

MINUTES
KING WILLIAM COUNTY BOARD OF SUPERVISORS
REGULAR MEETING OF APRIL 26, 2021

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 26th day of April 2021, beginning at 7:00 p.m. in the Board Meeting Room of the County Administration Building and via Zoom.

Agenda Item 1. CALL TO ORDER

Chairman Moskalski called the meeting to order.

Agenda Item 2. ROLL CALL

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

Agenda Item 3. MOMENT OF SILENCE

The Chairman called for a moment of silence.

Agenda Item 4. PLEDGE OF ALLEGIANCE

The Chairman led the pledge of allegiance.

Agenda Item 5. REVIEW AND ADOPTION OF MEETING AGENDA

Supervisor Hodges moved for the adoption of the amended agenda for this meeting as presented; motion was seconded by Supervisor Garber.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

Agenda Item 6. CONSENT AGENDA

The Chairman called for any discussion.

Chairman Moskalski asked that the March 8, 2021 minutes, Section j, be amended for continuity and clarity such that the voting results be moved directly after the paragraph ending "in place by the following roll call vote:".

Supervisor Garber moved for adoption of the Consent Agenda with the changes noted above; motion was seconded by Supervisor Hodges.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

Agenda Item 7. OLD BUSINESS

a. None

Agenda Item 8. NEW BUSINESS

a. Resolution 21-24 – Approval to use School Reserve Funds

Dr. David O. White, Superintendent of King William County Public Schools and Staci Longest, Director of Finance of King William County Public Schools presented their revised request for approval to use School Reserve Funds in the amount of \$24,991.83 for Fire Panel replacement and the repair of nine (9) duct smoke detectors and sample tubes at Cool Spring Primary School. Director Longest said that the life expectancy of the panel is 15 years and it is 18 years old. This is the last panel to be replaced.

The chairman called for any questions.

Vice Chair Moren asked for a photo of the existing fire panel. Dr. White will provide one.

Supervisor Garber moved for the approval of Resolution 21-24; motion was seconded by Vice Chair Moren.

The chairman called for any discussion.

The members were polled:

Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye

Supervisor, 1st District: William L. Hodges Aye
Supervisor, 4th District: C. Stewart Garber, Jr. Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman Aye

RESOLUTION 21-24
APPROPRIATION FY2020 SCHOOLS OPERATING YEAR END FUND BALANCES
FOR KING WILLIAM COUNTY PUBLIC SCHOOLS EXPENSES
FISCAL YEAR 2021 SCHOOL CAPITAL FUND BUDGET

WHEREAS, the School Board for King William County recognizes that a need exists to adopt a formal long-range plan with the Board of Supervisors that addresses the use of School Year End Fund Balances; and,

WHEREAS, the School Board believes that these balances are achieved as result of sound and conservative management throughout each year of the funds that are appropriated to the School Division; and,

WHEREAS, the Board also believes that these fund balances should be reserved for School Division needs and re-appropriated for certain capital projects and equipment; and,

WHEREAS, the School Capital Reserve Fund is the mechanism for reserving school fund balances for school needs; and,

WHEREAS, the procedures for this School Capital Reserve Fund would include a journal entry after year end whereby fund balances were moved to the Fund, and the usage of such funds would be based upon School Board request and Board of Supervisors appropriation;

WHEREAS, the King William County Board of Supervisors at the March 8, 2021 Board meeting was presented with the Fiscal Year 2020 Carry over to School Reserve and Capital Needs; and

WHEREAS, the King William County Board of Supervisors wishes to amend its Fiscal Year 2021 School Capital budget to reflect the use of unexpended FY2020 School funds in the amount not to exceed \$ 24,991.83 for CSPS fire panel replacement, duct smoke detectors, and sample tubes.

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors that the FY2021 Budget is amended via the appropriation to reflect an amount not to exceed \$24,991.83 within the Schools Capital Fund for capital projects identified by King William County Public Schools.

DONE this the 26th day of April 2021.

b. Real Estate Ratio Study

Karena Funkhouser, Commissioner of the Revenue, presented her findings after inputting the data into the Real Estate Ratio Study as required by the Virginia Department of Taxation. Commissioner Funkhouser suspects the 2015 data was input incorrectly and/or partial construction has not been updated since completion. Of 954 properties, only 581 made it to the study. Rod Compton of the Virginia Department of Taxation Property Division instructed Commissioner Funkhouser to attach a letter of explanation with the completed study and he would allow 159 exclusions. While this will help the county's current ratio, it will still be under 95% which will affect the State's school reimbursement to the County. By allowing the exclusions, the reimbursement will not be as low as it could have been.

Commission Funkhouser stated that there were 40 properties identified as having a new dwelling and showing in County records as land only. She assessed 15 parcels and, after realizing she could not complete them all in time for the May 1, 2021 Land Book deadline, contracted the assessment of the remaining properties to Pearson at a cost of \$30 per parcel. All parcels have all been assessed as of April 23, 2021.

Supervisor Garber asked if there was a way to correct those properties valued at 50% now. Commissioner Funkhouser said she has to investigate further but she cannot go back prior to 2020. She has been having some difficulty in obtaining some plats and is reviewing property transfers for discrepancies.

c. Resolution 21-25 – Establishing the Health Insurance Plans to be Offered to King William County Employees Beginning July 1, 2021 and to Provide for the County's Contribution Thereto and Implementation by the County Administrator

Nita McInteer, Human Resources Manager, summarized the health insurance plan for FY2022. The County will offer two health insurance plans through The Local Choice Health Benefits Program offered through the Commonwealth of Virginia: 1) Key Advantage 250 with comprehensive dental coverage, and 2) Key Advantage 500 with comprehensive dental coverage.

Based on the final renewal provided by The Local Choice, the County will budget approximately \$1,423,836 between employer and employee premiums for FY2022. County contributions are based on which plan the employee chooses.

Supervisor Hodges asked how much of an increase took place this year over last. Ms. McInteer stated it is an overall decrease of 1%. Vice Chair Moren asked what led to the decrease. Ms. McInteer explained that the county is pooled with other smaller counties, an aggregate amount is determined and then averaged.

Vice Chair Moren moved to adopt Resolution 21-25; motion was seconded by Supervisor Greenwood.

The chairman called for any discussion.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

RESOLUTION 21-25
ESTABLISHING THE HEALTH INSURANCE PLANS TO BE OFFERED TO KING WILLIAM COUNTY EMPLOYEES BEGINNING JULY 1, 2021 AND TO PROVIDE FOR THE COUNTY'S CONTRIBUTION THERETO AND IMPLEMENTATION BY THE COUNTY ADMINISTRATOR

WHEREAS, the County currently offers a health insurance plan to its employees as a benefit through The Local Choice Health Benefits Program offered through the Commonwealth of Virginia; and

WHEREAS, the Board has made no adjustments to the plans available beginning in FY 2022; and

WHEREAS, by adoption of the budget for FY 2022 the Board has approved funds for such purposes.

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors this 26th day of April, 2021, that the health insurance plans and contribution offered by the County to its employees beginning July 1, 2021 will be as follows:

1. The County will offer two health insurance plans to its employees:
 - a. Key Advantage 250 with comprehensive dental coverage; and
 - b. Key Advantage 500 with comprehensive dental coverage.
2. Employees may choose between the two plans.
3. The County's employer contribution shall be calculated as follows:

King William County FY 2022 Health Insurance Premiums - Monthly Costs			
Key Advantage 250			
	Employee	Employer	Total
Subscriber	\$197.00	\$788.00	\$985.00
Subscriber + 1	\$838.12	\$983.88	\$1,822.00
Family	\$1,223.60	\$1,436.40	\$2,660.00
Key Advantage 500			
Subscriber	\$80.91	\$818.09	\$899.00
Subscriber + 1	\$515.53	\$1,147.47	\$1,663.00
Family	\$752.37	\$1,674.63	\$2,427.00

4. These two plans and the contribution calculations will remain in effect until further action of this Board.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to take all necessary steps to properly administer the program.

DONE this 26th day of April, 2021.

d. Resolution 21-26 - Approving a Pay and Classification and Salary Adjustment Plan for Fiscal Year 2022

Nita McInteer, Human Resources Manager, presented the class and compensation plan for FY2022. There were no changes made from the FY2021 plan.

Supervisor Hodges moved for the approval of Resolution 21-26; motion was seconded by Supervisor Garber.

The chairman called for any discussion.

Supervisor Greenwood noted a typographical error in the spelling of the Interim County Administrator's name. The error had since been corrected.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. - Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski - Chairman	Aye

RESOLUTION 21-26

**APPROVING A PAY AND CLASSIFICATION AND SALARY ADJUSTMENT PLAN FOR
FISCAL YEAR 2022**

WHEREAS, on the 14th of December 2015, the King William County Board of Supervisors adopted an updated personnel policy that directs the County Administrator to provide and annual update on the adjustments needed to the class and compensation plan each fiscal year; and

WHEREAS, on the 24th of February 2020, the King William County Board of Supervisors adopted an updated Classification and Compensation Plan and anticipated salary adjustments for implementation in the Fiscal Year 2021 budget,

WHEREAS, the Classification and Compensation Plan update was initiated to address the County's pay structure, market competitiveness and internal equity within the Fiscal Year 2022 budget preparation; and

WHEREAS, the Board has been presented with an updated class and compensation plan for FY 2022 that meets the needs of the personnel compliment of the County; and

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors this 26th day of April, 2021, that the FY 2022 Pay Plan showing the pay grades and pay ranges in the county pay system is approved; and that the County Administrator is authorized to implement the Plan of Adjustment in substantially the form as presented to this Board.

DONE this 26th day of April, 2021.

e. Resolution 21-27 Adopting the Fiscal Year 2022-2026 Capital Improvements Plan as a Long-Range Planning Document for King William County, Virginia

Natasha Joranlien, Director of Financial Services, requested the Board of Supervisors approve the FY 2022-2026 Capital Improvement Plan as presented and noted the reduced cost due to replacing two paving requests with gravel, leasing rather than purchasing three police vehicles, and using EMS funds to purchase one fire engine and one ambulance. The Sheriff's lease-purchase program includes the cost of outfitting the vehicles. The adjustments brought the budget figure down to \$8.8 million from \$9.2 million.

Vice Chair Moren asked if the lease-purchase option has been used in the past. Director Joranlien stated that the Sheriff's Department has leased vehicles in the past.

Supervisor Garber moved to adopt Resolution 21-27; motion was seconded by Supervisor Greenwood.

The chairman called for any discussion.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

RESOLUTION 21-27

ADOPTING THE FISCAL YEAR 2022-2026 CAPITAL IMPROVEMENTS PLAN AS A LONG-RANGE PLANNING DOCUMENT FOR KING WILLIAM COUNTY, VIRGINIA

WHEREAS, in consideration of information received from the departments and agencies of the County and direction from the Board of Supervisors, the County Administrator has developed a Fiscal Year 2022-2026 Capital Improvements Plan; and

WHEREAS, the Capital Improvements Plan serves as a long-range planning document, subject each year to review and approval of funding by the King William County Board of Supervisors; and

WHEREAS, such review has been completed for the Fiscal Year 2022-2026 Capital Improvements Plan;

NOW, THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors this 26th day of April, 2021, that there is hereby adopted for planning purposes only (except for those projects specifically approved and funded in the FY 2021 budget and appropriation process), the County Administrator’s Fiscal Year 2022-2026 Capital Improvements Plan as previously presented to the Board and included in the agenda material of this meeting.

DONE this 26th day of April, 2021.

f. Ordinance 07-21 – Impose Property Tax Levies Upon Real Estate, Mobile Homes, Tangible Personal Property, Public Service Corporation Property, Machinery and Tools, and Aircraft for the Calendar Year 2021

Natasha Joranlien, Director of Financial Services, submitted Ordinance 07-21 for the Board’s approval. There were no changes to the Property Tax Levy rates from Calendar Year 2020.

Supervisor Garber stressed that there is no increase in the rates. Chairman Moskalski said the Board is happy to be able to fully fund the budget without drastic cuts or tax increases.

Supervisor Greenwood moved for the approval of Ordinance 07-21; motion was seconded by Supervisor Hodges.

The chairman called for any discussion.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

[Note: Due to an error on the agenda, the Public Hearing on Ordinance 07-21 was inadvertently skipped. Chairman Moskalski opened the public comment period after Agenda Item 9c. There were no speakers. Chairman Moskalski then closed the public comment period and continued with Agenda Item 10a.]

ORDINANCE 07-21
AN ORDINANCE TO IMPOSE PROPERTY TAX LEVIES UPON REAL ESTATE, MOBILE HOMES, TANGIBLE PERSONAL PROPERTY, PUBLIC SERVICE CORPORATION PROPERTY, MACHINERY AND TOOLS, AND AIRCRAFT FOR THE CALENDAR YEAR 2021

WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for King William County for calendar year 2021, beginning January 1, 2021, and ending December 31, 2021; and

WHEREAS, the Board has duly advertised and held a public hearing on April 5, 2021 on the subject tax levies.

NOW, THEREFORE, BE IT ORDAINED, by the King William County Board of Supervisors this the 26th day of April, 2021, that the following general County property tax levies be, and they hereby are, imposed on all property not exempted by law located within King William County for the calendar year 2021:

General Fund Levy

TAX RATES PER \$100 OF ASSESSED VALUES
FOR ALL DISTRICTS

		General Fund Old Rate	General Fund New Rate
Real Estate	\$	0.38	\$0.38
Mobile Home	\$	0.38	0.38
Mines and Minerals	\$	0.38	0.38
Public Service Real Estate	\$	0.38	0.38
Public Service Personal Property	\$	1.65	1.65
Personal Property	\$	1.65	1.65
Machinery & Tools	\$	1.00	1.00
Aircraft	\$	N/A	N/A

School Fund Levy - (Applies only to geographic areas of the County within the King William County School Division - does not include the Town of West Point)

TAX RATES PER \$100 OF ASSESSED VALUES

		School Fund Old Rate	School Fund New Rate
Real Estate	\$	0.48	0.48
Mobile Home	\$	0.48	0.48
Mines and Minerals	\$	0.48	0.48
Public Service Real Estate	\$	0.48	0.48
Public Service Personal Property	\$	2.00	2.00
Personal Property	\$	2.00	2.00
Machinery & Tools	\$	1.25	1.25
Aircraft	\$	1.30	1.30

DONE this 26th day of April, 2021.

g. Resolution 21-28 Funding for Audio/Video to Newly Finished Wing at Courthouse for Jury Trials

Travis Wolfe, Systems Engineer, presented an estimate from Odyssey Integration L.L.C. in the amount of \$22,309.57 to install equipment to provide the Audio/Video feeds from the

Courtrooms to the newly finished wing for the public to view during jury trials due to Covid-19 restrictions. Judge B. Elliot Bondurant recommends the newly finished wing of the Courthouse building be used to hold potential jurors and requests the work be completed by May 14, 2021 to support an upcoming jury trial.

Supervisor Hodges asked if this is new equipment being installed. Mr. Wolfe stated that there will be one camera installed in each courtroom and the audio equipment will be tied into the current audio system. Mr. Wolfe stated the County is not permitted to use the currently installed equipment owned by the Supreme Court. He also stated the proposed new equipment can be used by the Sheriff's Department for training purposes.

Vice Chair Moren asked if this is the type of work Odyssey Integration L.L.C. does. Mr. Wolfe said yes and the owner is a King William resident. Odyssey has done work for the county in the past, including installing audio/visual equipment in the County Administration Building Board Room.

Chairman Moskalski said he was pleased to hear that the equipment could be repurposed for other uses.

Supervisor Greenwood asked about the very specific amount being requested. Mr. Wolfe said he used the figure on the estimate from Odyssey Integration L.L.C. He also said that some of the labor would be completed inhouse including pulling wires.

Supervisor Garber asked if CARES Act funds could have been used for this project if they were not already depleted. Mr. Wolfe said yes, it could have been used.

Vice Chair Moren pointed out that Odyssey Integration L.L.C. gave the county a 10% discount.

Vice Chair Moren moved for the approval of Resolution 21-28; motion was seconded by Supervisor Garber.

The chairman called for any discussion.

The members were polled:

Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**RESOLUTION 21-28
FUNDING FOR AUDIO/VIDEO TO NEWLY FINISHED
WING AT COURTHOUSE FOR JURY TRIALS**

WHEREAS, the area required for potential jurors in the Courthouse building is greater than current finished space allows; and

WHEREAS, Judge B. Elliot Bondurant, Judge Ninth Circuit Court, has recommended the newly finished wing of the Courthouse building be used to hold potential jurors; and

WHEREAS, audio/video equipment and installation associated with upgrading this newly finished wing is not anticipated to exceed \$22,309.57; and

WHEREAS, use of the Restricted Infrastructure Capital Fund requires Board of Supervisor approval.

NOW, THEREFORE BE IT RESOLVED, that the King William County Board of Supervisors this 26th day of April 2021, appropriates \$22,309.57 of the Restricted Infrastructure Capital Fund to upgrade the newly finished wing of the King William Courthouse building.

DONE this 26th day of April, 2021.

h. Resolution 21-30 – Adoption Approval of Fiscal Year 2022 Budget

Natasha Joranlien, Director of Financial Services, presented Resolution 21-30 to approve the Fiscal Year 2022 budget. As a result of the Board of Supervisors work session on April 16, 2021, the following adjustments have been made and incorporated in the attached Resolution:

Revenue Adjustments:

- ❖ Per the Commissioner of Revenue’s recommendation, Finance has updated the projected revenue for Property taxes.
 - New construction will be entered by May 1, 2021 which will increase the County real estate assessed values by an estimated 20 million. Per the COR the Town of West Point has an estimate of \$2 million in new construction, however an estimate of \$2 million has become tax exempt (C&F Bank building and some marshy lots that were donated by the public boat ramp). The COR does not expect a change in Town real estate assessed values.
 - Based on information the COR has received from Commissioner of Revenue Association, she expects a 10% increase in personal property tax values.
 - No change for Machinery & Tools for the County. The Town has an increase of \$3.3 million based on the papermill submittal of its M&T return.

Expenditure Adjustments:

Expenditures

- Appropriation to Schools from the General Fund has increased from \$9,654,597 to \$10,117,965

- Planning Department Training/Education has been updated for a total of \$2,712
- County Administrator salary has been increased from \$117,000 to \$135,000

Capital Improvement Adjustments:

- Three-year Lease Purchase option as alternative for purchase of (3) Law Enforcement cruisers. Reduced request from \$201,472 for FY22 to \$104,100.
- Gravel instead of paving for both 360 complex and Station 1 driveway/parking areas. Reduced request from \$350,000 to \$35,000

The adoption of this Resolution will confirm the budget as drafted.

Supervisor Hodges moved for the approval of Resolution 21-30; motion was seconded by Supervisor Greenwood.

The chairman called for any discussion.

Chairman Moskalski pointed out the increase in funding for schools due to the adjustments made.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**RESOLUTION 21-30
APPROVING THE FISCAL YEAR BUDGET
BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022
FOR KING WILLIAM COUNTY, VIRGINIA**

WHEREAS, Section 15.2-2503 of the 1950 Code of Virginia, as amended, provides that the governing body of the County shall prepare and approve an annual budget; and

WHEREAS, the County Administrator has submitted to the King William County Board of Supervisors a proposed annual budget for the County for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as required by 15.2-1541; and

WHEREAS, the recommendation of the County Administrator regarding the educational budget submitted by the King William County School Board for FY 2022 contains estimated availability of funding from the Federal government in the amount of \$1,511,823; from the state government in the amount of \$14,298,870; from current local

appropriations in the amount of \$10,253,465 for operations and \$1,560,430 for debt service; and from other revenue in the amount of \$177,150; and

WHEREAS, the Board has reviewed citizen comments, analyzed, deliberated, and made necessary revisions to create a budget;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia, this 26th day of April, 2021, that there is hereby approved for informative and fiscal planning purposes only, the annual budget for FY 2022 as submitted and as amended by the Board briefly summarized below:

General Fund:		
General Government	2,445,174	
Judicial Administration	769,040	
Public Safety	6,811,362	
Public Works	1,894,777	
Health & Welfare	898,291	
Parks, Recreation & Cultural	624,308	
Community Development	812,189	
Non-Departmental	159,474	
Contingency	75,000	
Education	10,253,465	
Transfer to West Point (Transfer + Local Sales Tax)	550,888	
Capital/Debt Service	2,823,980	
Total General Fund:		\$ 28,117,949

Special Reserve Funds	\$	4,430,787
School Cafeteria Fund:	\$	1,088,807
School Textbook Fund:	\$	513,990
School Health Self-Insurance Fund:	\$	4,405,000
School Regional Alternative Education Fund:	\$	575,000
School Adult Education Fund:	\$	314,000
Capital Projects Fund:	\$	9,779,994
Debt Service Fund:	\$	2,875,084
Proprietary Fund:	\$	1,338,123

DONE this 26th day of April, 2021.

i. Resolution 21-29 – Appropriation Approval of Fiscal Year 2022 Budget

Natasha Joranlien, Director of Financial Services, presented Resolution 21-29 appropriating the funding for budget year FY 2022 based on the adoption of the Fiscal Year 2022 budget by the King William Board of Supervisors on April 26, 2021.

