

VIRGINIA:

IN THE CIRCUIT COURT OF CAMPBELL COUNTY

IN RE:]
LEVY OF TAX AND INCURRING]
INDEBTEDNESS WITHIN THE]
TIMBERLAKE WATERSHED]
IMPROVEMENT DISTRICT OF]
CAMPBELL COUNTY, VIRGINIA]
_____]

ORDER

This day came the Trustees of the Timberlake Watershed Improvement District (“WID Trustees”), by counsel, upon the petition and response thereto. After due consideration, this court doth ADJUDGE, ORDER, AND DECREE as follows:

1. The Timberlake Watershed Improvement District (the “Timberlake WID”) is comprised of all Campbell County properties having shoreline on Timberlake, Buffalo Creek, Waterlick Creek, and Brown’s Creek that are located inside the perimeter created by Timberlake Drive, South Timberlake Drive, and Old Plantation Drive, inclusive of the Timberlake Dam and its emergency and primary spillways. This territory is contiguous and within one watershed (the “WID Territory”).

2. The Board of Directors of the Robert E. Lee Soil and Water Conservation District (the “Directors”) created the Timberlake WID on April 25, 2019.

3. At the Directors meeting on January 24, 2020, the Directors delegated general authority over all Timberlake WID “management, operational and financial administration duties and powers” to the WID Trustees. Additionally, at the January 24, 2020, meeting, the Directors approved the WID Trustees “filing with Campbell County Circuit Court to enter an order authorizing the governing body of the watershed improvement district to incur indebtedness for

one or more of the purposes for which the district was created in accordance with VA Code Section 10.1-629." A certified copy of the minutes of this meeting are attached hereto as Exhibit A, incorporated herein by this reference.

4. Two (2) referenda have been held to determine whether the Timberlake WID shall have the power to levy any tax or incur any debt. Both referenda passed.

The Landowner Referendum

5. The landowner referendum (the "Landowner Referendum") was conducted by the Directors in the manner prescribed by Code §§ 10.1-617, 10.1-625, 10.1-628, and 10.1-629. All of the owners of land lying within the WID Territory ("Landowners") had the ability to vote in the Landowner Referendum.

6. The ballot used in the Landowner Referendum stated as follows:

"1. Shall the Timberlake Watershed Improvement District have the power to levy a tax to be used for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District's boundaries?

Yes

No

2. Shall the Timberlake Watershed Improvement District have the power to incur indebtedness or issue bonds for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District's boundaries?

Yes

No"

7. Landowner Referendum passed on November 19, 2019, and a copy of the certified copy of the results is attached hereto as Exhibit B, incorporated herein by this reference.

The Qualified Voter Referendum

8. The qualified voter referendum (the "Qualified Voter Referendum") was conducted by the General Registrar of Campbell County in the manner proscribed by Va. Code §§ 10.1-634 and 24.2-681 *et seq.*
9. For the Qualified Voter Referendum to pass, a majority of the qualified voters within the WID Territory must have voted in favor of allowing the WID to levy taxes and incur debt.
10. The ballot that was used in the Qualified Voter Referendum stated as follows:
- "1. Shall the Timberlake Watershed Improvement District have the power to levy a tax to be used for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District's boundaries?
 Yes
 No
2. Shall the Timberlake Watershed Improvement District have the power to incur indebtedness or issue bonds for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District's boundaries?
 Yes
 No"
13. The General Registrar compiled a list of addresses found to be within the boundaries in conjunction with the statutes, regulations, and policies governing a general election. Only registered voters domiciled at the listed addresses were allowed to vote in the November 5, 2019, referendum conducted by the General Registrar.
14. The Qualified Voter Referendum passed on November 5, 2019, and a copy of the certified copy of the results of this referendum is attached hereto as Exhibit C, incorporated herein by this reference.

Therefore, it is hereby ORDERED, that the Timberlake Watershed Improvement District, subject to further reviews, approvals, and requirements as appropriate under Va. Code § 10.1-614, *et seq.*, is authorized to levy a tax to be used for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake [WID's] boundaries; and to incur indebtedness or issue bonds for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake [WID's] boundaries., in accordance with Code of Virginia § 10.1-629.

The Clerk shall forward attested copies of this Order to the Secretary of the Electoral Board of Campbell County, to the general registrar of Campbell County, to the Secretary of the State Board of Elections, to the Clerk of the Campbell County Board of Supervisors, and to counsel.

This matter is stricken from the docket JTC

ENTER: 5/15/2020

John T. Cook

Judge

WE ASK FOR THIS:

SF Vance IV

/

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cc: Vance
Isenhour
cc Electoral Bd.
cc Registrar
State Bd Election
cc Board OS
Scm

A COPY TESTE:
VALERIE P. YOUNGER
Circuit Court Clerk
Campbell County, Virginia

By: *J. Hedrick*

Deputy Clerk

SEEN AND AGREED:



E. E. Isenhour, III, Esq. (VSB# 76871)

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