

**BOARD OF SUPERVISORS MINUTES**

**APRIL 26, 2016**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 26, 2016, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice Chairman; R. Mark Johnson; James K. White, and James P. Crozier. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations and Appearances at this time.

RE: CONSENT AGENDA

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY16 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30023001-31575	Sheriff Firing Range Fees	\$ (1,000.00)	\$ (375.00)	\$ (1,375.00)
43120001-41200	Wages - Overtime	128,354.00	375.00	128,729.00
30045004-35975	FA - DCJS for Sheriff	(1,800.40)	(321.50)	(2,121.90)
43120006-46800	Sheriff Forfeited Asset Exp.	6,142.26	321.50	6,463.76
30026501-32425	Friends of the Library Don.	(15,928.08)	(2,500.00)	(18,428.08)
47310001-46000	Office Supplies	5,210.54	2,500.00	7,710.54
30026006-31825	P&R - Movie Ticket Sales	(4,250.00)	(2,250.00)	(6,500.00)
47120019-43300	Other Fees & Charges	4,000.00	2,000.00	6,000.00
30052001-39900	Appropriated Fund Balance	(3,925,794.19)	250.00	(3,925,544.19)
<b>TOTALS</b>		<b>\$ (3,805,065.87)</b>	<b>\$ 0.00</b>	<b>\$ (3,805,065.87)</b>

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- April 12, 2016 Worksession
- April 12, 2016 Regular Meeting

RE: FY16 SUPPLEMENTAL APPROPRIATION FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a supplemental appropriation to the FY16 Head Start Fund in the amount of \$198,600, for the Orange County Public Schools, as presented.

RE: OLD BUSINESS

RE: REZ 15-01; GARRETT STREET, LLC (PUBLIC HEARING HELD JANUARY 26, 2016; CONTINUED FROM APRIL 12, 2016 BOARD OF SUPERVISORS MEETING; APPLICANT TO ATTEND APRIL 26, 2016 BOARD MEETING)

Josh Frederick, Planning and Zoning Director, provided a brief history to the Board regarding this rezoning application. He introduced Mr. Robert Springer, applicant, who provided a presentation on his request.

Mr. Springer reviewed the changes and history of the subject property; the provision of more open space with the new subdivision layout; a review of the voluntary proffers; and an update on the access to water.

Discussion ensued among the Board regarding: the proposed internal land use changes; water and sewer system options; the use of a homeowners association; ownership of the various infrastructure systems; increases in density; and concerns with water availability.

On the motion of Mr. White, seconded by Mr. Crozier, which failed by a vote of 1-4, with Messrs Johnson, Goodwin, Crozier, and Frame voting against, the Board denied the Rezoning request from Robert Springer, on behalf of Garrett Street, LLC.

Ayes: White. Nays: Johnson, Goodwin, Crozier, Frame.

RE: NEW BUSINESS

RE: RESOLUTION TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2017 OPERATING AND CAPITAL BUDGETS

R. Bryan David, County Administrator, briefly reviewed the budget process and changes that had led to the current adoption of the budget. He noted the changes in one-time expenses versus recurring expenses in the School Board's budget, which was reflected in the budget adoption resolution. Lastly, Mr. David commented on how pleased he was regarding the Board and School Board working together through another tough budget year.

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2017 BUDGET

WHEREAS, the Fiscal Year 2017 Budget has been duly prepared and presented to the Board of Supervisors; and

WHEREAS, numerous budget worksessions, open to the general public, have been conducted; and

WHEREAS, the appropriate advertisements and public hearings, as required by the Code of Virginia, have been conducted on April 5, 2016; and

WHEREAS, the Board of Supervisors has considered the services required and desired by the citizens of Orange County;

NOW, THEREFORE, BE IT RESOLVED, on this 26<sup>th</sup> day of April, 2016, that the Orange County Board of Supervisors hereby approves and adopts the Fiscal Year 2017 Budget as shown below, and appropriates all funds as set forth in the Budget with the limitations and instructions included herein; and

BE IT FURTHER RESOLVED, as follows:

