

June 12, 2019

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 12, 2019, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
SALLIE WOLFE-GARRISON, Election District #2
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

RICK L. CHANDLER, Election District #3 was absent

Also present:

BRYAN F. HUTCHESON, Sheriff

STEPHEN G. KING, County Administrator
THOMAS H. MILLER, JR., County Attorney
CASEY B. ARMSTRONG, Assistant County Administrator
RHONDA H. COOPER, Director of Community Development
PATRICIA D. DAVIDSON, Director of Finance
KIRBY W. DEAN, Director of Parks & Recreation
JEREMY C. HOLLOWAY, Fire & Rescue Chief
JENNIFER J. MONGOLD, Director of Human Resources
LISA K. PERRY, Director of Environmental Services
TERRI M. PERRY, Director of Technology
PHILIP S. RHODES, Director of Public Works
JESSICA G. KILBY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

ooooOoooo

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.**

Chairman Breeden called the meeting to order at 3:00 p.m.

Supervisor Cuevas gave the Invocation and Finance Director Davidson led the Pledge of Allegiance.

ooooOoooo

APPROVAL OF MINUTES.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the regular meeting of May 22, 2019.

ooooOoooo

RECOGNITION – GEORGE W. HOMAN, II.

Administrator King read the following resolution:

RESOLUTION

WHEREAS, George W. Homan, II, an untiring and dedicated public servant, recently retired after serving as President and CEO of Friendship Industries, a local non-profit organization that provides work and training opportunities for persons in our community with disabilities; and

WHEREAS, Mr. Homan devoted 43 years to Friendship Industries, starting as director of operations in 1975 and being promoted to president in 2011; and under his leadership and management, Friendship Industries expanded from serving 50 persons with disabilities to a workforce of nearly 200 persons who work in integrated work environments; and

WHEREAS, Mr. Homan solicited funds and community support to transition Friendship Industries from a small building on Waterman Drive to its current 79,000 square foot facility on Friendship Drive, which permitted diversification of operations and provided additional employment opportunities; and

WHEREAS, Mr. Homan served as chair of the Harrisonburg/Rockingham Historical Society and its Heritage Museum; served on the State Rehabilitation Advisory Council, the Shenandoah Valley Workforce Development Board, the Community Foundation of Harrisonburg & Rockingham County, Harrisonburg City Schools’ Special Education Advisory Committee, and the Harrisonburg Planning Commission; and

WHEREAS, Mr. Homan was the recipient of a Lifelong Public Servant Award from the James Madison University School of Public and International Affairs, the Virginia Association of Rehabilitation’s Norman C. Hammond Business Award for Innovation, and the Disabled Professional Person of the Year by the Pilot Club of Virginia; and was named a Paul Harris Fellow by the Rotary; and

WHEREAS, Mr. Homan has been a member of the United States Wheelchair Shooting Team, representing the U.S. in Finland; served as the first president of Virginia’s Wheelin’ Sportsmen Chapter of the National Wild Turkey Federation; was named Volunteer of the Year by the National Wild Turkey Federation; and received recognition for his dedication and advancement of programs from the Virginia Wheelin’ Sportsman Chapter; and

WHEREAS, Mr. Homan’s commitment to and compassion for the individuals and families served by Friendship Industries is celebrated within our community and the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, does hereby express its great appreciation and gratitude to George W. Homan, II for his commitment, compassion and dedicated service, and recognizes his outstanding contribution to making Rockingham County and Harrisonburg a *great place to live!*

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the resolution recognizing George W. Homan, II.

Chairman Breedon and Supervisor Cuevas presented Mr. Homan with the resolution, and provided remarks honoring him for his outstanding service to the community.

oooooOooooo

RECOGNITION – LINDA B. ZIRKLE.

Public Works Director Rhodes recognized Linda B. Zirkle in honor of her retirement from the Public Works department after more than 20 years of service with the County. Mr. Rhodes stated that Ms. Zirkle always had a “can-do” attitude and performed any job requested of her.

Administrator King pointed out that Ms. Zirkle exhibited a genuine concern and caring attitude, particularly for employees at the container sites throughout the County. Ms. Zirkle not only handled many responsibilities, but she worked independently and completed every task, he said.

On behalf of the Board and citizens of Rockingham County, Chairman Breeden presented Ms. Zirkle with a clock, and thanked her for her loyal service, and wished her well in her retirement.

oooooOooooo

AWARD OF SERVICE WEAPONS.

Sheriff Hutcheson recognized Sergeant Wanda Wheeler and Deputy Calvin Taylor who retired June 1, 2019, after 25 years of service with the Sheriff's Office. In accordance with Virginia Code Section §59.1-148.3, Sheriff Hutcheson requested the Board declare the retirees' service weapons surplus so they could be awarded to them.

Sheriff Hutcheson stated that Deputy Taylor began his career in the jail, and later served in the patrol division, civil unit, as a certified first aid and CPR instructor, firearms instructor, and school resource officer. The Sheriff commended Deputy Taylor for his outstanding performance during his career and said he leaves a legacy by the way he served the community.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; in accordance with Virginia Code Section 59.1-148.3, the Board declared as surplus:

- Glock Model 22, Serial #KYY485 – service weapon used by Sergeant Wheeler
- Glock Model 22, Serial #KYY475 – service weapon used by Deputy Taylor

Sheriff Hutcheson presented Deputy Taylor with his service weapon. Sergeant Wheeler was unable to attend.

oooooOooooo

TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department, including updates to bridge, road and rural rustic projects.

Mr. Komara reported that A & J Development and Excavation, Inc. was awarded the North Valley Pike (Route 11) bridge project. He noted that Fairfield-Echols, LLC will perform the bridge work, with an anticipated completion date in May of 2021.

Mr. Komara announced that a public hearing for the West Lee Street (Route 259) bridge project will be held on June 13, 2019 from 4 to 6 p.m. at J. Frank Hillyard Middle School.

He pointed out that Massanetta Springs Road (Route 687) is now open to thru traffic and could be completed by September.

The first round of mowing has been completed on primary roads and VDOT crews are moving on to secondary roads.

Supervisor Wolfe-Garrison pointed out that there are massive potholes along Coakley Town Road (Route 732) on the north side of Dayton.

Supervisor Kyger requested school signs be placed on Limestone Lane (Route 737), near the Hickory Hollow Christian School. He also mentioned he spoke with the Sheriff regarding speed control on Friedens Church Road (Route 257), and said the on-going brush issue at the intersection could use some attention.

In response to a question from Chairman Breeden, Mr. Komara indicated improvements to the “washout” area of Hensley Hollow Road (Route 622) will be made soon, and said he will notify Chairman Breeden of the date.

oooooOooooo

PRESENTATION – COMMUNITY SENIOR NEEDS ASSESSMENT PROJECT.

