Matt Walker, Middlesex County, Mr. Jimmy Sydnor, Town of Tappahannock, Ms. Louise Theberge, Gloucester County, Mr. Thomas J. Swartzwelder, King and Queen County, and MPPDC Staff Mr. Lewis Lawrence and Mr. Harrison P. Bresee III.

**2. Approval of December 2012, January 2013 Emergency Meeting, and March 2013 Special Meeting Minutes**

Chairman Louise Theberge requested a motion to approve the December 2012, the January 2013 Emergency Meeting, and the March 2013 Special Meeting Minutes. Ms. Davis moved that the minutes be approved subject to a change in title of the January 2013 Emergency Meeting Minutes to: “Executive Session to Discuss Acquisition of Real Property as Permitted by Virginia Code 2.2-3711 A3”. Mr. Sydnor seconded the motion. Chairman Louise Theberge asked for any discussion. Motion carried by unanimous vote.

**3. Approval of April 2013 Financial Report**

Mr. Lawrence reviewed the April 2013 financial report. Chairman Louise Theberge requested a motion to approve the April 2013 financial report subject to audit. Mr. Sydnor moved that the financial report be approved. Mr. Edwards seconded the motion. Chairman Louise Theberge asked for any discussion. Motion carried by unanimous vote.

**4. Public Comment**

None.

**5. Virginia Interactive Presentation**

Mr. Lewis spoke about the need for a low cost, interactive, web based method for the public to be able to purchase hunting permits, pay boat ramp and slip fees, camping permits, or other fees on lands owned or managed by the PAA. Mr. Travis Sarkees of Virginia Interactive gave a presentation on how his company does this for other public entities. The consensus of the Board was to move forward on exploring this option. No vote was taken.

**6. Formal Separation of the PAA and PDC Financial Affairs**

Mr. Lewis introduced the need for the PAA to separate its finances from the MPCBPAA. The PAA has gotten more complex and needs to be separated financially from the MPCBPAA in order to maintain clarity in its financial records. Ms. Beth Johnson, MPCBPAA Staff (Finance Director), explained how the process would work. Ms. Johnson will manage the new books separately from the MPCBPAA, which will require a PAA bank account with official PAA signatures. Mr. Edwards made a motion to formally separate the

PAA and the PDC financial affairs. Mr. Sydnor seconded the motion. Chairman Louise Theberge asked for any discussion. Motion carried by unanimous vote.

**7. PAA Draft Budget**

Mr. Lewis discussed the PAA Draft Budget. No motion was made.

**8. Lands End Discussion**

Mr. Lewis discussed the progress at the Lands End property. The Crew Team is maintaining the property and using the property for Crew practice. The Flood and Property Insurance was quoted to be \$9,000.00 for flood and \$3,000.00 for property. Mr. Lawrence is working with the insurance companies to find a way to reduce these fees. Mr. Bresee will develop a Management Plan Framework with a grant from the Coastal Program. This plan will develop an interim use plan for consideration by the Board and is scheduled to be completed by September 2013.

**9. Perrin Wharf Slips**

Mr. Bresee gave an update on the progress of the slip construction at the Perrin Wharf. A VMRC/ Joint Permit Application has been submitted. The application should be approved in June with construction estimated to be complete by September 2013.

**10. Aberdeen Creek Management Plan**

Mr. Lewis gave an update on a grant to pursue an Aberdeen Creek Management Plan. The grant to the Coastal Program has been submitted and is awaiting approval.

**11. Two New Mathews County Donation Sites**

Mr. Lawrence discussed two new Mathews County Donation Sites. The owners approached the PAA after reading about the Lands End donation in the newspaper. The owners have offered the sites with no restrictions. No action was taken.

**12. Forestry Updates**

Mr. Bresee advised the Board that the Haworth Property contract was signed and timbering is projected to be completed by October 2013; the Browne Property has not moved; the Clay Property is in the process of going out for bids; and the Lands End property has been cruised. No action was taken.

**13. Other Business**

None.

**14. Chairman Observations**

None.

**15. Next Meeting**

The Next Middle Peninsula Chesapeake Bay Public Access Authority Meeting is scheduled for June 14, 2013 at 11:00 am in the Middle Peninsula Planning District Commission's Regional Board Room.

**16. Adjourn**

On a motion by Mr. Sydnor and seconded by Ms. Davis, and by unanimous vote, the meeting adjourned at 1:07 pm.

