

ORDINANCE NO. 89-7

AN ORDINANCE CREATING A JOINT INDUSTRIAL DEVELOPMENT AUTHORITY OF WYTHE COUNTY, THE TOWN OF WYTHEVILLE AND THE TOWN OF RURAL RETREAT a.k.a. THE INDUSTRIAL DEVELOPMENT AUTHORITY OF WYTHE COUNTY

WHEREAS, pursuant to the Industrial Development and Revenue Bond Act, (Chapter 33, Title 15.1, Sections 15.1-1373 through 15.1-1392, Code of Virginia of 1950, as amended and supplemented, hereinafter referred to as the "Act", authorized the creation of joint industrial development authorities by several municipalities so that such authorities may exercise the powers set out in Section 15.1-1378 of the Act.

WHEREAS, under and pursuant to the provisions of the Act, the County of Wythe, the Town of Wytheville, and the Town of Rural Retreat, acting by and through their respective Board of Supervisors and Town Councils as the governing bodies thereof, are authorized to create by ordinance, a joint industrial development authority as a separate political subdivision of the Commonwealth, with such powers as set forth in the Act.

WHEREAS, under and pursuant to the provisions of the Act the authority hereby created shall be known as the Joint Industrial Development Authority of Wythe County, the Town of Wytheville, and the Town of Rural Retreat, a.k.a. the Industrial Development Authority of Wythe County, hereinafter known as the Joint Authority; and

WHEREAS, The Board of Supervisors of Wythe County, the Town Council of the Town of Wytheville, and the Town Council of Rural Retreat, have determined that it is in the best interests of their respective communities to create a joint industrial development authority pursuant to the Act.

WHEREAS, by direction of the Board of Supervisors of Wythe County, the Town Council of the Town of Wytheville, and the Town Council of the Town of Rural Retreat, this ordinance has been advertised in the Southwest Virginia Enterprise, a newspaper of general circulation in the County of Wythe, the Town of Wytheville, and the Town of Rural Retreat, according to the requirements of law, and a public hearing was held on the 30th day of October, 1989, at a joint meeting of the Board of Supervisors of Wythe County, the Town Council of Wytheville, and the Town Council of Rural Retreat;

NOW, THEREFORE, be it ordained by the Board of Supervisors of Wythe County, the Town Council of the Town of Wytheville, and the Town Council of the Town of Rural Retreat, Virginia as follows:

SECTION 1. There is hereby created a separate political subdivision of the Commonwealth of Virginia with such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act, Chapter 33, Title 15.1, Sections 15.1-1373 through 15.1-1392, Code of Virginia of 1950 as amended, including such powers as may hereinafter be set forth from time to time in said Act.

SECTION 2. The name of the separate political subdivision of the Commonwealth created by this ordinance shall be the "Joint Industrial Development Authority of Wythe County, the Town of Wytheville, and the Town of Rural Retreat, a.k.a., the Industrial Development Authority of Wythe County".

SECTION 3. The Joint Authority shall be governed by a Board of Directors in which all powers of the Joint Authority shall be vested; which Board shall be composed of seven directors, to be broken down as follows:

Wythe County	Four (4) Members
Town of Wytheville	Two (2) Members
Town of Rural Retreat	One (1) Members

The seven directors shall be appointed initially for terms of one, two, three, and four years: two directors being appointed for one year terms, two directors being appointed for two year terms, two directors being appointed for three year terms, and one director being appointed for a four year term. (The determination of which locality selects directors for which term of office by drawing lots either prior to or after enactment of this ordinance.) All subsequent appointments shall be for a period of four (4) years, except appointments to fill vacancies shall be for the unexpired term. The breakdown of membership shall be altered based upon shifts in population based upon the decennial census.

SECTION 4. The following persons are hereby appointed to be initial directors of the Authority for the terms of office herein set forth, which terms shall commence on the effective date of this ordinance as follows:

One Year Term

Name	Address	Representing
Carl A. Webb	P.O. Box 61 Speedwell, VA 24374	Wythe County
Thomas C. Williams	Route 2, Box 349 Max Meadows, VA 24360	Wythe County

Two Year Term

Name	Address	Representing
Peter C. Miller	P.O. Box 443 Wytheville, VA 24382	Wythe County
John H. Crowgey, Jr.	Route 1, Box 10 Wytheville, VA 24382	Town of Wytheville

Three Year Term

Name	Address	Representing
Pete I. Viars	Route 1, Box 362 Max Meadows, VA 24360	Wythe County
Dr. John P. Baumgardner	1675 West Monroe Street Wytheville, VA 24382	Town of Wytheville

Four Year Term

Name	Address	Representing
Francis Hankla Hutton	P.O. Box 292 Rural Retreat, VA 24368	Town of Rural Retreat

SECTION 5. Four members of the Board of Directors shall constitute a quorum of the Board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Authority shall be leased or disposed of in any matter without a majority vote of the Board of Directors. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and perform all the duties of the Board.

SECTION 6. Dr. John P. Baumgardner is hereby appointed as interim Chairman of the Board of Directors. The interim Chairman is hereby authorized to call the first meeting of the Board of Directors by written notice, which notice may be delivered or mailed to the business or home address of each member. The interim Chairman shall serve until such time as the Board of Directors elects its officers.

SECTION 7. The Board of Directors shall hire a full-time professional to serve as Executive Director.

SECTION 8. In addition to the appointed board members, there shall be three (3) non-voting ex-officio members to include the County Administrator of Wythe County, and the Town Managers of Wytheville and Rural Retreat, or their designated representatives.

SECTION 9. No board member, ex-officio member, or advisory member shall be an elected official.

SECTION 10. The County of Wythe, the Town of Wytheville, and the Town of Rural Retreat shall each fund the Joint Authority according to a formula based upon a proportional relationship of the population of the County of Wythe, the Town of Wytheville and the Town of Rural Retreat based upon the decennial census. Based upon the 1980 Census, the funding breakdown is as follows:

Wythe County	68%
Town of Wytheville	28%
Town of Rural Retreat	4%

In the event that any local governing body should elect to reduce the amount of its funding of any budget adopted by the Joint Authority, then the governing bodies of the other participating localities may reduce the amount of funding by a proportional amount.

SECTION 11. Any local governing body which fails to fund their portion of the Joint Authority shall forfeit its representation on said Joint Authority.

SECTION 12. Funding for the fiscal year budget of the Joint Authority is by a budget appropriation of the participating governing bodies. The Joint Authority shall submit its budget request to the County of Wythe, the Town of Wytheville, and the Town of Rural Retreat for the upcoming fiscal year by March 1st. The Joint Authority shall operate on a July 1 to June 30 fiscal year.

SECTION 13. In the event one of the governing bodies withdraws from the Joint Authority, the future of the joint authority shall be subject to negotiation between the remaining parties.

SECTION 14. All revenues derived from prior industrial revenue bond issuances shall be dedicated to the Joint Industrial Development Authority of Wythe County, the Town of Wytheville, and the Town of Rural Retreat, a.k.a., The Industrial Development Authority of Wythe County.

SECTION 15. Should any portion of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

A Public Hearing was held at the October 30th meeting of the Joint Governing Bodies of Wythe County, at the Rural Retreat

Community Center, Rural Retreat, Virginia 24368. This ordinance was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held November 16, 1989, the members voting:

	For	Against	Absent
George F. James	X		
Sidney N. Crockett	X		
David W. Blair	X		
Charlotte H. Naber	X		
Donald M. Heldreth	X		
George T. Johnstone	X		
Robert C. Williams	X		

This ordinance shall become effective immediately following the full execution of the ordinance by the respective chairman and mayors, and attested by their clerks.

I certify that this is a true and correct copy taken from the November 16, 1989, minutes of the Wythe County Board of Supervisors.

Billy R. Branson  
Billy R. Branson, Clerk

AMENDMENT TO ORDINANCE NO. 89-7  
ORDINANCE CREATING A JOINT INDUSTRIAL  
DEVELOPMENT AUTHORITY

*Rescinded by  
Amendment #2  
3/9/99*

as held Tuesday, March 10, 1992, at 9:30 a.m. in  
the County Office Building to consider adding an  
Ordinance No. 89-7, Ordinance Creating A Joint  
Development Authority of Wythe County, Virginia, as

And:

This Agreement, made and entered into this 10th day of  
March, 1992 by and between the COUNTY OF WYTHE, the TOWN  
OF WYTHEVILLE, the TOWN OF RURAL RETREAT, and the JOINT  
INDUSTRIAL DEVELOPMENT AUTHORITY OF WYTHE COUNTY, the  
TOWN OF WYTHEVILLE and the TOWN OF RURAL RETREAT,

