

**Buckingham County
Board of Supervisors
April 19, 2021
Reconvened Meeting**

At a reconvened meeting of the Buckingham County Board of Supervisors held on Monday, April 19, 2021 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: Don Matthews, Chairman; T. Jordan Miles, III, Vice-Chairman; Dennis Davis; Donald E. Bryan; Harry W. Bryant, Jr.; Joe N. Chambers, Jr.; Danny R. Allen. Also present were Karl Carter, Asst. County Administrator; Jamie Shumaker, IT Manager; and E.M. Wright, Jr., County Attorney. Rebecca S. Carter, County Administrator was absent.

Re: Call to Order

Chairman Matthews called the meeting to order.

Re: Establishment of a Quorum

Chairman Matthews certified there was a quorum. Seven of seven members were present. The meeting could continue.

Re: Invocation and Pledge of Allegiance

Supervisor Allen gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Statements from Supervisor's Miles and Bryan

Matthews: We have two statements. One Mr. Miles and the other by Mr. Bryan.

Miles: Mr. Chairman, I have a statement regarding the budget. And my involvement thereto. I'm advising that I have sought an opinion from the Commonwealth's Attorney concerning any conflict I may have in participating in discussions and voting on the county's budget because I'm an employee of Piedmont Senior Resources. I have received a written opinion from Mr. Wright that I can participate in the discussions and vote on budget matters. The Code of Virginia requires that I make a statement concerning my situation. According, I make the following statement for the record. 1. I will participate in the discussions and voting on matters relating to the adoption as well as the adoption of the 2021-2022 Board of Supervisor's budget for the county. 2. I'm an employee of Piedmont Senior Resources, which is funded in part by allocations from the Buckingham County Board of Supervisors. 3. I'm a member of a group of employees of Piedmont Senior Resources, the group being more than three which are affected by the transaction. 4. I'm able to participate in the transaction fairly objectively, and in the

public interest and 5. I do not set the budget or authorize expenditures of Piedmont Senior Resources. Thank you, Mr. Chairman.

Bryan: Mr. Chairman, I need to read a statement as well, for the record, I'm advising that I have sought an opinion from the Commonwealth Attorney any conflict I may have in participating in discussions and voting on the county's budget, because I'm a school teacher for the Buckingham County School System. I've received the written opinion from Mr. Wright. And I can say that I can participate in the discussions and vote on budget matters. The Code of Virginia requires that I make a statement concerning my situation. Accordingly, I make the following statement for the record. I will participate in discussions and vote on matters relating to the adoption, as well as the adoption of the 2021-2022 Budget of the Board of Supervisors for the county. I am a school teacher employed by the Buckingham County School Board, which is funded in part by allocations from the Buckingham County Board of Supervisors. I'm a member of profession. The members of which are affected by the transaction, I am able to participate in the transaction fairly, objectively, and in the public interest. And I do not set the budget or authorize the expenditures of Buckingham County School Board. Thank you, Mr. Chairman.

Re: Consider the FY20-21 Budget

Matthews: The next item on the agenda is consider the fiscal year 2021-22. Budget. I guess we need to open that up for discussion. Is there any statements or discussion to be made on that?

Allen: Yeah, the statement that we'd like to... we've been talking about this forestry thing. Trying to help with wood cutters in Buckingham. And now we've got the understanding, we've got to go through a public hearing to do what we'd like to do. So. Which step can we do tonight to get started on that?

Chambers: I think we should form a committee to study this.

Matthews: We already have a finance committee. So you could go you could go through that. And we could add Mr. Jenkins to that committee. Yes, sir. To represent the loggers.

Bryant: Refer it to the Finance Committee.

Matthews: Yes, sir. We probably need a motion for that. To let Mr. Jenkins serve on the Finance Committee concerning the Virginia Loggers Association representing the loggers of Buckingham County.

Chambers: So moved.

Allen: Second.

Miles: So just so I'm clear, Mr. Chairman, one question, what we're doing is we're adding the gentlemen to the finance committee or participating in the finance committee, and then the finance committee is going to take that request up?

Matthews: Yes. As a onetime situation. I think you needed to set a public hearing after that's been approved or not approved?

Bryan: We wouldn't have to do that.

Miles: I think the committee would have to report first of all.

Matthews: Do you want to read that Mrs. Lann to make sure we got it right.

Lann: That we have added Mr. Jenkins to the Finance Committee for a onetime situation for the logging.

Matthews: As a consultant, I guess would be the best terminology. Yeah. So. Okay. That's the motion. We have a second for that? Any other discussion? Got anything else you'd like to say?

