

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, February 24, 2009 at 3:00 p.m.

PRESENT: BARBARA A. FAVOLA, Chairman  
JAY FISETTE, Vice Chairman  
MARY HUGHES HYNES, Member  
J. WALTER TEJADA, Member  
CHRISTOPHER ZIMMERMAN, Member

ALSO PRESENT: RON CARLEE, County Manager  
STEPHEN A. MacISAAC, County Attorney  
HOPE L. HALLECK  
and other staff

0000000000

## COUNTY BOARD RECESSED MEETING

0000000000

## COUNTY BOARD BUSINESS AND REPORTS

0000000000

### I. COUNTY BOARD REPORTS

The Chairman announced that the US Department of Housing and Urban Development (HUD) awarded Arlington with \$1.16 million for Homeless Services. Member organizations from Arlington's 10 Year Plan to End Homelessness have been awarded a collective \$1.16 million by HUD. The funding is part of an annual, competitive program that funds local "continuums of care" that provide homeless. Arlington received \$932,000 through the program last year.

The Chairman announced that on February 10, she attended an open house for a facility that will soon be home for four members of the community with intellectual and developmental disabilities. This project is a testament to the effective partnerships that exist between Arlington and non-profit providers – in this case, it was RPJ Housing. The home is in the Glencarlyn neighborhood, and the civic association also played a part in the success of this project. The home includes: a widened driveway and ramped main entrance, roll-in showers, easy to reach switches and outlets, wide doorways with lever handles, lowered cabinetry, and a residential elevator. Arlington County awarded some CDBG funds and RPJ was successful in getting a low-interest mortgage from the Virginia Housing Development Authority. With the award RPJ is under contract to operate the home for 60 years and cannot sell the home without of the permission of the County or the County would get its funds back.

The Chairman announced the Intellectual and Development Disabilities Proclamation Ceremony and invited individuals to join her at the ceremony. The event will take place at the Ballston Mall at the Kettler Capitals Iceplex declaring March as "Including People with Intellectual and Developmental Disabilities Month." The event will be held on March 3 at 8:30 a.m. A number of extraordinary therapists from Arlington schools and the community will be recognized.

The Chairman announced the new 10<sup>th</sup> floor permit and zoning center. The center is now open on the 10<sup>th</sup> floor. It provides more efficient, one-stop shopping for those individuals seeking a building permit. Renovations were made possible by the Enterprise Fund, established by the County Board in September, 2007. The County expects to achieve certification in April for the renovation from the US Green Building Council's LEED green building program. Eighty-nine percent of the construction debris created during the renovation was recycled. A short one-minute video presenting the new center was shown to the audience.

The Chairman wished everyone a Happy Mardi Gras. Tonight the Clarendon-Courthouse civic groups will sponsor a parade down Wilson Boulevard. The parade will take place at 8:00 p.m. The parade will feature floats, beads, and music.

The Chairman announced that on Wednesday, March 11, the Committee of 100 will premiere a documentary put together by the AVN and Communications staff. "Arlington's Smart Growth Journey" tells the fascinating

story of how Arlington – the smallest jurisdiction in the Metropolitan Region – ended up with the most Metro stops of any locality outside the District. Individuals can learn more about attending the event by visiting <http://www.arlingtoncommitteeof100.org>.

The Chairman announced the March 2 through 8, 2009 is Multiple Sclerosis Awareness Week.

The Chairman awarded certificates of appreciation to Louise Chesnut and Neal Sigmon. Ms. Chesnut served for 21 years on the Environment and Energy Conservation Committee. She has been a long time civic activist on environmental issues. Mr. Sigmon served as the 2008 Chairman on the Parks & Recreation Advisory Commission. The Chairman thanked both of the recipients for their leadership.

The Chairman announced the passing of Tony Benedict, an employee with the Department of Technology. Mr. Benedict was a fine professional and developed a wonderful working relationship with the County Board Office. He showed great sensitivity and kindness. Our hearts and condolences go out to his family.

