

BOARD OF SUPERVISORS MINUTES

June 23, 2020

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, June 23, 2020, beginning at 5:00 p.m., and held electronically via Zoom video conference. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White; S. Teel Goodwin; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Susan Turner, Deputy Clerk.

RE: PARTICIPATION VIA ELECTRONIC MEANS

Pursuant to the emergency ordinance adopted on March 24, 2020, this meeting was held electronically via Zoom video conference and livestreamed to YouTube for the public to view. As such, the minutes are required to reflect the physical location of each Board member during their participation.

Chairman Crozier participated from his second residence, located at 33 Pier Pointe, New Bern, North Carolina.

Vice Chairman Johnson participated from his residence, located at 13451 Albano Road, Barboursville, Virginia.

Supervisor White participated from his residence, located at 22373 Berry Run Road, Orange, Virginia.

Supervisor Goodwin participated from his residence, located at 11464 Rapidan Road, Orange, Virginia.

Supervisor Frame participated from his residence, located at 103 Woodland Trail, Locust Grove, Virginia.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations or Appearances at this time.

RE: CONSENT AGENDA

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

RE: RENEWAL OF THE CONTRACT WITH HARRIS CORPORATION

As part of the Consent Agenda, the Board authorized staff to renew the contract# HCCSS-00-18BD with Harris Corporation for the LMR P25 radio system for one (1) year, the second of four (4) possible renewal terms. The contract renewal term shall be effective June 13, 2020 through June 12, 2021, as presented.

RE: RENEWAL OF THE CONTRACT FOR CAD SYSTEM SOLUTIONS WITH CENTRAL SQUARE/ZUERCHER TECHNOLOGIES LLC

As part of the Consent Agenda, the Board authorized staff to renew Contract # ZT-00-19DC with Central Square/Zuercher Technologies LLC, for the Computer-Aided Dispatch (CAD) System Solution for a period of one (1) term, the second of four (4) possible renewals, as presented.

RE: RENEWAL OF THE CONTRACT FOR ENVIRONMENTAL ENGINEERING & CONSULTING SERVICES

As part of the Consent Agenda, the Board authorized staff to renew Contract# JEI-00-17KH with LaBella Associates (formerly known as Joyce Engineering), for a period of one (1) year, the fourth of four (4) possible renewal terms, effective July 1, 2020 through June 30, 2021, as presented.

RE: RENEWAL OF THE MEMORANDUM OF UNDERSTANDING WITH GOODWILL INDUSTRIES OF THE VALLEYS, INC. FOR THE ORANGE WORKFORCE CENTER

As part of the Consent Agenda, the Board authorized staff to renew the Memorandum of Understanding with Goodwill Industries of the Valleys, Inc. for the office space located in the basement of the Belleview Building, used as a satellite office known as the Orange Workforce Center, for a period of one (1) year, effective July 1, 2020 through June 30, 2021, as presented.

RE: MINUTES

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

- June 9, 2020 Regular Meeting

RE: NEW BUSINESS

There was no New Business at this time.

RE: OLD BUSINESS

RE: ORDINANCE TO INCREASE COURTHOUSE SECURITY FEE

Thomas Lacheney, County Attorney, explained that the Board previously advertised for a public hearing to consider the adoption of an ordinance to amend the amount charged for courthouse security fees. He indicated the public hearing was advertised for and opened on Tuesday, June 9, 2020. In order to allow for public input, as the meeting was conducted remotely, the public hearing remained open at this time. Mr. Lacheney noted that once any public comment was reviewed, the Chairman could then close the public hearing and the Board could take action on adopting the ordinance.

Ms. Turner, Deputy Clerk, stated that no public comment had been received during the public hearing.

Chairman Crozier closed the public hearing at 5:02 p.m.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a roll-call vote of 5-0, the Board authorized staff to adopt the following ordinance as presented:

AN ORDINANCE INCREASING FROM \$10 TO \$20 THE AMOUNT ASSESSED AGAINST A CONVICTED DEFENDANT AS PART OF THE COSTS IN A CRIMINAL OR TRAFFIC CASE IN DISTRICT OR CIRCUIT COURT TO FUND COURTHOUSE AND COURTROOM SECURITY.