WHEREAS, by resolution of the Town Council of Rural  
Retreat, the Town of Rural Retreat withdrew effective  
June 30, 1991, from the Joint Industrial Development  
Authority of Wythe County, the Town of Wytheville and the  
Town of Rural Retreat; and

WHEREAS, the Town of Rural Retreat desires to be relieved  
of any liability arising from its participation in the  
Joint Industrial Development Authority of Wythe County,  
the Town of Wytheville and the Town of Rural Retreat,  
effective June 30, 1991; and

WHEREAS, the Joint Industrial Development Authority is  
willing to so relieve the Town of Rural Retreat from any  
such liabilities in exchange for the Town of Rural  
Retreat waiving any rights and privileges to the assets  
of the Joint Industrial Development Authority; and

WHEREAS, the Town of Rural Retreat is willing to waive  
any and all of its rights and privileges to the assets of  
the Joint Industrial Development Authority in exchange  
for the Joint Industrial Development Authority relieving  
the Town of Rural Retreat of any liability arising from  
the Town of Rural Retreat's participation in the Joint  
Industrial Development Authority.

NOW THEREFORE, in consideration of the premises, the  
Joint Industrial Development Authority of Wythe County,  
the Town of Wytheville and the Town of Rural Retreat  
release the Town of Rural Retreat from any liabilities  
incurred by the Joint Industrial Development Authority of

Amendment No. 1  
89-7

Wythe County, the Town of Wytheville and the Town of Rural Retreat, effective as of June 30, 1991, and the Town of Rural Retreat waives any claim or rights to the assets of the Joint Industrial Development Authority of Wythe County, the Town of Wytheville, and the Town of Rural Retreat, effective as of June 30, 1991.

Supervisor DuPuis made a motion to approve this amendment. Motion was seconded by Supervisor Munsey and the roll call vote is as follows:

NAME	FOR	AGAINST	ABSENT
G. Andrew Kegley, Jr.	X		
Mark C. Munsey	X		
R. T. DuPuis	X		
Olin F. Armentrout	X		
Alan A. Dunford	X		
James J. Crosswell	X		
John E. Davis, Jr.	X		

This amendment shall be effective on and after 12:01 a.m. on March 11, 1992.

I certify this is a true and correct copy taken from the March 10, 1992 minutes of the Wythe County Board of Supervisors.

Billy R. Branson  
Billy R. Branson, Clerk

Rescinds prior  
amendment of

3/10/92

AMENDMENT NO. 2 TO ORDINANCE NO. 89-7  
ORDINANCE CREATING A JOINT INDUSTRIAL  
AUTHORITY OF WYTHE COUNTY, THE TOWN  
OF WYTHEVILLE AND THE TOWN OF RURAL RETREAT a.k.a.  
THE JOINT INDUSTRIAL DEVELOPMENT AUTHORITY OF WYTHE COUNTY

A public hearing was held on Tuesday, March 9, 1999, at 7:15 p.m. in the Cafeteria of the Fort Chiswell High School, Route 3, Box 255, Max Meadows, Virginia, to consider adopting Amendment No. 2 to Ordinance No. 89-7, "An Ordinance Creating a Joint Industrial Development Authority of Wythe County, the Town of Wytheville and the Town of Rural Retreat, a.k.a., the Joint Industrial Development Authority of Wythe County", which will rescind Amendment No. 1 to the ordinance.

Supervisor Atkinson made a motion to adopt Amendment No. 2 to Ordinance No. 89-7, "An Ordinance Creating a Joint Industrial Development Authority of Wythe County, the Town of Wytheville and the Town of Rural Retreat, a.k.a., the Joint Industrial Development Authority of Wythe County", which will rescind Amendment No. 1 to the ordinance. The motion was made by Supervisor Dix and the roll call vote is as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Wythe B. Sharitz	X		
Mark C. Munsey	X		
Charles S. Dix	X		
Danny C. McDaniel		X	
Howard W. Manley	X		
S. Clay Lawrence	X		
Harvey E. Atkinson, III	X		

This shall be effective on and after 12:01 a.m. on the 10<sup>th</sup> day of March, 1999.

I certify that this is a true and correct copy taken from the March 9, 1999 minutes of the Wythe County Board of Supervisors meeting.

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R. Cellell Dalton, Clerk