The Vice Chairman introduced the revised Committee on Program Performance charge and briefly discussed the changes made to the Work Scope section of the document.

On motion by JAY FISSETTE, Vice Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the following revised charge for the Committee on Program Performance:

**CHARGE TO  
COMMITTEE ON PROGRAM PERFORMANCE  
Adopted – February 24, 2009**

**1. Mission:**

To sustain the cost efficiency and outcome focus of Arlington programs by providing targeted executive oversight of all audit functions and to initiate independent audits, particularly related to performance issues or concerns. To enhance the efficiency, effectiveness and transparency of government services.

**2. Membership shall consist of the following:**

- County Board members (2)
- County Manager
- Commissioner of Revenue
- Fiscal Affairs Advisory Commission (1)

**3. Work Scope:**

- a. Approve a program audit workplan as funding permits. Elements that should be considered in developing the annual workplan include the following:
  - i. Performance issues or concerns;
  - ii. Areas of management or policy concern;
  - iii. Areas addressed in the annual Management Letter from the external auditor.
- b. Review internal audits.
- c. Meet with the external auditor and review the annual audit and Management Letter.
- d. Review and evaluate performance by County programs and other organizations that receive funding from the County; Make recommendations for performance improvements, policy changes, and/or funding changes.,
- e. Approve and review operational and performance audits (subject to appropriations by the full County Board).
- f. Advise the County Manager and the County Board.
- g. Report the results of all audits initiated by the Committee on Program Performance (CPP) to the full County Board and to the public.
- h. Identify, evaluate and make recommendations on alternatives that reduce costs through consolidation, mergers, contracting, partnerships, and other service mechanisms.

**4. Procedures:**

- The CPP will meet at least quarterly and will establish its own internal procedures.

- The CPP will establish a framework for program performance evaluation.
- The Fiscal Affairs Advisory Commission shall provide recommendations for program audits to the CPP that are generated from their work during the annual budget review process. Recommendations may also be submitted to the CPP by the County Board's other advisory boards and commissions.
- The creation of the CPP is not intended to materially alter the responsibility and authority of either the County Board or the County Manager.

The Vice Chairman provided a brief legislative report. The General Assembly session is scheduled to end February 28. The budget conferees will be completing their deliberations by the end of the week. If they do not there is a mechanism for the conferees to continue their deliberations. The \$10 million for DARPA still remains in the FY 2010 budget. There was a Housing Authority Referendum piece of legislation that has been approved by both the House and the Senate. The bill dealing with the Metro Compact has passed in both Houses.

The Chairman reported that the Livable Home Tax Credit has increased from \$500 to \$2,000 for new construction and \$1,000 for retrofits. This tax credit will allow Arlington County residents to stay in their homes longer.

Mr. Tejada reported on Arlington's efforts to ban smoking. The Virginia Senate and House of Delegates passed legislation that will ban smoking in restaurants that do not have a separately ventilated smoking room. The legislation closely resembles a compromise between Governor Tim Kaine and Speaker Bill Howell. There are exceptions to the smoking ban. Private clubs, private functions, and outdoor seating areas that are not enclosed are not included in the ban. The smoking ban will become effective December 1, 2009. This is an enormous victory for the health of restaurants patrons and workers in Arlington and in all of Virginia.

Mr. Tejada reported on Earth Hour 2009 scheduled for Saturday, March 28, 2009 at 8:30 p.m. Earth Hour is a World Wildlife Fund's global initiative where individuals, businesses and governments turn off their lights for one hour to show their support for action on climate change. This is a symbolic event designed to engage people from all walks of life in the climate change discussion to send a strong message to political leaders.

The Chairman requested that Earth Hour be advertised on the County website.

Ms. Hynes reported on Volunteer Arlington. Volunteer Arlington promotes civic engagement and active volunteer participation by helping to match organizations that need help with individuals who have the time, treasure or talent to dedicate to organizations. Visit [www.arlingtonva.us/volunteer](http://www.arlingtonva.us/volunteer) to get more information on becoming an active Arlington volunteer. More details regarding Volunteer Arlington will be in the March issue of *The Citizen*.

