

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF SEPTEMBER 27, 2010

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 27TH DAY OF SEPTEMBER, 2010, BEGINING AT 7:00 P.M., ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

T. G. SMILEY, CHAIRMAN
C. L. SCHOOLS, VICE-CHAIRMAN
C. T. REDD III
D. L. WRIGHT
O. O. WILLIAMS

WILLIAM C. PORTER, JR., INTERIM COUNTY ADMINISTRATOR
WILLIAM H. HEFTY, INTERIM COUNTY ATTORNEY

INVOCATION – REV. CHARLES WARD – PASTOR, PAMUNKEY INDIAN

BAPTIST CHURCH, KING WILLIAM

The opening invocation was delivered by Rev. Charles Ward, Pastor of Pamunkey Indian Baptist Church, King William, Virginia.

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board adopted the agenda for this meeting as presented by the Interim County Administrator, with the following changes: Consent Agenda Item 7e – “Reimbursement of May Election Expenses of \$4,098.75 to the Town of West Point” was removed from the Consent Agenda for discussion; a new item was added to become Consent Agenda Item 7f – “Authorization of Issuance of a RFP for an 800 Megahertz Digital Radio System”; and Agenda Item 9 – “Comcast Cable – Update of Cable Service Upgrades, High Speed Internet Availability – Marie Schuler, Director of Government & Community Affairs” was deleted due to illness of Ms. Schuler.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

No persons appeared to speak.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board approved the following items on its Consent Agenda:

a. Minutes of the Regular Meeting of August 23, 2010, Minutes of the Reconvened Meetings of September 8, 2010, September 9, 2010, and September 13, 2010, were approved as presented.

b. Claims against the County for the month of September, 2010, in the amount of \$1,091,575.98 as follows:

(1) General Fund Warrants #73138-73275 in the amount of \$555,728.33; ACH Direct Payments #430-508 in the amount of \$282,505.79; Direct Deposits #14407-14517 in the amount of \$192,474.72; and Electronic Tax Payment in the amount of \$60,867.15

(2) For informational purposes, Social Services expenditures for the month of August, 2010, Warrants #308405-308451 in the amount of \$52,982.59; Direct Deposits #2376-2393 in the amount of \$30,059.63; and Electronic Tax Payment in the amount of \$9,742.33

(3) For informational purposes, Circuit Court expenditures for the month of August, 2010, Warrants #73276-73284 in the amount of \$5,369.71; Direct Deposits #385-387 in the amount of \$8,602.20; and Electronic Tax Payment in the amount of \$2,946.58

(4) For informational purposes, Comprehensive Services Act Fund expenditures for the month of August, 2010, Warrants #73128-73137 in the amount of \$28,869.53; and ACH Direct Payments #424-429 in the amount of \$15,081.79

(5) Tax Refunds for the month of August, 2010, in the amount of \$1,759.19

c. Authorized advertisement of a public hearing to be held during the Board's regular monthly meeting of October 25, 2010, beginning at 7:00 p.m. in the Board Room of the County Administration Building to consider proposed amendments to Chapter 78 entitled "Utilities" of the Code of King William County, Virginia

d. Authorized advertisement of a public hearing to be held during the Board's regular monthly meeting of October 25, 2010, beginning at 7:00 p. m. in the

Board Room of the County Administration Building to consider Zoning Case #CUP-03-00, Request for Extension to Complete the Reclamation of a Former Mining Site, Tax Map #7-33A; Owner/Applicant: S. Kent Cooke, Vice-President, Essex Concrete Corporation

e. Adopted the following Resolution authorizing issuance of a Request for Proposal (RFP) for an 800 megahertz digital radio system:

RESOLUTION

Authorizing Issuance of a RFP for an 800 Megahertz Digital Radio System

WHEREAS, the Board of Supervisors has formed a radio advisory committee for the recommendation to purchase a new 800 megahertz digital radio system that will integrate law enforcement, public works and schools with regional interoperability; and

WHEREAS, the radio advisory committee is at the point of issuing a Request for Proposals (RFP).

NOW, THEREFORE, BE IT RESOLVED; that the Board of Supervisors of King William County, Virginia, does hereby authorize the issuance of a RFP for an 800 megahertz digital radio system.

