

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of November 2008, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., Chairman, District 1
Timothy Kennell, District 2
Van Petty, Vice Chairman, District 3
Elbert Womack, District 4
Robert Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Mike Cooper, Assistant County Administrator
Andrew Sorrell, Zoning Administrator
Stephany Johnson, Deputy Clerk

Absent: None

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

The invocation and the Pledge of Allegiance were led by the Chairman.

1) **Approval of Agenda-**

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

- 4) Department/Agencies
 - a) Kenny Gann – Allied Waste

- 5) Asst. County Administrator/Finance
 - a) Consent Agenda
 - 4) Appropriation to Clerk’s Office - \$912.00 and \$710.48 (Technology Trust fund)
 - 5) Appropriation to the School Board for local receipts in the amount of \$17,454.17

- 7) County Administrator
 - b) Consider Resolution in support of Nottoway County’s opposition to relocating VA Department of Military Affairs (Ft. Pickett) to the Richmond area
- 8) Asst. County Administrator/Community Development
 - b) Citizens Alert grant
 - c) Proposal for Engineering Services – water supply planning
- 9) County Attorney
 - c) Set Public Hearing to consider an ordinance permitting law-enforcement officers and deputy Sheriffs to engage in off-duty employment
 - d) Consider Resolution authorizing the application and commitment for a direct loan finance program through VACo/VML

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

2) **VDoT - Alan Leatherwood, Resident Engineer-**

No representatives from VDoT were present

3) **Public Hearings –**

- a) Rural Development funding for Phase II – Water Project

Assistant County Administrator/Community Development, Michael Cooper informed the Board that staff is currently working on the design phase of the extension of the waterline along Rt. 60. The next step is to obtain funding sources for this project. With subsequent approval of the Board, staff could proceed with the application process from the U.S. Department of Agriculture, Department of Rural Development.

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

The Board directed staff to proceed with the application process.

4) Departments and Agencies -

a) Kenny Gann – Allied Waste

Mr. Gann informed the Board that Phase I construction is on schedule and has an estimated completion timeline of the end of 2008 to early in the first quarter of 2009. Phase II construction has begun, and the temporary bridge is currently in use. Construction on the permanent bridge will be on going but intermittent depending on weather and site conditions. Phase's II and III have a scheduled completion of late spring of 2009.

The Solid waste facility permit, Part A, was received in May 2008, and there is no further action required for Part A. Allied Waste submitted technical responses to the first DEQ Technical Completeness Review on September 4th, 2008. The second list of questions from DEQ was received by Allied on November 7, 2008, and replies will be submitted before the Thanksgiving Holiday. Other permits are currently being processed by appropriate agencies.

5) Assistant County Administrator/Finance Report –

a.) Consent Agenda-

On a motion by Supervisor Womack and carried, the Board approved the consent agenda as follows:

- 1) Approval of Minutes – October 2008
- 2) Approval of Bills- October and November 2008
Approved bills for November 2008 totaling \$122,925.61. Ratified bills for October 2008 of warrants totaling \$ 351,959.76 with

check numbers ranging from 54829 to 55146. Direct deposits for October 2008 totaling \$ 144,387.89.

- 3) Appropriate funds to be remitted to Piedmont Regional Jail
- 4) Appropriation to Clerk's Office - \$912.00 and \$710.45 (Technology Trust fund).
- 5) Appropriation to School Board for local receipts in the amount of \$17,454.17.

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

- b) Monthly Budget Report-

Ms. Matthews reviewed the monthly budget report; the Board members had no questions.

- c) Short-Term Financing Report -

Mrs. Matthews reviewed the Short-Term Financing Report; the Board members had no questions.

6) **Planner/Zoning Administrator, Andrew Sorrell -**

- a) Renewal Request Special Temporary Use Permit-Greater Works Ministries-

Nathaniel Staton, Pastor of Greater Works Ministries, submitted a request for renewal of a Special Use Permit approved by the Board in November 2007. Zoning Administrator, Andrew Sorrell, informed the Board that pursuant to Section 74-10 of County Code, the Board could grant one renewal of the permit. Mr. Sorrell reviewed the request with the Board, and recommended approval.

On a motion by the Chairman and carried, the Board approved the renewal of the Special Use permit for Greater Works ministries for an additional one year period, as recommended by staff:

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

b) Withdrawal of rezoning request

 Mr. Sorrell informed the Board that The Building & Land Company submitted a rezoning request (REZ 08-02) in June 2008. On October 24, 2008 the company asked that the rezoning request be withdrawn.

c) Update on Recycling Taskforce

 Mr. Sorrell informed the Board that the Taskforce is finalizing an informational handout on acceptable Recycling in the County, as well as drafting a recycling ordinance. He also informed the Board that the High School Recycling Club sponsor will speak at the next Recycling meeting.

 Mr. Sorrell stated that the Planning Commission will be working on a land use map at their next meeting, and that a rezoning request was received last week for the property surrounding Burleigh Hall.

7) **County Administrator's Report –**

a) Approve Memorandum of Agreement (MOA)with Virginia Department of Health(VDH)/Division of Dental Health –

 Assistant County Administrator, Michael Cooper reminded the Board that the County had received a grant in 2007 in the amount of \$30,000 from the Virginia Department of Health for the fluoridation system. The amount of the grant was solely for the purchase of equipment, not the installation. Staff has applied for supplemental funding to cover the construction/installation of the fluoridation

system. The grant amount included in the Memorandum of Agreement is \$19,344.71.

On a motion by Supervisor Kennell and carried, the Board approved the Memorandum of Agreement with the Virginia Department of Health/ Division of Dental Health in the amount of \$19,344.71:

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

- c) Consider Resolution in Support of Nottoway County’s opposition to relocating VA Department of military affairs (Ft. Pickett) to the Richmond area -

The County Administrator informed the Board that Nottoway County is adopting a resolution in opposition to relocating the VA Department of Military Affairs from Ft. Pickett to the Richmond area, and they have asked for Cumberland’s support. The Board discussed the resolution and directed the County Administrator to send a letter to legislators and the Governor, urging them to consider the cost and impact to the citizens of the Commonwealth in general, and in particular, Southside Virginia, and to consider the savings that have been realized over the past 10 years by siting the military installation in Nottoway County. Also, we will inform them that we understand Nottoway’s concerns over potentially losing the facility, which is also an employer to some of our citizens, and an economic benefit to our region.

8) Assistant County Administrator/Community Development

- a) Update on projects
 - 1) Museum -

Mr. Cooper informed the Board that staff and engineers are continuing to work with VDoT, and are finalizing the updated cost of the project, as well as defining the items the County will be able to contribute as an in-kind-contribution.

2) Educational Advancement Center -

Mr. Cooper stated that the EAC Phase II project is substantially complete and encourages everyone to visit the site. He also stated that a formal dedication is expected in the near future.

b) Resolution for Citizens Alert Grant –

Mr. Cooper informed the Board that the County was awarded a grant for a citizen’s alert system. The system is similar to that of the School Board’s, although the Contractor, Honeywell, will not allow the County to join the School’s contract to expand notification County-wide. The County would have to purchase a separate system than that of the School. The grant would cover two (2) years of service. If the Board does not wish to move forward with a county-wide alert system, the County would lose this grant opportunity.

After much discussion, the Board directed staff to further investigate the possibility of consolidating an alert system with the School Board.

On a motion by Supervisor Kennell and carried, the Board adopted a Resolution authorizing certain County staff the ability to execute any actions necessary for the purpose of obtaining financial assistance through the Federal Department of Homeland Security and sub-granted through the State of Virginia for a Citizens’ alert system. It is the intent of the Board to procure services that will allow for a single county-wide system:

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

(A copy of the Resolution is in the official Board file)

c) Proposal for Engineering Services – Water supply planning

In November 2005, the State Water Control Board adopted 9 VAC 25-780 which requires that all local governments prepare and submit a water supply plan in accordance with the regulation.

Mr. Cooper stated that staff has received notice of the availability of \$4,000 in grant funding from DEQ which is to be used to prepare a portion of the plan. Mr. Cooper asked the Board for approval to proceed with procuring engineering services to begin work on this project.

On a motion by the Chairman and carried, the Board authorized staff to proceed with the drought response and contingency plan:

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

9) **County Attorney’s Report -**

a) Resolution approving and adopting an Identity Theft Prevention Program for Cumberland County

County Attorney, Howard Estes reviewed the proposed Resolution.

On a motion by the Chairman and carried, the Board adopted the Resolution:

**BOARD OF SUPERVISORS
OF**

**COUNTY OF CUMBERLAND, VIRGINIA
- RESOLUTION -
APPROVING AND ADOPTING
AN IDENTITY THEFT PREVENTION PROGRAM
FOR CUMBERLAND COUNTY**

November 12, 2008

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m. on November 12, 2008, the following action was taken:

On a motion made by the Chairman, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an Identity Theft Prevention Program for Cumberland County business transactions, including billing operations of its utilities;

Following presentation of the Resolution and the draft text of the Program, the Board of Supervisors adopted and approved the Resolution and the Program 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: None

WHEREAS, Cumberland County operates and enters into certain transactional activities with its citizens with specific account information for each customer, including its water and sewer utilities; and

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, Pub. L. 108-159, (“Red Flags Rule”) requires certain financial institutions and creditors with “covered accounts” to prepare, adopt, and implement an identity theft prevention program to identify, detect, respond to and mitigate patterns, practices or specific activities which could indicate identity theft; and

WHEREAS, the County maintains certain continuing accounts with utility customers and for other purposes which involve multiple payments or transactions, and such accounts are deemed to be “covered accounts” within the meaning of the Red Flags Rule; and

WHEREAS, to comply with the Red Flags Rule, the County staff have prepared an identify theft program in the form attached hereto as Exhibit A and incorporated herein by this reference (the “Program”) and have further presented and recommended that the Program be approved and adopted by the Board of Supervisors for implementation;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Cumberland County Board of Supervisors that:

a. The Board of Supervisors, after due consideration of the draft of the Program, hereby approves and adopts the Program effective as of the beginning of this month and hereby ratifies any action by County staff consistent therewith.

b. The Board of Supervisors further authorizes and directs the County staff to complete the implementation of the Program in accordance with its terms.

c. This Resolution is effective immediately.

b) Facility Use Policy

On a motion by Supervisor Petty and carried, the Board approved the Facility Use policy, application and fee schedule as amended:

CUMBERLAND COUNTY
FACILITY USE POLICY

Effective Date: November 12, 2008
Date Last Revised: November 12, 2008

Purpose:

To establish guidelines and procedures regulating the public use of County-owned facilities.

Under the Cumberland County Facility Public Use Policy, County government and organizations, businesses and individuals that are permitted to use certain public areas in County government facilities and grounds to the extent permitted by law and to serve the residents, organizations, and County government as a central location for meetings and educational and cultural activities. These facilities are available for public gatherings of a civic, cultural, religious, political, educational, or business nature.

Overall Policy Guidelines

1. This Facility Public Use Policy is established by the County Administrator under general authority granted by the Board of Supervisors.

2. This policy governs the use of public areas of buildings or facilities owned, leased or otherwise occupied exclusively by Cumberland County Government that are used for the conduct of county operational business. The facilities (“Public Areas”) covered

by this policy are enumerated on the attached Facility Fee and Use Schedule.

3. County facilities not covered by this policy include: offices, workstations, stairwells, corridors or halls (including those within a department), fire and rescue staff quarters, and all conference rooms (even if accessible from a central, public access corridor) as these areas are reserved for County business only; facilities under the control of the Cumberland County School Board; facilities leased for the exclusive use of third parties; offices, facilities and grounds in and around the Courts and Administration Building Complex; the County Library; the County Museum; and the Public Safety Building.

4. The primary use of County facilities is for the conduct of County government business. Consequently, groups that are a part of or associated with Cumberland County government have priority use of most facility space at no charge. This includes: the Board of Supervisors, formal and standing Subcommittees of the Board of Supervisors, individual members of the Board of Supervisors, Planning Commission, County Administrator, boards or commissions appointed by the Board of Supervisors, duly appointed volunteer fire departments and rescue squads and County staff for purposes of County business. Use of Public Areas by any of the above County entities has priority (in the order listed) over use by non-profit groups, Cumberland-based businesses, Cumberland private citizens, businesses, or private citizens (in the priority order listed).

5. Applications for use of Public Areas must be sponsored by reputable and established clubs, societies, or organizations that can reasonably be held responsible for the payment of charges, compensation for damages to property, and for the use of the facilities or property in reasonable conformity with the regulations on the application, and such use must not interfere with County government functions, operations and business.

6. Granting permission to use County Public Areas does not constitute an endorsement of the event, an organization or its views or beliefs by the County, its staff or Board of Supervisors. The County reserves the right to monitor all meetings held on its premises.

7. The officer or representative of the applicant must be at least 18 years of age. A representative must have written authorization to act on behalf of the requesting applicant.

8. All fees must be paid in advance. The applicant and the sponsoring organization (as applicable) whose name appears on the application shall be held responsible for any and all damages to property and equipment.

9. An application form for use and reservations of Public Areas is both available online and in the County Administrator's office.

Use of Facilities and Grounds

Equal Access – This policy shall apply to all groups and individuals that have requested use of County Public Areas. No group or individual shall be excluded from equal access to County Public Areas because of considerations of sex, race, religious or political persuasions or views, or other classification under law. However, use may be denied or terminated if there is a violation of the rules set forth in this policy and/or if the use poses health or safety risks.

Scope of and Restrictions on Use – Any party who desires to rent/use County Public Areas must do so by making application (included with this form). Groups are generally limited to one reservation per month and the scheduling of reservations should occur no earlier than three (3) months in advance. No reservation is final until a completed application is approved and the application fee is paid. The County will consider a standing application for frequent users on a case-by-case basis. **The event must be conducted in approved areas only. The user shall obtain any licenses or permits required by law. Permission to use the Public Areas shall be granted for events which are scheduled to begin and end between 8:30 a.m. and 11:00 p.m. Monday – Saturday and between 12:00 p.m. and 9:00 p.m. on Sundays.**

Disclaimer - The County, its employees, officers or agents are not responsible for injuries incurred on its premises, or for lost or stolen property.

Liability – Any group using County Public Areas shall:

- 1) be required to release the County, its employees, officers or agents from any liability for damages caused to the user or its property during the time of use;
- 2) hold the County, its employees, officers or agents harmless from any liability to third parties for injury caused by the group or any persons or groups to attend the event; and
- 3) be liable to the County for any damages to County property or injuries to County employees or agents caused by the group or by any person attending the group's events, whether or not the damage is the result of negligence, intentional acts or accident.

Any group using county public areas shall provide evidence of a minimum of \$1,000,000 in liability insurance coverage as part of any application that may involve 100 or more persons.

Denial of Usage – The County may require any group, which causes or contributes to an incident that interrupts or disturbs the public or other facility users or occupants in use of the Public Area, to terminate its meeting or then-current use or activities. The applicant or group also may be denied future use of Public Areas. Further, the County reserves the right to deny applications for use if the user has previously violated the rules set forth in this policy or if the use would pose health or safety risks.

Solicitation – **Solicitation in facilities and on grounds is strictly prohibited, including solicitation by employees for personal profit. Minor solicitations, such as parents selling items for child's school fundraiser or organizing a team for participation in a charity event may be allowed without approval provided it is not conducted in a disruptive manner. Solicitation for a County-approved charity event may occur with the express permission of the County Administrator.**

Applications for Usage

Forms

- If a County government staff person or group will be the user, complete an Application for Use.
- If a non-profit organization will be the user, complete a Facility Public Use Permit Application Form.

Submittal of Form

- Application forms should be submitted at least one (2) week in advance of the first day needed and should be submitted to the County Contact per the attached Facility Fee and Use Schedule. The County Administrator, in an effort to accommodate groups of individuals in certain unforeseen circumstances, may make an exception to such advanced submittal requirement.

Notification

- Applicants will be notified within one week as to whether the facility may be used on the dates requested.

Cancellation of Permission Due to County Closure - In the event County government is declared closed due to inclement weather or other reasons, any permission to use the Public Areas is automatically withdrawn during the closure period. County government closure information is available on local radio and TV stations. In such an event, the County shall not provide notice of cancellation – users shall be solely responsible for notifying event participants.

Logistics

Food and Beverages – **Food or beverages may be served and consumed only if approval is granted in advance of the event. Please make sure spills are cleaned immediately and trash is properly disposed of. If food/drinks are not permitted, this will be clearly posted at the facility.**

Parking - All parking spaces in parking lots that require a permit or are designated for specific uses are restricted to the permitted or designated uses at all times. Individuals or groups holding or attending meetings or events are responsible for locating and using appropriate, available public parking.

Prohibitions

- There shall be no alcoholic beverages served upon, consumed upon or brought onto County property, including the Public Areas.
- There shall be no illegal drugs brought onto or used on County property, including the Public Areas.
- Smoking is prohibited inside all County buildings, including the Public Areas.

Security and Occupancy – The applicant shall provide, at its own expense, any security that the user desires in addition to security normally provided by the County. Occupancy is limited to the number of persons, seat for seat, that the facility is designed to accommodate and shall be in compliance with the number of occupants as established by the Fire Marshall.

Damage – The individual applicant and group will assume responsibility for damage to the Public Areas or its contents and will be responsible for the total cost of repair or replacement of any equipment that is damaged, lost, stolen or destroyed.

Set Up and Clean-Up – Except as provided below, applicants may use equipment and furniture, such as tables, chairs and dry erase boards, that are owned by the County and located in the approved Public Areas. Tables may not be moved without prior approval. Any other needed equipment or furniture must be supplied by the applicant. After use of the space, the applicant shall be responsible for returning the Public Area to its original condition and configuration. The user is responsible for ensuring that all trash is placed in containers provided. Failure to comply will result in loss of security deposit and/or ability to utilize Public Areas. The Americans With Disabilities Act (A.D.A.) requires reasonable accommodation. For

information or assistance, contact the County Contact for at least 72 hours prior to the meeting or use with compliance needs.

Electronic and Audio-Visual Equipment - Non-governmental organizations are prohibited from using the electronic or audio-visual equipment in County Public Areas. Use of this equipment by County staff is subject to County Administration approval.

Signs – Signs, emblems, banners, pennants, etc. may **not** be affixed to any building surfaces, steps, walls or light fixtures. Signs, emblems, banners, pennants, etc. that are self-standing may be put into place one (1) hour before the scheduled start of the meeting and must be removed at the conclusion of the meeting. A copy of any sign, emblem, banner, pennant, etc. to be used shall accompany the application form.

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

(Copies of the application and fee schedule are in the Official Board file)

Mr. Estes reminded the Board that action still needs to be taken regarding the draft lease for the Randolph Volunteer Fire Department. The Chairman asked if there were any questions or concerns regarding the draft lease that was previously given to the Board members. A few minor changes were suggested and time will be allowed for feedback from the Fire Department.

- c) Set Public Hearing to consider ordinance permitting law-enforcement officers and deputy sheriffs to engage in off-duty employment-

Mr. Estes informed the Board that Virginia State Code requires the County to have an ordinance in place in order for deputies to secure off-duty employment. A proposed policy, application, and counter-execution authority have been drafted for approval. A public

hearing was set for the next regular meeting of the Board to be held on Tuesday, December 9, 2008 at 7 p.m.

- d) Consider resolution authorizing the application and commitment for a direct loan finance program through VACo/VML

Mr. Estes reviewed the proposed resolution, and informed the Board that this was not approval for the financing, only authorizing application and asking for a commitment from VACo/VML.

On a motion by Supervisor Petty and carried, the Board approved the Resolution:

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
AUTHORIZING THE APPLICATION AND COMMITMENT
FOR A DIRECT LOAN FROM THE
VML/VACO DIRECT LOAN FINANCE PROGRAM
TO PERMANENTLY FINANCE CERTAIN INFRASTRUCTURE
PROJECTS**

November 12, 2008

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m. on November 12, 2008, the following Resolution, authorizing the application for a direct loan and commitment from the Virginia Municipal League/Virginia Association of Counties Direct Loan Finance Program to finance certain infrastructure projects, was adopted and approved according to the votes stated below:

	Present	Absent	Aye	Nay	Abstain
William F. Osl, Jr.,					

Chairman	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Timothy Kennell	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Van H. Petty	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Elbert R. Womack	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Robert J. Oertel	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>

The undersigned Clerk of the Board of Supervisors of Cumberland County, Virginia, certifies that such meeting was a regularly scheduled meeting and that, during the consideration of the following Resolution, a quorum was present and that the attendance and voting members in attendance on the following Resolution were as set forth above and hereby further certifies that the following constitutes a true, complete and correct copy of the Resolution adopted at a meeting of the Board of Supervisors of Cumberland County, Virginia, held on November 12, 2008.

WHEREAS, the Board of Supervisors of the County of Cumberland, Virginia (the "County") has determined that it is necessary and advisable to borrow money and issue its lease revenue note to finance certain infrastructure projects; and

WHEREAS, the County has determined that it is in its best interests to seek funding of a direct loan through the Virginia Municipal League/Virginia Association of Counties Direct Loan Finance Program (the "Program");

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Cumberland County Board of Supervisors:

1. Authorization of Application for Sale of Note. The County Administrator and the Chairman of the Board, either of whom may act, are authorized to execute the application to the Program and to submit and present such supplemental materials as deemed necessary by the administrators of the Program for their consideration, including their counsel. The Board of Supervisors authorizes the application to be in an amount of \$19,400,000 in capital expenditures (financed currently on a temporary basis through the County's Commercial Paper issuance to the

VML/VACo Commercial Paper Program), plus any sums of capitalized interest and administrative costs.

2. Public Hearing. Prior to agreeing to any commitment for funding, the Board of Supervisors will review the terms of such commitment. Furthermore, prior to agreement on any borrowing, the Board of Supervisors will hold a public hearing, consistent with the requirements of the Virginia Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended.

2. Commitment from Program. The Board of Supervisors, having previously reviewed terms and conditions from other sources of funding and having previously determined that the Program offers the best terms and conditions for the borrowing, will review a final commitment for a loan under the proposal from the Program at its next meeting and prior to its public hearing, referenced above.

3. Pledge of Security, Full Faith and Credit. The security to be offered for the note will be the lease revenues from the County's lease of the middle school/high school complex to the Cumberland County Public Schools. Any Note to be issued to the Program for the County's borrowing shall not be a general obligation of the County for which the full faith and credit of the County is irrevocably pledged for the payment of principal of and interest on such Note. The obligation of the County to make payments under the Note will not constitute a debt of the County within the meaning of any constitutional or statutory limitation nor a liability of or a charge upon funds or property of the County beyond any moneys appropriated to make payments as current expenses of the County.

4. Other Actions. All other actions of County officials in conformity with the purposes and intent of this Resolution and in furtherance of the application and receipt of a funding commitment are ratified, approved and confirmed. The County's officials are authorized and directed to execute and deliver all documents and other instruments considered necessary or desirable in connection with the receipt of a funding commitment from the Program for consideration by the Board of Supervisors pursuant to this Resolution.

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

10) Board Member Comments-

The Chairman spoke about the different sessions that were offered at the annual VACo conference. He stated that Cumberland was recognized at the conference as the recipient of an achievement award for the County's communication system. The Chairman also mentioned the possibility of sponsoring summits in 2009 in regards to smart growth.

Supervisor Kennell spoke regarding budget cuts and regional cooperation. He also mentioned that the next District II Town Hall meeting will be held on Wednesday, November 19, 2008 at 7 p.m. in the Elementary School Cafeteria; all are invited to attend.

Supervisor Petty spoke about the many benefits of attending the VACo annual conference. He also stated that he spoke to the Cumberland Women's Club about the County's recycling efforts, and mentioned that the Recycling committee is in the process of creating an informational handout regarding recycling in the County.

Supervisor Womack stated that it is hard to put a value on the information gathered, and the experience gained from the VACo conference. He also stated that he was proud of Cumberland for receiving the achievement award, and having IT Director, Aaron Hickman in attendance to accept the award.

Supervisor Oertel stated that he has been in attendance at the Sesquicentennial committee meetings, and mentioned that some grant funds may be available.

11) Public Comments

There were no citizens signed up to speak.

12) Additional Information-

13) 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) consultation with legal counsel regarding the water reservoir project.

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.

14) Adjourn-

The Chairman adjourned the meeting until the next regular meeting of the Board to be held on December 9th, 2008 at 7 p.m. in the Cumberland Courthouse, Circuit Courtroom.

Chairman

County Administrator