

RESOLUTION NO. 11730-08

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN CONCURRENT JURISDICTION AGREEMENT BY AND BETWEEN THE VIRGINIA PORT AUTHORITY AND THE CITY OF NEWPORT NEWS, VIRGINIA DATED THE 28<sup>TH</sup> DAY OF OCTOBER, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Concurrent Jurisdiction Agreement by and between the Virginia Port Authority and the City of Newport News, Virginia dated the 28<sup>th</sup> day of October, 2008.

2. That a copy of the said Agreement is attached hereto and made a part hereof.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON OCTOBER 28, 2008

Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor

A true copy, teste:

City Clerk

# CONCURRENT JURISDICTION AGREEMENT

Between  
The Virginia Port Authority  
and  
The City of Newport News, Virginia

This Concurrent Jurisdiction Agreement, made this 28<sup>th</sup> day of October, 2008, by and between THE VIRGINIA PORT AUTHORITY, a political subdivision of the Commonwealth of Virginia (the "Port Authority") and THE CITY OF NEWPORT NEWS, a municipal corporation of the Commonwealth of Virginia ("Newport News") provides as follows:

## RECITALS

- A. The Port Authority maintains a police force established pursuant to the authority granted by *Va. Code* § 62.1-132.11 (the "Port Authority Police Department").
- B. The Port Authority owns property in Newport News commonly known as the Newport News Marine Terminal where it conducts some of its business and operations.
- C. The police powers of the Port Authority Police Department have traditionally been exercised only within property of the Port Authority. However, *Va. Code* § 62.1-132.12(A) authorizes agreements between host localities such as Newport News and the Port Authority to permit exercise of said police powers outside of Port Authority property.
- D. Newport News and the Port Authority have mutually determined that it is in the interest of public safety for Port Authority police officers to exercise their police powers in certain areas of Newport News outside of the Newport News Marine Terminal.
- E. In order to provide said authorization, the parties hereby enter into this Concurrent Jurisdiction Agreement, as authorized by *Va. Code* § 62.1-132.12(A).

## AGREEMENT

- 1. The jurisdiction and authority of the Port Authority Police Department are hereby extended a distance of 300 yards from the Newport News Marine Terminal into a "Concurrent Jurisdiction Area" in Newport News.
- 2. The creation of the Concurrent Jurisdiction Area shall not diminish, restrict, or modify in any way the existing authority of Newport News law enforcement officials in said Area.
- 3. The authority of the Port Authority Police Department in the Concurrent Jurisdiction Area shall encompass full and general police authority, as set forth in all applicable sections of the Code of Virginia and at common law.

4. This agreement shall be of unlimited duration. It may be modified by written agreement of authorized representatives of the parties. It may be terminated by either party upon no less than thirty days written notice to the other party.
5. This agreement shall be implemented by Order of the Newport News Circuit Court as per *Va. Code* § 62.1-132.12(A).
6. If there is any later modification or termination hereof, said modification or termination shall not become effective unless and until it is also implemented by Order of comparable dignity.

WITNESS the following signatures:

**THE VIRGINIA PORT AUTHORITY**

Approved as to form and legality:

By:

\_\_\_\_\_  
Jerry A. Bridges, Executive Director

\_\_\_\_\_  
Counsel for Virginia Port Authority

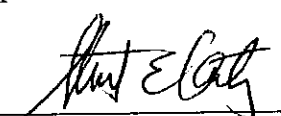
\_\_\_\_\_  
Col. Andrew H. Engemann, Jr., Chief of Police

**CITY OF NEWPORT NEWS, VIRGINIA**

Approved as to form and legality:

By:

\_\_\_\_\_  
Randy W. Hildebrandt, City Manager

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
James D. Fox, Chief of Police

Attest:

\_\_\_\_\_  
City Clerk

rep222