RE: DISCUSSION OF REIMBURSEMENT OF MAY ELECTION EXPENSES OF \$4,098.75 TO THE TOWN OF WEST POINT

County Administrator, William Porter, presented information that the Board has been requested to consider reimbursing the Town of West Point for the expenses incurred for the May Town Council election. It was explained that during the 2010 General Assembly session, the Code of Virginia was amended to require that Towns must pay for all State and local costs associated with any election held in May. This amendment was ratified by the General Assembly after the local budgets were adopted.

The Registrar billed the Town of West Point for \$4,098.75 for the May, 2010, Town Council election, which was paid to the County on July 8, 2010.

It is being proposed that the Town be reimbursed these funds from FY-10 unspent local dollars from the County's Electoral Board and Registrar.

Thereupon, a motion was made by C. T. Redd III, seconded by O. O. Williams to reimburse the Town of West Point in the amount of \$4,098.75 for the May, 2010, Town Council election, with said funds coming from unspent local dollars from the

County's Electoral Board and Registrar. This motion was denied with the following roll call vote:

T. G. Smiley	Nay
C. L. Schools	Nay
C. T. Redd III	Aye
D. L. Wright	Nay
O. O. Williams	Aye

RE: VDOT MATTERS – JOYCE M. MCGOWAN, ACTING RESIDENCY

ADMINISTRATOR

VDOT Acting Residency Administrator, Joyce M. McGowan, addressed the Board with updates to previously asked questions by the Board.

a. Truck Traffic on Route 30 - Mrs. McGowan reported that she still has not received any further information from the VDOT District office regarding the Board's request for truck traffic on Route 30, other than the truck count is 775 per day. She advised that a response to the additional requested information regarding the peak hour truck count, the breakdown of the number of refuse trucks, logging trucks that make up the total truck count, and what the percentage of truck traffic on Route 30 is of the total vehicles per day count is, will be forwarded to the County Administrator's office in the near future. Mr. Porter indicated that this information is being requested for Delegate Chris Peace because of the public's concern about the amount of truck traffic, the speed of the trucks, and the weight of the trucks on Route 30.

b. "Watch for Children" Sign(s) on Mt. Olive/Cohoke Road - The Interim County Administrator, William Porter, reported that he has been contacted by Mr. Thomas Tanner seeking a request from the Board to the Virginia Department of Transportation (VDOT) to place "Watch for Children" signs on Route 632 (Mt. Olive/Cohoke Road) between Cobb Lane and Churchville Road (Rt. 630). Mr. Tanner is concerned about the safety of the children that live along this route.

Continuing, Mr. Porter advised that VDOT has an established policy for the installation of "Watch for Children" signs, which requires that the Board of Supervisors adopt a Resolution requesting, through the VDOT Residency Administrator, that the Transportation Commission grant the requested signs, and this Resolution must designate the source of funding, estimated to be \$200 per sign, for the installation. This funding may be out of the County's secondary road construction allocation, may

be from grants or contributions made to the Board for such purpose, or from other sources as may be required by the Board of Supervisors.

Upon receipt of this Board Resolution, the VDOT Residency Administrator, with the assistance of the District Traffic Engineer, shall review the request to ensure it is not in conflict with any other traffic control devices. The Transportation Commission may grant, deny, or grant with changes, the requested sign(s). Generally, "Watch for Children" signs are only installed on secondary routes within residential areas, primarily subdivisions.

It was determined that VDOT will perform a traffic engineering study to see if this location warrants having the speed reduced, or a curve warning sign, etc. before a Resolution is adopted for this request.

c. Route 625 (Custis Millpond Road) - Unpaved Road Project - Information was provided by Mrs. McGowan indicating that when the Board adopted the Six Year Plan for Secondary Roads in the County, this project was set to cost about \$320,000.00. This project will not be fully funded until July, 2016, according to the current Six Year Plan. However, looking at the estimate and at the road in its current condition, if this project is built under the Rural Rustic Road standards, it possibly could be done within the next 18 or so months.

D. L. Wright inquired about the cost of this project under the Rural Rustic standards, and Mrs. McGowan responded that the preliminary numbers indicate it will be about \$170,000.00. She stated that currently there is \$136,674.00 available funding on Route 625 (Custis Millpond Road) and with next year's Six Year Plan possibly receiving a similar amount of funding as this year, the project advertisement date can probably be moved forward.

It was indicated that the Board will need to adopt a Resolution designating Route 625 (Custis Millpond Road) as a Rural Rustic Road prior to any action by VDOT.

