

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on February 16, 2016 at 6:00 p.m. thereof.

MEMBERS PRESENT: Charles Slemp, Jr., Chairman
D. D. Leonard
Larry Mosley
Robert Smith

MEMBERS ABSENT: Nathan Cope

OTHERS PRESENT: C. M. Callahan, Jr., County Attorney
Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: None

INVOCATION

Jerry Murphree, Pastor of Lone Branch Baptist Church, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:03 p.m.

DEPARTMENTAL REPORTS

ANIMAL CONTROL

Allen Fortner, Animal Control Officer, reported that for the month of January, his department received 246 calls at the pound, and 70 through the Sheriff's Department, took in 36 dogs, with 8 being reclaimed, 11 adopted, 11 transferred and 6 euthanized.

Two horses were seized for cruelty; three summonses were issued with \$1,427.38 in fines and restitution. Mr. Fortner stated that the number of dogs has gone down because his Department is becoming more proactive with the owner on getting the dogs placed in a rescue. He asked the Board about the potential of looking into purchasing a horse or cattle trailer because when horses or cattle have to be seized that he has to call around to find a farmer that is willing to take them, have them come pick them up, or find a horse trailer to borrow. The person housing the animal is paid \$10 per day by the County until the case is settled. Mr. Fortner suggested being able to fence in an area around the Pound once the new Transfer Station is complete to be able to house horses and cattle and purchasing a horse trailer to help the County with these expenses. He stated that since September 2015, 15 head of cattle and 4 horses have been hit on the roadways, in almost all of those cases the vehicles were totaled. He has found a section in the Code of Virginia which allows citations to be written for agricultural animals in the roadway. Since it is a State Code and not a County Code, any money collected for the fine would go to the State; however, if the County were to adopt the Code the fine money would stay with the County. He asked the Board of consider adopting the State Code into a County Ordinance.

Mr. Slemph asked if this code dealt with only agricultural animals.

Mr. Fortner stated that it is for agricultural and companion animals, Comprehensive Animal Laws for the State. He would like to have the entire code adopted into County Code because the County currently only has about 20 Codes and there are about 200 Virginia State Codes. By adopting the State Codes, it would allow the money to come to the County instead of going to the State.

Mr. Slemph asked how many agriculture animals have been hauled in the past year.

Mr. Fortner stated that his department has had to haul five, but arrangements had to be made with someone else to haul the rest.

Mr. Leonard asked Mr. Fortner is he could just get the codes offline.

Mr. Poe stated that Mr. Fortner is asking that the State Law be adopted by County Ordinance so that the citations can be written using the County Code and all fines would come to the County. There were a few traffic laws done that way and when those traffic violations are written using the County Code, the County keeps the money from the fines. He added that one downfall would be if the person were given a Court Appointed Attorney, the County would have to pay that out of the fines collected.

Mr. Mosley asked about the time frame for advertising for a public hearing.

Mr. Poe stated that it would have to be advertised two weeks prior to the meeting, which gives enough time to hold it at the March meeting.

It was the consensus of the Board of hold a public hearing to adopt the State Animal Code as a County Ordinance.

LITTER AND RECYCLING

Mr. Fleenor, Litter Control and Recycling Coordinator, reported that the Community Service totals were down due to the inclement weather. There are 126 people in the program with 35 people participating. He signed up seven new participants to the program. In the past month he has cleaned the dumpsite in Millers Chapel, collected 84 bags of trash, and there are some mattresses and couches that are ready to be pulled. He stated that he generally tries to go out 2 days a week, but is going to increase that to 3 or 4 days a week for the next 6 weeks to try to catch up on the illegal dumps. He stated that the company that has been collecting the electronics for recycling will no longer be doing so, and he is in the process of trying to find a new company to take that over. He has been working on the educational presentation for the schools that is held in May, and is working on a program for Earth Day in April.

Mr. Slempp asked about the recycling at the Courthouse.

Mr. Fleenor stated that Gary Collingsworth and Mike Clawson are in charge of that, and he is not sure why it is not being picked up but he would find out.

Mr. Poe stated that the weather has affected the entire waste pick up for the past few weeks.

Mr. Mosley asked about the two houses on Town Branch.

Mr. Fleenor stated that he is trying to get one condemned and has sent letters on the other one and has not gotten a response.

Mr. Smith stated that the place in Ewing has improved and looks better.

SOLID WASTE

Gary Collingsworth was unable to attend the meeting.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of January 2016 was submitted as follows:

Revenues	\$ 4,468,649.97
Expenditures	\$ 5,614,609.51
General Fund	\$10,692,171.81
Total Assets and Liabilities	\$15,632,756.96

COST COLLECTION PROGRAM FULLER CRIDLIN COMMONWEALTH'S ATTORNEY

Fuller Cridlin, Commonwealth's Attorney, addressed the Board about creating a Cost Collections Program in the Commonwealth's Attorney's Office. He stated that changing the method in which delinquent fines are collected would result in a percentage of the fines that can be kept in Lee County. He proposed that the Commonwealth's

Attorney's Office would do all collection in house and could do so with the current staff. Mr. Cridlin stated that since collection would go through his office, the money collected should be used to supplement his office expenses.

Mr. Smith asked if additional employees would have to be hired to do this work.

Mr. Cridlin stated that this could be accomplished with the current staff.

Mr. Slemph stated that the State is collecting this fee now and asked how much of the money the County is getting.

Mr. Cridlin stated that the Department of Taxation collects the fines now, and the County is getting none of the money. He stated that once a fine is assessed, the Clerk is responsible for collecting that fine, after 30 days it becomes delinquent. When it becomes delinquent it becomes a criminal proceeding and the Commonwealth's Attorney's Office is responsible for collecting it. The State allows several different options in collecting it; one way it to farm it out to a collection agency, or the Department of Taxation. All revenue from the fines goes to the State but whoever collects it is entitled to keep a percentage of the fine as their fee. This fee would come into the County's General Fund and Mr. Cridlin is asking the Board to supplement his office with the money that comes in since his office is collecting the fines.

Mr. Slemph stated that the State is taking people's tax refunds to collect this and asked how Mr. Cridlin will collect the fines.

Mr. Cridlin stated he would initiate different court proceedings to get it into court and get them on a payment plan, file motions and show causes for contempt, which will force them to pay. It could lead to possible jail time for those that fail to pay.

Mr. Leonard asked how much has been collected the past four or five years.

Mr. Cridlin stated that the net amount for the past 5 years was \$526,623.24.

Mr. Mosley stated that if the County can get the money, it needs to do it.

Mr. Slemple asked what happens if the fines are not paid.

Mr. Cridlin stated that it is a violation of probation if they do not pay so the person could be jailed.

Mr. Smith stated that he would rather table this until all of the Board members are present.

It was moved by Mr. Leonard, seconded by Mr. Smith, to table this matter until next month. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemple, Mr. Smith

PUBLIC EXPRESSION

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and 5 minute time period for a group.

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the minutes of the January 19, 2016 Annual Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the disbursements for the month of February in the amount of \$114,725.63. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

FINANCE

MONTHLY APPROPRIATIONS

It was moved by Mr. Mosley, seconded by Mr. Leonard, to adopt the following Resolution. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

**RESOLUTION
MONTHLY APPROPRIATIONS
16-002**

WHEREAS, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2015-16; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Lee County Public School and Virginia Public Assistance Budgets;

NOW, THEREFORE, BE IT RESOLVED, that the following activities 1/12 of the amount shown is appropriated for a 1-month period ending March 31, 2016;

Federal/State Funds	\$ 7,082,972
Local Funds	<u>1,292,948</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 8,375,920

LEE COUNTY PUBLIC SCHOOLS

Categorical Appropriation:

Instruction	\$ 24,512,881
Administration, Attendance and Health	2,038,267
Pupil Transportation	1,862,995
Operation and Maintenance	3,213,825
School Food Services	1,589,425
Facilities	449,000
Technology	1,262,110
Partially Self-Funded Insurance Fund	<u>4,200,000</u>
TOTAL	\$39,128,503

Source of Revenue:

Federal Funds	\$ 4,639,454
State Funds	24,889,483
Other Funds	39,100
Self Insured Health Fund	3,750,000
Local Funds	5,040,466
Textbook Carryover Funds	<u>770,000</u>
TOTAL PUBLIC SCHOOLS	\$ 39,128,503

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Public School and Virginia Public Assistance funds and will not exceed the foregoing one month appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2015-2016.

