

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on August 17, 2021 at 5:30 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Sidney Kolb
Larry Mosley
Charles Slemp, Jr.
Robert Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: Stacy Munsey, County Attorney

INVOCATION

Bob Richards, Pastor of First Christian Church of Pennington Gap, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:36 p.m.

PUBLIC HEARINGS

PROPOSED DISPOSITION OF REAL PROPERTY

The Lee County Board of Supervisors held a Public Hearing on Tuesday, August 17, 2021 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse in

Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed disposition of real property consisting of Tax Parcel NM-12593.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

DEPARTMENT REPORTS

Written departmental reports for Litter Control and the Works Program were included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of August 2021 was submitted as follows:

Revenues	\$ 6,868,034.58
Expenditures	\$ 6,503,024.67
General Fund	\$ 9,641,198.20
Total Assets and Liabilities	\$ 15,004,855.05

PUBLIC EXPRESSION

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

Roger Waddell, Jonesville, addressed the Board about citizens of Wise and Scott Counties dumping trash at the Jasper Convenience Center. He stated that something

needs to be done about policing the center more or cutting the hours back. He stated that the centers in the Western end of the County have a similar situation going on with the students from Lincoln Memorial University dumping. He stated that the County needs to start issuing tickets or do something about the schedule so the centers are not unattended.

Mr. Smith stated that a lot of the college students are from other areas but live in Lee County.

Mr. Kolb asked Mr. Waddell's opinion on who should be writing the tickets in.

Mr. Waddell stated the Sheriff's Department should be doing more and asked Mr. Kolb his opinion.

Mr. Kolb stated that the Litter Coordinator, the Site workers or any citizen that sees the illegal activity could take out a warrant. He added that he had recently taken out a warrant himself.

Mr. Waddell stated that he agrees, but the people working the centers are older people that are scared of not having backing and retaliation.

Gary Collingsworth stated that he believes a presence of the deputies driving by the centers when they are in the area could help deter illegal activity. He suggested having a community meeting in the Jasper area to get input on how to adjust the hours.

Roberta Thacker Oliver, addressed the Board about the County's Facebook page stating that the page loads differently depending on the device used, on a computer the page states that comments are limited by the Lee County Board of Supervisors, and people are concerned about transparency. She suggested either opening up the comments or make it so no one can comment. She added that she is excited that the Board is being proactive about broadband in the area and feels that it will be a game changer for the County.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the minutes of the July 20, 2021 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

LENOWISCO PDC AND SCOTT COUNTY TELEPHONE BROADBAND EXPANSION UPDATE

Duane Miller, Lenowisco PDC, gave a summary on the broadband expansion, stating that over the past two years VATI grants awarded total close to \$2,200,000.00 to Lee County for this expansion. He added that the partnership with Lenowisco and Scott County Telephone could not be a better working relationship and both are working hard for new broadband grants district wide.

Bill Franklin, Scott County Telephone, thanked the Board, Lenowisco and Powell Valley Electric for the working relationship that has built during these projects. He stated that Powell Valley Electric is committed to getting broadband to all of the cooperative customers and waived all the upfront fees normally associated with new broadband installation, which has allowed Scott County Telephone to provide more connections.

Matthew Hill, Scott County Telephone, stated that there have been 683 customers connected and another 830 requests for service. The VATI I project is completed and work is now being done on the VATI II project. Fiber has been run in the Big Hill community, Cooney Hollow community, Curt Russell Road, Par Road, Sand Cave area, Kesterson Mill, Bethany Road and the Caylor area. Powell Valley Electric has built more than 147 miles that was not grant funded in the Wallen's Creek area, Hurricane Bridge area and Flanary Bridge Road. There were a lot of customers that came in on the Fast Track program on Highway 421.

Mr. Smith asked about the area east of Old Nursery Road.

Mr. Hill stated that he would take a look that area. Right now main lines are being run and connections are being made from there.

Mr. Smith asked about the 4-lane area going west.

Mr. Hill stated that work is being done in that area.

Mr. Kolb asked if the project is on pace to get 1400 connections by December.

Mr. Hill stated that there is about 800 more requests, about 450 distance learning households and about 160 on the fast track CARES Act.

Mr. Kolb stated that the contract called for 1463 with the distance learning connections.

Mr. Poe stated that the 1400 connections were for the entire project.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the disbursements for the month of August in the amount of \$446,157.07. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

VOTING NO: Mr. Kolb

APPROVAL OF REFUNDS

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve a refund to David Hudson in the amount of \$153.13. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SUPPLEMENTAL APPROPRIATIONS

COMMISSIONER OF THE REVENUE

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$765.98. Upon the question being put the vote was as follows.

Revenue Source:
3-001-23030-0015 COR VITA Grant \$ 765.98

Expenditure:
4-001-12310-5885 COR VITA Grant \$ 765.98

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

COMMISSIONER OF THE REVENUE

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$1,640.70. Upon the question being put the vote was as follows.

Revenue Source:

3-001-23030-0015 COR VITA Grant \$ 1,640.70

Expenditure:

4-001-12310-5885 COR VITA Grant \$ 1,640.70

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemm, Mr. Smith

CIRCUIT COURT CLERK

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$11,598.50. Upon the question being put the vote was as follows.

Revenue Source:

3-001-23070-0005 Grants Circuit Court \$ 11,598.50

Expenditure:

4-001-21600-5866 Clerks Misc Grants \$ 11,598.50

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemm, Mr. Smith

DRUG COURT EXPENDITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$15,658.60. Upon the question being put the vote was as follows.

Revenue Source:

3-001-18990-0051 Drug Court Donations & Fees \$ 15,658.60

Expenditure:

4-001-21120-5899 Drug Court Expenses \$ 15,658.60

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemm, Mr. Smith

COMMONWEALTH'S ATTORNEY OFFICE

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$33,669.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplements from Reserve \$ 33,669.00

Expenditure:
4-001-22100-1136 CWA Salaries \$ 33,669.00

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

COMMONWEALTH'S ATTORNEY OFFICE

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$16,500.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplements from Reserve \$ 16,500.00

Expenditure:
4-001-31200-8102 Capital Outlay \$ 16,500.00

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

COMMONWEALTH'S ATTORNEY OFFICE

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$10,916.47. Upon the question being put the vote was as follows.

Revenue Source:
3-001-14010-0013 Commonwealth Attorney Collection (Fines) \$ 10,916.47

Expenditure:
4-001-22100-5899 CWA Collection Program Expenses \$ 10,916.47

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$10,315.62. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18990-0002 Sheriff's Donations \$ 10,315.62

Expenditure:
4-001-31200-5899 Sheriff's Donations \$ 10,315.62

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$7,742.12. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0004 State Forfeiture Proceeds \$ 7,742.12

Expenditure:
4-007-94100-5840 State Forfeiture Proceeds \$ 7,742.12

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$3,345.92. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0005 Federal Forfeiture Proceeds (SHRF) \$ 3,345.92

Expenditure:
4-007-94100-5860 Federal Forfeiture Proceeds \$ 3,345.92

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$1.32. Upon the question being put the vote was as follows.

Revenue Source:			
3-007-14010-0020	Sheriff Surplus Sale	\$	1.32
Expenditure:			
4-007-94100-5896	LCSO Surplus Sale Proceeds	\$	1.32

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Re-appropriation in the amount of \$1,467.32. Upon the question being put the vote was as follows.

Revenue Source:			
3-007-14010-0015	CWA State Asset Forfeiture	\$	1,467.32
Expenditure:			
4-007-94300-5850	CWA State Forfeiture Proceeds	\$	1,467.32

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

SOLID WASTE MANAGEMENT

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$14,460.46. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	14,460.46
Expenditure:			
4-050-42300-6010	Transfer Station	\$	14,460.46

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Mosley, seconded by Mr. Smith, to table this appointment. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SCHOOL RESOURCE OFFICER GRANTS

Mr. Poe stated that he received the award letters for the School Resource Officer grants for Thomas Walker and Lee High School for the project year 7/1/2021 – 6/30-2022. Each grant is in the total amount of \$70,000.00 with \$58,156.00 in State funds and \$11,844.00 in local match funds.

It was moved by Mr. Smith, seconded by Mr. Kolb, to accept the School Resource Officer grants for Thomas Walker and Lee High School in amount of \$70,000.00, with \$58,156.00 in State funds and \$11,844.00 in local match funds each. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

**PLANNING DISTRICT ONE BEHAVIORAL HEALTH SERVICES
PERFORMANCE CONTRACT**

Mr. Poe stated as the provider for mental health, developmental disabilities and substance use services for Lee County, the Planning District One Behavioral Health Services is required to negotiate a Performance Contract with the State on a biennial basis. The Performance Contract is then required to be approved by all participating localities in the service district.

It was moved by Mr. Kolb, seconded by Mr. Slemp, to adopt Resolution 21-016. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

RESOLUTION
COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT
21-016

WHEREAS, title 37.2 of the Code of Virginia, 1950, as amended, creates the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, hereinafter referred to as the Department, to ensure the delivery of publicly-funded services to citizens of the Commonwealth with mental illnesses, mental retardation and alcohol or other drug abuse or dependence; and

WHEREAS, Sections 37.2-501 of the Code of Virginia, 1950, as amended, require every city and county to establish or join a community services board that plans and provides, directly and contractually, publicly-funded local mental health, mental retardation, and substance abuse services; and

WHEREAS, Section 37.2-508 of the Code of Virginia, 1950, as amended, establishes the performance contract as the primary accountability and funding mechanism between the Department and each Community Services Board; and

WHEREAS, Section 37.2-508 of the Code of Virginia, 1950, as amended, further requires every operating Community Services Board to submit its biennial performance contract to each political subdivision that established it as an agency for the political subdivision's approval prior to submission of the Contract to the Department; and

WHEREAS, the Counties of Lee, Scott, Wise and the City of Norton have joined together to establish Planning District One Behavioral Health Services; and

WHEREAS, Planning District One Behavioral Health Services has submitted its FY2022 and FY2023 biennial Community Services Board Performance Contract to the Lee County Board of Supervisors for approval;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby approves Planning District One Behavioral Health Services FY2022 and FY2023 Performance Contract.

PERSONAL PROPERTY TAX RELIEF

Mr. Poe stated that the Commissioner of the Revenue's office has calculated the appropriate percentage of personal property tax relief for personal automobiles for 2021.

The Personal Property Tax Relief Act provides for State reimbursement of a portion of the tax on personal automobiles. This reimbursement is now a fixed amount so the percentage of relief must be re-calculated each year in order to account for changes in the total number and value of vehicles eligible for relief. The percentage of relief for the 2021 tax year has been calculated at 55.38%.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to adopt Resolution 21-017. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Mosley, Mr. Leonard, Mr. Slemp, Mr. Smith

**RESOLUTION
21-017**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code 58.1-3523 et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2005-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles;

NOW, THEREFORE, BE IT RESOLVED, by the Lee County Board of Supervisors that qualifying vehicles obtaining situs within the County during tax year 2021, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$100 to \$20,000 will be eligible for 55.38% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 55.38% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

Mr. Poe stated that Ms. Munsey provided him with a report to be taken into closed session.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

VICTIM WITNESS GRANT

Mr. Poe stated that he received the award letter for the Victim Witness grant in the amount of \$102,033.00 which requires no local match.

It was moved by Mr. Smith, seconded by Mr. Slemp, to accept the Victim Witness Grant in amount of \$102,033.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

ABSTAINING: Mr. Kolb

NEXTGEN 911 MIGRATION

Mr. Poe reported that in January the Board provided an acceptance letter to participate in the NextGen 911 migration proposal and to follow through with a statewide contract as awarded to Fairfax. The Board now needs to approve a participation agreement for the County to be able to migrate to the NextGen system. This is being done statewide and the cost for upgrading the County's equipment is approximately \$200,000.00 which will be covered by state grant funding. Other mandatory costs are an increase with AT&T services from \$3,600.00 to \$5,200.00 per month. That difference will be paid by the state for the first 24 months, after that it would become the County's cost.

It was moved by Mr. Kolb, seconded by Mr. Smith, to move forward with the NextGen 911 migration agreement. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SCHOOL BOARD BOND

Mr. Poe reported that the School Bond issued in 2013 for the Dryden Elementary roof repairs was refinanced by the State last year. As part of that refinancing, the County needs to provide a certificate of refunding of local school bond to the State. This would provide approximately \$85,000.00 in savings to the School Board over the next ten to twelve years.

It was moved by Mr. Smith, seconded by Mr. Kolb, to provide a certificate of refunding for the School Board Bond. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

ECONOMIC DEVELOPMENT FUND REQUEST

Mr. Poe reported the Economic Development Authority has an existing grant from the Tobacco Commission for the Constitutional Oaks Industrial Park access road. This grant has been ongoing since 2013 and has reached its limit of extension and needs to be closed out by September 30, 2021. Tobacco Commission Grants are reimbursement based, which means grant expenses have to be paid prior to receiving reimbursement. The Lane Group has submitted invoices in the amount of \$33,500.00 for engineering work. The Economic Development Authority does not have sufficient funds on hand to pay that out and they are requesting that the Board approve expenditure from the Economic Development Fund to pay this and when the reimbursement is received it will be placed back into the Economic Development Fund.

Mr. Kolb asked if this was an eligible expenditure.

Mr. Poe stated that it was.

It was moved by Mr. Kolb, seconded by Mr. Mosley, allow the EDA to pay this invoice using the Economic Development Fund. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

JOINT EDA MEETING

Mr. Poe reported that the joint meeting with the Economic Development Authority would be August 25, 2021 at 5:30 p.m. at the Lee County Airport.

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Kolb stated that Mr. Collingsworth suggested that the deputies have a greater presence at the Convenience Centers and he believes that is a good idea.

It was moved by Mr. Kolb, seconded by Mr. Mosley, for the County Administrator to draft a letter to the Sheriff urging the presence of deputies at Convenience Centers while in the area. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

FACEBOOK COMMENTS

Mr. Kolb stated that he did not realize that the comments were disabled on the County's Facebook page and asked if that was intentional.

Mr. Poe stated that if the comments were open, it would create an open forum and the page is being used for as a tool to put information out.

DEPARTMENT OF SOCIAL SERVICES AIR CONDITIONING

Mr. Kolb asked if the air conditioning issue at the Department of Social Services had been resolved.

Mr. Poe stated that he does believe the cooling issue is resolved, but he would check into it.

TOWN OF JONESVILLE EMPLOYEE REQUEST

Mr. Kolb stated he contacted to Mr. Collingsworth about a Town of Jonesville employee wanting to use a recycling building and asked if the Town had picked that up yet.

Mr. Poe stated that this is a request that should come from the Town Council instead of a town employee.

GENERAL LABORER APPLICATIONS

Mr. Kolb asked about the General Laborer applications and whether the salary for that position should be increased.

Mr. Poe stated that he thought that it was budgeted at \$11.00.

Mr. Leonard suggested re-advertising with the current salary stated.

WEATHER CAMERA AT AIRPORT

Mr. Kolb stated that Cody Wolford received an email from WCYB asking to install a weather camera at the Airport and asked the Board their thoughts on the Airport Authority spending \$500.00 to install the suggested camera.

Mr. Mosley asked where Airport Authority gets their money.

Mr. Poe stated that the Airport Authority has the carry over funds from the old Airport Commission and added that he would be discussing installing a new camera system with the Authority also.

It was the consensus of the Board to have a weather camera installed at the Airport.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, to enter Closed Session pursuant to Code Section 2.2-3711 A.3., Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, 2.23711 A.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 litigation posture of the public body; and consultation with legal counsel employed or retaining by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, 2.23711 A.8, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter, and 2.23711 A.29., Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

Mr. Slemp left the meeting at 7:46 p.m.

CERTIFICATE OF CLOSED SESSION

WHEREAS, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in 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 Lee County Board of Supervisors.

Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Smith

OPIOD LAWSUIT

It was moved by Mr. Kolb, seconded by Mr. Mosley, to adopt the following Resolution regarding a settlement in the opiod lawsuit. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Smith

RESOLUTION OF THE BOARD OF SUPERVISORS OF LEE COUNTY, VIRGINIA 21-018

WHEREAS, the County of Lee, through their elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities; and

WHEREAS, the County of Lee and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same; and

WHEREAS, in order to advance their common interests, the County of Lee and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms

of a memorandum of understanding relating to the allocation and use of such litigation recoveries; and

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County approve the proposed memorandum of understanding; and

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

NOW, THEREFORE, BE IT RESOLVED by the Lee County Board of Supervisors assembled on this day at which a quorum is present, that the County of Lee hereby authorizes and approves, or confirms authorization and approval, of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit “A”, and directs the County Administrator or the County Attorney to execute and enter into such Memorandum of Understanding on behalf of the County of Lee.

SURPLUS PROPERTY

It was moved by Mr. Kolb, seconded by Mr. Leonard, to engage the services of Lee Auction Company to sell surplus real estate property and timber at the Transfer Station property on September 18, 2021. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Smith

It was moved by Mr. Mosley, seconded by Mr. Kolb, to recess to August 25, 2021 at 5:30 p.m. at the Lee County Airport. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Smith

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD