

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION
BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 19TH DAY OF
JUNE, 1996, AT 2:00 P.M.

PRESENT: AUBREY S. CLAY, CHAIRMAN ELECTION DISTRICT #5
HARRISON A. MOODY, VICE-CHAIR ELECTION DISTRICT #1
EDWARD A. BRACEY, JR. ELECTION DISTRICT #4
MICHAEL H. TICKLE ELECTION DISTRICT #2
LEENORA EVERETT ELECTION DISTRICT #3

DANIEL SIEGEL COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

Mr. Bracey requested that they add to their 2nd Executive Session discussion of the agreement between the School Board and the County in reference to grass cutting.

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following be added to the agenda:

13. Executive Session - 2.1-344(a) 1-Personnel
Agreement between the School Board and the County in reference to grass cutting.

IN RE: MINUTES

Upon motion of Mrs. Everett, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes for the June 5, 1996 Continuation Meeting and June 5, 1996 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Tickle, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, 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 #1001616 - #1001810 for Accounts Payable in the amount of \$209,045.81; General Fund \$155,318.44, Jail Commission Fund \$26.14, E911 Fund \$1,526.04, Self Insurance Fund \$3,867.57, Law Library Fund \$133.75, Fire Programs/EMS Fund \$6,914.38, County Debt Service \$41,362.97.

Mr. Bracey stated that he would like to see the fees that the County has paid towards straightening out the restrictive covenants next to Ingram recuperated when the land is sold to a potential buyer.

Mr. Tickle stated that he thought that the amount of money that the County is spending on bottled water is really high and he feels that something needs to be done to try to reduce it. He asked that staff look into alternative methods of providing a water supply.

IN RE: CITIZEN COMMENTS

1. Harold Conover, Old Coker Lane, Carson, VA. He came before the Board and stated that he was an avid Hunter but thought that the County needed to come up with an ordinance to protect the citizens from people shooting near residences and livestock. He felt that they should consider an ordinance that prohibited the discharging of a firearm within 100 yards of a property line.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION -- REPORT

Mr. Ronald Reekes, Resident Engineer, updated the Board in reference to several different sites that they are working on in the County.

Mr. Tickle wanted to know what was being done about the illegal parking on Route 460 in front of Walmart Distribution Center.

Mr. Reekes stated that he has met with some people from Walmart and he hoped that they could come up with a solution but it appears that they are not going to. He stated that the next step is to put up "No Parking" signs and then aggressively enforce it.

Mrs. Everett stated that people on Duncan Road were traveling way to fast in front of Pamplin Park and she feels that someone is going to get seriously injured or killed.

Mr. Reekes stated that they are working on a long term plan but they need help from the Sheriff's Department enforcing the speed limit.

Mrs. Everett thanked VDOT for all their support and help in reference to the upcoming Olympic Torch Relay.

Mr. Tickle stated that Route 601 (River Road) needs some work because it is in really bad shape.

Mr. Reekes stated that by December 1st of this year they are going to resurface it with a plant mix.

Mr. Tickle stated that he would like to see a "No Through Trucks" sign on Route 226 because the trucks are moving too fast along that road.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a)6 - Investment of Public Funds where competition or bargaining is involved - Courthouse Construction; Section 2.1-344(a) 1-Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body - Sheriff's Department; the Board moved into Executive Session at 2:53 P.M. A vote having been made and approved the meeting reconvened into Open Session at 4:04 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Moody, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: AUTHORIZATION TO ISSUE A LETTER OF INTENT - COURTHOUSE
CONSTRUCTION PROJECT

Mr. Charles W. Burgess, Jr., County Administrator, stated that the County in April received four bids for the construction of the new Courthouse. The low bid was submitted by Gulf Seaboard General Contractors, Inc. of Ashland, Virginia with the bid being approximately 7.8 million dollars. This amount not being what the County had anticipated expending for a Courthouse, they entered into negotiations with Gulf Seaboard in an effort to find an affordable project. Their efforts were successful but not as successful as they would of liked for them to have been. They realize that the price that they have been able to obtain from Gulf Seaboard will impact other projects in the County in the near future, such as capital purchases in excess of \$25,000. The price that staff is submitting to the Board for their consideration for the construction of the courthouse is \$7,082,000. This price needs to be verified by Gulf Seaboard by the end of July with contracts executed on or before Friday, July 26, 1996. The contractor reserves the right, based upon numerous revisions which the County has offered to the original plan, to review the actual documents and confirm the price of \$7,082,000. The County in return reserves the right to make sure that price is confirmed before they move forward.

Mrs. Everett wanted to know when completion would be.

Mr. Burgess stated that the original estimates were a construction time of 18 months. He also stated that it is imperative if they are going to start building this season that some activity begin by the end of July. They would anticipate an early 1998 occupancy date.

Mr. Burgess also stated that they recognize as well that the building has to be furnished. There may be some change orders which they would try to minimize and it is recognized that those expenses may add an additional \$500,000. They feel that the total project would probably be about \$7,500,000. He stated that Gulf Seaboard is requesting that a proposal be accepted and a letter of intent issued by the Board.

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a letter of intent be issued to Gulf Seaboard General Contracts, Inc. for the Construction of the new Courthouse Facility.

IN RE: COMMISSIONER OF THE REVENUE -- REPORT

Mrs. Deborah M. Marston, Commissioner of the Revenue, came before the Board and stated that she did not have anything to report but was available for questions from the Board.

Mr. Tickle wanted to know how the collection of the funds from the Virginia Motorsports Park from the national event was going.

Mrs. Marston stated that it was going just fine.

Mr. Tickle wanted to know if she was collecting what they were anticipating.

Mrs. Marston stated that not in every ones eyes but by the book she believes that they are pretty much on target subject, to the final audit.

Mr. Tickle wanted to know if the audit was going to be on the the Virginia Motorsports Park books and the NHRA books.

Mrs. Marston stated that she thought it was on all the books.

Mr. Tickle requested that Mrs. Marston report back to the Board on the audit.

IN RE: TREASURER -- REPORT

Mr. William E. Jones, Treasurer, notified staff prior to the meeting that he would be unable to attend because he would be at a conference.

IN RE: COMMONWEALTH ATTORNEY -- REPORT

Mr. T.O. Rainey, III, Commonwealth Attorney, notified staff prior to the meeting that he would be unable to attend because he would be at a conference.

Mr. Daniel Siegel, County Attorney, came before the Board and stated that the Commonwealth Attorney had asked him to be present to answer any questions that the Board may have.

IN RE: AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS -- HANDICAPPED
ORDINANCE & DISCHARGING FIREARMS

Mr. Daniel Siegel, County Attorney, presented two separate ordinance proposals, one in reference to handicapped parking and one in reference to the discharging of firearms.

After some discussion between the Board and the County Attorney; the Board requested that the Commonwealth Attorney be present at the Public Hearings to answer any questions the Board or citizens may have.

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Administration is authorized to advertise for an amendment to the Code for an August 7, 1996 Public Hearing in reference to the discharging of firearms.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Administration is authorized to advertise for an amendment to the Code for an August 7, 1996 Public Hearing in reference to parking in handicapped spaces.

IN RE: SHERIFF'S REQUEST -- TWO ADDITIONAL DEPUTIES

Mr. Samuel H. Shands, Sheriff, came before the Board and presented the following letter:

May 23, 1996

Aubrey S. Clay, Chairman
Dinwiddie County Board of Supervisors
P.O. Drawer 70
Dinwiddie, VA 23841

Dear Mr. Chairman:

On May 1, 1996, I was notified by the State Compensation Board that two EC7 (Emergency Correction Officer) positions will be eliminated from the Dinwiddie County Sheriff's Office State Personnel Payroll Reimbursement. This will require the laying off of two employees now employed with the Dinwiddie County Jail.

As you and the Board are aware, since 1988 the Dinwiddie County Jail has housed inmates for other jurisdictions in an effort to make the Dinwiddie County Jail self-supporting. This effort has been a total success and, since 1988 no Dinwiddie County tax dollars have been expended for the boarding and caring of prisoners. This has been accomplished by housing inmates from the cities of Colonial Heights and Hopewell, and Prince George County. The following summary will show this to be true:

Extract

<u>Fiscal Year</u>	<u>Jail Expenditures</u>	<u>Jail Income</u>	<u>Net Profit to County</u>
1989-90	\$176,863.94	\$281,376.49	\$ 4,512.55
1990-91	285,886.00	382,482.62	96,596.65
1991-92	264,626.21	414,585.04	149,958.83
1992-93	315,902.54	492,526.04	176,623.50
1993-94	284,745.66	421,017.05	136,271.39
1994-95	321,167.09	388,628.10	67,461.01
	\$1,649,191.44	\$2,380,615.34	\$631,423.93

As you can see, the County has had a net profit above the operational costs of \$631,423.93.

