

**LUNENBURG COUNTY BOARD OF SUPERVISORS  
GENERAL DISTRICT COURTROOM  
LUNENBURG COURTS BUILDING  
LUNENBURG, VIRGINIA**

**Minutes of September 10, 2020 Meeting**

The regularly scheduled meeting of the Lunenburg County Board of Supervisors was held on Thursday, September 10, 2020 at 6:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Frank Bacon, Edward Pennington, T. Wayne Hoover, Alvester Edmonds, Mike Hankins, Charles R. Slayton, Robert Zava, County Administrator Tracy M. Gee, Deputy Administrator Nicole A. Clark, and County Attorney Frank Rennie.

Due to the COVID-19 pandemic, guests, Supervisors and staff adhered to social distancing (maintaining a distance of at least six feet from others) and masks when social distancing was not possible in the courtroom.

Chairman Slayton called the meeting to order.

County Attorney Rennie provided the invocation and led the Pledge of Allegiance.

Chairman Slayton requested additions to the agenda from the Board and the public. Supervisor Hankins requested an update on the Commonwealth Regional Council be added as 11D. Supervisor Hoover requested that staffing at the County Administration Office be added as 11E. Administrator Gee requested that an unclaimed body be added as 14B.

Supervisors Bacon and Hoover stated that they had a conflict of interest with agenda item number 11A, COVID-19: CARES Fund, Small Business Grant Program. Both supervisors have family members who have applied for the grant. Both supervisors will abstain from voting on agenda item number 11A.

Supervisor Pennigton made motion, seconded by Supervisor Edmonds and approved by roll call vote, with all seven Supervisors voting yes and none voting no, to accept the Consent Agenda to include the Minutes of the August 13<sup>th</sup>, 2020 meeting and the following Warrants for Approval:

***REVISED May 2020:***

|                                  |                      |
|----------------------------------|----------------------|
| Payroll Direct Deposit:          | \$ 129,847.70        |
| Payroll Check #17217             | \$ 892.91            |
| Payroll Taxes Federal:           | \$ 41,000.05         |
| Payroll Taxes State:             | \$ 7,377.15          |
| Payroll VRS payment:             | \$ 28,161.10         |
| Payroll ICMA-RC payment:         | \$ 565.88            |
| Payroll Health Savings Deposits: | \$ 5,777.75          |
| Debt Service Wires:              | \$ 155,821.25        |
| Accounts Payable: #59203-59320   | <u>\$ 299,371.51</u> |
| Total:                           | \$ 668,815.30        |

***Additions for June 2020 printed in August 2020:***

|                                  |             |
|----------------------------------|-------------|
| (for inclusion in FY20 expenses) |             |
| Accounts Payable: #59711-59715   | \$ 7,770.53 |

***August 2020:***

|  |                      |
|--|----------------------|
| Payroll: Direct Deposit                | \$ 132,051.54        |
| Payroll Check #17220                   | \$ 641.76            |
| Payroll Taxes Federal:                 | \$ 41,986.36         |
| Payroll Taxes State:                   | \$ 7,515.84          |
| Payroll VRS payment:                   | \$ 30,825.31         |
| Payroll ICMA-RC payment:               | \$ 639.22            |
| Payroll Health Savings Deposits:       | \$ 5,102.75          |
| Accounts Payable: #59645-710, 59716-65 | <u>\$ 258,258.66</u> |

|               |               |
|---------------|---------------|
| August Total: | \$ 477,021.44 |
|---------------|---------------|

Administrator Gee advised that the Treasurer's July 2020 Reports would be available after the upcoming audit fieldwork.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved by roll call vote, to enter into public hearing regarding the sale of real estate owned by the County on Gary Road, Ordinance 20-6 to continue emergency procedures, and an increase to the FY2021 budget for additional CARES Act Relief funds.

County Attorney Rennie advised that the County purchased more land than was needed for the Gary Road Convenience Center. The county advertised and received bids for the sale of a portion of tax map #058-((0A))-0-24 consisting of 2.52+/- acres. The Board voted on March 12, 2020 to sell the property to Mr. Jerry Killen after a scheduled public hearing. There was no public comment.

County Attorney Rennie advised that Ordinance 20-1 (Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Local Government Operations Associated with Pandemic Disaster) was approved after a public hearing at the May 14<sup>th</sup> Board meeting and remained in effect for six months. He noted that the six month period was coming to an end. County Attorney Rennie recommended the adoption of Ordinance 20-6—To continue emergency procedures for the conduct of public business to ensure the continuity of county government and critical local services during the state of emergency and disaster caused by the COVID-19 pandemic. There was no public comment.

