

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VII OF THE CODIFIED
ORDINANCES OF BLAND COUNTY, VIRGINIA
“Pathway Regional Industrial Facility Authority”**

WHEREAS, pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64 of Title 15.2 of the Code of Virginia (Va. Code Ann. §§ 15.2-6400 et al), as amended (hereinafter the “Act”), the General Assembly of Virginia Authorized the creation of regional industrial facilities authorities by localities in the Commonwealth of Virginia so that such authorities may exercise the powers set out in the Act; the undersigned Board has determined that the economic growth and development of the region and the comfort, convenience and welfare of its citizens require the development of facilities and that joint action through a regional industrial facility authority will facilitate the development of needed facilities; and,

WHEREAS, under and pursuant to the provision of the Act the County of Bland acting by and through its Board of Supervisors, in conjunction with other governing bodies hereby proposes to re-adopt the local ordinances originally adopted on November 23, 2021, with revisions, associated with Pathway Regional Industrial Facility Authority, a public body politic and corporate created pursuant to the Act; and,

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of Bland, Virginia, after public notice, public hearing, and consideration of the best interests of the public health, safety, and welfare, that the Code of the County of Bland, Virginia, shall be revised, as follows:

1. This ordinance shall be effective immediately; and
2. Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Code of the County of Bland; and
3. The Code of the County of Bland, Virginia shall be revised as set forth herein, subject to Article, Division, Section, and Subsection titles and numbers amendment by the Editor as necessary for Code consistency. New language is indicated by italic and underline, and deletions are indicated by strikethrough.

Sec. 2-280 - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Act means the Regional Industrial Facilities Act (Code of Virginia, § 15.2-6400 et seq.).

2. Agreement means the Agreement for Cost Sharing and Revenue Sharing between Bland County, Virginia; Smyth County, Virginia; and Washington County, Virginia.
3. Authority means the regional industrial facility authority created by *cooperative action* of Bland County, Virginia; Smyth County, Virginia; and Washington County, Virginia, *to be known as "Pathway Regional Industrial Facility Authority"*.
4. Board of directors means the board of directors of the Pathway Regional Industrial Facility Authority.
5. Governing body or governing bodies means the board of supervisors of counties and the councils of cities and towns that are members of the Authority ~~or later become members of the Authority~~.
6. Member locality means all members of the Pathway Regional Industrial Facility Authority, which initially includes Bland County, Virginia; Smyth County, Virginia; and Washington County, Virginia.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 2-281 - Creation, Name, Powers, Dissolution, and Fiscal Year.

- a. There is hereby created, pursuant to the Act and in conjunction with the adoption of a similar ordinance by the Smyth County Board of Supervisors and Washington County Board of Supervisors, both of which are a political subdivision of the Commonwealth to be named the Pathway Regional Industrial Facility Authority. The Pathway Regional Industrial Facility Authority may use the short name "PRIFA".
- 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 of the Authority shall be the same as that of the Commonwealth.

State law reference(s)—Creation of regional authority, Code of Virginia, § 15.2-6402; Dissolution of regional authority, Code of Virginia § 15.2-6415.

Sec. 2-282 - Purpose.

The authority is charged with the specific purpose to develop “Pathway Park”, which is an Industrial Park located in Smyth County along Industrial Park Road, as a regional industrial park 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. 2-283 - Membership.

The member localities of the authority are Bland County, Smyth County, and Washington County, each of which is a political subdivision of the Commonwealth, 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 provisions for expansion as stated in the Act. ~~Those members of the Authority who were originally appointed for a two-year term can be reappointed.~~

Sec. 2-284 - Member locality agreement.

The Authority shall be governed by the Act, this division, 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 ~~and/or developed by~~ the Authority.

State law reference(s)—Locality agreement, Code of Virginia, § 15.2-6402.

Sec. 2-285 - Board of directors.

- a) The powers, rights, and duties conferred by the Act upon the authority shall be exercised by a ~~nine~~ six-member board of directors, which shall consist of ~~three~~ two members 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 one member from its governing body, one member from its industrial/economic development authority (*whichever the case may be*) ~~and its Chief Administrative Officer~~. *All appointees to the board of directors must be residents of the Commonwealth.*
- c) Each member of the Board of Directors shall serve for a term of four years, commencing on January 1 of the first year and ending on December 31 of the fourth year, and may be reappointed for additional four-year terms. *In the event of a vacancy during a term of office, the appropriate governing body shall in a timely manner*

appoint a new member whose term of office shall commence at the first meeting of the board of directors after appointment and shall end upon the end of term of the vacant position to which the member was appointed at which time such member may be reappointed for additional four-year terms.

- d) *Notwithstanding the foregoing, the following terms shall apply only to the initial board of directors to provide for staggered terms. One of the two members appointed from each member locality to the initial board of directors shall be appointed for a term of two years and may be reappointed for additional four-year terms. The term of office of the members of the initial board of directors shall begin on the date of the creation of the authority and end on December 31 of the second or fourth year after creation of the authority, as designated by the appointment.*
- e) Each member 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 Code of Virginia, § 49-1, and shall serve in compliance with the Act, this article, and the agreement.
- f) 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.
- g) 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.

State law reference(s)—Board of directors, Code of Virginia, § 15.2-6403; powers of the authority, Code of Virginia, § 15.2-6405.

Sec. 2-286 - Principal office location, records, and title to property.

The principal office of the authority shall be located within a member locality, and all records shall be kept at such office. The title to all property of every kind belonging to the authority shall be titled to the authority, which shall hold such title for the benefit of its member localities.

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-6404.

Sec. 2-287 - 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. 2-288 - 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 year;
 - (2) After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing 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 Pathway 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-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.

State law reference(s)—Annual report, Code of Virginia, § 15.2-6403E.

A Public Hearing was held by the Board of Supervisors of the County of Bland on the 26th day of April 2022, at 5:00 p.m. to consider the adoption of this Ordinance, or this Section of the County of Bland, Virginia Code of Ordinances. This ordinance was adopted by the Board of Supervisors, after notice was advertised in accordance with the Code of Virginia, at its regular meeting held on April 26, 2022, the members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Randy Johnson				
Stephen Kelley				
K. Adam Kidd				
Keith Costello				

This Ordinance shall be effective immediately upon passage.

I certify that this is a true and correct copy taken from the minutes of the Bland County Board of Supervisors meeting of April 26, 2022.

Eric Workman, Ed.D., Clerk of the Board