

Chapter 183
INDUSTRIAL DEVELOPMENT AUTHORITY

[HISTORY: Adopted by Ordinance in Town Council June 18, 2012]

ARTICLE I
NAME AND PURPOSES OF ORGANIZATION

§ 183-1. Generally.

There is hereby created a political subdivision of the Commonwealth of Virginia, with such public and corporate powers as set forth in the Industrial Development and Bond Revenue Act, Section 15.2-4900, et. seq. of the Code of Virginia, 1950, as amended.

§ 183-2. Name.

The name of the political subdivision hereby created shall be the Industrial Development Authority of Pennington Gap, Virginia.

§ 183-3. Type of Authority.

The Authority shall be created under the provisions of the Industrial Development and Revenue Act found in Title 15.2 of the Code of Virginia, 1950, as amended, and is created specifically pursuant to the provisions of Section 15.2-4903 which provides that the governing body of any locality in the Commonwealth of Virginia is authorized to create by ordinance a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter.

§ 183-4. Purposes of the Authority.

Pursuant to the Industrial Development and Revenue Act found in Title 15.2 of the Code of Virginia, 1950, as amended, specifically section 15.2-4901, the purpose of the Authority shall be to promote economic development, commercial enterprise, convenience or prosperity within the Town of Pennington Gap.

§ 183-5. Powers of the Authority.

(a) As set forth in the Industrial Development and Revenue Act found in Title 15.2 of the Code of Virginia, 1950, as amended, the Authority shall have the power to sue and be sued, enter into contracts, issue bonds subject to 15.2-4908 of the Code of Virginia, 1950, as amended, and acquire facilities through gift, exchange, lease or purchase. Furthermore, the Authority shall have power to appoint an advisory committee and employ and provide compensation to employees and agents.

(b) The Authority shall have all the powers granted to Authorities under the provisions of Title 15.2 Chapter 49 of the Code of Virginia, 1950, as amended, specifically Section 15.2-4905. Such

authority shall not itself be authorized to operate any such manufacturing, industrial, nonprofit or commercial enterprise or any facility of an institution of higher education.

ARTICLE II DIRECTORS

§ 183-6. Generally.

(a) A Board of Directors composed of seven directors shall govern the Authority. Pursuant to Title 15.2 Chapter 49, specifically Section 15.2-4904.

(b) The Board of Directors shall be vested with all powers of the Authority.

§ 183-7. Appointment of Directors.

The Town Council shall appoint the seven directors to the Board of Directors by majority vote of council.

§ 183-8. Method of Nomination and Appointment by Council.

(a) Nominations for a vacancy of the Board of Directors shall be made in the form of a motion by the Mayor or Town Council Member at a regularly constituted meeting of Council.

(b) Upon consideration of nomination for a vacancy of the Board of Directors, the Town Council may, at its discretion, interview prospective candidates for appointment.

(c) Town Council shall only be permitted to appointment of individuals who meet the qualifications as specified by this Chapter and the Code of Virginia.

§ 183-9. Appointment of Initial Board of Directors; Length of Terms.

(a) Upon passage of this Ordinance, the Town Council shall appoint the initial seven directors by majority vote of council.

(b) Initially, two directors will be appointed for one-year terms; two directors being appointed for two-year terms; two directors being appointed for three-year terms and one being appointed for a four-year term.

§ 183-10. Subsequent Appointment of Board of Directors; Length of Terms.

Subsequent appointments to the Board of Directors shall be for terms of four years, except appointments to fill vacancies, which shall be for the unexpired terms.

§ 183-11. Qualification for Appointment.

(a) Members of the Board of Directors shall be subject to the qualifications provided herein pursuant to Section 15.2-4904 of the Code of Virginia, 1950, as amended.

(b) If the population of the Town of Pennington Gap, Virginia is greater than 3,500 people, no Director of the Authority shall be an officer or employee of the Town.

(c) If the population of the Town of Pennington Gap, Virginia is not greater than 3,500 people, officers or employees of the Town may serve as Directors of the Authority provided they do not constitute a majority of the board.

(d) Every Director shall, at the time of his appointment and thereafter, reside within the Town of Pennington Gap. If a Director ceases to be a resident of the Town of Pennington Gap, the Director's office shall be vacant and a new director may be appointed for the remainder of the term.

§ 183-12. Oath.

After appointment or re-appointment and before entering upon his duties, each director will take an Oath provided in Title 49 Chapter 1 of the Code of Virginia, 1950, as amended.

§ 183-13. Removal from Office.

A member of the Board of Directors of the Authority may be removed from office by the Town Council of Pennington Gap, Virginia without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any 12-month period. In either such event, a successor shall be appointed by the Town Council for the unexpired portion of the term of the member who has been removed.

§ 183-14. Expenses Incurred by Directors.

(a) Members of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.

(b) Members of the Authority shall receive no salary.

**ARTICLE III
OPERATION**

§ 183-15. Quorum required.

For Purposes of conducting business, exercising its power, the Board of Directors shall take votes where a quorum and of the Board will consist of four members. No action will be taken with out a quorum vote in favor of such action.

§ 183-16. Meetings.

The Board of Directors shall meet regularly at dates, times, and location to be determined by the Board of Directors.

§ 183-17. Action of the Authority by Resolution; Majority Vote Required.

The Authority shall act by Resolution upon a simple majority vote of the Board of Directors.

§ 183-18. Records.

The Board shall keep detailed minutes of its meetings and available for public inspection at any time.

§ 183-19. Record and Audit of Financial Transactions.

(a) Records shall also be kept of all financial transactions.

(b) The Board must arrange to have its records audited annually, which shall also be open for public review at any time.

§ 183-20. Location.

(a) The principal office of the Authority shall be located within the Town of Pennington Gap, Virginia.

(b) All records of the Authority shall be kept at the principal office.

(c) 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 the Town of Pennington Gap, Virginia.

§ 183-21. Funding.

Funding of the Authority shall be by appropriation as decided from time-to-time by the Town Council of the Town of Pennington Gap, Virginia, Board of Supervisors of Lee County, Virginia, Lee County Industrial Development Authority, and from such other sources as are proper.

§ 183-22. Annual Reports.

(a) The Board of Directors shall report to the Town Council of Pennington Gap, Virginia annually, on or before the last June meeting of the Governing Body, on the activities of the Authority.

(b) 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, revenues, and a statement showing financial condition at the end of the preceding fiscal year; and

(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.

§ 183-23. Special Reports.

(a) Upon written request of the Town Council of Pennington Gap, Virginia, 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.

(b) 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 the Town of Pennington Gap. A written report shall be provided if requested.

§ 183-24. Fiscal Impact Statement.

Pursuant to 15.2-4907, of the Code of Virginia, 1950, as amended, every request for industrial development financing when submitted for approval must be accompanied by a fiscal impact statement.

§ 183-25. Cooperation with the Lee County Industrial Development Authority.

Whenever practicable, the Authority shall communicate, cooperate, and partner with the Lee County, Virginia Industrial Development Authority, so long as it continues to exist, for the purposes of promoting economic development, commercial enterprise, convenience or prosperity within the Town of Pennington Gap.

§ 183-26. Powers, etc. severable.

(a) Pursuant to 15.2-4919, of the Code of Virginia, 1950, as amended, the powers granted and the duties imposed in this Chapter are independent and severable.

(b) If any one or more sections, subsections, sentences, or parts of any of this Chapter are adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the

remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

(c) Any provision of this Chapter which is found to be in conflict with any other statute or the Town Charter shall be null and void.

ARTICLE IV DISSOLUTION

§ 183-27. Generally.

The Authority may be dissolved when necessary as set forth herein.

§ 183-28. Dissolution of Authority.

(a) As set forth in Section 15.2-4914 of the Code of Virginia, 1950, as amended, where the Board of Directors of the Authority reaches a determination through a resolution, that the purpose of the Authority has been fulfilled and is no longer necessary to remain in existence, then the members of the Authority shall complete and file a resolution with the Town of Pennington Gap, that it is the Authority's determination and intention to dissolve.

(b) After the Town Council has agreed by majority vote of Council that such purpose has been substantially satisfied and the dissolution is necessary, the Authority shall stand dissolved.

§ 183-29. Disposition of Property

Upon the dissolution of this Authority, the title of funds and properties of the Authority shall vest in the Town of Pennington Gap, Virginia.