At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, February 28, 2023, beginning at 5:00 p.m., in the Meeting Room of the Public Safety Building, 11282 Government Center Drive, Orange, Virginia. Present: R. Mark Johnson, Chairman; Lee H. Frame, Vice Chairman; James K. White; Keith F. Marshall; and James P. Crozier. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations and Appearances at this time.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: FY23 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUS BUDGET | BUDGET CHANGE | AMENDED BUDGET |
|---|---|---|---|---|
| 30030006-33500 | Donations - Animal Shelter | $ (23,973.25) | $ (768.00) | $ (24,741.25) |
| 43520003-43115 | Prof. Serv. - Emergency Vet | 187,930.25 | 768.00 | 188,698.25 |
| 30034005-34030 | Sheriff OT Reimbursement | (3,534.00) | (2,847.00) | (6,381.00) |
| 43120001-41200 | Wages - Overtime | 220,662.00 | 2,847.00 | 223,509.00 |
| 30034001-34025 | Insurance Recovery | (22,348.86) | (147,720.00) | (170,068.86) |
| 44320001-43350 | Other Repairs / Maintenance | 387,525.00 | 147,720.00 | 535,245.00 |
| 30034500-34025 | Insurance Recovery | (2,167.90) | (47,962.00) | (50,129.90) |
| 48170001-43370 | Grounds Maintenance | 129,320.90 | 47,962.00 | 177,282.90 |
| 49510002-49851 | Lease - Equipment | 35,778.00 | 9,879.00 | 45,657.00 |
| 30051015-39312 | Trans. from Cap. Proj. Fund | (298,752.00) | (9,879.00) | (308,631.00) |
| 41231001-43200 | Contract Services - Other | 37,983.00 | 15,125.00 | 53,108.00 |
| 30052001-39900 | Appropriated Fund Balance | (7,292,808.29) | (15,125.00) | (7,307,933.29) |
| 30045041-36050 | Fire Programs | (111,000.00) | (9,251.00) | (120,251.00) |
| 43220015-45500 | Pass-Thru Expenses | 111,000.00 | 9,251.00 | 120,251.00 |
| 30045035-36075 | EMS / E911 Grant | (2,000.00) | (2,169.00) | (4,169.00) |
| 43560001-45500 | Training Expenses | 7,350.00 | 2,169.00 | 9,519.00 |
| 30045066-35825 | State Miscellaneous | (47,150.00) | (50,000.00) | (97,150.00) |
| 48155001-47737 | To EDA Fund | 131,818.00 | 50,000.00 | 181,818.00 |
| **TOTALS** | | **$ (6,554,367.15)** | **$ 0.00** | **$ (6,554,367.15)** |

RE: ADOPTION OF THE FEBRUARY 14, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the February 14, 2023 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: ADOPTION OF A RESOLUTION RELATED TO THE OPIOID SETTLEMENT AND ADDITIONAL CLAIMS

Theodore L. Voorhees, County Administrator, explained that Virginia was expected to receive millions of dollars as part of a multi-billion dollar national settlement related to the ongoing opioid crisis, adding that a percentage of the funds would be distributed to local governments in Virginia that chose to participate in the settlement. He presented the Board with a draft resolution approving the settlements with Teva, Allergan, Walmart, CVS, Walgreens, and their related corporate entities, noting this action would authorize the County's participation in the associated settlement agreements. This was similar to action the Board took in November, 2021, to participate in settlement agreements with McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a roll call vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION APPROVING THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Orange, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse, and other services by Orange County's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including Orange County, have been required, and will continue to be required, to allocate substantial taxpayer dollars, resources, staff energy, and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and of Orange County; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, Walgreens, and CVS shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide;

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of February, 2023, that the Orange County Board of Supervisors hereby approves the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: OLD BUSINESS
There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS
There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT
The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: BOARD OF SUPERVISORS' TWO-YEAR STRATEGIC PRIORITIES; FY 2023 SECOND QUARTER UPDATE
Theodore L. Voorhees, County Administrator, provided a quarterly update on the Board's Two-Year Strategic Priorities, reviewing the progress that had been made on each priority to-date and highlighting achievements related to each priority.

