



# Albemarle County

## Legislation Text

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**File #:** 16-452, **Version:** 1

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**AGENDA DATE:** 7/13/2016

**TITLE:**

The Powers, Duties, and Role of the Albemarle County Economic Development Authority

**SUBJECT/PROPOSAL/REQUEST:** Consideration of the powers, duties and role of the Economic Development Authority; schedule a public hearing to consider proposed amendments to County Code § 2-600 *et seq.*

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Foley, Kamptner, McClintic

**PRESENTER (S):** Greg Kamptner and Faith McClintic

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** County Code § 2-605 requires that all by-laws, standards, and priorities of the EDA, and any amendments to those documents, be approved by the Board of Supervisors prior to their adoption by the EDA. The EDA's By-laws and Rules and Procedures (Attachments E and F), along with its Fiscal Services Agreement with the County (Attachment G), each include provisions that implement County Code § 2-605 by requiring either Board approval or County agreement before the EDA may act on many matters (e.g., By-laws, Article VIII, Section 1; Rules and Procedures, Section 4.3(c); Fiscal Services Agreement, Section 6).

Since the EDA was created by the Board on May 12, 1976, its primary role has been to serve as a conduit issuer of bonds. More recently, it also has served as a conduit for providing grants to businesses (Route 29 Solutions, and those under the Board's Economic Opportunity Fund in conjunction with State programs) and a loan to a non-profit organization (Lewis & Clark Exploratory Center).

**STRATEGIC PLAN:** Goal 4: Economic Prosperity: Foster an environment that stimulates diversified job creation, capital investments, and tax revenues that support community goals.

**DISCUSSION:** The purpose of this work session is to discuss the powers, duties, and role of the EDA and whether the County Code should be amended to lift the restrictions in County Code § 2-605.

Over the past several years, the Board has taken steps to promote economic development. Most recently, on April 1, 2015, the Director of Economic Development joined the County in the newly established Economic Development Office to "lead the County's efforts to foster and encourage best practices in economic development activities that provide for quality job creation and sustainable employment opportunities, increased business tax base, and an improved quality of life for all citizens." *County February 19, 2015 Press Release*. On June 10, 2015, the Board adopted a new Comprehensive Plan, which includes a chapter on Economic Development. The stated goal for economic development in the County is: "Albemarle's economy will be diverse, strong, and sustainable, and retain and benefit County citizens, existing businesses, and new local ventures." *Comprehensive Plan, page 6.1*. The Economic Development Office, with assistance from

other County staff, is currently developing a draft Economic Development Strategic Plan.

By establishing the Economic Development Office, adding an Economic Development chapter to the Comprehensive Plan, and developing an Economic Development Strategic Plan, the Board has recognized the need to plan for and to facilitate economic development. The EDA can play a vital role that can assist the County in achieving its economic development goals and objectives. However, the current constraints in County Code § 2-600 *et seq.*, which are also reflected in the EDA's By-laws and Rules and Procedures, have not kept up with other Board-initiated economic development actions, and the role of the EDA is currently limited by these constraints.

If the Board desires to proceed with amending the County Code, a proposed draft ordinance is included as Attachment A. A memorandum prepared by the County Attorney is included as Attachment B. The memorandum explains the history of the EDA, its legal status as a political subdivision, the general powers of economic development authorities, and tools and practices available to ensure that, if the County Code is amended, the activities of the EDA will remain aligned with the policies, goals, and objectives of the Board. The purposes and powers of economic development authorities conferred by state law are included as Attachment C. A table summarizing the results of an informal survey of other economic development authorities is included as Attachment D. The EDA's By-laws and Rules and Procedures, and its Fiscal Services Agreement with the County, are included as Attachments E, F, and G, respectively.

**BUDGET IMPACT:** There is no budget impact.

**RECOMMENDATION:**

Staff recommends that the Board schedule a public hearing for August 3, 2016 on the proposed draft ordinance amending County Code § 2-600 *et seq.* (Attachment A) and provide other direction to staff as it determines to be appropriate.

**ATTACHMENTS:**

- A - Draft Ordinance Amending County Code § 2-600 *et seq.*
- B - Memorandum by Greg Kamptner, County Attorney, dated July 6, 2016
- C - Copy of Virginia Code §§ 15.2-4901, 15.2-4902, 15.2-4905
- D - Table Summarizing Survey Results from Selected Localities' EDAs
- E - EDA By-laws
- F - EDA Rules and Procedures
- G - Fiscal Services Agreement