Rodney Alderfer, President of Bridgewater Retirement Community, provided a presentation about an upcoming Community Senior Needs Assessment Project. He said the number of households in our region including people aged 75 and older has grown nearly twice as fast as households overall in recent years. Population projections show that our region’s 75+ population will continue its trajectory of strong growth, with even higher growth of 80+ households beyond 2023.

Bridgewater Retirement Community (BRC) is partnering with Valley Program for Aging Services and Holleran, an independent research and consulting firm, to conduct an in-depth community needs assessment with regard to seniors in the City of Harrisonburg, Rockingham County, and Augusta County. This project will gather demographic and health data from many sources, survey individuals who work with seniors, and survey seniors who live in these areas.

Mr. Alderfer explained that Bridgewater Retirement Community engages its residents to plan for and experience healthy, successful aging. As a nonprofit with the vision to energize and enhance healthy living, BRC wishes to have a positive impact on seniors throughout the community, regardless of where they live.

The study conclusions and recommendations will be announced as part of a community meeting and will be available to everyone. Bridgewater Retirement Community and Valley Program for Aging Services hope to bring attention to the needs of seniors in our community and challenge local government, health providers, service providers and other nonprofit organizations to work together creatively to meet these needs.

Supervisor Cuevas recommended that Mr. Alderfer keep the Board informed of state and federal regulations that affects BRC directly and provide the Board with information in order to lobby on BRC’s behalf.

oooooOooooo

UPDATE – COMMUNITY SERVICES BOARD CAPITAL PROJECT.

Ellen D. Harrison, Executive Director, Harrisonburg-Rockingham Community Services Board (HRCSB), provided an update regarding the CSB’s renovations.

She recalled that since 2011, the HRCSB experienced a 54 percent increase in clients served, along with an increase in personnel. When the HRCSB’s feasibility study was completed in 2018, the study was based on a seven percent incremental increase every year, she said. Last year alone, the HRCSB experienced a 15 percent increase.

Mather Architects designed the facilities and construction bids were opened on June 6, 2019. Ms. Harrison presented slides of the existing HRCSB structures and reviewed what each building on the campus will look like once completed. She noted that operations will continue during the construction phase.

Board members acknowledged the importance of the expansion and expressed appreciation to Ms. Harrison and the HRCSB for the outstanding services provided to the community.

oooooOooooo

INTENT TO ADOPT ORDINANCE – HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD (CSB).

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER –

ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following ordinance:

ORDINANCE

WHEREAS, pursuant to Chapter 10, Title 37.1 (re-codified as Chapter 5, Title 37.2) of the Code of Virginia, 1950, as amended (the “Virginia Code”) the Board of Supervisors of the County of Rockingham, Virginia (the “Board of Supervisors”) approved a resolution on March 13, 1972 establishing a “community mental health and mental retardation services board” in conjunction with the City of Harrisonburg, Virginia to be known as the “Harrisonburg-Rockingham Community Mental Health and Mental Retardation Services Board” (the “CSB”);

WHEREAS, for some time, the CSB has operated and traded under the name “Harrisonburg-Rockingham Community Services Board,” as reflected in its current Bylaws;

WHEREAS, the Board of Supervisors designated the CSB as an “operating community services board” pursuant to the Virginia Code by resolution on July 15, 1998; and

WHEREAS, at the request of the CSB, the Board of Supervisors now desires to formally change the name of the CSB to the “Harrisonburg-Rockingham Community Services Board” and designate the CSB as an “operating community services board” by ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ROCKINGHAM, VIRGINIA, as follows:

1. The name of the CSB is hereby changed to the “Harrisonburg-Rockingham Community Services Board.”
2. The CSB is hereby designated as an “operating community services board,” pursuant to Section 37.2-500 of the Virginia Code, with all powers and duties set forth in Section 37.2-504 of the Virginia Code.

Dated: June 12, 2019

oooooOooooo

COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King’s staff report dated June 7, 2019.

Administrator King mentioned that staff recently discussed security options for the Administration Center building. Keeping in mind that the building is open to the public, security measures to provide more obvious working areas versus public areas are ideal, he said.

Discussion ensued and Supervisor Cuevas agreed that staff should research reasonable security measures for the Administration Center building. By consensus, the Board recommended Administrator King and staff continue to research appropriate security measures for the building and provide recommendations to the Board.

DISTRICT COURTS RENOVATION

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator to enter into a contract with Moseley Architects to complete the design and construction administrative services for the District Courts Renovation as listed in the proposal at a total cost of \$187,215.

Administrator King pointed out that the Courts reconfiguration involves many moving parts. He said logistics and timing are important because courts remain in operation while construction occurs. Mr. King pointed out that Eric Hostetter has done an excellent job of overseeing the day-to-day actions. The new court room will be completed by July 1.

ooooOoooo

ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Economic Development & Tourism staff report dated June 12, 2019.

Mr. Armstrong requested approval to advertise a public hearing to be held on July 17, 2019, to receive public comment regarding a proposed resolution to the create the Lake Shenandoah Stormwater Control Authority. He explained that the resolution, which is in draft form, is a possible solution to flooding issues and is the outcome of more than a years' worth of work and research on the issue. The resolution includes specific geographic boundaries and fee information. Mr. Armstrong also noted that staff intends to pursue revenue sharing funds for culvert improvements within the proposed boundaries.

Following discussion, Supervisor Kyger made a motion to allow staff to proceed with advertisement in order to receive public comment on the proposed Resolution to Create the Lake Shenandoah Stormwater Control Authority.

With the understanding that the proposed resolution can be amended if desired, Supervisor Wolfe-Garrison seconded the motion.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to advertise a public hearing on July 17, 2019 to receive public comment on a proposed Resolution to Create the Lake Shenandoah Stormwater Control Authority.

Supervisor Kyger noted that he will be out of town on July 17; however, stated he supports the proposed Lake Shenandoah Stormwater Control Authority. He expressed appreciation to Supervisor Wolfe-Garrison, the Stormwater Advisory Committee members and staff for exploring the issues so carefully.

Assistant County Administrator Armstrong reported that the Central Shenandoah Planning District Commission (CSPDC) is applying for a Local Food Promotion Program grant with the USDA and asked the County to provide a letter of support. Mr. Armstrong pointed out that there is no funding requirement for the County, and said the CSPDC will be responsible for managing the grant.

Discussion followed and Mr. Armstrong indicated it is staff's recommendation to provide the letter of support.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to send a letter to the Central Shenandoah Planning District Commission in support of its Local Food Promotion Program grant application.

ooooOoooo

FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated May 30, 2019.

Mrs. Davidson reported that a Request for Proposals (RFP) for portfolio management services closed on May 3 with seven responses. The RFP Review Committee interviewed the top three firms on May 29 and recommended continuing with PFM Asset Management at a cost estimated to be \$27,500 per year. The term is for three years beginning July 1, 2019, and ending

June 30, 2022. There will be an option for two 1-year renewals to extend the contract through June 30, 2024.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized staff to enter into a contract with PFM Asset Management at a cost estimated to be \$27,500 per year, for a three-term to begin on July 1, 2019.

ooooOoooo

HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Mongold's staff report dated June 12, 2019.

Mrs. Mongold brought attention to the proposed Employee Handbook revisions included in her staff report.

On motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following policy revisions to the Employee Handbook:

Overtime And Overtime Pay

Working overtime is sometimes required due to emergencies, employee absences and general business operations. Employees are required to cooperate with their supervisor when asked to work overtime. Overtime work will be distributed as equally as possible by job classification; however, no employee may work overtime except at the request of management.

Employees eligible for overtime pay are paid at the rate of one and one-half (1 1/2) times the employee's regular hourly equivalent pay rate for all hours over forty (40) worked in a workweek. For those persons employed in one hundred fifty-nine (159) hour work period positions in the Department of Fire & Rescue, overtime will be paid at the rate of one and one-half (1 1/2) times the employee's regular hourly equivalent pay rate for all hours over 159 worked in a 21-day period.

At the discretion of the department head, compensatory time off at the premium rate of time and one half (1 1/2) may be granted in lieu of overtime pay for all hours worked in excess of the normal workweek. Accumulated compensatory time will be paid for all hours not used by June 30 and December 31. Supervisory staff are expected to manage accumulated compensatory time to minimize payout.

Employees defined as Exempt Salaried by the Fair Labor Standards Act are not eligible for overtime pay. At the discretion of the County Administrator, some compensatory time off may be granted for excessive hours worked by the exempt salaried employee. Exempt salaried employees may have their work schedules varied by the County Administrator, Deputy County Administrator, Assistant County Administrator or Department Head as necessary to accomplish the tasks assigned to the employee. For a list of exempt salaried employees please consult the Department of Human Resources.

On Call Work

The County will pay non-exempt employees that are required by their supervisor or department head to be "on call" at a rate of \$1.00 per hour. Due to scheduling requirements, Fire and Rescue receive lump sum payments. The Department Head will select the option and obtain approval from the Director of Human Resources. On call is defined as time that an employee is required to be available and accessible to receive and respond timely to calls on an emergency basis outside of regular working hours.

Inclement Weather

There are times when weather conditions are such that it is necessary to close County offices and facilities to protect the health and safety of employees and customers. Such circumstances are referred to as inclement weather conditions.

The decision to close offices will be made by the County Administrator or designee. Employees are advised to sign up for e-mail or text message alerts regarding delays or closure on the County's website or call the main County phone number, 564-3000, to listen to the recorded message which will be updated to include notice of closures or delayed openings.

Certain employees in Fire & Rescue, Sheriff's Department, Corrections Department and other designated emergency personnel hold positions that may require that they report to work during authorized closings unless otherwise notified by a supervisor.

Non-emergency personnel will receive inclement weather leave for closings or delayed openings based on the location's standard work hours. For instance, the County Administration Building and Department of Social Services business hours are 8 am until 5 pm. If the offices open at 10 am, all staff will receive 2 hours of inclement weather leave. If the offices close at 2 pm, all staff will receive 3 hours of inclement weather leave. The amount of time granted for inclement weather is derived from that specific buildings standard office hours, the hours they are open to the public. If Courts are not held due to inclement weather but the buildings are open and accessible, those employees who receive a direct deposit from the County will receive inclement weather leave only for that time observed by the County.

Sick Leave

Regular full time employees accrue and accumulate eight (8) hours of sick leave for each full month of active employment with the County. Employees assigned to 24 hour shifts accrue and accumulate eleven (11) hours of sick leave for each full month of active employment with the County. Sick leave hours will not continue to accrue when an employee is on leave and absent from work for a period of more than twelve (12) consecutive weeks. Designated part time employees normally scheduled to work twenty (20) but less than twenty-nine (29) hours per week accrue sick leave based on four (4) hours per month. Regular part time employees normally scheduled to work thirty (30) but less than forty (40) hours per week accrue sick leave based on six (6) hours per month. Temporary and Emergency employees are not eligible for sick leave hour accrual.

An employee may use sick leave when unable to work the required number of hours in the workweek because of personal illness or injury, or for personal doctor or dentist appointments. A limited amount of sick leave may be granted, at the discretion of the department head, when a member of the employee's immediate family is ill. The immediate family is defined as employee's spouse, mother, father, child, brother or sister, or any relative, either by blood or marriage, living in the employee's household.

Accumulated sick leave hours must be used when the employee takes leave under the Family and Medical Leave Act (FMLA).

Employees placed on suspension, without pay, for more than 15 workdays during any month are not be entitled to the sick leave accrual for that specific month. In the event the suspension is over turned, any sick leave hours missed will be reinstated.

When an employee is off work for more than three (3) consecutive workdays, the employee must provide written documentation from a physician that states the employee is unable to perform the essential functions of their job, and state the expected duration of the sick leave. This provision shall comply with provisions under the FMLA.

If a regular full time employee changes status to a designated part time employee, the accumulated sick leave hours are converted to a sick leave benefit equal to one half of the accumulated hours. The employee begins accruing additional sick leave hours at the rate described above. When a forty (40) hour workweek employee changes status to a 24 hour shift employee the employee's leave balance is increased by 32.5% to reflect equivalent leave hours associated with the new accrual rate. When 24 hour shift employee changes to a 40 hour workweek employee the employee's leave balance is reduced by 27.2%.

Upon retirement, a regular full time or regular part time employee with a minimum of five (5) years of continuous employment with the County is eligible for a lump sum payment of unused sick leave hours that have accrued. The lump sum payment is based on twenty-five (25) percent of the unused sick days up to a maximum amount based on the number of years of service an individual has with the County, as follows:

Sick Leave Pay Out Schedule

<u>Number of years</u>	<u>Maximum Payment</u>
5 up to 10	\$1,500.00
10 up to 15	\$3,000.00
15 up to 20	\$4,500.00
20 or more	\$5,000.00

This payment is subject to applicable federal and state tax withholdings. The lump sum payment will be made as the last employment check to the employee.

Unpaid Leave Of Absence

Unpaid leave of absence will be considered on a case-by-case basis. Employees interested in such leaves should contact their immediate supervisor. Any such unpaid leave of absence must be approved in advance by the County Administrator and the Director of Human Resources. The County may require the employee to provide documentation substantiating the request for leave.

Employees may continue their insurance coverage while on an unpaid leave of absence by paying the full premiums. Employees on an unpaid FMLA leave should consult the FMLA policy in this handbook.

Employees do not receive pay for holidays which occur while on an unpaid leave of absence.

Paid Time Off (PTO) Accruals: added to PTO

Employees in certain departments may be required to take one full week of PTO. Currently, employees in the Finance and Information Systems departments are required; however, if deemed necessary, other Department Heads may implement this same requirement.

FMLA

Substituting Paid Leave

Where an employee takes FMLA leave for any qualifying condition falling under section II of this policy, the employee must use accrued leave time to cover paid FMLA absences. FMLA benefits will run concurrently with benefits provided by Worker's Compensation.

County Provided Benefits During FMLA Leave

During any FMLA leave, the County will maintain the employee's medical, dental (if applicable) and life insurance, on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period. The County and the employee will each continue to pay their portion of the above named benefit costs. In some instances, the County may recover premiums it paid to maintain medical, dental and life insurance coverage for an employee who fails to return to work from FMLA leave.

During approved FMLA leave, sick, annual and/or PTO leave, based on applicable leave plan, will continue to accrue while on FMLA leave whether the leave time is paid or unpaid.

Funeral Leave

A forty (40) hour workweek employee is granted three consecutive workdays in the event of the death of a member of the immediate family. An employee assigned to a 12 hour shift is granted a maximum of 24 hours, dependent on work schedule, for the death of the immediate family. An employee assigned to a 24 hour shift is granted 24 hours of pay for the death of a member of the immediate family. Immediate family in this case consists of the spouse, parent, son, daughter,

brother, sister, grandparent, grandchild, stepchild, stepparent, guardian, and the same relatives of the spouse.

If more than the above allocated time is needed by the employee, or leave is desired for a death of someone other than the immediate family, the employee may request the use of annual leave or PTO.

Military Training Leave

A military leave of absence is granted to employees absent from work because of service in the U.S. Uniformed Services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

An employee who is a member of the reserve forces of the armed services of the United States, National Guard or Naval Militia is entitled to a leave of absence without loss of accumulated leave or regular salary on all days when the employee is attending required training. The County grants up to fifteen (15) days of military training leave per federal fiscal year. The leave does not count against accumulated annual leave. The employee is paid his or her normal earnings while on leave, in addition to his military pay as an incentive for such military service. Pay is determined by using the 1/260 workday calculation method.

An employee must present his or her military orders to their Department Head prior to the effective date of leave. This policy does not apply to periodic weekend drills or attendance at military schools.

Workers Compensation

If an employee is absent due to a worker’s compensation approved work-related injury due to physician requirements, the employee receives 100% pay for time off of work up to a maximum of 90 days. If the worker’s compensation carrier notifies the County and states that the claim has been denied and is not worker’s compensation compensable, the claim will be converted from worker’s compensation to Family and Medical Leave (FMLA), medical leave, and/or short term disability as applicable. FMLA will run concurrently with the worker’s compensation claim from the initial time the employee was placed off from work.

If an employee is allowed light duty work, the County will honor the restrictions given by the medical professional. The County will pay regular wages for hours worked and overtime will not be allowed. Physician appointments for worker’s compensation need to be scheduled outside of work hours as to not interfere with current duties. The County recognizes that there may be instances where appointments need to be made during work hours; when practical, these appointments should be schedule at the beginning or end of the work day. The employee will be paid for the hours that coincide with regular work hours by using a worker’s compensation pay code on their timesheet.

ooooOoooo

PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes’ staff report dated June 12, 2019.

PUBLIC WORKS COMMITTEE

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator to sign the VDOT agreement for “Watch for Children” signs and for Public Works staff to administer the program for installing and maintaining the signs. The cost for each sign will be \$250 and shall be paid by the person or entity requesting the sign.

ooooOoooo

COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated June 12, 2019.

CONSIDERATION – REVITALIZATION AREA RESOLUTION

Craig Patterson, Senior Vice President for Woda Cooper Companies, Inc., reviewed a request for designation of a row house project on the 3700 block of Taylor Spring Lane as a revitalization area. Mr. Patterson initially presented the request on May 22, 2019, at which time the Board tabled the resolution of support. Mr. Patterson reviewed the request again and was available for questions. Dick Blackwell from Blackwell Engineering was also available for questions.

Supervisor Cuevas brought forth several concerns and indicated he would like additional time to allow the County Attorney and County Administrator to review the language in the resolution before a final commitment is made.

Supervisor Cuevas motioned to table the request.

Supervisor Kyger noted that he intended to bring forth a motion for approval on behalf of Supervisor Chandler; however, in light of Supervisor Cuevas' request for additional time, he seconded the motion to table with the understanding that the Board will make a final decision at the June 26, 2019, Board meeting.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board tabled the decision to provide a revitalization resolution designating the 3700 block of Taylor Spring Lane as a revitalization area, until a date certain of June 26, 2019.

Dick Blackwell commented in favor of the request and indicated this project will be good for the community.

CONSIDERATION – CENSUS COMPLETE COUNT COMMITTEE RESOLUTION

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board adopted the following resolution:

**RESOLUTION
CENSUS COMPLETE COUNT COMMITTEE**

WHEREAS, every ten years, Article 1, Section 2 of the United States Constitution mandates a count of all the people living in the United States and its territories; and

WHEREAS, the 2020 Census will provide every household in the nation with a simple questionnaire, with the goal of counting every individual; and

WHEREAS, data obtained by the questionnaire will be used to help the federal government determine how to distribute approximately \$675 billion to state, local, and tribal governments annually; and

WHEREAS, Rockingham County is committed to ensuring every resident is counted; and

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of local importance based, in part, on census data; and

WHEREAS, 2020 census data is vital for economic development planning and increased employment; and

WHEREAS, Governor Ralph S. Northam has established the Virginia Complete Count Commission, which is comprised of 40 members to collaborate with community partners and local Complete Count Committees to ensure an accurate 2020 Census count.

NOW, THEREFORE BE IT RESOLVED, that the Rockingham County Board of Supervisors does hereby support the goals of the 2020 Census, encourages all County residents to participate in the census, and does hereby establish a Census 2020 Complete Count Committee to be Chaired by Supervisor Kyger with support from County staff and to include other members as deemed appropriate.

Given under our hand this 12th day of June
in the year two thousand nineteen, A.D.

TRANSPORTATION GRANT APPLICATIONS

Community Development Director Cooper provided the Board with a list of applicable FY2022-22 VDOT Transportation Funding Programs and requested authorization to proceed with funding applications. She pointed out that if funds are awarded for a particular project, the Board will be required to approve each on an individual basis.

By consensus, the Board authorized staff to proceed and submit funding applications for the following four projects:

- 1) VA 42 – Garbers Church Road Bike & Buggy Lanes
- 2) Lake Shenandoah Watershed Culvert Improvements
- 3) VA 276/VA 253 Turn Lanes
- 4) Boyers Road and Taylor Spring Lane Intersection Safety & Corridor Improvements

ooooOoooo

TECHNOLOGY DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Perry’s staff report dated June 2019.

ooooOoooo

FIRE AND RESCUE CHIEF’S STAFF REPORT.

The Board received and reviewed Chief Holloway’s staff report dated June 2019.

Chief Holloway reminded Board members of the Port Road Emergency Response Station ground breaking ceremony scheduled on June 26, 2019, at 4 p.m.

Supervisor Kyger suggested Administrator King send a letter to Congress, on behalf of the County, in support of the Reauthorization of the September 11th Victim Compensation Fund. By consensus, the Board authorized Administrator King to send a letter supporting the September 11th Victim Compensation Fund.

ooooOoooo

PARKS & RECREATION DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Dean’s staff report dated June 5, 2019.

Mr. Dean recommended renewal of the County’s contract with Valley Program for Aging Services (VPAS) for use of the Plains Area Daycare Center. He noted the only change is the addition of free Wi-fi.

Administrator King noted this contract may be an automatic renewal.

On motion by Supervisor Cuevas, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board authorized the County Administrator to renew the contract with Valley Program for Aging Services for use of the Plains Area Daycare Center.

Mr. Dean noted a proposal for field rental pricing at the Rockingham Park at the Crossroads will be forthcoming.

Additionally, he reported that Tots Ice Cream will handle concessions at Rockingham Park at the Crossroads. County Attorney Miller indicated he will prepare the contract.

FINANCE COMMITTEE

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board approved the following FY2018-2019 supplemental appropriation:

Rockingham Park Playgrounds

A supplemental appropriation in the amount of \$380,000 for several miscellaneous items needed at the park. The main need is a pavilion with restrooms near the playground, estimated to cost the County \$150,000. Other identified needs include softball dugouts, shade structures, a storage building and trees.

Supplemental Appropriation: \$380,000

\$380,000	GL Code: 1101-09401-00000-000-508359-000	Rockingham Park
\$380,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund
\$380,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Reserve
\$380,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to Capital Projects

ooooOoooo

COURT SERVICES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Freeman’s staff report dated June 12, 2019.

ooooOoooo

RECESS.

Chairman Breedon recessed the meeting for dinner at 5:27 p.m.

ooooOoooo

PUBLIC HEARING – AUTHORIZING RESOLUTION FOR THE HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD PROJECT.

Chairman Breedon opened the public hearing at 6:13 p.m.

Daniel R. Lauro, Bond Counsel with BotkinRose PLC, reviewed the terms of the Virginia Resources Authority (VRA) financing for the Harrisonburg-Rockingham Community Services Board (CSB) capital project.

Mr. Lauro explained that the County is treated differently than the City for issuing debt. For the CSB expansion, the City of Harrisonburg will issue a general obligation bond to VRA up to \$8 million. This general obligation bond is secured by the City’s real estate taxes, even if it requires the City to increase tax rates. The County’s financing structure is different.

The County's financing structure is a "lease/lease-back" structure of the CSB parcels that the project encompasses. The CSB will lease the project parcels to the County, the County will lease the parcels to VRA (the lender), VRA will then lease those parcels back to the County under a financing lease in return for rental payments, which will match the payments under the loan. Mr. Lauro pointed out that the loan payments are subject to appropriation by the Board of Supervisors and noted there are credit ramifications for non-appropriation by the Board. Then, the County will lease back all the project parcels to the CSB, so that the CSB is responsible for its operations rather the County. Mr. Lauro pointed out that as defined in the lease agreement, the obligations for construction, insurance and operations will remain with the CSB. The idea is that the Board will appropriate the funds every year to make the debt service payments.

Mr. Lauro also pointed out that there will be a deed of trust on the CSB parcels, which he referenced as a "no pay, no stay" document. He said the leasing documents include the real estate, buildings, furniture, fixtures and equipment inside each facility. In the future, if the Board does not appropriate, VRA would lease out the CSB facilities to any interested party it chooses for the remainder of the term.

In response to questions from Supervisor Cuevas, Mr. Lauro indicated the interest rate on the loan will be a fixed rate in the ballpark of four percent.

Finance Director Davidson said the total project is expected not to exceed \$16 million; a cost split 50/50 between the City and County. Mrs. Davidson noted that the payment amounts will be formulated during the budget process and said there will be a capital portion where the CSB pays one-third of the payment, the City pays one-third and the County pays one-third. Even though the County and City are splitting the debt service, the CSB has pledged to pay one-third of the payments. The project is expected to be a 15 or 20-year debt.

In response to a question from Supervisor Cuevas, Mr. Lauro clarified that the County is in no way obligated to make up a short-fall in the event the City were to default on its VRA loan. The County is only responsible for its up-to \$8 million loan. Additionally, in the event the City defaults, the County retains use of the buildings, as the County holds the deed of trust on the property, not the City.

With no further questions by the Board, Chairman Breeden opened the floor for public comments.

No members of the public commented regarding the request.

At 6:27 p.m., Chairman Breeden closed the public hearing.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the board authorized the following Authorizing Resolution for the Harrisonburg-Rockingham Community Services Board Project:

Board of Supervisors of Rockingham County, Virginia
June 12, 2019
VRA Financing (HRCSB Project)

**AUTHORIZING RESOLUTION OF THE BOARD OF SUPERVISORS
OF ROCKINGHAM COUNTY, VIRGINIA
(HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD PROJECT)**

WHEREAS, pursuant to Title 15.2 of the Code of Virginia, 1950, as amended (the "Virginia Code"), the County of Rockingham, Virginia (the "County") is empowered to lease and lease finance the acquisition, construction, and equipping of essential governmental projects and facilities related thereto; and

WHEREAS, Section 37.2-500 of the Virginia Code requires each county and city in the Commonwealth of Virginia (the "Commonwealth") to establish a community services board either by itself or in any combination with other cities and counties or, in the alternative a behavioral health authority, to carry out a system of community-based behavioral health services

to support persons with mental illness, developmental disabilities, or substance abuse. The County has combined with the City of Harrisonburg, Virginia (the “City”) to establish the Harrisonburg-Rockingham Community Services Board (the “CSB”) and for many years the County has provided funding and facilities to enable the CSB to fulfill its mission. The Commonwealth has designated the CSB to function as the single point of entry for persons in the County and the City into publicly-funded mental health, developmental and substance abuse services; and

WHEREAS, the County desires to provide for a portion of the long-term financing of the capital costs to provide funds to (a) acquire, construct, reconstruct, expand, and equip capital projects for governmental purposes of the CSB, including but not limited to a new Main Street services building, an addition and renovation to the McNulty services building, related furnishings, fixtures, and equipment, and parking facilities for the CSB’s operations, and (b) pay costs of issuance in connection with such undertakings (collectively, the “Project”); and

WHEREAS, the County has applied to Virginia Resources Authority (“VRA”) for financing assistance to provide a portion of the costs of the Project; and

WHEREAS, VRA has approved the County’s participation in VRA’s Virginia Pooled Financing Program, Series 2019B, and will provide such financing assistance to the County and CSB with a portion of the proceeds of the Virginia Resources Authority Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2019B in one or more series (the “VRA Bonds”) in order for the County to finance a portion of the Project, all as further described below; and

WHEREAS, it is anticipated that the City will also provide for a portion of the long-term financing of the Project through a general obligation bond issued to VRA; and

WHEREAS, VRA will issue the VRA Bonds and provide a portion of the proceeds thereof to the County, for the purposes described herein, pursuant to the terms of a Local Lease Acquisition and Financing Lease, dated as of June 21, 2019 (the “Financing Lease”), between the County and VRA with respect to any or all or a portion of the CSB parcel(s) of Real Estate on which the Project is located and the associated Improvements and Personalty of the CSB located thereon (as such terms are more particularly defined in the Financing Lease, and defined collectively as the “Leased Property”); and

WHEREAS, according to the plan of financing, the CSB will lease the Leased Property to the County pursuant to a Ground Lease dated as of June 21, 2019 (the “Ground Lease”), between the CSB and the County; and

WHEREAS, the County will lease the Leased Property to VRA pursuant to a Prime Lease dated as of June 21, 2019 (the “Prime Lease”) between the County and VRA; and

WHEREAS, pursuant to the terms of the Financing Lease, VRA will lease back the Leased Property to the County and the County will make Rental Payments (as defined in the Financing Lease) corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued for the Project; and

WHEREAS, the County intends to pay the Rental Payments as set forth in the Financing Lease out of appropriations from the County's General Fund; and

WHEREAS, the County will lease back the Leased Property to the CSB pursuant to a Lease Agreement dated June 21, 2019 (the “Lease Agreement”) between the County and CSB; and

WHEREAS, VRA will issue the VRA Bonds pursuant to a Master Indenture of Trust, dated as of December 1, 2003, as previously supplemented and amended, and as further supplemented between VRA and U.S. Bank National Association, as trustee (the “Trustee”), and pursuant to that certain Leasehold Deed of Trust, Assignment of Leases and Rents, Security Agreement, and Fixture Filing dated as of June 21, 2019 (the “Deed of Trust”), VRA will assign to the Trustee all of its right, title and interest in and to the Prime Lease and the Financing Lease as security for the VRA Bonds; and

WHEREAS, all such leasing arrangements between the County, CSB, and VRA with respect to the Leased Property, shall contemplate the exclusive and uninterrupted use of the Leased Property by the CSB for its essential local governmental purposes, so long as no Event of Default or Event of Non-Appropriation (both as defined in the Financing Lease) have occurred; and

WHEREAS, all such lease financing arrangements shall be set forth in, among other things, (a) the Ground Lease, the Prime Lease, the Financing Lease, and the Lease Agreement and any other lease documents necessary (together, the "Lease Documents"), (b) the Deed of Trust, and (c) a Nonarbitrage Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement"); and

WHEREAS, the County has indicated that the amount of proceeds being requested from VRA for a portion of the Project and related costs is \$8,000,000 (the "Proceeds Requested"), including amounts necessary to pay the costs of issuance, or such other amount requested by the County in writing and approved by VRA prior to the pricing of the VRA Bonds; and

WHEREAS, VRA has advised the County that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Rental Payments under the Financing Lease (the "Purchase Price Objective"), taking into consideration such factors as the maximum authorized amount of the Financing Lease, the Proceeds Requested, the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")) and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, such factors may result in the County receiving an amount other than the Proceeds Requested and consequently (a) the principal amount of the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (b) if the maximum authorized amount of the Financing Lease set forth in this Resolution does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

WHEREAS, the Board of Supervisors of the County (the "Board") now desires to authorize the Financing Lease, other Lease Documents, and various leasing transactions contemplated by the Lease Documents and to approve the Project in order to accomplish financing a portion of the Project for the essential governmental purposes and benefit of the County, City, and the CSB.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

1. **Authorization of Arrangements in Connection with the Lease Documents and the Use of Proceeds thereof.** The transactions contemplated under the Lease Documents and this Authorizing Resolution shall enable the County and CSB to undertake the Project for essential governmental purposes. The Board hereby determines that it is advisable to enter into the leasing arrangements contemplated under the Lease Documents in order for the County and CSB to undertake the Project, all as described herein. To such end, the Board hereby approves and authorizes the execution and delivery of the Lease Documents in the forms and upon the terms established pursuant to this Resolution (the "Authorizing Resolution"), and acknowledges the transactions contemplated by the Deed of Trust, as required by VRA. The Lease Documents shall be delivered by the County to or upon the order of VRA upon payment of the lease proceeds thereunder pursuant to the terms and conditions set forth in the Financing Lease. The proceeds from the execution and delivery of the Financing Lease shall be used by the County and CSB, along with other lawfully available funds, if any, to undertake the Project, all as contemplated under this Authorizing Resolution and further described in the Financing Lease.

2. **Delivery of Lease Documents.** It is determined to be in the best interest of the County for the County to enter into the leasing transactions described in this Authorizing Resolution, execute and deliver the Lease Documents, and accept the offer of VRA to lease finance the Leased Property pursuant to the terms of the Financing Lease, at a price, determined by VRA to be fair and accepted by the Chair or Vice Chair of the Board, or the County

Administrator (whether collectively or individually, any one or more of whom may act, the “County Representative”), upon the terms established pursuant to this Authorizing Resolution and the final Financing Lease. The Board hereby authorizes such transactions and Lease Documents in the forms and upon the terms established pursuant to this Authorizing Resolution. The County Representative is hereby authorized and directed to accept the final principal amount of the Financing Lease as advised by VRA, and as authorized by this Authorizing Resolution. The execution and delivery of the Lease Documents as described herein shall conclusively evidence such principal amount thereof and interest component thereunder as established by VRA and as having been so accepted as authorized by this Authorizing Resolution, without any further action from the County being required therefor. The Board hereby ratifies, confirms, and accepts the provisions of the VRA Term Sheet.

3. **Authorization of Documentation in Connection with the Lease Documents.**

The County Representative, and such officer(s) of the County as any of them may designate, are each hereby authorized and directed to execute and deliver such documents on behalf of the County, with such changes as any one or more of them shall approve, as may be requested by VRA or advised by the County Attorney or bond counsel to the County. The Clerk (or any Assistant Clerk) of the Board is authorized to affix the County Seal on any documentation in connection with the Project and the lease financing therefor, all as may be requested and to attest or counter-sign the same.

4. **Details of the Financing Lease.** The Board hereby authorizes the execution and delivery of the Financing Lease on terms as shall be determined by VRA, subject to the VRA Purchase Price Objective and market conditions described in the Recitals hereto; *provided however*, (a) the maximum principal amount of the Financing Lease shall not exceed the amount of **\$8,000,000**; and (b) the aggregate true interest cost of the Rental Payments shall not exceed five percent (5%) per annum, exclusive of Supplemental Interest as defined in the Financing Lease; (c) the Financing Lease shall be issued to VRA at a price not less than 98% of the principal amount of the Financing Lease; and (d) the termination date of the Financing Lease shall not be later than October 1, 2039. The actions of the County Representative in determining the final terms of the Rental Payments shall be conclusive, and no further action shall be necessary on the part of the Board.

