

At a meeting of the Cumberland County Board of Supervisors held at 2:00 p.m. on the 17th day of March 2008 at the Cumberland County conference room, Cumberland, Virginia:

Present: William F. Osl, Jr., Chairman, District 1
Timothy Kennell, District 2
Van H. Petty, Vice-Chairman, District 3
Elbert R. Womack, District 4
Robert J. Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Michael Cooper, Director of Community Development

The Chairman called the meeting to order and a quorum was established. The purpose of the meeting was to enter into closed session to discuss investment of public funds regarding the water reservoir project; and advice of legal counsel.

CLOSED MEETING

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(6) regarding investment of public funds related to the water reservoir project; and A(7) consultation with legal counsel and staff regarding specific legal matters requiring the advice of counsel.

A motion was made by Mr. Osl and adopted by the following vote:

Mr. Osl – aye
Mr. Kennell – aye
Mr. Petty – aye
Mr. Womack – aye
Mr. Oertel - aye

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

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

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County 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 of Supervisors of Cumberland County.

Community Center Advisory Board

The Board discussed how to proceed with establishing oversight at the community center, and whether to establish an advisory board for this purpose. Following discussion, the Board directed Mr. Cooper to bring a proposal for use of space at the community center back to the Board, who will then review it and turn over to an advisory board for comments and recommendations. Mr. Cooper will also obtain an

estimate for a survey and architectural services.

Budget Discussions

The Board had additional discussion on projects which can be included in the permanent financing this fiscal year, and an update on projected FY 08-09 budget, and agreed to advertise the proposed budget.

Resolution

On a motion by Mr. Womack and carried, the Board adopted the following resolution:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
CUMBERLAND COUNTY, VIRGINIA**

Whereas the Board of Supervisors of Cumberland County (hereinafter called public body) desires to obtain financial assistance from the Rural Development, United States Department of Agriculture, pursuant to Section 310 B of the Consolidated Farm and Rural Development Act, for the purpose of becoming more economically competitive by providing operational business space for rural small businesses by constructing an available building facility (herein referred to as the facility) and as a condition to and in consideration of receiving financial assistance from the Rural Development this resolution is being adopted.

Therefore, in consideration of the premises the public body agrees to as follows:

1. No private business enterprises shall be allowed to use or occupy the facility if such use or occupancy would be calculated to, or is likely to, result in the transfer from one area to another of any employment or business activity provided by operations of the private business enterprise. This limitation shall not be construed to prohibit use and enjoyment of the facility by such private business entity through the establishment of a new branch, affiliate, or subsidiary if the establishment of such branch, affiliate, or subsidiary will not result in the increase in unemployment in the area of original location (or in any other area where such entity conducts business operations), unless there is reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location (or in any other area where it conducts such operation).
2. No private business enterprises shall be allowed to use or occupy the facilities if such use or occupancy would be calculated to, or is likely to, result in an increase of the production of goods, materials, or commodities, or the availability of services or facilities in the area, where there is not sufficient demand for such goods, materials, commodities, services or facilities to employ the sufficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.
3. Prior to allowing the use or occupancy of the facilities by any private business enterprise, the public body shall provide thirty (30) days advance written notice of such use or occupancy to the Manpower Administration, Department of Labor, Washington, D.C., by submitting information required by the Department of Labor for certification under the Act. This information shall be submitted to Rural Development for transmittal to the Department of Labor. The public body agrees to make no final commitment with any private business enterprise regarding such use or occupancy until thirty (30) days has elapsed from such notice or if the Department of Labor issues a negative certification under the Act. The public body shall provide such notice and accept any negative certification in this matter for a period of three years after the date of an affirmative certification by the Department of Labor on the application for financial assistance now pending before the Rural Development.