Thereupon, O. O. Williams questioned why this funding in the Six Year Plan was allocated to one road project and then changed to the Route 625 (Custis Millpond Road) project. Mrs. McGowan reviewed the Six Year Plan approved by the Board of Supervisors for FY-10 indicating that at that time, funding was so limited that in order

to keep from losing the existing funding, the amounts were applied to projects that were feasible to be done.

Thereupon, at the request of O. O. Williams, action on adoption of this proposed Resolution designating Route 625 as a Rural Rustic Road was tabled.

d. VDOT Mowing in the County – It was reported by Mrs. McGowan that VDOT mowing on the Secondary roads in the County is almost completed, and mowing on the Primary roads is due to begin on October 12th, with litter pick up scheduled prior to that.

D. L. Wright stated that the grass on Route 30 and Route 619 in the Historic District surrounding the King William Court House and in front of the Fire Tower needs to be cut badly. He requested VDOT to cut his area more frequently.

e. Route 30 – Paving Project - Mrs. McGowan announced that the paving project on Route 30 has now been completed.

f. Route 30 Parade Permit for Mangohick Vol. Fire Dept. - O. O. Williams inquired about the status of a VDOT Permit for the Mangohick Volunteer Fire Department Parade on October 16th. Mrs. McGowan indicated that it has been signed and should be sent out very shortly.

g. Alternative Route for Closing Chelsea Road During Repairs to West Point Creek Bridge - C. T. Reed III expressed appreciation to Mrs. McGowan and VDOT for developing an alternative plan to its original proposal to closing Chelsea Road as part of its efforts to repair the “sinking” approaches to the West Point Creek Bridge. He indicated his understanding that the revised Plan involves building a temporary access road/ramp about 100 feet east of Chelsea Road leading from the north side of the western end of the Mattaponi Bridge approach. The new intersection is to be fully functional for the duration of the construction and will permit all trucks on two lanes to access Chelsea Road and Glass Island Road. There will be no detour using Thompson Avenue or Magnolia Avenue.

RE: ADMINISTRATIVE MATTERS – WILLIAM C. PORTER, JR., INTERIM

COUNTY ADMINISTRATOR

a. Adoption of Resolution Approving Adjusting Entries to the School Reserve Fund - On motion by C. L. Schools, seconded by C. T. Redd III and carried with the following roll call vote, the Board approved the following Resolution adjusting entries to the School Reserve Fund:

RESOLUTION

Fund 190 School Reserve Fund

WHEREAS, certain journal entries were posted to Fund 190, the school reserve fund; and

WHEREAS, the Board now authorizes the reversal of two previous journal entries in the amounts of \$202,842.37 (3/02/10) and \$307,488.00 (3/25/10), of which the net effect will be an increase in the Fund 190 school reserve fund cash and a decrease to Fund 100; and

WHEREAS, the School Board and Board of Supervisors concur that as of June 30, 2009 Fund 190 consisted of:

- \$ 448,725.00 restricted, school textbooks
 - 572,216.41 unrestricted
- Total \$1,020,941.41

WHEREAS, fund balance from Fund 190, the school reserve fund, may be used for operating expenditures during FY'12 and FY'13 since the School Board has concurred with the provision of level funding for FY'12 and FY'13; and

WHEREAS, any approved expenditures from Fund 190, the school reserve fund, must be used for capital projects or other one-time expenditures and not recurring expenditures in subsequent years and any transfers from this fund must be approved by the King William County Board of Supervisors and the King William County School Board will be notified of any transfers when made; and

WHEREAS, the King William County School Board may request of the Board an alternative use of Fund 190, the school reserve fund, in subsequent years.

NOW, THEREFORE, BE IT RESOLVED; that the Board of Supervisors of King William County, Virginia, does hereby authorize posting the entries adding \$510,330.37 to Fund 190, the school reserve fund.

T. G. Smiley	Aye
C. L. Schools	Aye
C. T. Redd III	Aye
D. L. Wright	Nay
O. O. Williams	Aye

b. Approval of Cessation of Burning at the Route 30 Landfill Effective November 1, 2010 - Interim County Administrator, William C. Porter, Jr., stated that at its August 23, 2010, meeting, the Board discussed cessation of open burning at the closed County landfill off of Route 30, operating under Permit No. 505. This request

was made in an effort to reduce landfill monitoring cost and to improve the chances of ending post closure monitoring at the closed landfill. Mr. Porter explained that staff and Joyce Engineering believe that ceasing burning at the closed landfill will increase the County's chances to end post closure in the next year, because cobalt and arsenic have been detected in the groundwater monitoring well at the site where open burning takes place. Cobalt and arsenic are taken up by trees and plants and remains in the ash when burned. The increased detection of cobalt and arsenic could extend the County's post closure groundwater monitoring.