Supervisor Greenwood moved for the approval of Resolution 21-29; motion was seconded by Supervisor Hodges.

The chairman called for any discussion.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**RESOLUTION 21-29
APPROPRIATING FUNDS FOR THE FISCAL YEAR BUDGET
BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022
FOR KING WILLIAM COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of King William County, Virginia, has heretofore prepared and, on April 26, 2021, adopted a budget for informative and fiscal planning purposes for the fiscal year beginning July 1, 2021; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures contained in the Budget and to set forth the Board’s desired administration of those funds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia, this 26th day of April 2021:

SECTION 1. GENERAL FUND. That the amounts herein named aggregating \$25,674,511 are hereby appropriated in the General Fund for the following functions subject to the conditions hereinafter set forth in this Resolution for the fiscal year (FY) beginning July 1, 2021 and ending June 30, 2022, as follows:

SECTION 2. SCHOOL OPERATING FUND. That a local appropriation to the School Operating Fund in the amount of \$10,253,465 for operations and \$1,560,430 for debt service; is hereby made and an additional appropriation in the amount of \$15,987,843 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Federal government in the amount

of \$1,511,823 and from the Commonwealth in the amount of \$14,298,870, and from other revenues in the amount of \$177,150. All of such appropriations are subject to the conditions hereinafter set forth in this Resolution.

SECTION 3. SCHOOL CAFETERIA FUND. That an appropriation to the School Cafeteria Fund in the amount of \$1,088,807 is hereby made, subject to and contingent upon the availability of funding from the Federal government in the amount of \$950,000, and from the Commonwealth in the amount of \$7,800, USDA funding \$61,927 and from charges for services in the amount of \$67,580, and from recovered costs in the amount of \$1,500. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 4. SCHOOL TEXTBOOK FUND. That an appropriation to the School Textbook Fund in the amount of \$513,990 is hereby made, subject to and contingent upon the availability of funding from the Commonwealth in the amount of \$139,758, Federal funding of \$10,000 and from prior year Textbook fund reserves in the amount of \$364,232 for the fiscal year beginning July 1, 2021 and ending June 30, 2022. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 5. SCHOOL HEALTH SELF-INSURANCE FUND. That an appropriation to the School Health Self-Insurance Fund in the amount \$4,405,000 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Interest on Bank Deposits of \$15,000 and from collections of Net Premium Income of \$4,390,000. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 6. SCHOOL REGIONAL ALTERNATIVE EDUCATION FUND. That an appropriation to the School Regional Alternative Education Fund in the amount of \$575,000 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Commonwealth and reserve funding. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 7. SCHOOL ADULT EDUCATION FUND. That an appropriation to the School Adult Education Fund in the amount of \$314,000 is hereby made for the fiscal year beginning July 1, 2021 and ending June 30, 2022, subject to and contingent upon the availability of funding from the Federal government in the amount of \$191,000, and from the Commonwealth in the amount of \$84,000 and from payments from another locality in the amount of \$39,000. Such appropriation is subject to the conditions hereinafter set forth in this Resolution.

SECTION 8. SPECIAL REVENUE FUNDS. That the amounts hereinafter named aggregating \$3,249,839 or so much thereof as may be necessary, are hereby appropriated to the various Special Revenue Funds subject to the conditions hereinafter set forth in this Resolution, and subject to and contingent upon the availability of funding from the sources hereinafter

shown for each fund, for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

Special Revenue Funds:			
	Virginia Public Assistance Fund:	<u>Source of Funds</u>	<u>Appropriation</u>
	Recovered Cost	\$ 3,000	
	State Support	\$ 415,948	
	Federal Support	\$ 728,054	
	Local Support (Transfer from General Fund)	\$ 204,240	
	Total VPA Fund:		\$ 1,351,242
Regional Animal Shelter Fund:			
	Charges for Services	\$ 4,100	
	Donations	\$ 28,825	
	Recovered Cost (King & Queen Co./Rest)	\$ 145,269	
	State Support	\$ 500	
	Local Support (Transfer from General Fund)	\$ 142,394	
	Total RAS Fund:		\$ 321,088
Assest Forfeiture Funds:			
	State Support	\$ 6,000	
	Total AF Fund:		\$ 6,000
Four-For-Life Funds:			
	State Support	\$ 19,000	
	Total Four-For-Life Fund:		\$ 19,000
Fire Program Funds:			
	State Support	\$ 42,000	
	Total Fire Program Funds:		\$ 42,000

Special Revenue Funds (Cont'd)		Source of Funds	Appropriation
Victim Witness Fund:			
	Recovered Cost (King & Queen County)	\$ 4,472	
	State Support	\$ 105,307	
	Local Support (Transfer from General Fund)	\$ 4,472	
	Total Victim Witness Fund:		\$ 114,251
EMS Revenue Recovery Fund:			
	Recovered Costs (Insurance Claims & Private Pay)	\$ 150,000	
	Total EMS Recovery Fund:		\$ 150,000
Comprehensive Services Act Fund:			
	Charges for Services	\$ 850	
	State Support	\$ 768,339	
	Local Support (Transfer from General Fund)	\$ 462,419	
	Total CSA Fund:		\$ 1,231,608
Project Lifesaver Fund:			
	Local Support (Donations)	\$ 5,500	
	Total Lifesaver Fund		\$ 5,500
DARE Fund:			
	Local Support (Donations)	\$ 900	
	Total DARE Fund		\$ 900
Sheriff's Donation Fund			
	Local Support (Donations)	\$ 1,250	
	Total Sheriff's Donation Fund		\$ 1,250
Employee Recognition Fund			
	Rebate from BOA per State Contract	\$ 7,000	
	Total Employee Recognition Fund:		\$ 7,000
Total Special Revenue Funds:			\$ 3,249,839

SECTION 9. CAPITAL PROJECTS FUND. That the amounts herein named aggregating **\$5,445,299** or so much thereof as may be necessary, are hereby appropriated to the Capital Project Fund subject to the conditions hereinafter set forth in this Resolution and subject to and contingent upon availability of funding from the sources shown, in the approved

Capital Improvements Plan (CIP) for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

Capital Projects Funds:		<u>Source of Funds</u>	<u>Appropriation</u>
	Capital Improvements Plan (CIP):		
	Transfer from General Fund	\$ 210,000	
	Capital Financing	\$ 4,517,800	
	Capital Fund 310	\$ 45,000	
	Reimbursement from State	\$ 100,000	
	Departmental Reserve Funds	\$ 30,000	
	School Reserve Funds	\$ 200,000	
	School - Other Funds	\$ 342,499	
	Total Capital Projects Funds:		<u>\$ 5,445,299</u>

SECTION 10. DEBT SERVICE FUND. That the amounts herein named aggregating \$2,875,084 or so much thereof as may be necessary, are hereby appropriated to the Debt Service Fund subject to the conditions hereinafter set forth in this Resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

		<u>Source of Funds</u>	<u>Appropriation</u>
Debt Service Funds			
	General Government Debt Transfer from General Fund	\$ 1,314,654	
	School Debt Transfer from the School Tax District Revenue in the General Fund	\$ 1,560,430	
	Total Debt Service Funds		<u>\$ 2,875,084</u>

SECTION 11. PROPRIETARY FUNDS. That the amounts herein named aggregating \$1,335,923 or so much thereof as may be necessary, are hereby appropriated to the Proprietary Funds subject to the conditions hereinafter set forth in this Resolution for the purposes hereinafter mentioned for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

Proprietary Funds:		<u>Source of Funds</u>	<u>Appropriation</u>
Water Utility Fund:			
	Charges for Services	\$ 521,168	
	Prior Year Reserves	\$ 150,000	
	Total Water Utility Fund:		<u>\$ 671,168</u>
Sewer Utility Fund:			
	Charges for Services	\$ 400,000	
	Prior Year Reserves	\$ -	
	Total Sewer Utility Fund:		<u>\$ 400,000</u>
Parks & Recreation Program Fund:			
	Charges for Services	\$ 239,755	
	Prior Year Reserves	\$ 25,000	
	Total Parks & Recreation Program Fund:		<u>\$ 264,755</u>
Total Proprietary Funds:			<u>\$ 1,335,923</u>

SECTION 12. Monies are hereby appropriated for the fiscal year 2022 in the various funds for the purpose of liquidating encumbered purchase transactions and for continuing capital and special projects as of June 30, 2021, not to exceed the applicable fund balance/net assets/net position as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of the allocation of all such appropriations.

SECTION 13. Additional funds received for the following items are hereby appropriated for the purposes and to the programs for which received:

- (A) Insurance recoveries and other payments received for damage to County vehicles or property;
- (B) Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement;
- (C) Contributions and donations received for specific programs or purposes.

SECTION 14. All of the monies appropriated as shown by the items contained in Section 1 through Section 14 are appropriated upon the following terms, conditions and provisions:

(A) All appropriations are declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named herein only in the event the revenues collected from the anticipated non-local sources are sufficient to pay the appropriations in full; otherwise, said appropriation shall be deemed to be payable only in an amount equal to actual non-local revenue received. The County Administrator is authorized to make transfers to the various funds for which there are transfers budgeted. The County Administrator shall transfer funds only as

needed up to the amounts budgeted, or in accordance with any existing bond resolutions that specify the manner in which transfers are to be made.

(B) No department, agency or individual receiving an allocation of the appropriations made by this Resolution shall exceed the amount of such allocation except with the prior consent and approval of the Board of Supervisors or, as set forth in paragraph (D) of this Section 15, the County Administrator where so authorized.

(C) Nothing in this Resolution shall be construed as authorizing any reduction to be made in the amount appropriated in this Resolution for the payment of interest on or the retirement of any debt of King William County, including debt incurred for school purposes.

(D) The County Administrator is authorized to redistribute appropriations within, but not between, the several funds under the control of the Board of Supervisors as may be necessary to best meet the needs and interests of King William County, except that transfers of funds from payroll items to non-payroll items or vice versa and transfers of capital projects funds between individual projects as set forth in the approved Capital Improvements Program may only be made by the Board of Supervisors.

(E) Annual appropriated contributions to non-governmental entities in excess of \$25,000 shall be disbursed on a quarterly basis in July, October, January, and April with the amount disbursed not to exceed one-quarter of the total appropriation unless otherwise agreed by the Board.

(F) The County Treasurer, upon receipt of a written order from the County Administrator, is authorized to advance monies between the several County Funds under his custody provided; however, that the total advanced to any particular fund, plus the amount of monies disbursed from that fund, does not exceed the annual appropriation for said fund.

(G) To the extent such authorization is required, the County School Board is authorized to create such additional funds, as it may deem necessary to account for its operations and to transfer the monies appropriated by this resolution for school purposes to such additional funds. Any such transfers shall not affect the status of such monies at year-end or the reversion thereof as otherwise provided by law.

(H) No funds appropriated to the King William County Economic Development Authority within the Capital Improvement Plan for fiscal year 2022 or prior years shall be disbursed without prior authorization of this Board.

SECTION 15. The County Administrator and specific employees designated by her in writing are hereby authorized as signers of drafts on the Petty Cash account available to allow emergency/immediate expenditures, not to exceed \$5,000, necessary in daily County operations.

SECTION 16. In accordance with the provisions of Senate Bill 488 which was adopted by the General Assembly of the Commonwealth of Virginia during the 2014 regular session and signed by the Governor of Virginia which created a special school tax district and established the taxing and appropriation authority of the King William County Board of Supervisors with respect to such special tax district and the county school division, the Board of Supervisors hereby designates the following local sources and amounts for the

support of county school division operations and debt for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Special School Tax District Property Tax Levies
(Including penalties and interest)

\$ 8,518,482

Prior Year Fund Balance from Property Levies

\$ -0-

County Share of Local 1% Sales Tax

\$ 993,965

Utilities Gross Receipts

\$ 50,000

Business License Taxes

\$ 372,500

Motor Vehicle License Tax

\$ 425,000

Consumer Utility Tax

\$ 220,000

Bank Net Capital Tax

\$ 104,000

Food & Beverage Tax

\$ 225,000

Communication Services Sales Tax

\$ 219,161

Rolling Stock Tax

\$ -0-

Total School Appropriation*

\$11,128,108

*Includes funds designated for debt service and operational activities.

The designation of these specific revenue sources for FY 2022 shall in no way restrict the Board of Supervisors in future appropriations. The appropriation of prior year funds to the King William School Division derived from property taxes in the special tax district is not a part of the current year appropriation unless an amount from such source is specifically shown in the above listing. Should total receipts from the sources listed in this section exceed the amount estimated above, the excess shall be deemed property tax receipts. Such revenues shall be retained as fund balance for the special tax district and will be available for future appropriation by the Board of Supervisors for school operation or capital purposes. Should total receipts from the sources listed in this section be less than the amount estimated above, the Board will appropriate additional funds from sources designated in a future resolution as necessary to cover any gap in local funding. The appropriation of state or federal revenue is not addressed, as such revenues are not local revenues covered by Senate Bill 488.

SECTION 17. Notwithstanding any other provision of this Resolution, the County Administrator is authorized to allocate the monies set aside in the approved FY 2022 budget and appropriated in the General Fund for employee pay adjustments to those departments, agencies, functions or funds as necessary to carry out the plan of adjustment presented to this Board.

SECTION 18. All resolutions and parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

DONE this 26th day of April, 2021.

Agenda Item 9. PUBLIC HEARINGS

a. Public Hearing and Consideration of Ordinances 03-21 and 04-21 - Amend Ordinances 70.141.1 and 74-34 pertaining to Disabled Veterans

Karena Funkhouser, Commissioner of the Revenue, presented Ordinance 04-21 to delete King William County Code 70-141.1 – Certain vehicles of disabled veterans; separate class. The Virginia Constitution was amended effective January 1, 2021 exempting the personal property tax on one vehicle owned and used primarily by a disabled veteran. Therefore, King William County Code 70-141.1 is no longer necessary. The Constitutional amendment differs from the King William Ordinance in that it specifies a vehicle as a car or truck and does not pass to a qualifying widow. Without a repeal, a disabled veteran could apply for the local exemption on one vehicle or motorcycle and apply for the exemption allowed by the State Constitution for a different vehicle. Commissioner Funkhouser reported she has received 30 exemption applications so far this year equaling a total of \$780. Last year, the COR received 3 applications.

Commissioner Funkhouser presented Ordinance 03-21 amending King William County Code 74-34(b) that provides an exemption from the local vehicle license tax for certain vehicles of disabled veterans. The current ordinance allows a veteran with a disabled veteran license tag displayed on their vehicle to apply for an exemption from paying the \$30 license fee. There are two veterans who have applied for this exemption. Commissioner Funkhouser recommended amending the ordinance to automatically waive one motor vehicle license fee annually on the vehicle owned by the disabled veteran who receives the personal property tax exemption. A disabled veteran may question why he receives a \$30 bill on a vehicle that is exempt from personal property tax. There are 52 disabled veterans in King William County who may qualify for the exemption. The negative revenue impact to the County is estimated to be approximately \$1,500.

Vice Chair Moren asked if a disabled veteran license plate was necessary to qualify for the exemption. Commissioner Funkhouser said the plate is not a requirement, however, the veteran must be considered 100% disabled or be receiving 100% disability.

Chairman Moskalski opened the public comment period.

There being no speakers, Chairman Moskalski closed the public comment period.

Chairman Moskalski called for a motion to approve both ordinances as an omnibus resolution.

Supervisor Hodges moved for the approval of Ordinance 04-21 and Ordinance 03-21; motion was seconded by Vice Chair Moren.

The chairman called for any discussion.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

b. Public Hearing and Consideration of Ordinance 05-21 – Business License Proposed Ordinance Amendments and Refund Resolution 21-23

Karena Funkhouser, Commissioner of the Revenue, presented Ordinance 05-21 amending King William County Code Chapter 18-34 (b) Doing business without required license and payment of license tax prohibited; to add meals tax as a delinquent tax that prevents a current business license from being issued. Commissioner Funkhouser said the proposed change would be a useful collection tool for the Treasurer. She also stated that the current code did not include this language because the county did not have a meals tax at the time it was written.

Refund Resolution 21-23

Karena Funkhouser, Commissioner of the Revenue, presented Resolution 21-23 authorizing the Treasurer to refund up to \$1,000 for erroneous tax payments based on certification by the Commissioner of the Revenue. Commissioner Funkhouser stated Section 58.1-3981 of the Code of Virginia authorizes the governing body of any County to authorize the Treasurer of such County to approve and issue a refund of up to \$5,000 for payment of taxes made to the County as a result of an erroneous assessment, subject to the limitations and under the conditions set forth in the Code. Commissioner Funkhouser assured the Board would still receive reports of all refunds made, however, their vote on each individual refund would not be required. She stated she has spoken to the Essex County COR who had such authority up to \$2,500 and it eliminated extra paperwork and saved time. She suggested setting the limit to \$1,000 and, if the Board were satisfied with the procedure, the limit could be raised at any time. She also noted that the Board can lower the limit or rescind the authorization at any time.

Chairman Moskalski opened the public comment period for proposed Ordinance 05-21.

1. Chris Couch, of District 5, asked what would happen with regard to issuing a business license if a business were appealing the tax owed and the appeal continued to the following calendar year.

Commissioner Funkhouser said the business license would be issued in the case of pending appeals if all amounts not being disputed were in good standing.

There being no further speakers, Chairman Moskalski closed the public comment period.

Supervisor Moskalski called for questions from the Board on proposed Ordinance 05-21.

Supervisor Garber moved for the approval of Ordinance 05-21; motion was seconded by Vice Chair Moren.

The chairman called for any discussion.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

ORDINANCE 05-21

An Ordinance to

Amend the King William County Code, Chapter 18-34 (b) Doing business without required license and payment of license tax prohibited; to add food and beverage tax as a delinquent tax that prevents a current business license from being issued

WHEREAS, pursuant to Virginia Code Section 58.1-3703 the King William County Board of Supervisors is authorized to impose local license taxes and fees;

WHEREAS, the Board wishes to expand the types of delinquent taxes that prohibits a business license from being issued:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 26th day of April, 2021, amend the King William County Code by amending Section 18-34(b) to read as follows:

Sec. 18-34(b) - Doing business without required license and payment of license tax prohibited;

(a) It shall be unlawful for any person to do any business, carry on any trade or calling, practice any profession, or do any act for which a license is required or upon which a license tax is imposed by this article, or to open an office for a place of business or, by the use of signs or in any other manner to advertise any trade, business, profession, or activity within the county for which a license is required or upon which a license tax is imposed by this article without first having applied for and obtained such required license and without having paid the license tax so imposed.

(b) No business license required by this article shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, *food and beverage* and personal property taxes owed by the business have been paid.

DONE this 26th day of April, 2021.

The chairman called for questions from the Board on proposed Resolution 21-23.

Supervisor Hodges said he does not recall the Board ever denying a refund request.

Supervisor Garber asked if there would be a savings on legal fees. Commissioner Funkhouser said there probably would not be because the county pays a flat rate on legal services. Proposed Resolution 21-23 would allow the Treasurer to issue refunds without sending a copy to the county attorney or creating resolutions which would then appear on the Board's consent agenda.

Chairman Moskalski said narrative memos to the Board were sufficient.

Supervisor Greenwood asked why the limit was set so low and suggested it be increased to \$2,500.

Supervisor Greenwood moved for the approval of Resolution 21-23R with an increase in the limit to \$2,500. Supervisor Garber seconded the motion with the amended increase.

The members were polled:

Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

RESOLUTION 21-23R

A RESOLUTION AUTHORIZING THE TREASURER TO REFUND UP TO ~~\$1,000~~ \$2,500 FOR ERRONEOUS TAX PAYMENTS BASED ON CERTIFICATION BY THE COMMISSIONER OF THE REVENUE

WHEREAS, Section 58.1-3981 of the Code of Virginia, 1950, as amended (the "Code") authorizes the governing body of any County to authorize the Treasurer of such County to approve and issue a refund of up to \$5,000 for payment of taxes made to the County as a result of an erroneous assessment, subject to the limitations and under the conditions set forth in the Code; and,

WHEREAS, the King William County Board of Supervisors (the 'Board') has determined that it is in the best interests of King William County ("the County") to authorize the Treasurer of the County to approve and issue refunds for tax payment resulting from erroneous assessments in amounts up to and including the sum of ~~\$1,000~~ \$2,500, pursuant to Section 58.1-3981 of the Code of Virginia (1950), as amended;

NOW, THEREFORE, BE IT RESOLVED, by the King William County Board of Supervisors this 26th day of April, 2021, that pursuant to the provision of Section 58.1-3981 of the Code of Virginia (1950), as amended, the Treasurer of the County is hereby authorized and empowered to approve and issue any tax refund up to ~~\$1,000~~ \$2,500 with interest on amounts exceeding \$10 as set forth in Sections 58.1-3918 and 58.1-3916 of the Code of Virginia (1950), as amended, where such tax fund results from an erroneous assessment,

upon certification of such error by the Commissioner of the Revenue of the County and subject to the limitations and upon the conditions set forth in the Code, including without limitation, those set forth in Section 58.1- 3980 of the Code of Virginia (1950), as amended;

BE IT FURTHER RESOLVED that nothing herein shall waive or relinquish the authority of the King William County Board of Supervisors to approve such refunds in accordance with the authority granted to it under Section 58.1-3981 of the Code of Virginia (1950), as amended; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

DONE this 26th day of April, 2021.

c. Public Hearing and Consideration of Ordinance 06-21 – Replace entire Chapter 70 Article VIII – Meals Tax with Ordinance drafted by legal counsel for a Food and Beverage Tax

Karena Funkhouser, Commissioner of the Revenue, presented Ordinance 06-21 as drafted by legal counsel. Commissioner Funkhouser said counsel explained that the current meals tax ordinance was copied from a town ordinance when it should have been copied from a county ordinance which uses the term, “food and beverage tax.” Because of this, Counselor McRoberts rewrote the entire ordinance. She further explained the process wherein the Board approves the creation of the tax, and the Commissioner of the Revenue defines the tax within the limits of state code.

Vice Chair Moren asked if the definition of “restaurant” in the proposed ordinance was the same as the definition in the Code of Virginia. Commissioner Funkhouser confirmed that it is. Vice Chair Moren noted the listed exemptions did not fit the definition of restaurant. Commissioner Funkhouser read the definition from the Code of Virginia. Per the code, food trucks and caterers would be subject to the proposed food and beverage tax.

Vice Chair Moren noted there is concern over the lack of definition of “serving size.” Commissioner Funkhouser said the Code of Virginia does not define “serving size” but leaves the interpretation of such to the COR. The COR must specifically define serving size and is not able to, for example, use the language “according to the FDA definition of serving size.”

Supervisor Hodges reiterated that the definition of “serving size” cannot be placed in the ordinance and that the COR can interpret said definition. Commissioner Funkhouser said the former COR had guidelines and she will adopt her own guidelines which define “serving size.”

Chairman Moskalski clarified that the COR’s duty is to promulgate the rules based on the laws set by the General Assembly. If the Board of Supervisors determines there will be a tax, the COR’s duty is to assess and enforce the tax.

Vice Chair Moren said there was an attempt in the General Assembly this year to form a definition of “serving size” but it did not happen.

Commissioner Funkhouser reiterated that, if the General Assembly has not formed a definition, the county cannot put one in the language of the ordinance.

Chairman Moskalski opened the public comment period.

1. Chris Couch, of District 5, spoke on behalf of constituents of King William County and was allowed 5 minutes. Mr. Couch stated the 4% tax is on consumers, not businesses. He expressed concern that the entire ordinance has been rewritten finds the urgency and timing interesting. He pointed out that the words, “as part of a meal” were no longer included in Line 22, definition of beverage, thereby changing the scope of the tax. He said that an alcoholic or nonalcoholic beverage on its own was not taxable under the current meals tax, only if it was served as part of the meal. The proposed ordinance adds 4% to the cost of every beverage. He also stated that neither the current or full proposed ordinance was easily found on the King William County website for citizen review.

Mr. Couch pointed out that Line 94 was missing a definition of “pre-packaged single-serving salad” and asked why the ordinance would be completely rewritten without addressing this contentious issue. He said adding this definition would not be a change in scope of the tax. Mr. Couch also stated he has researched the “serving size” definition issue and believes the County has the authority to define it considering there is an FDA standard and that same standard is taught in Virginia as part of 4th grade SOLs. He pointed out that ~~Delegate Scott Wyatt~~ Delegate Rodney Willett (D) Henrico called Dreaming Tree Farms a “gem” in the subcommittee meeting addressing the definition of “serving size” in the General Assembly. Mr. Couch said this is a local issue which should be addressed locally and if we teach what a “serving size” is in our schools, it should be good enough for the code. He stated that, since the ordinance is being completely rewritten, now is the time to address this issue and create a code which clearly defines the scope and intention of this tax on the citizens of King William County.

There being no further speakers, Chairman Moskalski closed the public comment period.

Commissioner Funkhouser stated that the current meals tax is written such that any alcoholic beverage, whether part of a meal or not, is subject to the tax. She pointed out the comma in the current language: “Beverage means alcoholic beverages as defined in Code of Virginia (1950) tit. 4.1, § 4.1-100, as amended, **and** nonalcoholic beverages which are served as part of a meal from a food establishment, whether such beverage or meal is consumed on or off the seller's premises.”

With regard to Line 94, Commissioner Funkhouser said she asked Counselor McRoberts specifically about this issue and he stated the county could not define “serving size” because the Dillon Rule says so, however the COR must interpret such in their guidelines. In short, Commissioner Funkhouser said counsel advised her that the county cannot put the definition in the ordinance because the General Assembly says they cannot.

Vice Chair Moren expressed concern over what will happen to those guidelines when the current COR leaves and a new one comes along. He reiterated that the state legislature needs to address this issue. Commissioner Funkhouser said she agreed and that she had urged Mr. Couch to continue reaching out to the General Assembly to do so.

Chairman Moskalski asked the COR if there was a sensitive time frame for this proposed ordinance. He stated he would like the Board to extend the matter for 30 days - until the next regularly scheduled Board of Supervisors meeting on May 24, 2021 - and research the issue further.

Commissioner Funkhouser said she was not aware that the full ordinance wasn’t easily accessible on the county website and that this would be a good reason to table the issue for 30 days. Chairman Moskalski said the current and proposed ordinances will be immediately placed on the King William County website for review by the public and the Public Notice will be advertised in the Country Courier and Tidewater Review with the new Public Hearing date of May 24, 2021.

Supervisor Hodges said the county had already spent a great deal of time and money researching this issue. He asked if there was a specific point to be researched or the whole thing.

Vice Chair Moren said the discussion tonight helped him understand the issue better and that, if the whole ordinance was being rewritten, the Board should take a closer look at what they will end up with.

Supervisor Garber asked if the COR had any discretion with the definition of beverage. Commissioner Funkhouser said no, the definition was based on state code.

Supervisor Hodges asked for clarification on the alcoholic beverage tax. Commissioner Funkhouser said if you go to a bar and get a beer, it is subject to the meals tax. If you get an alcoholic or nonalcoholic beverage with a meal, both are subject to the meals tax. If you go to a deli and get a sandwich and a sealed container nonalcoholic beverage, it is not subject to the meals tax.

Supervisor Greenwood said he would like the current and proposed ordinances to compare. Chairman Moskalski said the Board was used to seeing running changes to ordinances, however, since this was a totally new ordinance, there is no such document.

Supervisor Garber made a motion to table a decision on proposed Ordinance 06-21 to the next regularly scheduled Board of Supervisors meeting on May 24, 2021. Vice Chair Moren

seconded the motion to table and requested Commission Funkhouser have any changes to proposed Ordinance 06-21 ready for the Board's review at the May 10, 2021 work session meeting.

The chairman called for any discussion.

Supervisor Greenwood expressed concern over the issue continuing to resurface with no resolution or decision and stated he would like the matter resolved at the May 24, 2021 meeting, not extended again. Supervisor Garber also specified the proposed ordinance was to be considered at the May 24, 2021 regular meeting of the Board of Supervisors.

Chairman Moskalski said Board members should contact Commissioner Funkhouser to review the information she has compiled on this issue. He instructed that anything new to consider be presented for Board review at the May 10, 2021 work session.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Abstain
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

[Note: Due to an error on the agenda, Agenda Item 8f - Public Hearing on proposed Ordinance 07-21 - was inadvertently skipped. At the pleasure of the Board, the hearing was held at this time.]

Chairman Moskalski opened the public comment period for proposed Ordinance 07-21 – Impose Property Tax Levies Upon Real Estate, Mobile Homes, Tangible Personal Property, Public Service Corporation Property, Machinery and Tools, and Aircraft for the Calendar Year 2021. There were no changes to the levies from the previous calendar year.

There being no speakers. Chairman Moskalski closed the public comment period.

Agenda Item 10. ADMINISTRATIVE MATTERS FROM COUNTY ADMINISTRATOR

a. Board Information

Chairman Moskalski asked the County Administrator if there were anything to highlight in the items presented in this section. Steve Hudgins, Interim County Administrator, stated no comment was necessary.

Agenda Item 11. BOARD OF SUPERVISOR'S COMMENTS

Supervisor Hodges expressed his appreciation for the work of the members of the Board. He said the Board worked well together, even though they don't always agree, which they shouldn't, and got things done. He commended Mr. Parker Edwards of West Point on his Eagle Scout project. Mr. Edwards built benches that convert to desks for the elementary school enabling classes to be held outdoors.

Vice Chair Moren thanked the department heads and staff for their hard work on the budget. He said being able to drill down into budget requests helped him understand the process better. He expressed a desire for the Board to explore additional ways to help disabled veterans and said he would take the initiative on this project and see what other counties and states are doing for their veterans.

Supervisor Greenwood thanked the citizens present in the Board Room and on Zoom. He said he would like to keep Zoom after COVID is over to enable more citizens to participate and offer their input. He thanked the staff for the work they did with the budget to find extra funding for the schools. He appreciated that they were able to find extra money for the budget so the Board did not have to make cuts. He encouraged everyone to get their vaccines and continue to social distance and wear a mask.

Supervisor Garber thanked the staff for their work on the budget and said he now had a better understanding of the budget process. He welcomed the new Tiger Cat dealership to the county. He said it was good to be back in the building and see members of the public here.

Chairman Moskalski said it was good to be back in the room. He urged everyone to be cautious and safe and to take care of one another. He said there was a lot of work the Board could now get started on since the budget has been passed and thanked the staff for their work on it. He said there wasn't an opportunity to learn the workings of the Board last year due to Covid, and this year was a great learning opportunity as we continue to make progress toward getting back to normal. He thanked the staff and Board for their work.

Agenda Item 12. CLOSED MEETING

a. Motion to Convene Closed Meeting

Vice Chair Moren made a motion to convene in Closed Meeting in accordance with Section 2.2- 3711 (A)(1) of the Code of Virginia for the appointment of individuals to Boards and Commissions and in accordance with Section 2.2- 3711 (A)(5) of the Code of Virginia for the proposed expansion of an existing industry in King William County. Motion was seconded by Supervisor Hodges.

The chairman called for any discussion.

The members were polled:

Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

b. Motion to Reconvene in Open Session

Having completed the Closed Meeting, Supervisor Hodges made a motion to Reconvene in Open Session. Supervisor Garber seconded.

The members were polled:

Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

c. Certification of Closed Meeting

Supervisor Garber moved for adoption of Standing Resolution 1 (SR-1) in accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended; the motion was seconded by Supervisor Greenwood.

The chairman called for any discussion.

The members were polled:

Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

**STANDING RESOLUTION – 1 (SR-1)
A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION
ACT REGARDING MEETING IN CLOSED MEETING**

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 2.2-3711 of the Code of Virginia 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 on this 26th day of April, 2021, hereby certifies that, to the best of 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 convening the closed meeting were heard, discussed, or considered by the King William County Board of Supervisors.

DONE this the 26th day of April, 2021.

d. Action on Closed Meeting (if necessary)

No action required.

Agenda Item 13. APPOINTMENTS

There were no appointments.

Agenda Item 14. ADJOURN OR RECESS

Supervisor Greenwood made a motion to adjourn the meeting; seconded by Supervisor Garber.

The chairman called for any discussion.

The members were polled:

Supervisor, 5th District: Edwin H. Moren, Jr. – Vice Chair	Aye
Supervisor, 3rd District: Stephen K. Greenwood	Aye
Supervisor, 1st District: William L. Hodges	Aye
Supervisor, 4th District: C. Stewart Garber, Jr.	Aye
Supervisor, 2nd District: Travis J. Moskalski – Chairman	Aye

COPY TESTE:

Travis J. Moskalski, Chairman
Board of Supervisors

Christine H. Branch
Deputy Clerk to the Board of Supervisors