Given the VRA Purchase Price Objective and market conditions, it may become necessary to issue the Financing Lease in an aggregate amount greater than the Proceeds Requested. If the limitation on the maximum aggregate principal amount of the Financing Lease set forth in this Section restricts VRA’s ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price Objective and market conditions, the purchase price of the Financing Lease will result in an amount less than the Proceeds Requested. Subject to the foregoing limitations, the County authorizes VRA to establish the final principal amount of the Financing Lease, the final interest rate(s) on the Financing Lease, and the final maturity date and the final principal amortization schedule (including principal installment dates and amounts) for the Financing Lease. No further action or approval of such financing terms shall be necessary on the part of the County. The principal of and premium, if any, and interest on the Financing Lease shall be payable on the dates and in the amounts set forth in the Financing Lease.

5. **Details Regarding Form of Lease Documents.** The Lease Documents shall be in substantially the forms on file with the County Administrator, which are hereby approved with such final details, completions, omissions, insertions, and changes as may be approved by the County Representative, with the execution and delivery of the Lease Documents by the County Representative constituting conclusive evidence of the approval of any such completions, omissions, insertions, and changes.

6. **Execution of Lease Documents.** The County Representative is authorized and directed to execute and deliver the Lease Documents, and the Clerk of the Board (or any Deputy Clerk) shall affix the seal of the County thereto.

7. **Authorization as to Additional Documentation.** The County Representative, the County Treasurer, the County Finance Director, and such other officers, employees and agents of the County as may be requested, are each hereby authorized and directed to take all proper steps to have the Lease Documents prepared and executed in accordance with their respective terms, and as may be advised by County Attorney or bond counsel to the County, to deliver the same upon payment therefor, and to execute and deliver (or cause the delivery of) all

such additional documents and certificates, including but not limited to the Tax Compliance Agreement regarding federal tax compliance requirements for the proceeds thereof, all as may be requested by the County Attorney or bond counsel to the County, or as otherwise required by VRA, in furtherance of the purposes as set forth herein.

8. **Redemption, Prepayment or Refunding.** The County may defease, redeem, prepay or refund the Rental Payments under the Financing Lease only in accordance with the Financing Lease or other requirements of VRA.

9. **Essentiality Matters.** The Board affirms and declares that the transactions contemplated herein constitute the financing of essential capital projects for local governmental purposes, and the County anticipates that the Project will continue to be essential to the local governmental purposes of the County, City, and CSB during and beyond the term of the Financing Lease.

Accordingly, the County hereby undertakes to appropriate such amounts as may be requested from time to time as described herein, to the fullest degree and in such manner as is consistent with the Virginia Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

10. **Payment of Rental Payments under the Financing Lease and Related Amounts.** The County agrees to pay all amounts required by the Financing Lease, including the Rental Payments (as defined in the Financing Lease) and the “Supplemental Interest” and late charges, all as provided therein and as required by VRA in connection with the Prime Lease and the Financing Lease. Reference is hereby made to such provisions of the Financing Lease for the details of the requirements therefor.

11. **Nature of Obligations with respect to Rental Payments.** The Financing Lease shall be a lease rental obligation of the County for the pledge and payment by the County of Rental Payments to VRA for the principal of, premium, if any, and interest on the corresponding VRA Bonds, subject to the terms hereof and of the Financing Lease.

Nothing in this Authorizing Resolution, the Lease Documents, or any other documentation in connection therewith, shall constitute a general obligation debt of the County within the meaning of the Virginia Constitution or Virginia statutory law. Further, it is to be expressly understood that the obligations of the County, as set forth therein, shall not include any binding commitment to pay Rental Payments or any other moneys beyond the current fiscal year of the County, as provided by law. The County’s obligations to pay the cost and expense of performing its obligations under the Lease Documents, including any documentation in connection therewith, and further including without limitation its obligation to pay all Rental Payments as described in the Financing Lease and any other payments thereunder, under all circumstances, are subject to and dependent upon appropriations being made therefor from time to time by the Board for such purposes. Nothing in this Authorizing Resolution or the Lease Documents (a) is or shall be deemed to be a lending of the credit of the County to VRA or to any other person, or (b) shall constitute a pledge of the full faith and credit of the County or the taxing power of the County or otherwise legally bind or obligate the Board to make any such appropriation(s) for the purposes described herein.

12. **CSB Actions; City Financing.** To the extent required by law if at all, the Board hereby endorses and further approves (a) any necessary or appropriate actions of the CSB to undertake the Project and to effect the lease arrangements, and (b) the bond financing by the City to allow for the City’s long-term financing of a portion of the Project through VRA.

13. **Registration, Transfer and Exchange.** The Board hereby appoints the County Treasurer as its registrar and transfer agent to keep books for the registration and transfer of the Financing Lease and to make such registrations and transfers on such books under such reasonable regulations and procedures as the County may prescribe. No charge shall be made for any such exchange or transfer, but the County Treasurer may require payment of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

14. **Official Statement.** The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA’s Preliminary Official Statement

and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds, a portion of the proceeds of which will be used to fund the Financing Lease as requested by the County. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to ensure compliance by VRA and the County, if any, with Securities and Exchange Commission Rule 15c2-12, all as may be required by VRA in connection with the issuance of the VRA Bonds and its execution and delivery of the Financing Lease and any continuing disclosure requirements thereafter, all as set forth in the Financing Lease and any other documentation in connection therewith.

15. **Tax Compliance Agreement.** The County Representative, and such officer(s) of the County as any County Representative may designate, are each hereby authorized and directed to execute the Tax Compliance Agreement and any related documentation as required by VRA and its counsel, and further, as advised by the County Attorney and bond counsel to the County, setting forth the expected use and investment of the proceeds of the Financing Lease and containing all such covenants as may be necessary in order for the VRA Bonds to show and maintain compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), including the provisions of Section 141 relating to "private activity bonds" and Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds," among others. To such end, the Board hereby covenants and agrees on behalf of the County that (a) the proceeds from the Financing Lease will be expended and invested as set forth in the Tax Compliance Agreement and that the County shall comply with the covenants and representations contained therein, and (b) the County shall comply with the provisions of the Tax Code so that interest on the VRA Bonds will remain excludible from gross income for federal income tax purposes, in accordance with law.

16. **State Non-Arbitrage Program.** The Board hereby determines that it is in the best interest of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program ("Virginia SNAP") in connection with the proceeds of the Financing Lease, and as may be required by VRA.