0000000000

## II. APPOINTMENTS

On motion by BARBARA A. FAVOLA, Chairman, and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board made the following appointments:

### Committee on Program Performance

Appoint Sue Robinson and designate as FAAC Representative

### Clarendon Alliance

Appoint Mark Fedorchak

### East Falls Church Planning Task Force

Appoint Terri Serie  
Steve Cole

### Economic Development Commission

Reappoint Anthony Jones  
Margaret McKeough  
Victoria Schwartz  
Jerry Norris  
Suzette Timme  
Appoint Christine McDaniel  
Todd Yeatts  
Karen Pirhalla  
Brian Cullen

**Environment & Energy Conservation Commission**

Reappoint Lisa Larimer  
Appoint Aaron Lien

**Equal Employment Opportunity Advisory Commission**

Appoint Daniel Hays

**Commission on Long-Term Care Residences**

Reappoint Larry Rouvelas

**Information Technology Advisory Commission**

Reappoint Charles Smith  
Appoint Karl Johnson

**Sesquicentennial of the American Civil War Committee**

Appoint Suzanne Duckett

**Human Rights Commission**

Reappoint Kitty Clark Stevenson  
David Sattler  
Rajbir Singh Datta  
James Fisher

**Sports Commission**

Reappoint William Murray  
Jesse Rosenthal  
David DiNardo  
Roy Folsom

**Multicultural Advisory Commission**

Reappoint Carmen Rose Romero

**Partnership for Children, Youth and Families**

Reappoint Marion Spraggins and designate as Community Representative

**Public Facilities Review Committee**

Reappoint Richard Engelman and designate as the Schools Representative  
Brian Harner and designate as the Planning Commission Representative

0000000000

**III. REGIONAL REPORTS**

Mr. Zimmerman reported on I-66 and whether the Commonwealth is doing what it agreed to do when the I-66 project was put into the regional plan by including the necessary planning studies. The hope is that the Governor will instruct VDOT to do what was initially promised.

Mr. Zimmerman reported that during the last Board meeting, the County Board passed a resolution regarding concerns with the HOT Lanes project on Shirley Highway, I-395, and I-95 as it stands. The concerns of the County Board are shared by many of the neighboring jurisdictions. For the first time, Secretary Homer has made

a statement acknowledging some of the problems. Mr. Zimmerman hopes that in the end Secretary Homer and others in the Administration will ensure that the region will have something that will take care of the concerns that have been raised.

Mr. Zimmerman reported on the Metro budget. Metro is facing a budget gap and is dealing with significant challenges. The Metro budget was presented by the General Manager and he reported that Metro has a gap for fiscal year 2010 of \$154 million. Savings on the administrative side have been identified that would take up about 4/5 of the \$154 million (under \$30 million). The good news is that Metro has gotten to this point without cutting bus and rail services. Now the question becomes how Metro will cut the remaining money. Mr. Zimmerman hopes that services will not be cut.

Mr. Fisetete reported that the Council of Governments Board adopted a resolution stating its policy, focus and priorities for 2009. The six priorities include: (1) Greater Washington 2050, (2) Metro funding, (3) climate change, (4) housing, (5) regional workforce preparation, and (6) economic sustainability and recovery.

The Chairman reported that the Washington Area Housing Partnership sponsored a training seminar on the affordable housing advocacy toolkit. The toolkit has been distributed to local elected leaders, advocacy groups, members of the faith community, and members of the business community in an effort to better educate individuals on affordable housing.

ooooo0ooooo

**COUNTY BOARD REPORTS CONTINUED**

The Chairman welcomed Arlington's Treasurer, Frank O'Leary to announce the winner of the 5<sup>th</sup> annual countywide car decal competition. The Treasurer's Office invited students from Arlington high schools to submit artwork to be on the next County decal. Three of the finalist came from Yorktown High School this year. Each of the four student finalist received a \$500 savings bond from Wachovia Bank. Mr. O'Leary spoke about and announced the decal competition finalists: Felipe Bravo from Yorktown High School, Alessandro Rouox from Yorktown High School, Dane Fitzmaurice from the Arlington Career Center, and Nick Wright from Yorktown High School. Alan H. Harrison, Jr., Chairman of the Electoral Board, announced Dane Fitzmaurice as the winner of 2009-2010 County decal competition.

