

RESOLUTION

AUTHORIZING A FUNDING AGREEMENT FOR THE BENEFIT OF

THOMAS NELSON COMMUNITY COLLEGE IN SUPPORT OF THE

PENINSULA WORK FORCE DEVELOPMENT CENTER

- WHEREAS, the Peninsula Work Force Development Center (the Project) is a regional effort to provide tailored training of employees to meet the specific needs of existing industries and new industries in Hampton Roads; and
- WHEREAS, such training will include individuals in secondary and higher education, military personnel transitioning to civilian jobs and civilians seeking additional work force training; and
- WHEREAS, the Project will be located on a 30-acre parcel in the eastern-most portion of the campus of Thomas Nelson Community College (Thomas Nelson) which is a component of the Commonwealth of Virginia Community College System (the System); and
- WHEREAS, the Project will consist of an approximately 92,000 gross square foot three-story building together with surface parking to be owned by the Industrial Development Authority of the City of Hampton, Virginia (the Authority), and leased to Thomas Nelson, Old Dominion University, the Virginia Employment Commission, and other governmental or quasi-governmental agencies engaged in work force development such as, for example, the Peninsula Work Force Development Commission and the Greater Peninsula Private Industry Council; and
- WHEREAS, the Appropriation Act of 1998 (the Appropriation Act) authorizes the conveyance of the Project from the State Board of Community Colleges (with the consent of the Governor) to the Authority, subject to a restrictive covenant providing that the Project shall at all times be used for municipal purposes and that upon failure to do so title shall revert to the Commonwealth; and
- WHEREAS, the Appropriation Act also authorizes the lease of a portion of the Project to Thomas Nelson for a term of five (5) years and appropriates up to \$330,000 for each of Fiscal Years 1998-1999 and 1999-2000 for lease rental payments subject to at least a one-third (1/3) match from local or private sources; and
- WHEREAS, it is anticipated that similar appropriations will be made by the General Assembly for the balance of the term of the Thomas Nelson lease; and
- WHEREAS, it is currently estimated that annual lease payments by Thomas Nelson will be in an amount up to \$540,000 necessitating a local annual match during the term of the Thomas Nelson lease, and any extension or renewal thereof, of up to \$210,000 in order to comply with the Appropriation Act and future such acts and to fully cover annual rental payments; and

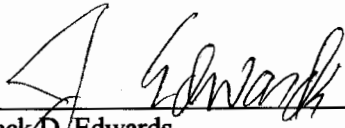
WHEREAS, Thomas Nelson has requested that the City of Hampton, the City of Newport News, the City of Poquoson, the City of Williamsburg, York County, and James City County (collectively, the Local Jurisdictions) collectively and on an equitable basis agree to provide the funds necessary to cover the difference between the total annual rental payment described above and the annual Commonwealth appropriation described above; and

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the County), has found and determined that the Project will substantially enhance the educational opportunities in the County and serve as an essential public benefit; and

WHEREAS, in accordance with such finding, the Board of Supervisors of the County has determined that it is appropriate that the Local Jurisdictions provide funding for the Thomas Nelson lease, together with any extension or renewal thereof, and that the County, subject to annual appropriation, agree to pay a portion of the local match and annual rental payments described above to assist in the development and financing of the Project, which financing is expected to be secured by the rental payments (less operating costs) derived from the Project.

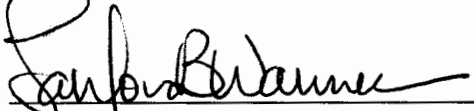
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. The County Administrator, or his designee, is hereby authorized and directed to execute and deliver a funding agreement with respect to the Project (the Funding Agreement) whereby a portion of the annual rental payments under the Thomas Nelson lease, together with any extension or renewal thereof, shall be paid by the County; provided, however, that such lease, together with any extension or renewal thereof, shall have a rental payment term not in excess of twenty (20) years. Such payment shall be in an amount not to exceed \$21,000 in each fiscal year of the County commencing in the fiscal year beginning July 1, 2000, shall be made to the party designated in the Funding Agreement and shall be subject annual appropriation by this Board; provided, however, that if such a party is not either Thomas Nelson or the trustee or escrow agent designated to collect rental payments in the financing documents with respect to the Project, such payee must be specifically designated and appointed by the Board of Supervisors by separate resolution thereof. The form and substance of the Funding Agreement shall be approved by the County Attorney and the County Administrator, or his designee, the execution and delivery thereof by the County Administrator, or his designee, to constitute conclusive evidence of their approval of the form and substance of the Funding Agreement.
2. The payment obligation of the County under the Funding Agreement shall be subject to annual appropriation by this Board and shall not constitute an unconditional general contractual obligation of the County extending beyond any fiscal year of the County and shall not constitute debt of the County within the meaning of the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991. All payments made by the County in accordance with the Funding Agreement shall be made in lawful money of the United States of America.
3. All other acts of the officers of the County which are in conformity with the purposes and intent of this resolution, subject to the limitations set forth herein, are hereby approved and confirmed.
4. This resolution shall take effect immediately upon its adoption.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
September, 1998.

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