Miles: Yeah, just real quick, Mr. Chairman, I think it's a good idea that we take time to study this. It's a very important discussion point. I know that a lot of folks that on this board, have been talking about it, you know, over the last week, and it's a big deal. So I think it's a wise choice to go to committee. For more discussion to bring back to the full board.

Matthews: Just let's make it clear for the loggers and Mr. Jenkins, this is the first step of the process. So you know that we're not saying no, you know, we want to study it. And we want to learn more just like, you know, Mr. Jenkins, you're representing and given us, you gave us a lot of good information that we've asked for as far as what logging brings to Buckingham County in terms of dollars, and I appreciate that. I think it was over \$10 million last year. Am I correct on that? Okay, so that'll help us and give us a lot better understanding moving forward. And I'm sure we'll get a lot of other questions from the board to once we get into this process. So anyway, thank you so much. Okay, call for the vote. It's unanimous seven zip, and we'll move on to the next item on the agenda.

Supervisor Chambers moved, Supervisor Allen seconded and was unanimously carried by the Board to add Mr. Ron Jenkins to the Finance Committee representing the loggers for discussions regarding the exemption of logging equipment from tax.

Miles: Mr. Chairman, I would move that we adopt fiscal year 2021-2022 Budget as advertised.

Bryan: Can you read all the rates, please?

Miles: That's a separate agenda item. Yes, sir.

Bryan: I'll second that.

Matthews: Is there any discussion on this matter from the other board members?
Call for the vote. Six one. Next item.

Vice Chairman Miles moved, Supervisor Bryan seconded to approve the FY21-22 Operating Budget as advertised. This motion passed with a 6-1 vote. Chairman Matthews opposing.

Re: Consider the 2021-22 Tax Rates

Bryan: Mr. Chairman, I move that we adopt the tax rates for 2021-2022. Real Estate 52¢, Public Service Corporation 52¢, the SCC Personal Property at \$4.05, Personal Property at \$4.05, Machinery and Tools at \$2.90. Merchants Capital at \$1 and Aircraft at 55¢.

Miles: I second. Mr. Chairman.

Matthews: Any discussion? I'd like to say that there's been no change in those from last year. Am I correct on that?

Bryan: COVID relief money

Matthews: Just letting everybody know we stood up and did the right thing when we needed to do it to protect the citizens of Buckingham County. And actually, we had a tax reduction last year. So I just want everybody to be clear on that.

Miles: From 55¢ to 52¢, I think, Mr. Chairman. Is that right?

Matthews: Yes, sir. Yes, call for the vote. Unanimous. Seven zip.

Supervisor Bryan moved, Vice Chairman Miles seconded and was unanimously carried by the Board to approve the 2021-22 Tax Rates as: Real Estate 52¢, Public Service Corporation 52¢, the SCC Personal Property at \$4.05, Personal Property at \$4.05, Machinery and Tools at \$2.90. Merchants Capital at \$1 and Aircraft at 55¢.

Re: Dr. Daisy Hicks, Buckingham County Schools: Final FY21 Budget Update

Matthews: Next item is the presentation, Buckingham County School System Final Fiscal Year 21 budget update. Has there been a change?

Hicks: This is a FY21 budget update to include the updated state revenues to reflect March 31 ADM of 1894.99. This update also includes the addition of the security grant, as well as service small adjustments and federal grants. Also in the cafeteria fund, we are adjusting the beginning balance to reflect the actual balance based on the completed audit as well as moving federal funds to the summer school revenue line.

Matthews: Mr. Carter, has this been added and updated to the budget.

K. Carter: They will be once they are approved tonight. And this budget update as well does not include any changes to any local funding at all. All state and federal updates.

Hicks: Yes.

Chambers: I'll make a motion to approve.

Miles: I'll second it, Mr. Chairman.

Matthews: A motion and a second.

Bryan: One second.

Matthews: Call for the vote on that motion.

Supervisor Chambers moved, Vice Chairman Miles seconded to approve the updated FY21 budget figures for the Buckingham County School System. This motion passed with a 6-1 vote. Chairman Matthews opposing.

Re: County Attorney Matters

Dominion Resolution

Matthews: Next item on the agenda is County Attorney Matters.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR OF BUCKINGHAM COUNTY, VIRGINIA TO EXECUTE ON BEHALF OF BUCKINGHAM COUNTY AN AGREEMENT WITH DOMINION ATLANTIC COAST PIPELINE LLC. (DOMINION) ACCEPTING CERTAIN FUNDS FROM DOMINION IN THE AMOUNT OF \$1,500,000.00 FOR THE BENEFIT OF THE LOCAL COMMUNITY THROUGH THE SUPPORT OF EMERGENCY SERVICES AND HEALTH SERVICES WITHIN BUCKINGHAM COUNTY, VIRGINIA.

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

1. That it hereby authorizes and directs that the County Administrator to execute an Agreement Between Dominion Atlantic Coast Pipeline LLC.(Dominion) and Buckingham County, Virginia, regarding a grant by Dominion for Public Safety Enhancements on behalf of Buckingham County;
2. That a copy of the said Agreement is attached hereto and made a part hereof.

**AGREEMENT BETWEEN DOMINION ATLANTIC COAST PIPELINE LLC AND
BUCKINGHAM COUNTY, VIRGINIA, REGARDING PUBLIC
SAFETY ENHANCEMENTS**

THIS AGREEMENT (this "Agreement") is made and entered into as of March __, 2021, by and between **Dominion Atlantic Coast Pipeline LLC**. ("Dominion") and **Buckingham County, Virginia**, a political subdivision of the State of Virginia, acting by and through its Board of Supervisors (the "County").

WHEREAS, periodically, Dominion undertakes certain philanthropic ventures and missions throughout the states it serves, including within the Commonwealth of Virginia; and

WHEREAS, as a philanthropic venture, Dominion has determined to grant, and the County has agreed to accept, certain funds in the amount of \$1,500,000.00 for the benefit of the local community through the support of emergency services and health services within Buckingham County, Virginia.

NOW, THEREFORE, in consideration of the above and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Dominion and the County (together, the "Parties") enter into this Agreement to implement the Fund (as defined below) as contemplated by the Parties and as more fully set forth herein and agree as follows:

1. **Donation.** Following the adoption by the County's Board of Supervisors of a mutually agreeable Resolution (the "Resolution") approving this agreement which addresses the use of the Fund for the purposes set forth in Section 2, Dominion shall transfer an aggregate sum of One Million, Five Hundred Thousand Dollars (\$1,500,000.00) (the "Fund") within 100 days of the County's execution of the Agreement. Dominion may make such payment either directly to the County or to a payee to be designated by the County where such payee is either the emergency response service provider or health service provider or oversight agency for public safety, emergency service or health services within the County; provided that, in each case, the County shall be responsible for ensuring the Fund is used in accordance with the County's obligations pursuant to this Agreement.
2. **Permissible Uses.** In accordance with the Ordinance, the County shall use the Fund in furtherance of public safety, emergency services, or health services within Buckingham County, Virginia, or for such other purposes as mutually agreed upon by the Parties (collectively, the "County Initiatives").
3. **County Duties; Required Approvals and Payments.**
 - a. Upon receipt of the Fund, the County shall use commercially reasonable efforts to implement the County Initiatives.

b. The County's use of proceeds disbursed from the Fund shall be made consistent with the terms of the County Initiatives.

c. Following the first disbursement from the Fund and continuing until the Fund has been completely disbursed in accordance with the terms and conditions of this Agreement, the County shall provide to Dominion an annual report ("Annual Report") by February 15th of each year detailing the County's uses of the Fund and a summary report outlining the status for each County Initiative during the preceding year, which shall include an up-to-date budget for the projects implemented pursuant to this Agreement.

4. **Effectiveness.** This Agreement shall become effective following the adoption by the County's Board of Supervisors of the Ordinance.

5. **Termination.** This Agreement shall automatically terminate after Dominion has provided \$1,500,000.00 to the Fund and the County has used 100% of the Fund pursuant to the terms and conditions of this Agreement. This Agreement may also terminate upon the mutual agreement of Dominion and the County to terminate. Upon termination, all of the rights and obligations of the parties under this Agreement will terminate, except that the rights and obligations in Section 2, Section 3, this Section 5, and Sections 6-8 will survive any such termination.

6. **Contract Rights.** The terms of this Agreement may be enforced only by Dominion and the County. No third parties have been provided, nor shall they have, any rights under this Agreement, including a right of enforcement.

7. **Notices, Contact, and Reports.** The following lists the primary points of contact between Dominion and the County regarding the implementation of the Fund as set forth under this Agreement:

Dominion

Felix Sarfo-Kantanka, Jr.
External Affairs Manager, State & Local Affairs, Central - Western Virginia
Dominion Energy Services, Inc.
7500 W. Broad Street, Richmond, VA 23294
Phone: 804-212-8594
E-mail: Felix.Sarfo-Kantanka@dominionenergy.com

County

County Administrator
Buckingham County
PO Box 252
Buckingham, Virginia 23921
Phone: 434.969.4242

E-mail: bcarter@buckinghamcounty.virginia.gov

This contact information can be changed or supplemented by written notice given in writing at the addresses herein above identified.