The Board took the information regarding its Two-Year Strategic Priorities under advisement, and there was no action taken.

RE: BOARD COMMENT
There was no Board Comment at this time.

RE: INFORMATIONAL ITEMS
The Board received the following correspondence for its information:

- CSA Monthly Report
- Office on Youth Quarterly Report
- Finance Quarterly Report
- VDOT Monthly Report for February
- Culpeper Soil and Water Conservation District Minutes; January 3, 2023

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
By consensus, the Board rescinded the appointment of Gary Greenhalgh as the Orange County Representative on the Germanna Community College Board, which had been made at the Regular Meeting on Tuesday, February 14, 2023, citing his ineligibility to serve on the College Board as he was a previous employee of Germanna Community College.

By consensus, the Board appointed Brit Lewis as the District Four Representative on the Board of Zoning Appeals, filling the unexpired five-year term of Robert Michael Ross, with said term commencing immediately and expiring on June 30, 2026.

By consensus, the Board re-appointed Andy Hutchison as the District One Representative on the Board of Zoning Appeals for a five-year term, with said term commencing July 1, 2023, and expiring on June 30, 2028.

By consensus, the Board re-appointed Chief Nathan Mort as an At-Large (Orange County) Representative on the Rappahannock Emergency Medical Services Council for a three-year term, with said term commencing July 1, 2023, and expiring on June 30, 2026.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of February 2023, March 2023, and April 2023.

RE: SCHEDULE A PUBLIC HEARING TO CONSIDER AN UNDERGROUND EASEMENT TO DOMINION ENERGY

By consensus, the Board authorized staff to advertise for and schedule a public hearing to consider an underground easement to Dominion Energy on Tuesday, March 28, 2023.

RE: PUBLIC HEARING #1; AMENDMENT TO THE ORDINANCE CONCERNING TRANSIENT OCCUPANCY TAX

Thomas Lacheney, County Attorney, explained that the purpose of this ordinance amendment was to align the Orange County Code of Ordinances with newly-adopted State Code, specifically as it related to the reporting, collecting, and remitting of transient occupancy tax by accommodations intermediaries (platforms like Airbnb, VRBO, and the like). He indicated this amendment would require those groups to report, collect, and remit the taxes, whereas it was previously the responsibility of the property owner.

Discussion ensued among the Board regarding: acknowledgement that the ordinance language was difficult to understand, despite being pulled directly from the Code of Virginia; and the State's development of a reporting platform.

At 5:08 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

AMENDMENT TO ORDINANCE CONCERNING TRANSIENT OCCUPANCY TAX

The Board of Supervisors will consider amendments to Chapter 58 (Taxation), Article V (Transient Occupancy Tax) of the Orange County Code of Ordinances. The purpose of said amendments is to align with the Code of Virginia concerning the responsibility of accommodations intermediaries to report, collect, and remit transient occupancy tax.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:08 p.m.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE ADOPTING AMENDMENTS TO ARTICLE V (TRANSIENT OCCUPANCY TAX), SECTION 58 (TAXATION), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE REPORTING, COLLECTING, AND REMITTING OF TRANSIENT OCCUPANCY TAX

WHEREAS, action was previously initiated to consider amendments to Article V (Transient Occupancy Tax), Section 58 (Taxation), of the Orange County Code of Ordinances concerning the reporting, collecting, and remitting of transient occupancy tax; and

WHEREAS, the recommended language for the amendments was reviewed by the County Attorney and presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed amendments on February 28, 2023; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed amendments, as presented during its meeting;

NOW, THEREFORE, BE IT ORDAINED, on this 28th day of February, 2023, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article V (Transient Occupancy Tax), Section 58 (Taxation), of the Orange County Code of Ordinances concerning the reporting, collecting, and remitting of transient occupancy tax, as presented and shown below.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

**Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 230228 – PH1**
**by the Orange County Board of Supervisors**
**on February 28, 2023**

**Chapter 58 - Taxation**

**Article V - Transient Occupancy Tax**

**Sec. 58-251 - Imposed**

~~Pursuant to Code of Virginia, § 58.1-3819, there is imposed a transient occupancy tax on hotels, motels, boardinghouses, travel campgrounds and other facilities offering guest rooms in the county. The amount of the tax shall be two percent of the amount of charge for the occupancy of any room or space occupied. The tax imposed under this section shall not apply to rooms or spaces rented for continuous occupancy by the same individual or group for 30 or more days in hotels, motels, boardinghouses and travel campgrounds.~~

Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby imposed and levied a tax equivalent to two percent (2%) of the total room charge paid by or for any such transient for the use or possession of accommodations; provided however, that the tax imposed by this subsection will not be imposed on any transient occupancy in any Lodging Facility that is located within any town that has imposed a tax on transient occupancy.

Exemption: No tax is payable hereunder on the total room charge paid for accommodations to any hospital, medical clinic, convalescent home, or home for the aged.

**Sec. 58-252 - Definitions**

The following words and phrases, when used in this Article, for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

*Accommodations* means any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

*Accommodations fee* means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than $0.

*Accommodations intermediary* means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

*Accommodations intermediary* does not include a person:

(a) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;

(b) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or

(c) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 et seq.) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

*Accommodations provider* means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

*County* means the County of Orange, Virginia.

*Commissioner of the Revenue* shall mean the Commissioner of the Revenue of the County of Orange, Virginia, or any duly authorized deputies or agents.

*Discount room charge* means the full amount charged by the accommodation provider to the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

*Lodging Facility* means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers Short-Term Lodging, or other place within the County offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients as hereinafter defined.

*Person* means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity, and combinations of individuals of whatever form and character.

*Room charge* means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such Lodging Facility before taxes. "Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

*Retail Sale* means a sale to any person for any purpose other than for resale.

*Transient* means any person who, for any period of less than thirty consecutive days either at his own expense or at the expense of another, obtains accommodations in any Lodging Facility as hereinabove defined, for which a charge is made.

**Sec. 58-25~~2~~3 - Collection**

~~(a) The tax imposed by this article shall be collected by each hotel, motel, boardinghouse, travel campground and other facilities offering guest rooms operating in the county and remitted to the county treasurer on a quarterly basis not later than the end of the month following the end of each calendar quarter on forms provided by the treasurer. Such tax shall be deemed to be held in trust by the person required to collect the tax until such tax is remitted to the treasurer.~~

~~(b) The treasurer shall allow a commission of three percent for the collection of such tax, but no commission shall be allowed if the amount due is delinquent.~~

(a) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

(b) For any retail sale of accommodations not facilitated by an accommodation intermediary, the accommodations provider must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

**Sec. 58-254 - Report and Remittance of Tax**

(a) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this Article to the Commissioner.

(b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this Article to the Commissioner.

(c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this Article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.

(d) The person collecting any such tax required pursuant to this Article must make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the Commissioner with a remittance of such tax.

(e) Such reports and remittances must be made monthly on or before the 20th day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order; it must be payable to the County and all remittances received hereunder by the Commissioner must be promptly delivered to the Treasurer.

(f) Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in Orange County on a monthly basis.

~~**Sec. 58-253 - Proceedings for Failure to Pay Tax**~~

~~If any person shall fail or refuse to collect the tax imposed by this article and to make, within the time provided in this article, the reports and remittances required in this article, the commissioner of the revenue shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the commissioner shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to collect such tax, and to make such report and remittance, he shall proceed to determine and assess against such person such tax, penalty and interest as provided for in this article, and shall notify such person, by registered mail sent to his last known place of address, the amount of such tax, interest and penalty; and the total amount shall be payable within ten days from the date of the mailing of such notice.~~

**Sec. 58-255 - Interest and Penalties Upon Failure or Refusal to Remit Tax**

If any accommodations provider or accommodations intermediary fails or refuses to remit to the Commissioner, the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, the Commissioner will add a penalty of ten percent (10%), and if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest will be charged on the unpaid balance at the applicable interest rate. Such interest will accrue from the date on which the tax was due and payable.

