

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 4TH DAY OF OCTOBER, 2000, AT 7:30 P.M.

PRESENT:	AUBREY S. CLAY, CHAIRMAN	ELECTION DISTRICT #5
	HARRISON A. MOODY, VICE-CHAIR	ELECTION DISTRICT #1
	DONALD L. HARAWAY	ELECTION DISTRICT #2
	ROBERT L. BOWMAN, IV	ELECTION DISTRICT #3
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4

OTHER:	PHYLLIS KATZ	COUNTY ATTORNEY
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IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER

Mr. Aubrey S. Clay, Chairman, called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Clay asked if there were any amendments to the Agenda.

Mr. R. Martin Long, County Administrator, stated before the minutes he would like to allow Mr. Donald W. Faison, Buildings and Grounds Superintendent a moment to introduce the new custodial employees and he had a request from the School Board to move Agenda Item 10 – VPSA Public Hearing up on the Agenda to Item 8.

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the above-described amendments to the Agenda are hereby approved.

IN RE: INTRODUCTION OF NEW EMPLOYEES

Mr. Faison came forward stating the County had three (3) new employees that he would like to introduce to the Board. He asked Mr. Byron Walker to come forward stating Byron had been with the County for a while but had been reclassified to Maintenance Worker I. He continued by asking Mr. Vernon Hill and Ms. Treasa H. Robinson, Custodian I positions, to come forward adding he had already seen positive things from these three (3) people.

IN RE: MINUTES

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the September 20, 2000 Continuation Meeting and September 20, 2000 Regular Meeting are approved in their entirety.

IN RE: CLAIMS

It was noted that a Supplemental Claim Sheet had been placed before the Board prior to the meeting and that any motion to accept the Claims should include these additional amounts.

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1022273 through 1022486 (void check(s) numbered 1022276 and 1022347); for

Accounts Payable

(101) General Fund	\$ 228,934.89
(103) Jail Commission	\$.00
(104) Marketing Fund	\$.00
(222) E911 Fund	\$ 2,581.62
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$ 277.73
(228) Fire Programs & EMS	\$.00
(229) Forfeited Asset Sharing	\$ 634.65
(304) CDBG Grant Fund	\$ 82.90
(305) Capital Projects Fund	\$ 9,724.76
(401) County Debt Service	\$.00

TOTAL \$ 242,236.55

PAYROLL 09-30-00

(101) General Fund	\$ 352,745.69
(222) E911 Fund	\$.00
(304) CDBG Fund	\$ 3,196.25

TOTAL \$ 355,941.94

SUPPLEMENTAL CLAIM

Accounts Payable

(101) General Fund	\$ 300.00
(103) Jail Commission	\$.00
(104) Marketing Fund	\$.00
(222) E911 Fund	\$.00
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$.00
(228) Fire Programs & EMS	\$.00
(229) Forfeited Asset Sharing	\$.00
(304) CDBG Grant Fund	\$.00
(305) Capital Projects Fund	\$ 22,817.00
(401) County Debt Service	\$.00

TOTAL \$ 23,117.00

IN RE: CITIZEN COMMENTS

The following citizens addressed the Board:

1. Charles E. Goolsby, Jr., 5301 White Oak Road, Dinwiddie County, Virginia came forward to voice his concern about the lack of emergency services in the County. He explained to the Board that he had recently had a medical emergency and that it took 30 minutes for a first responder unit to arrive and an hour and a half for a transport unit to arrive. He stated he was lucky because his wife kept her wits and that the first responder unit attendant was also a paramedic. He stated

that with the growth rate of the County and the area to be covered he felt that one unit was not enough. He requested that the Board consider appropriation of funds to purchase another ambulance and staff it 24/7. He stated he had no complaints about the medical services he received it was just the time frame.

There were concerns addressed by the Board regarding the length of time taken to respond and Mr. David M. Jolly, Public Safety Officer was asked to comment on this matter.

Mr. Jolly came forward and addressed this particular issue with the Board explaining the situation on the night in question. He stated he too had concerns about the inability to answer all calls immediately.

The Board requested staff to look into this matter as soon as possible and report back to them immediately.

Mr. Long stated that there is a second unit being staffed Monday through Friday 9:00 a.m. to 6:00 p.m. from the Namozine Station.

IN RE: DINWIDDIE MEDICAL CENTER – CAROL DILL

It was noted that Ms. Carol Dill had not arrived and this item was postponed until later in the Agenda.

IN RE: PUBLIC HEARING – VPSA – DINWIDDIE ELEMENTARY SCHOOL

Mr. Long stated this Public Hearing was a final step of approval for the purchase of the \$5,500,000 bonds for the Dinwiddie Elementary School Project at an interest rate of 2% by the Virginia Public School Authority. He stated Ms. Troilen Seward, Superintendent of School and Mr. Ray Watson, Assistant Superintendent for Finance were present if the Board had any questions.

Mr. Clay opened the Public Hearing for the VPSA – Dinwiddie Elementary School Project. There being no citizens present wishing to speak for or against this matter, Mr. Clay closed the Public Hearing.

Upon Motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following Resolution, including all accompanying documents, are hereby adopted and approved and authorization is granted for the County Administrator and/or Chairman to execute the same:

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$5,500,000 GENERAL OBLIGATION SCHOOL BONDS
OF THE COUNTY OF DINWIDDIE, VIRGINIA, SERIES 2000,
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, in November of 1999, the Commonwealth of Virginia Board of Education (the "Board of Education") placed the application (the "Application") of the School Board of Dinwiddie County, Virginia (the "School Board"), for a loan of \$5,500,000 (the "Literary Fund Loan") from the Literary Fund, a permanent trust fund established by the Constitution of Virginia (the "Literary Fund"), for the construction, renovation and expansion of school buildings (the "Project") in Dinwiddie County, Virginia (the "County"), on the First Priority Waiting List;

WHEREAS, the Board of Education was to have approved the release of Literary Fund moneys to the School Board and make a commitment to loan such

moneys to the School Board (the "Commitment") within one (1) year of placement of the Application on the First Priority Waiting List Application and the approval, by the Board of Education, of the Application as having met all conditions for a loan from the Literary Fund;

WHEREAS, the Board of Education was thereafter to have given advances on the amount of the Commitment for the Literary Fund Loan to the School Board, as construction or renovation of the Project progressed, in exchange for temporary notes from the School Board to the Literary Fund (the "Temporary Notes") for the amounts so advanced;

WHEREAS, after the completion of the Project and the advance of the total amount of the Commitment, the Temporary Notes were to have been consolidated into a permanent loan note of the School Board to the Literary Fund (the "Literary Fund Obligation") which was to evidence the obligation of the School Board to repay the Literary Fund Loan;

WHEREAS, the Literary Fund Obligation was to have borne interest at two percent (2%) per annum and mature in annual installments for a period of twenty (20) years;

WHEREAS, in connection with the 2000 Interest Rate Subsidy Program (the "Program"), the Virginia Public School Authority (the "VPSA") has offered to purchase general obligation school bonds of the County, and the Board of Education has offered to pay, to the County, a lump sum cash payment (the "Lump Sum Cash Payment") equal to the sum of (i) net present value difference, determined on the date on which the VPSA sells its bonds, between the weighted average interest rate that the general obligation school bonds of the County will bear upon sale to the VPSA and the interest rate that the Literary Fund Obligation would have borne plus (ii) an allowance for the costs of issuing such bonds of the County (the "Issuance Expense Allowance");

WHEREAS, the Board of Supervisors (the "Board") of the County of Dinwiddie, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$5,500,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the County held a public hearing, duly noticed, on October 4, 2000, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and, consented to the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF DINWIDDIE, VIRGINIA:

1. **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$5,500,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.
2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by

the Chairman of the Board and the County Administrator, that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution. The Chairman of the Board, the County Administrator, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 10, 2000, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Bonds.** The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2000"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2001 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.
4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed seven and one tenth percent (7.10%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.
5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.
6. **Payment; Paying Agent and Bond Registrar.** The following provision shall apply to the Bonds:
 - (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date or Principal Payment Date, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date or Principal Payment Date.
 - (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) Bank of Southside Virginia, Dinwiddie, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. **No Redemption or Prepayment.** The Principal Installments of the Bonds shall not be subject to redemption or prepayment. Furthermore, the Board covenants, on behalf of the County, not to refund or refinance the Bonds without first obtaining the written consent of the VPSA or the registered owner of the Bonds.
8. **Execution of the Bonds.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.
9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.
10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds except as provided below. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.
11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filing required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).
13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.
14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.
15. **Effective Date.** This Resolution shall take effect immediately.

* * *

The undersigned Clerk of the Board of Supervisors of the County of Dinwiddie, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on October 4, 2000, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution a quorum was present. Members present at the meeting were Aubrey S. Clay, Harrison A. Moody, Edward A. Bracey, Jr., Donald L. Haraway, Robert L. Bowman, III. Members absent from the meeting were: No members were absent. Members voting in favor of the foregoing resolution were: Aubrey S. Clay, Harrison A. Moody, Edward A. Bracey, Jr., Donald L. Haraway, Robert L. Bowman, III. Members voting against the foregoing resolution were: No members voted against the foregoing resolution. Members abstaining from voting on the foregoing resolution were: No members abstained from voting on the foregoing resolution.

WITNESS MY HAND and seal of the Board of Supervisors of the County of Dinwiddie, Virginia, this 4th day of October, 2000.

Clerk, Board of Supervisors of
The County of Dinwiddie, Virginia

[SEAL]

EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TS-1

\$ _____

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

COUNTY OF DINWIDDIE

General Obligation School Bond

Series 2000

The **COUNTY OF DINWIDDIE, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2001 and annually on July 15 thereafter to and including July 15, 2020 (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2001 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to repayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, Bank of Southside Virginia, Dinwiddie, Virginia, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgement of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

The Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the Board of County Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for two or more temporary bonds or definitive bonds in fully registered form in denominations of \$5,000 and whole multiples thereof, and; in any case, having an equal aggregate principal amount having maturities and bearing interest at rates corresponding to the maturities of

and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond are not subject to redemption or prepayment.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Dinwiddie has caused this Bond to be issued in the name of the County of Dinwiddie, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated _____, 2000.

**COUNTY OF DINWIDDIE,
VIRGINIA**

(SEAL)

ATTEST:

Clerk, Board of Supervisors
of the County of
Dinwiddie, Virginia

Chairman, Board of Supervisors
of the County of
Dinwiddie, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP
CODE, OR ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints _____

_____ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____
Registered Owner

(NOTICE: The signature above must
Correspond with the name of the
Registered Owner as it appears on the

Front of this Bond in every particular,
Without alteration or change.)

Signature Guaranteed:

(NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

**IN RE: PUBLIC HEARING – A-00-8 – AMENDMENT TO THE
CODE OF DINWIDDIE, VIRGINIA – SECTION 19-95 (a) –
ASSESSING CONSUMER TAX ON ELECTRIC UTILITIES
AND NATURAL GAS UTILITIES**

This being the time and place as advertised in the Dinwiddie Monitor on September 20, 2000 and September 27, 2000, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for adoption an Ordinance amending the present method of assessing the consumer tax on electric utility service from a revenue basis to a per kilowatt hour basis and natural gas service from a revenue basis to a per ccf basis.

The proposed Ordinance reads as follows:

WHEREAS, the General Assembly enacted legislation in the 2000 session enabling the deregulation of electric and natural gas utility service.

AND WHEREAS, Section 19-95 of the Code of Dinwiddie will not conform after January 1, 2001 to the method of assessing the consumer tax for electric and natural gas utility service contained in §58.1-3814, as amended;

NOW THEREFORE, the Board of Supervisors of Dinwiddie County hereby amends Section 19-95 (a) of the Code of Dinwiddie County as set forth below:

Section 19-95(a) of the Code of Dinwiddie County is amended to add two subsections to convert the local consumer tax on electric utility suppliers from a revenue basis to a kilowatt-hour usage basis and on natural gas utility suppliers from a revenue basis to a ccf usage basis. All other provisions of Section 19-95 (a) shall remain in effect.

Sect. 19-95 (a)

Except as provided in subsections (1) and (2), there is hereby imposed and levied by the county upon every purchaser of a utility service, a tax in the amount of twenty (20) percent of the charge, exclusive of any federal tax thereon, made by the seller against the purchaser with respect to each utility service.

(1) Effective with the first bill for electric energy service rendered for meter readings on or after January 1, 2001, the rate of tax on the electric energy delivered to the ultimate consumer shall be as follows:

Residential Customers – Such tax shall be 20% times the minimum

monthly service charge imposed by the service provider plus the rate of \$.016225 on each kWh delivered monthly to residential consumers by the service provider not to exceed \$3.00 per month.

Commercial/Industrial Customers – Such tax shall be 20% times the minimum monthly service charge imposed by the service provider plus the rate of \$.016600 on each kWh delivered monthly up to 100 kWh plus the rate of \$.014863 on each kWh delivered monthly in excess of 100 kWh, not to exceed \$30.00 per month.

(2) Effective with the first bill for natural gas service rendered for meter readings on or after January 1, 2001, the rate of tax on the natural gas delivered to the ultimate consumer shall be as follows:

Residential Customers – Such tax shall be 20% times the minimum monthly service charge imposed by the service provider plus the rate of \$0.1867 on each CCF delivered monthly to residential consumers, not to exceed \$3.00 per month.

Commercial/Industrial Customers – Such tax shall be 20% times the minimum monthly service charge imposed by the service provider plus the rate of \$0.15566 on each CCF delivered monthly to commercial/industrial consumers, not to exceed \$30.00 per month.

Ms. Ralph explained this request was a result of deregulation and that all monies/dollar amounts for taxes on utility bills will remain revenue neutral to the County as well as the amount paid by the consumer. The cap on taxes collected on revenue basis vs. kilowatt-hour and revenue basis to a per CCF basis will remain exactly the same.

This being a Public Hearing Mr. Clay opened the floor for citizen comments. The following citizen came forward to address the Board:

1. Dorothy B. Roney, Stony Creek, Virginia came forward to ask questions regarding where the money from the utility tax and 911 tax goes and what it is used for.

Mr. Long answered that the 911 tax is used to upgrade and keep the 911 equipment current. The utility tax monies go into the general fund budget of the County.

There being no other citizen wishing to speak, Mr. Clay closed the Public Hearing on A-00-8.

Ms. Ralph stated because this is a tax issue the Board must wait 10 days before taking action; therefore, the vote on this issue will be taken at the October 18th meeting.

**IN RE: PUBLIC HEARING – A-00-9 – AMENDMENT TO THE
CODE OF DINWIDDIE, VIRGINIA – SECTION 2-70 and
2-76 – PURCHASING OF GOODS AND SERVICES
UNDER \$50,000 AND PROFESSIONAL SERVICES
UNDER \$30,000**

This being the time and place as advertised in the Dinwiddie Monitor on August 16, 2000 and August 23, 2000, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for adoption an Ordinance amending sections 2-70 and 2-76 of the Code of Dinwiddie County for the purchasing of goods and services under \$50,000 and professional services under \$30,000.

Ms. Ralph stated this ordinance amendment is being proposed in order to bring the County Code into compliance with the State Code.

The proposed Ordinance amendment reads as follows:

WHEREAS, the General Assembly enacted legislation in the 2000 session enabling the local governing bodies to purchase goods and services up to an amount of \$50,000 without competitive sealed bids or competitive negotiations and to purchase professional services up to an amount of \$30,000 without competitive negotiations;

AND WHEREAS, sections 2-70 and 2-76 of the Code of Dinwiddie impose limits below the \$50,000/\$30,000 maximum limits;

NOW THEREFORE BE IT ORDAINED THAT, the Board of Supervisors of Dinwiddie County hereby rescinds sections 2-70 and 2-76 of the Code of Dinwiddie County in their entirety and ordains that the following language supersede that now in effect:

Section 2-70

The County Administrator shall have the authority to establish purchase procedures, if adopted in writing, that do not require competitive sealed bids or competitive negotiations for single or term contracts not expected to exceed the maximum dollar amount permissible under section 11-41F of the Code of Virginia, as amended. Such purchase procedures shall provide for competition whenever possible and shall otherwise conform to the provisions of section 11-41F of the Code of Virginia, as amended.

Section 2-76

The County Administrator shall have the authority to establish purchase procedures, if adopted in writing, that do not require competitive negotiations for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed the maximum dollar amount permissible under section 11-41G of the Code of Virginia, as amended. Such purchase procedures shall provide for competition whenever possible and shall otherwise conform to the provisions of section 11-41G of the Code of Virginia, as amended.

This being a Public Hearing Mr. Clay opened the floor for citizen comments. There being none, Mr. Clay closed the Public Hearing on A-00-9.

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the foregoing ordinance amendments to the Code of the County of Dinwiddie, Virginia Sections 2-70 and 2-76 to comply with the Virginia State Code are hereby adopted and all other sections are reordained.

IN RE: C-00-2 AND C-00-3 – SBA COMMUNICATIONS

The County received the following letter from SBA regarding the issues that were raised at the September 6, 2000 Public Hearing.

September 25, 2000

Dear Dinwiddie County Supervisors:

Please accept this letter as a clarification of our meeting with the County Planning Department on September 13, 2000. The meeting was held to address the Board of Supervisor's questions that were raised at the September 6, 2000

public hearing, regarding both the Ford and the Wilsons proposed tower locations. The Board raised the following issues/questions related to emergency power outages, with subsequent comments brought forth on the September 13, 2000 meeting:

1. *Lighting of the Tower during Power Outages* – The proposed towers will adhere to all FAA regulations. When power goes out, a battery sends a signal to SBA, which in turn is immediately sent to the FAA. The signal places the FAA on notice that the tower is not lit and automatically requests for a 14-day blackout period. All SBA towers are monitored from a regional headquarters. SBA is immediately notified of power outages and works diligently to restore power to the site. If power cannot be restored before the blackout period expires, SBA must seek an additional extension from the FAA or transport a generator to the site.
2. *Back-up Battery Power for Carriers* – Most telecommunications providers have a 48-hour battery to insure power during brief outages.
3. *Wattage Requirements for Lighting the Tower* – Although lighting of the tower only requires 5kw, battery time is limited as a result of the multiple surges that are necessary to make the light strobe.
4. *Wattage Requirements for Carriers* – Carriers require anywhere from 15kw to 40kw, per array of antennas. Therefore, a maximized facility of 6 carriers would require 150 – 200kw.
5. *Provision of a Generator for Carriers* – As mentioned above the wattage requirements for a tower at full carrier capacity requires a sizable generator on site to insure power to all carriers. Such a generator in size would probably have to be permanently attached to the facility, which is very costly to have one for every tower site, as well as maintain. SBA also does not wish to be held liable for damages to carrier equipment from unforeseen generator surges, as a result of requiring them to use our generator.
SBA provides space in the compound for carriers to install their own individual generators as they are easily transportable to the site. SBA finds that the provision of service during extended power outages is a matter between the carriers and their customers. Carriers have a financial obligation to insure power during emergencies, as down time results in lost business.
6. *Carrier Connection to Phone (Land) Lines* – Although some towers do have a microwave relay system, which send a signal to other towers that are connected into a phone line, most towers on the East Coast are connected to a phone (land) line. SBA notes that the Board's concern was mostly directed to the provision of service when landlines are down in the area. It is highly probable that if phone lines are down within the tower capacity radius of 5 miles, that the landline to the tower may also be incapacitated.

It is with this additional information that SBA, Inc. seeks relief of having a Condition requiring a generator for carriers to use during emergency power outages. If any additional information is required, please contact me as soon as possible. Thank you for your assistance with this matter.

Sincerely,

Eric L. Morrisette, AICP
Zoning Specialist

Mr. William C. Scheid, Director of Planning also received the following memorandum from Mr. Morrisette on September 27th:

RE: Ford and Wilsons Public Hearing Dates

Per our telephone conversation, please accept this memo as my request to table the Board of Supervisor's meeting for the above referenced towers from October 4th to the October 18th meeting. If any conflict should arise with the October 18th date, please contact me so we can work together to find a more suitable date. As always, thanks for your continued assistance.

Mr. Long stated that due to this request this matter would be postponed until October 18, 2000.

IN RE: APPOINTMENTS – ADVISORY COMMITTEE FOR THE COMPREHENSIVE LAND USE PLAN UPDATE

Mr. Long stated appointments to the Comprehensive Land Use Plan Update Advisory Committee would be made at the October 18, 2000 meeting.

IN RE: 2001 GENERAL REASSESSMENT – COUNTY ASSESSOR

Mr. Long stated that since the County has chosen not to use a Reassessment Board for the general reassessment, the County is required by law to appoint a County Assessor. In the past, the County had used one of the appraisers with the firm performing the reassessment. Wingate Appraisal is recommending Mr. William T. Lanham. If the Board approves Mr. Lanham then he must be approved by the State Department of Taxation.

There was discussion regarding the issue of not having a Reassessment Board; however, it was decided appointing a County Assessor worked better in the past.

Upon Motion of Mr. Haraway, Seconded by Mr. Moody, Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay voting "Aye", Mr. Bowman "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. William T. Lanham of Wingate Appraisal be recommended to the Department of Taxation for appointment as the County Assessor for the general reassessment.

IN RE: CUSTODIAL EMPLOYEES – AUTHORIZATION TO HIRE

Mr. Long continued that interviews had been conducted to fill the two (2) vacant positions on the custodial staff and Mr. Donald W. Faison, Superintendent of Buildings and Grounds had recommended the following individuals for employment:

- | | |
|-----------------------|---|
| 1. Vernon Hill | Custodian I – replaces Byron Walker
Effective October 2, 2000
Step 1K -- \$14,686 |
| 2. Treasa H. Robinson | Custodian I – replaces Lois Ferrell
Effective October 2, 2000
Step 1K -- \$14,686 |

Upon Motion of Mr. Bracey, Seconded by Mr. Haraway, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to Buildings and Grounds to employ Vernon

Hill and Treasa H. Robinson as full-time custodians effective October 2, 2000 at 1K with a yearly salary of \$14,686.

IN RE: DINWIDDIE COUNTY HISTORIC COURTHOUSE –
CHANGE ORDER NUMBER 1

Mr. Long stated included in the Board's information was Change Order Number 1 on the Dinwiddie County Historic Courthouse Renovation Project.

Mr. Faison came forward stating this Change Order consisted of the following additions to the Contract:

1. Create brick opening at back of original Historic Courthouse not to exceed 2'X3' \$ 445.00 2 days
2. Walls and stair in the vestibule to be removed \$3,648.75 10 days
3. Cut openings in ceiling to give access to second floor framing to determine fire rating. Eight hours to cut the opening, remove the trash and clean up the debris. The work can be accomplished simply and straight-forwardly and within OSHA guidelines using a safety approved folding stepladder. \$ 184.00 0 days
4. Remove paneling throughout the Building. \$1,293.95 3 days
5. Repair X106 remove existing flooring Complete.
 - Component 1 – remove existing flooring \$ 276.00
 - Component 2 – carry trash to dumpster \$ 184.00
 - Component 5 – sweep & clean up debris \$ 184.00

Install flags or lock the door and seal It so that no one can get in there. \$ 644.00 1 day
6. Delete expansion joint as per directive of Architect. (\$ 900.00) 0 days
7. Time extension for delay of project \$.00 4 weeks

CHANGE IN CONTRACT PRICE:

Net increase by this CO: \$5,315.70

Original Completion Date: December 19, 2000
Net Increase in time by this CO: 44 days
New Completion Date: February 1, 2001

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to issue Change Order Number 1 on the Dinwiddie County Historic Courthouse Renovation Project, in the amount of \$5,315.70 (44 day time increase), for the above-described work.

IN RE: DINWIDDIE COUNTY HISTORIC COURTHOUSE –

CHANGE ORDER NUMBER 3

Mr. Faison continued he also needed approval for Change Order Number 3 on the Dinwiddie County Historic Courthouse Renovation Project. This change order would consist of the following items:

Remove metal panels on Portico Fascia on front side and one return section of Portico, supply and install new panels to match, caulk, prime and paint the new metal panels and clean up of all debris.

Total Change Order \$1,127.50

Upon Motion of Mr. Haraway, Seconded by Mr. Bracey, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to issue Change Order Number 3 on the Dinwiddie County Historic Courthouse Renovation Project, in the amount of 1,127.50 for the above-described work.

IN RE: LAKE CHESDIN BOAT LANDING -- RESTROOMS

Ms. Ralph stated the County now provides a port-a-john at the Lake Chesdin Boat Landing. The block building, which has been used in the past for restrooms, has become a maintenance problem and does not appear to be used since the port-a-john has been installed. There has been discussion regarding demolishing the block building with the Game Commission and they are in agreement. The Game Commission's only requirements are that the County notifies them in writing so they can remove it from their inventory and that the County continues to provide the port-a-john. This may need to be increased to two (2) during the heavy summer use.

Upon Motion of Mr. Bracey, Seconded By Mr. Haraway, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to draft a letter to the Game Commission informing them the County will demolish the block building at the Chesdin Boat Landing and affirming that the County will continue to provide a port-a-john at that site.

**IN RE: WELL DEDICATION – DINWIDDIE FIRE/EMS STATION
PROPERTY – 13516 BOYDTON PLANK ROAD**

Mr. Long stated that the well at the new Dinwiddie Fire/EMS facility at 13516 Boynton Plank Road, Dinwiddie, Virginia needed to be dedicated. The dedication being to establish the area for water supply use only, and that Dinwiddie County agrees that only appurtenances pertinent to the water supply system will be constructed in the area dedicated and that 0.18 acres will not be used for human habitation or other sources of contamination. He requested authorization to execute this document and to have it recorded with the Clerk of the Circuit Court.

Upon Motion of Mr. Bracey, Seconded by Mr. Haraway, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the County Administrator to execute the well dedication document for the new Dinwiddie Fire/EMS facility located at 13516 Boynton Plank Road, Dinwiddie, Virginia and recordation of the same with the Clerk of the Circuit Court, Dinwiddie County, Virginia.

IN RE: COMPREHENSIVE LAND USE PLAN – SCHEDULING OF INTERVIEWS

Mr. Long informed the Board that the County was ready to hold interviews for the firms that submitted proposals for the Comprehensive Land Use Plan. He asked the Board members to let him know if they would like to participate in the interviewing. He hoped to have a recommendation at the October 18, 2000 meeting.

IN RE: FIRE/RESCUE UNIFICATION ORDINANCE – UPDATE ON PROGRESS

Mr. Long stated he wanted to update the Board on the progress of the Fire/EMS Unification Ordinance. He stated it was progressing well; however, before it was brought back to the Board he wanted to be sure that it was all encompassing the first time through. Before being placed before the Board for approval the draft will be reviewed by Public Safety, Administration, Legal Counsel, and the volunteers.

IN RE: CRYSTAL STUDDUM VS. DINWIDDIE COUNTY

Mr. Long stated the Board needed to take action on a claim filed by Crystal Staddum, an employee of the Crater Criminal Justice Academy, against the County of Dinwiddie. He requested action by the Board to disallow this claim.

Upon Motion of Mr. Bracey, Seconded by Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the claim filed by Ms. Crystal Staddum against the County of Dinwiddie is hereby disallowed.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody No comments

Mr. Bowman He stated he wanted to thank Ms. Ralph for getting the light at the corner of Route 1 and Duncan Road moved.

Ms. Ralph stated the thanks should go to Ms. Iris Holiday.

Mr. Long stated that Ms. Iris Holiday of Dominion Virginia Power would be the responsible party. He stated she was extremely good to work with.

Mr. Bracey He stated he had a couple of questions:

1. He asked how a person from another locality with a business within Dinwiddie County takes their trash to the Rohoic collection site? He asked if the Commissioner of the Revenue gave businesses a card or something that they could show at the site?

Mr. Long and Ms. Ralph stated that currently they are recommending people show evidence of ownership of property in the County. Mr. Long stated he could give people in this situation letterhead or a calling card as their entrance ticket. They could investigate how other localities are handling this matter.

2. His second concern was regarding cellular telephones

and wanted to know if the County is collecting the 911 tax on them? He wanted to know if there was anything introduced in the General Assembly that would allow this because if we are taxing one then we should be taxing all!

Ms. Ralph stated the County could tax cellular telephones but to date they had not.

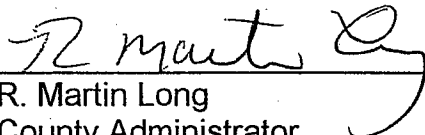
3. His last request was to be placed on the Closed Session agenda at the next meeting for approximately 10/15 minutes.

Mr. Clay

He thanked Mr. Moody for covering for him while he was out of state on a vacation. He reported he had a wonderful time.

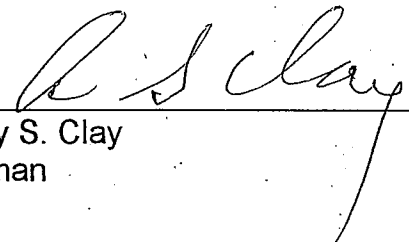
IN RE: ADJOURNMENT

Upon Motion of Mr. Bracey, Seconded by Mr. Moody, Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay voting "Aye", the meeting adjourned at 8:29 P.M.



R. Martin Long
County Administrator

/pam



Aubrey S. Clay
Chairman

