

PRESENTED: _____, 2018

ADOPTED: _____, 2018

AN ORDINANCE TO CREATE THE STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY AND TO ADD A NEW CHAPTER 65 TO THE CODE OF THE TOWN OF ALTAVISTA, VIRGINIA, CREATING THIS REGIONAL INDUSTRIAL FACILITY AUTHORITY.

WHEREAS, Town Council of the Town of Altavista, Virginia (“Town Council”) has determined that the economic growth and development of the Town of Altavista, Virginia (“Town of Altavista”) and the comfort, convenience, and welfare of its citizens require the development of industrial facilities; and,

WHEREAS, Town Council has determined that joint action through a regional industrial facility authority by Altavista, and Pittsylvania County, Virginia, the Town of Hurt, Virginia, and the City of Danville, Virginia (collectively, the “**Other Member Localities**”), will facilitate the development of the needed facilities; and

WHEREAS, Town Council has determined that regional cooperation in industrial development will assist the Town of Altavista and the Other Member Localities to achieve a greater degree of economic stability; and,

WHEREAS, Town Council has further determined that joint action through a regional industrial facility authority by the Town of Altavista and the Other Member Localities will facilitate the development of needed facilities and enhance the economic base for the member localities by developing, owning, and operating one or more facilities on a cooperative basis; and,

WHEREAS, Town Council has further determined that formation of a regional industrial facility authority in cooperation with the Other Member Localities and in compliance with the Virginia Regional Industrial Facilities Act, Chapter 64 of Title 15.2 of the Code of Virginia, 1950, as amended, will benefit the inhabitants of the region and other areas of the Commonwealth, for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience and prosperity;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Altavista, Virginia, that:

In accord with Title 15.2, Chapter 64 of the 1950 Code of Virginia, as amended, there is hereby created the Staunton River Regional Industrial Facility Authority, provided:

THAT this ordinance shall become effective upon adoption of a similar ordinance by all of the Other Member Localities, and the adoption of a Cost and Revenue Sharing

Agreement by the Town of Altavista and the Other Member Localities (the “**Agreement**”), and

THAT this ordinance shall become effective no later than December 31, 2018, or it shall be considered void, and

THAT the adopting ordinance of the Town of Altavista shall contain provisions regarding the Staunton River Regional Industrial Facility Authority identical or substantially similar to the provisions as stated in the following amendment to the respective codes or ordinances of the Other Member Localities, which are made a part of this ordinance, and

THAT should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Altavista, Virginia, as amended (the “**Code**”), and

BE IT FURTHER ORDAINED that:

1. The Town Manager for Altavista, is authorized, upon review and majority vote of the members of Town Council in favor of the Agreement, to execute an agreement establishing the respective rights and obligations of the Town of Altavista and the Other Member Localities with respect to the Staunton River Regional Industrial Facility Authority, consistent with Title 15.2, Chapter 64 of the 1950 Code of Virginia, as amended, and

2. That Chapter 65 entitled “**Regional Industrial Facility Authority**,” of the Code of the Town of Altavista, be, and the same is hereby, adopted as a new section of the Code to read as follows:

SEC. 65-1 ESTABLISHMENT; DESIGNATION. There is hereby established a Regional Industrial Facility Authority to be known as the “**Staunton River Regional Industrial Facility Authority**”.

SEC. 65-2 DEFINITIONS.

A. “**Act**” shall mean the Regional Industrial Facilities Act, Chapter 64 of Title 15.2 of the Code of Virginia, 1950, as amended.

B. “**Agreement**” shall mean the “**Staunton River Cost and Revenue Sharing Agreement**” by and among the County of Pittsylvania, Virginia, the Town of Hurt, Virginia, the Town of Altavista, Virginia, and the City of Danville, Virginia.

- C. **“Authority”** shall mean the regional industrial facility authority created hereby by cooperative action of the Town of Altavista and the Other Member Localities and named herein, the **“Staunton River Regional Industrial Facility Authority”**.
- D. **“Board of Directors”** shall mean the Board of Directors of the Staunton River Regional Industrial Facility Authority.
- E. **“Governing Body”** shall mean the Board of Supervisors of Pittsylvania County, the Town Council of the Town of Hurt, the Town Council of the Town of Altavista, and the City Council of the City of Danville as members of the Authority.
- F. **“Member Localities”** shall mean all members of the Staunton River Regional Industrial Facility Authority, which initially include the Town of Altavista and the Other Member Localities.
- G. **“Other Member Localities”** shall mean Pittsylvania County, Virginia, the Town of Hurt, Virginia, and the City of Danville, Virginia.

SEC. 65-3 CREATION, NAME, POWERS, DISSOLUTION AND FISCAL YEAR.