DRAFT

# Revenue and Expenditure Report by Project

Middle Peninsula Planning District Commission

Run Date: 06/18/2013  
 Run Time: 10:49:23 am  
 Page 1 of 1

Period 07/01/12 to 05/31/13

Project Code & Description	Budget	Prior Year	Current	YTD	Proj Tot	Un/Ovr	% Bud
<b>32007 PAA Administration</b>				<b>Project Period 07/01/2007 to 06/30/2013</b>			
<b>Revenues</b>							
41700 VDCR	75,900.00	75,900.00	0.00	0.00	75,900.00	0.00	100.00%
42002 National Park Service	12,000.00	0.00	0.00	0.00	0.00	12,000.00	0.00%
44010 MPLT/BFI Award	12,160.27	12,160.27	0.00	0.00	12,160.27	0.00	100.00%
44012 PAA Prior Year's Un	9,807.58	-10,460.88	0.00	20,268.46	9,807.58	0.00	100.00%
44200 Interest Income	9.11	8.61	0.08	0.88	9.49	-0.38	104.17%
44300 PAA Hunting License	5,650.00	4,550.00	0.00	1,100.00	5,650.00	0.00	100.00%
44900 Miscellaneous Incom	2,342.25	2,342.25	0.00	0.00	2,342.25	0.00	100.00%
44901 Miscellaneous Incom	15,000.00	0.00	0.00	0.00	0.00	15,000.00	0.00%
Revenues	<u>132,869.21</u>	<u>84,500.25</u>	<u>0.08</u>	<u>21,369.34</u>	<u>105,869.59</u>	<u>26,999.62</u>	<u>79.68%</u>
<b>Expenses</b>							
50000 SALARIES	16,802.66	16,802.66	0.00	0.00	16,802.66	0.00	100.00%
50500 FRINGE BENEFITS	5,591.67	5,591.67	0.00	0.00	5,591.67	0.00	100.00%
52200 Utilities	0.00	0.00	70.49	249.02	249.02	-249.02	0.00%
52251 website	91.51	91.51	0.00	0.00	91.51	0.00	100.00%
53100 Equipment	57.54	57.54	0.00	0.00	57.54	0.00	100.00%
53200 Data Processing Equip	0.00	0.00	375.00	375.00	375.00	-375.00	0.00%
53400 Office Supplies	2,542.42	2,542.42	57.08	266.53	2,808.95	-266.53	110.48%
53500 Meeting Supplies	2,088.30	1,588.30	0.00	330.20	1,918.50	169.80	91.87%
54100 Private Mileage	511.89	511.89	38.30	63.28	575.17	-63.28	112.36%
54500 Lodging/ Staff Expen	152.32	152.32	14.90	14.90	167.22	-14.90	109.78%
55100 Dues/Memberships	0.00	0.00	70.50	70.50	70.50	-70.50	0.00%
55150 Subscriptions/Publica	29.95	29.95	-25.00	-10.00	19.95	10.00	66.61%
55300 Conferences	1,940.25	940.25	0.00	0.00	940.25	1,000.00	48.46%
56100 Accounting/Audit Ex	0.00	0.00	388.50	388.50	388.50	-388.50	0.00%
56300 Legal Services	19,603.00	17,546.41	0.00	12,396.35	29,942.76	-10,339.76	152.75%
56400 Consulting/Contractur	14,749.08	13,749.08	178.75	2,217.71	15,966.79	-1,217.71	108.26%
56420 Consulting/Awarded I	12,000.00	0.00	0.00	0.00	0.00	12,000.00	0.00%
56600 Construction	694.21	694.21	0.00	0.00	694.21	0.00	100.00%
56700 Contractural Other	500.00	500.00	0.00	0.00	500.00	0.00	100.00%
57100 Postage	205.67	205.67	0.00	18.48	224.15	-18.48	108.99%
57300 Promotion/Advertisin	47.50	47.50	0.00	0.00	47.50	0.00	100.00%
57400 Public Officials Insur	8,036.00	6,736.00	0.00	1,255.00	7,991.00	45.00	99.44%
57500 Miscellaneous Other	6,363.58	6,363.58	25.00	90.00	6,453.58	-90.00	101.41%
59700 INDIRECT COSTS	10,349.29	10,349.29	0.00	0.00	10,349.29	0.00	100.00%
Expenses	<u>102,356.84</u>	<u>84,500.25</u>	<u>1,193.52</u>	<u>17,725.47</u>	<u>102,225.72</u>	<u>131.12</u>	<u>99.87%</u>
<b>Project Revenues:</b>	<u>132,869.21</u>	<u>84,500.25</u>	<u>0.08</u>	<u>21,369.34</u>	<u>105,869.59</u>	<u>26,999.62</u>	<u>79.68%</u>
<b>Project Expenses:</b>	<u>102,356.84</u>	<u>84,500.25</u>	<u>1,193.52</u>	<u>17,725.47</u>	<u>102,225.72</u>	<u>131.12</u>	<u>99.87%</u>
<b>Project Balance:</b>	<u>30,512.37</u>	<u>0.00</u>	<u>-1,193.44</u>	<u>3,643.87</u>	<u>3,643.87</u>		

**MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY**

**FY '14: July 1, 2013 – June 30, 2014**

PROGRAMS WILL BE OPERATED IN THE FOLLOWING GENERAL AREAS:

- (1) MPCBPAA ADMINISTRATION and LOCAL PUBLIC ACCESS TECHNICAL ASSISTANCE
- (2) PUBLIC ACCESS LAND TRANSFERS and VDOT RESEARCH
  - a. Prince Street (Tappahannock)
- (3) PERRIN WHARF SLIP CONSTRUCTION
- (4) LANDS END MASTER MANAGEMENT PLAN
- (5) ABERDEEN CREEK HARBOR MASTER PLAN
- (6) MATHEWS HERITAGE PARK (BILLIPS CREEK ACCESS)
- (7) HAWORTH AND CLAY TRACT TIMBER MANAGEMENT
- (8) WATER ACCESS STRATEGIC PLANNING
  - a. Regional Public Access Master Plan Update
  - b. Concept Project: Severn River Blueways Trail
  - c. Virginia Working Waterfront Symposium
  - d. Stampers Bay Boating Access/David London property (Middlesex County)
  - e. Continue Research of Funding Approaches for Financing Local Dredging Projects

**1. Program: General PAA Administration and Local Technical Assistance \$24,170**

Description: This program allows the Overall Program to function by supporting the individual projects and operation of the Authority, as well as by responding to daily requests for assistance from local government staff. In order to properly manage the workload, requests should be channeled through Authority members to PAA lead staff.

Activities: Personnel administration; financial management; administrative grant reporting; and other general Authority functions. Consultation on public access related issues; review of local public access projects; GIS and other public access technical assistance provision as necessary.

- a. *Liability & Property Insurance FY13* (\$3,060 PAA General Fund/Rental Income)
- b. *Flood Insurance FY13* (tbd \$9,330.00 Rental Income)
- c. *Electricity (Lands End)* (\$1,030 PAA Rental Income)
- d. *Accounting System* (\$375 PAA General Fund)
- e. *Accounting (MPPDC Staff)* (\$2,750 PAA General Fund/Rental Income)
- f. Direct project expense
  - i. *Site Maintenance* (\$500 PAA Hunting Revenue)
  - ii. *MPPDC Staff Support* (Up to \$7,125 for Staff support for implementation of the PAA annual work plan from the MPPDC- DEQ Coastal Technical Assistance Program)

Responsibility: MPPDC Executive Director, Regional Planner

Support: PAA General fund, Rental Income, Hunting Income and MPPDC-DEQ Coastal Zone Management Program

**2. Program: Public Access Land Transfer \$0**

Description: This program continues to assist the Town of Tappahannock with the transfer of a portion of Prince Street from VDOT to the Town of Tappahannock.

- Activities:
- 1. VDOT Road Ending Research/Transfer (RTP \$10,000)
    - a. Finalize Prince Street Transfer
    - b. Ongoing research as requested

Responsibility: MPPDC Executive Director , Regional Planner, PAA Legal Assistance

Support: RTP

**3. Program: Perrin Wharf Slip Construction \$14,000**

Description: This program will work towards creating up to 10 new slips at the Perrin Wharf. Estimated rental income is \$100 per month per slip when operational.

- Activities:
- a. Complete permitting (JPA and local building permits)
  - b. Coordinate the construction of the slips
  - c. Develop a Perrin Wharf Management Plan (RTP)

Responsibility: MPPDC Executive Director , Regional Planner  
Support: Virginia Coastal Zone Program, RTP and Private Donation (contractor)

**4. Program: Lands End Master Management Plan \$10,000**

Description: This program will develop a community stakeholders group with the goal of working towards developing an approach to create a master management plan.

Activities: a. MPPDC staff will provide an overview of the property, including a written description of the physical land as well as maps identifying the property assets.  
b. Lead discussions with stakeholders to discuss management options for the Severn Property and develop preliminary management plan for the property that establishes a framework for the final property management plan

Responsibility: Regional Planner  
Support: PAA General Fund, Coastal TA

**5. Program: Aberdeen Creek Harbor Master Plan \$0\***

Description: *\*This project will be administered by MPPDC as the MPPDC was the only eligible applicant.* This program will work towards the development of a Harbor Master Plan. Staff will conduct a site analysis that will include an inventory of creek activities (ie. Public and private), the number of watermen that utilize this creek, as well as the creek navigation conditions. In addition to providing a creek-wide snapshot of its users, MPPDC staff will also research public and private infrastructure and property ownership to better understand options to improve or expand working waterfront industry services within the Creek. The plan will rely on community participation to identify and discuss infrastructure needs and potential improvements for Aberdeen Creek users. Technical staff will develop cost opinions including discussion of capital improvement needs, and capacity analysis for private and public facilities.

**6. Program: Mathews Heritage Park (Billips Creek Access) \$0**

Description: This program will work towards the development of a Mathews Heritage Park (Billips Creek) Management Plan. The Plan will clarify issues and concerns of citizens, and gains consensus on a vision, goals, uses, and management approach for the site. Public access options for the site will be developed based on environmental constraints, legal requirements, and community needs and develop concept plan that depicts desired uses. Plan will include a management strategy that identifies implementation steps, funding options, and management roles to



ensure long-term sustainable use of the property that allows for public access while respecting private property.

Activities:

- a. Mathews Heritage Park (Billips Creek) Management Plan
  - i. National Parks Service (\$12,000 – pro-rated)
  - ii. MPPDC-DEQ Coastal Zone Management Program (staff support)

Responsibility: Regional Planner

Support: National Parks Service, Coastal TA

**7. Program: Haworth, Clay and Lands End Tract Timber Management **\$0****

Description: This program will work maximizing the natural resources on PAA public land for habitat and recreational improvements.

Activities:

- a. Harvest trees on Haworth, Clay, and Lands End tract in coordination with the PAA adopted Habitat Management Plan
  - i. Hire timber crews, harvest, replant (Harvest expenses are part of timber contract- anticipated revenue to be received \$20,000- \$140,000. Part of the harvest revenue on the Haworth Tract will go to PAA general fund to offset legal costs associated with Hayworth ROW legal expenses)

Responsibility: Regional Planner

Support: Self Sustaining- Revenue from tree harvest and Coastal TA staff support.

**8. Program: Water Access Strategic Planning and Access Infrastructure Management **\$ 100****

Description: Those activities, which promote and support efforts to study and plan for local and regional water access needs including: access studies; infrastructure planning and development; project coordination assistance to the Authority and local governments in public access grant funding programs; Working Waterfront Preservation; as well as project administration and coordination of public access infrastructure improvement projects.

Activities:

- Ongoing Acquisition Planning and Management
  - i. Regional Public Access Master Plan (Coastal TA DEQ staff support)
  - ii. Severn River Blue Ways Trail- Future Grant Driven (Coastal TA DEQ staff support)
  - iii. Assistance with the Coordination of a Virginia Working Waterfront Symposium (\$100 PAA General Fund)
  - iv. Stampers Bay public access site in Middlesex County – help Middlesex County and VDOT develop a strategy to manage the site for greater public boating access (RTP support)
  - v. Work with Middlesex County and potential private donor on a future public access site on the Piankatank River (Ferry Road).

- vi. Continue Research of Funding Approaches for Financing Local Dredging Projects (Coastal TA DEQ staff support)

Responsibility: MPPDC Executive Director, Regional Planner  
Support: (Coastal TA, RTP and PAA general Fund)

**PAA Funds utilized - \$22,145**

**Available Resources**

**\$4,644 PAA General Fund**

**\$20,000 – 140,000 (Tree harvesting, depending on weather)**

**\$1,600 Hunting fees**

**\$26,244-146,244**

**\*Note: Proposed unrestricted reserve fund balance \$4,644**

MIDDLE PENNSYLVANIA CHEESEPAKE BAY BOATLAND ACCESS AUTHORITY  
FY14 Draft Budget

	A	B	C	D	E	F	G	H	I	J	K
1					FY14						
2		<b>Revenues</b>									
3	LOCAL	LOCAL									
4											
5	STATE	STATE									
6											
7	FEDERAL	FEDERAL				\$6,000.00					
8		Dept of Envir Quality (Perrin Wharf)				\$6,000.00					
9		Dept of Envir Quality (Lands End Master Plan)				\$0.00					
10											
11											
12	OTHER	PROGRAM INCOME					\$60,560.00				
13		Rent (Land's End Tenant House)			\$12,960.00						
14		Hunting Licenses/Fees			\$1,600.00						
15		Timber Sales Hayworth			\$30,000.00	\$16,000 restricted					
16		Timber Thinning Lands End			\$8,000.00						
17		Perrin Wharf Fees			\$8,000.00	\$4000 restricted					
18		Lands Ends Access Fees									
19		MISCELLANEOUS					\$50.00				
20		Interest Income (General Fund)			\$50.00						
21		General Fund			\$0.00						
22							\$66,560.00				
23											
24											
25		<b>Expenses</b>									
26	EQUIPMENT AND SUPPLIES EXPENSE	EQUIPMENT/SUPPLIES					\$375.00				
27		Accounting System			\$375.00						
28											
29	CONSULTANT/CONTRACTUAL EXPENSE	CONTRACTUAL/CONSULTING					\$20,275.00				
30		MPPDC Staff Support			\$7,125.00						
31		Construction			\$5,400.00						
32		Legal			\$5,000.00						
33		Accounting			\$2,750.00						
34											
35	MISCELLANEOUS EXPENSE	MISCELLANEOUS					\$9,330.00				
36		Liability & Property Insurance			\$3,060.00						
37		Flood Insurance			\$9,330.00						
38		Electricity(Lands End)			\$600.00						
39							\$29,980.00				
40											
41		General Fund Requirement					\$0.00				
42											
43		Required Matching Funds					\$5,000.00				
44		Unrestricted General Fund Balance (6/30/13)					\$4,644.00				
45		Anticipated Unrestricted General Fund Balance (6/30/14)					\$21,224.00				
46		Restricted Funds Balance 6/30/14					\$20,000.00				
47	NONCASH AWARDS	Technical Assistance Awards					\$12,000.00				

**bjohnson:**  
50/50 match provided by contractor

**bjohnson:**  
Lands End Master Plan Grant to PDC, PAA to provide matching funds of \$5K (included in MPPDC Staff Support expense below)

**bjohnson:**  
Staffing for Perrin Wharf (\$325) and Lands End Plan Match (\$5K) grants plus hunting licensing admin, financial, administrative and grants management (\$1800)

**bjohnson:**  
Audit? Plus accounting software license fees of \$388.50/year, plus misc bank fees

**bjohnson:**  
Lands End - 3 bldgs - will drop if elevation certificates are submitted

Clay-Smithers Thinning & TSI Timber Sale Comparison										
May 30, 2013										
Bid Sale by ClearWater Environmental & Forestry										
										Block 3
Product	Estimated Volume *		Mike Gibson	Total \$	Southpaw	Total \$	**Mid-Atlantic	Total \$		Estimated Volume
Pine Pulpwood	4,456	Tons	\$ 8.80	\$ 39,212.80	\$ 8.00	\$ 35,648.00	\$ 9.00	\$ 35,883.00		3,987
Hardwood Pulpwood	1,275	Tons	\$ 3.00	\$ 3,825.00	\$ 3.00	\$ 3,825.00	\$ 2.00	\$ 240.00		120
Pine Chip 'n Saw	2,109	Tons	\$ 16.00	\$ 33,744.00	\$ 19.00	\$ 40,071.00	\$ 16.50	\$ 27,670.50		1,677
Lob. Pine Sawtimber	2,223	Tons	\$ 20.00	\$ 44,460.00	\$ 19.00	\$ 42,237.00	\$ 21.00	\$ 30,030.00		1,430
Virginia Pine Sawtimber	155	Tons	\$ 10.00	\$ 1,550.00	\$ 19.00	\$ 2,945.00	\$ 10.00	\$ -		-
Hardwood Sawtimber	1,138	Tons	\$ 15.00	\$ 17,070.00	\$ -	\$ -	\$ 9.00	\$ 765.00		85
Pallet Logs	518	Tons	\$ -	\$ -	\$ 10.00	\$ 5,180.00	\$ -	\$ -		
Tie & Regular Logs	620	Tons	\$ -	\$ -	\$ 20.00	\$ 12,400.00	\$ -	\$ -		
		TOTALS		\$ 139,861.80		\$ 142,306.00		\$ 94,588.50		For Block 3 th

\* Note that estimated volume is from a very limited number of sample points and could vary greatly as would the total \$\$ amounts based on these volumes and in r taken as accurate estimate of projected income.

\*\* Bid was for Block 3 Thinning Only



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Attorney

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June 11, 2013

**VIA U.S. MAIL**

Mr. Kevin A. Wilson  
Commissioner of Revenue  
6489 Main Street, Suite 137  
Gloucester, Virginia 23061

RE: Real Estate Tax Bills for Property owned by the Middle Peninsula Chesapeake Bay Public Access Authority

Dear Mr. Wilson:

Earlier this year, James W. Laird donated 97 acres of waterfront property to the Middle Peninsula Chesapeake Bay Public Access Authority (the "Authority"). Last week, the Authority received approximately twenty Real Estate Tax Bills from the County of Gloucester for the various parcels included in that donation. For the following reasons, the Authority contends that the donated property is necessarily tax exempt.

First, the General Assembly created the Authority as a political subdivision of the Commonwealth of Virginia. The enabling legislation refers to the Authority as "a body corporate" and as "a regional entity of government." VA. CODE ANN. § 15.2-6601. The Authority performs an "an essential governmental function." *Id.* § 15.2-6617; *see also id.* § 15.2-6601 ("[T]he exercise of powers conferred by this act are proper and essential governmental functions and public purposes and matters of public necessity for which public moneys may be spent and private property acquired."). Moreover, the Authority has the power to sue and be sued, *id.* § 15.2-6606(2); it may enter into contracts, *id.* § 15.2-6606(11); the Authority is authorized to borrow money and issue bonds that are tax exempt, *id.* §§ 15.2-6606(15), 15.2-6612, 15.2-6617; and the Authority is managed by a board of directors, *id.* § 15.2-6604. Accordingly, the Authority is a tax exempt entity pursuant to Article X, Section 6(a) of the Constitution of Virginia. *See* VA. CONST. art. X, § 6(a)(1) (exempting property owned directly or indirectly by the Commonwealth or any political subdivision thereof); VA. CODE ANN. § 58.1-3606(1) (same).

Second, the legislation establishing the Authority specifically provides that its property will be tax exempt:

[A]s the operation and maintenance of any project that the Authority is authorized to undertake will constitute the performance of an essential governmental function, *the Authority shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this act . . . .*

VA. CODE ANN. § 15.2-6617 (emphasis added). The General Assembly did not define the term "facility" in the Middle Peninsula Chesapeake Bay Public Access Act; however, its usage suggests that it encompasses all property that serves to accomplish the Authority's purpose. *E.g.*, Va. Code Ann. § 15.2-6601 (referring to "public access sites and related facilities"). In *York v. Peninsula Airport Commission*, 235 Va. 477, 369 S.E.2d 655 (1988), the Supreme Court of Virginia reached the same conclusion. In that case, York County argued that identical statutory language evidenced a legislative intent to permit taxation of the Peninsula Airport Commission's land. *Id.* at 482, 369 S.E.2d at 668. The Court rejected that argument and concluded that the Peninsula Airport Commission's "tax exemption extends to all its property *necessary to accomplish the public purposes for which it was created.*" *Id.* at 483, 369 S.E.2d at 668 (emphasis added).

The Authority was created to preserve and manage access to the rivers, creeks, and bays that dominate the Middle Peninsula landscape. It is tasked with acquiring and developing public access sites. *See* VA. CODE ANN. § 15.2-6601(1). Moreover, the Authority may restore or create tidal wetlands in the region. *See id.* § 15.2-6601(7). The recent land donation adds to the network of properties available for public access across the Middle Peninsula. It consists of over a mile of waterfront property. The Authority is in the process of developing a management plan for the donated property. The goals of that plan will be designed to meet the goals of the Public Access Authority while maximizing water access, and outdoor recreational and community needs. Accordingly, the land is necessary to accomplish the public purposes for which the Authority was created and is automatically tax exempt.

Finally, no other locality imposes taxes on property held by the Authority. In addition to the donated property, the Authority owns approximately 864 acres in seven separate holdings in four counties of the region. The Authority does not receive Real Estate Tax Bills for those holdings—which include property in Gloucester County currently classified as tax exempt.

For the foregoing reasons, the Authority requests that you treat all property donated by James W. Laird as tax exempt. I hope that this letter will resolve the issue. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,



John B. Catlett, Jr.

cc: Mr. Lewis L. Lawrence



**KEVIN A. WILSON**  
**Commissioner of the Revenue**  
**COUNTY OF GLOUCESTER, VIRGINIA**

6489 Main Street  
Suite 137  
Gloucester, Virginia 23061

(804) 693-3451 Office  
(804) 693-3581 Fax

June 14, 2013

Mr. John B. Catlett, Jr.  
Sands Anderson  
Post Office Box 1998  
Richmond, Virginia 23218-1998

RE: Middle Peninsula Chesapeake Bay Public Access Authority

Dear Mr. Catlett:

I refer to your letter dated 11 June regarding the assessment of real estate taxes on property owned by the MPCBPAA in Gloucester County. Moreover this office has communicated with you and/or your client numerous times by phone or email on the topic of exempting property taxes on real property owned in the County. During each of those communications you have been advised to make application seeking such tax exemption with the Board of Supervisors.

It is reasonable to believe that the Authority should be able to show how they serve, or are contemplated to serve, the purposes for which the Authority was created and I find no such evidence being presented. Furthermore, the Authority purchased in December 2006 property located in Gloucester County and was afforded the benefit of tax exemption at that time based on the contemplation that it would serve the purposes for which the Authority was created. In accordance with § 15.2-6601 of the Virginia Code the purpose of the Authority under Article 1 states they are to secure land for use by the general public as a public access site; under Article 3 they are to determine appropriate public use levels of identified access sites and under Article 5 they are to develop appropriate site management plans for public access usage.

Tax Map 046-128 was purchased in December 2006 and per my review of the property using Pictomertry I find no access to the property or facilities that exist as of November 2011 when the aerial photography was generated. In accordance with § 15.2-6602 of the Virginia Code the term "site" is defined as any land holding that can improve public access to waters of the Commonwealth. In reading § 15.2-6617 of the Virginia Code it states that the operation and maintenance of any project for the benefit of the inhabitants of the Commonwealth shall not be required to pay any taxes or assessments upon any

June 14, 2013

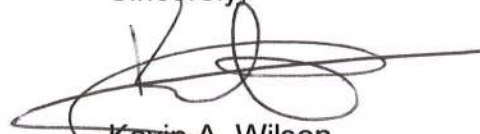
Page 2

“facilities” acquired and constructed by it under the provisions of the act. Furthermore, in accordance with § 15.2-6606 of the Virginia Code the Authority have statutory powers under Article 7 of that statute to construct, install, maintain and operate facilities for managing access sites. Given the aforementioned information what assurances do the citizens of Gloucester have that the properties owned will ever serve the purposes for which the Authority was created if after six years TM 046-128 fails to serve the purpose of the Authorities powers?

I realize the Authority has no specific timelines to meet the purposes from which they were created; however, I would think it would not be a terribly difficult “threshold” for the Authority to reach to demonstrate how parcels may be tied to the purposes for which the Authority was created and do so on a parcel by parcel basis. And as you have been previously advised the instrument to demonstrate how all of the parcels owned in Gloucester County are tied to the purposes for which the Authority was created are available in the County Administrators office. This is the same process for all property owners seeking tax exemption and I find no authority to circumvent the process by which the Gloucester County Board of Supervisors has created for such purpose.

For the forgoing reasons until the Gloucester County Board of Supervisors provides this office with its satisfaction that the Authority has satisfied such requirements to show that “all” real property owned by the Authority has or will meet the purpose by which they were created I find no reason to exempt from taxation any property owned by the Authority, I remain.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin A. Wilson', with a long horizontal line extending to the right.

Kevin A. Wilson  
Commissioner of the Revenue

cc: Ted Wilmot, County Attorney  
Brenda Garton, County Administrator