

THE RECESSED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF MARCH, NINETEEN HUNDRED EIGHTY-FOUR AT 5:55 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
 Jack D. Edwards, Vice-Chairman, Berkeley District
 William F. Brown, Roberts District
 Thomas D. Mahone, Jamestown District
 Perry M. DePue, Powhatan District (Absent)

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. THE HUMAN SERVICES BUILDING

John E. McDonald, Director of Financial and Management Services, introduced Harry Frazier of Hunton & Williams. Mr. Frazier, acting as bond counsel for the County, presented a Resolution for the Board's approval outlining the proposed financing of the Human Services Building.

The Resolution calls for Municipal Leasing Corporation to put up \$1,630,000 for payment of construction costs and the leasing of the site and the Human Services Center to the County for a term expiring March 1, 1990, upon payment of the yearly rental.

Mr. Frazier explained that under the terms of the proposed commitment the staff must request the necessary funding for financing in future proposed yearly budgets, but the Board need not approve. In addition, if the County does not appropriate funds, or if a decision is made at the end of the lease agreement that the County does not wish to keep the property, the property reverts back to Municipal Leasing.

Mr. Frazier indicated that this type of financing is new and innovative and the County staff thinks the plan is a sound one.

Mr. Taylor questioned the debt reserve of \$250,000 to be put up by the County with Sovran Bank.

Mr. Brown suggested that when the financing was originally discussed, Municipal Leasing would put up \$250,000.

Mr. Frazier clarified the question of the \$250,000: the County will get 8-3/4 percent interest on that sum of money, and if necessary, that sum can be used to cover one and one-fourth payments on the lease/purchase agreement. It would be a deposit in good faith that would allow payment to the investors in the event the County payment was delayed or not forthcoming.

The annual lease payment is \$396,000 in each of five years, assuming construction in a period of eighteen months, through September 1985. The Board has already approved the sewer extension to the parcel.

Mr. Mahone asked if a sum of \$250,000 would be sufficient to take care of furnishings for the building.

Mrs. Burcham stated that with the present furnishings at both Social Services and the Health Department, \$250,000 would be sufficient.

Mr. Edwards moved for the approval of the Resolution.

On a roll call, the vote was AYE: Brown, Edwards, Taylor (3). NAY: Mahone (1).

AAJ113

RESOLUTIONOF THE BOARD OF SUPERVISORS OF
THE COUNTY OF JAMES CITY, VIRGINIA, FOR
FINANCING AND CONSTRUCTION OF HUMAN SERVICES CENTER

WHEREAS, the Board of Supervisors (the Board) of the County of James City, Virginia (the County), adopted a resolution on February 27, 1984, accepting the proposal of Municipal Leasing Corporation (Municipal Leasing) to finance the construction of a proposed Human Services Center under a lease-purchase arrangement as outlined in a memorandum entitled Plan of Financing of Human Services Center (the Plan) dated February 24, 1984; and

WHEREAS, the Board now desires to take all required action to implement the Plan; and

WHEREAS, there have been presented to this meeting forms of the following documents (the Documents) to implement the Plan:

- (a) Ground Lease dated as of March 7, 1984, between the County and Municipal Leasing providing for the lease to Municipal Leasing of the site on which the Human Services Center will be constructed;
- (b) Real Estate Lease/Purchase Agreement dated as of March 7, 1984, between the County and Municipal Leasing providing for Municipal Leasing to put up \$1,630,000 for payment of construction costs and for the leasing of the site and the Human Services Center to the County for a term expiring March 1, 1990, upon payment of rentals as provided therein;
- (c) Paying Agent Agreement dated as of March 7, 1984, between Sovran Bank, N.A., Municipal Leasing and the County providing for payment of costs of construction of the Human Services Center from the \$1,630,000 put up by Municipal Leasing, issuance to investors of certificates of participation in the rental payments under the Lease/Purchase Agreement and assignment of rights of Municipal Leasing in the Lease/Purchase Agreement for the benefit of such investors; and
- (d) Construction Contract dated as of March 9, 1984, between Olsen Contractors, Inc. and the County providing for construction of the Human Services Center;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA:

1. The Chairman or the Vice Chairman is hereby authorized and directed to execute and deliver the Documents to the other parties thereof.
2. The Chairman or the Vice Chairman is hereby authorized and directed to execute such documents as may be necessary in connection with the assignment of the Construction Contract, performance and payment bonds delivered to the County in connection therewith and a contract between Washington/Maguire and the County dated as of June 1, 1982, for design of the Human Services Center to Municipal Leasing and by Municipal Leasing to Sovran Bank, N.A., as paying agent under the Paying Agent Agreement.
3. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officers executing them, their execution to constitute conclusive evidence of their approval of any such omissions, insertions and changes. In particular, the forms of

the Documents may be changed to reflect the fact that the \$250,000 to be placed in the Reserve Fund under the Paying Agent Agreement is being provided by the County rather than by Municipal Leasing.

4. Officers and employees of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as they, or any of them, may consider necessary or desirable in connection with the undertaking and the financing of the Human Services Center and the performance by the County of its obligations under the Documents.
5. To the extent that any provision of the Documents is inconsistent with any provision of the Plan, the Documents shall govern the financing and construction of the Human Services Center.

Mr. Edwards made a motion to recess the meeting until 5:00 p.m., March 12, 1984.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, Taylor
(4). NAY: (0).

The Board of Supervisors meeting **RECESSED** at 6:35 p.m.


James B. Oliver, Jr.
Clerk to the Board

JBO/dfc
/BOS 3

AAJ113