**Sec. 58-25~~4~~6 - Remission Upon Going Out of Business**

~~Whenever any person required to collect and remit the tax imposed and levied by this article shall go out of business, dispose of his business or otherwise cease to operate, all of such taxes collected shall be reported and remitted to the county treasurer within 30 days.~~

Whenever any person required to collect and pay to the County a tax under this Article quits or otherwise disposes of the business, any tax payable under the provisions of this Article to the County becomes immediately due and payable, and such person must immediately make a report and pay the tax due.

**Sec. 58-25~~5~~7 - Penalty for Violation of Article**
~~Any person violating or failing to comply with any of the provisions of this article shall be punished, upon conviction, as for a class 1 misdemeanor. Such conviction shall not relieve any such person from the payment, collection or remittance of the tax as provided in this article.~~

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article will be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is $1,000 or less, then such failure or refusal to file will be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than $1,000, then such failure or refusal to file will be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty will be based on the amount due to the County as determined by the Commissioner. Each such failure or refusal will constitute a separate offense. Such conviction will not relieve any such person from the payment, collection, or remittance of such tax, plus penalties and interests, as provided in this Article.

**Sec. 58-258 - When Commissioner to Determine the Amount of Tax Due**
If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed; the Commissioner may proceed to determine the amount due to the County pursuant to Va. Code § 58.1-3903.

**Sec. 58-259 - Powers and Duties of Commissioner Generally; Rules and Regulations**
The Commissioner will ascertain the name of every person operating a Lodging Facility in the County liable for the collection of the tax levied by this Article. The Commissioner or Treasurer has the power to adopt rules and regulations not inconsistent with the provisions of this Article and the Code of Virginia for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations will be on file and available for public examination in the Commissioner's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section is a violation of this Article.

**Sec. 58-2~~56~~60 - Short Term Rental Registry**
*NOTE: All of the existing text contained in Short Term Rental Registry remains unchanged. The section is simply renumbered in sequential order to allow for the addition of sections above.*

RE: PUBLIC HEARING #2; EASEMENT FOR THE BROADBAND AUTHORITY

Thomas Lacheney, County Attorney, explained that the Broadband Authority, doing business as FiberLync, had requested an easement on County-owned property along Hoeflinger Drive in order to provide broadband service. He noted this public hearing to consider said easement was a formality required by the Code of Virginia.

At 5:10 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

EASEMENT FOR THE BROADBAND AUTHORITY
The Board of Supervisors will consider the conveyance of an easement on County-owned property to the Orange County Broadband Authority, dba FiberLync, by way of Nonexclusive Easement Agreement. Said easement, near Mountain Track Road and Hoeflinger Drive, would be used to place or construct broadband facilities in or upon the land.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:10 p.m.

On the motion of Mr. Crozier, seconded by Mr. Marshall, which carried by a roll call vote of 5-0, the Board authorized the conveyance of an easement on County-owned property along Hoeflinger Drive to FiberLync, and authorized the County Administrator to execute the applicable Nonexclusive Easement Agreement, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: PUBLIC COMMENT

At 5:11 p.m., Chairman Johnson opened the floor for public comment.

The following individual spoke:

- Harry Looney, Representative of Lake Anna Civic Association (LACA)

There being no further speakers, public comment was closed at 5:14 p.m.

RE: CLOSED MEETING

At 5:15 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Orange County Board of Supervisors desired to discuss in Closed Meeting the following matters:

- Discussion or consideration of the acquisition or disposition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning property in the Town of Orange. - *§2.2-3711(A)(3) of the Code of Virginia*

- Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. - *§2.2-3711(A)(5) of the Code of Virginia*

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning the Hoy lawsuit. - *§2.2-3711(A)(7) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(3), (A)(5), and (A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby authorized discussion of the aforestated matters in Closed Meeting.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 5:46 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors has, this day, adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby certified that, to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 5:46 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator