

AGENDA--CITY COUNCIL
CITY OF MARTINSVILLE, VIRGINIA

Council Chambers – Municipal Building
3:30pm Closed Session 7:00pm Regular Session
Tuesday July 25, 2023

3:30 pm –Closed Session

Items to be considered in Closed Session, in accordance with the Code of Virginia, Title 2.2, Chapter 37—Freedom of Information Act, Section 2.2-3711(A)—Closed Meetings, the following:

- A. Appointment to Boards and Commissions, as authorized by Subsection 1.
- B. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, as authorized by Sub section 6

7:00 pm - Regular Session

Pledge to the American Flag and Invocation by Council Member Pearson

1. Approve minutes from July 11, 2023 Joint Meeting and the July 11, 2023 Council Meeting. (5 mins)
2. Consider recognizing retiring City Manager Leon Towarnicki for his service to the staff and citizens of Martinsville. (5 mins)
3. Conduct a public hearing for the sale of property located at 605 4th Street, formerly known as the Martinsville Housing Office, to Piedmont Community Services. (10 mins)
4. Hear an update from the Emergency Housing and Community Support Commission and Recommendations for Warming Shelter Locations. (10 mins)
5. Consider a Resolution regarding Southern Virginia Recreation Facilities Authority. (10 mins)
6. Hear information related to the City's Industrial Development Authority. (10 mins)
7. Consider options for use of remaining unspent and uncommitted funds the City received through the American Rescue Plan Act of 2021. (15 mins)
8. Consider approval of the consent agenda. (5 mins)

9. Business from the Floor -

The public comment portion of the Council meeting provides citizens the opportunity to discuss matters relevant to the operation of the City, which are not listed on the printed agenda.

Citizens who wish to participate in a meeting's public comment period may do so by emailing their comments to Karen Roberts, Clerk of Council, at kroberts@ci.martinsville.va.us, calling in their comments to 276-403-5182, faxing comments to 276-403-5280, or mailing comments to City of Martinsville, attn.: Karen Roberts, P.O. Drawer 1112, Martinsville, VA 24114. *Comments must be received by 12:00noon Monday July 24, 2023.* Citizens may also request to speak at the Council meeting in the same manner.

Comments, or a request to speak, must be received by noon the day before a Council meeting for consideration by Council at the meeting. Any person submitting comments or requesting to speak must identify themselves by name and address, including zip code, limit their remarks to 3 minutes or less (as read aloud), address a topic of City business, and refrain from making any personal references or accusations of a factually false and/or malicious nature. Priority for comments is given to City residents, taxpayers, and business owners. Speakers may not yield time. Groups of speakers on the same topic must designate a single representative. Comments violating these rules may not be presented at the Council meeting. Any speaker violating these rules may be removed from the podium or from the Council chamber.

This policy does not apply to public hearings, at which any citizen of Martinsville may appear and speak on the subject of the public hearing.

10. Comments by members of City Council. (5 mins)

11. Comments by City Manager. (5 mins)

Meeting Date: July 25, 2023

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes

Summary: None

Attachments: July 11, 2023 Joint Meeting
July 11, 2023 Council Meeting

Recommendations: Motion to approve minutes as presented.

Date: July 25, 2023

Item No: 2.

Department: City Council

Issue: Consider recognizing retiring City Manager Leon Towarnicki for his service to the staff and citizens of Martinsville.

Summary: This will be the last meeting for City Manager Leon Towarnicki who will be retiring effective July 31, 2023.

Attachments: Proclamation

Recommendations: The Mayor will read and present the proclamation.



City Council Agenda Summary

Meeting Date: July 25, 2023

Item No: 3.

Department: City Council

Issue: Conduct a public hearing for the sale property located at 605 4th Street, formerly known as the Martinsville Housing Office, to Piedmont Community Services.

Summary: In May, 2018, the City entered into a lease with Piedmont Community Services for use of the building and property located at 605 4th Street, as PCS was looking for space to expand their operations. A provision in the lease stipulates that PCS can exercise an option to acquire the property with lease payments over time accruing toward the sales price less major capital expenses incurred by the Lessor (City).

The City has had the property professionally appraised and the value is determined to be \$165,000. Following the methodology outlined in the lease, the net sale price to PCS will be \$86,780.86, calculated by subtracting lease payments by PCS through June of \$81,398.67 less maintenance costs of \$3,179.33, from \$165,000. Since this location is used as a voting precinct, the sale will be contingent on the property continuing to be used for that purpose.

Section 15.2-1800(B) of the Code of Virginia requires that a public hearing be held prior to the disposal of such property.

Attachments: Copy of lease

Recommendations: Conduct the public hearing and accept comments. Staff recommends proceeding with the sale as outlined in the lease subject to the condition the location can continue to function as a voting precinct, and any other conditions Council may deem appropriate. (motion, second, voice vote)

LEASE

This Lease with option to purchase is made this 31st day of May, 2018, by and between Piedmont Community Services, Inc. a Virginia nonstock, nonprofit corporation of Martinsville, Virginia, referred to herein as "Lessee", and the City of Martinsville, a Virginia municipal corporation of Martinsville, Virginia, referred to herein as "Lessor".

WITNESSETH:

WHEREAS, Lessor is the owner of a certain parcel or tract of land in the City of Martinsville, located at 605 Fourth Street, and the City of Martinsville desires to lease same with option for purchase, at the end of one year of renting with the mutual promises of the parties and the consideration and covenants set out herein, it is agreed as follows:

1. Premises: The subject premise is that certain tract located in the City of Martinsville known as 605 Fourth Street, Martinsville, Virginia. Specifically excluded is the playground located within the curtilage of the premises, which is not owned by Lessor.

2. Term: The initial term of this Lease shall be thirteen (13) months commencing on June 1, 2018 and ending June 30, 2019. This Lease shall automatically renew for additional one (1) year renewal terms unless notice of intention to not renew is delivered by either party to the other at least 90 days in advance of the end of the term.

3. Rent: The rent for the subject premises shall be ONE THOUSAND FIVE HUNDRED Dollars (\$1,500.00) per month, payable on the first of each month and beginning with the month of June, 2018. Lessee shall enjoy an option to purchase subject premises upon 90 days notice to Lessor; the purchase price shall be the then appraised value of the premises. The appraisal shall be conducted by a licensed appraiser selected by mutual agreement of the parties, with the cost of such appraisal shared equally by the parties. In the event Lessee

determines that such appraised value is excessive, it shall have the option to terminate its obligation to purchase the property with no further obligations to Lessor. Any lease payments tendered by Lessee to Lessor prior to the exercise of said option, less major capital expenses incurred by the Lessor related to occupancy of the premises, shall be applied to the purchase price. Lessee shall bear the cost for all utility services to the premises. Lessee may be given credit toward lease payments at Lessor's discretion, for any improvement costs incurred by Lessee, upon submission of receipts for Lessor's review and approval.

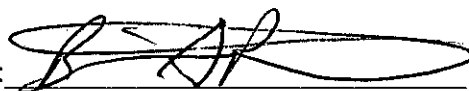
4. Maintenance: Maintenance, security and repair of the subject premises is solely and exclusively the duty and responsibility of Lessee, which accepts the subject premises "as is." Lessor shall have no duty of any kind to either improve or maintain the premises with the exception of maintenance repairs to the roof, structural integrity, or utility systems of the structure located upon the premises. Prior to erecting any partition walls within said structure or signage upon said structure, Lessee shall obtain prior written approval of Lessor, which shall not be unreasonably withheld.

5. Use as Polling Site: During the initial and any renewal terms of this lease, Lessee acknowledges Lessor may continue to use the premises as a polling site. Lessee shall, for the day preceding, the day of and the day following any general, special, or primary election—vacate such portion of the premises as may be reasonably necessary for the conduct of such election and shall allow access thereto by the general public and the General Registrar of the City of Martinsville, her agents, employees and assigns. To the extent any disagreement between Lessee and Lessor as to which portions of the premises are reasonably necessary for the conduct and any such election, the reasonable decision of the General Registrar shall govern.

6. Liability and Indemnity: Lessee agrees to maintain liability coverage on the premises and to be solely and exclusively responsible for any and all liability arising out of or from the use of the subject premises for any incident or accident during the term of this Lease, but this language is not to be construed as relieving any person who suffers either property damage or personal injury arising out of or from the use of the subject premises from proving a case of liability against Lessee. Lessee shall defend, indemnify and hold Lessor harmless for any claim of any kind or nature relating to the subject premises during the term of this Lease. Lessor shall maintain casualty coverage on the premises; Lessee shall be responsible for casualty coverage on Lessee's personalty located upon the premises; Lessor shall bear no responsibility for loss or damage to any such personalty under any circumstances.

7. Complete Agreement: This document contains the entire agreement of the parties and may amended only by a written document signed by all parties.

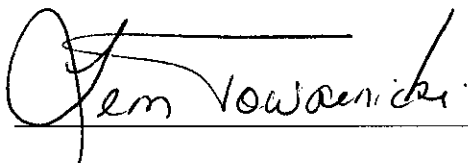
LESSEE:



PCS Executive Director

LESSOR: THE CITY OF MARTINSVILLE

By:


City Manager

Date: July 25, 2023

Item No: 4.

Department: City Manager

Issue: Hear an update from the Emergency Housing and Community Support Commission and Recommendations for Warming Shelter Locations

Summary: The Emergency Housing and Community Support Commission was established in February, 2023, and since that time has been meeting regularly with a goal of presenting recommendations for a warming shelter plan no later than July, 2023.

Members of the Commission will be attending Council's July 25th meeting and will present information and recommendations.

Attachments: Summary document regarding activities of the Emergency Housing and Community Support Commission and Recommendations for Warming Shelter Locations.

Recommendations: Presented for information purposes – no action needed at this time.

Summary Document: Activities of the Emergency Housing and Community Support Commission and Recommendations for Warming Shelter Locations

Prepared for Martinsville City Council Meeting to be held July 25, 2023

Prepared by: Barbara Seymour, Chair

Summary of Activities:

The City of Martinsville Emergency Housing and Community Support Commission was established in February of this year, with a three-fold aim:

1. Engage in discovery of current state of homelessness and community support for such, including housing and behavioral health services;
2. Based on discovery, create and prioritize outputs of the commission; and
3. Draft recommendations for a warming shelter plan.

The Commission has met twice monthly since February and executed the activities outlined above, prioritizing seven (7) initial recommendations using an impact/ effort matrix and bringing three (3) forward as most impactful:

1. Recommendations for warming shelter plan, to be presented no later than July 2023;
2. Recommendations for mental health services oversight in the city no later than March 2024; and
3. Recommendations for ongoing maintenance and oversight of emergency housing and community support no later than July 2024.

The Commission has involved the following community stakeholders in ad hoc and ongoing participation in activities, to include the following:

1. Piedmont Community Services
2. SOVAH Martinsville
3. The Warming Center
4. United Way of Henry County and Martinsville
5. The Salvation Army

Pursuant to our priorities and timeline, and using the information garnered through discovery, the Commission has developed recommendations for a location for a warming shelter plan for the city council's consideration. Please note the following:

1. Six (6) properties were brought forward and evaluated using a feasibility rubric to score properties based on location, accommodations, and transportation, with a possible score range of 0-10
2. Any location within a 2000 feet radius of a school or daycare was immediately excluded from the list (n=3)

Based on this assessment, the following recommendations are being brought forward for consideration of a warming shelter location for Martinsville:

1. The Salvation Army, located at 603 Memorial Boulevard South, Martinsville (feasibility score = 8).

2. The former Harmony Hall, located at 4153 Fairystone Park Highway, Bassett (feasibility score = 8)
3. The former Community Storehouse, located at 4201 Greensboro Road, Ridgeway (feasibility score = 5)

Locations excluded from the list included:

1. Piedmont Community Services, top floor
2. Former Catholic church, located on Church Street
3. The former Virginia Museum of Natural History building

Of note, Ariel Johnson (volunteer director of the MHC Warming Center), Dewitt House (Harvest Foundation) and Craig McClosky (United Way) have spearheaded outreach to the Salvation Army. The Salvation Army is willing to house the Warming Center under the following conditions:

1. Provision of funds to provide facility repairs and upgrades to safely accommodate temporary residents of a warming center;
2. Provision of funds to support full time staff for a warming center; and
3. A plan for independent and ongoing maintenance of a warming center, at a minimum for cold weather months and up to consideration of a full time facility with wrap around services for the homeless population. Informational: The Warming Center has transitioned to West Piedmont Better Housing Coalition as their fiscal agent.

In support of this plan, a grant proposal has been submitted to the Harvest Foundation to offer tapered support over the course of several years to provide funding for these conditions set forth by the Salvation Army. The Harvest Foundation has expressed willingness to grant funds, provided there is also contribution from the city of Martinsville and Henry County.

Understanding the council's current evaluation of city properties for development, we also propose the city consider the following, should our initial recommendations not yield a suitable location:

1. Evaluate properties and runway for development/ yield for revenue
2. Evaluate properties using feasibility rubric to rank properties as above
3. Consider highest ranking properties as alternative locations

The Commission would like to return to city council in the future, at a time based on your recommendation, to share our next body of work related to a warming shelter plan, including but not limited to:

1. Staffing model, including paid staff and volunteers
2. Pursuit of grant monies to support
3. Addition of wrap around services
4. Securing additional resources – food and supplies

On behalf of the members of the Commission, we thank you for allowing us to be a part of improving the lives of our citizens, both housed and homeless, and look forward to your reactions.

Date: July 25, 2023

Item No: 5.

Department: City Manager

Issue: Consider a Resolution regarding Southern Virginia Recreation Facilities Authority.

Summary: The Board of Directors for the Southern Virginia Recreation Facilities Authority (SVRFA), which operates the Smith River Sports Complex (SRSC), has submitted a letter to both the City of Martinsville and Henry County requesting the dissolution of the Authority and authorizing the transfer of all assets and operations to Henry County. It is noted in the letter from Scott Prillaman, Chairman of the SVRFA board, that their current model of funding for SRSC is not sustainable. He noted that inflation and limited access to top-tier tournaments have restricted its ability to be profitable as a stand-alone organization. He also notes that his board believes that the continued operation of a premier facility can best be accomplished by the County. Both the City and County must collectively agree to dissolve the Southern Virginia Recreation Facilities Authority and a resolution has been prepared for Council's consideration and approval. The Henry County Board of Supervisors will be considering similar action at their meeting on July 25th. As SVRFA is dissolved, Smith River Sports Complex becomes part of the County's Parks and Recreation Department under the leadership of Director Roger Adams.

Attachments: Letter from SVRFA Board Chairman, and proposed resolution.

Recommendations: Staff recommends approval of the resolution (motion, second, voice vote).



July 11, 2023

Martinsville City Council
P.O. Box 1112
Martinsville, VA 24114

Dear Sir or Madam,

In 2006, the City of Martinsville and the County of Henry created the Southern Virginia Recreation Facilities Authority to operate the Smith River Sports Complex (SRSC). Over the years, the SRSC has become well known for its quality facilities and its operations, attracting thousands of people to our community each year. It continues to operate as the premier facility in the region and has a very generous impact on the local economy. Visitors to the Complex are regularly spending money in our community for hotels, fuels, and food.

However, the current model of funding for SRSC is not sustainable. Inflation and limited access to top-tier tournaments have restricted our ability to be profitable as a stand-alone organization. Nevertheless, I don't think it was ever anyone's expectation that SRSC would create a "profit" solely based on user and tournament fees. The decline in private foundation support has compounded the financial situation. It is the desire of our Board and, I am sure, the broader community that SRSC continues to provide world-class athletic opportunities for residents and visitors to our community. To continue accomplishing this goal, an alternative funding stream is required. It is for this reason our Board of Directors unanimously voted to ask both the City and County to dissolve the Authority and authorize the transfer of all assets and operations to Henry County. The vote was taken after months of discussion with City and County leadership. It is our belief that the continued operation of a premier facility can best be accomplished by the County.

Furthermore, the SRSC generates significant revenue for the community through taxes on hotels, food and products. The Board is also supportive of an increase in the transient occupancy tax by localities that could be directed to the tourism-related activities at SRSC, reducing the burden of operation on our local residents.

Our Board of Directors and staff are ready to assist both the City and County with the transition of operation of the SRSC to the County. We passionately desire for SRSC to improve and prosper and we believe that can best be accomplished with these changes.

Thank you for your consideration of this request. We look forward to working with you on the transition. Please let me know if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Prillaman", with a long, sweeping horizontal line extending to the right.

Scott Prillaman
Chairman, SVRFA Board of Directors

**CONCURRENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINSVILLE AND THE BOARD OF
SUPERVISORS OF HENRY COUNTY DISSOLVING THE SOUTHERN VIRGINIA RECREATION FACILITIES
AUTHORITY**

Whereas, the City of Martinsville, acting by and through the city council, (the City) and the County of Henry, acting by and through the board of supervisors, (the County) adopted a concurrent resolution October 9, 2006 creating the Southern Virginia Recreation Facilities Authority (the Authority) pursuant to the authority of the Public Recreational Facilities Act, Chapter 56 of Title 15.2 (Sec. 15.2-56000 through 15.2-5616), and

Whereas, the concurrent resolution contained eight articles of incorporation, and

Whereas, pursuant to Article 3 of the Articles of Incorporation, the initial term of the Authority was fifty years, expiring on October 8, 2057 with specific authority granted to the participating localities to dissolve the authority at an earlier date upon request from the Authority's board of directors, and

Whereas, the authority Board of Directors voted to request dissolution of the authority at their meeting June 21, 2023.

NOW THEREFORE, in accordance with the authority granted in Article 3 of the Authority's articles of incorporation and in compliance with all applicable sections of the Code of Virginia governing the operation and existence of recreational facilities, the City of Martinsville, and the County of Henry, do hereby dissolve the Southern Virginia Recreation Facilities Authority and such dissolution will be effective upon conveyance of all assets, real property, monetary assets and personal property from the Authority to the County, but in no event later than September 30th, 2023.

Adopted by Martinsville City Council on the 25th day of July, 2023.

Mayor

Attested: _____
Clerk

Adopted by the Henry County Board of Supervisors on the 25th day of July, 2023.

Chairman

Attested: _____
Clerk

Date: July 25, 2023

Item No: 6.

Department: City Manager

Issue: Hear information related to the City's Industrial Development Authority

Summary: Among the various boards & commissions the City currently makes appointments to is the Industrial Development Authority. The Authority is established under certain provisions of the Code of Virginia and in the City's case, there have been no members appointed for a number of years.

There has been recent discussion about different approaches to local economic development and one such option could be to "reactivate" the City's IDA.

This is being presented at Council's July 25th meeting for discussion purposes.

Attachments: Industrial Development Authority information as currently shown in the City's Boards & Commissions document; copy of Chapter 49, "Industrial Development and Revenue Bond Act" of the Code of Virginia

Recommendations: Presented for information purposes – no action needed at this time.

INDUSTRIAL DEVELOPMENT AUTHORITY

INDUSTRIAL DEVELOPMENT AUTHORITY – Established under the authority of Chapter 33 of Title 15.1, of the Code of Virginia, the Industrial Development Authority is involved in certain economic development projects. The Authority consists of seven members serving **four-year** terms appointed by City Council. The City Manager has traditionally served as Secretary, and the Authority elects a Chairman and Vice Chairman from among its members. The Authority meets on an as-needed basis.

TERMS: *Each member serves a four-year term.*

CONTACT: City Manager's office, 403-5185, P.O. Box 1112, Martinsville, VA 24114

Name & Address	Initial Appointment	Term Expires	Full Term
		9/26/26	
		9/26/26	
		9/26/23	
		9/26/23	
		9/26/24	
		9/26/25	
		9/26/25	

NOTE: If a Board or Commission does not specify number of terms a person can serve, then the number of terms defaults to three terms per a policy adopted by City Council December 11, 1990. (per city attorney 4/26/11) Two exceptions (1) if no one is interested (2) no one qualified has applied, then the person holding the position can serve another term if Council chooses.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Subtitle IV. Other Governmental Entities
Chapter 49. Industrial Development and Revenue Bond Act

Chapter 49. Industrial Development and Revenue Bond Act.

§ 15.2-4900. Short title.

This chapter shall be known and may be cited as the "Industrial Development and Revenue Bond Act."

1966, c. 651, § 15.1-1373; 1997, c. 587.

§ 15.2-4901. Purpose of chapter.

It is the intent of the legislature by the passage of this chapter to authorize the creation of industrial development authorities by the localities in the Commonwealth so that such authorities may acquire, own, lease, and dispose of properties and make loans to the end that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit, and commercial enterprises, and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity. 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.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to pollution control facilities to the end that such authorities may protect and promote the health of the inhabitants of the Commonwealth and the conservation, protection, and improvement of its natural resources by exercising such powers for the control or abatement of land, sewer, water, air, noise, and general environmental pollution derived from the operation of any industrial or medical facility and to vest such authorities with all powers that may be necessary to enable them to accomplish such purpose, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to medical facilities and facilities for the residence or care of the aged to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of medical facilities and facilities for the residence or care of the aged in order to provide modern and efficient medical services to the inhabitants of the Commonwealth and care of the aged of the Commonwealth in accordance with their special needs and also by assisting in the refinancing of medical facilities and facilities for the residence or care of the aged owned and operated by organizations which are exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code of 1954, as amended, in order to reduce the costs to residents of the Commonwealth of utilizing such facilities and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health and welfare. It is not intended hereby that any such authority shall itself be authorized to operate any such medical facility or facility for the residence or care of the aged.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for use by organizations (other than institutions organized and operated exclusively for religious purposes) which are described in § 501(c)(3) of the Internal Revenue Code of 1954, as amended, and which are exempt from federal income taxation pursuant to § 501(a) of the Internal Revenue Code of 1954, as amended, to the end that such authorities may protect or promote the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of the aforesaid entities and organizations in order to provide operations, recreational, activity centers, and other facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants

of the Commonwealth and for the promotion of their safety, health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for accredited nonprofit private institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of facilities of aforesaid institutions in order to provide improved educational facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such educational facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to facilities for a locality, the Commonwealth and its agencies, and governmental and nonprofit organizations and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity.

It is further the intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for museums and historical education, demonstration, and interpretation, together with any and all buildings, structures, or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations in order to promote tourism and economic development in the Commonwealth, to promote the knowledge of and appreciation by the citizens of the Commonwealth of the historical and cultural development and heritage of the Commonwealth and the United States and to promote thereby their health, welfare, convenience, and prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities devoted to the staging of equine events and activities (other than racing) for use by governmental or nonprofit, nonreligious organizations and operated by such governmental or nonprofit, nonreligious organizations in order to promote the equine industry and equine-related activities (other than racing) which are integral to the Commonwealth's economy and heritage and to promote thereby the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to acquiring, developing, owning, and operating an industrial park and any utilities that are intended primarily to serve the park and to issue bonds for such purposes. The bonds may be secured by revenue generated by the industrial park or the utilities being financed or by any other funds of the authority.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities created by one or more municipalities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1, in addition to the powers previously or hereafter granted in this chapter, the powers contained herein with respect to facilities used primarily for single or multi-family residences in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth. It is not intended hereby that any such authority shall itself be authorized to operate any such facility or exercise any powers of eminent domain set forth in § 36-27.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities, in addition to the powers previously or hereafter granted herein, the power to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to public school buildings and facilities to promote the safety, health, welfare, convenience, and prosperity of the school children of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of school boards in order to provide for the modernization of public school buildings or facilities pursuant to Article 3 (§ 22.1-141.1 et seq.) of Chapter 9 of Title 22.1.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilitating and supporting landowner access to carbon markets through aggregation of landowners to reach a size that attracts the investment of private capital. Such aggregation provides landowners on various size tracts of land enhanced opportunities to access capital and benefits that support and enhance the agriculture and forest industries for the health, welfare, convenience and prosperity of the inhabitants of the Commonwealth.

In any instance in this chapter where an industrial development authority may issue bonds through its authority to finance, the authority may also refinance such bonds.

This chapter shall be liberally construed in conformity with these intentions.

1966, c. 651, § 15.1-1375; 1972, c. 783; 1975, c. 489; 1977, c. 619; 1978, cc. 276, 526; 1984, c. 700; 1985, c. 317, § 15.1-1392; 1986, c. 473; 1988, c. 211; 1990, c. 312; 1991, c. 6; 1997, cc. 587, 758, 763; 2002, cc. 680, 725; 2005, c. 928; 2012, c. 498; 2019, cc. 546, 818, 819; 2022, c. 489.

§ 15.2-4902. Definitions.

Wherever used in this chapter, unless a different meaning clearly appears in the context:

"Authority" means any political subdivision, a body politic and corporate, created, organized and operated pursuant to the provisions of this chapter, or if the authority is abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this chapter are given by law.

"Authority facilities" or "facilities" means any or all (i) medical (including, but not limited to, office and treatment facilities), pollution control or industrial facilities; (ii) facilities for the residence or care of the aged; (iii) multi-state regional or national headquarters offices or operations centers; (iv) facilities for private, accredited and nonprofit institutions of collegiate, elementary or secondary education in the Commonwealth whose primary purpose is to provide collegiate, elementary, secondary, or graduate education and not to provide religious training or theological education, such facilities being for use as academic or administration buildings or any other structure or application usual and customary to a college, elementary or secondary school campus other than chapels and their like; (v) parking facilities, including parking structures; (vi) facilities for use as office space by nonprofit, nonreligious organizations; (vii) facilities for museums and historical education, demonstration and interpretation, together with buildings, structures or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations; (viii) facilities for use by an organization (other than an organization organized and operated exclusively for religious purposes) which is described in § 501(c) (3) of the Internal Revenue Code of 1986, as amended, and which is exempt from federal income taxation pursuant to § 501 (a) of such Internal Revenue Code; (ix) facilities for use by a locality, the Commonwealth and its agencies, or other governmental organizations, provided that any such facilities owned by a locality, the Commonwealth or its agencies or other public bodies subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not be exempt from competitive procurement requirements, under the exception granted in subsection B of § 2.2-4344; (x) facilities devoted to the staging of equine events and activities (other than racing events); however, such facilities must be owned by a governmental or nonprofit, nonreligious organization and operated by any such governmental or nonprofit, nonreligious organization; (xi) facilities for commercial enterprises that are not enterprise zone facilities (as defined in § 1394 (b) of the Internal Revenue Code of 1986, as amended) now existing or hereafter acquired, constructed or installed by or for the authority pursuant to the terms of this chapter; however, facilities for commercial enterprise that are not enterprise zone facilities but which are taxable authority facilities shall constitute authority facilities only if the interest on any bonds issued to finance such facilities is not exempt from federal income taxation; (xii) enterprise zone facilities; and (xiii) facilities used primarily for single or multi-family residences. Clause (xiii) applies only to industrial development authorities created by one or more localities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1. Any facility may be located within or outside or partly within or outside the locality creating the authority. Any facility may consist of or include any or all buildings, improvements, additions, extensions, replacements, machinery or equipment, and may also include appurtenances, lands, rights in land, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, acquired, constructed, or installed by or on behalf of the authority. A pollution control facility shall include any facility acquired, constructed or installed or any expenditure made, including the reconstruction, modernization or modification of any existing building, improvement, addition, extension, replacement, machinery or equipment, and which is designed to further the control or abatement of land, sewer, water, air, noise or general environmental pollution derived from the operation of any industrial or medical facility. Any facility may be constructed on or installed in or upon lands, structures, rights-of-way, easements, air rights, franchises or other property rights or interests whether owned by the authority or others.

"Bonds" or "revenue bonds" embraces notes, bonds and other obligations authorized to be issued by the authority pursuant to the provisions of this chapter.

"Cost" means, as applied to authority facilities, the cost of construction; the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests; the cost of demolishing, removing or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of all labor, materials, machinery and equipment; financing charges and interest on all bonds prior to and during construction and, if deemed advisable by the authority, for a period not exceeding one year after completion of such construction; cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the authority facilities; administrative expenses, provisions for working capital, reserves for interest and for extensions, enlargements, addition and improvements; and such other expenses as may be necessary or incident to the construction of the authority facilities, the financing of such construction and the placing of the authority facilities in operation. Any obligation or expense incurred by the Commonwealth or any agency thereof, with the approval of the authority, for studies, surveys, borings, preparation of plans and specifications or other work or materials in connection with the construction of the authority facilities may be regarded as a part of the cost of the authority facilities and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such authority facilities as hereinafter authorized.

"Enterprise" means any industry for manufacturing, processing, assembling, storing, warehousing, distributing, or selling any products of agriculture, mining, or industry and for research and development or scientific laboratories, including, but not limited to, the practice of medicine and all other activities related thereto or for such other businesses or activities as will be in the furtherance of the public purposes of this chapter.

"Loans" means any loans made by the authority in furtherance of the purposes of this chapter from the proceeds of the issuance and sale of the authority's bonds and from any of its revenues or other moneys available to it as provided herein.

"Revenues" means any or all fees, rates, rentals and receipts collected by, payable to or otherwise derived by the authority from, and all other moneys and income of whatsoever kind or character collected by, payable to or otherwise derived by the authority in connection with the ownership, leasing or sale of the authority facilities or in connection with any loans made by the authority under this chapter.

"Taxable authority facilities" means any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard and ice skating), racquet sports facility, suntan facility, race track, or facility the primary purpose of which is one of the following: (i) retail food and beverage services (excluding grocery stores), (ii) automobile sales and service, (iii) recreation or entertainment, or (iv) banks, savings and loan institutions or mortgage loan companies. The foregoing sentence notwithstanding, no facility financed as an enterprise zone facility using tax-exempt "enterprise zone facility bonds" (as such term is used in § 1394 of the Internal Revenue Code) shall constitute a taxable authority facility.

"Trust indenture" means any trust agreement or mortgage under which bonds authorized pursuant to this chapter may be secured

1966, c. 651, § 15.1-1374; 1968, c. 687; 1970, c. 725; 1972, c. 783; 1973, c. 528; 1977, cc. 238, 619, 673; 1978, c. 526; 1980, c. 372; 1983, c. 514; 1984, c. 700; 1986, c. 473; 1988, c. 211; 1990, cc. 312, 469; 1991, c. 6; 1994, c. 737; 1997, cc. 587, 758, 763; 1999, c. 379; 2005, c. 928; 2006, c. 324.

§ 15.2-4903. Creation of industrial development authorities.

A. The governing body of any locality in the Commonwealth is hereby authorized to create by ordinance a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter. Any such ordinance may limit the type and number of facilities that the authority may otherwise finance under this chapter, which ordinance of limitation may, from time to time, be amended. Louisa County may, by ordinance, authorize an authority created or established under this chapter to acquire, own, operate, and regulate the use of airports, landing fields, and facilities, and other property incident thereto, including such facilities and property necessary for the servicing of aircraft. In the absence of any such limitation, an authority shall have all powers granted under this chapter.

B. The name of the authority shall be the Industrial Development Authority of (the blank spaces to be filled in with the name of the locality which created the authority, including the proper designation thereof as a county, city or town).

C. Notwithstanding subsection B, for any authority authorized by this section, the name of the authority may be the Economic Development Authority of (the blank space to be filled in with the name of the locality that created the authority), if the governing body of such locality so chooses.

D. The authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916 may be named the Economic Development Authority of Halifax, Virginia, or such other name as the governing bodies of the Town of South Boston and Halifax County shall choose in the concurrent resolutions creating such authority.

1966, c. 651, § 15.1-1376; 1975, c. 254; 1997, c. 587; 1999, c. 157; 2000, c. 398; 2001, cc. 5, 6, 730; 2002, cc. 169, 680, 725; 2003, cc. 159, 343, 345, 350, 357; 2004, cc. 292, 782, 933; 2016, cc. 164, 312; 2017, c. 560.

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three, and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms, and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies, which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority; the town council of the Town of Louisa may appoint from five to seven members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the board of supervisors of King William County may appoint nine members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council; however, the town council of the Town of Saint Paul may at its option return to a seven-member board by removing the last three members appointed; the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors, and the town council of the Town of South Boston shall appoint two at-large members; Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one member at-large, with terms staggered as agreed upon by the board of supervisors; Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority; the board of supervisors of Goochland County may appoint five members to serve on the board of the authority; the board of supervisors of Powhatan County may appoint five members to serve on the board of the authority; the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Kenbridge may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Victoria may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs and one at-large member, with terms staggered as agreed upon by the city council; and the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

A member of the board of directors of the authority may be removed from office by the local governing body 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 or upon unanimous vote of the board of supervisors. In any such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribe by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, (iii) in Essex County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Essex, (iv) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia, and (v) in Mathews County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Mathews. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Except as provided herein, 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 manner without a majority vote of the members 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. In the case of the Economic Development Authority of Goochland County, the Economic Development Authority of Powhatan County, the Industrial Development Authority of the Town of Kenbridge, and the Industrial Development Authority of the Town of Victoria, three 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 manner without a majority vote of the members of the board of directors.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

1966, c. 651, § 15.1-1377; 1979, c. 35; 1980, c. 304; 1982, c. 463; 1983, c. 514; 1984, c. 750; 1987, c. 368; 1990, c. 87; 1993, c. 896; 1996, cc. 589, 599; 1997, c. 587; 1999, cc. 337, 408, 414; 2000, c. 963; 2001, c. 121; 2003, cc. 347, 357; 2006, c. 687; 2007, cc. 283, 338; 2008, c. 619; 2009, cc. 199, 200, 460, 597; 2012, cc. 337, 352; 2013, c. 482; 2014, cc. 381, 382; 2016, c. 414; 2017, cc. 541, 557, 560; 2018, c. 310; 2019, c. 363; 2021, c. 3; 2021, Sp. Sess. I, cc. 321, 422; 2022, c. 622; 2023, c. 574.

§ 15.2-4905. Powers of authority.

The authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at pleasure;
3. To enter into contracts; however, any written contract of the authority shall contain provisions addressing the issue of whether attorney's fees shall be recoverable by the prevailing party in the event the contract is subject to litigation;
4. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one or more authority facilities including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;
5. To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all

of the indebtedness of the authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;

6. To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;
7. To issue its bonds for the purpose of carrying out any of its powers including specifically, but without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;
8. As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the authority;
9. To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the authority or otherwise, as the board of directors shall deem necessary in carrying on the business of the authority;
10. To exercise all powers expressly given the authority by the governing body of the locality which established the authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the authority's affairs;
11. To appoint an industrial advisory committee or similar committee or committees to advise the authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed \$50 per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of the authority;
12. To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, for the payment of principal of any bond of the authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and
13. To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grant shall be made only from revenues of the authority which have not been pledged or assigned for the payment of any of the authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor. An authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision includes contributions, grants and other financial assistance, as set out in subdivision 12.

The authority shall not have power to operate any facility as a business other than as lessor and shall not have the power to operate any single or multi-family housing facilities. However, the authority shall have the power to apply for, establish, operate and maintain a foreign-trade zone in accordance with the provisions of Chapter 14 (§ 62.1-159 et seq.) of Title 62.1. Any meeting held by the board of directors at which formal action is taken shall be open to the public.

If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be deemed to invalidate or otherwise impair any existing financing by an authority or the financing of any facilities for which application has been made to an authority prior to July 1, 1981.

Notwithstanding the provisions of this section, and notwithstanding the provisions of any other law, general or special, nothing herein shall be deemed to impair the authority of the town council of the Town of Front Royal from creating its own independent industrial development authority, separate and apart for all purposes from any currently existing or future industrial development authority. A Town of Front Royal independent industrial development authority, created solely by the town, shall have all powers

granted industrial development authorities generally as set forth in this chapter. Such industrial development authority may also include Warren County in any of its economic development projects for a period of five years ending July 1, 2025.

1966, c. 651, § 15.1-1378; 1970, c. 598; 1972, c. 783; 1973, c. 528; 1981, c. 3; 1991, c. 6; 1993, c. 896; 1994, c. 317; 1997, cc. 587, 758, 763; 1998, c. 728; 2005, c. 575; 2020, c. 1001.

§ 15.2-4906. Public hearing and approval.

A. Whenever federal law requires public hearings and public approval as a prerequisite to obtaining federal tax exemption for the interest paid on private activity bonds, unless otherwise specified by federal law or regulation, the public hearing shall be conducted by the authority and the procedure for the public hearing and public approval shall be in accordance with this section.

B. For a public hearing by the authority, notice of the hearing shall be published not less than seven days in advance of such hearing in a newspaper having general circulation in the locality in which the facility to be financed is to be located. The applicant shall pay the cost of publication. The notice shall specify the time and place of hearing at which persons may appear and present their views. The hearing shall be held not less than seven days after the notice has been published.

The notice shall contain: (i) the name and address of the authority; (ii) the name and address (principal place of business, if any) of the party seeking financing; (iii) the maximum dollar amount of financing sought; and (iv) the type of business and purpose and a specific location, if known, of the facility to be financed.

If after the hearing has been held the authority approves the financing, a reasonably detailed summary of the comments expressed at the hearing shall be conveyed promptly to the locality's governing body together with the recommendation of the authority.

C. For public approval, the governing body of the locality on behalf of which the bonds of the authority are issued shall no more than one year after the public hearing held by the authority either approve or disapprove financing of any facility recommended by the authority.

Action of the governing body shall be by a majority of a quorum set out in a resolution. Such vote shall be recorded and disclose how each member voted.

In case of a joint authority the approval required by the governing body of the locality shall be that governing body of the area where the facility will be located, if permitted by federal law or regulation.

The provisions of this section shall not apply to bonds, notes or other obligations issued pursuant to hearings held and governmental approvals obtained prior to the effective date of this act in compliance with federal law or regulation.

1983, c. 514, § 15.1-1378.1; 1997, c. 587; 2023, c. 130.

§ 15.2-4907. Fiscal impact statement.

An authority may require any request for private activity bond financing when submitted to the authority to be accompanied by a statement in the following form, but the absence of any such form shall not affect the validity of a private activity bond:

Date

(Name of Applicant)

(Facility)

1. Maximum amount of financing sought

2. Estimated taxable value of the facility's real property to be constructed in the locality

3. Estimated real property tax per year using present tax rates

4. Estimated personal property tax per year using present tax rates

5. Estimated merchants' capital tax per year using present tax rates

6. a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality

b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality

c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality

d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality

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7. Estimated number of regular employees on year round basis

_____\$

8. Average annual salary per employee

_____\$

Signature

Authority Chairman_____
Name of Authority

If one or more of the above questions do not apply to the facility indicate by writing N/A (not applicable) on the appropriate line.

The provisions of this section shall not apply to bonds, notes or other obligations issued pursuant to hearings held and governmental approvals obtained prior to the effective date of this act in compliance with federal law or regulation.

1983, c. 514, § 15.1-1378.2; 1997, c. 587; 1998, c. 728; 2023, c. 130.

§ 15.2-4908. Issuance of bonds, notes and other obligations of authority.

A. Subject to the limitations of Chapter 50 (§ 15.2-5000 et seq.) of this title, the authority may issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of authority facilities and including the payment or retirement of bonds previously issued by it. All bonds issued by the authority shall be payable solely from the revenue and receipts derived from the leasing or sale by the authority of its facilities or any part thereof or from payments received by the authority in connection with its loans, and the authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds payable, both as to principal and interest: (i) from its revenues and receipts generally; (ii) exclusively from the revenues and receipts of a particular facility or loan; or (iii) exclusively from the revenues and receipts of certain designated facilities or loans whether or not they are financed in whole or in part from the proceeds of such bonds. Unless otherwise provided in the proceeding authorizing the issuance of the bonds, or in the trust indenture securing the bonds, all bonds shall be payable solely and exclusively from the revenues and receipts of a particular facility or loan. Bonds may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding 40 years from the date thereof, may be payable at such place or places whether within or outside the Commonwealth, may bear interest at such rate or rates, may be payable at such time or times, may be evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be determined by the board of directors. If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the authority are authorized to be issued an option to redeem all or any part thereof, at such price or prices and after such notice or notices and on such terms and conditions as may be determined by the board of directors and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the authority may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all costs, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same facility or any other facility, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Any bonds of the authority at any time outstanding may from time to time be refunded by the authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any costs, premiums or commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the holders of the bonds so to be refunded, and regardless of whether the bonds to be refunded were issued in connection with the same facilities or separate facilities, and regardless of whether the bonds proposed to be refunded are payable on the same date or on different dates or are due serially or otherwise. The determination of the form, denominations, maturities, redemption provisions, places of payment, interest rate or rates, payment installments, dates and all other terms and provisions of bonds as authorized in this section may be made by the board of directors in such manner as the board may provide, including the determination by reference to indices and formulas or by agents designated by the board of directors under guidelines established by it.

B. All bonds shall be signed by the chairman or vice-chairman of the authority or shall bear his facsimile signature, and the corporate seal of the authority or a facsimile thereof shall be impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-treasurer) or the assistant secretary (or assistant secretary-treasurer) of the authority or shall bear his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of the chairman. In case any officer whose signature or a facsimile signature appears on any bonds or coupons ceases to be an officer before delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. When the signatures of both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds shall be authenticated by a corporate trustee or other authenticating agent approved by the authority.

C. If the proceeds derived from a particular bond issue, due to error of estimates or otherwise, are less than the cost of the authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements or enlargements of the authority facilities for which such bonds shall have been issued.

D. Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which are mutilated, destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this chapter; however, nothing contained in this chapter shall be construed as affecting the powers and duties now conferred by law upon the State Corporation Commission.

E. All bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments and shall be and are hereby made negotiable instruments under the Uniform Commercial Code of Virginia (§ 8.1A-101 et seq.), subject only to provisions respecting registration of the bonds.

F. In addition to all other powers granted to the authority by this chapter, the authority may issue, from time to time, notes or other obligations of the authority for any of its authorized purposes. The provisions of this chapter which relate to bonds or revenue bonds shall apply to such notes or other obligations insofar as such provisions may be appropriate.

1966, c. 651, § 15.1-1379; 1968, c. 687; 1983, c. 514; 1991, c. 6; 1997, c. 587; 2003, cc. 353, 683.

§ 15.2-4909. Liability of Commonwealth, political subdivisions, directors and officers.

A. Bonds issued pursuant to this chapter shall not be deemed to constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political subdivision thereof, including the locality which created the authority issuing such bonds, but such bonds shall be payable solely from the funds provided therefor as herein authorized. All such bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth, nor any political subdivision thereof, nor the authority shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and that neither the faith and credit nor the taxing power of the Commonwealth, or any political subdivision thereof, is pledged to the payment of the principal of such bonds or the interest thereon or other costs incident thereto.

B. Neither the directors of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

C. All expenses incurred in carrying out the provisions of this chapter shall be payable solely from the funds of the authority and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which moneys shall be available to the authority.

D. Bonds issued pursuant to the provisions of this chapter shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

1966, c. 651, § 15.1-1380; 1997, c. 587.

§ 15.2-4910. Security for payment of bonds; default.

The principal of and interest on any bonds issued by the authority shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a trust indenture covering all or any part of the authority facilities

from which revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents for any portions thereof leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement and trust indenture made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on such bonds have been fully paid. In the event of default in such payment or in any agreements of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any trust indenture executed as security therefor, such payment or agreements may be enforced by writ of mandamus, or by a suit, action or proceeding at law or in equity to compel the authority and the directors, officers, agents or employees thereof to perform the terms, provisions, and covenants contained in any trust indenture of the authority, by the appointment of a receiver in equity or by foreclosure of any such trust indenture or any one or more of said remedies.

1966, c. 651, § 15.1-1381; 1997, c. 587.

§ 15.2-4911. Rents, fees and other charges.

The authority shall fix and revise from time to time the rents, fees and other charges to be paid to it in connection with the lease or sale of various authority facilities and for any other services furnished or provided by the authority. Such rents, fees and charge shall provide at least sufficient funds to pay the cost of maintaining, repairing and operating such projects and the principal and interest of any bonds issued by the authority or other debts contracted as the bonds become due and payable. The authority and the political subdivision in which all or any part of a particular authority facility is located may agree on payment by the authority on account of governmental services to be rendered by the political subdivision in such amounts as the authority may find to be consistent with the purposes of this chapter. A reserve may be accumulated and maintained out of the revenues and receipts of the authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution authorizing a bond issue or in any trust indenture securing the authority's bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or securing any of the bonds or other obligations hereunder, the authority shall have exclusive control of the revenues and receipts derived from the lease or sale of any authority facility and the right to use the revenues and receipts in the exercise of its powers and duties set forth in this chapter.

1966, c. 651, § 15.1-1382; 1968, c. 687; 1973, c. 528; 1997, c. 587.

§ 15.2-4912. Exemption from taxation.

The authority is hereby declared to be performing a public function in behalf of the locality with respect to which the authority is created and to be a public instrumentality of such locality. Accordingly, the income, including any profit made on the sale thereof from all bonds issued by the authority, shall at all times be exempt from all taxation by the Commonwealth or any political subdivision thereof.

1966, c. 651, § 15.1-1383; 1997, c. 587.

§ 15.2-4913. Authority to be nonprofit; excess earnings.

The authority shall be nonprofit and no part of its net earnings remaining after payment of its expenses shall enure to the benefit of any individual, firm or corporation, except that if the board of directors of the authority determines that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority then any net earnings of the authority thereafter accruing shall be paid to the locality with respect to which the authority was created. However, nothing herein contained shall prevent the board of directors from transferring all or any part of its facilities or properties in accordance with the terms of any contract entered into by the authority.

1966, c. 651, § 15.1-1384; 1973, c. 528; 1997, c. 587.

§ 15.2-4914. Dissolution of authority; disposition of property.

Whenever the board of directors of the authority by resolution determines that the purposes for which the authority was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, the then members of the board of directors of the authority shall thereupon execute and file for record with the governing body of the locality which created the authority, a resolution declaring such facts. If the governing body of the locality which created the authority is of the opinion that the facts stated in the authority's resolution are true and that the authority should be dissolved, it shall so resolve and the authority shall stand dissolved. Upon such dissolution, the title to all funds and properties owned by the authority at the time of such dissolution shall vest in the locality creating the authority and possession of such funds and properties shall forthwith be delivered to such locality.

1966, c. 651, § 15.1-1385; 1997, c. 587.

§ 15.2-4915. Bonds as legal investments and lawful security.

The bonds issued pursuant to this chapter shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians and for all public funds of the Commonwealth or other political corporations or subdivisions of the Commonwealth. Such bonds shall be eligible to secure the deposit of public funds of the Commonwealth, localities, school districts or other political corporations or subdivisions of the Commonwealth, and shall be security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto.

1966, c. 651, § 15.1-1386; 1997, c. 587.

§ 15.2-4916. Authorities acting jointly.

The powers herein conferred upon authorities created under this chapter may be exercised by two or more authorities acting jointly. Two or more localities may jointly create an authority, in which case each of the directors of such authority shall be appointed by the governing body of the respective locality which the director represents.

1966, c. 651, § 15.1-1387; 1982, c. 463; 1997, c. 587.

§ 15.2-4917. Facility sites.

Any locality may acquire, pursuant to § 15.2-1800, but not by condemnation, a facility site and may likewise transfer any facility site to an authority. Such transfer may be authorized by a resolution of the governing body of the locality without submission of the question to the voters and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law. Such facility sites may be located within or outside or partially within or outside the locality creating the authority. If a real estate broker licensed under § 54.1-2100 represents a party in a transaction through which a facility site is acquired, the locality may pay a reasonable brokerage fee to such real estate broker.

1966, c. 651, § 15.1-1388; 1997, c. 587; 1998, c. 728.

§ 15.2-4918. Provisions of chapter cumulative; construction.

This chapter neither limits nor restricts any powers which the authority might otherwise have under any laws of this Commonwealth. No proceedings, notice or approval shall be required for the organization of the authority or the issuance of any bonds or any instrument as security therefor, except as herein provided. However, nothing herein shall be construed to deprive the Commonwealth and its political subdivisions of their respective police powers over properties of the authority or to impair any power thereover of any official or agency of the Commonwealth and its political subdivisions which may be otherwise provided by law. Nothing contained in this chapter shall be deemed to authorize the authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by any political subdivision within its jurisdiction, or any public improvement or facility maintained by such political subdivision for the use of its inhabitants, without first obtaining the consent of the governing body thereof.

1966, c. 651, § 15.1-1389; 1997, c. 587.

§ 15.2-4919. Provisions of chapter controlling over other statutes and charters.

Any provision of this chapter which is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict.

1966, c. 651, § 15.1-1390; 1997, c. 587; 2015, c. 709.

§ 15.2-4920. Validation of creation of authorities, appointment of directors and proceedings; curative resolutions.

All proceedings heretofore taken with respect to the creation of authorities by any locality pursuant to this chapter are hereby validated and confirmed and all such authorities are declared to be legally created. All incumbent directors of authorities are declared to be and are lawfully appointed directors of authorities, notwithstanding any failure to conform to the requirements of this chapter, and all such appointments are hereby ratified, validated and confirmed. However, all terms of incumbent directors shall conform to § 15.2-4904. The governing body of any locality is hereby authorized to adopt such corrective resolutions as may be necessary to carry out the requirements of the immediately preceding sentence. All proceedings heretofore taken to provide for or with respect to the authorization, issuance, sale, execution or delivery of bonds by or on behalf of any authority are hereby validated, ratified, approved and confirmed, and any such bonds so issued shall be valid, legal, binding and enforceable obligation of such authority.

1980, c. 304, § 15.1-1391; 1997, c. 587.

7/11/202

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Date: July 25, 2023

Item No: 7.

Department: City Manager/Finance

Issue: Consider options for use of remaining unspent and uncommitted funds the City received through the American Rescue Plan Act of 2021.

Summary: Under the American Rescue Plan Act of 2021, the City of Martinsville has received a total of \$15,463,451. Half of the funds were received in June, 2021 and the remaining half in June, 2022. City staff have participated in a number of webinars and training sessions regarding appropriate use of funds and the required schedule for use of the funding. At Council's June 27th meeting, a summary was presented of funds either spent or committed as well as information regarding funds still available for use.

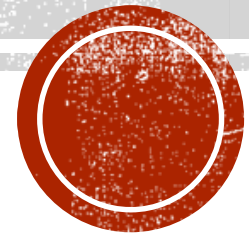
As has been noted previously, ARPA guidelines establish that funds must be committed by the end of December, 2024, and expended by the end of December, 2026.

Attachments: Information presented at the June 27th meeting showing funds spent through May, 2023, funds earmarked or committed, and remaining available funds.

Recommendations: Have additional discussion on possible uses of remaining funds and vote to designate/earmark any such funds Council deems appropriate.

ARPA FUNDING UPDATE

City Council Meeting
Tuesday, June 27, 2023



ARPA EXPENDITURES - CUMULATIVE - JULY 2021 THROUGH MAY 2023

	ACTUAL	OPEN PO'S	TOTAL EXP	% OF TOTAL
22112091 PPE-PUB HEALTH EC 1.5	765.20	0.00	765.20	0.01%
22112094 COM DEV EC 2.13	0.00	0.00	0.00	0.00%
22112095 TOUR/HOSP EC 2.11	0.00	0.00	0.00	0.00%
22112096 PUB HEALTH OTH EC 1.12	150,550.80	148,668.25	299,219.05	3.40%
22112097 PUB HEALTH-PHYS PLANT EC 1.7	10,151.00	0.00	10,151.00	0.12%
22113095 TOURISM/HOSPITALITY EC 2.35	1,241,875.58	1,034,593.60	2,276,469.18	25.90%
22113098 AFFORD HOUSING EC 2.15	287,810.15	29,513.12	317,323.27	3.61%
22113099 DEMOLITION/REHAB EC 2.23	39,550.00	23,850.00	63,400.00	0.72%
22114097 PH-CAP INV/PHY PL EC 1.7	27,317.94	0.00	27,317.94	0.31%
22122825 ADMINISTRATIVE EXP EC 7.1	9,117.79	0.00	9,117.79	0.10%
22125610 REVENUE REPLACE EC 6.1	3,162,094.30	92,655.00	3,254,749.30	37.02%
22311825 LAW ENFORCEMENT EC 4.1	200,229.00	0.00	200,229.00	2.28%
22322825 EMS EC 4.1	143,497.45	0.00	143,497.45	1.63%
22331825 SHER CORR EC 4.1	110,664.20	0.00	110,664.20	1.26%
22528850 STORM WTR EC 5.6	69,456.50	0.00	69,456.50	0.79%
22538850 BROADBAND EC 5.21	848,711.15	0.00	848,711.15	9.65%
22548850 WATER-INFRASTR EC 5.15	0.00	750,000.00	750,000.00	8.53%
22568850 SEWER-INFRASTR EC 5.5	214,840.38	194,850.00	409,690.38	4.66%
TOTAL ARPA FUNDS 2021 - EXPENDITURES	6,516,631.44	2,274,129.97	8,790,761.41	100.00%
	ACTUAL REV	TOTAL EXP	REMAINING	% REMAINING
TOTAL ARPA FUNDS 2021 - REVENUES	15,463,451.00	8,790,761.41	6,672,689.59	43.15%

Updated: May 30, 2023



ARPA EARMARKS REMAINING PRIOR COUNCIL APPROVAL

▪ Stormwater \$200,000	\$130,544 remaining
▪ Southside Park \$400,000	\$400,000 remaining
▪ Housing \$500,000	\$182,677 remaining
▪ Demolition \$500,000	\$436,600 remaining
▪ Park Upgrades \$500,000	\$500,000 remaining
▪ Incubator Roof/Other Work	\$200,000 (roof \$108,950)
▪ Loan Commitment Aaron Mills	\$500,000
▪ One Ellsworth Asbestos	\$175,000 (for consideration)
▪ Law Clerk from FY24 Budget	\$85,000
▪ TOTAL ESTIMATED REMAINING EX	<u>\$2,609,821</u>



ESTIMATED REMAINING AVAILABLE FUNDING

\$6,672,690

- \$2,609,821

\$4,062,869

SUGGESTED TARGET FOR CURRENT
CONSIDERATION APPROX \$3,000,000



Meeting Date: July 25, 2023

Item No: 8.

Department: Finance

Issue: Consider approval of the consent agenda

Summary:

The attachment amends the FY23 budget with appropriations in the following fund:

FY23

General Fund: \$ 2,937 – Federal Grant Funds

Attachments: Consent Agenda – 7-25-2023

Recommendations: Approve

BUDGET ADDITIONS FOR 07/25/2023

FY23				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
01102925	436401	Conf - PD		2,937
01311085	506079	Federal Asset Forfeiture	2,937	
		Police Department - Categorical Federal Funds		
Total General Fund			\$ 2,937	\$ 2,937