

A regular meeting of the Westmoreland County Board of Supervisors was held Monday, February 8, 2010, in the auditorium of the A. T. Johnson Museum, located at 18849 Kings Highway, Montross, Virginia. Those members present were W. W. Hynson, Darryl E. Fisher, Lynn C. Brownley, Russ Culver, and Larry Roberson. Also present were Norm Risavi, County Administrator, Karen Lewis, Assistant County Administrator, LaToya Ball-Tate, Administrative Assistant, and Tom Bondurant, County Attorney.

### CALL TO ORDER

Chairman Hynson called the meeting to order at 6:13 p.m. The pledge of allegiance was recited and opening remarks were given by Mr. Hynson.

### 1. APPROVAL OF MINUTES

Mr. Hynson stated that all members had received draft minutes of the regular/land use meeting on January 11, 2010, and asked if there were any additions or corrections to these minutes. Mr. Brownley asked that the text of the resolution found on page 3 of 19 be amended as follows:

4. In accordance with Section 15.2-1416 of the Code of Virginia, 1950, as amended, if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions ~~as~~ **are** such that it is hazardous for board members to attend the regular meeting, such meeting shall be continued to the Wednesday following the second Monday of each month commencing at ~~9:30 a.m.~~ **the same time as the regular meeting is scheduled** at the A. T. Johnson Museum located in Montross, Virginia.

At Mr. Brownley's request, staff clarified that the 2010 Christmas holiday falls on a Saturday, therefore, County employees will observe the holiday on Friday, December 24<sup>th</sup>. At its January meeting, the Board voted to grant an additional holiday on December 23<sup>rd</sup>, beginning at Noon. This will be in observance of Christmas Eve, as the Board has in recent years authorized County offices to close on that day, as well.

Upon motion by Mr. Roberson, second by Mr. Brownley and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Brownley, and Mr. Hynson voting "aye", the Board approved the minutes with the aforementioned amendments requested by Mr. Brownley. (Darryl E. Fisher was absent from the vote.)

### 2. APPROVAL OF ACCOUNTS PAYABLE LIST AND PAYROLL REGISTER

Mr. Brownley requested clarification regarding payment to Spotsylvania County in the amount of \$15,967.00, as found on page 13 of the Accounts Payable List.

Mr. Risavi explained that this represents Westmoreland County's share of expenses for the Circuit Court Judge. The Judge has chosen Spotsylvania County as his home office; therefore, such payments are required to be made to that jurisdiction.

Upon motion by Mr. Culver, second by Mr. Roberson, and carried unanimously with Mr. Brownley, Mr. Roberson, Mr. Culver and Mr. Hynson voting "aye", the Board approved the accounts payable list and payroll register as submitted by the Finance Department for the month of January 2010. (Darryl E. Fisher was absent from the vote.)

3. APPROVAL OF APPROPRIATION INCREASE/DECREASE REQUESTS

The Board acknowledged receipt of a request from the Westmoreland County School Board to add \$165,879.90 to the 2009-2010 School Board Budget in the Instructional Category. The money requested to be added to the School Board Budget will come from Title I School Improvement Funds 1003(a) and 1003(g).

Mr. Roberson offered a motion to table this request until such time as the School Board is able to have representation present to discuss this matter with the Board. The motion was seconded by Mr. Culver and carried unanimously with Mr. Brownley, Mr. Roberson, Mr. Culver, and Mr. Hynson voting "aye". (Darryl E. Fisher was absent from the vote.)

The Board then considered a resolution passed by the Westmoreland County School Board on January 25, 2010 requesting lump sum funding for the remainder of FY 2009-2010 and for subsequent years.

Mr. Risavi conveyed the School Board's concerns regarding meeting the deadlines required by the Standards of Quality with respect to expenditures. He noted, however, that if the Board is inclined to grant such request, it would not be possible to do so until the next fiscal year.

