

King and Queen County
Board of Supervisors Regular Meeting

Monday, February 13, 2023
7:00 P.M.

King and Queen County Courts and Administration Building
General District Courtroom

“Minutes of the Meeting”

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Mr. Bailey provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States. It was noted that member Sherrin Alsop was absent.

APPROVAL AND SIGNING OF THE JANUARY 9, 2023 MINUTES

A motion was made by Mr. Simpkins and seconded by Ms. Morris approving the January 9, 2023 minutes with the correction to the closed session motion.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

APPROVAL OF FEBRUARY 2023 WARRANTS AND APPROPRIATIONS

A motion was made by Mr. Burns and seconded by Mr. Simpkins to approve the county warrants and payroll for the month of February 2023.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

APPROPRIATION OF SCHOOL FUND REVENUE

A motion was made by Mr. Simpkins and seconded by Ms. Morris to approve the following revenues to the School Fund:

October 2022 in the amount of \$714,215.47

November 2022 in the amount of \$791,188.40

December 2022 in the amount of \$720,276.05

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

QUARTERLY APPROPRIATION TO SCHOOL FOOD SERVICES FUND

A motion was made by Mr. Burns and seconded by Mr. Simpkins to approve the quarterly appropriation in the amount of \$100.011.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

TRANSFER OF UPSPENT LOCAL FUNDS TO THE SCHOOL CAPITAL FUND

A motion was made by Mr. Simpkins and seconded by Ms. Morris to approve the transfer of \$168,556 in unspent FY22 local funds to the School Capital Projects Fund.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

APPROVAL OF BUDGET AMENDMENT/HEAT GRANT FOR SHERIFFS OFFICE

Sheriff Rob Balderson advised that this grant will be used to obtain cameras to be placed in areas throughout the County to assist in deterring theft of high-volume items such as catalytic converters. General discussion and questions from the Board included who is responsible for checking the footage, what and how is the footage used for, what are the liabilities to the County for damage to the equipment and where would it be located.

Sheriff Balderson advised that investigators will be responsible for checking footage, it can be used to assist their investigations as well as in other localities, and that since the equipment will not be owned by the county there won't be liability for damage. The proposed location of equipment is on Rt. 33 and Rt. 360.

A motion was made by Ms. Simpkins and seconded by Ms. Morris to approve the budget amendment in the amount of \$10,000 for the HEAT Grant.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

PUBLIC COMMENT PERIOD

Rosalyn Trent, Stevensville District – spoke in support of the MPNN Community Services Board FY2024 budget request.

Charles Thompson, St. Stephens Church District – Mr. Thompson asked the Board who was the County Administrator, the County Attorney and the FOIA Officer. All are Vivian Seay, it reminds him of Mr. Haney on Green Acres. He also asked if it is a requirement that the Sheriff live in the county and how long should it take for the County Administrator to respond to an email. He also asked why there was a closed session concerning him at the last meeting but he has not heard anything. He further questioned information contained in the police report from the accident involving his wife and a county deputy. His final comment was that he did not understand why the board just approved \$10,000 for cameras when they cannot keep the ones they already have working.

FY2024 BUDGET PRESENTATIONS FROM OUTSIDE AGENCIES

The following agencies made presentations on their requests for funding in FY2024:

- Patricia Hilton/Arts Alive
- Brenden Rivenbark/Health Department
- Linda Hodges/MPNN Community Services Board
- Jackie Davis/Bay Consortium Workforce Investment Board
- Veda Frazier/VJCCCA
- Anne Kloechner/Legal Aid Works
- Tom Shepley/Pamunkey Regional Library
- Kathy Vesley and Julie Northcott-Wilson/Bay Aging

ADOPTION OF REIMBURSEMENT RESOLUTION/KQES PROJECT

Vivian Seay explained that pursuant to the information provided at the workshop by Davenport Associates, adoption of this resolution will allow the Board to reimburse themselves for previous expenses related to the project from additional bond proceeds if necessary. She also advised that she changed the amount from \$2 million to \$10 million so as to include other projects.

A motion was made by Mr. Burns and seconded by Mr. Simpkins to adopt the following resolution:

**RESOLUTION OF BOARD OF SUPERVISORS OF KING & QUEEN COUNTY,
VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE
PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN
EXPENDITURES IN CONNECTION WITH THE DESIGN, ACQUISITION,
CONSTRUCTION, RENOVATION AND EQUIPPING OF COUNTY OF KING &
QUEEN CAPITAL PROJECTS**

WHEREAS, the County of King & Queen, Virginia (**the “Issuer”**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Issuer has paid beginning no earlier than sixty days prior to the date of adoption of this Resolution, and will pay, on and after the date hereof, certain expenditures (**“Expenditures”**) for the design, acquisition, construction, renovation and equipping of King & Queen County capital projects, further described on Exhibit A attached hereto (**together, the “Project”**); and

WHEREAS, the Board of Supervisors of the Issuer (**the “Board”**) has determined that those moneys previously advanced no earlier than sixty days prior to the date of adoption of this Resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt notes, bonds or similar obligations (**together, the “Bonds”**).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after sixty days prior to the date of adoption of this Resolution. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$10,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

EXHIBIT A

The design, acquisition, improvement, renovation, construction and equipping of County capital projects, including, but not limited to:

1. School facilities, including improvements related to the new elementary school project and related temporary school classroom facilities;
2. County fire and rescue facilities;
3. Infrastructure and related improvements for a County telework site; and
4. County broadband infrastructure serving County residents.

ADOPTION OF RESOLUTION/OPIOID SETTLEMENT WITH DISTRIBUTORS AND PHARMACEUTICALS

Vivian Seay advised that this resolution of part of the ongoing litigation and settlements with multiple companies.

A motion was made by Ms. Morris and seconded by Mr. Simpkins to adopt the following resolution:

RESOLUTION

A RESOLUTION OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY’S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts King And Queen County (the “County”) by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by King and Queen County’s various departments and agencies; and

WHEREAS, King and Queen County has 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 King and Queen County; and

WHEREAS, King and Queen County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed King and Queen County; and

WHEREAS, the County’s suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; 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, CVS, and Walgreens 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 the Distributors and Janssen; and

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the King and Queen County Board of Supervisors, this 13th day of February, 2023, approves of 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 and/or the County’s outside counsel to execute the documents necessary to effectuate the County’s participation in the settlements, including the required release of claims against settling entities.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

ADOPTION OF REASSESSMENT SCHEDULE

Vivian Seay advised the Board that as part of the reassessment process they should reaffirm their cycle of every 6 years for reassessments as allowable by section 58.1-3252 of the Code of Virginia.

A motion was made by Mr. Burns and seconded by Mr. Simpkins setting the reassessment cycle as taking place every 6 years.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Economic Development Authority/Stevensville – Tabled
Bay Consortium workforce Development Board - Tabled
Planning Commission/ Newtown – Tabled
Planning Commission/Buena Vista – Tabled
Pamunkey Regional Library Board – Tabled
Thrive Virginia – Betty Dougherty has been asked and has agreed to serve on this Board. A motion was made by Ms. Morris and seconded by Mr. Burns to appoint Betty Dougherty to the Thrive Virginia Board.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

Local Probation/Pretrial Services Criminal Justice Board – Sheriff Balderson was serving as the Board representative, now that he is Sheriff, he is serving in this capacity. He is recommending Investigator Wilson be appointed in his place.

A motion was made by Mr. Burns and seconded by Mr. Simpkins to appoint Investigator Wilson to this Board.

AYES: J. L. SIMPKINS, J. M. BURNS, R. F. BAILEY, JR., D. H. MORRIS

NAYS: NONE

ABSENT: S.C. ALSOP

COUNTY ADMINISTRATOR'S COMMENTS

County Administrator Vivian Seay provided the following comments:

- Advised that she has met with the King William County finance staff regarding the Animal Shelter finances. There is approximately \$59,000 in the capital fund and it has been discussed to use these funds to purchase the generator for the shelter.
- Advised that the regional jail has approximately \$4 million in reserve funds and she is looking in to having them utilize some of that money to offset 4th quarter expenses for member localities rather than billing for operational expenses.
- Advised that the EDA agreed to hire the economic development consultant and she is scheduled to start this Thursday.
- Advised the Board that the members of the Board of Equalization will be receiving their training on February 21st and will be officially appointed by the Judge after successful completion.
- Requested that a Board liaison for the firehouse project be appointed by the Board. Jim Burns volunteered and it was the consensus of the board for him to serve on that capital project committee.
- Advised the Board that the County has been notified by Optima that contract renewal negotiations have broken down with Bon Secours. Members have been notified that if they are using a Bon Secours physician or facility they will need to change as of March 1st unless issues are resolved.
- Reminded the Board of the work session on February 21st.

- Reminded the Board that County offices will be closed on Monday, February 20th in observance of President's Day.
- Advised the Board that she will be out of the office on Thursday serving on a panel at the VLGMA conference in Harrisonburg.

BOARD OF SUPERVISORS COMMENTS

Ms. Morris had the following comments:

- Thanked everyone for their presentations and expressed that the Board takes the budget and all requests very seriously.
- Hopes to see everyone at the next meeting.

Mr. Burns had the following comments:

- Provided an update on activities going on at the airport. At their last meeting they recognized Tom Swartzwelder for his service on the authority. They have all of their current hangar spaces full and are in the process of building two more. The new manager is doing a great job.
- Requested that capital projects meeting be held on Fridays.
- Thanked everyone for the reports, the Board cannot do their job without them.

Mr. Simpkins had the following comments:

- Thanked everyone for the reports, they provide important insight into programs and the Board really appreciates them.
- Asked that the County Administrator work with the Sheriff regarding Mr. Thompson's concerns.
- Asked all present that if they know of anyone who is interested in serving on any committee to please have them reach out.
- Wished everyone a safe trip home and see next month.

Mr. Bailey had the following comments:

- Thanked everyone for coming and for keeping their comments brief but informative.
- Addressed Mr. Thompson stating that the reason the Board had closed session was because the Board was not aware of the situation. It is being handled by the appropriate people and hopefully he will be satisfied with the outcome. That the Board was not in closed session 'talking about him' they were reviewing the situation.
- Agreed with other comments about the budget.
- Wished everyone a safe trip home and to watch out for animals.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Ms. Morris and seconded by Mr. Simpkins to adjourn the meeting at 8:30 p.m.

Chairman

Clerk of the Board