

At a meeting of the Cumberland County Board of Supervisors held at 9:00 a.m. on the 16th day of July 2008 at the Cumberland County Circuit Courtroom, Cumberland, Virginia:

Present: William F. Osl, Jr., Chairman, District 1
Timothy Kennell, District 2
Van H. Petty, District 3
Elbert R. Womack, District 4
Robert J. Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Asst. County Administrator
Michael Cooper, Asst. County Administrator
Stephany Johnson, Deputy Clerk

Chairman Osl called the meeting to order and the County Administrator called the roll.

The purpose of the meeting was to hold two Public Hearings.

1.) **Approval of Agenda-**

On a motion by the Chairman and carried, the Board amended the agenda as follows:

ADD- 3.) Robert Jones, former Supervisor for Buckingham County

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

2.) **Public Hearing-**

a) Notice of intent to apply for Rural Development funding-

Assistant County Administrator, Mike Cooper informed the Board of the intent to apply for grant funding from the USDA Rural Development program to assist with two projects, the first being the extension of the public water system. The 1.5 mile extension is estimated to cost \$1.9 million dollars. The County is seeking federal assistance in the amount of \$1.8 million, and state assistance in the amount of \$60,000.

The second project is the purchase of two additional vehicles for the Sheriff's Department. The County is seeking federal assistance in the amount of \$50,000 to contribute to the department's local funding of \$113,488.00 for a total cost of \$163,488.00.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman closed the public hearing.

On a motion by Supervisor Womack and carried, the Board approved the application for grant funding:

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

b) Extension of Short Term Financing-

County Attorney, Howard Estes, informed the Board of the need for an extension of the Short term financing through VACo/VML Commercial paper program. This extension will extend the expiration of the policy term from July 31st, 2008 until December 31st 2008.

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
AMENDED AND RESOLUTION

AUTHORIZING AND APPROVING AN EXTENSION OF THE
BORROWING THROUGH THE VML / VACO COMMERCIAL PAPER
PROGRAM

July 16, 2008

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom of the Cumberland County Courthouse at Cumberland, Virginia commencing at 9:00 a.m., July 16, 2008, the following action was taken:

Following a presentation of the recitals and the resolutions for adoption and on a motion by Supervisor Petty, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr., Chairman	aye
Timothy Kennell	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	aye

Absent:

WHEREAS, the Board of Supervisors (the "Board") of Cumberland County, Virginia (the "County") desired to obtain and approve the receipt of financing for all or a portion of the costs of infrastructure improvements including the acquisition, construction, renovation, and equipping of capital facilities and projects for a combined middle school and high school, renovations to the elementary school, expansions and improvements to water and sewer facilities, improvements to its public safety facilities including various equipment for its fire and rescue squad departments and renovations and improvements for a public safety building formerly known as Flippen's Store, together with related costs and expenses (collectively, the "Project"), and received the support and assistance from the Cumberland County School

Board (the "School Board") by its resolution dated January 18, 2007 to assist in the financing of the Project and the issuance by the County of its Public Facility Lease Revenue Note (whether issued in one or more series, referred to herein as, the "Note");

WHEREAS, the County applied to the Virginia Municipal League / Virginia Association of Counties Commercial Paper Finance Program (the "Program") for the purchase of the Note by the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia, a political subdivision duly organized and existing under the Constitution and laws of the Commonwealth of Virginia (the "Joint IDA"), with proceeds made available from revenue bonds issued by the Joint IDA (the "Joint IDA's Bonds") pursuant to the Program;

WHEREAS, the financing of the Project and the issuance of the Note was undertaken and closed January 30, 2007;

WHEREAS, the Note is payable solely from and secured by a pledge of lease payments made by the School Board under the Lease Agreement and the County's rights under the Documents, which will be assigned by the County pursuant to the Assignment Agreement. The obligation of the School Board to make lease payments under the Lease Agreement is subject to annual appropriations by the Board, which is under no legal obligation to make such appropriations. Neither the Lease Agreement nor the Note constitutes, or will constitute, a debt of the Commonwealth of Virginia or any political subdivision thereof, including the County and the School Board, or a pledge of the faith and credit or taxing power of the Commonwealth of Virginia, the County or the School Board.

WHEREAS, the various loan documents, and specifically the Note, provide for a maturity date of June 30, 2008;

WHEREAS, the parties thereto desired to extend such date to July 31, 2008 and the Board did approve and agree to an extension of such date to July 31, 2008 by its Resolution dated June 17, 2008;

WHEREAS, the parties desire to further extend such date from July 31, 2008 to December 31, 2008 and the Board does hereby desire to set forth its agreement thereto;

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

1. The maturity date of the Note and related financing documents are hereby extended to December 31, 2008.
2. Each of the County Administrator and the Chairman of the Board (each, an "Authorized Representative"), is hereby authorized and directed to execute such documents to extend the maturity date to December 31, 2008, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by an Authorized Representative, his or her execution to constitute conclusive evidence of

approval of any such completions, omissions, insertions and changes. Each Authorized Representative is also authorized to cause such documents as are necessary to be recorded in the Clerk's Office of the Circuit Court of Cumberland County.

3. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

4. All costs and expenses in connection with the undertaking of the Project and the amendment of the documents necessary to further the purposes herein, including the County's fees and expenses and the fees and expenses of the County Attorney serving as bond counsel shall be paid from the proceeds of the Note or legally available funds of the County. If for any reason the Note and related financing documents is not amended, it is understood that all such expenses shall be paid by the County.

5. All other acts of an Authorized Representative and other officers of the County that are in conformity with the purposes and intent of this Resolution and the Resolutions of June 17, 2008, January 3, 2007 and December 12, 2006 and in furtherance of the amendment, issuance and sale of the Note and the undertaking of the Project are hereby approved and ratified.

10. To the extent applicable and necessary, in adopting this Resolution the Board intends to evidence its "official intent" to reimburse Project expenditures with proceeds received from the issuance of the Note within the meaning of Treasury Regulations Section 1.150-2 promulgated by the Internal Revenue Service pursuant to Code, to the fullest extent such expenditures are reimbursable under the Code and as consistent with its Reimbursement Resolution of August 28, 2006.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS that this Resolution is hereby effective immediately.

3.) Robert Jones, Former Buckingham County Supervisor-

The Buckingham Board of Supervisors appointed Mr. Jones to represent them at meetings of the Virginia Department of Game and Inland Fisheries. Mr. Jones is proposing that bear hunting season be extended to include the entire black powder season in order to control the bear population. This will increase the total days allowed for hunting bear from 4 days to 14 days. Mr. Jones is soliciting the assistance of Cumberland in this effort, as it will require a change in Department of Game and Inland Fisheries regulations.

The Board tabled a decision until the next Board meeting in order to receive additional information.

4.) Consolidation of Services with the School-

The proposed services to be consolidated between the School and County Administration include transportation, maintenance, and information technology. The County has already begun to consolidate some services to include maintenance of County vehicles and school buildings. The Chairman asked for additional information regarding the exact savings incorporated with the consolidation, as well as any people/job impact this may create.

On a motion by Supervisor Kennell and carried, the Board accepted the report to consolidate services:

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

5.) Request for appropriation of \$24,000 for teacher performance pay for 2007-2008-

On a motion by Supervisor Oertel and carried, the Board appropriated \$24,000.00 to the school for teacher performance pay:

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

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) investment of public funds and A(7) legal counsel.

The Board returned to regular session on a motion by Mr. Osl.

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.

No action was taken on the items discussed.

Chairman Osl adjourned the Board of Supervisors meeting until Wednesday, July 30th, 2008 at 1 p.m. in the Old Clerk's Office.

Chairman

County Administrator