1. Estimates of revenues are approved in total and appropriations are hereby authorized at the functional level within the General Fund.
2. Estimates of revenues are approved in total and appropriations for remaining Governmental funds are approved in total for each fund, including the Debt Service Fund, County Capital Projects Fund, School Capital Projects Fund, Virginia Public Assistance Fund, School Operating Fund, Child Care Fund, Textbook Fund, Head Start Fund, Cafeteria Fund, Adult Education Fund, Destroyed Livestock Fund, Law Library Fund, and the Insurance Internal Service Fund.
3. Appropriations designated for Capital Projects within the School and County Capital Projects Funds, Airport Fund, and Landfill Fund will not lapse at the end of the fiscal year, but shall remain appropriated until the completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation.
4. Federal, State, and Charges for Services for all School Funds and Social Services revenues are hereby appropriated for expenditures only up to the amounts actually received from the Federal, State, or Charges for Services sources.
5. Enterprise funds, including the Airport Fund and Landfill Fund, are authorized to operate as determined by activity levels, within constraints of actual revenues and available surplus, and budget modifications approved by the Board of Supervisors.
6. The Board of Supervisors will establish the Personal Property Tax Relief Act (PPTRA) percentage for the 2016 tax year in August, 2016, by separate resolution.
7. The County Administrator may increase appropriations for non-budgeted revenue for insurance recoveries for County vehicles and other property for which County funds have been expended to make repairs and for worker's compensation reimbursements, up to \$30,000 per incident or claim.
8. The County Administrator may appropriate both revenue and expenditure donations made to support County programs up to \$500. Any remaining balance of a restricted donation at the fiscal year end will be re-appropriated into the subsequent fiscal year.
9. The County Administrator is charged with the responsibility for the quarterly reporting of revenues and expenditures compared to the adopted budget as amended, to the Board of Supervisors.
10. Where funding is included for the acquisition of certain projects and equipment by debt financing within the FY17-FY21 Adopted Capital Improvements Plan and in the FY17 Adopted Annual Budget, the Board of Supervisors hereby declares its official intent under Treasury Regulations Section 1.150-2 that it reasonably expects to reimburse its original expenditures for such acquisitions from the proceeds of the subsequent applicable debt obligation. It is expected that the expenditures will be paid from the County's General Fund and other available sources.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

**FISCAL YEAR 2017 BUDGET  
JULY 1, 2016 TO JUNE 30, 2017**

**GENERAL FUND**

**Revenues:**

Local Sources	\$ 50,344,659
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Commonwealth	8,063,514
Federal Government	13,550
General Fund Reserve & Transfers In	312,631

<b>Total Revenues</b>	<b>\$ 58,734,354</b>
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**Expenditures:**

General Government Administration	\$ 3,286,165
Judicial Administration	1,707,093
Public Safety	11,423,224
Public Works	918,007
Health & Welfare	3,002,637
Education	10,306
Parks, Recreation & Culture	1,271,657
Community Development	1,267,876
Non-Departmental	539,350
Transfers to Other Funds	35,308,039

<b>Total Expenditures</b>	<b>\$ 58,734,354</b>
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**COUNTY CAPITAL PROJECTS FUND**

**Revenues:**

Transfer from General Fund	\$ 1,273,491
Commonwealth	123,300
Federal Government	1,010,000
Financing Proceeds	307,500
Reserves	175,000

<b>Total Revenues</b>	<b>\$ 2,889,291</b>
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<b>Total Expenditures</b>	<b>\$ 2,889,291</b>
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**SCHOOL CAPITAL PROJECTS FUND**

**Revenues:**

Transfer from General Fund	\$ 698,000
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<b>Total Revenues</b>	<b>\$ 698,000</b>
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<b>Total Expenditures</b>	<b>\$ 698,000</b>
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**DESTROYED LIVESTOCK FUND**