17. **Reimbursement Matters.** The County hereby declares its intent to use a portion of the proceeds of the Financing Lease to reimburse certain capital expenditures by the County and/or the CSB in connection with the Project, all as required by federal tax laws and further described below. The County and/or the CSB has paid (or shall cause to be paid), beginning no earlier than 60 days prior to adoption hereof, and will pay on and after the date hereof, certain capital expenditures (the "Expenditures") in connection with the Project. Further, it has been determined that those funds previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay Expenditures related to the Project are available only for a temporary period and it is necessary to reimburse the County and/or the CSB for the Expenditures from the proceeds of the Financing Lease. Accordingly, the County hereby declares its intent to reimburse itself with all or any portion of the proceeds thereof for the Expenditures with respect to the Project made no earlier than 60 days prior to the adoption hereof.

To such end, the County will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse the Expenditures, no later than 18 months after the later of the date on which the Expenditure(s) is/are paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure(s) is/are paid. This declaration of intent to reimburse, as required by federal tax laws, shall take effect immediately.

18. **Filing of Authorizing Resolution; Execution and Recordation of Lease Documents.** If deemed desirable or otherwise requested by VRA, the appropriate officers or agents of the County are each hereby authorized to cause a certified copy of this Authorizing Resolution to be filed with the Circuit Court of the County. The County Representative is authorized and directed to execute the Lease Documents and deliver them to the other parties thereto, and further, to cause the Lease Documents to be recorded in the Clerk's Office of the Circuit Court of the County.

19. **Further Actions; Authorized Representatives.** The County Representative, the County Treasurer, and all officers, employees and agents of the County as may be designated, are each hereby authorized and directed to take all such further actions as any one or more of them may consider necessary or desirable in connection with the Lease Documents (including any transactions contemplated thereby). All such further actions consistent within the terms and

provisions of this Authorizing Resolution shall be conclusively deemed as having been accepted and approved as authorized by this Authorizing Resolution without any further acts or approvals. All such actions previously taken in connection with this Authorizing Resolution are hereby ratified and confirmed. The persons named herein as the County Representative shall also be designated as the County's Authorized Representatives for purposes of the Financing Lease.

20. **Effective Date.** This Authorizing Resolution shall take effect immediately.

Approved: June 12, 2019

ooooOoooo

COMMITTEE REPORTS.

FINANCE

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the board approved the following FY2018-2019 supplemental appropriations:

District Court Building Renovation

A supplemental appropriation in the amount of \$350,000 for the renovation of the District Court Building.

Supplemental Appropriation: \$350,000

\$175,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to Capital Projects Fund
\$175,000	GL Code: 1001-00000-15201-000-352000-000	General Fund: Fund Balance
\$175,000	GL Code: 1101-00000-11899-000-318600-000	Share of Costs: City of Harrisonburg
\$175,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund
\$350,000	GL Code: 1101-09401-00000-000-508367-000	Courthouse Renovation

Harrisonburg-Rockingham Social Services District – Fostering Futures Program

A supplemental appropriation in the amount of \$40,000 for the Fostering Futures program for the County. Funding will be provided 100 percent by Federal funds with no local funding required.

Supplemental Appropriation: \$40,000

\$40,000	GL Code: 1220-00000-13303-000-338983-000	Public Assistance-Federal
\$40,000	GL Code: 1220-05302-10100-000-505734-000	Fostering Futures

Rockingham County School Board Transfer to Massanutten Technical Center

Funding was provided to Schools to place lights on softball fields at the high schools. The pricing came in below the expectation. During the FY20 budget discussions, it was decided that the remaining funds would be used to allow Massanutten Technical Center to move their roof repairs from a 5-year plan to a 2-year plan and complete it faster than originally planned. Also needed was a new PA system.

A supplemental appropriation in the amount of \$410,611 for a transfer from the school fund to the Massanutten Technical Center fund. The City of Harrisonburg will pay 20 percent of the MTC projects.

Supplemental Appropriation: \$410,611

\$410,61	GL Code: 2205-64200-00000-905-608305-000	MTC: Site Improvements
1	GL Code: 2205-00000-25101-000-400097-000	Transfer from School Capital Fund
\$324,48		
9		
\$82,122	GL Code: 2205-00000-21899-000-460050-000	Share of Costs: Harrisonburg Schools
\$324,48	GL Code: 2103-67300-00000-100-609550-000	Transfer to MTC
9		
\$324,48	GL Code: 2103-00000-25201-000-400091-000	School Capital Fund Balance
9		

ooooOoooo

RECESS.

At 6:32 p.m., Chairman Breeden recessed the meeting for a special meeting of the Lilly Subdivision Sanitary District.

ooooOoooo

RESUME REGULAR MEETING.

At 6:33 p.m., Chairman Breeden reconvened the regular meeting.

ooooOoooo

COMMITTEE REPORTS CONTINUED.

PUBLIC WORKS

On behalf of the Public Works Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the board approved a waterline connection request to the Lilly Subdivision Sanitary District for an existing residence located at 449 Clover Hill Road.

OTHER

Supervisor Kyger indicated Mt. Crawford would like to revisit a prior request for a boundary line adjustment, which would incorporate the property that was owned by the Shenandoah Valley Cooperative (just west of the town limits) into the Town’s boundaries. By consensus, the Board authorized County staff to negotiate the terms of the boundary adjustment and provide a recommendation to the Board.

ooooOoooo

COMMITTEE APPOINTMENTS.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - ABSENT; CUEVAS - AYE; KYGER - AYE; WOLFE-GARRISON – AYE; the Board appointed Justin Moyers to the Rockingham-Harrisonburg Alcohol Safety Action Program (ASAP) for a term to expire December 31, 2023.

On motion by Supervisor Kyger, seconded by Supervisor Wolfe-Garrison, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Cathleen Welsh to the Blue Ridge Community College Board for a term to expire June 30, 2023.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Tena Painter to the Community Services Board for a term to expire June 30, 2022.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board appointed Stephen G. King to serve as the alternate on the Shenandoah Valley Partnership Board.

oooooOooooo

CLOSED MEETING.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Cuevas, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – ABSENT; CUEVAS – AYE; KYGER – AYE; WOLFE-GARRISON – AYE; the Board recessed the meeting from 6:40 p.m. to 8:04 p.m., for a closed meeting pursuant to Section 2.2-3711.A(1), Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and (7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

MOTION: SUPERVISOR CUEVAS

RESOLUTION NO: 19-05

SECOND: SUPERVISOR WOLFE-GARRISON

MEETING DATE: JUNE 12, 2019

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham 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 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors 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 as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: BREEDEN, CUEVAS, KYGER, WOLFE-GARRISON

NAYS: NONE

ABSENT: CHANDLER

oooooOooooo

ADJOURNMENT.

Chairman Breedon declared the meeting adjourned at 8:04 p.m.

_____,
Chairman