

AN ORDINANCE CREATING AN AGENCY OF THE CITY OF BLUEFIELD  
KNOWN AS THE "BLUEFIELD WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY", ESTABLISHING  
THE BOARD OF DIRECTORS THEREOF AND SETTING FORTH THE POWERS OF SUCH AGENCY

WHEREAS, the City of Bluefield is actively engaged in economic development activities and employs persons for the purpose of economic development; and

WHEREAS, West Virginia Code Sections 7-12-1 through 7-12-16 permits the creation of a municipal economic development authority to promote, develop and advance the business prosperity and economic welfare of the municipality; and

WHEREAS, the Board of Directors of the City of Bluefield deems it to be in the best interests of the citizens of Bluefield to create the Bluefield, West Virginia Economic Development Authority, and, to that end, hereby ordains as follows and adds the following provisions to the Code of Ordinances of the City of Bluefield, West Virginia:

CHAPTER 2 – ADMINISTRATION

ARTICLE II – BOARDS AND COMMISSIONS

DIVISION 6 – BLUEFIELD, WEST VIRGINIA MUNICIPAL ECONOMIC DEVELOPMENT  
AUTHORITY

Sec. 2-130. – Declaration of Necessity

The Board of Directors of the City finds:

- A. That the City of Bluefield is actively engaged in economic development efforts to promote, develop and advance the business prosperity and economic welfare of the City of Bluefield;
- B. That Chapter 7, Article 12 of the West Virginia Code authorizes the creation of a municipal economic development authority for the City of Bluefield; and
- C. That it is necessary for the efficient operation of City government to establish a municipal economic development authority as set forth herein.

Sec. 2-131. Creation of Agency.

There is hereby created an economic development authority for the City of Bluefield, West Virginia, to be known as the "Bluefield, West Virginia Economic Development Authority", in which is hereby vested all of the power and authority of a municipal economic development authority as more specifically set forth in West Virginia Code §7-12-1 *et seq.* The Bluefield, West Virginia Economic Development Authority shall be hereinafter referred to as the "Economic Development Authority."

Sec. 2-132. Board of Directors – Composition; Terms.

The Board of Directors of the Economic Development Authority shall consist of twelve persons, all of whom shall be appointed by the Board of Directors of the City of Bluefield. Two members shall be members of the Board of Directors of the City of Bluefield. Initially, four (4) members shall be appointed for a term of one (1) year, four (4) members shall be appointed for a term of two (2) years, and four members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for terms of three years. The Board of Directors shall include representatives of business, industry and labor.

Sec. 2-133. Board of Directors – Meetings.

A. *Frequency.* The Board of Directors of Economic Development Authority shall meet not less than once per quarter. In addition, such Board may meet in special session as convened by the Chair or upon written notice signed by a majority of the members thereof.

B. *Quorum.* A majority of the Board, excluding vacancies, shall constitute a quorum. Physical presence is required.

C. *Voting.* Action of the Board must be approved by the affirmative vote of a majority of the Board present and voting.

D. *Open Meetings; Records.*

The Board of Directors of the Economic Development Authority shall keep a record of its proceedings. The meetings of the Board shall be subject to the requirements of article nine-a, chapter six of the West Virginia Code, relating to open meetings, and chapter twenty-nine-b of the West Virginia Code, relating to public records.

2-134 Vacancies; Compensation

A. Vacancies in the membership of the Board of Directors of the Economic Development Authority shall be filled by appointment by the Board of Directors of the City of Bluefield. Vacancies shall be filled for the unexpired term only.

B. Members shall serve without compensation, but may be reimbursed for any expense actually incurred in the performance of official duties.

Sec. 2-134. Status; Powers

The Development Authority is a public corporation, and may contract and be contracted with, sue and be sued, plead and be pleaded, and have and use a common seal. It is vested with all of the powers set forth in West Virginia Code §7-12-1, *et seq.*, including, but not necessarily limited to, the following:

(1) To make and adopt all necessary bylaws and rules for its organization and operations not inconsistent with laws;

(2) to elect its own officers, to appoint committees and to employ and fix compensation for personnel necessary for its operation;

(3) to enter into contracts with any person, agency, governmental department, firm or corporation, including both public and private corporations, and generally to do any and all things necessary or convenient for the purpose of promoting, developing and advancing the business prosperity and economic welfare of the municipality in which it is intended to operate, its citizens and industrial complex, including, without limiting any of the foregoing, the construction of any building or structure for lease to the federal government or any of its agencies or departments, and in connection therewith to prepare and submit bids and negotiate with the federal government or such agencies or departments in accordance with plans and specifications and in the manner and on the terms and conditions and subject to any requirements, regulations, rules and laws of the

Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board;

(10) pursuant to a determination by the board that there exists a continuing need for programs to alleviate and prevent unemployment within the municipality in which the authority is intended to operate or aid in the rehabilitation of areas in said municipality which are underdeveloped, decaying or otherwise economically depressed and that moneys or funds of the authority are necessary therefor, to borrow money and execute and deliver the authority's negotiable notes, mortgage bonds, other bonds, debentures and other evidences of indebtedness therefor, on such terms as the authority shall determine and give such security therefor as shall be requisite, including giving a mortgage or deed of trust on its real or personal property and facilities in connection with the issuance of mortgage bonds;

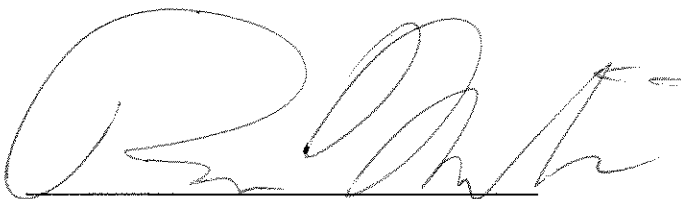
(11) to raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen, chapter eight of this code, it being hereby expressly provided that a development authority created under this article is a governing body within the definition of that term as used in article sixteen, chapter eight of this code; and

(12) to expend its funds in the execution of the powers and authority herein given, which expenditures, by the means authorized herein, are hereby determined and declared as a matter of legislative finding to be for a public purpose and use, in the public interest, and for the general welfare of the people of West Virginia, to alleviate and prevent economic deterioration and to relieve the existing critical condition of unemployment existing within the state.


1<sup>st</sup> Reading: May 14, 2019

2<sup>nd</sup> Reading: May 28, 2019

Approved: *May 28, 2019*



Mayor Ron Martin

  
City Clerk Bobbi Kersey