

**PITTSYLVANINA COUNTY CODE**  
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**CHAPTER 7**  
**INDUSTRIAL DEVELOPMENT AUTHORITY**

**SEC. 7-1. CREATION.**

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 Revenue Bond Act, constituting Chapter 33 of Title 15.2 of the Code of Virginia of 1950, as amended.

**SEC. 7-2. NAME.**

The name of the political subdivision hereby created shall be the Industrial Development Authority of Pittsylvania County, Virginia. **(B.S.M. 11-4-69)**

**SEC. 7-3 - 7-4. RESERVED.**

**SEC. 7-5. REGIONAL INDUSTRIAL FACILITY AUTHORITY.**

The Pittsylvania County Board of Supervisors (the Board) has determined that the economic growth and development of the County of Pittsylvania and the comfort, convenience, and welfare of its citizens requires the development of industrial facilities; and,

The Board has recognized that regional cooperation in industrial development will assist the County and the City of Danville to achieve a greater degree of economic stability; and

The Board has further determined that joint action through a Regional Industrial Facilities Authority by the City and the County will facilitate the development of needed facilities and enhance the economic base for the member localities by developing, owning, and operating one (1) or more facilities on a cooperative basis; and

The Board has determined that formation of a Regional Industrial Facilities Authority in cooperation with the City of Danville, Virginia 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;

The Board of Supervisors of Pittsylvania County, Virginia therefore ordains that: In accord with Title 15.2, Chapter 64 of the Code of Virginia, 1950, as amended, there is hereby created the Danville-Pittsylvania Regional Industrial Facility Authority, provided:

That this ordinance shall become effective upon adoption of a similar ordinance by the City of Danville, Virginia; and

That this ordinance shall become effective upon adoption of a Revenue Sharing Agreement by both the City of Danville, Virginia and the Board of Supervisors of Pittsylvania County, Virginia; and

That this ordinance shall become effective no later than December 31, 2001 or it shall be considered void; and

That the adopting ordinance of the City of Danville, Virginia shall contain provisions regarding the Danville-Pittsylvania Regional Industrial Facility Authority identical to the provisions as stated in the following amendment to the Code of the County of Pittsylvania, 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 Pittsylvania County, Virginia, 1950, as amended; and

The Board further ordains that:

1. The County Administrator of the County of Pittsylvania, is authorized, upon review and majority vote of the members of the Board of Supervisors in favor of the agreement, to execute an agreement establishing the respective rights and obligations of the County of Pittsylvania and the City of Danville, with respect to the Danville-Pittsylvania Regional Industrial Facility Authority, consistent with Title 15.2, Chapter 64 of the Code of Virginia, 1950, as amended, and
2. That Section 7-5, entitled "Regional Industrial Facility Authority," of Chapter 7, entitled "Industrial Development Authority", of the Code of the County of Pittsylvania, Virginia, be, and the same is hereby, adopted as a new section of the Code to read as follows:

**SEC. 7-5.1. ESTABLISHMENT; DESIGNATION.**

There is hereby established a Regional Industrial Facility Authority to be known as the "Danville-Pittsylvania Regional Industrial Facility Authority".

**SEC. 7-5.2. 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 "Agreement for Cost Sharing and Revenue Sharing between the City of Danville, Virginia and Pittsylvania County, Virginia."
- c. "Authority" shall mean the Regional Industrial Facility Authority created hereby by cooperative action of the City of Danville, Virginia, and Pittsylvania County, Virginia and named herein, the "Danville-Pittsylvania Regional Industrial Facility Authority."

d. “Board of Directors” shall mean the Board of Directors of the Danville-Pittsylvania Regional Industrial Facility Authority.

e. “Governing Body” shall mean the Board of Supervisors of Pittsylvania County and the City Council of the City of Danville as members of the Authority.

f. “Member Localities” shall mean all members of the Danville-Pittsylvania Regional Industrial Facility Authority, which initially include the City of Danville and Pittsylvania County.

**SEC. 7-5.3. 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 Danville City Council, a political subdivision of the Commonwealth named the “Danville-Pittsylvania 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. 7-5.4. PURPOSE.**

The Authority is charged with the specific purpose to develop one (1) or more parcels in both the City and the County 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. 7-5.5. MEMBERSHIP.**

The Member Localities of the Authority are the City of Danville and Pittsylvania County, 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. 7-5.6. 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. 7-5.7. 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 one (1) member from its Governing Body to serve an initial two (2) year term and one (1) member 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. All subsequent terms shall be four (4) year terms and no member or alternate member may serve more than one (1) additional term.
- C. In order to remain a director or alternate director of the Authority such member 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 can be appointed.
- D. Each member and alternate 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 section 49-1 of the Code of Virginia, 1950, as amended, and shall serve in compliance with the Act, this Article, 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 for his/her locality if such director is not present at any meeting of the Authority. If the other two (2) directors for a 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, and a simple majority shall constitute a quorum.
- H. 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.

### **SEC.7-5.8. PRINCIPAL OFFICE LOCATION, RECORDS AND TITLE TO PROPERTY.**

The principal office of the Authority shall be located within a Member Locality. 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. 7-5.9. 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. 7-5.10. REQUIRED REPORTS.**

1. **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:
  - (a) A financial update through December 31 of the current fiscal year;
  - (b) 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;
  - (c) 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
  - (d) A list of tenants, purchasers or other persons occupying The Cyber Park of Danville and Pittsylvania County, the Pittsylvania-Danville Regional Industrial Park or any other regional industrial facilities developed by the Authority.
  
2. **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.

The Board further ordains that 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.

**Adopted by the Board of Supervisors on October 1, 2001.**