I respectfully request the Dinwiddie County Board of Supervisors' emergency approval for funding, beginning July 1, 1996, of two correctional officer positions within the Dinwiddie County Jail. If this request is granted, this will allow this office to continue to house inmates from other jurisdictions and continue to operate the Dinwiddie County Jail at a profit as well as prepare this office for the upcoming opening of the new courthouse with well trained and experienced personnel.

Respectfully,

Sanuel H. Shands, Sheriff

cc: Charles W. Burgess, Jr., County Administrator

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Sheriff is authorized to retain two EC7 (Emergency Correction Officers) positions which the Compensation Board will not be funding; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that funds be provided with the 1996-97 budget to continue these two positions beyond July 1, 1996.

IN RE: ADOPTION OF POLICY FOR OFF-DUTY EMPLOYMENT OF DEPUTIES --
NON-COUNTY AFFILIATED EVENTS

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following policy for off-duty employment of deputies for non-County affiliated events be accepted:

Off-Duty Employment for any Deputy working as an employee authorized by the Sheriff at any event in the County will be approved by the Board of Supervisors under the following guidelines:

1. The fee for services will be \$24.00/hour plus FICA, payable to the County.
2. The requesting agency/organization will be billed at the above rate with a penalty or service charge to be applied to past due accounts.
3. Individuals working under this policy will be paid at a rate of \$20.00/hour.
4. Any funds paid in excess of \$20.00/hour will be retained by the County to cover all expenses incurred.

IN RE: BUILDING INSPECTOR -- REPORT

Mr. Dwayne H. Abernathy, Building Inspector, presented his report for the month of May, 1996.

IN RE: ANIMAL WARDEN -- REPORT

Mr. Steven R. Beville, Animal Warden, presented his report for the month of May, 1996.

IN RE: LIVESTOCK CLAIM -- JOHN M. BONNER

Mr. Steve Beville, Animal Warden, stated that on May 1, 1996 some stray dogs killed 2 pigs. The total value of the animals that were killed was \$30.00.

Upon motion of Mrs. Everett, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

Extract
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the livestock claim for John M. Bonner, for 2 pigs in the amount of \$30.00 be approved.

Mr. Bracey requested the amount of funds that the County pays towards claims each year.

IN RE: DIRECTOR OF PLANNING -- REPORT

Mr. W.C. Scheid, Director of Planning, presented his report for the month of may, 1996.

Mr. Scheid stated that the Planning Commission was asked to respond to the Board's inquiry regarding the increase from three (3) to five (5) acres for lots fronting on a private road. The reasons given were (a) it was established at the public meeting that most of the lots developed on private roads exceeded 5 acres (b) the larger lots would help maintain the rural nature of the County (c) by requiring larger lots it may reduce or slow down the number of private road developments inundating the County (d) possibility larger lots will encourage larger homes and (e) there is a 5 acre minimum lot size requirement in the R-R zoning district of the County.

IN RE: SOCIAL SERVICES DIRECTOR -- REPORT

Mrs. Peggy McElveen, Director of Social Services, presented her report for the month of May, 1996.

IN RE: REAPPROPRIATION OF FUNDS -- FY 95-96 SCHOOL BOARD BUDGET

Mrs. Troilen Seward, Superintendent of Schools, came before the Board and requested authorization to transfer \$115,000 from Instruction to Facilities and \$1,300 from Instruction to Debt Service because they were incorrectly put into Instruction.

Extract
Upon motion of Mr. Tickle, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following categories within in FY 95-96 School Board Budget be amended:

\$115,000 be moved from Instruction to Facilities and
\$1,300 be moved from Instruction to Debt Service.

IN RE: REAPPROPRIATION OF FUNDS -- FY 95-96 TO FY 96-97 SCHOOL BOARD BUDGET -- ROHOIC ELEMENTARY SCHOOL ROOF REPAIR

Mrs. Troilen Seward, Superintendent of Schools, came before the Board and stated that she needed the funds reappropriated from the supplemental ADM money because they were unable to get the repairs done on the roof at Rohoic Elementary School. They were hoping to get the project done by the end of June but were unable to because of rain. Also, the low bid that came in was not based on everything that was asked for because one of the items on their bid package was missing.

Upon motion of Mr. Tickle, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

Extract
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that \$110,000 of supplemental ADM funds from the FY 95-96 School Board Budget be reappropriated to the FY 96-97 School Board Budget for the repairs on the roof at Rohoic Elementary School to be done.

THE CHAIRMAN CALLED FOR A FIVE MINUTE RECESS AT 5:02 P.M.

IN RE: RECREATION DIRECTOR -- REPORT

Mr. Anthony S. Rinaldi, Recreation Director, presented his report for the month of May, 1996.

IN RE: DIRECTOR OF SANITATION -- REPORT

Mr. Dennis E. King, Director of Sanitation, came before the Board and presented his report for the month of May, 1996.

IN RE: DEPUTY EMERGENCY SERVICES COORDINATOR -- REPORT

Mrs. Dawn Titmus, Deputy Emergency Services Coordinator, presented her report for the month of May, 1996.

Mrs. Titmus stated that the Emergency Medical Services Advisory Council would like for a Board representative to serve on their Council which meets on the 2nd Tuesday of month at 7:00 P.M.

The Board stated that they would think about it and let her know.

IN RE: COUNTY ATTORNEY -- REPORT

Mr. Daniel Siegel, County Attorney, was present but did not have anything to report.

IN RE: CONSTRUCTION INSPECTOR -- REPORT

Mr. Donald Faison, Construction Inspector, presented his report for the month of May, 1996.

IN RE: VIRGINIA RETIREMENT SYSTEM -- 1996-98 EMPLOYER CONTRIBUTION RATES

Mrs. Wendy Weber Ralph, Ass't County Administrator, came before the Board and stated that they have been notified there are some increases in the contribution rates and group life insurance premiums for the Virginia Retirement System effective July 1, 1996. VRS is giving two different options to pay the premiums. You can immediately fully fund the money or you can gradually pay the premiums over a period of time. Staff recommends that they gradually pay the premiums over a period of time because there is no telling what will happen in the General Assembly next year and they can hold the money a little longer this way.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", the following resolution was adopted:

WHEREAS, the Virginia General Assembly, the Governor, and the Board of Trustees of the Virginia Retirement System recognize the growing liability of all employers participating in the Virginia Retirement System as a result of the current practice of funding annual cost of living increases to retirees on a pay-as you-go basis; and

Extract
WHEREAS, the Virginia General Assembly and the Governor have provided, in the budget for the 1996-98 biennium, funds to reach a level that would fully fund the cost of living increases over a five year period beginning in fiscal year 1998 for state employees and public school teachers; and

WHEREAS, pursuant to their authority as set forth in Section 51.1-145 of the Code of Virginia, the Board of Trustees of the Virginia

Retirement System has agreed to allow political subdivisions the option of making contributions beginning in fiscal year 1998 that would either (1) begin to fully fund the cost of living increases for their employees immediately, or (2) to reach a level to fully fund the cost of living increases over a five year period.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that it hereby elects to begin to contribute so as to reach a level to fully fund the cost of living increases over a five year period beginning on July 1, 1997.

IN RE: VIRGINIA RETIREMENT SYSTEM -- H.B. 901 -- PURCHASE OF MILITARY AND/OR OUT OF STATE SERVICE

Mrs. Wendy Weber Ralph, Ass't County Administrator, stated that the HB901, which was passed by the General Assembly and signed by the Governor on April 5, 1996 contained an emergency clause which made it effective immediately. HB901 allows any VRS member with at least 25 years of service to purchase up to 36 months of credit for active military service or service rendered in the retirement plan of another state at 5% of salary at the time of purchase. That service can be used to qualify for early unreduced retirement. It costs 15% right now.

Mrs. Ralph stated that staff originally recommended that the County not participate in a program that was only available to a certain group and would have a cost associated to it. However, she pointed out that the School Board has approved this option for its professional and non-professional positions.

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody voting "aye", Mr. Clay voting "nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Dinwiddie is authorized to allow any VRS member with at least 25 years of service to purchase up to 36 months of credit for active military service or service rendered in the retirement plan of another state at 5% of salary at the time of purchase which can be used to qualify for early unreduced retirement.

IN RE: REAPPOINTMENT -- APPOMATTOX REGIONAL LIBRARY BOARD

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Cornelia Roberts is reappointed to the Appomattox Regional Library Board for a term expiring June 30, 2000.

IN RE: APPOINTMENT -- ABIDCO

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mrs. Everett, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", Mr. Bracey voting "abstain",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Edward A. Bracey, Jr. is appointed to the Appomattox Basin Industrial Development Corporation (ABIDCO) for a term expiring September 30, 1996.

IN RE: TIMBER SALE -- UPDATE OF AGREEMENT WITH FORESTER

Mrs. Wendy Weber Ralph, Ass't County Administrator, came before the Board and stated that at the last Board meeting they accepted a proposal from Stone Container to cut the timber on the 7 + or - acres adjacent to Rohoic Elementary School in conjunction with the sale of timber on the Airport property. The agreement between the County and Jeffrey J. Bent, Consulting Forester, needed to be updated to the present date. Mr. Bent has done some work for the County in the past and has been working under the Timber Marketing Agreement dated May 12, 1993.

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is authorized to sign the agreement between the County and Jeffrey J. Bent, Consulting Forester, updating it to the present year.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a)1 - Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body - FY 97 staffing levels of the Commissioner of the Revenue's Office; Section 2.1-344(a)7 - Consultation with legal counsel - Service Authority Contract; County Building Policy; Virginia Bio-Fuels; the Board moved into Executive Session at 5:47 P.M. A vote having been made and approved the meeting reconvened into Open Session at 7:28 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: AUTHORIZATION TO PURCHASE EQUIPMENT -- DEPARTMENT OF WASTE MANAGEMENT

Upon motion of Mr. Tickle, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, authorizes expenditures up to \$10,600 for equipment purchases for the Department of Waste Management; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, authorizes the drafting and issuance of checks up to \$10,600.

IN RE: RESOLUTION APPROVING THE SERVICE AGREEMENT AND PRETREATMENT AGREEMENT FOR THE SOUTH CENTRAL WASTEWATER AUTHORITY AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF

Upon motion of Mr. Tickle, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", the following resolution was adopted:

WHEREAS, the City of Petersburg, the City of Colonial Heights, Chesterfield County, Dinwiddie County and Prince George County (the "Incorporation Subdivisions") have agreed to create the South Central Wastewater Authority (the "Authority") by concurrent resolutions in accordance with the Virginia Water and Sewer Authorities Act; and

WHEREAS, the Authority, pursuant to its Charter, intends to provide wastewater treatment services to the Incorporating Subdivisions; and

WHEREAS, the purposes of the Authority include the acquisition, expansion, improvement, operation and maintenance of wastewater treatment facilities located on Pocahontas Island in the City of Petersburg and Chesterfield County (the "Facilities"); and

WHEREAS, the Incorporating Subdivisions desire to establish an equitable basis for apportioning among themselves the costs of operation, maintenance, financing, improvement and expansion of the Facilities; and

WHEREAS, the Incorporating Subdivisions and Dinwiddie County Waster Authority ("DCWA"), on behalf of Dinwiddie County, propose to enter into a Service Agreement with the Authority (the "Service Agreement"), a draft of which dated June 14, 1996 has been presented to this meeting with additional amendments, to establish the basis for apportioning such costs; and

WHEREAS, the Incorporating Subdivisions desire to cooperatively implement and enforce wastewater pretreatment programs that fully conform with applicable Federal and State law, to consistently enforce such pretreatment programs upon industrial users tributary to the Authority, and to encourage free exchange between the Incorporating Subdivisions and the Authority of all relevant information concerning industrial users tributary to the Authority; and

WHEREAS, Dinwiddie County and DCWA propose to enter into an Interjurisdictional Pretreatment Agreement (the "Pretreatment Agreement") with the Authority, a draft of which dated June 10, 1996, has been presented to this meeting, to accomplish such ends;

WHEREAS, the wastewater to be sent by DCWA, on behalf of Dinwiddie County, to the Authority will be conveyed from certain points of connection through the sewerage system of the City of Petersburg to the Facilities and DCWA may enter into an Agreement providing for conveyance of wastewater regarding the same;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Supervisors does hereby approve the forms of the Service Agreement and the Pretreatment Agreement submitted to this meeting with and authorizes the County Administrator to execute and deliver, and, if required, the County Clerk to affix the County Seal to and attest, the Service Agreement and the Pretreatment Agreement, each in substantially such form, with such completions, omissions, insertions and changes as shall be necessary to accurately reflect all negotiations among the authority, the Incorporating Subdivisions and DCWA and/or not inconsistent with this Resolution as may be approved by the County Administrator. Such approval shall be evidenced conclusively by the execution and delivery of such documents on the County's behalf.

2. The County Administrator and other County officials are authorized to do and perform such things and acts as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution. Any such things and acts previously done or performed by the County Administrator and/or other County officials are in all respects hereby approved, ratified and confirmed.