ooooo0ooooo

**IV. COUNTY MANAGER REPORT**

The County Manger had nothing to report.

ooooo0ooooo

**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS**

On motion by BARBARA A. FAVOLA, Chairman, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 4:15 p.m. to 6:42 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing one matter involving the acquisition of real property for public purposes and the disposition of publicly held real property where discussion in public would adversely affect the County's negotiating and bargaining position; and for consultation with the County Attorney concerning the claim of Great American Insurance Company relating to Fire Station Five, Case Number 07-261 pending in the Arlington County Circuit Court, and the legal effect of the provisions of the Zoning Ordinance and the policies and resolutions adopted by the County Board relating to maximum heights in Rosslyn, and how they are to be applied to site plan applications.

-----

On motion by Ms. Favola, seconded by Mr. Zimmerman and carried by a vote of 5 to 0 by roll call, the voting recorded as follows:

**Member & Vote**  
Ms. Favola - Aye

Mr. Fisetto - Aye  
Ms. Hynes - Aye  
Mr. Tejada - Aye  
Mr. Zimmerman - Aye

the Board certified that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board.

0000000000

**THE FOLLOWING ITEMS TO BE HEARD BEGINNING AT 6:30 P.M.**

0000000000

**CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, FEBRUARY 21, 2009)**

0000000000

**15. FUNDING REQUEST FOR NEIGHBORHOOD CONSERVATION (NC) PROGRAM PROJECTS.**

On motion by MARY HUGHES HYNES, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board approved the use of a total of \$3,031,209 of Neighborhood Conservation bond funds for the priority neighborhood projects listed in Attachment A of the County Manager's February 6, 2009 report as approved by the Neighborhood Conservation Advisory Committee (NCAC) for Fall 2008, and authorized the County Manager to proceed with implementation of these projects.

[Board Report #15](#)

0000000000

**18. APPROVAL OF PROJECT AGREEMENTS BETWEEN THE COUNTY BOARD AND COMMONWEALTH OF VIRGINIA, DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION, FOR ARLINGTON COUNTY COMMUTER SERVICES PROGRAM GRANT CONTRACTS AND APPROPRIATION OF GRANT FUNDS FOR SUCH PURPOSES.**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board took the following actions:

1. Approved the Project Agreement attached to the County Manager's January 30, 2009 report between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, for use of Federal Highway Administration Congestion Mitigation and Air Quality Funds FY 2009 CM-5401(943) in the amount of \$2,800,000; authorized the County Manager to execute the Agreement and all related documents on behalf of the County Board; subject to approval of such Agreement and documents as to form by the County Attorney; and accepted any funds awarded to the County.
2. Approved the Project Agreement attached to the County Manager's January 30, 2009 report between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, for use of Commonwealth Transportation Funds FY 2009 in the amount of \$700,000; authorized the County Manager to execute the Agreement and other related documents on behalf of the County Board; subject to approval of such Agreements and documents as to form by the County Attorney; and accepted any funds awarded to the County.
3. Appropriated \$1,144,540 in grant revenues (101.346004.41150) to the FY 2009 Commuter Services Program, Transportation Planning (101.456000.41150).