8. **Counterparts/Entire Agreement.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. This Agreement represents the entire agreement between Dominion and the County with respect to the Fund, and this Agreement may be amended or terminated only with the written consent of both parties.

IN WITNESS HEREOF, the undersigned have caused this Agreement to be executed by their respective duly authorized representatives and made effective as of the date set forth above.

Wright: Mr. Chairman, I have a few updates for you. Take them in the order. The Dominion resolution. I think we all have before you, should have before you, copies of the resolution authorizing the county administrator to execute on behalf of the County in agreement with Dominion-Atlantic Coast Pipeline LLC, accepting the \$1.5 million dollars to benefit local community through a gift. If you find that appropriate, I'd ask that you adopt that resolution.

Matthews: So we would need a motion to accept that.

Wright: Yes, if you would adopt the resolution that authorizes the acceptance and authorizes a signature of the conditions of the gift.

Allen: I'll make a motion to accept the resolution from Dominion for the \$1.5 million.

Bryan: Second.

Matthews: We have a motion and a second to accept the resolution from Dominion and call for the vote. Or any discussion?

Miles: Yeah, just real quick. Mr. Chairman, I do think this is a wonderful opportunity. And I think that Dominion should be commended for stepping up to do the right thing in terms of helping us out with our EMS and investing in this community. And I'm very appreciative.

Matthews: Absolutely. All right.

Supervisor Allen moved, Supervisor Bryan seconded and was unanimously carried by the Board to approve the Resolution accepting the \$1.5 million gift from Dominion for EMS and authorizing the County Administrator to execute said resolution.

Sentara Building Update

Matthews: We're going to move forward to the next item, which is Sentara Building update.

Wright: Mr. Chairman, I had a nice conversation with the I guess, President, Chairman, by phone, and he told me to go ahead and make the revisions that we talked about. I made a few revisions, sent them on to him. I got a confirmation email that he got them. He passed them on to legal. We're moving forward on a fairly positive thing. The next part will be a wait for their answers but we don't anticipate any snags or problems. That's progressing as it should.

Bryan: And, and to clarify, Mr. Wright, that's for the building only?

Wright: No, that's the building and land. It does not include the fixtures involved with the medical practice. They probably in the next few weeks, will come in and strip the building of medical equipment and the things used in providing medical services. Just for the building and the land.

Matthews: Do we need to take any action tonight?

Wright: No action required at this time.

Hatton Ferry Update

Matthews: Moving on to the next item, which is Hatton Ferry update.

Wright: You know, sometimes things don't move as fast as you'd like for them to but that conversation is continuing. We have developed a draft agreement. Sent that to them to take a look at. They responded to say that the property lists need to be updated. Some of the things they'd gotten rid of some of them. Some have been replaced. So we're working on that. We're getting to at the same time try to identify some potential groups that might be willing to accept the ferry operation. So once it comes to the county, you can pass it on to somebody who's eligible to take care of that. Hope to be about the May meeting, we should be further down the road with that.

Those are the things that I have.

Re: Executive Closed Session

Matthews: The next thing we have is not on the agenda, but we need to go into closed session for a few minutes.

Bryan: Okay, Mr. Chairman, sir, I make a motion that we go into Executive Closed Session under 2.2-3711.1. Discussion consideration or interviews of prospective candidates for employment assignment, appointment promotion, performance, demotion, salaries, disciplining or resignation of specific Public Officers appointees, or poor employees of any public body and evaluation.

Miles: I second, Mr. Chairman.

Matthews: We have a motion and a second. Call for the vote.

Supervisor Bryan moved, Vice Chairman Miles seconded and was unanimously carried by the Board to enter into executive closed session under the above stated Code.

Re: Return to Regular Session and Certification

Bryan: Mr. Chairman, I move that we return to open session and certification that the best of each board members knowledge, only business matters related to the code of which the executive meeting was convened was discussed or considered in the closed executive session.

Miles: Second, Mr. Chairman,

Matthews: We have a motion and a second. Call for the vote.

Supervisor Bryan moved, Vice Chairman Miles seconded and was unanimously carried by the Board to return to regular open session and certification that the best of each board members knowledge, only business matters related to the code of which the executive meeting was convened. was discussed or considered in the closed executive session.

Re: Other Board Matters

Matthews: Are there other board matters that need to be discussed at this time?

There were no other Board Matters.

Re: Adjournment

There being no further matters to discuss, Chairman Matthews declared the meeting adjourned.

ATTEST:

Rebecca S. Carter
County Administrator

Don Matthews, Jr.
Chairman