Adopted this the 16th day of February, 2016.

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF SOCIAL SERVICES

It was moved by Mr. Slep, seconded by Mr. Smith, to approve a supplemental appropriation in the amount of \$328,000.00 to Department of Social Services as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-002-24010-0005	State & Federal Funding	\$328,000.00
Expenditure		
4-002-53100-0011	IV-E Foster Care	\$150,000.00
4-002-53100-0001	Adoption Subsidy	\$160,000.00
4-002-53100-0017	Special Needs Adoption	\$ 18,000.00

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slep, Mr. Smith

NEW BUSINESS

BOARD APPOINTMENTS

APPALACHIAN COMMUNITY ACTION

It was moved by Mr. Mosley, seconded by Mr. Leonard, to appoint Charles Slep to the Appalachian Community Action. Mr. Slep's appointment will expire December 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slep, Mr. Smith

PLANNING COMMISSION

It was moved by Mr. Mosley, seconded by Mr. Leonard, to re-appoint Reba Nelson to a four-year term on the Planning Commission. Ms. Nelson's term will expire February 28, 2020. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

ST. CHARLES WATER AUTHORITY

It was moved by Mr. Leonard, seconded by Mr. Smith, to re-appoint Elijah Scott to a four-year term on the St. Charles Water Authority. Mr. Scott's term will expire February 28, 2020. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SOUTHWEST VIRGINIA HEALTH AUTHORITY

It was moved by Mr. Slemp, seconded by Mr. Smith, to appoint Larry Mosley to a four-year term on the Southwest Virginia Health Authority. Mr. Mosley's term will expire December 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

NEW TRANSFER STATION PAY REQUEST NUMBER 8

Mr. Poe reported he received Green Construction Pay Request Number 8 in the amount of \$169,283.65 for work completed through January 8, 2016 on the new Transfer Station. The architect has reviewed the request and recommends payment, Mr. Poe concurs with that recommendation. He has also received Pay Request Number 9 in the amount of \$26,133.31 for work completed to date, however the architect has not reviewed the request. Mr. Poe stated that he has reviewed the request and recommends payment contingent upon the architect's review and approval.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the New Transfer Station Pay Request Number 8 in the amount of \$129,283.85 and Pay Request Number 9 in the amount of \$26,133.31 contingent upon the architect's approval, to Green Construction Company. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

COST ALLOCATION PLAN PROPOSAL

Mr. Poe reported that Robinson, Farmer, Cox Associates has submitted a proposal to prepare the County's annual Central Services Cost Allocation Plan. The Plan allows the County, and particularly the Department of Social Services, to recover costs associated with the administration of federal grants and programs. The proposal provides for either a one or a three-year contract period. A one-year agreement would cost \$4,200 where as a three year agreement would be \$11,400 with an annual payment of \$3,800. Since the Cost Allocation Plan is required to be prepared annually, there is a \$1,200 savings in accepting the three-year agreement.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to accept the three year agreement with Robinson, Farmer, Cox Associates in the amount of \$11,400 for preparation of the Annual Cost Allocation Plan. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

REQUEST MATCH FOR BULLETPROOF VEST GRANT

Mr. Poe reported that the Lee County Sheriff's Office is requesting permission to apply for the Bulletproof Vest Partnership grant. The grant will allow the replacement of 30 bulletproof vests and provide two vests to the Animal Control Officers. The old vests were purchased six years ago and the recommended replacement cycle is every five years. The total cost for 32 vests is \$21,728.00. Since this grant requires a 50 percent local match, the County's cost would be \$10,864.00 . This amount has not been included in this year's budget, however, by the time the grant is awarded we will be in the next fiscal year and the amount could be included at budget time.

It was moved by Mr. Leonard, seconded by Mr. Smith, to allow the Lee County Sheriff's Department to apply for the Bulletproof Vest Grant in the amount of \$21,728.00, with \$10,864.00 County match. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

EXTENSION OFFICE PROJECT PAY REQUEST

Mr. Poe reported that he received Pay Request Number 1 from Haynes and Son's Construction for work completed to date in the amount of \$33,627.60. The architect has reviewed this request and recommends payment. Mr. Poe also recommends payment of this request.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve Pay Request Number 1 to Haynes and Sons Construction in the amount of \$33,627.60. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

EXTENSION OFFICE PROJECT CHANGE ORDER

Mr. Poe reported that the architect is also working on several possible changes to be submitted under a proposed change order for the project as follows:

- Add gutter drainage system due to no existing drain system. This will help with drainage on site, which is currently not that good. The contractor's Quote for additional work is \$3,800.
- Extension Office has requested that floor covering in new addition be changed to tile instead of carpet due to the planned use of the space. There would be no charge for this change; however, they also request that carpet in three offices in the existing building be replaced with tile. The contractor's price for this work is \$2,350.
- The roof of the existing building is in poor condition. The contractor stated that some of this was probably due to hail damage two years ago. Mr. Poe had anticipated having to replace this roof in the next five years regardless. Doing so now would allow the shingles to be matched with the new addition. The contractor's price for this work is \$7,250.00.
- The contractor has proposed some exterior maintenance and aesthetic work for the existing building to include painting exterior wood surfaces, installing new concrete siding under front windows to match new addition, and new gutters and downspouts. The price for this work is \$5,200.

The proposed changes total \$18,600.

Mr. Mosley asked if there was enough money in the budget for the changes.

Mr. Poe stated that it will be tight, but there would be a little bump room.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to accept the change order for the Extension Office in the amount of \$18,600. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

POLICE CRUISER BIDS

Mr. Poe reported that the County had received five bids for four new police cruisers on February 12, 2016. The bids were received as follows:

Auto World

2016 Dodge Charger, 3.6 L V6, Rear Wheel Drive	\$22,337.00 each
Total cost with 25% on delivery and 3 annual payments	\$93,052.51

Freedom Chevrolet

2016 Chevrolet Caprice, 3.6 L V6, Rear Wheel Drive	\$27,400.00 each
No financing package was submitted	

Fairway Ford

2016 Ford Taurus, 3.5 L V6, Front Wheel Drive	\$24,947.00 each
Includes actual lighting packing instead of hookup	
With approximately \$1,150 per car	
Total cost with 25% on delivery and 3 annual payments	\$108,455.16

Freedom Ford

2016 Ford Taurus, 3.5L V6, Front Wheel Drive	\$ 23,248.00 each
Total cost with 25 % on delivery and 3 annual payments	\$101,109.00

Tim Short Dodge

2016 Dodge Charger, 3.6 L V6, Rear Wheel Drive	\$25,992.00 each
No financing package submitted	

Mr. Poe stated that both the Dodge Charger and Ford Taurus are available under State contract, but only in all wheel drive for the Charger. The price for the all wheel drive Charger is slightly over \$25,000.00 with delivery costs. The price for the Ford Taurus is \$25,000.00 with delivery. The lowest bid is the Dodge Charger from Auto World, but it is rear wheel drive and will not go in the snow. He added that the Chevrolet Impalas are no longer in production as police vehicles so the separation cages

between front and rear seats may have to be replaced as they are not interchangeable between different models. This cost was not anticipated, and will probably be an extra \$800 to \$1000 extra per car. This might be a little over budget, but not too much.

Mr. Smith stated that there is no question when it comes to front wheel drive vs. rear wheel drive, the rear wheel drives will not go in the snow.

Mr. Poe stated that based on the bids received the lowest front wheel drive is Freedom Ford.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to accept the bid from Freedom Ford for the 2016 Ford Taurus in the amount of \$23,248.00 each. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SCHOOL BOARD BUDGET COMMITTEE

Mr. Poe stated that based on discussions at the recent joint meeting with the School Board, the Board of Supervisors need to appoint two members to the School Board Budget Committee.

It was moved by Mr. Smith, seconded by Mr. Slemp, to appoint D. D. Leonard to the School Board Budget Committee. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

It was moved by Mr. Leonard, seconded by Mr. Mosley, to appoint Nathan Cope to the School Board Budget Committee. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SOCIAL SERVICES SUBLEASE AGREEMENT

Mr. Poe reported that he has received the proposed Sublease Agreement between the County and the Department of Social Services for their office building. The lease currently in effect has been reviewed by the State Department of Social Services and they have developed a new lease agreement to comply with all the requirements set forth by the State. The lease payments are the same and much of the language is the same but there are some additional components to comply with State requirements.