Administrator Gee advised that as a result of additional CARES Act Relief funds, Lunenburg County's FY2021 Budget would require an increase in revenue and expenditure by \$1,064,054. The increase would result in an updated total county budget for FY2021 of \$39,247,827. There was no public comment.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and approved by roll call vote, to exit public hearing regarding the sale of real estate owned by the County on Gary Road consisting of , Ordinance 20-6 to continue emergency procedures, and an increase to the FY2021 budget for additional CARES Act Relief funds.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved by roll call vote, to approve the sale of a portion of tax map #058-((0A))-0-24 consisting of 2.52+/- acres owned by the County on Gary Road to Mr. Jerry Killen.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved by roll call vote, to approve Ordinance 20-6 to continue emergency procedures.

#### **ORDINANCE No. 20-6**

#### **LUNENBURG COUNTY**

**TO CONTINUE EMERGENCY PROCEDURES FOR THE CONDUCT OF PUBLIC BUSINESS TO ENSURE THE CONTINUITY OF COUNTY GOVERNMENT AND CRITICAL LOCAL SERVICES DURING THE STATE OF EMERGENCY AND DISASTER CAUSED BY THE COVID-19 PANDEMIC**

**WHEREAS**, on March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic; and

**WHEREAS**, Executive Order 51 acknowledged the existence of a disaster as defined by Section 44-146.16 of the Code of Virginia arising from the public health threat presented by a communicable disease anticipated to spread; and,

**WHEREAS**, Executive Order 51 ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and,

**WHEREAS**, on March 24, 2020, the County Administrator, in her capacity as the Director of Emergency Management, issued a Declaration of Local Emergency declaring the existence of a local emergency in the County, pursuant to Section 44-146.21(A) of the Code of Virginia; and

**WHEREAS**, the Board of Supervisors confirmed the County Manager's declaration by resolution approved on April 9, 2020, pursuant to Section 44-146.21(A) of the Code of Virginia; and,

**WHEREAS**, health officials at the federal, state, and local level have repeatedly advised that gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and,

**WHEREAS**, the usual and necessary operations of government, by law, often require large gatherings of people in person, which would contradict the advice of the government and health officials responsible for addressing the continuing disaster caused by the COVID-19 pandemic; and,

**WHEREAS**, the Board of Supervisors wishes to follow the guidance of government and health officials while providing for the continuity of County government and critical local services during the state of emergency and continuing disaster caused by the COVID-19 pandemic; and,

**WHEREAS**, Section 15.2-1200 of the Code of Virginia allows counties to adopt necessary regulations to prevent the spread of contagious diseases; and

**WHEREAS**, Section 15.2-1413 of the Code of Virginia authorizes the Board to act to assure continuity of government in the event of a disaster, notwithstanding any contrary provisions of law; and,

**WHEREAS**, the Board adopted an emergency continuity ordinance on April 9, 2020, and readopted the ordinance on May 14, 2020; and,

**WHEREAS**, the readopted ordinance provided that it would remain in effect for 60 days or six months from the declaration of the local emergency; and,

**WHEREAS**, since that time County boards and commissions have adopted procedures to permit increased public participation in their meetings as some of the restrictions that were in place on May 14, 2020, have been relaxed; and,

**WHEREAS**, outbreaks of the virus have occurred in different areas of the United States, and health experts warn of the possibility of a second wave of the pandemic during the fall and the winter; and,

**WHEREAS**, health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and,

**WHEREAS**, the Board of Supervisors wishes to ensure the continuity of County government during the remainder of the COVID-19 pandemic; and,

**WHEREAS**, the Board of Supervisors determines that the continuity of County government and provision of critical local services require adoption of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF LUNENBURG COUNTY, VIRGINIA:**

1. *Procedures for holding public meetings and providing notice of those meetings during the Emergency.* The Board of Supervisors, Planning Commission, or other County board, commission, or authority (collectively, the "Public Bodies") may, at their election, conduct meetings and act upon proposed agency items for the duration of the Emergency, either under normal procedures or by electronic means (to include, by way of example, meetings where a quorum of the Public Body is assembled by electronic means but is not physically assembled) in compliance with public notice, access, and other legal requirements governing the provision of notice and the holding of public meetings. Notwithstanding the foregoing, the Public Body may modify or dispense with those requirements to the extent necessary or practicable to address the state of emergency and disaster caused by the COVID-19 pandemic.

