

At the Regular Meeting of the Greensville County Board of Supervisors, held on Monday, June 18, 2012, with Closed Session beginning at 5:00 p.m. and Regular Session beginning at 6:00 p.m., in the Board Room of the Greensville County Government Building, 1781 Greensville County Circle, Emporia, Virginia.

Present: Peggy R. Wiley, Chairman
Michael W. Ferguson, Vice-Chairman
James C. Vaughan
Dr. Margaret T. Lee

Chairman Wiley called the meeting to order at 5:00 p.m.

In Re: Closed Session

Mr. Whittington, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel, 3) Acquisition and Disposition of Real Property, 5) Industrial Development and 7) Legal Matters.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to go into Closed Session, as recommended by Staff. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Regular Session

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Certification of Closed Meeting – Resolution #12-161

Supervisor Ferguson moved, seconded by Supervisor Lee, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Ferguson, aye; Supervisor Lee, aye; Supervisor Vaughan, aye; and Chairman Wiley, aye.

**RESOLUTION #12-161
CERTIFICATION OF CLOSED MEETING**

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

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

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

Chairman Wiley recessed the meeting until the Conclusion of the Water and Sewer Authority meeting.

Chairman Wiley reconvened the meeting at 6:00 p.m., at which time she led the Pledge of Allegiance and gave the Invocation.

In Re: Approval of Agenda

Mrs. Brenda Parson, Deputy County Administrator, stated that Staff recommended approval of the Agenda with one added item.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Agenda as amended. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Approval of Consent Agenda

Mr. Whittington stated that Staff recommended approval of the Consent Agenda.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Consent Agenda containing the following items. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Minutes from the Meeting of June 4, 2012

Budgetary Matters

Budgetary Matters consisting of the following: Fund #001 – Journal Voucher #100, in the amount of \$1,262.00, Journal Voucher #102, in the amount of 189,916.00, Journal Voucher #104, in the amount of \$31,352.00, Journal Voucher #108, in the amount of \$49,589.00, Journal Voucher #109, in the amount of \$4,378.00, Journal Voucher #110, in the amount of \$284.60, Journal Voucher #111, in the amount of \$15,000.00, Budget Amendment Resolution #12-162, in the amount of \$13,836.99, Budget Amendment Resolution #12-163, in the amount of \$83,455.02, Budget Amendment Resolution #12-164, in the amount of \$2,012.33, Budget Amendment Resolution #12-165, in the amount of 59,967.00, Budget Amendment Resolution #12-166, in the amount of \$78,991.69 and Budget Amendment Resolution #12-167, in the amount of \$9,902.00; Fund #012 – Budget Amendment Resolution #12-168, in the amount of \$1,440.36; Fund #013 – Budget Amendment Resolution #12-169, in the amount of \$88.70; Fund #017 – Budget Amendment Resolution #12-170, in the amount of \$75,189.00; Fund #018 – Budget Amendment Resolution #12-171, in the amount of \$1,787.00 and Fund #075 – Journal Voucher #1, in the amount of \$27,454.00, all of which are incorporated herein by reference.

Warrants:

Approval of Accounts Payable for June 18, 2012, in the amount of \$684,006.11

In Re: Public Hearing

Mr. Whittington recommended that the Board of Supervisors go into Public Hearing to solicit public comments regarding a Zoning Matter and the adoption of an Ordinance to Create a Regional Economic Development Entity.

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Public Hearing. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: SP-3-12 – Shawn Cain

Mr. Lin Pope, Planning Director, addressed the Board of Supervisors stating that the applicant, Shawn Cain, wished to hold a Special Event (car and dog show) at the Greenville Ruritan Club located 500' northwest of Satterfield Drive (State Route 644)/Ruritan Drive (State Route 640) intersection in Election District Three. He stated that Staff and the Planning Commission recommended approval with 12 conditions.

Chairman Wiley asked if there were anyone present who wanted to comment. There was no one.

In Re: Proposed Ordinance to Create a Regional Economic Development Entity

Mrs. Natalie Slate, Director of Economic Development addressed the Board requesting consideration to adopt an ordinance to become a member of the TransTech Alliance, a regional entity being formed to increase business and other economic development opportunities within the region pursuant to Section 15.2-13300 et. seq. of the Code of Virginia, which authorized the joint exercise of powers by political subdivisions. She stated that the proposed ordinance would approve a regional development agreement which established the provisions for financing and operating the TransTech Alliance, creation of a Board of Directors to govern the entity, and provisions for the appointment of two Board Members from each jurisdiction, in which she and Supervisor Ferguson would represent Greenville County.

Chairman Wiley asked if anyone had any comments. There was none.

In Re: Regular Session

Mr. Whittington stated that Staff recommended the Supervisors return to Regular Session.

Supervisor Ferguson moved, seconded by Supervisor Lee, to return to Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: SP-3-12, Shawn Cain

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the request by the applicant Shawn Cain with the following 12 conditions. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

1. A Special use Permit is granted to Mr. Shawn Cain, hereinafter operator, for a Special Event, car show and dog show, separate and distinguishable from any

- other special event held in Greensville County, on property known as Tax Map 20, Parcel 48B. This event shall not exceed a period of time exceeding four (4) calendar days within any calendar year.
2. At all times be in compliance with all local, state, and federal rules and regulations, laws, statutes, and ordinances, with special attention given to the Health Department rules and regulations.
 3. Porta-Johns shall be provided at a rate of 1 per 100 persons attending the event, if indoor facilities are not available for use.
 4. Traffic control devices shall be on hand to safely move vehicles on and off the roadway.
 5. There shall be no parking within the VDOT right-of-way.
 6. A sign no larger than thirty square feet (30'), which advertises the event may be erected on the premises no sooner than thirty (30) days prior to the event. Said sign must be removed from the premises within seven (7) days of the event. While posted the sign shall be set back a minimum of five (5) feet from the right-of-way of all maintained roads.
 7. The operator may erect any signage deemed necessary to direct pedestrians and motorist on the event premises and related parking areas. The operator may erect any off-site signage directing pedestrians and motorist to the event, but that signage must be removed immediately.
 8. The event hours shall be established between 11:00 a.m. and 6:00 p.m. exclusive of set up and dismantling.
 9. Noise generated by the event shall be in compliance with the Greensville County Code.
 10. The applicant shall provide an emergency services plan ten (10) calendar days prior to the event for review and approval by the County Fire Official. The Plan shall address medical and fire services to be provided during the event.
 11. Utilizing this permit issuance date as the annual date, if the event is not held for two (2) consecutive years, the event will be deemed abandoned and this permit terminated.
 12. Failure to abide by the above conditions may result in the immediate revocation of the permit.

In Re: Proposed Ordinance to Create a Regional Economic Development Entity

Mr. Ferguson moved, seconded by Dr. Lee, to approve the Ordinance to Create a Regional Economic Development Entity. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Shawn Harden with Dewberry and Davis

Mr. Reggie Owens, Program Administrator, addressed the Board of Supervisors and introduced Mr. Shawn Harden with Dewberry and Davis, who was present to give a presentation to the Board of Supervisors regarding the landfill expansion, etc.

Mr. Harden addressed the Board stating that he had been working with Dewberry and Davis as the Project Manager for thirteen years primarily on landfill projects and economic development. He stated that he was present to give a brief presentation on the status of the landfill. He then stated that landfill had four cells which was constructed and filled prior to solid waste regulations that came into effect and that they were unlined landfills. Mr. Harden stated that 3.9 of the acres had been constructed in cell one. He stated that of the 17.1 acres of HB 1205, had been given a mandate to close in Greenville County by December 31, 2012. He also stated that when Dewberry took over the landfill engineering about a year or two ago, two filling sequence options were explored with the first option to permit an amendment to the landfill to allow the south cell and the north cell to picky back off of each other. Mr. Harden stated that during the discussions with DEQ, it was agreed that on the south cell side, provisions were made to fill a wedge between the south cell and cell one before December 31, 2012, without having to put the liner in place on top of the south cell; with the understanding that when came time to fill the wedge between the north cell and cell one, the north cell would be capped with a liner suitable for piggybacking and the waste loaded over top of it so that the lechate would be collected through the lechate collection system of cell one. He stated that this method would push back the construction of cell two for a few years. Mr. Harden stated that once cell one was filled to its capacity and the north cell had been closed with the liner, then the waste would be piggybacked over to cell one which would give a little more time before cell two was filled. He stated after that procedure, cell two would be constructed and filled then piggyback over the north cell of cell one. He also stated that south cell closure cost was estimated to be \$833,000 by January 2013. He then stated that north cell closure cost because of the added line cost was approximately \$2.9 million in January 2013. Mr. Harden stated that cell two construction was estimated to cost \$917,400, to happen in July 2015 and the final closure estimated to be \$4,298,000 to happen June 2042.

Mr. Harden stated Dewberry wanted to make sure it was going in the correct direction so with the second option, Dewberry looked at the fact of what would have happened if there was no piggybacking and there wasn't the increased cost of the liner. He stated that Dewberry looked at just closing the north and south cell and continued with cell one as currently being done. He stated that with the construction of cell two and then having the final closure would leave the wedges in between the north cell and cells one and two and the south cell one and two open that the county would be missing all that air space that would change the time frames. He stated that an estimation of the north cell and south cell closure combined would be about \$2.8 million and would still have to happen January 2013. He also stated that with the filling of cell one in January 2013, construction of cell two in January of 2014 at the same cost it would have been under scenario one and final closure December 2022 at \$1.42 million. Mr. Harden stated that in summary, total cost of option one in capital outlay would be about \$8.99 million but would give the County a 29.5- 30 year life span with an average cost within 30 years or

so would be \$304 per year and under option two it was less capital outlay of about \$5.2 million and \$522 thousand per disposal year in capital outlay not including operating cost and tipping fees. He further stated that it only gave 10 years of landfill space and then the County would be permitting another landfill or finding other disposal solutions. Mr. Harden stated that there would have to be periodic increases in tipping fees throughout the 30 year life of the landfill to support option one but not all at one time. He then stated that it was Dewberry's recommendation to go with option one because of 20 more years in disposal life at a lower cost.

Mr. Whittington stated that Dewberry's recommendation was the same as Staff's recommendation at previous meetings and Staff still stood by its recommendation to go with option one.

Supervisor Ferguson asked how much increase in volume had been taken into consideration. Mr. Harden stated that it was estimated to be about a 2% increase per year with a reduction once the County started manned sites.

In Re: Citizens Comments

Mr. Whittington invited anyone present who wished to address the Supervisors, to come forward and state their name for the record. There was no one.

In Re: Resolution #12-172 – Local Governing Body Concurrence with School Division Electing to Pay the VRS Board Certified Rate

Mrs. Parson stated that Resolution #12-172 was regarding the Greensville County Public School System electing for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code 51.1-145. She requested approval of the following Resolution.

**LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION
ELECTING TO PAY THE VRS BOARD-CERTIFIED RATE
(IN ACCORDANCE WITH THE 2012 APPROPRIATION ACT ITEM 468 (H))**

RESOLUTION #12-172

BE IT RESOLVED, that the Greensville County Board of Supervisors 55140, does hereby acknowledge that the Greensville County Public School has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145 (I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Greensville County Board of Supervisors 55140, does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Greensville County Public Schools to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of Greensville County Board of Supervisors 55140, are hereby authorized and directed in the name of the Greensville County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the Greensville County Board of Supervisors, as appropriate, shall be affixed and attested by the Clerk.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve Resolution #12-172. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Resolution #12-173 – Approving Additional Financing for the Commonwealth’s Attorney Office Project and Financing for the Jarratt Emergency Generator Project

Mrs. Parson stated that Staff recommended the approval of the following Resolution.

RESOLUTION#12-173 APPROVING ADDITIONAL FINANCING FOR THE COMMONWEALTH’S ATTORNEY OFFICE PROJECT AND FINANCING FOR THE JARRATT EMERGENCY GENERATOR PROJECT, ALL THROUGH A LEASE FINANCING ARRANGEMENT, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED PRIME LEASE AND A LOCAL LEASE ACQUISITION AGREEMENT AND AMENDED AND RESTATED FINANCING LEASE, AND OTHER RELATED ACTIONS

WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of Greensville County, Virginia (the “County”) has included in its capital improvement program the undertaking, acquisition, construction, renovation and improvement of offices for use by the Commonwealth’s Attorney (the “Commonwealth’s Attorney Office Project”), as required by the Code of Virginia of 1950, as amended (the “Virginia Code”);

WHEREAS, the County previously entered into a lease financing arrangement with the Virginia Resources Authority (“VRA”) for a portion of the financing for the Commonwealth’s Attorney Office Project from proceeds of VRA’s Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2011A (the “Series 2011A VRA Bonds”), pursuant to the terms of a Local Lease

Acquisition Agreement and Financing Lease, dated as of April 15, 2011, between the County and VRA, and a Prime Lease, dated as of June 1, 2011, between the County and VRA, whereby the County leased all of the parcels of real estate on which the Commonwealth's Attorney Office Project is located (the "Real Estate"), and the associated improvements and property located thereon as part of the Commonwealth's Attorney Office Project (the "Improvements"), to VRA;

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the County to obtain funding from VRA for additional costs associated with the Commonwealth's Attorney Office Project in an amount now estimated not to exceed \$436,600 as well as for the purchase, on behalf of the Greenville County Water and Sewer Authority (the "WSA"), of an emergency generator for the Jarratt Water Treatment Plant in an amount now estimated not to exceed \$333,900 (the "Jarratt Emergency Generator Project," and together with the Commonwealth's Attorney Office Project, the "Project");

WHEREAS, the Board of Supervisors is authorized, pursuant to Section 15.2-1800 of the Virginia Code, to lease any improved or unimproved land held by the County;

WHEREAS, Section 15.2-5147 of the Virginia Code authorizes the County to convey to the WSA any system or portion thereof, or any right or interest in such facilities or any property appertaining thereto, upon such terms and conditions as the Board of Supervisors determines to be in the best interest of the County;

WHEREAS, VRA intends to issue its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2012B (as more particularly defined in the below-defined Financing Lease, the "Series 2012B VRA Bonds"), and to make available to the County a portion of the proceeds of such bonds to finance the Project pursuant to the terms of a Local Lease Acquisition Agreement and Amended and Restated Financing Lease (the "Financing Lease"), between the County and VRA;

WHEREAS, the County intends to enter into an Amended and Restated Prime Lease (the "Prime Lease") with VRA whereby the County will continue to lease the Real Estate and Improvements to VRA and, pursuant to Section 15.2-1800 of the Virginia Code, the execution and delivery of the Prime Lease does not require that a public hearing be held by the Board of Supervisors;

WHEREAS, the County intends to enter into the Financing Lease with VRA pursuant to which VRA will continue to lease the Real Estate and the Improvements back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the Series 2011A VRA Bonds and the Series 2012B VRA Bonds issued to accomplish the financing of the Project (the "Rental Payments");

WHEREAS, pursuant to the Financing Lease the County will undertake and complete the Project;

WHEREAS, the County intends to pay the Rental Payments from annual appropriations from the County's General Fund;

WHEREAS, the Financing Lease shall indicate an amount up to \$770,500 is the amount of additional proceeds requested (the "Proceeds Requested") from VRA from the Series 2012B VRA Bonds;

WHEREAS, VRA has advised the County that the sale date of the Series 2012B VRA Bonds is tentatively scheduled for July 11, 2012 but may occur, subject to market conditions, at any time between July 1, 2012 and July 31, 2012, and that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the payments under the Financing Lease (the "VRA Loan Pricing Objective"), taking into consideration such factors as the purchase price to be received by VRA for the Series 2012B VRA Bonds, the underwriters' discount and other issuance costs of the Series 2012B VRA Bonds (the "VRA Costs"), and other market conditions relating to the sale of the Series 2012B VRA Bonds;

WHEREAS, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments with respect to the Proceeds Requested from the Series 2012B VRA Bonds and consequently the par amount of the aggregate principal components of the Rental Payments with respect to the Proceeds Requested from the Series 2012B VRA Bonds may be greater than the Proceeds Requested in order to receive an amount of proceeds that is not less than the Proceeds Requested; and

WHEREAS, the Prime Lease and the Financing Lease are referred to herein collectively as the "Documents."

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

1. **Approval of Lease-Leaseback Arrangement.** The lease-leaseback and continued lease-leaseback arrangement with VRA to accomplish the financing of the Project is hereby approved. The County Administrator or Deputy County Administrator is authorized to determine the Real Estate and Improvements, as may be required by VRA, to be subject to the lease-leaseback arrangement.

2. **Approval of Prime Lease.** Subject to the terms and conditions set forth in paragraph 4 of this Resolution, the leasing and continued leasing of the Real Estate and the Improvements by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease is hereby approved.

3. **Approval of the Financing Lease.** Subject to the terms and conditions set forth in paragraph 4 of this Resolution, the leasing and continued leasing of the Real Estate and the Improvements by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease is hereby approved.

4. **Approval of the Terms of the Rental Payments.** The Rental Payments set forth in the Financing Lease with respect to the Proceeds Requested from the Series 2012B VRA Bonds shall be composed of principal and interest components reflecting an original aggregate principal amount not to exceed \$900,000, a true interest cost not to exceed 5.0% per annum (taking into account any original issue discount or premium), and a final rental payment date not later than December 31, 2042.

It is determined to be in the best interest of the County to accept the offer of VRA to enter into the Financing Lease with the County for an amount determined by VRA to be fair, subject to the conditions set forth in this Resolution, which Financing Lease shall be executed by the Chairman, the Vice Chairman or the County Administrator, any one of whom may act. Given the VRA Loan Pricing Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments with respect to the Proceeds Requested from the Series 2012B VRA Bonds greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments with respect to the Proceeds Requested from the Series 2012B VRA Bonds on the Financing Lease set forth in this paragraph 4 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Loan Pricing Objective and market conditions, the County Administrator or Deputy County Administrator is authorized to enter into the Financing Lease for an amount less than the Proceeds Requested.

The actions of the Chairman, the Vice Chairman and the County Administrator, any one of whom may act, in accepting the final terms of the Rental Payments with respect to the Proceeds Requested from the Series 2012B VRA Bonds and the compliance of the financing of the Project with the limits and conditions set forth in this paragraph 4 shall be conclusive, and no further action shall be necessary on the part of the Board of Supervisors.

5. **Other Payments under Financing Lease.** The County agrees to pay all amounts required by the Financing Lease, including any amounts required by Section 5.1(b) of the Financing Lease, including the "Supplemental Interest," as provided in such section.

6. **Execution and Recordation of Documents.** The Chairman, the Vice Chairman and the County Administrator, any one of whom may act, are authorized and directed to execute the Documents and deliver them to the other parties thereto. The Chairman, the Vice Chairman and the County Administrator, any one of whom may act, are further authorized to cause the Documents to be recorded in the Clerk's Office of the Circuit Court of Greensville County, Virginia.

7. **Form of Documents.** The Documents shall be in substantially the forms on file with the County Administrator, which are hereby approved with such completions, omissions, insertions and changes as may be approved by the Chairman, the Vice Chairman and the County Administrator, any one of whom may act, with the execution and delivery of the Documents by the Chairman, the Vice Chairman and/or the County

Administrator constituting conclusive evidence of the approval of any such completions, omissions, insertions, and changes.

8. **Essentiality of the Project.** The Project is hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Project will continue to be essential to the operation of the County during the term of the Financing Lease.

9. **Conveyance of Jarratt Emergency Generator Project.** The County is financing the Jarratt Emergency Generator Project on behalf of the WSA and shall convey and transfer the Jarratt Emergency Generator Project to the WSA pursuant to Section 15.2-5147 of the Virginia Code. The County Administrator or Deputy County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate and to enter into any arrangements with the WSA to accomplish such conveyance and transfer.

10. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board of Supervisors 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 of Supervisors do likewise during the term of the Financing Lease. The Board of Supervisors directs the County Administrator or Deputy 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 Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board of Supervisors directs the County Administrator or Deputy 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 of Supervisors 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.

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

12. **Disclosure Documents.** The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in

connection with the sale of the Series 2012B VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator and Deputy County Administrator are authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12, as amended.

13. **Tax Documents.** The Chairman, the Vice Chairman and the County Administrator, any one of whom may act, are authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement or any related document to be delivered simultaneously with the issuance and delivery of the Financing Lease (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Series 2012B VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and/or VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the Series 2012B VRA Bonds and the Documents including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the Series 2012B VRA Bonds to be received pursuant to the Documents will be invested and expended as set forth in the Tax Documents and that the County shall comply with the other covenants and representations contained therein.

14. **SNAP Investment Authorization.** The Board of Supervisors hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer and Director of Finance to participate in the State Non-Arbitrage Program ("SNAP") in connection with the investment of the proceeds of the lease-leaseback transaction. The Board of Supervisors 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 documents provided in connection with SNAP.

15. **Other Actions.** All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the execution and delivery of the Documents.

16. **Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

17. **Effective Date.** This Resolution shall take effect immediately.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve Resolution #12-173. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Heavy Equipment Contract between Greenville County and Michael H. Branch

Mr. Whittington addressed the Board stating the contract was for heavy equipment services and Staff was recommending approval of the contract between Greenville County and Michael H. Branch.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Heavy Equipment Services Contract between Greenville County and Michael H. Branch. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Building Appeals Board Appointment

Mr. Whittington stated that the appointment was deferred from the meeting of June 4, 2012.

Supervisor Ferguson moved, seconded by Supervisor Lee, to defer the appointment until the next meeting. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Greenville County Businesses

Mr. Whittington stated that it had come to Staff's attention through working with the Treasurer that some of the tax payers of Greenville County were businesses that conducted business with Greenville County and that the recommendation by the Treasurer was for the Board of Supervisors to adopt a policy that would enable the Treasurer to retain those funds, rather than paying that business for services rendered and apply that check to the delinquent amount of taxes whether it be personal, machinery and tool or real estate. Mr. Whittington stated that Staff was recommending adoption of the policy, that was not yet drafted, and would go into the Administrative Manual, upon the contingent approval by the County Attorney.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve the policy to be drafted that was recommended by Staff and the Treasurer, contingent upon review by the County Attorney. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Chairman Wiley recessed the meeting until the conclusion of the Water and Sewer Authority Meeting.

Chairman Wiley reconvened the meeting in Closed Session.

In Re: Closed Session

Mr. Whittington, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel Matters.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to go into Closed Session, as recommended by Staff. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Regular Session

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Certification of Closed Meeting – Resolution #12-176

Supervisor Ferguson moved, seconded by Supervisor Lee, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Ferguson, aye; Supervisor Lee, aye; Supervisor Vaughan, aye; and Chairman Wiley, aye.

**RESOLUTION #12-176
CERTIFICATION OF CLOSED MEETING**

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

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

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

In Re: Adjournment

There being no further business, Supervisor Ferguson moved, seconded by Supervisor Lee, to adjourn the meeting until July 2, 2012 at 3:00 p.m. to review draft revisions to the County's Personnel Policies. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Peggy R. Wiley, Chairman

K. David Whittington, Clerk