**Revenues:**

Local Sources \$ 3,000

**Total Revenues** \$ 3,000

**Total Expenditures** \$ 3,000

**LAW LIBRARY FUND**

**Revenues:**

Local Sources \$ 15,531

**Total Revenues** \$ 15,531

**Total Expenditures** \$ 15,531

**VIRGINIA PUBLIC ASSISTANCE FUND**

**Revenues:**

Transfer from General Fund \$ 837,957

Commonwealth 1,121,473

Federal Government 1,264,692

**Total Revenues** \$ 3,224,122

**Total Expenditures** \$ 3,224,122

**DEBT SERVICE FUND**

**Revenues:**

Transfer from General Fund \$ 9,204,743

**Total Revenues** \$ 9,204,743

**Total Expenditures** \$ 9,204,743

**AIRPORT FUND**

**Revenues:**

Commonwealth \$ 120,025

Federal Government 315,000

Local Sources 459,940

Transfer from General Fund 133,241

Reserves 165,000

<b>Total Revenues</b>	<b>\$ 1,193,206</b>
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<b>Total Expenditures</b>	<b>\$ 1,193,206</b>
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**LANDFILL FUND**

**Revenues:**

Transfer from General Fund	\$ 2,005,191
Local Sources	365,000
Commonwealth	9,207

<b>Total Revenues</b>	<b>\$ 2,379,398</b>
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<b>Total Expenditures</b>	<b>\$ 2,379,398</b>
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**ORANGE COUNTY PUBLIC SCHOOLS OPERATING FUND**

**Revenues:**

Transfer from General Fund	\$ 21,155,416
Commonwealth	26,935,587
Federal Government	2,100,104
Other	1,121,760

<b>Total Revenues</b>	<b>\$ 51,312,867</b>
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**Expenditures:**

School Operating Fund	\$ 50,787,021
Transfers to Other Funds	525,846

<b>Total Expenditures</b>	<b>\$ 51,312,867</b>
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**ORANGE COUNTY PUBLIC SCHOOLS OTHER FUNDS**

**Revenues:**

Commonwealth	\$ 140,798
Federal Government	2,790,897
Other	1,051,989
Transfers from School Operating Fund	525,846

<b>Total Revenues</b>	<b>\$ 4,509,530</b>
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**Expenditures:**

Child Care Fund	\$ 531,603
Cafeteria Fund	1,769,926
Headstart Fund	1,292,912
Adult Education Fund	389,243

Textbook Fund	525,846
<b>Total Expenditures</b>	<b>\$ 4,509,530</b>

**INSURANCE INTERNAL SERVICE FUND**

**Revenues:**

Contributions from Other Funds	\$ 7,892,683
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<b>Total Expenditures</b>	<b>\$ 7,892,683</b>
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<b>Grand Total Expenditures</b>	<b>\$ 142,056,725</b>
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<b>Less Transfers</b>	<b>(43,726,568)</b>
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<b>Total Consolidated Budget</b>	<b>\$ 98,330,157</b>
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RE: AWARD OF THE CONTRACTS FOR AIRPORT ENGINEERING AND CONSULTING SERVICES

Stephanie Straub, Financial Management Specialist, explained that a solicitation had been released in March requesting proposals from qualified firms to establish a contract to provide airport planning, professional engineering advice, and services related to the Orange County Airport. She added that the proposals were reviewed and interviews were conducted with the top-ranked firms. Ms. Straub stated that staff recommended awarding contracts to both Delta Airport Consultants, Inc. and Talbert & Bright.

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized staff to enter into contracts with Delta Airport Consultants, Inc. and Talbert & Bright for professional airport engineering and consulting services for a one (1) year term, with the possibility of four (4) additional terms, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: ORANGE COUNTY PUBLIC SCHOOLS' WIDE-AREA NETWORK AND BROADBAND PROJECT

R. Bryan David, County Administrator, provided an update to the Board regarding Orange County Public Schools' Wide-Area Network and Broadband Project. He reminded the Board of the opportunity to use E-Rate funds from the Federal Government, which would fund 70% of the construction cost and up to twelve (12) strands of fiber per school.

Mr. David indicated that the School Board had recently selected the proposal submitted by Computer Cabling and Technology, Inc. and authorized the Superintendent to submit an application for E-Rate funding, subject to the Board of Supervisors approving funding of the local match totaling \$409,747.77.

Mr. David explained that there would be additional costs to add fiber strands to the project, and the costs and coordination of that aspect would be developed under a separate contract. It was recommended that an additional 204 fiber strands be installed over the 84 strands dedicated to Orange County Public Schools, bringing the total fiber count to 288, which was an acceptable industry standard. He noted that the material cost of the additional strands was an estimated \$404,179.28.

Discussion ensued among the Board regarding: the source of funds for the required 30% match; and the use of cooperative procurement.

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to appropriate and transfer \$409,747.77 from the Capital Project Fund balance to the Orange County Public Schools' Capital Project Fund, representing the local match for the proposed fiber optics network project, subject to the award of the Federal Communications Commission's E-Rate grant, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized staff to develop a contract with Computer Cabling and Technology, Inc. for the Board of Supervisors' consideration. This contract would include additional fiber strands as part of the Orange County Public Schools' project for the Last Mile Broadband Initiative, the public safety telecommunications project, general government users, potential private sector users, and other elements of the project, as may be appropriate. This contract would be referred to the Broadband Subcommittee for its review and recommendation prior to being considered by the Board.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: TOURISM QUARTERLY REPORT

Leigh Mawyer, Tourism Manager, presented the Tourism Quarterly Report to the Board, which included information on the following topics:

- Visitor Center visitation statistics;
- Website visitation statistics;
- Introduction of the Visitor Center postcard promotion;
- Progress to-date on the LOVE Artwork project; and
- A recap of the Drive Tourism grant application.

The Board thanked Ms. Mawyer for her presentation.

RE: AIRFIELD PAVEMENT REJUVENATION, CRACK REPAIR, AND REMARKING

This item was struck from the agenda.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: GERMANNA-WILDERNESS AREA PLAN (GWAP) UPDATE

R. Bryan David, County Administrator, and members of the Germanna-Wilderness Area Plan Steering Committee, provided an update to the Board on the most recent Steering Committee Meeting. Members reviewed the work that was presented regarding the draft Orange County Incentive Policy, as proposed by the Economic Development Department.

The Board took the information regarding the Germanna-Wilderness Area Plan under advisement, and there was no action taken at this time.

RE: COMPREHENSIVE SERVICES ACT (CSA) UPDATE

R. Bryan David, County Administrator, and Alisha Vines, Office on Youth Director, provided an update to the Board regarding the Comprehensive Services Act. Ms. Vines explained that the Board had recently received the up-to-date CSA Monthly Report, which showed an increase in year-over-year expenditures. She provided some of the factors that were contributing to the increase at this time, but explained that she would likely have to appear before the Board to request a supplemental appropriation in June before the fiscal year was over.

Discussion ensued among the Board regarding: reasons for the increases; the anticipated amount of overages and potential funding source; the potential impact on the CSA budget for next fiscal year; trends and shifts that could be affecting the expenditures; and the need for additional foster families.

The Board took the information regarding the Comprehensive Services Act under advisement, and there was no action taken at this time.

RE: CLOSED MEETING

At 6:03 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desired to discuss in Closed Meeting the following matters:

- Discussion, consideration, or interviews of prospective candidates for employment; or assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body. - §2.2-3711(A)(1) of the Code of Virginia
- Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. - §2.2-3711(A)(5) of the Code of Virginia
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. - §2.2-3711(A)(7) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(5), and (A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County hereby authorized discussion of the aforesated matters in Closed Meeting.

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting as presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 6:55 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County hereby certified that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: BOARD COMMENT

Supervisor White explained that he would like to find a way to efficiently address the various subdivision and zoning ordinance problems, and suggested forming a subcommittee of the Board. Supervisors White and Crozier agreed to serve on said subcommittee.

Chairman Frame noted that he had recently attended a volunteer appreciation event at Dogwood Village, as well as the 100<sup>th</sup> Anniversary Celebration for the Gordonsville Volunteer Fire Company. He suggested that the Board begin adopting resolutions recognizing various volunteer groups for their efforts throughout the County.

Supervisor Crozier commented on the success of the recent Chamber of Commerce Awards Banquet, provided a sincere thanks to staff for their work on the recently-adopted budget, and noted that the Central Virginia Regional Jail Workforce had been making an effort to clean-up some of the roadside litter throughout the County.

RE: PUBLIC COMMENT

At 7:04 p.m., Chairman Frame opened the floor for public comment.

There being no speakers, public comment was closed at 7:04 p.m.

RE: PUBLIC HEARING #1: AMENDMENT TO THE TAXATION ORDINANCE

Thomas Lacheney, County Attorney, explained that he and the Commissioner of the Revenue had previously discovered an outdated section in the Orange County Code of Ordinances. He added that the penalties for late filing or payment of food and beverage taxes were in excess of what was permitted by law, and the section must be amended in order to align with State Code. Mr. Lacheney noted that the Board had authorized staff to schedule a Public Hearing, and adoption of the proposed ordinance would make the necessary corrections.

At 7:05 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

AMENDMENT TO THE TAXATION ORDINANCE

The Board of Supervisors will consider the adoption of an amendment to the Taxation Ordinance regarding the penalty for late filing or payment of food and beverage taxes. The amendment would update an outdated section of the Orange County Code of Ordinances that has established penalties in excess of what it permitted by law, thus reducing the penalties and aligning the ordinance with State Code.

There being no speakers, Chairman Frame closed the Public Hearing at 7:05 p.m.

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE IX (FOOD AND BEVERAGE TAX), SECTION 58 (TAXATION), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING PENALTIES FOR LATE FILING OR PAYMENT OF FOOD AND BEVERAGE TAXES

WHEREAS, the Board of Supervisors previously initiated action on amendments to Article IX (Food and Beverage Tax), Section 58 (Taxation), of the Orange County Code of Ordinances concerning penalties for late filing or payment of food and beverage taxes; and

WHEREAS, the County Attorney drafted recommended language for the amendments, which were presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on April 26, 2016, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed amendments, as presented; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 26<sup>th</sup> day of April, 2016, that the Orange County Board of Supervisors hereby **approves** the proposed amendments to Article IX (Food and Beverage Tax), Section 58 (Taxation), of the Orange County Code of Ordinances concerning penalties for late filing or payment of food and beverage taxes, as presented and shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

**Adopted Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 160426 – PH1  
by the Orange County Board of Supervisors  
on April 26, 2016**

**Article IX – Food and Beverage Tax**

**Sec. 58-429. – Penalty for late remittance or false return.**

~~(a)~~ If any seller whose duty it is to do so shall fail or refuse to file any report required by this article or to remit the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the commissioner of the revenue a penalty ~~in the amount of:~~

- ~~1. For failure to remit the tax when due:~~ of ten percent of the total amount of the tax owed if the failure is not for more than 30 days, with an additional penalty of ~~ten-five~~ percent of the total amount of the tax owed for each additional 30 days or fraction thereof during which the failure continues, such penalty not to exceed ~~30-25~~ percent of the tax owed, provided, however, the minimum penalty shall be \$10.00.
- ~~2. For failure to file a report when due:~~ ten percent of the tax assessable on such return or \$10.00, whichever is greater, provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

~~(b) In the case of a false or fraudulent return with intent to defraud the county of any tax due under this article, a penalty of 50 percent of the tax owed shall be assessed against the person required to collect such tax.~~

(Ord. of 12-11-2001)

Va. Code §58.1-3916

**Sec. 58-430. – Violations of article.**

Any person required to collect, account for and pay over tax under this article, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully evades or attempts to evade any such tax or payment thereof, shall be guilty of a class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the return is more than \$1,000 and a class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is \$1,000 or less. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes or penalties provided for in this article. Any agreement by any person to pay the taxes or penalties provided for in this article by a series of installment payments shall not relieve any person of criminal liability for violation of this article until the full amount of taxes and penalties agreed to be paid by such person is received by the treasurer. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

(Ord. of 12-11-2001)

Va. Code §58.1-3916.1

RE: PUBLIC HEARING #2: RESOLUTION TO CREATE THE ORANGE COUNTY BROADBAND AUTHORITY

Thomas Lacheney, County Attorney, explained that the Board had previously expressed a desire to move forward with creating a broadband authority, and staff had scheduled and advertised the Public Hearing to do so. Mr. Lacheney reviewed the purpose of a broadband authority and the steps that would be necessary upon the Board's approval.

Discussion ensued among the Board regarding: the use of broadband authorities by other localities; the intended purpose of a broadband authority; and the idea of accomplishment going forward.

At 7:09 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

RESOLUTION TO CREATE THE ORANGE COUNTY BROADBAND AUTHORITY

The Board of Supervisors will consider the adoption of a resolution to create and establish the Orange County Broadband Authority in order to facilitate the provision of affordable broadband service to businesses, governmental agencies, and the general public. The resolution will be considered pursuant to Chapter 54.1 of Title 15.2 of the Code of Virginia.

The following individual spoke:

- Virginia Rockwell, 4247 Ridge Road, Barboursville

There being no further speakers, Chairman Frame closed the Public Hearing at 7:13 p.m.

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

**RESOLUTION TO AUTHORIZE THE CREATION OF THE ORANGE COUNTY BROADBAND AUTHORITY**

WHEREAS, the County of Orange has reviewed its current and future broadband needs and requirements; and

WHEREAS, this review has demonstrated that access to affordable high speed data and Internet service ("broadband") is unavailable to businesses and citizens in the vast majority of the County, and that the private sector alone will not fulfill this community need in the near future; and

WHEREAS, access to affordable broadband is important for fostering economic development, improving educational opportunities, ensuring public safety, and enhancing the overall quality of life for the citizens of Orange County; and

WHEREAS, the County has made a determination that in order to facilitate the provision of affordable broadband service to businesses, governmental agencies, and the general public, it is in the best interests of the general welfare of the citizens of the County to form a Broadband Authority;

NOW, THEREFORE, BE IT RESOLVED, on this 26<sup>th</sup> day of April, 2016, that the Orange County Board of Supervisors hereby authorizes the creation of the Orange County Broadband Authority (the "Authority"), pursuant to the Virginia Wireless Service Authorities Act, Chapter 54.1 of Title 15.2 of the Code of Virginia (the "Act"), as a body politic and corporate, and as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare as authorized under the Act, and as set forth in the Orange County Broadband Authority Articles of Incorporation, as shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

#### ARTICLES OF INCORPORATION OF THE ORANGE COUNTY BROADBAND AUTHORITY

**I. Authority Name**

The name of the authority is "Orange County Broadband Authority" (the "Authority").

The only member of the Authority shall be the County of Orange, Virginia, which is a political subdivision of the Commonwealth of Virginia, authorized by the Virginia Wireless Service Authorities Act (the "Act") to participate in this Authority ("Member").

**II. Principal Address**

The address of the Authority's principal office is the Orange County Administration Office, which is located at 112 West Main Street, Orange, Virginia 22960.

**III. Authority Board**

The Board of Directors of the Orange County Broadband Authority shall consist of five (5) members with terms of two (2) years to expire on December 31<sup>st</sup> of the year in which there is a Board of Supervisors election in Orange County.

There is no maximum number of consecutive terms an appointed director may serve. The initial appointed directors shall be the five (5) current members of the Orange County Board of Supervisors.

The Board of Directors of the Authority shall exercise the powers of the Authority, and members of the Board of Directors shall be appointed, serve, and be governed by the provisions of the Act. All members of the Board of Directors shall have full voting rights and privileges.

The names and addresses of the initial members of the Authority Board of Directors are as follows:

R. Mark Johnson  
4422 Spotswood Trail  
Barboursville, Virginia 22923

James K. White  
22373 Berry Run Road  
Orange, Virginia 22960

S. Teel Goodwin  
P. O. Box 644  
Orange, Virginia 22960

James P. Crozier  
9651 Meadows Road  
Mine Run, Virginia 22508

Lee H. Frame  
103 Woodland Trail  
Locust Grove, Virginia 22508

**IV. Authority Purpose**

The Authority's purpose is to provide qualifying communications services as authorized by the Act and Article 5.1 (§56-484.7:1 et seq.) of Chapter 15 of Title 56 of the Code of Virginia.

**V. Powers of the Authority**

The Authority is an instrumentality exercising public and essential governmental functions to provide for the public health and welfare. The Authority shall have all rights, duties, and powers provided under the Act, including but not limited to, the power to sue and be sued in its own name, adopt an official seal, adopt bylaws and rules to govern its affairs, issue notes and revenue bonds, enter into contracts, and fix and charge fees for services.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- March 1, 2016 Culpeper Soil and Water Conservation District Minutes
- VDOT Monthly Report for March

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar for the months of April 2016, May 2016, and June 2016.

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 7:17 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

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Lee H. Frame, Chairman

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R. Bryan David, County Administrator