

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF AUGUST 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Mary Jones, Vice Chair, Berkeley District  
Bruce C. Goodson, Roberts District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**C. PLEDGE OF ALLEGIANCE** – Alex Wesser, a rising twelfth-grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on unkempt lots and houses near Toano Middle School. He asked that the appearance of the properties be addressed.

2. Mr. Ed Oyer, 139 Indian Circle, commented on approval of special use permits of commercial businesses in residential areas; reassessments due to the commercial use of a property; and County property on Strawberry Plains Road.

3. Ms. Sarah Glossen, 3917 Blue Ridge Court, on behalf of the Longhill Station Neighborhood Watch committee, expressed her concern for the easement clearing by the James City Service Authority. She asked for additional time to allow for a compromise without cutting down trees between Longhill Station and Forest Glen for safety reasons.

**E. CONSENT CALENDAR**

Mr. Icenhour made a motion to adopt the items on the Consent Calendar with the amendments to the July 28, 2009, Work Session minutes.

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

1. Minutes –
  - a. July 28, 2009, Work Session
  - b. July 28, 2009, Regular Meeting
2. Code Violation Lien – Trash and Grass Lien – 103 Redbud Lane

**RESOLUTION**

**CODE VIOLATION LIEN – TRASH AND GRASS – 103 REDBUD LANE**

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 of 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:	Herbert E. Watson, Jr. 103 Redbud Lane Williamsburg, VA 23185
DESCRIPTION:	103 Redbud Lane
TAX MAP/PARCEL NOS.:	(48-1)(07-0-0072) James City County, Virginia
FILING FEE:	\$10.00
TOTAL AMOUNT DUE:	\$460.00

3. Grant Award – Port Security Grant Program (PSGP) – \$126,354

**RESOLUTION**

**GRANT AWARD - PORT SECURITY GRANT PROGRAM - \$126,354**

WHEREAS, the James City County Police Department has been awarded a Port Security Grant Program (PSGP) in the amount of \$126,354 (\$31,588 local match; \$94,766 PSGP); and

WHEREAS, the matching funds are available in the County's Grant Match account; and

WHEREAS, the funds are to be used toward the purchase of two zodiac-style boats and other security-related equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenues:

Port Security Grant Program	\$94,766
County's Grant Match account	<u>31,588</u>
Total	<u>\$126,354</u>

Expenditure:

Port Security Grant Program	<u>\$126,354</u>
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4. Grant Award – Virginia Department of Motor Vehicles – \$35,005

**RESOLUTION**

**GRANT AWARD – VIRGINIA DEPARTMENT OF MOTOR VEHICLES – \$35,005**

WHEREAS, the James City County Police Department has been awarded a highway safety grant in the amount of \$35,005 from the Virginia Department of Motor Vehicles; and

WHEREAS, the grant requires no cash match; and

WHEREAS, the funds are to be used toward overtime traffic enforcement, various highway safety training courses and conferences for officers, and accident reconstruction equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

DMV Fiscal Year 2010 – Highway Safety	<u>\$35,005</u>
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Expenditure:

DMV Fiscal Year 2010 – Highway Safety	<u>\$35,005</u>
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Revenue:

WCF – CPR Supplies                      \$1,995

Expenditure:

WCF – CPR Supplies                      \$1,995

**F. PUBLIC HEARINGS**

1. Police Department Building Proposed Comprehensive Agreement and Proposals

Ms. Stephanie Luton, Purchasing Director, stated that on May 12, 2009, the Board of Supervisors approved negotiations of a Comprehensive Agreement and the public hearing is required as part of the Public Private Education Act (PPEA) procurement process to receive comment prior to entering into the agreement. She stated that this project was previously discussed as part of the FY 2010 Capital Improvements Budget and a presentation outlining the finance package options has been held recently. She stated that when the project moved forward, a Special Use Permit (SUP) would be required and a public hearing would be held at a later date. She stated no action was required at this time.

Mr. Icenhour asked about the process of the construction of the Police Department Building. He stated that there would be separate action on the financing package, but no action was to be taken on the agreement. He clarified that there was already approval of the agreement.

Ms. Luton stated the approval on May 12, 2009, authorized negotiations of the agreement.

Mr. Icenhour asked if the agreement had to come back before the Board for further approval in the SUP process.

Ms. Luton stated that was correct.

Mr. Icenhour stated that he felt the public hearing was being held after the fact on the comprehensive agreement. He stated that he felt that a public hearing for public input should have been held prior to approving negotiations.

Mr. Wanner stated that the project went through the Capital Improvement Program (CIP) planning process and public hearings were held on the Capital Budget. He stated that when the Capital Budget was approved, the project was authorized. He stated that this hearing was part of the legal process required for PPEA.

Mr. Icenhour stated that he felt it was a meaningless step.

Mr. Goodson stated that when the negotiations were approved, no agreement was available for the public to see. He stated there could not be a public hearing on an agreement that did not exist.

Mr. Icenhour stated that the Board approved an agreement that was unseen. He stated his concern with the procedure, not the project.

Mr. Goodson stated that the reason for this process was to allow the Board to see the full scope of the procedure.

Mr. Kennedy opened the public hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the public hearing.

2. Ordinance to Amend Chapter 20, Taxation, to Change from an Annual Reassessment Cycle to a Biennial Reassessment Cycle

Mr. John McDonald, Financial and Management Services Manager, stated that the ordinance amendment would change the reassessment schedule from an annual cycle to a biennial cycle.

Mr. Icenhour asked if Mr. McDonald would review the pros and cons of changing the assessment cycle.

Mr. McDonald stated that the County has been under the annual assessment cycle for over 40 years. He stated the advantages are equity among value changes and the real estate market is relatively open, which allows the assessment to be up to date. He stated that staff would prefer to stay with the annual cycle, but staff would be able to change to the biennial assessment cycle if the ordinance amendment was approved.

Mr. Kennedy opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, commented that he was not sure when the ordinance would be effective. He stated that this could have been done when the real estate market was going up rather than now, when it was down. He stated that assessments would stay inflated rather than having them reduced through an annual assessment. He stated he felt this was an abstract tax increase.

As no one else wished to speak to this matter, Mr. Kennedy closed the public hearing.

Mr. Goodson made a motion to adopt the ordinance. He commented on Mr. Oyer's comments and stated that this ordinance may be freezing a low assessment for two years as the market begins to recover. Mr. Goodson stated that this has been discussed for some time and he was happy to support the ordinance amendment.

Ms. Jones stated that this was a good way to control government spending and reduce staff time. She stated her support for the ordinance amendment.

Mr. McGlennon stated his opposition to biennial assessments, as he felt it was a more fair and equitable assessment. He stated that the impact of real estate assessments was that the changing values needed to be assessed more frequently. He stated that government spending was controlled through the tax rate. He stated that reduction in the tax rates was balanced with increasing assessments. He commented on insulating political elections with the timing of assessments.

Mr. Icenhour stated that establishing the land book prior to the budget process allowed for a land book that was six months old when the fiscal year began. He stated that the value of the assessment would always be historical, and with the biennial assessment cycle, the land book would be 30 months old. He stated that it was possible to lock in assessment values at a higher value than required. He stated that this was an artificial method to control government spending. He stated that the revenues were based on tax rates, not the assessment values. He stated his opposition to the ordinance amendment.

Mr. Kennedy stated he supported this for some time.

On a roll call vote, the vote was AYE: Goodson, Jones, Kennedy (3). NAY: McGlennon, Icenhour, (2).

**G. BOARD CONSIDERATION**

1. Resolution Authorizing Lease Revenue Financing for Construction and Renovation of Public Safety Facilities

Mr. McDonald stated that on July 14, 2008, the representatives from Davenport and Company presented several options for financing the Police Building project to take advantage of current low interest rates. He stated the bond market has changed since the last instance bonds were issued, with an opportunity for banks to bid on the bonds and the offering of Build America Bonds, which were to be used for all or part of the issuance. He stated that the resolution allowed the Chairman and the County Administrator to execute the bond documents, with a sale on September 2, 2009, with a competitive sale. He stated that the Economic Development Authority (EDA) is expected to approve the bond issue at its meeting in one week, open on September 2 and close on September 16.

Mr. Icenhour commented that General Obligation (GO) bonds require a referendum and Lease Revenue bonds do not require a referendum.

Mr. McDonald stated that was correct.

Mr. Icenhour asked if there was an interest rate difference in GO bonds and Lease Revenue Bonds.

Mr. McDonald stated that there was, but in this case with the County's bond rating, the difference should not be significant.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**RESOLUTION AUTHORIZING LEASE REVENUE FINANCING FOR CONSTRUCTION AND**

**RENOVATION OF PUBLIC SAFETY FACILITIES**

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") has determined that James City County, Virginia (the "County") has an immediate need for (i) the construction and equipping of a police station building and (ii) the renovation of the current Law Enforcement Center for use by Fire Administration and Training (collectively, the "Project"); and

WHEREAS, there has been presented to the Board of Supervisors a plan for the lease financing of the Project which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, pursuant to such financing plan, the Economic Development Authority of James City County, Virginia (the "Authority") would issue its lease revenue bonds in an amount not to exceed \$15,100,000 (the "Bonds") to finance the Project, which would be leased by the Authority to the County, and to finance other related costs and to fund any required reserves associated with the issuance of the Bonds; and

WHEREAS, as a result of current conditions in the capital markets, the County's financial advisor, Davenport and Company, LLC (the "Financial Advisor"), has recommended that a determination be made closer to the time the Authority enters the market with the Bonds whether to offer and sell such Bonds pursuant to a competitive bidding process or a negotiated underwriting; and

WHEREAS, the Bonds will be: (a) Awarded by the Authority through a competitive electronic bidding process using a Notice of Sale, to be dated the date of its posting (the "Notice of Sale"), which states the structure and terms of the sale of the proposed Bonds, or (b) Sold pursuant to a Bond Purchase Agreement, to be dated as of the date of sale of the Bonds (the "Bond Purchase Agreement"), among the Authority, the County and one or more underwriters to be selected as described below (collectively, the "Underwriters"); and

WHEREAS, prior to the issuance of the Bonds, the County Administrator, as agent of the Authority, or his designee, may determine on behalf of the Authority, to elect that all or a portion of the Bonds shall constitute "Build America Bonds" pursuant to the Federal American Recovery and Reinvestment Act of 2009, the interest on which will be taxable to the holders thereof for federal income tax purposes, and either (a) Such holders will receive a tax credit equal to 35 percent of the interest on the Bonds or (b) The Federal government will make direct payments to, or as directed by, the Authority in the amount of the such credit as and when such interest is payable; and

WHEREAS, there have been presented to this meeting preliminary drafts of the following documents (collectively, the "Documents") in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- (a) Ground Lease, dated as of September 1, 2009 (the "Ground Lease"), between the County and the Authority conveying to the Authority interests in certain real property;
- (b) Lease Agreement, dated as of September 1, 2009 (the "Lease"), between the Authority and the County conveying to the County a leasehold interest in the Project;
- (c) Indenture of Trust, dated as of September 1, 2009 (the "Indenture"), between the Authority and U.S. Bank National Association, as trustee (the "Trustee"), pursuant to which the Bonds are to be issued;
- (d) Assignment of Rents and Leases, dated as of September 1, 2009 (the "Assignment"), between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Ground Lease and the Lease;

- (e) Leasehold Deed of Trust, dated as of September 1, 2009 (the "Deed of Trust"), from the Authority to the deed of trust trustees thereunder for the benefit of the Trustee;
- (f) Preliminary Official Statement with respect to the issuance and sale of the Bonds (the "Preliminary Official Statement"); and
- (g) Continuing Disclosure Certificate, dated as of September 1, 2009 (the "Continuing Disclosure Certificate"), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds.

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

1. The Board of Supervisors hereby finds and determines that it is in the best interests of the County to proceed with the lease financing of the Project.
2. The Bonds to be issued by the Authority shall have such terms as are approved by the Authority in a duly adopted resolution; *provided*, that the Bonds shall be subject to the following terms and conditions: (a) The aggregate principal amount of the Bonds shall not exceed \$15,100,000; (b) The weighted average maturity of the Bonds shall not exceed 25 years; (c) The Bonds shall be sold at a price not less than 98 percent nor more than 108 percent of the original aggregate principal amount thereof; (d) The "true" interest cost of the Bonds shall not exceed 5.50 percent per annum, after taking into account: (i) Any original issue discount or premium, if any; and (ii) In the case of any Bonds issued as "Build America Bonds," any payments anticipated to be made by the federal government to, or as directed by, the Authority; and (e) The Bonds may be optionally redeemed after 10-1/2 years (or such shorter period as deemed advisable in the sale of the Bonds), with a redemption premium no greater than two percent of the principal amount of the Bonds to be optionally redeemed, provided that in the case of any Bonds issued as "Build America Bonds," such Bonds may be subject to such optional and extraordinary optional redemption provisions as determined by the County Administrator, as the agent of the Authority, or his designee.
3. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes (including any changes necessary in connection with offering any Bonds as Build America Bonds) as may be subsequently approved by the Chairman or Vice Chairman of the Board of Supervisors, which approval shall be evidenced conclusively by the execution and delivery of the Documents to which the County is a party by such Chairman or Vice Chairman.
4. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to execute the Ground Lease, the Lease, the Continuing Disclosure Certificate, the Preliminary Official Statement (if required) and the final Official Statement relating to the Bonds. The County Administrator and the County Attorney are hereby authorized to record or cause to be recorded the Ground Lease, the Lease (or a memorandum thereof), the Deed of Trust and the Assignment in the Clerk's Office of the Circuit Court of the County.

5. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to acknowledge and consent, if necessary, to the provisions of the Indenture, the Assignment and the Deed of Trust.
6. If, upon the recommendation of the Financial Advisor, the County Administrator or his designee determines that then-current market or other conditions warrant a negotiated sale of the Bonds, the County Administrator or his designee is hereby authorized, subject to the limitations set forth in Paragraph 2, to determine the Underwriters for the Bonds, including any syndicate members and members of the selling group for the Bonds, and negotiate the provisions of the Bond Purchase Agreement, including without limitation determining the prices at which the Bonds will be offered by the Underwriters to the public. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized to execute and deliver such Bond Purchase Agreement.
7. The appropriate officers and agents of the County are hereby authorized and directed to prepare, and the Chairman and Vice Chairman of the Board of Supervisors are each authorized and directed to execute, the Preliminary Official Statement with respect to the issuance and sale of the Bonds, with such supplements as either the Chairman or Vice Chairman may consider necessary or desirable in connection therewith. The Chairman and Vice Chairman of the Board of Supervisors are each authorized, on behalf of the County, to deliver the Preliminary Official Statement and to deem the Preliminary Official Statement to be in final form as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12. The distribution of the Preliminary Official Statement shall be conclusive evidence that it has been deemed final as of its date by the County, except for the omission of such pricing and other information. The use and distribution of the Preliminary Official Statement are hereby authorized.

The appropriate officers and agents of the County are hereby authorized and directed to assist with the preparation of a final Official Statement, appropriately dated, in the form of the Preliminary Official Statement, with appropriate completions, insertions, omissions and changes as shall be necessary to accurately describe, among other things, the Bonds, the security therefore, and the Documents. The Chairman and the Vice Chairman of the Board of Supervisors, either of whom may act, are each authorized and directed to execute and deliver the final Official Statement on behalf of the County. The use and distribution of such final Official Statement are hereby approved.

8. The Board of Supervisors hereby selects and designates U.S. Bank National Association as Trustee and Troutman Sanders LLP as Bond Counsel with respect to the Bonds, and the Authority is hereby requested to designate them as such.
9. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, unless any of the Bonds are issued as taxable "Build America Bonds," in which case the County shall comply with all requirements of the Code pertaining thereto.

10. All acts of the Chairman and Vice Chairman of the Board of Supervisors and other officers of the County, regardless of whether such acts occurred prior to or occur after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds and the undertaking of the Project are hereby approved and ratified.
11. The Board of Supervisors previously adopted on May 12, 2009 a reimbursement resolution in connection with the financing of the Project. The Board of Supervisors hereby amends the maximum principal amount of the indebtedness related to the Project as set forth in such resolution from \$15,000,000 to \$15,100,000. The provisions of such resolution relating to the reimbursement of "original expenditures", except as modified by the preceding sentence, remain in full force and effect and are ratified and confirmed hereby.
12. The County understands that, to the extent that the Bonds are not being offered as "Build America Bonds," the Authority is designating the Bonds as "qualified tax-exempt obligations" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The County does not reasonably anticipate that it and any "subordinate entities" will issue during calendar year 2009 more than \$30,000,000 in qualified tax-exempt obligations for the benefit of the County, and the County will not designate more than \$30,000,000 of qualified tax-exempt obligations (including the Bonds as designated by the Authority) in calendar year 2009.
13. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease. If the County exercises its right not to appropriate money for rent payments under the Lease, the Trustee may terminate the Lease or otherwise exclude the County from possession of the Project.
14. This Resolution shall take effect immediately.

#### **H. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, thanked those who have reached out to his family in its time of loss.

#### **I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that the Board should recess for a brief meeting of the James City Service Authority and reconvene for a closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter involving the annual performance evaluation of the County Administrator. He noted that there was no second meeting in August. He stated there was also a potential item from

Councilman Gilliland from the City of Hampton related to the Green Jobs Alliance if the Board wished to discuss it.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon expressed appreciation for the work of Mr. Kinsman and other contributing staff in the blight abatement at Lake Powell Point. He also stated that Councilman Randy Gilliland of the City of Hampton approached the Board on behalf of the Green Jobs Alliance to participate in competition for grant funding for green job training through the ARRA. He stated that the Green Jobs Alliance was requesting endorsement of the application for the funding and a financial contribution of roughly \$6,000. He asked that the financial request be considered at a later date if needed, but he would ask if the Board would be willing to endorse the resolution of support or to ask the Chairman to send a letter endorsing the grant applications.

Mr. Goodson stated concern about adopting a resolution that has not been presented to the public. He stated he was not prepared to vote at this time.

Mr. McGlennon stated that he agreed and he would be satisfied if the Chairman could send a letter if there was a consensus of support.

Mr. Kennedy stated he was agreeable to that.

Ms. Jones commented on the Green Jobs Alliance and noted that Van Jones, who wrote the stimulus package, formed the organization. She stated that this was an opportunity for one group to tap into the funds of the stimulus. She stated she did not support the Green Jobs Alliance applications.

Mr. McGlennon stated that this particular application's Executive Director was Randy Flood and Randy Gilliland, Hampton City Councilman, put together this package. He stated that he felt that the County should not pass up the opportunity to participate on the regional level.

Ms. Jones stated her concern for the organizational structure.

Mr. Goodson asked if Councilman Gilliland was a contractor.

Mr. Wanner stated that Gilliland was the Chairman of the Board of Directors and outlined the leadership and advisors of the organization.

Mr. Goodson asked if a local budget was available.

Mr. Wanner stated that a request for 10 cents per capita was included in the email request. He stated he would post applicable information and the proposed resolution to the website.

Mr. McGlennon stated that he was not aware of Van Jones's involvement.

Ms. Jones stated that he was one of the founding members of the Green Jobs Alliance according to the website.

Mr. Icenhour asked how the grant application process would work.

Mr. Wanner stated that it would come from the Workforce Investment Board through the U.S. Department of Labor.

Mr. Icenhour stated that the Peninsula had the premier workforce investment board in the region. He asked if the money would not come to this community if the application was not supported.

Mr. Wanner stated that was correct. He stated that the money would come through the Workforce Investment Board to local community colleges and technical schools. He stated that the information would be provided on the website to allow the board to make an informed decision on whether or not to request the Chairman to write a letter of endorsement.

Mr. Icenhour stated he would like the Board to take advantage of this opportunity.

Ms. Jones asked what oversight would be given if the grant money was awarded.

Mr. Icenhour stated the grant money would come through the Workforce Investment Board and administered by the Workforce Development Consortium, which was overseen by local elected officials. He stated that the money would go to specific programs. He stated that this funding would allow for great strides in workforce development programming. He stated there was no guarantee that the grant would be awarded.

Ms. Jones stated that she was surprised that other organizations did not exist to compete for the grants.

Mr. Kennedy stated the Board would communicate about this matter and decide whether or not to support this.

Mr. Kennedy recessed the Board at 7:56 p.m. for a meeting of the James City Service Authority.

Mr. Kennedy reconvened the Board at 8:07 p.m.

#### **K. CLOSED SESSION**

Mr. Goodson made a motion to go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter involving the annual performance evaluation of the County Administrator.

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

At 8:08 Mr. Kennedy recessed the Board into closed session.

At 10:26 p.m. Mr. Kennedy reconvened the Board.

Mr. Icenhour made a motion to adopt the closed session resolution.

On a roll call vote, the vote was AYE: Goodson, Jones, McGlennon, Icenhour, Kennedy (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 2.2-3711 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 2.2-3711(A)(1) of the Code of Virginia, to consider a personnel matter, the annual performance evaluation of the County Administrator.

**L. ADJOURNMENT** to 7 p.m. on September 8, 2009

Mr. McGlennon made a motion to adjourn.

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

At 10:27 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on September 8, 2009.

  
Sanford B. Wanner  
Clerk to the Board

ADOPTED

AUG 11 2009

ORDINANCE NO. 107A-58

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 VI, REAL ESTATE ASSESSMENT, SECTION 20-27, ANNUAL ASSESSMENT AND REASSESSMENT OF REAL ESTATE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-27, Biennial assessment and reassessment of real estate.

Chapter 20. Taxation

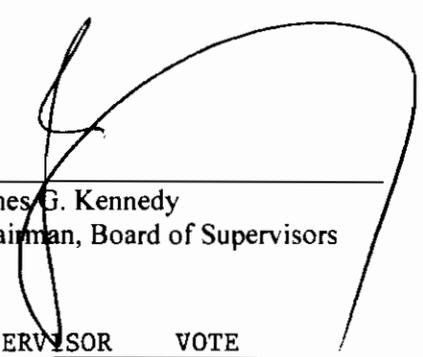
Article VI. Real Estate Assessment

**Sec. 20-27.** ~~Annual~~ *Biennial* assessment and reassessment of real estate.

Pursuant to section 58.1-3253 of the Code of Virginia, 1950, as amended, there shall be an ~~annual~~ *biennial* assessment and reassessment and equalization of assessments of all real estate in the county, such real estate to be assessed as of January 1 of each *even numbered* year, ~~beginning January 1, 2008~~ *such biennial assessment shall become effective February 1, 2010.*

**State law reference-**Code of VA., § 58.1-3010.

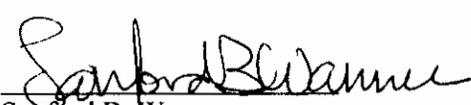
This ordinance shall become effective February 1, 2010.



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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:



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Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
GOODSON	AYE
JONES	AYE
MCGLENNON	NAY
ICENHOUR	NAY
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of August, 2009.

Chp20Biennial\_ord