[Board Report #18](#)

19. **ESTABLISHMENT OF AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST.**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board took the following actions:

1. Adopted the attached following Resolution establishing an OPEB Trust:

**Arlington County Board  
Arlington County, Virginia**

**A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF AN OTHER-POST EMPLOYMENT BENEFIT TRUST FOR THE RETIRED EMPLOYEES OF THE ARLINGTON COUNTY BOARD, ARLINGTON COUNTY EMPLOYEE RETIREMENT SYSTEM, AND FOR CERTAIN FORMER ARLINGTON COUNTY CONSTITUTIONAL OFFICERS AND THEIR RESPECTIVE EMPLOYEES; AUTHORIZING THE ADOPTION OF A MASTER PLAN DOCUMENT AND TRUST INSTRUMENT FOR SAID TRUST; AND, PROVIDING AN EFFECTIVE DATE FOR SAID PLAN AND TRUST.**

**WHEREAS**, The Arlington County Board (the "Board") has provided post-employment benefits to the Board's retired employees, employees of the Arlington County Employee Retirement System, and to certain Arlington County Constitutional Officers and their respective employees (hereinafter, collectively referred to as "Participants"), including, but not limited to, health and welfare insurance substantially in the form of group health insurance;

**WHEREAS**, the Board, pursuant to the laws of the Commonwealth of Virginia, is authorized to establish an Other Post-Employment Benefit ("OPEB") Plan and Trust to provide for specified post-employment benefits for eligible Participants; and

**WHEREAS**, it is the intent of the Board to establish such an OPEB Plan and Trust to provide for specified post-employment benefits for the exclusive benefit of Participants.

**NOW, THEREFORE, BE IT RESOLVED**, that the Arlington County Board hereby establishes an Other Post-Employment Benefit ("OPEB") Plan and Trust to provide for the above specified post-employment benefits of eligible Participants;

**FURTHER RESOLVED**, the Board hereby names the OPEB Plan and Trust the Arlington County Board Retiree Welfare Benefit Plan and Trust;

**FURTHER RESOLVED**, the Arlington County Board Retiree Welfare Benefit Plan and Trust shall be maintained for the exclusive benefit of Participants and that part of the Trust assets, once allocated to the Trust, shall never inure to the benefit of the Board;

**FURTHER RESOLVED**, the Board hereby adopts the Arlington County Board Retiree Welfare Benefit Plan Document substantially in the form attached hereto as Attachment 2;

**FURTHER RESOLVED**, the Board hereby adopts the Arlington County Board Retiree Welfare Benefit Plan Trust Instrument, substantially in the form attached hereto as Attachment 3;

**FURTHER RESOLVED**, the Board hereby names the Arlington County Board as the Sponsor of the Plan;

**FURTHER RESOLVED**, the Board hereby names the Arlington County Manager as the Claims Administrator of the Plan;

**FURTHER RESOLVED**, the Board hereby names the Arlington County Employees Retirement System as Trustee of the Trust

**FURTHER RESOLVED**, the Board hereby provides that the effective date of the Arlington County Board Retiree Welfare Benefit Plan shall be January 1, 2009;

**FURTHER RESOLVED**, the Board hereby provides that the effective date of the Arlington County Board Retiree Welfare Benefit Plan Trust shall be January 1, 2009;

**FURTHER RESOLVED**, that the appropriate Board members are hereby authorized and directed to take such actions as may be necessary, appropriate or advisable to implement the foregoing resolutions.

- 2. Adopted a Master Plan Document, as set forth in the document entitled "Addendum 2-24-09-A – Retiree Welfare Benefit Plan" attached for the public record to these minutes, and Trust Instrument, as set forth in the document entitled "Addendum 2-24-09-B – Retiree Welfare Benefit Plan Trust" attached for the public record to these minutes, and Provide for an Effective Date of January 1, 2009, for the OPEB trust.
- 3. Appropriated/Allocated \$15,111,505 in County assets for establishment of the OPEB Trust as follows:
  - a. Appropriate \$10,211,505 from fund balance to Non-Departmental (101.91102).
  - b. Allocate \$4,900,000 in 2009 health care funds from non-departmental account 101.420900.91102.

[Addendum 2-24-09-A – Retiree Welfare Benefit Plan](#)

[Addendum 2-24-09-B – Retiree Welfare Benefit Plan Trust](#)

[Board Report #19](#)

oooo0oooo

**THE FOLLOWING ITEMS TO BE HEARD NO EARLIER THAN 6:45 P.M.**

oooo0oooo

**26. BUCKINGHAM VILLAGE 3**

A. [Approval of financing for acquisition of Buckingham Village 3.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, and carried by a vote of 5 to 0 by roll call, the voting recorded as follows:

**Member & Vote**

- Ms. Favola - Aye
- Mr. Fisette - Aye
- Ms. Hynes - Aye
- Mr. Tajada - Aye
- Mr. Zimmerman - Aye

the Board took the following actions:

- 1. Adopted by roll call vote the following resolution approving financing in an amount not to exceed \$36 million between SunTrust Bank and the Industrial Development Authority ("IDA") for the County's purchase of Buckingham Village 3 and related financing costs, including funding a debt service reserve fund:

A RESOLUTION OF THE COUNTY BOARD  
OF ARLINGTON COUNTY, VIRGINIA AUTHORIZING THE FINANCING OF THE PURCHASE OF  
BUCKINGHAM VILLAGE

WHEREAS, the County Board (the "County Board") of Arlington County, Virginia (the "County")  
by resolution adopted June 9, 2007 (the "Prior Resolution") authorized the financing of the acquisition

and development by the County of certain real property known as Buckingham Village 3 (the "Property").

WHEREAS, the County Board approved the financing of the acquisition and development of the Property by the Industrial Development Authority of Arlington County, Virginia (the "Authority") and now proposes to undertake a financing for the acquisition of the Property (the "Financing") on the terms set forth in the Indicative Terms and Conditions, dated February 9, 2009 (the "Proposed Terms") from SunTrust Bank (the "Bank").

WHEREAS, the Financing will be undertaken pursuant to a revenue note to be issued by the Authority, the proceeds of which will be used to fund the acquisition of the Property by the County (the "Note"). The Note will be secured by a Support Agreement between the County and the Authority (the "Support Agreement") whereby the County will agree to make payments to the Authority or the Bank, as assignee of the Authority, subject to annual appropriation by the County Board. The Note will also be secured by a Deed of Trust on the Property to be granted by the County in favor of the Bank as purchaser of the Note (the "Deed of Trust").

WHEREAS, the County Board has held a public hearing on the conveyance of the Property pursuant to the Deed of Trust and a ground lease to Telesis Corporation and National Housing Trust-Enterprise Preservation Corporation or their designee(s) as tenants.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA:

1. Approval of Financing. The County hereby approves the Financing and the grant of the proceeds thereof to the County to finance the purchase of the Property. The County Manager is authorized to apply the proceeds of the Financing to the purchase of the Property, including paying costs of issuing the Financing and funding a debt service reserve fund. The issuance of the Note by the Authority on the terms set forth in the Proposed Terms is hereby approved and the County Manager is authorized to approve such additional terms as he may determine to be in the best interest of the County, including (i) issuance of the Note as a variable rate line of credit or a fixed rate note and (ii) issuance of the Note in an amount up to \$36,000,000, such approval to be evidenced conclusively by the execution and delivery of the Support Agreement.

2. Authorization and Execution of Support Agreement and Deed of Trust. The County Manager is authorized to approve the Support Agreement, the Deed of Trust and such other documents and agreements as may be necessary or desirable to implement the Financing in substantially the terms set forth in the Proposed Terms with such changes or additional terms as the County Manager may approve, such approval to be evidenced conclusively by the execution and delivery of the Support Agreement. The performance by the County under the Support Agreement and the Deed of Trust are authorized. The Chair of the County Board and the County Manager, or either of them, are authorized to execute and deliver the Support Agreement, the Deed of Trust and such other documents and agreements as may be necessary or desirable to implement the Financing.

3. Authorization and Execution of Other Documents. The County Manager or his designee are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Financing, the Support Agreement, the Deed of Trust and the Proposed Terms; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. Nature of Obligations. Nothing in this Resolution or the Support Agreement shall constitute a debt of the County. The County's obligations to make payments to the Authority pursuant to the Support Agreement shall be subject to and dependent upon annual appropriations being made from time to time by the County Board for such purpose. Nothing in this Resolution or the Support Agreement shall constitute a pledge of the full faith and credit of the County.

5. Effective Date. This Resolution shall take effect immediately.

Adopted this 24<sup>th</sup> day of February, 2009.

2. Authorized the County Manager to execute the required documents (including but not limited to a Support Agreement, a Note, and a Deed of Trust) and to approve details of the financing as discussed in the attached resolution and described in this report.
3. Allocated up to \$625,000 in FY 2009 Affordable Housing Investment Fund (AHIF)\_(101.495130.91102) to pay estimated debt service in FY 2009.

[Board Report #26 A](#)

- B. [Approval of a deed of ground lease between the County Board of Arlington County, Virginia, as Landlord, and Telesis Corporation and National Housing Trust-Enterprise Preservation Corporation.](#)

[jointly as Tenants, on real property which the County Board is the contract purchaser known as Buckingham Village 3, Arlington, Virginia, contingent upon the County purchasing the property \(RPC No. 20023002\).](#)

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board took the following actions:

1. Approved the Deed of Ground Lease, as shown in Attachment A of the County Manager's February 24, 2009 supplemental report, between the County Board of Arlington County, Virginia ("County"), as Landlord, and Telesis Corporation ("Telesis") and National Housing Trust-Enterprise Preservation Corporation ("NHTPC") or their designee(s), as Tenant(s), on real property which the County Board is the contract purchaser, known as Buckingham Village 3, Arlington, Virginia, contingent upon the County purchasing the property (RPC No. 20023002).
2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Deed of Ground Lease and all related documents, on behalf of the County Board, subject to approval as to form by the County Attorney.
3. Authorized the County Manager to execute any documents required to accommodate Tenant's financing of renovations to the property, subject to the terms and conditions of the Deed of Ground Lease, if deemed necessary to increase the amount of tax credits available for the property, subject to approval as to form by the County Attorney.

[Board Report #26 B](#)

[Board Report #26 B-Attachment](#)

0000000000

**27. [SIGAL CLAIM. \(THERE IS NO REPORT FOR THIS ITEM.\)](#)**

On motion by BARBARA A. FAVOLA, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board deferred action on this claim until the County Manager renders a determination on the claim submitted to him on or about March 4, 2008. The Manager should submit the final written decision to Sigal within 15 days.

0000000000

**28. [APPROVAL OF FIRST AMENDMENT BETWEEN THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY \(WMATA\) AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA FOR FINAL DESIGN OF THE ROSSLYN STATION ACCESS IMPROVEMENT PROJECT \(RSAIP\).](#)**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Member - Aye, J. WALTER TEJADA, Member - Aye, MARY HUGHES HYNES, Member - Aye, JAY FISETTE, Vice Chairman - Aye, BARBARA A. FAVOLA, Chairman - Aye, the Board approved the First Amendment to the Phase Two Design Agreement for the Rosslyn Station Access Improvement Project (Attachment 1 of the County Manager's February 20, 2009 report) between WMATA and the County Board and authorized the County Manager to execute the First Amendment subject to approval as to form by the county Attorney.

[Board Report #28](#)

[Board Report #28-Attachment 1](#)

[Board Report #28-Attachment 2](#)

[Board Report #28-Attachment 3](#)

[Board Report #28-Attachment 4](#)

[Board Report #28-Attachment 5](#)

oooo0oooo

**ADDITIONAL ITEMS**

**AMENDMENT TO THE COUNTY ATTORNEY'S CONTRACT**

On motion by JAY FISSETTE, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved an amendment to the employment agreement with the County Attorney and authorized the Chairman to sign the amended agreement.

oooo0oooo

**ADJOURNMENT**

Without objection, at 8:26 p.m., the Board adjourned the meeting.

---

BARBARA A. FAVOLA, Chairman

ATTEST:

---

HOPE L. HALLECK, Clerk  
Approved: May 19, 2009