

THIS 24 DAY OF Feb, 2016  
AT 10:38 AM M.  
BY: Hayden H. Horney, DEP. CLERK  
*by fax*

**ORDINANCE NO. 2015-02**

**AN ORDINANCE CREATING THE  
APPALACHIAN REGIONAL EXPOSITION CENTER AUTHORITY  
OF WYTHE COUNTY, VIRGINIA**

**WHEREAS**, pursuant to the Public Recreational Facilities Authorities Act (Va. Code Ann. §§ 15.2-5600 – 15.2-5616 (1950), as amended and supplemented) (hereinafter the “Act”), the General Assembly of Virginia Authorized the creation of recreational facilities authorities by localities in the Commonwealth of Virginia so that such authorities may exercise the powers set out in the Act;

**WHEREAS**, under and pursuant to the provision of the Act the County of Wythe acting by and through its Board of Supervisors as the governing body thereof, is authorized to create by ordinance a recreational facilities authority as a political subdivision of the Commonwealth with such public and corporate powers as are set forth in the Act;

**WHEREAS**, under and pursuant to the provisions of the Act the name of the Authority to be created by the County of Wythe shall be the Appalachian Regional Exposition Center Authority;

**WHEREAS**, under and pursuant to the provisions of the Act the authority to be created by the County of Wythe shall be governed by a board of directors, in which all powers of the authority shall be vested; which board shall be composed of seven directors to be appointed by the Board of Supervisors of the County of Wythe;

**WHEREAS**, the Board of Supervisors of the County of Wythe is in accord with the purposes of the Act and has determined that it is in the best interests of the County of Wythe and its inhabitants to create a recreational authority pursuant to the provisions of the Act;

**WHEREAS**, by direction of the Board of Supervisors on October 22, 2015, a descriptive notice of the intention to discuss said ordinance at 7:05 p.m., December 8, 2015, and notice of the public hearing was advertised in the Wytheville Enterprise, a newspaper of general circulation in the County of Wythe, as required by the Act, with copies of this proposed ordinance available to the public without charge at the County Administrator’s Office, and a public hearing was held on December 8, 2015;

**WHEREAS**, public comments were expressed at said public hearing about this proposed ordinance;

**NOW, THEREFORE**, be it and it is hereby ordained by the Board of Supervisors of Wythe County, Virginia, as follows:

**SECTION 1—Establishment; Authority.**

There is hereby created a political subdivision of the Commonwealth of Virginia with such public and corporate powers as are set forth in the Act, including such powers as may hereafter be set forth from time to time in said Act.

**SECTION 2—Articles of Incorporation.**

The Articles of Incorporation of the Appalachian Regional Exposition Center Authority are as follows:

- A. The name of the Authority shall be the “Appalachian Regional Exposition Center Authority,” and the principal office of the Authority shall be 340 South Sixth Street, Wytheville, VA 24382 until such time a permanent location can be constructed on Chapman Road, Wytheville, VA.
- B. The Authority is created pursuant to Chapter 56 of Title 15.2 of the Code of Virginia, the Public Recreational Facilities Authorities Act (hereinafter the “Act”).
- C. The sole participating political subdivision is the County of Wythe.
- D. The Authority shall be governed by a Board of Directors of seven members, who shall be appointed by the Wythe County Board of Supervisors. All seven members shall serve four-year terms and may succeed themselves for a second term is reappointed by the Board of Supervisors; no member of the Board of Directors shall be appointed to serve three full consecutive terms. All members of the Board of Directors shall serve at the pleasure of the Board of Supervisors, and any member of the Board of Directors may be removed by the Board of Supervisors with or without cause. The names of the Board members and their respective terms of office shall be as shown below. Terms of the member of the Board of Directors shall commence on February 1. Successor members of the Board of Directors shall be appointed by resolution of the Board of Supervisors, and no amendment to this chapter shall be required.

The following persons are hereby appointed to be directors of the Appalachian Regional Exposition Center Authority of Wythe County for the terms of office herein set forth, which terms shall commence on the effective date of this ordinance as follows:

Initial Two-Year Term of Office: February 1, 2016 – January 31, 2018

<u>Name</u>	<u>Address</u>
1. Douglas Hughes	6916 Peppers Ferry Road, Max Meadows, VA 24360

2. Cathy Pattison                      365 East Reservoir Street, Wytheville, VA 24382

Initial Three-Year Term of Office: February 1, 2016 – January 31, 2019

Name

Address

3. Bob Litton                              820 North 20<sup>th</sup> Street, Wytheville, VA 24382

4. James S. Huffard, III              165 Huffard Lane, Crockett, VA 24323

5. Arthur E. Hall                        120 Morgan Neal Drive, Wytheville, VA 24382

Initial Four-Year Term of Office: February 1, 2016 – January 31, 2020

Name

Address

6. Matthew Miller                      370 Greek Miller Road, Crockett, VA 24323

7. George Johnstone, Jr.              115 Green Acre Road, Wytheville, VA 24382

E. Officers and employees of Wythe County may serve on the Authority. The Board of Directors shall, at the first meeting held after January 1 in each year, elect one of their members as Chairman. The Wythe County Administrator or his/her designee shall serve as Secretary and Treasurer of the Authority. The Chair of the Board of Supervisors or his/her designee and the Wythe County Administrator shall be ex-officio members of the Authority

Each Board member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties.

F. The purpose of the Appalachian Regional Exposition Center Authority is to maintain, improve and operate an Exposition Center to be constructed on land owned by Wythe County and identified as all or a portion of Tax Map Number 043-000-0000-0026, and said Exposition Center may be leased to the Appalachian Regional Exposition Center Authority upon terms and conditions agreed upon between Wythe County and the Appalachian Regional Exposition Center Authority. The purpose of the Exposition Center is to use the future indoor arena and outdoor arena or areas, barns and parking facilities to showcase the agricultural and family farm community in Southwest Virginia by hosting regional equestrian and livestock shows, events and competitions, and service as a place for rodeos, bull riding competition, barrel races, motorsport events, and also to be used for regional arts and crafts shows, consumer shows and special community events, including but not limited to, regional education activities, sporting events and other events or shows that the Exposition Center will be able to accommodate. The Appalachian Regional Exposition Center Authority will maintain and operate the Exposition Center, including all buildings, structures, parking and other facilities and the

appurtenances thereto that are part of the leased to the Appalachian Regional Exposition Center Authority from Wythe County. However, should the County of Wythe determine by resolution that the purpose for which this Authority has been created has or should be terminated, this Authority shall then have no purpose and shall be terminated. Upon termination, all assets of the Authority shall be distributed to the County of Wythe, subject to prior liquidation of such Authority assets as may be necessary to pay Authority debts and other liabilities.

G. The Authority shall continue in existence for an indefinite term.

H. These Articles of Incorporation may be amended from time to time, as necessary, by ordinance adopted by the Wythe County Board of Supervisors, after a public hearing that has been advertised with the advertising requirements of the Act.

### **SECTION 3—Meetings.**

The Authority shall meet as often as may be necessary for the completion of its business, but shall in no case meet less than quarterly. Meetings, other than those regularly scheduled or announced at a prior public meeting, shall be on five (5) days' notice from the Chairman. Notice shall also be given to any citizen or newspaper who request to be so informed. All meetings and activities of the Authority shall be subject to the Virginia Freedom of Information Act.

### **SECTION 4—Quorum and Minutes.**

The majority of the Board Members of the Authority shall constitute a quorum of the Board, and the vote of the majority of a quorum shall be necessary for any action taken by the Authority. No vacancy on the Board of Directors shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. Minutes of all meetings shall be taken and approved. No facilities owned by the Authority shall be disposed of in any manner without a majority vote of the Board.

### **SECTION 5—Powers.**

In accomplishing its objectives, the Authority shall have those powers granted to it by this Ordinance, its Articles of Incorporation and as described in the Act; provided, however, that the Authority shall not undertake any project or activity other than those enumerated in the Act and this Ordinance which requires the sale of bonds guaranteed by the County of Wythe or the expenditure of County tax revenues without the approval of the Board of Supervisors. Appropriation of an amount in the County budget for the Authority for a specific project or activity shall constitute approval thereof.

### **SECTION 6—Financial Records.**

In the conduct of its business, the Authority shall maintain financial records sufficient to justify all purchases, expenditures and transfer of funds. An audit shall be performed each year the

Authority conducts business. A copy of each annual audit shall be provided to the Wythe County Board of Supervisors.

**SECTION 7—Interim Chairman of Board of Directors.**

\_\_\_\_\_ is hereby appointed as interim Chairman of the Board of Directors. The interim Chairman is hereby authorized to call the first meeting of the Board of Directors of the Appalachian Regional Exposition Center Authority by written notice, which notice may be delivered or mailed to the business or home address of each of the members of the Board of Directors. The interim Chairman shall serve until such time as the Board of Directors elects its officers.

**SECTION 8—Validity.**

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

A Public Hearing was held at the December 8, 2015 meeting of the Wythe County Board of Supervisors. This ordinance was adopted by the Board of Supervisors at its regular meeting held on December 22, 2015, and is effective February 1, 2016, with the members voting as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Joe F. Hale	X			
Arthur "Artie" E. Hall	X			
B.G. "Gene" Horney, Jr.	X			
Gary M. Houseman		X		
Coy L. McRoberts	X			
Tim A. Reeves	X			
Steven T. Willis	X			

I certify that this is a true and correct copy taken from the December 8, 2015, December 22, 2015, January 26, 2016 and February 9, 2016 minutes of the Wythe County Board of Supervisors meeting.

  
R. Cellell Dalton, Clerk