There then followed a brief discussion regarding the role the Board of Supervisors plays as the financial body that funds the school system, and the importance of monitoring expenditures.

Upon motion by Mr. Roberson, second by Mr. Brownley and carried unanimously with Mr. Brownley, Mr. Culver, Mr. Roberson and Mr. Hynson voting "aye", the Board denied the School Board's request for lump sum funding.

4. TOWN OF COLONIAL BEACH/CORRESPONDENCE

There was no correspondence from the Town of Colonial Beach. Mr. Roberson informed the Board that the Town of Colonial Beach has put together a request to be considered for an enterprise zone, to include the old part of the Town and a portion of Route 205. If this proposal is approved, it will be a way to attract businesses to the area.

Mr. Brownley asked if any local incentives are involved.

Mr. Risavi provided further explanation as to how the process works. The Town's proposal would have to be approved by each of the member jurisdictions, as well as the Department of Housing & Community Development.

5. TOWN OF MONTROSS/CORRESPONDENCE

There was no correspondence from the Town of Montross. Mr. Brownley expressed appreciation to the Town for allowing him to utilize the Town Hall facilities for a district gathering on February 4<sup>th</sup>.

6. ANDREW GROSSNICKLE – ROBINSON, FARMER, COX ASSOCIATES

PRESENTATION OF WESTMORELAND COUNTY FINANCIAL STATEMENT FOR FY 2008-2009

Andrew Grossnickle of Robinson, Farmer, Cox Associates was recognized and presented a summary of Westmoreland County's financial statement for Fiscal Year 2008-2009. Mr. Grossnickle confirmed that there were no compliance issues.

(Darryl E. Fisher arrived at 6:40 p.m.)

There then followed an opportunity for Board members to ask questions of Mr. Grossnickle regarding this report.

Mr. Roberson commented that this was a very good report and requested that Mr. Grossnickle explain the results in layman's terms. Mr. Grossnickle stated that this is a clean report with no significant deficiencies or material weaknesses. The opinion rendered with respect to this financial statement is the highest that a local government can receive. Mr. Grossnickle indicated that, from a budgetary standpoint, to be \$1.8 million under budgeted expenditures is very positive. Revenue projections were also on target. Mr. Grossnickle referenced Exhibit 11 of the audit as a good summary of the County's financial picture for the year ended June 30, 2009.

Mr. Brownley pointed out that according to information found on page 42 – Note 11, the County's

long-term debt is \$17,061,859.

Mr. Grossnickle advised the Board that, in accordance with GASB Statement No. 45, post employment benefits provided to retirees of the school system have been incorporated into the report. The increase in the County's long-term debt is primarily attributable to this new actuarial cost method. Mr. Grossnickle pointed out that these are not new commitments taken on by the County.

Kennon Morris was recognized and asked what the total debt to revenue ratio is for Westmoreland County. Mr. Morris also asked if the long-term debt takes into account the County's sewer systems.

Mr. Grossnickle explained that a debt to income ratio is not typically included in financial statements for local governments. For comparability to other local governments, Mr. Grossnickle advised the Board that Table 8 found on page 85 of the financial statement shows that the County's net bonded debt per capita is decreasing.

A member of the public asked if the bond money for the Washington District Phase II sewer project (which includes Placid Bay Estates) is included in this report.

Mr. Risavi stated that those funds will not be added to the County's long-term debt obligation until next year, inasmuch as those monies were not borrowed until January 2010.

Chairman Hynson thanked Mr. Grossnickle for his presentation and accepted the FY 2008-2009 financial statement on behalf of the Board.

Mr. Risavi announced that a copy of this financial statement will be posted to the Westmoreland County website.

## 7. OLD BUSINESS

Appointment: Board of Building Appeals (District 2) – This appointment was deferred to the Board's next regular meeting.

## 8. NEW BUSINESS

Resolution: Amendments to Rappahannock Criminal Justice Academy Charter – Sheriff C. O. Balderson was recognized and advised the Board that the proposed amendments are basically

changes in the language to bring the Charter into conformance with State Code. They deal primarily with the operation of the Academy itself, and have no fiscal impact on the County.

Mr. Culver asked how long the County has been involved in the Academy.

Mr. Risavi stated that the County has been a member of the Academy since 1978.

Mr. Culver asked if Sheriff Balderson feels that this has been a positive association for the County.

Sheriff Balderson expressed his opinion that the Academy is a top notch organization. Officers that graduate from the Academy are well trained.

Mr. Brownley asked if Westmoreland County has any deputies scheduled to train at other locations besides the Academy.

Sheriff Balderson confirmed that he does not have any scheduled at this time. He noted that the Academy offers training on location at the Northern Neck Regional Jail. That has helped generate a cost savings.

Chairman Hynson read the proposed resolution aloud.

Upon motion by Mr. Culver, second by Mr. Roberson and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson and Mr. Hynson voting "aye", the Board adopted the following resolution:

### **RESOLUTION**

Adoption of Amendments to the Charter Agreement of the  
Rappahannock Regional Criminal Justice Academy

**BE IT RESOLVED** by the Westmoreland County Board of Supervisors that the Charter Agreement for the Rappahannock Regional Criminal Justice Training Academy shall be amended, revised and updated by the adoption of the changes reflected in the document entitled, "CHARTER AGREEMENT FOR THE RAPPAHANNOCK REGIONAL CRIMINAL JUSTICE TRAINING ACADEMY, (AS AMENDED 2010)" attached hereto and incorporated herein.

Date of Adoption: February 8, 2010

\*\*\*end of resolution\*\*\*

Mr. Fisher pointed out that just about all of the officers at the Northern Neck Regional Jail benefit from training offered by the Rappahannock Regional Criminal Justice Academy. While Sheriff Balderson has not had the opportunity during his administration, Mr. Fisher stated that there is an on going training effort at the Regional Jail that utilizes the Academy.

## 9. REPORTS FROM SUPERVISORS

District 5 – Mr. Roberson informed the Board that there will be a meeting this week regarding the APBA semifinal Jet Ski competition to be hosted by the Town of Colonial Beach. Mr. Roberson also reported that several people have spoken with him about the reassessment. Fred Pearson of Pearson's Appraisal Services is here and will be addressing this issue later during the meeting.

District 2 – Mr. Culver commented that he has heard from more than a few regarding the reassessment. Mr. Culver stated that he has asked the County Attorney if the Board of Supervisors has any legal right to modify the reassessment. Mr. Bondurant has informed him that the Board of Supervisors has no legal authority to modify the reassessment; they have to rely on the assessor.

District 1 – Mr. Fisher indicated that he too has received several calls concerning the reassessment. However, after he explained how the process works, those individuals appeared to be satisfied.

District 3 – Mr. Brownley stated that at his district gathering on February 4<sup>th</sup>, interest was expressed by some in becoming more involved through active volunteerism. Mr. Brownley presented a letter received from Dennis and Norma McGuire to that effect, the text of which reads as follows:

*We want to thank you again for your town hall meeting last Thursday evening. The information you provided regarding the recent property reassessments was much appreciated, as was your candor and your humor during the ensuing discussions. The exchange was most refreshing – we found that we can have good shouting match and still end up smiling at each other!*

*We also wanted to re-state our desire to do something constructive for the benefit of the county, rather than limiting our civic activities to complaints. As we discussed, our schools are in need of some maintenance that could be done by citizen volunteers. Specifically, we talked about fund raising for a concession stand and mildew treatment. Other projects might include a community clean-up day and road trash removal.*

*You suggested we approach the School Board to identify projects, but we believe that your active involvement would be helpful in order for us to be taken seriously. You stated your willingness to partner with us to identify projects and to help pave the way to get them done, and suggested that all members of the Board of Supervisors (BOS) might want to be involved. We hope you will be able to discuss this issue with them and that we can gain their ideas and active support.*

*You indicated that the BOS has authority to formally charter a group to accomplish community projects. If you can point us to a model, or if you can identify points that a charter should include, we will be pleased to work on a draft for BOS review. In the meantime, we plan to poll the membership of the WCCA and WeCount to ascertain interest and support, and to identify additional ideas.*

*We look forward to hearing from you. We can be reached by email: [ocdecks@yahoo.com](mailto:ocdecks@yahoo.com) for Dennis and [jeanniemcquire@yahoo.com](mailto:jeanniemcquire@yahoo.com) for Norma. Our home phone is 804-472-4606.*

*Thanks again. Dennis and Norma McGuire, Post Office Box 51, Mt. Holly, VA 22524*

Mr. Brownley then commented on a recent letter from the Chairman of the Fauquier County School Board in reference to the Composite Index and participation in the Land Use Tax Deferral Program (Land Use). The letter points out that the Composite Index formula is based on Fair Market Value rather than Land Use values. The Composite Index determines a locality's ability to pay. For example: An acre of land is assessed for \$5,000 (Fair Market Value), but the Land Use value is \$300. The Composite Index assumes the locality is collecting taxes on \$5,000, but it is actually collecting taxes on only \$300. It has been suggested that the formula is unfair and needs to be corrected.

Mr. Brownley also proposed having all County departments, as well as the school system, look at a manpower assessment.

In follow up to Mr. Brownley's comments on volunteerism, Mr. Culver stated that Joe Pisani, Principal of Washington & Lee High School, has established a career roundtable. He is looking for volunteers to come in and talk with the students regarding their professional background.

District 4 – Chairman Hynson stated that he has received correspondence from Kathryn Cross announcing that there will be a candlelight vigil on the Old Courthouse green on April 22, 2010, beginning at 5:00 p.m. This will be in observance of National Crime Victims' Rights Week, which is April 18<sup>th</sup> – 24<sup>th</sup>.

Chairman Hynson reminded all present that the Board of Supervisors has nothing to do with the reassessment, except to select the company that completes it.

#### 10. FRED PEARSON, PEARSON'S APPRAISAL SERVICES

##### RE: WESTMORELAND COUNTY REASSESSMENT

Fred Pearson of Pearson's Appraisal Services was recognized and updated the Board on the status of the 2010 reassessment. Notices were mailed on January 11<sup>th</sup>. Mr. Pearson and his staff have been conducting hearings with property owners for the past three weeks. Mr. Pearson reported that, during this time, he has collected additional sales information from various sources. Based upon his review of these additional sales, Mr. Pearson presented the following preliminary results:

- Non-waterfront homes are assessed at 106% of market value.
- Non-waterfront land is assessed at 108% of market value.
- Waterfront homes are assessed at 94% of market value.
- Waterfront land is assessed at 95% of market value.

Based on these preliminary figures, Mr. Pearson estimated a 15% reduction in non-waterfront land values which would result in a 98% of market value on non-waterfront homes.

Mr. Risavi explained that State law requires the County to conduct a reassessment at least every six years. In 2006, the Board of Supervisors voted to conduct such reassessment every four years. The assessment/sales ratio study for the effective year of reassessment must reach at least 70% of fair market value. The reassessment that went into effect in 2006 only achieved an assessment/sales ratio of 66.06%. The purpose of a reassessment is to equalize assessments so that there are not any great disparities between properties. It is not to generate more income for the locality. The problem faced in 2006 was not attributable to Mr. Pearson's work, but the market conditions at that time. A number of localities dropped below the 70% benchmark.

Mr. Culver stated that everyone he has spoken with indicated that Mr. Pearson was very fair. Comments he received were primarily due to the disparity between the old and new assessments.

Mr. Pearson commented that the last reassessment was conducted in 2005 and became effective January 1, 2006. At that time, the State indicated that the County's assessment/sales ratio met the statutory requirement. Comparing sales prices in 2006 to those in 2009, one can see a significant difference.

Mr. Risavi proceeded to explain the process by which the County adjusts the tax rate during the year of a reassessment. In accordance with State law, the rate is typically adjusted downward to generate no more than 1% above current revenues.

Mr. Hynson pointed out that any deviation from the 1% rule would require a separate public hearing.

Mr. Fisher recalled no such increase having been made over the past 17 years.

Mr. Pearson reiterated that when one compares the 2006 and 2009 values, the County is at 64% of fair market value on waterfront land sales.

Mr. Brownley inquired as to the pros and cons of going to a six year reassessment.

In response, Mr. Risavi briefly explained the coefficient of dispersion that the State Department of Taxation utilizes. Mr. Risavi noted that an important factor of having a reassessment is how it affects the Composite Index. It affects State funding, as well as other studies conducted by the State.

Mr. Brownley asked if the reassessment has any immediate impact on Land Use values.

Carol Gawen, Commissioner of the Revenue, was recognized and explained that the reassessment does not impact properties that participate in the Land Use program. State Code specifies the guidelines for that program.

Mr. Risavi stated that Mr. Pearson requested and received a 90-day extension of the deadline to complete the reassessment, anticipating that there would be additional sales to be included in order to get a better feel for the market.

Mr. Brownley pointed out that each sale has an effect on the assessor's computations.

Mr. Roberson remarked that in areas where assessed values are higher than average, when the tax rate is adjusted, it is possible that some people will still pay more.

There then followed a brief discussion as to whether adjustments have been made to property assessments within the Washington District Phase II sewer project service area. It was noted that such adjustments would not be in order until such time as the project installation is complete.

Mr. Brownley confirmed that Mr. Pearson has estimated that non-waterfront land is likely to be adjusted down by approximately 15%.

Chairman Hynson opened the floor to questions and comments from the public with regard to the reassessment. The following persons spoke: Butch Foutz (Ebb Tide Beach); Kennon Morris (President, Westmoreland County Citizens Association); Norma McGuire (Mt. Holly); Margaret Quinn; Dr. Lloyd Griffith; Frank Delano (Free Lance-Star); Robert Lucy (Coles Point); Jim Thorn (Cabin Point); Carey Parker; Charlie Blackburn; Bill Alverson; Steve Bryant; Edna S. Douglas; and Myrtle Lee France.

#### 11. PUBLIC COMMENT PERIOD

The following persons spoke during the Public Comment Period:

Butch Foutz – Mr. Foutz congratulated Mr. Hynson on his election as Chairman of the Board. With respect to the items submitted by the School Board for consideration, Mr. Foutz asked why the Board did not simply defer action on the request for lump sum funding, suggesting that it was a slap in the face to deny the request without representation. He also expressed his opinion that it makes no sense that the School Board did not have a representative present. Mr. Foutz stated that Pearson's Appraisal was dead wrong at the time of the last reassessment, but he does not believe the County would ask an assessor to increase values by 50% because that means the County would receive less funding from the State. Mr. Foutz suggested that the Board should be given credit for the time they put in dealing with issues concerning this county.

Rosemary Mahan – Ms. Mahan apologized for the School Board not having representation present for the meeting. Ms. Mahan stated that the resolutions presented to the Board clearly state what they are for and suggested that there was no reason to table the appropriation request. Ms. Mahan opined that there is no reason to make the School Board grovel for money. She further stated that lump sum funding is being done in almost every county. As it stands now, it takes 60 days to

transfer money, as such requests have to be first approved by the School Board and forwarded to the Board of Supervisors for final approval.

Chairman Hynson stated that the primary reason for tabling the supplemental appropriation request is that there are members of the public who want to know where money is being spent. There was no rudeness intended; the Board simply felt it necessary to table the request until a representative was present to explain the request for the benefit of the public.

Mr. Brownley stated that, with respect to the request for lump sum funding, it was fiscally impossible to do so for the balance of FY 2009-2010.

Mr. Risavi contradicted the statement that it takes 60 days to amend the School Board's budget. He stated that there has never been a time that this Board has denied the School Board's request to transfer funds. If there is an emergency, the Board can call a special meeting, if necessary.

Bob Quinn – Mr. Quinn spoke regarding the separate school system operated by the Town of Colonial Beach. Mr. Quinn remarked that a lot of residents feel that a good, quality school system is vital. Mr. Quinn asked how it came to be that there are two separate school systems within the county. He suggested that this makes for a lot of duplication with money going into two systems.

Mr. Hynson agreed that it would make good financial sense to combine the two school systems, but this Board has no authority over the Town's decision to operate its own school system.

Mr. Quinn stated that he appreciates the fact that citizens can dialogue with the Board and get answers to their questions.

Kennon Morris – Mr. Morris stated that he also appreciates the dialogue that has taken place between the Board and the public at this meeting. Mr. Morris expressed concern regarding the condition of the High School. Speaking in reference to the County's reassessment, Mr. Morris alleged that in 1992, Pearson's Appraisal Services had the same problem in Spotsylvania County.

Bill Alverson – In follow up to previous comments regarding the impact of the reassessment on Land Use values, Mr. Alverson pointed out that farm lands will not be impacted by the reassessment. Mr. Alverson then asked if it is correct that the School Board is paying for retirees to be on their insurance.

Mr. Risavi stated that it is his understanding that the School Board allows retirees to remain on their health insurance program. This factors into the total cost of health insurance for school employees and tends to drive those costs up.

There being no further comments, Chairman Hynson closed the public comment period at this time.

RECESS

There being no further business to come before the Board at this time, upon motion by Mr. Culver, second by Mr. Roberson and carried unanimously, the Board recessed until Tuesday, February 23, 2010, at 7:00 p.m.

Chairman, 

ATTACHMENT  
REGULAR/LAND USE MEETING - 2/8/2010

CHARTER AGREEMENT

FOR THE

RAPPAHANNOCK REGIONAL CRIMINAL JUSTICE TRAINING ACADEMY

(AS AMENDED 2010)

*Section 1. Creation*

On July 13, 1978 the participating Counties, Cities and Towns created the Rappahannock Regional Criminal Justice Training Academy (hereinafter called the "Academy") which shall exist under and be subject to the terms and conditions of this charter, which shall be deemed to constitute the agreement required by Section 15.2-1747 Code of Virginia, 1950, as amended, for the joint exercise of powers of participating political subdivisions.

*Section 2. Purpose*

The purpose of the Academy is to furnish the highest achievable level of professional law enforcement and criminal justice-related training to the participating jurisdictions through the development and operation of initial recruit training, continuing in-service training and advanced training programs.

*Section 3. Duration*

Withdrawal: Pursuant to Virginia Code §15.2-1747, a jurisdiction may withdraw membership from the Academy only by two-thirds vote of the Board of Directors of the Academy. The governing body of the governmental unit seeking to withdraw from the academy shall signify its desire by resolution or ordinance. Such withdrawals are considered in October once every five years commencing in October 2001. No requests to withdraw will be considered at any other time, unless agreed to unanimously. Any withdrawal agreed to by the Board of Directors will normally be effective on June 30 of the following year. The Board of Directors shall provide for the conditions of withdrawal.

*Section 4. Board of Directors*

There is hereby created the Academy Board of Directors (hereinafter called the "Board") which shall be comprised of no more than two representatives from each of the member jurisdictions, one of whom shall be the Sheriff or Chief of Police and one other member that may be appointed by the governing body of the member jurisdiction. Alternate board members may be appointed by the Sheriff or Chief of Police, or governing body, respectively.

- A. *Organization* - - The Board shall conduct an annual meeting on a date selected by it or by its Chairman (or executive committee), at which meeting it shall elect its Chairman, Vice-Chairman, and a secretary. The secretary need not be a member of the Board. The Board shall fix such other meeting times as it deems necessary. It shall keep written minutes of the meeting(s) at which actions are taken.

- B. *Powers of the Board* - - The Board shall have the following powers and duties:
1. To develop and approve the Academy curriculum in cooperation with and subject to review by the Criminal Justice Services Commission, and the operating policy in connection with which it may expend such funds as may be available in any year's appropriation, in such manner as it deems most appropriate.
  2. To oversee and be responsible for the operation of the Academy, giving due consideration to the needs of the participating jurisdictions for recruit and in-service training and to the maximum benefits of instruction available, in fixing length and frequency of training, and to service demand in fixing operation and staffing levels of the Academy, in connection with which it shall have the power to expend funds appropriated to it.
  3. To appoint a Director of the Academy, fix his compensation and prescribe his powers and responsibilities.
  4. To contract with participating jurisdictions for necessary administrative and maintenance services.
  5. To promulgate a schedule annually of fixed costs for equipment, basic staff and maintenance of the Academy, variable cost of operation depending on student population; and to promulgate a fee or schedule of fees per student if necessary.
  6. To provide for the admission of trainees not employed by a participating jurisdiction and to fix necessary fees.
  7. To create such standing committees as are deemed necessary to assist in developing plans for regional training programs and projects for criminal justice agencies and for proper administration and operation of the Academy.
  8. Amendment (Revised in March 1989): To borrow money to be secured by real property owned by the Academy for the purpose of purchasing or constructing improvements to the real property.

### *Section 5. Financing and Budget*

The Board shall designate the Chief Financial Officer of one of the participating jurisdictions to act as its fiscal agent. The Board shall provide for the manner in which and by whom disbursements may be authorized provided that it shall ensure that the disbursement authorization system of the fiscal agent is employed.

#### *A. Capital Assets and Expenditures*

1. Real Estate - - The Board may own or lease necessary real property, or may contract for its location needs. In the event an Academy plant is furnished by a participating jurisdiction, the Board shall determine the method by which payment and/or credit for the furnishing of the physical facilities shall be given.
2. Equipment - - The Board shall, from time to time as it deems necessary, approve a schedule of equipment requirements, provided, however, that one or more participants may purchase the interests of one or more of the other participants in the property.

#### *B. Operating Expenses*

The Board shall be responsible for preparation of an annual operating budget, and shall submit its approved proposal to the Agency heads of the participants not later than January 1<sup>st</sup> of each year. Upon the receipt of notice of the amount to be approved by each of the participants, the Board shall make adjustments in the proposed budget as may be necessary.

The operating budget and the implementing appropriations shall be determined by the number of sworn personnel and that cost shall be established by the Board. Payments of the operational appropriation to the fiscal agent shall be made at such intervals as the Board may provide.

#### *Section 6. Termination*

Termination of this cooperative endeavor shall occur only as provided for in Section 3. In the event this agreement and charter is terminated, payment and/or credit for the furnishing and use of real property owned by a participant shall be adjusted ratable to the date of termination. All property shall be scheduled and valued by or at the direction of the Board and distributed in kind to the participants as nearly as is feasible in the same proportion as each participant contributed to acquiring it; provided, however, that one or more participants may purchase the interests of one or more of the other participants in the property.

#### *Section 7. Amendments*

The Executive Committee may recommend minor amendments to this Charter to keep the academy in compliance with any state or federal law or regulation change. Such amendments shall become effective upon approval by three-fourths of the Charter Members.

All other amendments to this Charter shall become effective upon approval by the governing bodies of three-fourths of the Charter Member jurisdictions.

This charter shall take effect upon three-fourths approval of the Charter Member jurisdictions by Resolution duly adopted by their respective governing bodies.