WHEREAS §§ 15.2-1427 and 15.2-1433 of the Code of Virginia (1950), as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof;

WHEREAS Orange County currently assesses a courthouse security fee of up to \$10, pursuant to subsection D of Virginia Code § 53.1-120;

WHEREAS subsection D of Virginia Code § 53.1-120 was amended by Senate Bill 149, which was adopted by the Senate and House of Delegates, and signed by the Governor on March 4, 2020;

WHEREAS Senate Bill 149 provides for an increase to the maximum amount that a locality may charge for a courthouse security fee from \$10 to \$20, and goes into effect on July 1, 2020;

WHEREAS such an increase is necessary and expedient for the courthouse security needs of the County of Orange;

WHEREAS, the full text of this amendment was available for public inspection in the Orange County Administrator's Office at 112 W. Main St., Orange, VA 22960; and

WHEREAS, on June 9, 2020, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Orange County as follows:

- A. The courthouse security fee in Orange County shall be increased to \$20, in both the district and circuit courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the County Treasurer, and held by the Treasurer to be appropriated by the Board of Supervisors to the Sheriff's Office. The assessment shall be used solely for the funding of courthouse security personnel, and, if requested by the Sheriff, equipment and other personal property used in connection with courthouse security.
- B. "Courthouse security fee" means the amount assessed by the Board of Supervisors under the authority of subsection D of Virginia Code § 53.1-120 against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.
- C. The provisions of this Ordinance shall go into effect on July 1, 2020.

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

RE: EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE

Lewis Foster, Broadband Program Manager, explained that the Board previously advertised for a public hearing to consider granting an underground service easement to Rappahannock Electric Cooperative. He indicated the public hearing was advertised for and opened on Tuesday, June 9, 2020. In order to allow for public input, as the meeting was conducted remotely, the public hearing remained open at this time. Mr. Foster noted that once any public comment was reviewed, the Chairman could then close the public hearing and the Board could take action on adopting the agreement.

Ms. Turner, Deputy Clerk, stated that no public comment had been received during the public hearing.

Chairman Crozier closed the public hearing at 5:04 p.m.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a roll-call vote of 5-0, the Board authorized staff to adopt the proposed easement with Rappahannock Electric Cooperative, as presented.

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

RE: SUPPLEMENTAL BUDGET APPROPRIATION

Glenda Bradley, Assistant County Administrator for Management Services, explained that the Board previously advertised for a public hearing to consider adoption of a resolution approving a budget amendment and appropriation of funds received from the state as part of the CARES Act. She indicated the public hearing was advertised for and opened on Tuesday, June 9, 2020. In order to allow for public input, as the meeting was conducted remotely, the public hearing remained open at this time. Ms. Bradley noted that once any public comment was reviewed, the Chairman could then close the public hearing and the Board could take action on adopting the agreement.

Ms. Turner, Deputy Clerk, stated that no public comment had been received during the public hearing.

Chairman Crozier closed the public hearing at 5:09 p.m.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized staff to adopt the resolution approving a budget amendment and supplemental appropriation for CARES Act funding, as presented.

RESOLUTION APPROVING A BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION TO FISCAL YEAR 2020 FOR FEDERAL CATEGORICAL AID RECEIVED TO RESPOND TO THE COVID-19 (CORONAVIRUS) PANDEMIC

WHEREAS, the Orange County Board of Supervisors adopted its original budget for Fiscal Year 2020 on April 23, 2019; and

WHEREAS, the COVID-19 (Coronavirus) Pandemic was an unanticipated event for which response funds were not previously included; and

WHEREAS, Federal Categorical Aid has been made available to assist the County in fighting the spread of Coronavirus and ensuring the safety of its citizenry; and

WHEREAS, the appropriate advertisements and public hearing, as required by Section 15.2-2507 of the Code of Virginia, have been conducted; and

WHEREAS, the proposed expenditures are expected to be completed over Fiscal Years 2020 and 2021;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of June, 2020, that the Orange County Board of Supervisors hereby approves and adopts the Fiscal Year 2020 budget amendment, and appropriates all funds, as set forth in the amendment below:

COVID-19 RESPONSE FUND

Revenues:

Federal Government	\$ 3,288,743
Total Revenues	<u>\$ 3,288,743</u>

Expenditures:

Public Safety	\$ 3,288,743
Total Expenditures	<u>\$ 3,288,743</u>

BE IT FURTHER RESOLVED, as follows:

1. Estimates of revenues and appropriations are approved at the fund level.

Appropriations designated for this special revenue 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.