It was explained further by the Interim County Administrator that currently, the annual post closure groundwater monitoring cost is \$26,410.00 and will continue on an annual basis until the Department of Environmental quality (DEQ) allows the County to end post closure groundwater monitoring. He advised that any hope of ending post closure groundwater monitoring on time, the second quarter of 2011, will depend on holding the cobalt and arsenic levels where they are, or ending detection by removing the ash.

Thereupon, on motion by C. T. Redd III, seconded by D. L. Wright and carried with the following vote, the Board adopted the following Resolution to cease the acceptance of woody waste materials at the King William County Landfill, Permit #505, for open burning, effective November 1, 2010:

RESOLUTION

Authorizing Cessation of Burning at the Route 30 (Permit #505) Landfill

WHEREAS, the closed King William County Landfill, operating under Permit No. 505, has a permit from the Department of Environmental Quality (DEQ) for open burning; and

WHEREAS, the County spends \$26,410 annually for post closure groundwater monitoring; and

WHEREAS, the continued open burning at the closed King William County Landfill endangers the ability of the County to end post closure groundwater monitoring by the second quarter of 2011.

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors that the closed King William County Landfill operating under Permit No. 505, will cease accepting woody waste materials for open burning Monday, November 1 2010.

T. G. Smiley	Aye
C. L. Schools	Aye
C. T. Redd III	Aye
D. L. Wright	Aye
O. O. Williams	Nay

c. Adoption of Resolution Amending the Random Screening for Alcohol and Drug Abuse Policy - At the Board's August 23, 2010, meeting, a proposed amendment to the County policy on drug and alcohol abuse, which was adopted in the early 1990's was presented. It was stated that several months ago, the Board asked that a mechanism be created to allow for random screening, under the auspices of the earlier adopted policy. In February, 2010, the Board adopted a policy entitled "Screening for Alcohol and Substance Abuse", with a minor amendment adopted in April.

At this time, the staff would like the Board to consider an additional amendment. The amendments include a process for a confirming test at an employee's expense if a positive test is received. This is proposed to be added in two places: the pre-employment screening and follow-up screening. It is also being proposed to add the words "substance abuse" to the random screening Section 4, which was inadvertently left out of the original policy.

During the August meeting, several Board members questioned if notice would be provided to the employee who received the initial positive response, therefore, a sentence has been included, stating that the employer shall schedule the second testing with no prior notice to the employee.

Thereupon, on motion by D. L. Wright, seconded by O. O. Williams and carried unanimously, the Board adopted the following Resolution amending the random screening for alcohol and drug abuse policy:

RESOLUTION

Requesting the Board Amend its Policy Entitled Screening for Alcohol and Substance Abuse

WHEREAS, the Board of Supervisors adopted a policy entitled Screening for Alcohol and Substance Abuse on February 22, 2010; and

WHEREAS, the staff would like to add, in both the pre-employment screening and the follow-up screening, the opportunity for an employee to have a confirming test done at his/her expense if he/she has previously tested positive, and

WHEREAS, the staff would like to add the words "and substance abuse" to section 4, Random Screening, where it had previously been left out.

NOW, THEREFORE, BE IT RESOLVED; that the Board of Supervisors of King William County, Virginia, does hereby authorize staff to amend the Screening for Alcohol and Substance Abuse Policy as described above.

d. Public Hearing – Proposed Sale of a Portion of County Owned Real Property Described as Parcel 102 on King William County Tax Map 37, to St. James Church - The Board was informed by the Interim County Administrator, William C. Porter, Jr., that Mr. Cary Puller III, Trustee/Elder of St. James Presbyterian Church, on behalf of the Church, has requested the Board of Supervisors to sell approximately .42 acre of County owned land to the Church. The Church is requesting the land for additional cemetery space.

Continuing, Mr. Porter explained that the land is adjacent to 196 acres owned by the County, and the sale of the .42 acre would not detrimentally impact the remainder of the County owned land. Mr. Porter also reported that it is Board policy that the sale of County owned land would be based on the appraised value of the land, and that based on an appraisal from Tri-County Appraisal, Inc., the value of the property is \$4,000 per half acre, setting the value of the .42 acre at \$3,360.00.