Mr. Slemp asked if there were any changes that need to be made.

Mr. Poe stated that it is a simple agreement and only a few things have been added. The one thing he does see that needs to be changed is the date for the signatures should be 2016 with an effective date of 2006.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the Social Services Building Sublease Agreement. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

**RESOLUTION FOR FUNDING OF THE TRANSFER STATION AND
EXTENSION OFFICE**

Mr. Poe presented the Board with a Resolution for the funding of the New Transfer Station and Extension Office through the VML/VACO Finance Program. He stated that he recently attended the IDA meeting, and they have adopted a similar Resolution stating that they would be willing to serve as the applicant for the loan on

behalf of the County. Mr. Poe stated that the loan amount was originally set at \$1,300,000, with VACO/VML staff asking if there were any other projects planned. Mr. Poe stated that since the Extension Office will be moving, he considered demolition of that building and making parking improvements on that site and the old Jail site to open up additional parking on the street. Mr. Poe suggests getting approval for up to \$1,500,000 and added that there is no obligation on the amount of the loan until the loan closes. A preliminary application has been filed in order to begin the review process and to look at the best way to approach banks about issuing this loan. This is just a formal Resolution that allows us to move forward with the application process and authorizes the County the sign any documents that might be needed; it does not obligate the County to any amount of loan. Because some costs have already been incurred on these projects, there is a look back period of 30 or 60 days that brings those into a non-taxable debt issue, some of the cost prior to that time will be taxable debt issue which means the interest rate will be slightly higher. This is a boilerplate document very similar to the one the IDA adopted and both bodies require it since both bodies are party to the loan.

It was moved by Mr. Slemph, seconded by Mr. Mosley, to adopt the following Resolution. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

RESOLUTION OF THE BOARD OF SUPERVISORS OF LEE
COUNTY, VIRGINIA, AUTHORIZING TO PROCEED WITH
APPLICATION TO, AND COORDINATION WITH, VML/VACO
FINANCE FOR THE ISSUANCE OF CERTAIN INDEBTEDNESS,
AND THE OFFICIAL INTENT THEREWITH

WHEREAS, the Board of Supervisors (the “Board”) of Lee County, Virginia (the “County”) intends to finance certain capital infrastructure projects of the County including design, construction, improvement, site work and equipping for (a) a waste transfer station at 720 Bus Shop Road in Jonesville, also comprised of recycling handling facilities, a scale, a tipping building, a scale house and office space, and (b) an addition and renovation to an administration building located at 486 Industrial Drive in Pennington Gap also comprised of demolition of an existing building at the courthouse used by the Virginia Cooperative Extension Office and related site work improvement and paving, all together with administrative and financing costs and all for use by Lee County in furtherance of its governmental purposes (collectively, the “Project”); **WHEREAS**, the County seeks to, alternately, either issue its own indebtedness or direct and authorize the Industrial Development Authority of the County (the “IDA”) to finance costs of all or a portion of the Project (including, if necessary or desirable, capitalized interest to the extent permitted by federal and state law), through one or more bond, on a tax-exempt or taxable basis as deemed necessary or in the best interests of thereof, in an

amount to be determined to accomplish such funding but nevertheless in an amount not to exceed \$1,500,000; and

WHEREAS, the County and the IDA have previously received advice and analysis by the Virginia Local Government Finance Corporation, a Virginia nonstock, nonprofit corporation, (serving as Program Administrator for VML/VACo Finance) indicating its ability and interest to assist with the financing;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LEE COUNTY, VIRGINIA:

1. Application for Issuance of Bond. The Board of Directors (the “Board”) hereby authorizes and directs the County staff to submit an application for the assistance of VML/VACo Finance in order to complete the issuance and sale of one or more bonds to fund all or a portion of the Project as set forth in the recitals above.

