



Legislation Text

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Consideration of Appointments to the H2O Community Development Authority

**PURPOSE/BACKGROUND:**

**UPDATE FOR AUGUST 12, 2020** - No new applications received in the Board Bank.

**UPDATED FOR JUNE 10, 2020** - On September 28, 2005, The H2O Community Development Authority (H2O) was created by an ordinance of the Hampton City Council. H2O approved bylaws by resolution on January 26, 2006. Those bylaws provided for a Board consisting of five members to be appointed by the City Council for four year terms. Those bylaws also provide that Council shall fill any vacancies except that the City Manager shall appoint a replacement for any vacancy of the City Manager's alternate.

The creating ordinance indicated that one member of the board would be the City Manager (or an alternate designated by the City Manager) with the other four members being recommended by the petitioner. Additionally three alternates were were to be appointed, also recommended by the petitioner.

The original board members' and alternates' terms began on September 28, 2005, and all expired on June 30, 2009. No staggering of terms was considered at that time. On June 14, 2017, Council passed a resolution providing that 'CDA Board members appointed on and after June, 2017, excluding any alternate member, shall be appointed initially for one at one year, one at two year, one at three year, and two at four years and thereafter for all for four year terms. It further stated that ' Any subsequently appointed alternate member shall have the same term as the member for whom such alternative member serves as an alternate.'

The most recent composition of H2O is comprised of individuals appointed on July 10, 2013:

Eleanor Weston Brown	7/10/13 - 6/30/17	(resigned 1/26/16)
John Ishon	7/10/13 - 6/30/17	
James Eason	7/10/13 - 6/30/17	
Larry Cumming	7/10/13 - 6/30/17	
Vacancy		
Robert Kochan, alternate	7/10/13 - 6/30/17	
Carter Phillips, alternate	7/10/13 - 6/30/17	(resigned)
Frank Edgar, alternate		

No action has been taken on appointees since 2017 because, at the time that the terms were due to expire, a contentious issue was outstanding and no settlement had been reached. There was a great deal of concern on the Board and discontent among the parties. The core issues were (1) that a redemption was done that didn't follow protocol - flagged by the financial auditors, and noted as an

exception in the audit reports; and (2) lack of clarity in what infrastructure work might still need to be done if the Board (and the Board's possible liability/risk exposure) agreed to the terms proposed by Cygnas to settle the matter - each of which proved to be complicated. After much investigation, review, and debate, a settlement was reached which all parties but Cygnas signed in late 2018. Cygnas had a side issue that had stalemated and refused to sign until that was resolved. This did not happen until the fall of 2019.

Ms. Brown's resignation creates a vacancy to be filled.

Since Mr. Ishon and Mr. Eason are still in first terms which have expired, they are eligible for reappointment.

Mr. Cumming has served two terms which creates a vacancy to be filled.

The fifth member of this body is the City Manager spot which requires no action at this time.

All members' terms ended on June 30, 2017, and they have continued to serve. The City Manager spot is current up until July 1, 2021. Resolution 17-0206 dated June 14, 2017, indicates that Article III of the Corporation's Articles of Incorporation shall be amended to add a new paragraph to implement staggered terms.

It is recommended that Jimmy Eason be reappointed for a one-year term until June 30, 2021; and that John Ishon be reappointed to a two-year term until June 30, 2022; and that Council appoint Nick Hobbs to a four-year term until June 30, 2024, and one vacancy would remain This would leave a vacancy for a three-year term. **NOTE:** Purpose of appointing Mr. Eason and Mr. Ishon to lesser terms is that they have served on this board since July 10, 2013.

Neither Frank Edgar nor Robert Kochran wish to be reappointed as alternates to this board.

Currently there are no alternates and the Board's goal is to change the Articles of Incorporation to reduce the alternate number to one or two prior to filling the alternate seats. The process for amending the Articles starts with the CDA Board and then goes to Council after meeting the 30 notice requirement of the change. The recommendation is to fill the regular Board seats so that the Board can then initiate the action on changing the Articles, and, after that is done, appoint the alternates.

#### **PREVIOUS BACKGROUND STATEMENT:**

The terms of James Eason and John Ishon have expired and they are eligible for reappointment with staggered terms.

The terms of Robert Kochran and Frank Edgar, who serve as alternates, have also expired and are eligible for reappointment, also with staggered terms.

(Staggered terms: one member shall be appointed for a one-year term, one member shall be appointed for a two-year term, one member shall be appointed for a three-year term, and two members shall be appointed for four-year terms and all subsequently appointed members and alternates shall serve four-year terms)

The term of Larry Cumming has expired and he is not eligible for reappointment. Council is being asked to appoint an individual until April 30, 2024.

A vacancy was created by the resignation of Eleanor Brown. Council is being asked to appoint an individual until April 30, 2024.

There is a vacancy for an alternate to be filled at a late date.

There are individuals in the Board Bank who have expressed a desire to serve on this board. Those applications are being provided to Council.

### Current Demographics

Name of Board	# of Members	# of Vacancies	Gender	Age	Ethnicity
H2O CDA	5	4	Male	51-34	Caucasian

### Applicants Currently Serving on Other Board/Commissions:

Nick Hobbs serves on the PTC CDA as an alternate  
Chioma Adaku-Griffin currently serves on the PPOC until June 30, 2022

### Recommendation:

The recommendation is to reappoint Jimmy Eason until April 30, 2021; reappoint John Ishom until April 30, 2022; reappoint Robert Kochran until April 30, 2021; and reappoint Frank Edgar until April 30, 2022.