2. *Procedures for receipt of public comment during the Emergency.* If the Public Body conducts a public hearing during the Emergency, the public hearing may be conducted using a procedure described in the notice provided in advance of the meeting or by any other method specified by the Public Body at the meeting. The method of receiving public comment should be reasonable under the circumstances of the meeting, the items to be considered, and the state of the emergency in the County. Examples of methods could include comments received by e-mail, by telephone, by web conferencing or virtual meeting applications, or in person (so long as

recommendations of public health officials are observed). Public comments will be received by the Public Body before a vote on the public hearing matter and will be made a part of the record of the meeting.

3. *Authority of County Administrator.* The County Administrator is authorized to (i) modify, limit, or suspend County programs, functions, or services as needed to ensure the effective continuity of government; (ii) restrict County staff and the public from entering or congregating around County-owned buildings, facilities, and real property as necessary to ensure the health, safety, and welfare of the public and staff; and (iii) regulate the use of such buildings, facilities, and real property for the public health, safety, and welfare. The County Administrator is further authorized to take actions objectively reasonable and necessary in the public health interest to alter schedules and deadlines, provide programming, pay bills, engage contractors, hire employees, and adjust administrative processes and procedures to address the disaster, all in keeping with the U.S. Centers for Disease Control and Virginia Department of Health guidance and directives, and consistent with state and local declarations of emergency.

4. This ordinance will be in full force and effect on and after its passage as provided by law and will remain in effect until the earlier of its repeal or the end of the Declaration of Local Emergency by resolution of the Board of Supervisors. Upon repeal or expiration of this ordinance, the Public Bodies will resume operation in accordance with standard operating practices and procedures.

5. This Ordinance is adopted this 10th day of September, 2020, by the Board of Supervisors of Lunenburg County, Virginia.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and approved by roll call vote, to approve an increase in revenue and expenditure as a result of additional CARES Act Relief funds increasing the Lunenburg County's FY2021 Budget by \$1,064,054, with an updated total county budget for FY2021 of \$39,247,827.

Mr. RT Taylor with Davenport and Company, presented a refinancing opportunity for the county's General Obligation School Project Refunding Note, Series 2016. Mr. Taylor noted that the refunding would be part of the Virginia Public School Authority's (VPSA) Fall Pool. The Board must provide guidance on the preferred saving structure and consider adopting a resolution establishing a minimum saving threshold. Mr. Taylor provided two refunding analysis options, one providing level savings through the course of the debt and one providing an up-front savings of an estimated \$76,433. Mr. Taylor also advised that the county would need to determine the percentatge level at which they would like to set the NPV (net present value) savings. He provided an analysis comparing the breakeven market movement percentage at 3% NPV, 2% NPV and 1% NPV. After some discussion the Board determined the lump sum option and the 2% NPV savings option would be the best option.

Supervisor Zava made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved to allow the chairman to sign the resolution allowing Davenport and Company to move forward with refinancing opportunity for the county's General Obligation School Project Refunding Note, Series 2016, with an up-front, lump sum savings option and a 2% NPV.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF LUNENBURG COUNTY, VIRGINIA, APPROVING THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION SCHOOL BOND TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR THE PURPOSE OF REFINANCING CERTAIN EXISTING INDEBTEDNESS, AND FOR THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH**

WHEREAS, the Board of Supervisors (the "Board") of Lunenburg County, Virginia (the "County"), desires to refinance certain costs associated with the acquisition, construction, improving, equipping and related expenses of the Lunenburg County Middle School located on Tomlinson Road in Lunenburg County, Virginia (the "Project") through the refunding of the outstanding principal of premium, if any, and interest on the County's \$2,508,000 General Obligation School Project Refunding Note, Series 2016 (the "Series 2016 Note") which was issued to refinance the County's \$3,020,000 General Obligation School Refunding Note, Series 2005B, which was issued to refinance the County's \$3,500,000 General Obligation School Bonds, Series 2003B, which were originally issued to finance the Project.

WHEREAS, the County desires to effectuate such refinancing through the issuance of a general obligation school project refunding bond in an amount not to exceed \$2,150,000 (the "Local School Bond"), the proceeds of which will be used by the County to refund all or a portion of the principal of, premium, if any, and accrued interest on the Series 2016 Note, the outstanding principal amount of which is estimated to be \$1,946,000 (the "Refunded Bonds"), and to pay certain costs of issuance and related expenses.

WHEREAS, the financing and any subsequent refinancing of the Project was previously approved pursuant to a referendum election held in the County on November 5, 2002 in accordance with the requirements of the Code of Virginia 1950, as amended (the "Virginia Code").

WHEREAS, no public hearing requirements in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, need to be satisfied since the Local School Bond will be issued to refund an outstanding debt obligation of the County.

WHEREAS, the Board hereby finds and determines that it is in the best interest of the County to take advantage of the current interest rate environment and the current bond market by effectuating the refunding and refinancing of the Refunded Bonds with proceeds available from the issuance of the Local School Bond.

WHEREAS, the Lunenburg County School Board (the "School Board") is expected to, by resolution, request the Board to authorize the issuance of the Local School Bond and consent to the issuance of the Local School Bond on or after its regularly scheduled September 14, 2020 meeting.

WHEREAS, on August 31, 2020, the County has submitted an application to the Virginia Public School Authority ("VPSA") to participate in its Fall 2020 Pool Bond Program and the School Board is expected to approve such action.

completions, insertions, omissions and changes not inconsistent with this Resolution as may be approved by the County officer executing the Bond Sale Agreement.

3. **Details of the Local School Bond.** The Local School Bond shall be dated 16 days prior to the date of its issuance and delivery or such other date designated by VPSA; shall be designated "General Obligation School Bond, Series 2020"; shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning July 15, 2021 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution.

4. **Interest Rates and Principal Installments.** Each Delegate is hereby authorized and directed to accept the interest rates on the Local School Bond established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that:

(i) for the Local School Bond with respect to the financing of the Refunded Bonds (and financing the related costs of issuance):

(A) each Delegate is hereby authorized and directed to select the particular portion or portions of the Refunded Bond (if any) to be refunded and direct VPSA to provide a Proceeds Requested that achieves the refunding of the selected portion or portions (if any) provided that the refunding of the Refunded Bond selected shall result in an aggregate net present value debt service savings of not less than three percent (2.00%) of the par amount of the Refunded Bond to be refunded;

(B) the Local School Bond shall mature no later than June 30, 2029;

(C) each Delegate is hereby authorized and directed to cause the redemption proceedings, including the giving of redemption notice to the holder of the Refunded Bonds, which shall be done pursuant to the terms of the Refunded Bonds (or otherwise as agreed to by the holder); and

(a) The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution. The execution and delivery of the Local School Bond as described in paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of the Local School Bond by the Delegate as authorized by this Resolution.

5. **Form of the Local School Bond.** The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

WHEREAS, VPSA is expected to offer to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the Fall of 2020 (the "VPSA Bonds").

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate an amount requested (or such other amount as may be requested by the County and permitted by VPSA, the "Proceeds Requested") from VPSA in connection with the sale of the Local School Bond of (1) an amount sufficient to finance the redemption of the Refunded Bonds, subject to the parameters established in paragraph 4 hereof, and (2) an amount sufficient to finance the costs of issuance of the Local School Bond.

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's reasonable judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds.

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less 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 principal amount of the Local School Bond set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

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

1. **Authorization of Local School Bond and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its Local School Bond in an aggregate principal amount not to exceed \$2,150,000 for the purpose of refinancing the Refunded Bonds. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Local School Bond.** The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount of the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 95% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them (each a "Delegate") and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved, with such

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal, premium, if any, and interest on the Local School Bond shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, 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 succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(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 Local School Bond.

(c) The County Administrator shall designate a Bond Registrar and Paying Agent for the Local School Bond in accordance with the requirements of VPSA. The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar and Paying Agent for the Local School Bond. The County shall give prompt notice to VPSA of the appointment of any successor Bond Registrar and Paying Agent.

7. **Prepayment or Redemption.** Unless otherwise directed by VPSA, the Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2030, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2030, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2031, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2031, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2030, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Local School Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

| Dates                               | Prices |
|-------------------------------------|--------|
| July 15, 2030 through July 14, 2031 | 101%   |
| July 15, 2031 through July 14, 2032 | 100%   |
| July 15, 2032 and thereafter        | 100    |

Provided, however, that the Principal Installments of the Local School Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.



If VPSA refunds the VPSA Bonds in the future and such refunding causes the Local School Bond to be deemed refunded, the prepayment or redemption of the Local School Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund the Local School Bond.

**8. Execution of the Local School Bond.** The Chairman, Vice-Chairman or County Administrator and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Local School Bond. The Clerk or any Deputy Clerk of the Board are authorized and directed to affix the seal of the County to the Local School Bond and attest the Seal.

**9. Pledge of Full Faith and Credit.** For the prompt payment of the principal of, premium, if any, and the interest on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Local School Bond 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 Local School Bond 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 Tax Compliance Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County or the School Board as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond 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 VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement 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 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 Local School Bond if required by VPSA for a refunding bond financing. 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 Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, 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 other officer or officers of the County as such individuals may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, substantially in the form as set forth in Appendix D to the Bond Sale Agreement and available at this Board meeting 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, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 4 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Bond Sale Agreement).

**13. Refunding of VPSA Bonds.** The Board hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA Bonds issued to purchase the Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each of the Delegates is authorized to execute and deliver to VPSA an allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of the Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk to the Board of Supervisors is authorized to affix the County's seal on any such documents and attest or countersign the same.

**14. 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.

**15. Election to Proceed under Public Finance Act.** In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

**16. 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 Local School Bond and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.

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

INSTRUMENT 200001157  
RECORDED IN THE CLERK'S OFFICE OF  
LUNEBURG CIRCUIT COURT ON  
SEPTEMBER 18, 2020 AT 02:01 PM  
GORDON F. EBBY, CLERK  
RECORDED BY: GFE

#### CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Lunenburg County, Virginia hereby certifies that the foregoing is a true, correct and complete copy of a resolution duly adopted by a majority of the members of the Board of Supervisors of Lunenburg County, Virginia present and voting during the meeting duly called and held on September 10, 2020, and that such resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. A summary of the members present or absent at such meeting, and the recorded vote with respect to the foregoing resolution, is set forth below:

| Member Name                        | Voting  |        |     |    |            |
|------------------------------------|---------|--------|-----|----|------------|
|                                    | Present | Absent | Yes | No | Abstaining |
| Charles R. Slayton - Chairman      | ✓       |        | ✓   |    |            |
| Dr. Frank W. Bacon - Vice-Chairman | ✓       |        | ✓   |    |            |
| Alvester L. Edmonds                | ✓       |        | ✓   |    |            |
| J. Mike Hankins                    | ✓       |        | ✓   |    |            |
| T. Wayne Hoover                    | ✓       |        | ✓   |    |            |
| Edward W. Pennington               | ✓       |        | ✓   |    |            |
| Robert G. Zava                     | ✓       |        | ✓   |    |            |

WITNESS my hand and seal of the County this 10<sup>th</sup> day of September, 2020.

*Dracimble*  
Clerk, Board of Supervisors of  
Lunenburg County, Virginia

(SEAL)

42000208\_1

INSTRUMENT 200001157  
RECORDED IN THE CLERK'S OFFICE OF  
LUNEBURG CIRCUIT COURT ON  
SEPTEMBER 18, 2020 AT 02:01 PM  
GORDON F. EBBY, CLERK  
RECORDED BY: GFE

Administrator Gee advised that Ms. Elyssa Long of Victoria had volunteered to serve on the Social Service Advisory Board for the Plymouth District to fill the vacant unexpired term after the passing of Mrs. Donna Pulliam. The unexpired term expires December 31, 2022.

Supervisor Pennington made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved to appoint Ms. Elyssa Long to serve on the Social Service Advisory Board for the Plymouth District filling the term which expires December 31, 2022.

Mrs. Patricia Harper-Tunley spoke to the Board regarding the referendum question on the ballot at the general election on November 3, 2020 regarding the issue of whether or not the Confederate monument located on the courthouse grounds should be removed or remain. The question will appear on the ballot as follows: "Shall the

monument honoring the memory of the Lunenburg soldiers and women during the Civil War remain on Lunenburg Courthouse property?". Mrs. Harper-Tunley is concerned that the question is misleading because it does not include the word "Confederate". County Attorney Rennie noted that the Code section that allows for a referendum also states that the request must be entered to the court eight-one days before any election. Therefore, the timeframe to submit a change to the wording of the question has passed. However, there are other ways of notifying the public. He suggested adding the word "Confederate" to the required advertising for the referendum.

Supervisor Hankins made motion, seconded by Supervisor Edmonds and by roll call vote, with all seven Supervisors voting yes and none voting no, approved to add the word "Confederate" to any advertising by the County regarding the referendum question.

Administrator Gee advised that the county received thirty seven applications for the CARES Act Small Business Grant Program, with five applications deemed ineligible. The CARES Committee met prior to the Board meeting and recommended grant awards for thirty-two businesses. The committee decided to open the application process for a second round of applicants which would close on October 15<sup>th</sup>. Those businesses awarded grant funds in the first round, were automatically entered and approved for the second round, doubling their award amount.

Supervisor Zava made motion, seconded by Supervisor Pennington and by roll call vote, with five Supervisors voting yes, none voting no and Supervisors Hoover and Bacon abstaining due to family with eligible applications, approved grant fund awards to thirty-two Small Business Grant applicants with a total payout of \$218,500.

Administrator Gee shared a request from Victoria Fire & Rescue and Meherrin Volunteer Fire & Rescue Squad for the purchase of a new ambulance for each department, in the amount of \$510,500, with the use of CARES Act funds. Prince Edward County will fund two-thirds of the new ambulance for Meherrin Volunteer Fire & Rescue Squad.

Supervisor Hoover made motion, seconded by Supervisor Pennington, followed by a roll call vote with all seven Supervisors voting yes and none voting no, to approve the purchase of two new ambulances for Victoria Fire & Rescue and Meherrin Fire & Rescue Squad in the amount of \$510,500 with the use of CARES Act funds.

Supervisor Hoover advised that the local Health Department office had requested the purchase and installation of a generator for their office with the use of CARES Act funds. Backup power will be needed when a vaccine is available and it will need to be re-refrigerated. Supervisor Hoover suggested that a generator with installation be approved for the Administration Office as well as the County Tax Office. Both offices would be critical for operations if the power were to be out for an extended period of time and the County Administration Office could serve as an Emergency Operations Center.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and by roll call vote, with all seven Supervisors voting yes and none voting no, to approve the purchase and installation of generators for the local Health Department, County Administration Office, and the County Tax Office.

Administrator Gee shared a notice that the Coronavirus Emergency Supplemental Funding (CESF) Program Grant was approved by the Department of Criminal Justice Services. The Lunenburg Sheriff's Office is awarded \$49,192 and Major DJ Penland will use the funds to purchase Toughbooks for each department vehicle as well as CAD (computer-aided dispatch) user license fees. She requested the Board's acceptance of the funds into the FY2021 budget.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, to accept funds in the amount of \$49,192 from the CESF program increasing the Sheriff's FY 2021 revenue and expense for the purchase of Toughbooks and CAD user license fees.

Supervisor Hankins provided an update for the Commonwealth Regional Council; noting that the CRC was currently working on about seven projects for Lunenburg. He reminded the Board that the CRC updated their fee structure about three years ago, to provide for a reimbursement to member localities when income exceeds the total

fees collected. Supervisor Hankins stated that the county would likely be receiving its 2<sup>nd</sup> reimbursement in the coming months.

Supervisor Hoover reported that the County Administration Office was experiencing a heavy increase in work load due to CARES Act funding procurement and reporting, small business grant program, and disbursement of additional grant funds. He recommended, with the support of the CARES Act Committee, that the Administration Office be able to hire up to two part-time staff for clerical work for up to twenty-hours per week through December 31, 2020 with the use of CARES funds.

County Planner Glenn Millican provided his monthly report. He advised that preliminary reports show a much higher level of asbestos than originally expected in the Old Middle School building. He added that there would be an increase in demolition expense due to the added time and removal of the asbestos. Mr. Millican noted that he had been in contact with Timmons Group regarding an online business registration application connected to the county's current GIS system. He advised that this digital option would allow for more information to be available in one location, accessed via the County's website. Mr. Millican stated that there would be a one-time setup fee would be \$1,500 and a yearly maintenance fee of \$1,500.

Supervisor Hoover made motion, seconded by Supervisor Hankins and by roll call vote, with all seven Supervisors voting yes and none voting no, to allow Mr. Millican to pursue the digital option with Timmons Group to implement a business registration process.

Mr. Millican shared a summary of the 2019 Tax Year Enterprise Zone Incentives to be paid out. The list included four business with a total payout of \$20,369.71.

Supervisor Hoover made motion, seconded by Supervisor Edmonds and by roll call vote, with all seven Supervisors voting yes and none voting no, approved the 2019 Tax Year Enterprise Zone Incentives in the amount of \$20,369.71 and transfer the funds to the IDA for disbursement.

Administrator Gee provided her monthly report. She stated that she had been notified of an unclaimed body resulting in a cost to the county of about \$2,000, Attorney Rennie is handling the order for the Sheriff. IT and Security updates for the upcoming election were still in progress. The Landfill committee recently met and recommended that the two remaining dump sites with open top containers in the Beaver Creek District be closed permanently. The committee continues to seek land to place a convenience center in the southeastern portion of the county. The landfill committee also made the recommendation to begin scheduled hours of operation at the Oral Oaks/Bus Shop site and the Switchback site and manning all sites during all open hours. She indicated that this operating schedule will add 103 manned hours, increasing labor costs approximately \$40,000 annually. She and the committee felt the added expense would be a good use of the additional income from Meridian Waste due to the increase revenue from host fees. Administrator Gee shared that the dumpsters located at the courthouse grounds were increasingly becoming a problem. She will get pricing on placing a compactor at the location and close the site outside of Courthouse business hours. Administrator Gee advised that the Building Official was awarded \$2,000 in Virtual Training Support Grant funds from the Department of Housing and Community Development. She noted that the funds would be used to purchase a laptop for the Building Official and requested that the funds be accepted and appropriated.

Supervisor Edmonds made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, to accept and appropriate \$2,000 in Virtual Training Support Grant funds from the Department of Housing and Community Development for the Building Inspector's department.

Supervisor Pennington made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved to adopt the below resolution in support of Whittles Mill Dam.



## WHITTLES MILL DAM PRESERVATION RESOLUTION

**WHEREAS**, the Whittles Mill Dam was initially constructed circa 1750 prior to our nation's fight for independence; and

**WHEREAS**, the Whittles Mill Dam is stout and sturdy and has survived the test of time, numerous natural disasters, and several commercial undertakings; and

**WHEREAS**, the Whittles Mill Dam has been recognized nationally and in the Commonwealth of Virginia for its distinguished history; and

**WHEREAS**, Whittles Mill provides valuable historical, educational, recreational, tourism, and other significant tangible and intangible benefits to residents and visitors; and

**WHEREAS**, Whittles Mill provides a scenic and tranquil setting for swimming, fishing, canoeing, kayaking, camping, picnicking, relaxing, and many of life's simple pleasures and should be maintained and preserved without significant, costly, and unnecessary alterations;

**NOW, THEREFORE, BE IT RESOLVED**, the Lunenburg County Board of Supervisors endorses, supports, and encourages all efforts and measures to preserve the character of the Whittles Mill Dam and honor its unique and rich history.

Adopted this 10th day of September 2020 by the Lunenburg County Board of Supervisors.

Supervisor Hoover made motion, seconded by Supervisor Pennington and by roll call vote, with all seven Supervisors voting yes and none voting no, approved the below resolution to abate the past due tax bill on the property sold to Mr. Jerry Killen consisting of a portion of tax map #058-((0A))-0-24 consisting of 2.52+/- acres.

LUNENBURG COUNTY  
RESOLUTION TO ABATE REAL ESTATE TAX ON  
PROPERTY OWNED BY THE COUNTY

CAME this day, the Board of Supervisors of Lunenburg County, Virginia, at the regularly scheduled meeting on September 10, 2020, and for their resolution regarding the abatement of real estate tax on county owned property, state the following:

**WHEREAS**, there is real estate tax in the amount of \$16.81 on property conveyed to Lunenburg County by deed from Mary Sue Broadie, et al. dated May 9, 2019;

**NOW THEREFORE**, the real estate tax in the amount of \$16.81 on real property owned by Lunenburg County, having been conveyed on May 9, 2019 by Mary Sue Broadie, et al. is hereby abated.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 7 to 0, as recorded below, at a regular meeting held on September 10, 2020.

Tracy M. Gee  
Clerk, Board of County Supervisors

|                | Aye | Nay |
|----------------|-----|-----|
| Dr. Bacon      | ✓   | —   |
| Mr. Edmonds    | ✓   | —   |
| Mr. Hankins    | ✓   | —   |
| Mr. Hoover     | ✓   | —   |
| Mr. Pennington | ✓   | —   |
| Mr. Slayton    | ✓   | —   |
| Mr. Zava       | ✓   | —   |

County Attorney Rennie noted that he had been contacted by Sheriff Arthur Townsend in regards to Qualified Immunity, which protects public officials, including law enforcement officers, from frivolous lawsuits. He added that the General Assembly is discussing eliminating Qualified Immunity. He presented a resolution to the Board in support of Qualified Immunity and requesting it not be eliminated.

Supervisor Hoover made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved adopt the below resolution in support of Qualified Immunity, requesting it not be eliminated.

LUNENBURG COUNTY  
RESOLUTION OPPOSING THE ELIMINATION OF SOVEREIGN IMMUNITY

CAME this day, the Board of Supervisors of Lunenburg County, Virginia, at their regularly scheduled monthly meeting on the 10<sup>th</sup> day of September, 2020, and for their resolution opposing the elimination of sovereign immunity by the Virginia Legislature, state the following:

WHEREAS, the defense of sovereign immunity is a valuable resource for law enforcement while carrying out their day to day duties in a fair and reasonable manner; and

WHEREAS, the Virginia House of Delegates has voted in favor of eliminating sovereign immunity for law enforcement officers in Virginia; and

WHEREAS, the Virginia Senate is set to vote on the elimination of sovereign immunity; and

WHEREAS, if both the House of Delegates and Senate approve, the Governor will be presented with the bill to sign; and

WHEREAS, the Lunenburg County Board of Supervisors are responsible for the safety and welfare of the citizens of Lunenburg County; and

WHEREAS, the Lunenburg County Board of Supervisors works closely with Lunenburg County Sheriff's Department to ensure that all Lunenburg County citizens are safe and secure and can conduct their day to day activities without fear of being disrupted by criminal activity; and

WHEREAS, the Board of Supervisors desires to allow law enforcement personnel to be given the freedom to act responsibly within Lunenburg County to protect the citizens and residents of the County from criminal activity; and

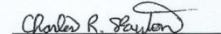
WHEREAS, the Lunenburg County Board of Supervisors fear that the elimination of sovereign immunity will harm the welfare and safety of the citizens of Lunenburg County and lead to the Sheriff's Department being unable to retain its loyal and respected law enforcement officers;

NOW THEREFORE, the Lunenburg County Board of Supervisors resolve the following:

1. The Lunenburg County Board of Supervisors hereby strongly requests that the Virginia General Assembly, and in particular, the Virginia Senate reject the bill that would eliminate sovereign immunity.

2. The Board of Supervisors of Lunenburg County also strongly requests that the Governor reject and veto any such legislation that may be submitted to him regarding the elimination of sovereign immunity.

3. The Board of Supervisors of Lunenburg County hereby directs that a copy of this Resolution shall be presented to all members of the Virginia Legislature that represent the citizens of Lunenburg County and to the Governor of the Commonwealth of Virginia.

  
Charles R. Slayton, Chairman  
Lunenburg County Board of Supervisors

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 7 to 0 as recorded below, at a regular meeting held on September 10, 2020.

  
Tracy M. Gee  
Clerk, Board of County Supervisors

|                | Aye                                 | Nay                      |
|----------------|-------------------------------------|--------------------------|
| Dr. Bacon      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Edmonds    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Hankins    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Hoover     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Pennington | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Slayton    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Zava       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Supervisor Hoover made a motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, to enter Closed Session citing Virginia Code Section §2.2-3711A7 Legal Consult regarding Red Brick Solar and Coast 2 Coast Trucking.

CERTIFICATION OF CLOSED SESSION MEETING

WHEREAS, the Board of Supervisors of Lunenburg County, Virginia ("Board") convened a Closed Session Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section §2.2-3712 of the Code of Virginia, 1950, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board.

VOTING YES

Supervisor Bacon  
Supervisor Edmonds  
Supervisor Hankins  
Supervisor Hoover  
Supervisor Pennington  
Supervisor Slayton  
Supervisor Zava

VOTING NO

ABSENT

Supervisor Zava made a motion, seconded by Supervisor Pennington and by roll call vote, with all seven Supervisors voting yes and none voting no, to return to Open Session and certified as indicated.

Supervisor Hoover made motion, seconded by Supervisor Bacon and by roll call vote, with all seven Supervisors voting yes and none voting no, approved to adjourn.

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Tracy M. Gee, Clerk  
County Administrator

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Charles R. Slayton, Chairman  
Board of Supervisors