2. Authorization of Solicitation of Bond Purchase. The Board hereby authorizes VML/VACo Finance, after its review of the application and in coordination with the IDA and the County Administrator, to develop financing options, including soliciting competitive bids for the financing. In preparation of the solicitation, the Board authorizes and approves the County Administrator and the IDA Executive Director to work with Spotts Fain PC, as bond counsel. Each of the County and the IDA will need to set a date for final approval and authorization of any sale of such bond or bonds.

3. Non-binding Solicitation. The Board understands that the solicitation is non-binding and that the County and the IDA will have final approval prior to the issuance of any such bond or bonds, but the Board expresses its intent to utilize the services of the VML/VACo Finance program to complete the financing.

4. Official Intent. To the extent necessary, this Resolution shall constitute a declaration of intent under Treas. Reg. §1.150-2 (the “Reimbursement Regulations”) promulgated under the Internal Revenue Code of 1986, as amended, for the Project, and each of the IDA Executive Director and its Chairman, and the County Administrator and the Chairman of the Board, acting singly, is hereby authorized to take any additional action with respect to this declaration of official intent to assure compliance with the Reimbursement Regulations.

5. Approval of Lease and Support Agreement. If a lease revenue bond or bonds are issued by the IDA, the County will lease certain property, to be determined and set forth by further action of the Board, from the IDA and re-lease it to the IDA. It is expected that the IDA will enter into a loan agreement, pledging the lease revenues from the County in order to accomplish the financing of the Project. The specific terms of the transaction will be approved and authorized by further action of the Board at a later date. In furtherance of the transaction, the County will enter into a support agreement, pledging funds of the County to the IDA to ensure funds are available to the IDA to pay principal and interest under the loan agreement. The additional terms and specific provisions of the transaction will be presented to the Board at a later meeting for its consideration prior to closing.

6. Other Actions. All other actions of officials of the County and the IDA in conformity with the purposes and intent of this Resolution are ratified, approved and confirmed. The officials of the County and the IDA are authorized and directed to execute and deliver on behalf of the County and the IDA such application and other information, documents or certificates necessary or appropriate to carry out the transactions authorized by this Resolution, and all of the foregoing, previously done or performed by such officers of the County and the IDA, are in all respects approved, ratified and confirmed.

7. Effective Date. This Resolution shall take effect immediately.

SHERIFF REQUESTING PERMISSION TO APPLY FOR APSA GRANT

Mr. Poe reported the Sheriff's Office is requesting permission to apply for the American Police and Sheriff's Association (APSA) Equipment Donation grant. This grant will allow the Sheriff's Office to purchase new equipment and replace some of the department's old equipment. The equipment the Sheriff's Office plans to purchase include four SUV's, AED batteries and pads, Metal Detector and Night Vision Equipment. The grant requires no local match.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to allow the Sheriff's Office to apply for the American Police and Sheriff's Association Equipment Donation Grant. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

CLOSED SESSION

It was moved by Mr. Mosley, seconded by Mr. Slemp, to enter Closed Session pursuant to Section 2.2-3711 A.6. The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

It was moved by Mr. Mosley, seconded by Mr. Slemp to exit Closed Session. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

CERTIFICATE OF CLOSED SESSION

It was unanimously agreed as follows.

WHEREAS, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in 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 Lee County Board of Supervisors.

LINE OF CREDIT LOAN TO THE IDA

It was moved by Mr. Mosley, seconded by Mr. Slemph, to extend a line of credit loan to the IDA in the amount of \$50,000. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

REPORTS AND RECOMMENDATIONS OF THE BOARD

GRAVEL FUNDS

Mr. Leonard stated that Mr. Smith needs some money for District 1 gravel fund.

Mr. Mosley stated that these funds come from the Coal Severance Tax, once it is taken from the General Funds it becomes everybody's money and that could turn into a nightmare.

Mr. Poe stated that in the past when a Supervisor ran out of money and one of the other Supervisor's were willing to share, they would do that.

Mr. Smith stated that he would not do that, but all of District 1 gravel money has been used and people still need gravel.

Mr. Leonard stated that the Board needs to figure out a way to do it and have it used appropriately.

Mr. Slemp asked if the Board could establish a fund outside of the Coal Severance Tax.

Mr. Callahan stated that legally there is nothing that could stop it.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to adjourn. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith