



Legislation Text

File #: 18-0342, Version: 1

Ordinance of the City of Hampton, Virginia to Create a Regional Industrial Facility Authority Pursuant to Section 15.2-6400 et seq. of the Code of Virginia (the "Act")

PURPOSE/BACKGROUND:

Upon the recommendation of the City Manager and the Department of Economic Development, the City Council of Hampton has determined that it is in the best interest of the City of Hampton to adopt an ordinance to create the Eastern Virginia Regional Industrial Facility Authority in collaboration and cooperation with the County of Gloucester, the City of Hampton, the City of Newport News, the City of Poquoson, the City of Williamsburg and the County of York to foster economic growth and development of the City of Hampton and the region and to promote the comfort, convenience and welfare of the citizens of the City of Hampton by developing, owning and operating one or more facilities on a cooperative basis with the other member localities.

Discussion:

See Purpose/Background Above.

Impact:

See Purpose/Background Above.

Recommendation:

Listen to Briefing on October 10, 2018 - Approve the Ordinance on October 24, 2018

WHEREAS, this City Council recognizes that providing a mechanism for localities in the local region to cooperate in the development of economic development projects and facilities will assist the region in overcoming barriers to economic growth;

WHEREAS, this City Council acknowledges that the purpose of a regional industrial facility authority is to enhance the economic base for its member localities by developing, owning and operating one or more facilities on a cooperative basis involving its member localities; and

WHEREAS, this City Council finds that economic growth and development of the City of Hampton, Virginia (the "City"), and the comfort, convenience and welfare of the citizens of the City require the development of facilities, and that the collaborative and collective action through a regional industrial facility authority by the County of Gloucester, the City of Hampton, the County of James City, the City of Newport News, the City of Poquoson, the City of Williamsburg and the County of York will facilitate the development of the needed facilities within the region that comprises said geographic areas (the "Region").

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia (the "City Council"), that:

1. The name of the Regional Industrial Facility Authority shall be the "Eastern Virginia Regional Industrial Facility Authority" (the "Authority")

2. The initial member localities shall be the County of Gloucester, the City of Hampton, the County of James City, the City of Newport News, the City of Poquoson, the City of Williamsburg and the County of York (each, a "Member Locality" and collectively, the "Member Localities"). Each Member Locality's participation shall become effective on the date their respective governing body enacts an ordinance substantially similar to this ordinance authorizing the creation of the Authority. At any time subsequent to the creation of the Authority, the membership of the Authority may, with the approval of the Authority Board (as hereinafter defined and as more fully described in the Bylaws of the Authority), be expanded to include any locality within the region that would have been eligible to be an initial member. The governing body of a locality seeking to become a member shall evidence its intent to become a member by adopting an ordinance substantially similar to this ordinance (and otherwise in conformance with Section 15.2-6402 of the Act). The admission of such member shall be completed upon the Authority Board approving the admission, after being presented with the requisite ordinance adopted by such locality.

3. The Authority shall be governed by an initial board (the "Authority Board") consisting of two (2) board members from each Member Locality. Authority Board members shall be appointed by their respective Member Locality's governing body. One Authority Board member from each Member Locality shall be an elected member of the Member Locality's governing body, and the other Authority Board member shall be a member of the Member Locality's economic development authority (or its equivalent).

Each governing body of each Member Locality may appoint up to two (2) alternate Authority Board members. Alternates shall be appointed in accordance with the criteria set forth above for initial Authority Board members, except that one (1) of the Authority Board members shall be the Economic Development Director (or equivalent) for each Member Locality, and may serve as an alternate for either Authority Board member from the Member Locality that appoints the alternate. Alternates shall be appointed for terms that coincide with one or more of the Authority Board members from the Member Locality that appoints the alternate. If either Authority Board member for a Member Locality is not present at a meeting of the Authority, an alternate shall have all the voting and other rights of the Board member not present and shall be counted for purpose of determining a quorum and all other purposes of that meeting.

In the event that additional Member Localities shall enact an ordinance to join the Authority and are admitted upon the Authority Board approving the admission, the number of members of the Authority Board shall be increased by two (2) members for each additional Member Locality, with Authority Board members to be appointed in accordance with the criteria set forth above for initial Authority Board Members and alternates.

Each member of the Authority Board shall serve for a term of four (4) years and may be reappointed for as many terms as the governing body from said Authority Board member's Member Locality desires.

4. The Authority Board shall have such authority and exercise such powers as are permitted by the Code of Virginia, the Agreement Creating Authority (as defined below) and otherwise

more fully described in the Bylaws of the Authority Board (a draft copy of which is attached hereto and which shall be approved by the Authority in substantially the same form as said draft).

5. The Authority Board shall elect from its membership a Chair, Vice Chair, Treasurer and Secretary for each calendar year. The Authority Board may also appoint an Executive Director and staff who shall discharge such functions as may be directed by the Authority Board. The Executive Director and staff may be paid from funds received by the Authority.

6. This City Council authorizes approval, by appropriate execution by the designated representative of the City, an agreement (the "Agreement Creating Authority") among the Member Localities whereby the Authority shall be established and further whereby the respective rights and obligations of the Member Localities with respect to the Authority, in accordance with the provisions of the Act, shall be set forth (a draft copy of which is attached hereto and which shall be approved by the Authority in substantially the same form as said draft). The Agreement Creating Authority shall (i) establish the terms for participation in the Authority by Member Localities and (ii) further describe the participation agreements (the "Participation Agreements") that the Authority may enter into with one or more Member Localities by which any facilities allowed by the Act may be constructed and developed. This authorization includes, but is not limited to, authority for this City Council to approve, by ordinance, Participation Agreements by which Authority projects shall be constructed and developed and which may be funded from this City Council commitment of loans or grants and in the event that a facility will be located within the County, future tax revenue derived from the Authority's project facilities located within the County, pursuant to Section 15.2-6406 of the Act.

7. If and to the extent one or more of the Member Localities named herein does not pass an ordinance substantially similar to this ordinance, this ordinance shall be deemed to automatically remove said Member Locality without further action or vote of this City Council; it being the intent of this ordinance that it shall be adopted with any number and composition of the Member Localities named herein so long as said ordinance, and the Authority created herein, shall be in compliance with all applicable statutes.