

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on June 9, 2015.

Present: Haywood J. Hamlet, Chairman  
Gary D. Walker, Vice Chairman  
Warren E. Weston  
Garland H. Hamlett, Jr.  
Robert L. Shook, Jr.  
Nancy R. Carwile  
David M. Guill

Chairman Hamlet called the meeting to order.

Gary D. Walker gave the invocation.

Motion was made by Robert L. Shook, Jr., seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to approve the agenda as amended.

Motion was made by Nancy R. Carwile, seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to approve the minutes as presented.

Motion was made by Gary D. Walker, seconded by Robert L. Shook, Jr. to award the contract for the Architectural Engineering Services for the new Courthouse to Glave' and Holmes Architecture as negotiated.

Roll call vote as follows: Gary D. Walker – Aye; Robert L. Shook, Jr.-Aye; Warren E. Weston – Aye; Nancy R. Carwile- Aye; Garland H. Hamlett, Jr. – Aye; David M. Guill-Aye; and Haywood J. Hamlet – Aye.

After due notice was given the Charlotte County Board of Supervisors held a public hearing. The purpose of this hearing was to receive public comment on the proposed VDOT 6 year plan for FY 2016 thru FY 2021.

There being no comment the public hearing was adjourned.

Motion was made by Nancy R. Carwile, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to approve the VDOT 6 year plan as presented and adopt the following resolution;

**WHEREAS**, Sections 33.1-23.1 and 33.1-23.4 of the *Code of Virginia*, 1950, as amended, provide the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan and budget; and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (FY 2016 through 2021), as well as the Construction Priority List (FY 2016) on June 9, 2015, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, Kevin Wright, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (FY 2016 through 2021) and the Construction Priority List (FY 2016) for Charlotte County;

**NOW, THEREFORE, BE IT RESOLVED** that since said Plan appears to be in the best interests of the Secondary Road System in Charlotte County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (FY 2016 through 2021) and Construction Priority List (FY 2016) are hereby approved as presented at the public hearing.

Motion was made by Gary D. Walker, seconded by David M. Guill and approved with all other members present and voting yes to make tenants who rent or lease county owned buildings responsible for all utilities.

Motion was made by Gary D. Walker, seconded by Nancy R. Carwile and approved with all other members present and voting yes to approve the following Lease Financing Resolution;

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Charlotte, Virginia (the "County"), intends to finance all or a portion of the costs (or to reimburse the County for payment of such costs) of various capital improvements, including, but not limited to, the acquisition, construction and equipping of a new court house facility and renovations to various governmental administration buildings (the "Project");

**WHEREAS**, the Board has determined that it is in the best interest of the County to enter into a lease arrangement in order to obtain funds to finance the Project;

**WHEREAS**, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County;

**WHEREAS**, Virginia Resources Authority ("VRA") intends to issue its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2015B (the "VRA Bonds"), and to provide a portion of the proceeds to the County to finance the Project pursuant to the terms of a Local Lease Acquisition Agreement and Financing Lease (the "Financing Lease"), between the County and VRA;

**WHEREAS**, the County will enter into a Prime Lease (the "Prime Lease") with VRA whereby the County will lease to VRA certain real estate, which may include any or all of the parcel or parcels of real estate owned by the County, including the parcel or parcels of real estate on which the Project is located, all as may be required by VRA (collectively, "Real Estate") and the associated improvements and property located thereon (the "Improvements");

**WHEREAS**, pursuant to the Financing Lease VRA will lease the Real Estate and the Improvements back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued to finance the Project (the "Rental Payments");

**WHEREAS**, pursuant to the Financing Lease, the County will undertake and complete the Project;

**WHEREAS**, the County intends to pay the Rental Payments out of appropriations from the County's General Fund;

**WHEREAS**, the Financing Lease shall indicate that approximately \$12,150,000 (or such other amount as requested by the County and approved by VRA prior to the pricing of the VRA Bonds) is the amount of proceeds requested (the "Proceeds Requested") from VRA;

**WHEREAS**, VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Rental Payments under the Financing Lease (the "VRA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")) and other market conditions relating to the sale of the VRA Bonds;

**WHEREAS**, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments under the Financing Lease and consequently (i) the aggregate principal components of the Rental Payments under the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized aggregate principal components of the Rental Payments under the Financing Lease set forth in paragraph 4 of this Resolution does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the

County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

**WHEREAS**, the Prime Lease and the Financing Lease are referred to herein as the "Documents." Copies of the Documents are on file with the County Administrator.