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

RE: RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF ITS LEASE REVENUE BONDS

Theodore L. Voorhees, County Administrator provided a brief update on the 2019 Lease Revenue Bonds, to fund capital projects. He noted that the Economic Development Authority adopted the required bond resolution at its June 11, 2020 meeting and presented the authorizing resolution for consideration by the Board of Supervisors.

T.W. Bruno, Bond Counsel with McGuire Woods LLP, provided brief remarks regarding the resolution and explained approval requirement by Orange County Public Schools regarding collateral.

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

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, VIRGINIA, APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF ORANGE, VIRGINIA OF ITS LEASE REVENUE BONDS

A. The Board of Supervisors of the County of Orange, Virginia (the "Board") has determined that it is advisable to finance all or a portion of the costs (or to reimburse the County of Orange, Virginia (the "County") for payment of such costs) of various capital improvements, including, but not limited to, the costs of a landfill expansion cell, broadband project, renovation of the Blue Bell Building into a Career/Technical Education Center, renovations to Gordon-Barbour Elementary School and such other capital projects that may be included in the County's Capital Improvement Plan, as it may be amended from time to time (collectively, the "Project").

B. The County proposes to undertake the financing of the Project by obtaining a loan (the "Loan"), which Loan will be evidenced by one or more lease revenue bonds (collectively, the "Bonds"), issued by the Economic Development Authority of the County of Orange, Virginia (the "Authority").

C. The Bonds will be issued pursuant to the following documents: (i) Lease Agreement (the "Lease") from the County and the Orange County School Board (the "School Board") to the Authority; (ii) Financing Lease (the "Financing Lease") between the Authority, the School Board and the County; (iii) Leasehold Deed of Trust and Security Agreement from the Authority to the deed of trust trustees named therein; and (iv) Assignment of Rents and Leases between the Authority and the maker of the Loan (the "Lender"). All of the documents listed above, except the Bonds, are referred to in this Resolution as the "Basic Documents."

D. The Bonds will be payable solely from the revenues derived from the Financing Lease pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bonds.

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

1. **Issuance of the Bonds.** The County hereby requests the Authority issue its Bonds, in one or more series, for the purpose of financing the Project and financing costs of issuing the Bonds. The County hereby determines that the issuance of the Bonds for the purposes described in the previous sentence is advisable and will benefit the inhabitants of the County through the promotion of their safety, health, welfare and prosperity. The Bonds shall be dated the date of their issuance and delivery and shall, except as otherwise agreed to by the Lender and the County. The final terms and details of the Bonds and the Lender of the Loan shall be determined by the County's Chairman of the Board of Supervisors, the County Administrator or the Assistant County Administrator for Finance and Management Services (each an "Authorized Representative"), such approval to be evidenced by the execution and delivery of the Bonds; provided that (1) the aggregate principal amount of the Bonds shall not exceed \$15,500,000, (2) the Bonds shall not mature later than June 30, 2041, and (3) the interest rate (exclusive of default interest and other penalties) shall not exceed 4.0%.

2. **Authorization of Basic Documents.** The execution and delivery of and performance by the County of its obligations under the Basic Documents, to which the County is a party, are hereby authorized. The Basic Documents and the Bonds shall be in such form and contain such provisions as the County Administrator, or his designee, shall approve, such approval to be evidenced conclusively by the execution and delivery of the Basic Documents, to which the County is a party.

3. **Execution of Basic Documents.** The County Administrator, or his designee, is hereby authorized to execute on behalf of the County the Basic Documents, to which the County is a party, and, if required, to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The County Administrator, or his designee, is hereby authorized to execute and deliver and record, if appropriate, on behalf of the County such leases, agreements, instruments, documents or certificates, and to do and perform such things and acts, as the County Administrator, or his designee, shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed. The County Administrator, or his designee, is hereby authorized to determine the final form of the Basic Documents; provided such documents are consistent with the intent of this Resolution.

4. **Essentiality of the Project and Real Estate.** The Authorized Representatives are hereby authorized and directed to determine the real estate that is to be leased to the Authority, with such approval of the leased real estate evidenced by the execution and delivery of the Lease and the Financing Lease. The Project and the real estate and the improvements leased under the Basic Documents are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Project and such real estate and improvements will continue to be essential to the operation of the County during the term of the Loan.

5. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make payments under the Basic Documents beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Lease amount sufficient to pay the amounts due under the Basic Documents during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the payments required under the Basic Documents, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

6. **Rental Payments Subject to Appropriation.** The County's obligation to make the payments pursuant to the Basic Documents is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or the Basic Documents shall constitute a pledge of the full faith and credit nor taxing power of the County or compel the Board to make any such appropriation.

7. **Costs and Expenses.** All costs and expenses in connection with the financing of the Project and the issuance of the Bonds, including the Authority's fees and expenses and the fees and expenses of bond counsel and counsel for the Authority, shall be paid from the proceeds of the Bonds, or other legally available funds of the County. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid (subject to appropriation) by the County from its legally available funds and that the Authority shall have no responsibility therefor.

8. **Tax Covenants.** The Authorized Representatives are hereby authorized and directed to execute and deliver simultaneously with the issuance of the Bonds the interest on which is intended to be excludable from gross income for federal income tax purposes a tax certificate or agreement, or both (collectively, the "Tax Agreement") setting forth the expected use and investment of the proceeds of the applicable Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The proceeds from the issuance and sale of the Bonds (the interest on which is intended to be excludable from gross income for federal income tax purposes) will be invested and expended as set forth in the Tax Agreement and that the County will comply with the other covenants and representations contained in it. The Authorized Representatives are hereby authorized and directed to determine which series of Bonds, if any, are to be issued on a taxable basis.

9. **Further Actions.** (a) The County Administrator, or his designee, and the Assistant County Administrator for Finance and Management Services, or her designee, are hereby authorized and directed to take further action as each deems necessary or appropriate regarding the issuance and sale of the Bonds and the financing of the Project, including the execution and delivery of such construction and project funding documents as may be required by the Lender.

(b) All actions taken by officers and agents of the County in connection with the issuance and sale of the Bonds are hereby ratified and confirmed. The officers and agents of the County are hereby authorized and directed to take such further actions as each deems necessary regarding the issuance of the Bonds and all actions taken by such officers and agents in connection with the issuance of the Bonds are hereby ratified and confirmed.

10. **Exercise of Discretion and Authorizations.** Any authorization of an officer of the County under this Resolution entitles such officer to exercise his or her discretion in taking action on behalf of the County, unless expressly provided otherwise. For any authorization of the Authorized Representatives, it shall be sufficient that either Authorized Representative act in order to bind the County. The authorization granted in this Resolution to the County Administrator, the Assistant County Administrator for Finance and Management Services or the Clerk of the Board, or any combination of the foregoing, may be carried out by any Acting or Assistant County Administrator (with respect to authorization granted to the County Administrator), the Director of Budget and Accounting (with respect to authorizations granted to the Assistant County Administrator for Finance and Management Services) or any Deputy or Assistant Clerk (with respect to authorization granted to the Clerk of the Board), in the absence of the primary officer.

11. **SNAP Investment Authorization.** The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I, and the County has determined to authorize the Authorized Representatives to utilize SNAP in connection with the investment of the proceeds of the lease-

leaseback transaction if the Authorized Representatives determine that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

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

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

RE: DEPARTMENT DIRECTOR/CONSTITUTIONAL OFFICER REPORTS
There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT
The County Attorney reported on the transfer of funds, in the amount of \$200,000, to scholarship fund from the Orange County Rescue Squad.

RE: COUNTY ADMINISTRATOR'S REPORT
The County Administrator reported on the CARES Act budget, specifically as it related to the Town of Orange and the Town of Gordonsville as subrecipients of funds. He explained that a draft agreement for distribution of the funds was sent to the towns and would be presented to the Board at the next meeting.

RE: BOARD COMMENT
Supervisors Frame noted that there were no COVID-19 cases reported at Dogwood Village to-date.

RE: INFORMATIONAL ITEMS
The Board received the following correspondence for its information:

- VDOT Monthly Report
- CSA Monthly Report
- Parks and Recreation Quarterly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
There were no appointments at this time.

RE: CALENDAR
The Board received copies of its calendar of meetings for the months of June 2020, July 2020, and August 2020.

RE: SCHEDULE A PUBLIC HEARING ON THE REQUEST FOR VACATION OF A RIGHT-OF-WAY IN WILDERNESS SHORES SUBDIVISION
By consensus, the Board authorized staff to advertise for and schedule a public hearing on the request for vacation of a right-of-way in the Wilderness Shores Subdivision on Tuesday, July 14, 2020, at 6:00 p.m., as presented.

RE: ADJOURN
On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adjourned the meeting at 5:14 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator