

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JANUARY, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Nervitt led the Pledge of Allegiance. He also announced the Pledge of Allegiance will be held during each regular meeting and the various schools will help with the pledge.

C. PUBLIC COMMENT

Mr. Nervitt asked if anyone wished to speak for five minutes either at the first or second section, or at both, they were welcome.

Mr. McGlennon reported to the citizens that Jamestown Road is now open to through traffic.

D. CONSENT CALENDAR

Mr. Nervitt asked if a Board member wished to remove any item from the Consent Calendar.

Mr. Goodson made a motion to approve the four items on the Consent Calendar.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

1. Minutes of January 11, 2000, Regular Meeting

2. Trash and Grass Lien

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Johnella P. Carter 130 Jackson Street Williamsburg, VA 23185-6006
DESCRIPTION:	130 Jackson Street - High Weeds and Grass
TAX MAP NO.:	(52-3)(02-0-0042) James City County, Virginia
AMOUNT DUE:	\$2,525

3. Relocation and Restoration of the Norge Depot

RESOLUTION

NORGE DEPOT RELOCATION AND RESTORATION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request be received from the local government or State agency in order that the Virginia Department of Transportation program an enhancement project in the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board to establish a project for the improvement of the relocation and restoration of the Norge Depot.

BE IT FURTHER RESOLVED, that the James City Historical Commission hereby agrees to pay 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the James City County Historical Commission subsequently elects to cancel this project, the James City County Historical Commission hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

4. Appointment of Assistant Fire Marshal

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE

PREVENTION POWERS AND AUTHORIZATION OF POLICE POWERS

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended provides that counties may authorize the local Fire Marshal to arrest, to procure, and to serve warrants of arrest and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that counties may authorize the local fire marshal to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances and fire bombs; and

WHEREAS, Section 27-34.3 of the Code of Virginia, 1950, as amended provides that counties may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-36 of the Code of Virginia, 1950, as amended provides that counties may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, in accordance with Section 27-34.2 of the Code of Virginia, 1950, Darin L. Swedenborg has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Darin L. Swedenborg as a James City County Assistant Fire Marshal with all such police powers and authority as provided in Virginia Code Sections 27.30 et. seq.

F. PUBLIC HEARINGS

1. Case No. SUP-10-99. JCSA Warhill Gravity Sewer Extension (deferred from December 21, 1999)

Mr. Marvin O. Sowers, Director of Planning, provided information regarding demolition of an existing pump station and the installation of 3,800 feet of 12-inch gravity sewer main behind Mallard Hill subdivision off Longhill Road and the Longhill Station subdivision off Centerville Road, Powhatan District.

The Board and staff discussed the impact of installing a sewer main in the area and the demolition of the pump station.

Mr. Nervitt opened the public hearing and as no one wished to speak to this, the public hearing was closed.

Mr. McGlennon made a motion to approve the proposed Case No. SUP-10-99.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

CASE NO. SUP-10-99. JCSA WARHILL GRAVITY SEWER EXTENSION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 3, 1999, found Case No. SUP-10-99 to be consistent with the 1997 Comprehensive Plan and voted 7-0 to recommend approval of Case No. SUP-10-99 to permit the installation of approximately 3,800 linear feet of 12-inch gravity sewer main from the rear of the Longhill Station subdivision off Centerville Road to the rear of the Mallard Hill subdivision off Longhill Road and the elimination of Pump Station 7-3 from service once the gravity main becomes available.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-10-99 as described herein, with the following conditions:

1. Construction, operation, and maintenance of the sewer main shall comply with all local, State, and Federal requirements.
2. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. If construction has not commenced on the project within a period of 24 months from the date of issuance of the permit, it shall become void. Construction shall be defined as clearing, grading and excavation of trenches necessary for the sewer main.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed sewer main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
6. In areas of the construction easement that are to be cleared, but do not need to remain clear for service and maintenance purposes, a reseeding or revegetation plan must be shown on a plan to be approved by the Director of Planning. The reseeding or

revegetation shall be completed within two years of the clearing of the easement or at a later date agreed to by the Director of Planning. It shall be the responsibility of the JCSA to secure the necessary means to plant on the construction easement after the easement reverts back to the property owners.

7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

2. Ordinance to Amend and Reordain Chapter 20, Taxation; by Adding Section 20-7.5

Mr. Leo P. Rogers, Deputy County Attorney, recommended the adoption of the proposed Ordinance to impose a \$20.00 fee for the uttering, publishing, or passing of a bad check or draft to the County.

Mr. Nervitt opened the public hearing and as no one wished to speak to this, the public hearing was closed.

Mr. Harrison made a motion to approve the proposed Ordinance.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

3. Case No. ZO-12-99. Sidewalks and Multi-use Pedestrian Connections

Mr. Marvin O. Sowers, Director of Planning, reported on the proposed strategies and standards for the pedestrian connections between, and within developments.

Board and staff discussion followed.

Mr. Nervitt opened the public hearing.

1. Mr. Skip Morris, 107 Edward Wyatt, representing the Williamsburg Community Builders Association, expressed his compliments to the staff for their cooperation and effort.

Mr. Nervitt closed the public hearing as no one else wished to speak.

Board continued discussion on sidewalks construction standards; soft/hard surface pedestrian connections; and maintenance of the sidewalks.

Mr. Goodson made a motion to approve the Ordinance.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

- 4.-5. Case No. Z-12-99. Rezoning by Voiding James City County Case No. Z-20-86 and Case No. Z-13-99

Mr. Marvin O. Sowers, Director of Planning, gave a brief history of Case No. Z-20-86. Mr. Sowers explained that approval of the Z-12-99 would rezone all of the original 375± acres, which includes a portion of the platted recorded and/or developed lots in Mirror Lake, to R-8, and he stated that Case No. Z-13-99 would rezone all the platted recorded and/or developed lots to R-1, and that the rezonings had no impact on existing lot owners.

The Board discussed the proffer for the 15 acres in question; the effect of the rezoning; necessity of going to court; and the procedure for submitting proffers.

Mr. Nervitt invited the property owners or their representative to speak.

Alvin Anderson and Greg Davis representing the two land owners, Wellington, LLC, and 217 Associates Ltd., indicated that the land was purchased in 1999 and at that time they were assured by the County that the property was R-1.

Mr. Anderson presented the Board with a binder of supporting documentation against this rezoning.

Mr. Nervitt opened the public hearing on Case Nos. Z-12-99 and Z-13-99.

1. Mr. Jay Everson, 103 Branscome Boulevard, voiced his concern about the County okaying proffers, then years later saying the proffers are incorrect.

2. Mr. Chuck Glisan, 117 Holly Grove, an agent of Wellington, LLC, and 217 Associates Ltd., told the Board the owners had not refused to give the 15 acres to the County. They proposed to give the County an alternate site adjacent to Mirror Lake which would serve the residents of Mirror Lake and Wellington.

3. Ms. Carrie Trevonie, 223 Reflection Drive, believed she had paid for a title search when she purchased her home. She was concerned about the property value and does not understand why the land has to be rezoned.

4. Mr. Bennett Stein, representing Wellington, LLC, and 217 Associates Ltd., also stated he had not seen anyone refuse to give the 15 acres to the County. Mr. Stein said he sent a letter to Mr. Glisan that indicated the title conflict.

5. Ms. Terri Hudgins, 111 Knollwood Drive, thanked Mr. Kennedy for being active in getting information out regarding this and answering residents' questions.

6. H. R. Ashe, 632 Hampton Highway, purchased property zoned R-1, had paid taxes on the property as R-1, and requested that the property remain R-1.

As no one else wished to speak, Mr. Nervitt closed the public hearing.

The Board and staff discussed options to resolve the 1986 ownership inaccuracy, settle the 15 acres issue, and the impacts of going to court.

Mr. Nervitt called for a five minute recess at 9:40 p.m.

At 9:45 p.m. the Board reconvened.

Mr. Nervitt made a motion to go into a closed session in accordance with Section 2.1-344(A)(7), actual litigation.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

The Board recessed into Closed Session at 9:46 p.m.

The Board reconvened into Open Session at 10:10 p.m.

Mr. Nervitt made a motion to adopt the Certification Resolution.

A roll call: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) 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 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.1-344(A)(7), consultation, with the County Attorney on a matter involving probable litigation.

After discussion, the Board and applicant agreed that Case Nos. Z-12-99 and Z-13-99, be deferred until the February 8, 2000, Board meeting.

Mr. Goodson moved to have Case Nos. Z-12-99 and Z-13-99 deferred until the February 8, 2000, Board meeting.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

G. BOARD CONSIDERATION

1. Intergovernmental Cooperative Agreement for Workforce Development Services

Mr. Wanner presented the Intergovernmental Cooperative Agreement for Workforce Development Services. The Agreement formally establishes the relationship between the localities of the Workforce Investment Areas (WIA) and the Workforce Investment Boards (WIB) in carrying out the activities required under the Workforce Investment Act, and creates a Greater Peninsula Workforce Development Consortium. This Consortium will participate in partnership with the WIB in the planning, policy development, and oversight of programs authorized by the Workforce Investment Act.

Mr. McGlennon made a motion to approve the Agreement and appoint the Chairman as the County representative and the Vice Chairman as an alternate to serve on the Consortium.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

H. PUBLIC COMMENT

No one wished to speak.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner relayed information regarding a Neighborhood Network Meeting to be held January 27, 2000, at 7:00 p.m.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson requested to have Cox Cable Communications representative at the next meeting to answer questions.

Mr. McGlennon stated he had difficulty reaching Cox and would also like to have a Cox representative at the next meeting.

Mr. McGlennon paid tribute to Jack L. Massie Contractors and Bryant Construction for their efforts in expediting the road work on Jamestown Road. Mr. McGlennon also paid tribute to the area residents for their patience during construction.

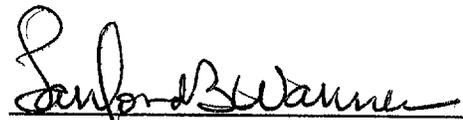
Mr. Kennedy thanked the staff, Fire Department, and volunteers who helped throughout the storm.

Mr. Nervitt inquired as to how the County came through the recent storm. Mr. Wanner replied there were very minor incidents and that he did not know of any power outages. Overall, the County came through excellently.

Mr. Nervitt moved to recess the Board meeting until 8:00 a.m. January 28, 2000, at the Jamestown 4-H Center.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

The Board adjourned at 10:24 p.m.


Sanford B. Wanner
Clerk to the Board

ADOPTED 5

JAN 26 2000

ORDINANCE NO. 107A-32

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY ADDING SECTION 20-7.5, FEE FOR PASSING A BAD CHECK TO THE COUNTY.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, Article I, In General, is hereby amended and reordained by adding Section 20-7.5, Fee for passing a bad check to the county.

Chapter 20. Taxation

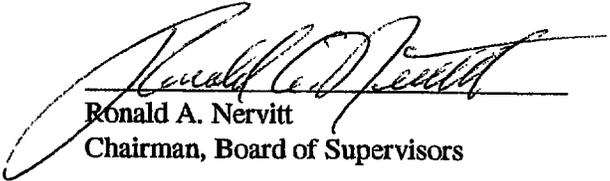
Article I. In General

Sec. 20-7.5. Fee for passing a bad check to the county.

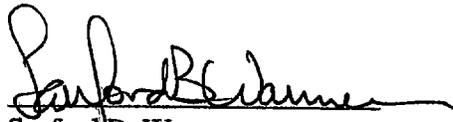
There shall be a fee of \$20.00 imposed on any person for the uttering, publishing, or passing of any check or draft to the county, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

State law reference - Va. Code, § 15.2-106

Ordinance to Amend and Reordain
Chapter 20. Taxation
Page 2


Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
HARRISON	AYE
GOODSON	AYE
KENNEDY	AYE
NERVITT	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of January, 2000.

JAN 26 2000

ORDINANCE NO. 31A-203

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-35, SIDEWALKS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-35, Sidewalks.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

Sec. 24-35. Sidewalks.

(a) Sidewalks shall be required for all projects requiring site plan review and residential developments in accordance with the following:

- (1) Sidewalks shall be built to VDOT standards and located within VDOT right-of-ways when they are to be publicly maintained. If sidewalks are to be privately maintained, they shall be built to standards acceptable to the county engineer or the planning commission.
- (2) Sidewalk plans providing for internal pedestrian access between parking areas, buildings and public areas as well as access to abutting property shall be provided for multifamily residential development and for nonresidential development sites.
- (3) Sidewalks shall be provided along all existing public roads abutting property to be developed ~~where such sidewalks are identified in the transportation element of the Comprehensive Plan.~~
- (4) Sidewalks shall be provided for one block commencing at the entrance(s) on at least one side of all entrance roads serving residential developments which shall or would be expected to

serve more than 500 vehicles per day based on the application of the Institute of Transportation Engineers' traffic generation rates to a projected density assigned to undeveloped land remaining within a proposed subdivision. Sidewalks shall be provided on one side of all roads which shall serve or would be expected to serve more than 1,000 vehicles per day based on the method listed above.

(b) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (4) above; provided, that equivalent pedestrian facilities have been provided which adequately provide for pedestrian access within the development and to abutting property.

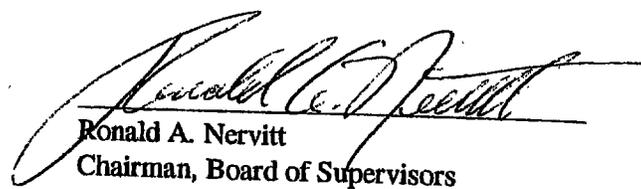
(c) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (3) above, provided that:

- (1) Sidewalks are provided along an existing public road as identified in the transportation element of the Comprehensive Plan; or
- (2) Access to abutting properties has been provided for by way of a pedestrian connection constructed to the minimum standards listed in (d) below; or
- (3) A combination of (1) and (2) above, have been provided in a manner and location acceptable to the development review committee.

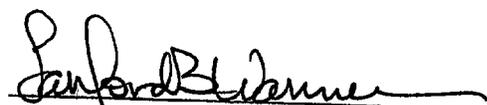
(d) Where pedestrian connections are provided in accordance with (c)(2) above, such connections shall be constructed to the following minimum standards:

- (1) Such pedestrian connections should avoid lands with greater than 25 percent slopes, areas subject to flooding, environmentally sensitive land or lands otherwise designated as a resource protection area.
- (2) Such pedestrian connections shall be at least eight feet wide and constructed of an all-weather surface. In instances where a soft surface is provided, the surface shall be underlaid with filter cloth. In no case shall a multi-use pedestrian connection be closer than five feet to the property line of an adjoining residential property.
- (3) The right-of-way and pedestrian connection shall be indicated on the final plat.

Ordinance to Amend and Reordain
Chapter 24. Zoning
Page 3


Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
HARRISON	AYE
GOODSON	AYE
KENNEDY	AYE
NERVITT	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of January, 2000.

sidewalks.ord

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR WORKFORCE DEVELOPMENT SERVICES
BETWEEN THE POLITICAL SUBDIVISIONS
OF THE GREATER PENINSULA WORKFORCE INVESTMENT AREA**

THIS AGREEMENT, made this 1st day of January, 2000, by and among the **CITY OF HAMPTON**, the **CITY OF NEWPORT NEWS**, the **CITY OF POQUOSON**, the **CITY OF WILLIAMSBURG**, the **COUNTY OF GLOUCESTER**, the **COUNTY OF JAMES CITY** and the **COUNTY OF YORK**, each a political subdivision of the **COMMONWEALTH OF VIRGINIA**.

WITNESSETH

That pursuant to the provisions of Section 15.2-1300, Joint Exercise of Powers by Political Subdivisions, of the Code of Virginia, 1950, as amended, the aforesaid political subdivisions do hereby mutually agree to establish the Greater Peninsula Workforce Development Consortium (Consortium). The Consortium shall participate in partnership with the Greater Peninsula Workforce Investment Board (Local Board) in the planning, policy development, and oversight of programs authorized under Title I of the Workforce Investment Act of 1998 (Act), Public Law 105-220, within the political subdivisions that comprise the Greater Peninsula Local Workforce Investment Area, and any Temporary Local Workforce Investment Area.

That the purpose of this Agreement is to accomplish within said area, by joint and cooperative action, the goal of Title I of the Act, which is:

“[T]o provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.”

NOW, THEREFORE, each participating political subdivision agrees to the following provisions:

1. This Agreement, effective the 1st day of January, 2000, shall supercede the previous Intergovernmental Cooperation Agreement for Employment and Training Services, as authorized under the Job Training Partnership Act (JTPA), entered into between the parties on the 1st day of January, 1994. The duration of this Agreement shall be indefinite. To the extent that the law requires action pursuant to this prior Intergovernmental Cooperation Agreement, such shall remain in effect for this limited purpose.
2. That the organization, composition, and nature of the Consortium, created hereby to participate in partnership with the Local Board, is authorized by the Act and shall be provided for under Section 15.2-1300 of the Code of Virginia, 1950, as amended. The Consortium shall be empowered to adopt such by-laws as it deems necessary to conduct and regulate its affairs.
3. Staff support for the Consortium, from the effective date of this Agreement through June 30, 2000, shall be provided under the existing shared staff arrangement with the Greater Peninsula Private Industry Council (GPPIC). Effective July 1, 2000, the GPPIC staff shall be transferred to, and work under, the sole direction of the Consortium unless otherwise agreed. Staff responsibilities will include the immediate close-out of JTPA program operations, and the on-going conduct of the Consortium's administrative and programmatic functions under the Act. The staff shall also be responsible for supporting all Local Board related activities under the Act.
4. The membership of the Consortium shall consist of one elected official, and an alternate who is also an elected official, from the elected legislative bodies of each of the political

subdivisions that are a party hereto. There shall be elected annually by a majority vote of the Consortium, a Chairperson and a Vice-Chairperson, each to serve concurrent terms of one year. The Vice-Chairperson shall preside at meetings in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the members present shall elect, by majority vote, a Temporary Chairperson.

5. The Consortium shall appoint an Executive Director who shall serve as its chief administrative officer. The Executive Director shall be responsible for the administration, management, and staffing of all Act program operations, and for such other program activities as may be undertaken by the Consortium. The Executive Director shall serve as the Consortium's Secretary/Treasurer.

6. Meetings of the Consortium shall be held at the call of the Chairperson; provided that the Consortium shall meet not less frequently than quarterly, and that notice of the call of a meeting shall be received by the representatives of the parties hereto, not less than five days prior to the date on which the meeting is to be held. In the absence of a Consortium member, his alternate may attend any meeting and exercise all powers vested in the absent member.

7. Except as otherwise provided herein, matters brought before the Consortium shall be resolved by a simple majority of the nine total votes of the Consortium. Under the weighted voting system to be used, the nine votes shall be assigned to the representative of each political subdivision as follows:

City of Hampton	2	County of Gloucester	1
City of Newport News	2	County of James City	1
City of Poquoson	1	County of York	1
City of Williamsburg	1	Total	9

Pursuant to an affirmative vote of a majority of the Consortium on matters brought before it for review and approval, the Chairperson shall be the recognized signatory for the Consortium. In the Chairperson's absence, the Vice-Chairperson shall perform this duty, as may be necessary.

8. The Consortium shall enter into a Joint Working Agreement with the Local Board for the purpose of defining each party's role and responsibilities under the Act.

9. Pursuant to 20 U.S.C. Section 2832 (b)(2) and (c)(1)(B) of the Act, and the State regulations, the Consortium shall have responsibility for appointing members to serve on the Local Board. Recommendations for nominees who are private sector candidates who are representatives of business shall be solicited from the Peninsula Alliance for Economic Development. Recommendations for nominees who are representatives of local educational entities, labor organizations, economic development agencies (private and public), community-based organizations, one-stop partners, and others shall be nominated by those organizations specified in the Act, and in the federal and state regulations. The appointment process, terms, and certification of Local Board members shall comply with the Act, and federal and state regulations.

10. Pursuant to 29 U.S.C. Section 2832(d)(3)(B) of the Act, the Consortium, acting on behalf of the Local Governing Bodies of the political subdivisions herein, shall serve as the local grant recipient for all funds allocated to the Greater Peninsula Workforce Investment Area and for such additional funds as it may be awarded from other public or private sources. Upon the adoption of this Agreement, the City of Newport News shall be designated as the local Fiscal Agent for the receipt and disbursement of all Act and other funds awarded to the Consortium and to the Local Governing Bodies. All disbursements under the Act shall be made at the direction of the Local Board under Section 2832(d)(3)(B)(i)(III)

of the Act in accordance with all approved plans and applicable legislative and regulatory provisions. Disbursements of other funds may be made at the direction of the Consortium.

11. Effective July 1, 2000, the Consortium, with the concurrence of the GPPIC, shall assume responsibility for all property and other assets previously received by the GPPIC for the local implementation of job training and placement services. As the successor organization to the GPPIC, the Consortium shall take such actions as are needed to close out local JTPA operations and comply with U.S. Department of Labor participant and financial record retention requirements.

12. The Consortium shall obtain on an annual basis, an independent financial and compliance audit of the funds it administers. Pursuant to federal law, the Consortium, which serves as local grant recipient, shall be liable for any misuse of Act or other grant funds. Any obligation for repayment of disallowed costs shall be met first with non-federal monies reserved for said purpose. The parties to this Agreement, subject to the appropriation of their respective local governing bodies, shall contribute toward any remaining repayment obligation in the same proportion as their residents participated under the Act, or if applicable, JTPA-funded activities, during the preceding two program years.

13. Consistent with the City of Newport News' long-standing role as the fiscal agent for local, federally-funded, employment and training programs, the City shall, with members' continuing consent, provide the Consortium's staff with such other support services as are necessary to insure the good working order of the Consortium. Supportive services costs shall be reimbursed to the City of Newport News, as such funds are available for that purpose.

14. Nothing in this Agreement shall preclude the Local Board or the Consortium from applying for other public funds authorized under other federal or state legislation, or private funds

whose purpose is to support or enhance the capabilities of the Greater Peninsula Workforce Investment Service Delivery System. Such programs may be operated for the benefit of any one or more of the political subdivisions party to this Agreement.

15. The Consortium may engage in the direct delivery of workforce development services, or contract with any of its member parties, or any outside parties to provide said services, as may be consistent with the Consortium's duties and responsibilities under the Act.

16. Any party to this Agreement may withdraw from the Consortium upon providing notice in writing, at least six months prior to the end of the current program year. The effective date of any such withdrawal shall coincide with the start of the new program year. The withdrawing party shall not be refunded any of the unobligated portions of its own contributions unless such refund is approved by a majority of votes of the remaining member political subdivisions. The Consortium shall continue to function with its remaining members.

17. The Consortium may dissolve itself by a two-thirds vote of the total votes of the Consortium. In the event of a dissolution, all Act property would be disposed of in accordance with such federal and state policies as may be in effect regarding the disposal of such property.

18. This Agreement shall be executed as an original only for filing with the Administrative Entity of the Local Board. All participating political subdivisions shall receive a conformed copy.

19. The parties hereto, by signature of their respective officials, duly authorized to execute this Agreement, certify that they possess full legal authority to enter into this Agreement, endorse the objectives and accept the terms and conditions hereof, and agree to abide by all applicable federal and state laws and regulations.

WITNESS the following signatures and seals:

ATTEST:

By: *Diana J. Hughes*
Its: Clerk of Council

CITY OF HAMPTON

By: *Steve D. Walker*
City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF HAMPTON
OFFICE OF THE CITY ATTORNEY

This contract has been reviewed
and is approved as to form.

Date: 3-9-00
William B. ...
Attorney

ATTEST:

By: Bernice Bury
Its: City Clerk

CITY OF NEWPORT NEWS

By: Ed Maroney
City Manager

APPROVED AS TO FORM:

Reb Kaplan
Asst. City Attorney

ATTEST:

CITY OF POQUOSON

By: Judith J. Wiggins
Its: City Clerk

By: Charles W. T...
City Manager

APPROVED AS TO FORM:

W. G. D. ...
City Attorney

CITY OF WILLIAMSBURG

By: *J. J. [Signature]*
City Manager

APPROVED AS TO FORM

J. H. [Signature]
City Attorney

ATTEST:

By: *Shelley Crist*

Its: *Clerk of Council*

ATTEST:

By: Mary Sue Sparks
Its: Deputy Clerk

COUNTY OF GLOUCESTER

By: William H. Whitley
William H. Whitley, County Administrator

APPROVED AS TO FORM:

By: Jacob P. Stroman, IV
Jacob P. Stroman, IV, County Attorney

ATTEST:

COUNTY OF JAMES CITY

By: Jennife A Berke
Its: Secretary to the Board

By: Paul B. Warner
County Administrator

APPROVED AS TO FORM:

J. Warner
County Attorney

ATTEST:

By: Deborah L. Emmer
Its: Administrative Assistant

COUNTY OF YORK

By: [Signature]
County Administrator

APPROVED AS TO FORM:

[Signature]
County Attorney

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