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

**1. Approval of Lease-Leaseback Arrangement.** The lease-leaseback arrangement with VRA to accomplish the financing of the Project is hereby approved. The County Administrator is authorized to determine the Real Estate and Improvements, as may be required by VRA, to be subject to the lease-leaseback arrangement.

**2. Approval of Prime Lease.** The leasing of the Real Estate and the Improvements by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease is hereby approved.

**3. Approval of the Financing Lease.** The leasing of the Real Estate and the Improvements by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease is hereby approved.

**4. Approval of the Terms of the Rental Payments.** The Rental Payments set forth in the Financing Lease shall be composed of principal and interest components reflecting an original aggregate principal amount not to exceed \$13,000,000, a true interest cost not to exceed 5.00% per annum (taking into account any original issue discount or premium) and a term not exceeding thirty-one (31) years from the date of the closing of the VRA Bonds.

It is determined to be in the best interest of the County to accept the offer of VRA to enter into the Financing Lease with the County for an amount determined by VRA to be fair, subject to the conditions set forth in this Resolution, which Financing Lease shall be executed by the Chairman of the Board (the "Chairman") and the County Administrator, or either of them. Given the VRA Purchase Price Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments on the Financing Lease set forth in this paragraph 4 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price Objective and market conditions, the County Administrator is authorized to enter into a Financing Lease with a purchase price less than the Proceeds Requested.

The actions of the Chairman or the County Administrator in accepting the final terms of the Rental Payments shall be conclusive, and no further action shall be necessary on the part of the Board.

**5. Other Payments under Financing Lease.** The County agrees to pay, subject to paragraph 10, all amounts required by the Financing Lease, including any amounts designated as "Supplemental Interest."

**6. Execution and Recordation of Documents.** The Chairman and the County Administrator, either of whom may act, are authorized and directed to execute the Documents and deliver them to VRA. The Chairman and the County Administrator, either of whom may act, are further authorized to cause the Prime Lease and the Financing Lease, to be recorded in the Clerk's Office of the Circuit Court of Charlotte County.

**7. Form of Documents.** The Documents shall be in substantially the forms on file with the County Administrator, which are hereby approved with such completions, omissions, insertions and changes as may be approved by the Chairman and the County Administrator, either of whom may act, with the execution and delivery of the Documents by the Chairman and/or the County Administrator constituting conclusive evidence of the approval of any such completions, omissions, insertions, and changes. The Chairman and the County Administrator, either of whom may act, are hereby authorized and directed to enter into the Documents, subject to the parameters established in this Resolution.

8. **Essentiality of the Project and Real Estate.** The Project, the Real Estate and the Improvements are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Project, the Real Estate and the Improvements will continue to be essential to the operation of the County during the term of the Documents.

9. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

10. **Rental Payments Subject to Appropriation.** The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or the Documents shall constitute a pledge of the full faith and credit nor taxing power of the County or compel the Board to make any such appropriation.

11. **Disclosure Documents.** The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

12. **Tax Documents.** The County Administrator and the Treasurer, either of whom may act, are authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and any other related document (collectively, "Tax Documents") setting forth the expected use and investment of the proceeds of the VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the VRA Bonds and the Documents including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the VRA Bonds to be received pursuant to the Documents will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the closing of the VRA Bonds and that the County shall comply with the other covenants and representations contained therein.

13. **Other Actions.** All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the execution and delivery of the Documents.

14. **SNAP Investment Authorization.** The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I, and the County has determined to authorize the Treasurer to utilize SNAP in connection with the investment of the proceeds of the lease-leaseback transaction if the Treasurer determines that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is

not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

**15. Effective Date.** This Resolution shall take effect immediately.

Motion was made by David M. Guill, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to write a letter of support for Tri-County Community Action's grant application to the USDA.

Motion was made by Gary D. Walker, seconded by Nancy R. Carwile and carried with all other members present and voting yes to approve the following resolution;

WHEREAS, the citizens of Charlotte County have duly elected Patricia P Berkeley to serve as Treasurer on November 9, 2011.

THEREFORE BE IT RESOLVED, on this 9th day of June 2015, the Charlotte County Board of Supervisors authorizes, at the request of the Treasurer, for Terri S. Jones, Deputy and Susan L. Dunn, Deputy to sign any such checks whenever the necessity therefore shall arise by reason of the sickness or unavoidable absence of the treasurer or his/her inability to sign such checks for any other reason.

Motion was made by David M. Guill, seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to approve the following appropriation for Charlotte County Schools;

Virtual Virginia adjunct staff, additional appropriation of \$160,000.00

Motion was made by Gary D. Walker, seconded by Warren E. Weston and carried with all other members present and voting yes to have the County Attorney, Russell Slayton review the PPEA Guidelines presented by Charlotte County Schools and discuss with Nancy Leonard, School Superintendent and Russell Clark, County Administrator before bringing the matter back before the Board of Supervisors

Motion was made by Robert L. Shook, Jr, seconded by Warren E. Weston and carried with David M. Guill voting no and all other members present and voting yes to have Nancy Leonard, School Superintendent return to the July meeting with cost estimates to restore Eureka Elementary School to its original condition and to construct an addition to Eureka Elementary School to accommodate an additional 500 students.

Motion was made by Nancy R. Carwile, seconded by Gary D. Walker and carried with all other members present and voting yes to appropriate the following for FY 2015;

10-1101-3002 – Court House Study-Professional Services	-	8,631.00
10-2201-5203 – Commonwealth's Attorney – Phone	-	1,000.00
10-3108-5413 – Victim/Witness Program – Operating Supplies	-	829.00
10-8105-3002 – Econ. Dev/Professional Services Keyville Drainage Imp. Phase II	-	2,000.00
10-8301-5604 – VPI Extension Program – Contributions	-	4,200.00
40-5309-3164 – Comprehensive Services State Funds	-	257,000.00
40-5309-3164 – Comprehensive Services Local Match	-	73,000.00

Motion was made by Garland H. Hamlett, Jr., seconded by Warren E. Weston and carried with all other members present and voting yes to pay invoices in the amount of \$289,114.91 for FY 2015.

Motion was made by Nancy R. Carwile, seconded by Warren E. Weston and carried with all other members present and voting yes to appropriate the following for FY 2016;

1101	Board of Supervisors	141,280
1201	Co Admin/Finance/Purchasing/Zoning	435,791
1204	County Attorney	25,270
1208	Independent Auditor	47,000

1209	Commissioner of Revenue	220,665
1213	Treasurer	299,545
1301	Electoral Board	36,669
1302	Registrar	103,678
2101	Circuit Court	17,575
2102	General District Court	7,800
2103	Magistrate	1,900
2105	Juvenile Court	4,791
2106	Circuit Court Clerk	354,564
2201	Commonwealth's Attorney	232,047
3102	Sheriff's Department	1,872,930
3104	E911 System	203,225
3108	VA Witness Assistance Grant	28,768
3202	Volunteer Fire Departments	297,489
3203	Rescue Squad	91,602
3204	Forest Fire Extinction	19,760
3301	Jail Operations	1,406,115
3303	Juvenile Court Services Unit	220,730
3401	Building Inspector	65,885
3501	Animal Control	49,010
3503	Medical Examiner	500
4204	Solid Waste/Recycling	799,587
4302	Building & Grounds	397,861
4303	Canneries	1,000
5101	Health Department	129,173
5205	Crossroads	70,000
5300	Welfare Admin. Board	15,758
6401	Community Colleges	4,209
7109	Youth Recreation	25,000
7205	Red Hill Shrine	2,000
8101	Planning	24,500
8104	Zoning Appeals Board	2,600
8105	Economic Development	22,686
8106	Adult Programs	52,460
8203	Soil & Water Conservation	117,387
8301	VPI Extension Program	54,410
9203	Fixed Charges	117,420
	<b>TOTAL GENERAL FUND</b>	<b>8,020,640</b>
Library Fund	(Expended by order of Library Board)	244,906
School Fund	(Expended by order of School Board)	19,539,079
	Virtual Virginia	3,312,069
	<b>TOTAL SCHOOL FUNDS</b>	<b>22,851,148</b>
Comprehensive	Services Fund	972,500
Virginia Public	Assistance Fund	2,567,958
Workforce	Investment Board Fund	2,409,564
	<b>TOTAL APPROPRIATIONS</b>	<b>37,066,716</b>

Motion was made by Nancy R. Carwile, seconded by Robert L. Shook, Jr. and carried with David M. Guill voting no and all other members present and voting yes to pay the coyote claim for David Barron.

Motion was made by Gary D. Walker, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to refund building permits fees in the amount of \$61.20 to Charlotte County Schools for permits obtained for Randolph Henry and Phenix Elementary Schools.

Motion was made by Robert L. Shook, Jr., seconded by Gary D. Walker and carried with all other members present and voting yes to appoint Margaret Ann Elder to the Charlotte County Social services Board to fill an unexpired term of Barbara Duffer that expires in December 2015.

The meeting was adjourned until Tuesday July 14, 2015.