

AGENDA

Board of Supervisors
County of Prince George, Virginia
Regular Meeting: January 26, 2016
County Administration Bldg. Boardroom, Third Floor
6602 Courts Drive, Prince George, Virginia

Regular Meeting

Closed Session

6:30 p.m.

Business Meeting

7:00 p.m.

***Public Hearings Will Be Heard at 7:30 p.m.**

CALL TO ORDER

Roll Call

CLOSED SESSION

E-1. Resolution; Closed Session Motion with Topics and Code Section References to be Provided at Board Meeting.

E-2. Resolution; "Certification of Closed Session" Certifying that Only those Items Contained in the Closed Session Motion were Discussed.

INVOCATION

PLEDGE OF ALLEGIANCE TO U.S. FLAG

PUBLIC COMMENTS

At this time, members of the audience may address the Board on any item on tonight's agenda which is not scheduled for a Public Hearing or any non-agenda item related to County operations. The Board does not generally respond to questions or statements made during public comment. Speakers will not be allowed to engage in personal attacks, use of profanity, campaign for office, or promote a business.

ADOPTION OF AGENDA

ORDER OF CONSENSUS

Items listed under this category are considered routine and are acted upon by the Board with a single vote. The Consent Agenda provides a method for the expeditious handling of items that do not require discussion. If a Board Member desires they may extract an item and it is added to the regular agenda.

C-1. Draft Minutes – January 4 Organizational Meeting and January 12, 2015.

C-2. Resolution; Commendation; Luke Pezulli; Attainment of Eagle Scout.

C-3. Resolution; Proclamation of February, 2016 as "Black History Month."

PRESENTATIONS

S-1. Resolution; Commendation; Luke Pezulli; Attainment of Eagle Scout.

SUPERVISORS' COMMENTS

COUNTY ADMINISTRATOR'S COMMENTS

REPORTS

Quarterly Financial Report – Lori Robertson

TABLED ITEMS

ORDER OF BUSINESS

- A-1. Approval of Refinancing 2008 Series Bonds.
- A-2. Discussion and Possible Action on New Fuel Agreement.
- A-3. Adoption of Utilities Master Plan.
- A-4. Resolution; Authority to Advertise a Public Hearing on a Lease Agreement with the Heritage Center.
- A-5. Approval of FY15 Audit.
- A-6. Consideration of Appointments – Board, Commissions, Committees, Authorities:
Resolution of Appointment(s):
 - A. Resolution; Appointment; John Tyler Alcohol Safety Action Program (ASAP) Board (Three-Year Term).
- [ADDED] A-7. A Resolution to Confirm and Consent to the Declaration of a Local Disaster.**

PUBLIC HEARINGS

ADJOURNMENT

Board meeting format: Closed Meeting at 6:00 p.m., followed by a Business Meeting at 7:00 p.m. with Public Hearings being heard at 7:30 p.m. **Visit Prince George County website for information www.princegeorgecountyva.gov.**

AMENDMENT(S)

Addition(s)

None.

Deletion(s)

None.

Changes

None.

MINUTES
Board of Supervisors
County of Prince George, Virginia

January 26, 2016

5:00 p.m.
County Administration Bldg. Boardroom, Third Floor
6602 Courts Drive, Prince George, Virginia

MEETING CONVENED. A regular meeting of the Board of Supervisors of the County of Prince George, Virginia, was called to order at 6:30 p.m. on Tuesday, January 12, 2016 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by William A. Robertson, Jr., Chairman.

ATTENDANCE. The following members responded to Roll Call:
William A. Robertson, Jr., Chairman Present
Jerry J. Skalsky, Vice-Chairman Present
Alan R. Carmichael Absent
Donald R. Hunter Present
T. J. Webb Present

Also present was: Percy C. Ashcraft, County Administrator; Jeff Stoke, Deputy County Administrator; and Steve Micas, County Attorney.

CLOSED SESSION

E-1. Resolution; Closed Session for: Mr. Webb made a motion, seconded by Mr. Hunter, that the Board convene a closed session for (1) discussion of prospective candidates for Board appointments to various committees pursuant to § 2.2-3711 (A)(1), Code of Virginia, 1950, as amended; and (2) discussion of the evaluation of the performance and promotion of a specific employee pursuant to § 2.2-3711 (A)(1), Code of Virginia, 1950, as amended.

R-16-016

E-1.

**RESOLUTION; CLOSED SESSION WITH TOPICS AND CODE SECTION
REFERENCES TO BE PROVIDED AT BOARD MEETINGS**

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 9th day of February, 2016, does hereby vote to enter closed session for (1) discussion of prospective candidates for Board appointments to various committees pursuant to § 2.2-3711 (A)(1), Code of Virginia, 1950, as amended; and (2) discussion of the evaluation of the performance and promotion of a specific employee pursuant to § 2.2-3711 (A)(1), Code of Virginia, 1950, as amended.

On roll call the vote was:

In favor: (4) Robertson, Skalsky, Hunter, Webb

Opposed: (0)

Absent: (1) Carmichael

E-2. Resolution; Certification of Closed Session. At 7:00 p.m., Mr. Webb made a motion, seconded by Mr. Hunter, that the Board adjourn the closed session and enter open session, certifying that to the best of each Board Members' knowledge (1) only public business lawfully exempted from open meeting requirements were discussed and (2) only matters identified in the convening motion were discussed. Chairman Robertson asked if any Board member knew of any matter discussed during the closed session that was not announced in its convening

legislation. Hearing no comment from the Board, the Chairman asked that the roll be called on the motion.

Mr. Carmichael arrived at 6:57 p.m.

R-15-016A

E-2

RESOLUTION; CERTIFICATION OF CONTENTS OF CLOSED SESSION PURSUANT TO SEC. 2.2-3711, ET SEQ., CODE OF VIRGINIA (1950, AS AMENDED).

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of January, 2016 does hereby certify that, to the best of each Board Member's knowledge, (1) only public business lawfully exempted from open meeting requirements were discussed, and (2) only matters identified in the convening motion were discussed.

On roll call the vote was:

In favor: (4) Skalsky, Webb, Robertson, Hunter

Opposed: (0)

Abstained: (1) Carmichael

Invocation. Mr. Skalsky gave an invocation.

Pledge of Allegiance to U.S. Flag. Eagle Scout Luke Pezzulli led the Pledge of Allegiance to the United States Flag.

PUBLIC COMMENTS. Chairman Robertson announced that anyone wishing to come before the Board may do so at this time. He noted that this was the time for unscheduled general public comments. He opened the public comments at 7:09 p.m. There was no one to speak and the public comments period was closed.

APPROVAL OF AGENDA. Mr. Skalsky made a motion, seconded by Mr. Carmichael, to adopt the agenda as amended. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Robertson, Carmichael, Skalsky, Webb, Hunter

Opposed: (0)

ORDER OF CONSENSUS: Chairman Robertson extracted Item C-1. Mr. Webb made a motion, seconded by Mr. Skalsky, that the consensus agenda be approved as amended. Roll was called on the motion.

R-15-017

C-2.

RESOLUTION; COMMENDATION; FRANK LUCAS PEZZULLI; ATTAINMENT OF EAGLE SCOUT AWARD

WHEREAS, Frank Lucas Pezzulli of Boy Scout Troop 900 began his Scouting career as a Weblo I while in the fifth grade; and

WHEREAS, Luke successfully completed all Scouting ranks, including Tenderfoot, Second Class, First Class, Star, Life and finally Eagle Scout in August of 2015; and

WHEREAS, Luke was elected into the Order of the Arrow in 2014. He served in several leadership roles through years, especially as Patrol Leader and Quarter Master; and

WHEREAS, Luke has earned a total of 44 merit badges; and

WHEREAS, Luke's dedication to helping younger scouts was eminent as a staff member for cub scouts at T Brady Saunders Cub Adventure Camp; and

WHEREAS, Luke's Eagle Scout Project was cleaning up the cemetery at Sacred Heart Church;

WHEREAS, Luke's future plans include attending college to study medicine or chemical engineering, while also considering serving in the military; and

WHEREAS, Lucas Pezzulli's dedicated, conscientious participation and leadership in community and humanitarian activities are recognized and saluted.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of January, 2016, hereby commends and congratulates Frank Lucas Pezzulli on attainment of the rank of Eagle Scout in the Boy Scouts of America; and

BE IT FURTHER RESOLVED That this Board wishes Luke Pezzulli much success and happiness as he pursues his future goals.

R-16-017A

C-3.

**RESOLUTION; PROCLAMATION OF FEBRUARY, 2016 AS
"BLACK HISTORY MONTH."**

WHEREAS, Black Americans have played a decisive role in the development of the United States from the Colonial Period to modern times; and

WHEREAS, The contributions and roles played by Black Americans in our Nation's history have contributed to the versatility and strength of this Country; and

WHEREAS, Traditional accounts of U. S. history have not always described Black Americans' participation in the historical evolution of this Nation; and

WHEREAS, Greater understanding of the historical roots of all major ethnic groups that settled in this County is necessary.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of January, 2016 hereby proclaims February, 2016 as "Black History Month" in Prince George County; and

BE IT FURTHER RESOLVED By this Board that it requests the County schools to observe "Black History Month" through educational activities and programs that will depict the history of Black Americans.

On roll call the vote was:

In favor: (5) Robertson, Carmichael, Webb, Skalsky, Hunter

Opposed: (0)

C-1. Draft Minutes – January 4 Organizational Meeting and January 12, 2015. After Chairman Robertson made a typographical correction in the By-Laws in the January 4 Organization Meeting minutes, Mr. Carmichael made a motion, seconded by Mr. Hunter, to approve the minutes as amended. Roll was called on the motion.

PRESENTATIONS

S-1. Resolution; Commendation; Luke Pezzulli; Attainment of Eagle Scout. Mr. Skalsky presented the commendation to Luke Pezzulli in the presence of his family.

SUPERVISORS' COMMENTS

Mr. Skalsky commended all of the emergency care workers for their good work during the snow storm.

Mr. Carmichael stated that emergency services did an outstanding job coordinating the events during the snow storm.

Mr. Webb echoed Mr. Skalsky and Mr. Carmichael's comments.

Chairman Robertson commended the volunteers for leaving their families during that time to help others and man the stations.

COUNTY ADMINISTRATOR COMMENTS

Mr. Ashcraft stated that the VDOT Public Meeting on Temple Avenue Roundabout has been rescheduled to February 3 at 5:30 p.m. at the Colonial Heights Courthouse. The CIP Committee will meet on January 27 at 6:00 p.m. on the second floor employee break room. 4-H Registration begins February 1. Prince George County will be hosting the Fort Lee Civilian Military Council Luncheon on February 3 at 11:30 a.m. at the Country Club of Petersburg. There will be a Black History Month Celebration Bruch on February 6 from 10:00 a.m. to 12 Noon at The Lee Club at Fort Lee. The last day to register for the Presidential Primary will be February 8. The next Business Roundtable meeting will be on February 10 at 12 Noon at the Prince George Library. The DMV Mobile Unit will be at the Police Department Parking Lot on February 16 from 9:00 a.m. to 4:00 p.m. The new Carson Volunteer Fire Station is about 90 percent complete. Sidewalk construction has begun at Exit 45. The Hopewell/Prince George Chamber of Commerce is accepting nominations for its Awards Breakfast on March 2.

REPORTS

Quarterly Financial Report – Ms. Lori Robertson presented the Board with the Quarterly Financial Report for the quarter ending December 31, 2015. The General Fund Revenues are at 44% collected. The General Fund Expenditures are at 49.5%. The Utilities Fund reflects that the operating revenues are exceeding the operating expenditures by quite a bit reflecting good collections. The non-operating expenses are greater than the revenues at this time.

ORDER OF BUSINESS

A-1. Approval of Refinancing 2008 Series Bonds. Ms. Jamie Engel introduced Mr. Ted Cole of Davenport & Company. Mr. Cole stated that they are recommending that the County pursue refunding the eligible portion of the 2008A Bonds through the Literary Loan and refund the remaining callable 2008A Bonds associated through the Rolls-Royce project at Crosspointe Project through a direct bank loan with American National Bank based upon the County's preferred funding. The Literary Loan portion of the Refinancing provides the County with a fixed interest rate of 2% and term to match the maturity of the existing debt. The Literary Loan is related to the construction of North Elementary School. It will save the County \$66,256 in FY '17 and \$1,156,875 over the next 16 years. Mr. Cole presented the Board three options with American National Bank with different terms, rates, and costs savings. After much discussion regarding the options and the Rolls-Royce Project, the Board chose to refinance at a 15-year term that will save the County \$80,992 in FY '17 and \$2,210,049 over the next 22 years. American National Bank provided the most favorable combination of interest rates, terms and conditions at a fixed percentage rate of 2.32. Mr. Webb made a motion, seconded by Mr. Carmichael, to approve the resolution for the Literary Loan as presented. Roll was called on the motion.

R-16-018

A-1.

RESOLUTION AUTHORIZING THE APPROVAL OF A LOAN FROM THE VIRGINIA LITERARY LOAN PROGRAM THROUGH THE ISSUANCE AND SALE OF A GENERAL OBLIGATION REFUNDING BOND, SERIES 2016B OF THE COUNTY OF PRINCE GEORGE, VIRGINIA AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the County of Prince George, Virginia (**the “County”**) is a political subdivision of the Commonwealth of Virginia, and pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (**the “Act”**) the Board of Supervisors of the County (**the “Board of Supervisors”**) is authorized to contract debts on behalf of the County and to issue, as evidence thereof, notes, bonds or other obligations payable from pledges of the full faith and credit of the County;

WHEREAS, pursuant to the approval of the affirmative vote of the qualified voters of the County in an election on the question, the County has elected to be treated as a city for the purpose of issuing its bonds under the Act;

WHEREAS, the County previously issued its \$17,500,000 General Obligation Public Improvement Bonds, Series 2008A (**the “2008 Bonds”**), a portion of the proceeds of which were used to finance the construction of a new elementary school in the County (**the “School Project”**);

WHEREAS, the County previously applied to the Virginia Board of Education through its Department of Education (**“VDOE”**) for the School Project to be financed through the Virginia Literary Fund through the Virginia Literary Loan Program (**the “Literary Loan”**) through a low-interest loan in the amount of approximately \$7,500,000;

WHEREAS, the School Project was approved by VDOE, and financing for the School Project was placed on the waiting list for Literary Loan financings pending funding from the Commonwealth and no such funding was forthcoming in advance of the issuance of the 2008 Bonds;

WHEREAS, VDOE has notified the County that funding for the School Project is now available through a Literary Loan and that a portion of the 2008 Bonds allocable to the School Project may be refunded through a Literary Loan financing in a principal amount up to \$7,500,000 at a fixed interest rate of 2.00 percent per annum;

WHEREAS, the County, with the assistance of Davenport & Company LLC, the County’s financial advisor (**the “Financial Advisor”**) has determined that substantial savings would be obtained by refunding a portion of the 2008 Bonds corresponding to the School Project (**the “Refunded Bonds”**) by the County entering into a Literary Loan and issuing its General Obligation Refunding Bond, Series 2016B (**the “Bond”**) for purchase by the Virginia Literary Fund through VDOE; and

WHEREAS, in accordance with Section 15.2-2643 of the Act, a public hearing is not required by the County in connection with the issuance of the Bond to finance the refunding of the Refunded Bonds and costs of issuing the Bond;

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

1. Authorization of the Bond and Documents. The Board of Supervisors hereby finds and determines that it is advisable and in the best interests of the County to enter into a Literary Loan by contracting a debt and issue and sell its Bond for the purpose of refunding the Refunded Bonds and costs of issuing the Bond. The Board of Supervisors hereby authorizes the Literary Loan and in connection therewith, the issuance and sale of the Bond in accordance with the terms established pursuant to this Resolution. The form of the Bond and any other loan documents shall be established and approved by subsequent resolution of the Board of Supervisors.

2. Details of the Bond. The Board of Supervisors hereby approves (a) the maximum aggregate principal amount of the Bond of \$7,500,000 with a fixed interest rate not to exceed 2.00% and for an amortization of approximately 18 years from its date of issuance, subject to other terms as set forth therein with such changes, including but not limited to changes in the amounts, dates, amortization, payment dates and redemption premiums or prepayment penalties

and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his approval of the same.

3. Pledge of Full Faith and Credit. The Bond shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia. The Bond will be secured by the full faith and credit of the County. For the prompt payment of the principal of, premium, if any, and interest on the Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged. Pursuant to Virginia Code Section 15.2-2624 and as provided hereafter, there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on the Bond as the same shall become due, which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

4. Other Actions. All other actions of officers of the County taken heretofore or hereafter conforming with the purposes and intent of this Resolution and in furtherance of entering into the Literary Loan, the issuance and sale of the Bond and the refunding of the Refunded Bonds are approved, ratified and confirmed. The officers and representatives of the County are authorized and directed to execute and deliver all documents, agreements, undertakings, certificates and other instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond and the redemption and defeasance of the Refunded Bonds, including without limitation entering into an escrow agreement with an escrow agent to provide for the refunding and redemption of the Refunded Bonds and to engage verification services in connection with the refunding and redemption of the Refunded Bonds, and subscribing for U.S. Treasury State and Local Government Series investments for deposit in escrow, execution of any appropriate documents confirming the County's acceptance of the proposal from VDOE, execution and delivery of IRS Form 8038-G as determined necessary by bond counsel and execution of the Loan Agreement or similar agreements, if necessary.

5. Bond Counsel. The Board of Supervisors hereby confirms the appointment of Sands Anderson PC to serve as Bond Counsel to the County in connection with the issuance of the Bond.

6. Limitation of Liability of Officials of the County. No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of any officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof.

7. Filing of Resolution. The Clerk or any Deputy Clerk of the Board of Supervisors or other agent or employee of the County, is hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County of Prince George.

8. Repeal of Conflicting Actions. All resolutions or parts thereof in conflict herewith are repealed.

9. Effective Date. This Resolution and the provisions contained herein shall become effective immediately upon adoption.

Adopted: January 26, 2016

On roll call the vote was:

In favor: (5) Robertson, Carmichael, Webb, Skalsky, Hunter

Opposed: (0)

Mr. Webb made a motion, seconded by Mr. Skalsky, to approve the resolution for the American National Bank Loan under Option A for a 15-year term at a fixed rate of 2.32. Roll was called on the motion.

R-16-019

A-1.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A
GENERAL OBLIGATION REFUNDING BOND, SERIES 2016A OF THE
COUNTY OF PRINCE GEORGE, VIRGINIA AND PROVIDING FOR THE
FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the County of Prince George, Virginia (**the “County”**) is a political subdivision of the Commonwealth of Virginia, and pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (**the “Act”**) the Board of Supervisors of the County (**the “Board of Supervisors”**) is authorized to contract debts on behalf of the County and to issue, as evidence thereof, notes, bonds or other obligations payable from pledges of the full faith and credit of the County;

WHEREAS, pursuant to the approval of the affirmative vote of the qualified voters of the County in an election on the question, the County has elected to be treated as a city for the purpose of issuing its bonds under the Act;

WHEREAS, Davenport & Company LLC, the County’s financial advisor (**the “Financial Advisor”**), as directed by County staff, prepared a Request for Proposals (**the “RFP”**) to obtain financing proposals for the refinancing of a portion of the County’s outstanding General Obligation Public Improvement Bonds, Series 2008A (**the “Refunded Bonds”**);

WHEREAS, the Financial Advisor has received responses to the RFP that reflect attractive terms for the refinancing of the Refunded Bonds and after reviewing the responses has recommended that the Board of Supervisors select the proposal to purchase the County’s maximum principal amount of \$7,100,000 General Obligation Refunding Bond, Series 2016A, (**the “Bond”**) in accordance with the proposal (**the “Proposal”**) from American National Bank and Trust Company (**the “Lender”**) and the Board of Supervisors desires to accept the Proposal and proceed with the financing reflected therein;

WHEREAS, in accordance with Section 15.2-2643 of the Act, a public hearing is not required by the County in connection with the issuance of the Bond to finance the refunding of the Refunded Bonds and costs of issuing the Bond;

WHEREAS, there has been presented to this meeting a summary of the Proposal and drafts of the form of Bond and a Loan Agreement between the County and the Lender (**the “Loan Agreement”**).

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

1. Authorization of the Bond and Documents. The Board of Supervisors hereby finds and determines that it is advisable and in the best interests of the County to contract a debt and issue and sell its Bond for the purpose of refunding the Refunded Bonds and costs of issuing the Bond. The Board of Supervisors hereby authorizes the issuance and sale of the Bond in accordance with the Proposal, as it may be amended by the Loan Agreement, and in the form and upon the terms established pursuant to this Resolution. The form of the Loan Agreement presented to this meeting is hereby approved, and the Chairman of the Board of Supervisors or Vice Chairman of the Board of Supervisors (**the “Chairman”**) and County Administrator, or any of them, are authorized and directed to execute and deliver the Loan Agreement with such changes and amendments as the officer executing the same shall approve, such approval to be conclusively evidenced by his execution and delivery thereof.

2. Details of the Bond. The Board of Supervisors hereby approves (a) the Loan Agreement, (b) the form of the Bond in an approximate aggregate amount of \$7,100,000 with a fixed interest rate not to exceed [2.32%] and for an amortization of approximately [15] years from its date of issuance, subject to other terms as set forth therein with such changes, including but not limited to changes in the amounts, dates, amortization, payment dates and redemption premiums or prepayment penalties and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his approval of the same and whose execution of the Loan Agreement shall be conclusive evidence of such approval.

3. Pledge of Full Faith and Credit. The Bond shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia. The Bond will be secured by the full faith and credit of the County. For the prompt payment of the principal of, premium, if any, and interest on the Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged. Pursuant to Virginia Code Section 15.2-2624 and as provided hereafter, there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on the Bond as the same shall become due, which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

4. Execution and Delivery of Bond. The Chairman or Vice Chairman is authorized and directed to execute the Bond in the form presented to this meeting, with such changes as may be approved by the officer executing it, including but not limited to the amount, dates, payment dates, interest rate and basis, and maturity, whose signature shall be conclusive evidence of his or her approval of the same. The Clerk of the Board of Supervisors and any Deputy Clerk or Assistant Clerk, any of whom may act, are authorized and directed to execute the Bond, to affix the seal of the County to the Bond, to attest the seal and then to deliver the Bond to the Lender upon payment of the purchase price of 100% of the principal amount of the Bond.

5. Prepayment Provisions. The Bond shall be subject to optional prepayment in whole or in part at any time at 100% of the principal amount to be redeemed.

6. Tax Covenants. (a) The County covenants that it shall not take or omit to take any action the taking or omission of which would cause the Bond to be an “arbitrage bond” within the meaning of Section 148 of the Code and Treasury Regulations applicable to the Bond, or otherwise cause interest on the Bond to be includible in the gross income for federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing; the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond. The County shall pay from its general fund any amount required to be rebated to the United States pursuant to the Code.

(b) Such officers of the County as may be requested are authorized and directed to execute appropriate certificates setting forth the expected use and investment of the proceeds of the Bond and to make any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate shall be in such form as may be requested by bond counsel for the County.

(c) The County covenants that it will not permit the facilities financed by the Refunded Bonds to be used in any manner that would result in (a) 5% or more of the gross proceeds of the Bond being considered as having been used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, or (b) 5% or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel acceptable to the Lender that compliance with any such covenant is not required to prevent interest on the Bond from being includible in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenant.

(d) The Board of Supervisors, on behalf of the County, hereby designates the Bond as a “qualified tax-exempt obligation” as defined in Section 265(b)(3)(B) of the Code and certifies by this Resolution that it does not reasonably anticipate the issuance by it or its subordinate entities of more than \$10 million in “qualified tax-exempt obligations” during the calendar year 2016 and will not designate, or permit the designation by any of its subordinate entities of, any of its bonds (or those of its subordinate entities) during the calendar year 2016 which would cause the \$10 million limitation of Section 265(b)(3)(D) of the Code to be violated.

(e) The Board of Supervisors on behalf of the County hereby designates to the Bond the “small issuer exception” to the rebate requirements of Section 148(f)(2) and (3) of the Code pursuant to Section 148(f)(D)(vii) of the Code, as the County is a governmental unit with general taxing powers, no bond which is a part of the Bond will be a private activity bond, 95% or more of the net proceeds of the Bond is to be used for local governmental activities of the County, and the aggregate face amount of all tax-exempt bonds, excluding private activity bonds to be issued by the County during the calendar year 2016 is not reasonably expected to exceed \$5,000,000 increased by the lesser of \$10,000,000 or so much of the aggregate face amount of the Bond as are attributable to financing the construction of public school facilities within the meaning of Section 148(f)(D)(vii).

7. Other Actions. All other actions of officers of the County taken heretofore or hereafter conforming with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond and the refunding of the Refunded Bonds are approved, ratified and confirmed. The officers and representatives of the County are authorized and directed to execute and deliver all documents, agreements, undertakings, certificates and other instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond and the redemption and defeasance of the Refunded Bonds, including without limitation entering into an escrow agreement with an escrow agent to provide for the refunding and redemption of Refunded Bonds and subscribing for U.S. Treasury State and Local Government Series investments for deposit in escrow, engaging verification services in connection with the refunding and redemption of the Refunded Bonds, execution of any appropriate documents confirming the County’s acceptance of the Proposal, execution and delivery of IRS Form 8038-G as determined necessary by bond counsel and execution of the Loan Agreement or similar agreements, if necessary.

8. Bond Counsel. The Board of Supervisors hereby confirms the appointment of Sands Anderson PC to serve as Bond Counsel to the County in connection with the issuance of the Bond.

9. Limitation of Liability of Officials of the County. No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of any officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof.

10. Filing of Resolution. The Clerk or any Deputy Clerk of the Board of Supervisors or other agent or employee of the County, is hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County of Prince George, Virginia.

11. Repeal of Conflicting Actions. All resolutions or parts thereof in conflict herewith are repealed.

12. Effective Date. This Resolution and the provisions contained herein shall become effective immediately upon adoption.

Adopted: January 26, 2016

On roll call the vote was:

In favor: (5) Robertson, Carmichael, Webb, Skalsky, Hunter
Opposed: (0)

A-2. Discussion and Possible Action on New Fuel Agreement. Mr. Bill Hamby, General Services Manager, stated that RESUME. After brief discussion, Mr. Carmichael made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-16-020

A-2.

RESOLUTION; APPROVAL FOR AUTHORIZATION TO USE CITY OF MANASSAS COOPERATIVE FUEL CONTRACT

WHEREAS, As a result of a procurement process in July 2009, fuel (diesel, gasoline, heating oil) has been supplied to the County by Petroleum Marketers of Richmond, Virginia; and

WHEREAS, In October of 2015, Petroleum Marketers notified the County of its right to terminate the contract with 60 days' notice. Concurrent to the notification, Woodfin Oil of Richmond, Virginia secured the day to day service of fuel delivery from Petroleum Marketers. Woodfin worked within our existing agreement with Petroleum Marketers and has been delivering our fuel without any interruption to the service; and

WHEREAS, County Staff has met with the State Contract Vendor for fuel to discuss the options available through the existing contract. James River Solutions is the current State contract holder. While in discussion with James River, it was stated that the fees currently included within the State Contract would be increasing; and

WHEREAS, James River suggested that Staff review a contract with the City of Manassas which is based off of the State Contract, but doesn't include the additional fees that are charged under the State Agreement. The Manassas Contract has a cooperative clause that allows for other localities in the Commonwealth to use the contract. This contract was reviewed by Staff and the County Attorney. All parties are in agreement that this contract is the best approach to meet the current needs of the County.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George, this 26th day of January, 2016, does hereby authorize the County Administrator to enter into a contract agreement with James River Solutions using the City of Manassas Cooperative Contract for the delivering of fuel to all County facilities. The term of the contract between the County and James River Solutions would begin on March 1, 2016. The base term for the contract between the City of Manassas and James River Solutions is for (1) year from date of award (October 15, 2015) and may be renewed for four (4) additional one (1) year periods.

On roll call the vote was:

In favor: (5) Robertson, Carmichael, Webb, Skalsky, Hunter
Opposed: (0)

A-3. Adoption of Utilities Master Plan. Chairman Robertson stated since Staff is seeking approval to advertise for a public hearing at the March 8, 2016 meeting of the Board of Supervisors to amend the County's ordinances by repealing two sections that adopted the previous 1976 Water and Wastewater Plan, he thinks it would be appropriate to wait until then to adopt the new Master Plan after the public has had a chance to speak on the matter. Mr. Skalsky made a motion, seconded by Mr. Hunter, to table this matter to March 8 and approve the advertisement of a public hearing. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Webb, Skalsky, Robertson, Carmichael, Hunter
Opposed: (0)

A-4. Resolution; Authority to Advertise a Public Hearing on a Lease Agreement with the Heritage Center. The Heritage Center has expressed an interest in leasing both 640 and 6405 Administration Drive for future use for activities related to the purposed of the Heritage Center to commemorate the history of Prince George County. The proposed lese will join all four buildings into a single lease. The Heritage Center would maintain the interior of the structures and the County will maintain the exterior and the grounds. Any renovation or conversion of the structures would be paid for by funds obtained by the Heritage Center. Mr. Hunter made a motion, seconded by Mr. Webb, to approve the resolution as presented. Roll was called on the motion.

R-16-021

A-4.

RESOLUTION; AUTHORITY TO ADVERTISE A PUBLIC HEARING TO CONSIDER LEASING COUNTY-OWNED PROPERTY CONSISTING OF 1.81± ACRES AT THE COURTHOUSE/ADMINISTRATION COMPLEX CONTAINING FOUR HISTORICAL STRUCTURES

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of January, 2016, does hereby authorize the advertisement of a public hearing to consider leasing county-owned property consisting of 1.81± acres at the Courthouse/Administration Complex containing four historical structures.

On roll call the vote was:

In favor: (5) Webb, Skalsky, Robertson, Carmichael, Hunter

Opposed: (0)

A-5. Approval of FY15 Audit. Mr. Webb made a motion, seconded by Mr. Hunter, to approve the FY15 Audit. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Gandel, Skalsky, Robertson, Carmichael, Jones

Opposed: (0)

A-6. CONSIDERATION OF APPOINTMENTS – BOARD, COMMISSIONS, COMMITTEES, AUTHORITIES: RESOLUTION OF APPOINTMENT(S):

A. Resolution; Appointment; John Tyler Alcohol Safety Action Program (ASAP) Board (Three-Year Term). Mr. Carmichael made a motion, seconded by Mr. Skalsky to approve the resolution as presented appointing the Chief of Police. Roll was called on the motion.

R-16-022

A-6.

RESOLUTION; APPOINTMENT; JOHN TYLER ALCOHOL SAFETY ACTION PROGRAM (ASAP) BOARD (THREE-YEAR TERM).

WHEREAS, John Tyler ASAP services several localities to include Prince George County; and

WHEREAS, Interim Chief Eric Young has been an active John Tyler Policy Board Member since he took it over from Chief Edward Frankenstein.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Prince George this 26th day of January, 2016 does hereby appoint the Chief of Police of the

County of Prince George to serve on the John Tyler Alcohol Safety Action Program (ASAP) Board for a three-year term effective immediately and ending on January 12, 2019.

On roll call the vote was:

In favor: (5) Webb, Skalsky, Robertson, Carmichael, Hunter

Opposed: (0)

A-7. A Resolution to Confirm and Consent to the Declaration of a Local Disaster. Mr. Skalsky made a motion, seconded by Mr. Hunter, to approve the resolution as presented. Roll was called on the motion.

R-16-023

A-7.

A RESOLUTION TO CONFIRM AND CONSENT TO THE DECLARATION OF A LOCAL DISASTER

WHEREAS, the Board of Supervisors of Prince George does hereby find that due to the impact of severe weather damage, caused by Winter Storm Jonas, Prince George County has faced an emergency as defined by § 44-146.16 causing a major disaster which necessitated the County Administrator, Director of Emergency Management, to declare a local emergency on January 22, 2016, in order to provide preparedness, response, recovery and other activities to protect life and property; and

WHEREAS, pursuant to the authority granted by § 44-146.21 (a) of the Code of Virginia, 1950, as amended, I, Percy C. Ashcraft, County Administrator/Director of Emergency Management for Prince George, declared the existence of a local disaster on the 22nd day of January 2016.

NOW THEREFORE, BE IT RESOLVED by the Prince George County Board of Supervisors this 26th day of January 2016, (1) that the action of the County Administrator, as the Director of Emergency Management, in declaring a local disaster is hereby consented to and confirmed, as are all actions pursuant to that declaration; (2) that all actions, powers, functions and duties of the Director of Emergency Management and the emergency management organization have been and shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Prince George so as to mitigate the effects of the disaster; and (3) that once all emergency actions pursuant to the declaration of a local disaster have been taken, as determined by the Director of Emergency Management, the declared emergency shall be ended without further action of this Board.

On roll call the vote was:

In favor: (5) Webb, Skalsky, Robertson, Carmichael, Hunter

Opposed: (0)

ADJOURNMENT. Mr. Hunter moved, seconded by Mr. Webb, that the meeting be adjourned to January 28 at 5:00 p.m. at Bud's Inn for a Board retreat. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Webb, Skalsky, Robertson, Carmichael, Hunter

Opposed: (0)

The meeting adjourned at 8:43 p.m.

[Draft Minutes prepared February 1, 2016 for consideration on February 9, 2016; adopted by unanimous vote.]

William A. Robertson, Jr.
Chairman, Board of Supervisors

Percy C. Ashcraft
County Administrator