Thereupon, the public hearing to consider this matter was opened by Chairman T. G. Smiley, and the following persons appeared to speak:

John Garrett, Elder and Clerk of St. James Church, asked the Board to act favorably on this request as the Church needs to extend its existing cemetery.

Herb White, a resident of the Second Election District, stated that St. James Church has been a good neighbor in the historical district around the King William Court House, and in all fairness to the Church, which has a very small membership, he feels this minor amount of land (.42 acre) should be deeded to the Church for an amount of \$1.00. He stated his opinion that the Church should not have to pay the amount of \$3,360.00 to the County for such a small amount of land.

There being no other persons appearing to speak, the public hearing was declared closed by the Chairman.

e. Consideration of Action - On motion by D. L. Wright, seconded by C. L. Schools and carried with the following roll call vote, the Board adopted the following resolution authorizing the sale and transfer of .42 acre of Tax Map 37, Parcel 120 to St. James Church at a cost of \$1.00.

RESOLUTION

Authorizing the Sale of County-Owned Property

WHEREAS, the Board of Supervisors owns 196.10 acres identified as Tax Map 37 - 120; and

WHEREAS, St. James Church is located on 1.38 acres in King William County on State Route 1301, Courthouse Lane, designated as Tax Map 37-77; and

WHEREAS, the Church has requested that the County transfer approximately .42 acre of property extending approximately 95 feet on the North side of the Church’s property and approximately 70 feet on the South side of the Church’s property (the “Property”), so that the Church cemetery can be extended, such additional property being shown on a Plat dated September 5, 2006, by Tom Hardyman, Inc.; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County, Virginia, following a public hearing on the transfer of said property held on September 27, 2010, does hereby authorize the sale and transfer of .42 acres to St. James Church at a cost of \$1.00; and

BE IT FURTHER RESOLVED, that the Interim County Administrator, be and hereby is, authorized to sign any and all documents necessary for the transfer of said property to St. James Church.

T. G. Smiley	Aye
C. L. Schools	Aye
C. T. Redd III	Nay
O. O Williams	Nay
D. L. Wright	Aye

f. Approval of FY-10 Year-End Supplemental Appropriations - The Board was informed that, in preparation of the audit, the accrual process for goods and services purchased and received during the fiscal year that ended June 30, 2010 has been completed. The following itemized list of the needed supplemental appropriations in the total amount of \$586,896.39 was presented for the Board’s review.

Additional local funds	\$171,617.81
State/Federal Funds	293,954.12
Offsetting revenue	121,324.46

It was explained that of the total additional local funding required, \$88,567.94 was for payments made to the county administrator and county attorney; \$33,875.22 was for HRSD per the wastewater collection agreement; \$28,986.88 was for contracting out a portion of the remaining self-help work for the Mt. Olive project; and \$19,485.44 was for outside counsel, primarily for the tax litigation case and the animal shelter. This additional local appropriation equates to approximately 0.83% of the total General Fund. The local revenue collected in excess of the budgeted amount

and unspent local departmental funds more than makes up the additional local dollars needed in FY-10.

Thereupon, on motion by C. L. Schools, seconded by O. O. Williams and carried unanimously, the Board adopted the following resolution approving the FY-10 year-end supplemental appropriations in the amount of \$586,896.39.

RESOLUTION

Fund 190 School Reserve Fund

WHEREAS, certain journal entries were posted to Fund 190, the school reserve fund; and

WHEREAS, the Board now authorizes the reversal of two previous journal entries in the amounts of \$202,842.37 (3/02/10) and \$307,488.00 (3/25/10), of which the net effect will be an increase in the Fund 190 school reserve fund cash and a decrease to Fund 100; and

WHEREAS, the School Board and Board of Supervisors concur that as of June 30, 2009 Fund 190 consisted of:

- \$ 448,725.00 restricted, school textbooks
 - 572,216.41 unrestricted
- Total \$1,020,941.41

WHEREAS, fund balance from Fund 190, the school reserve fund, may be used for operating expenditures during FY'12 and FY'13 since the School Board has concurred with the provision of level funding for FY'12 and FY'13; and

WHEREAS, any approved expenditures from Fund 190, the school reserve fund, must be used for capital projects or other one-time expenditures and not recurring expenditures in subsequent years and any transfers from this fund must be approved by the King William County Board of Supervisors and the King William County School Board will be notified of any transfers when made; and

WHEREAS, the King William County School Board may request of the Board an alternative use of Fund 190, the school reserve fund, in subsequent years.

NOW, THEREFORE, BE IT RESOLVED; that the Board of Supervisors of King William County, Virginia, does hereby authorize posting the entries adding \$510,330.37 to Fund 190, the school reserve fund.

T. G. Smiley	Aye
C. L. Schools	Aye
C. T. Redd III	Aye
O. O Williams	Aye
D. L. Wright	Nay

g. Appointment of Voting Delegate for VACO Annual Meeting - By general consensus, the Board designated Chairman, T. G.Smiley as its voting delegate at the VACO annual meeting in November.

RE: APPOINTMENTS

a. Wetlands Board – Two Members, Five Year Terms, Terms of J. F. Townsend, Jr. and Carl T. Custalow Expire 9/30/10 (NOTE: Mr. Custalow does not wish to be considered for reappointment) - On motion by C. T. Redd III, seconded by D. L. Wright and carried unanimously, the Board reappointed J. F. Townsend, Jr. to serve a five year term as a member of the King William County Wetlands Board, Said term will expire September 30, 2015.

On motion by D. L. Wright, seconded by C. L. Schools and carried unanimously, the Board appointed William R. P. “Robbie” Barber, Jr. to serve a five year term as a member of the King William County Wetlands Board with said term expiring September 30, 2015.

b. Middle Peninsula Planning District Commission – One Citizen Member – One Year Term, Term of Robert F. “Dick” Brake Expired 6/30/10 (NOTE: Mr. Brake does not wish to be considered for reappointment) - Action on this appointment was tabled until the Board’s October, 2010, meeting.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

Steve Tupponce, Chairman of the King William County School Board, speaking on the behalf of the School Board, thanked the Supervisors for adopting the resolution earlier in this meeting in support of the schools.

John Garrett, representing St. James Church, thanked the Board for its affirmative vote on the sale of the .42 acre of land to the Church.

RE: BOARD OF SUPERVISORS’ COMMENTS

Various Board members expressed appreciation to the citizens for their attendance and participation at the monthly Board meetings.

RE: CLOSED MEETING PURSUANT TO SECTION 2.2-3711A(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL RETAINED BY THE COUNTY REGARDING THE FOLLOWING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL: THE OWNERSHIP OF THE WATER LINE ON ROUTE 360 REFERRED TO IN THE PUBLIC UTILITY WATER SERVICE AGREEMENT ENTERED INTO

**INGALLS, DATED FEBRUARY 12, 2008, AND RELATED LEGAL ISSUES; AND
POTENTIAL LITIGATION CONCERNING CLAIMS RELATED TO THE
CONSTRUCTION AND DESIGN OF THE REGIONAL ANIMAL SHELTER**

On motion by C. T. Redd III, seconded by D. L. Wright and carried with a unanimous roll call vote, the Board entered Closed Meeting pursuant to Section 2.2-3711A(7), Code of Virginia, 1950, as amended, for the purposes as stated above.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by C. T. Redd III, seconded by D. L. Wright and carried with a unanimous roll call vote.

In accordance with Section 2.2-3412D of the Code of Virginia, 1950, as amended, D. L. Wright moved that the King William County Board of Supervisors adopt the following resolution certifying that this Closed Meeting's procedures comply with the requirements of the Virginia Freedom of Information Act. This motion was seconded by C. T. Redd III and carried with a unanimous roll call vote.

RESOLUTION

WHEREAS, the King William County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3417D of the Code of Virginia, 1950, as amended, requires a certification by the King William County Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors hereby certifies that, to each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the Closed Meeting to which this certification resolution applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the Closed Meeting by the King William County Board of Supervisors.

The Chairman stated that no action is to be taken by the Board as a result of discussion in the Closed Meeting.

RE: RECESS OF MEETING

On motion by C. L. Schools, seconded by C. T. Redd III and carried unanimously, this meeting was recessed to 9:00 a.m. on Monday, October 11, 2010, in the Board Room of the County Administration Building at King William Court House.

COPY TESTE:

T. G. Smiley
Chairman
Board of Supervisors

William C. Porter, Jr.
Clerk to the Board
Interim County Administrator