

**Middle Peninsula Chesapeake Bay
Public Access Authority Operating Agreement
(Ratified June 13, 2003)**

This Agreement is made and entered into this 13 day of June , 2003, by and among the COUNTIES of Essex, Gloucester, King and Queen, King William, and Mathews and the TOWNS OF Tappahannock and West Point , all political subdivisions of the Commonwealth of Virginia, collectively referred to as the “Member Jurisdictions,” and the MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY.

WITNESSETH:

- I. Recitals.
 - A. The Member Jurisdictions recognize that our shorelines are high priority natural areas and that we must provide public access across the region.
 - B. The Member Jurisdictions further recognize that as we become more densely populated, it is critical that we set aside recreational access sites for all types of recreational activities, such as birding, hunting, fishing, boating, picnicking and sight seeing. These recreational activities associated with our rivers, bays and tidal creeks and marshes are important to our economy and to the citizens of the Commonwealth
 - C. The Member Jurisdictions additionally recognize that the public access authority will further benefit the region by providing a standard process for improving and managing public access across the region.
 - D. To provide a mechanism for operating and financing the Middle Peninsula Chesapeake Bay Public Access Authority, the General Assembly of Virginia, at the request of the Member Jurisdictions, has adopted title 15.2, Chapter 66, §15.2-6600 through §15.2-6625 of the Acts of Assembly of 2002 (the “Enabling Legislation”), which provides for the creation of the Middle Peninsula Chesapeake Bay Public Access Authority (the “Public Access Authority” or “Authority”) and grants it broad powers with respect to preserving,

procuring and managing public access. The Enabling Legislation contemplates that the Authority will be activated by one or more of the Member Jurisdictions adopting a resolution to declare the need for the Authority's existence, and contracting with the Authority for necessary activities. This Agreement is intended to fulfill that requirement.

II. Appointment of Members; Ratification by Authority.

Upon approval of this Agreement the governing body of each Member Jurisdiction shall appoint one person whom shall be a member of the appointing governing body or its chief operating officer to serve as a director of the Authority, as contemplated by the Enabling Legislation. In the event there are two or fewer participating jurisdictions in the Authority, each participating jurisdiction shall appoint two directors. Following their appointment, the directors shall hold an initial meeting to elect officers and to ratify this Agreement. Thereafter, the Authority shall possess and exercise all the powers and functions enumerated in the Enabling Legislation.

III. Operation of Authority.

Following its activation the Authority shall proceed to develop, modify and implement a regional public access strategic plan in accordance with the Enabling Legislation §15.2-6601 Creation; public purpose.

The Authority shall not undertake any project in any jurisdiction without the approval of the governing body of that jurisdiction.

IV. Annual Budgets; Contributions from Member Jurisdictions.

A. As soon as practicable after it is activated, and by December 1 of each future year, the Authority shall develop and present to the Member Jurisdictions its operating and capital budgets for the fiscal year beginning the following July 1, showing all contemplated expenditures for operations, capital expenses, and debt service and all anticipated revenues from operations, federal and state grants, and other sources. Any Member Jurisdiction may contribute funds to support activities of the Authority, but such contributions shall be subject to annual appropriation by its governing body unless the authority and Member Jurisdictions have agreed upon a formal financing agreement.

V. Withdrawal of Membership.

In accordance with the Enabling Legislation, any member jurisdiction may withdraw from membership in the Authority by resolution or ordinance of its governing body. However, no member jurisdiction shall be permitted to withdraw from the Authority after any obligation has been incurred except by unanimous vote of all member jurisdictions.

IN WITNESS WHEREOF this Agreement has been executed on behalf of each of the Member Jurisdictions and the Authority pursuant to action of their governing bodies on the dates indicated.

Approved By
Board of Supervisors

COUNTY OF ESSEX

_____, 2003

By: _____

Approved By

COUNTY OF GLOUCESTER

Board of Supervisors

_____, 2003

By: _____

Approved By
Board of Supervisors

COUNTY OF KING & QUEEN

_____, 2003

By: _____

Approved By
Board of Supervisors

COUNTY OF KING WILLIAM

_____, 2003

By: _____

Approved By
Board of Supervisors

COUNTY OF MATHEWS

_____, 2003

By: _____

Approved By
Town Council

TOWN OF TAPPAHANNOCK

_____, 2003

By: _____

Approved By
Town Council

_____, 2003

TOWN OF WEST POINT

By: _____

Approved By
Authority Board of Directors

_____, 2003

MIDDLE PENINSULA
CHESAPEAKE BAY PUBLIC
ACCESS AUTHORITY

By: _____