

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-26-10

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 14th day of June, 2010:

Present:	Vote:
Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

Motion was made by Mr. Trout, which carried 5:0, to adopt the following resolution:

**RESOLUTION TO AMEND, REPEAL AND RESTATE THE POLICY
ESTABLISHED REGARDING SURETIES HELD BY THE COUNTY
TO ENFORCE PERFORMANCE OF VARIOUS
LAND DEVELOPMENT PROCESSES**

WHEREAS, Section 15.2-2241 of the Code of Virginia and multiple sections of the County Code require the execution of performance agreements guaranteed by the posting of surety; and

WHEREAS, the administrative costs to the taxpayers of the County of managing these agreements and sureties will be reduced by standardizing the policy with respect to the types and forms of sureties that will be accepted by the County; and

WHEREAS, in this period of economic uncertainty, it is critical to protect the citizens of the County from developer default to the best ability of the Board of Supervisors; and

WHEREAS, the Board of Supervisors after careful consideration finds that a consistent policy for sureties is in the best interest of the citizens of the County and effectively promotes good planning and zoning practice in the County while protecting the public health, safety and general welfare of all County residents;

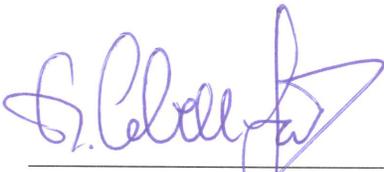
NOW THEREFORE BE IT RESOLVED by the New Kent County Board of Supervisors on this the 14th day of June, 2010 that the Board does hereby adopt the following policy with respect to sureties and other financial guarantees provided to the County as part of the land development processes of the County:

1. The county will accept sureties only in the form of cash, certified check, performance bond, or letter of credit and only following review as to the form by the County Attorney.
2. Letters of credit must be drawn on a federally insured financial institution.
3. The location of the guarantor, or branch thereof, where the surety is to be presented for redemption or call must be within 100 miles of the County.
4. Sureties shall be governed by the laws of the Commonwealth of Virginia and the venue for all proceedings initiated in connection with sureties and the obligations arising thereof shall be the County of New Kent.
5. Letters of credit shall be irrevocable and shall automatically renew for periods of no less than one year unless the County provides notice otherwise.

BE IT FURTHER RESOLVED that the County Attorney is hereby directed to prepare standard forms for sureties to be used by all post sureties. Once prepared, the use of such forms without modification or deviation shall be mandatory unless approved by the County Attorney for good cause shown.

BE IT FURTHER RESOLVED that the County Administrator, County Attorney, Director of Community Development, Subdivision Agent and Zoning Administrator shall exercise all such administrative authority as necessary to fully effect this policy of the Board of Supervisors.

BE IT FURTHER RESOLVED that this resolution repeals, amends and restates Resolution R-7-10 as adopted on January 11, 2010, by adding performance bonds as a form of surety.



G. Cabell Lawton, IV
County Administrator



David M. Sparks
Chairman