3. This Resolution shall take effect immediately.

IN RE: RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN APPROPRIATIONS TO THE DINWIDDIE COUNTY WATER AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE OF REVENUE BONDS OF DINWIDDIE COUNTY WATER AUTHORITY TO THE UNITED STATES OF AMERICA

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay, voting "aye", the following resolution was adopted:

WHEREAS, the Dinwiddie County Water Authority (the "Authority") has been duly created by the Board of Supervisors (the "Board of

Extract

Supervisors") of Dinwiddie County, Virginia (the "County"), in accordance with the Virginia Water and Sewer Authorities Act;

WHEREAS, the Authority desires to issue revenue bonds in the aggregate principal amount of \$5,250,000 (the "1996 Bonds"), the proceeds of which, together with other available funds, are estimated to be sufficient to pay the cost of financing: (a) the purchase, on behalf of the County, of sewer treatment capacity from the new South Central Wastewater Authority (the "SCWWA"); (b) the reimbursement of certain costs incurred by the Authority in developing a proposed wastewater treatment plant and (c) a connection fee to the City of Petersburg, Virginia ("Petersburg"), for connecting to a new sewer interceptor line (collectively, the "1996 Project");

WHEREAS, the 1996 Project will be considered a part of the Authority's main water and sewer system (the "System") and not a part of the Authority's plants, systems, facilities, equipment or property owned, operated or maintained by the Authority in the Courthouse service area, and used in connection with the supply, treatment, storage or distribution of water and the collection, transmission, pretreatment, treatment or disposal of Wastewater by the Authority, the revenues from which were pledged to secure the Authority's Water and Sewer System Revenue and Refunding Bonds, Series of 1994, which the Authority issued on March 10, 1994;

WHEREAS, the United States of America (the "Government") has offered to purchase the 1996 Bonds upon certain terms and conditions, including the requirement that the County enter into an agreement to provide, as necessary, financial support to the Authority in the payment of the operating and maintenance expenses of the System and of debt service on the 1996 Bonds and any other outstanding bonds of the Authority issued heretofore and hereafter in connection with the System, subject to the appropriation by the Board of Supervisors of sufficient funds for such purposes;

WHEREAS, the Authority has requested the Board of Supervisors, on behalf of the County, to enter into such a support agreement and the Board of Supervisors desires to do so, to improve the marketability of the 1996 Bonds and the Authority's cost of financing; and

WHEREAS, a draft dated June 10, 1996, of a Support Agreement with amendments, between the Board of Supervisors, acting on behalf of the County, and the Authority (the "Support Agreement"), has been presented to this meeting;

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

1. It is determined to be in the best interests of the County and its Citizens for the Board of Supervisors to enter into the Support Agreement.

2. In consideration of the Authority's undertakings with respect to financing the 1996 Project, the Chairman or Vice-Chairman, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form, with amendments, presented to this meeting, which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of his approval of such completions, omissions, insertions or changes.

3. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Support Agreement on the County Administrator.

4. As provided by the Support Agreement, the Board of Supervisors hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of

Virginia. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise during the term of the Support Agreement.

5. The Board of Supervisors, on behalf of the County, hereby agrees to the Authority's issuance of the 1996 Bonds, provided that such 1996 Bonds not exceed an original aggregate principal amount of \$5,250,000.

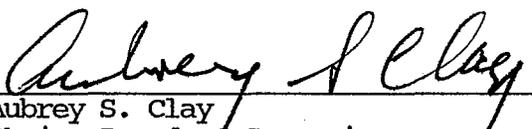
6. All resolutions or parts thereof in conflict herewith are hereby repealed.

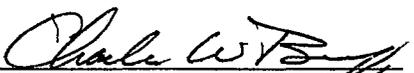
7. All approval and actions taken pursuant to this resolution shall be subject to final review and approval by the County Administrator and the County Attorney of the 1996 Bonds, the Support Agreement and related documents thereto.

8. This resolution shall take effect immediately.

IN RE: ADJOURNMENT

Upon motion of Mr. Tickle, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", the meeting adjourned at 7:32 P.M. to be continued until Wednesday, June 26, 1996 at 7:00 P.M. for an Executive Session to discuss Investment of Public Funds and Consult with Legal Counsel with the Industrial Development Authority and the School Board.


Aubrey S. Clay
Chair, Board of Supervisors

ATTEST: 
Charles W. Burgess, Jr.
County Administrator

/rlm

Extract