- A. There is hereby created, pursuant to the Act and in conjunction with the adoption of an identical or substantially similar ordinance by the Other Member Localities named the **“Staunton River Regional Industrial Facility Authority”**.
- B. The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties and powers provided by provision of the Act, and including such powers, rights, and duties as may hereafter be set forth from time to time in the Act.
- C. The Authority may be dissolved by resolution of the Board of Directors in compliance with provisions for dissolution stated in the Act.
- D. The fiscal year for the Authority shall be the same as that of the Commonwealth.

SEC. 65-4 PURPOSE.

The Authority is charged with the specific purpose to develop a regional industrial park containing approximately 603.98 acres, located in Hurt, Virginia, commonly known as the Southern Virginia Multi-Modal Park and any one or more other parcels of land located in any of the Member Localities regions as regional industrial parks and for the additional purpose of future development of other industrial properties or other reasons as permitted by the Act and as agreed upon by the Member Localities.

SEC. 65-5 MEMBERSHIP.

The Member Localities of the Authority are the Town of Altavista and the Other Member Localities, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the Act to participate in the Authority. The membership may, with the approval of the Board of Directors, be expanded in compliance with provision for expansion as stated in the Act.

SEC. 65-6 MEMBER LOCALITY AGREEMENT.

The Authority shall be governed by the Act, this article, and by the agreement executed by the Governing Body of each Member Locality. The Agreement shall establish the respective rights and obligations of the Member Localities and shall provide for revenue and economic growth-sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

SEC. 65-7 BOARD OF DIRECTORS.

- A. The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by a Board of Directors, which shall consist of two (2) members appointed by the Governing Body of each member locality plus one (1) alternate appointed by the Governing Body of each member locality. The number of directors of the Authority may be supplemented by decision of and appointment by the Governing Bodies as permitted by the Act.
- B. Each Member Locality shall appoint to the Board of Directors two (2) members from its Governing Body to serve an initial four (4) year term pursuant to the Act. Each Member Locality shall also appoint one (1) member from its Governing Body to serve an initial four (4) year term as an alternate director.

- C. In order to remain a director or alternate director of the Authority such director or alternate director must also be a current member of the Governing Body. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the locality will appoint a new member from its Governing Body to fill the unexpired term of the vacating director. The alternate director shall serve until a new director is appointed.
- D. Each director and alternate director of the Board of Directors, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath prescribed in Section 49-1 of the Code of Virginia, 1950, as amended, and shall serve in compliance with the Act, this section, and the Agreement.
- E. The Board of Directors shall adopt bylaws, rules and/or regulations to carry out the provisions of the Act. The bylaws, rules, or regulations shall, among other things, specify the principal office for the Authority, identify the schedule and place for meetings of the Board of Directors, and provide for the general administration of the operations of the Authority.
- F. The alternate director may act in place of the director of the same Member Locality if such director is not present at any meeting of the Authority. If the other two (2) directors for a Member Locality are present, the alternate does not have the right to vote.
- G. It shall require a simple majority of the Board of Directors to act unless a greater number is specified in such bylaws, rules and/or regulations, and a simple majority shall constitute a quorum.
- H. Each director of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.

SEC. 65-8 PRINCIPAL OFFICE LOCATION, RECORDS, AND TITLE TO PROPERTY.

The principal office of the Authority shall be located in Pittsylvania County. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its Member Localities.

SEC. 65-9 FUNDING.

Funding of the Authority shall be by appropriation as decided from time-to-time by the Governing Bodies of the Member Localities and from such other sources as are identified in the Agreement.

SEC. 65-10 REQUIRED REPORTS.

A. Annual reports.

The Board of Directors shall report to the Governing Body of each Member Locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:

1. A financial update through December 31 of the current fiscal year;
2. After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing the operating and financial condition at the end of the preceding fiscal year;
3. A written report, approved by the Board of Directors, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and
4. A list of tenants, purchasers or other persons occupying the Southern Virginia Multi-Modal Park or any other regional industrial facilities developed by the Authority.

B. Special reports.

Upon written request of the Governing Body of any Member Locality, the Board of Directors shall report to the Governing Body within thirty (30) days of receipt of the request or within a longer period if so provided in the written request. The special report shall describe the activities and financial status of the Authority within the six (6) month period immediately preceding the request, or as otherwise specified in the written request and shall be furnished to each Member Locality. A written report shall be provided if requested.

3. All other paragraphs, subsections, sections, divisions, articles, and provisions of said chapter and Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed.

APPROVED:

Michael E. Mattox, Mayor
Town of Altavista, Virginia

ATTEST:

J. Waverly Coggsdale, III, Town Manager
Town of Altavista, Virginia

APPROVED AS TO FORM:

Attorney for Town of Altavista, Virginia