

MEMORANDUM
COUNTY OF LOUDOUN

DATE: March 20, 2025

TO: Department and Agency Heads

FROM: Tim Hemstreet, County Administrator

SUBJECT: Action Report of the March 18, 2025, Board of Supervisors Business Meeting

Please work with staff to address the Board of Supervisors (Board) action as noted in the Action Report from the March 18, 2025, Board Business Meeting.

The full webcast of the meeting is available at <https://www.loudoun.gov/meetings> under "Available Archives." Individual agenda items are time-stamped for easy access to specific topics.

REQUESTS FOR ADDITIONS/DELETIONS TO THE AGENDA

Supervisor Glass requested that a nomination and confirmation be added to the agenda.

ADOPTION OF CONSENT AGENDA

Chair Randall moved that the Board of Supervisors approve the following items on consent: R-1, R-2, R-3, R-4, R-5, 1a, 1b, 1c, 1d, 1e, 2a, 3, 4, 5, 10, and 11. (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

CHAIR'S ORGANIZATION UPDATES AND VOICE FOR A CAUSE

None.

CEREMONIAL RESOLUTIONS

R-1 Proclamation to Recognize Give Choose Day 2025 (Approval and Presentation)

Chair Randall moved that the Board of Supervisors approve the Proclamation to recognize March 25, 2025, as Give Choose Day in Loudoun County, Virginia, provided as Attachment 1 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contact: Jaylen Washington, Chair Randall's Office

R-2 Proclamation to Recognize March 2025 as Women's History Month in Loudoun County (Approval and Presentation)

Chair Randall moved that the Board of Supervisors approve the Proclamation to recognize March 2025 as Women's History Month in Loudoun County, provided as Attachment 1 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Consent Item)

(Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Jaylen Washington, Chair Randall's Office; Aman Ardalán, Supervisor Briskman's Office; Yolanda Pensmith, Supervisor Glass's Office; Valarie Suzdak, Supervisor TeKrony's Office; Sherry Sewall, Supervisor Umstattd's Office

R-3 Resolution to Honor the Life and Service of Witold "Victor" Brick (Approval only)

Chair Randall moved that the Board of Supervisors adopt the Resolution to Honor the Life and Service of Witold "Victor" Brick, provided as Attachment 1 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Jaylen Washington, Chair Randall's Office; Rachael Mai, Vice Chair Turner's Office; Aman Ardalán & Ethan Gardner, Supervisor Briskman's Office; Sherry Sewall, Supervisor Umstattd's Office

R-4 Resolution to Recognize 2025 Best Workplaces for Commuters (Approval only)

Chair Randall moved that the Board of Supervisors approve the Resolution to Recognize Loudoun County Employers for Inclusion in Best Workplaces for Commuters 2025 Annual List, provided as Attachment 1 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contact: Matt Rogers, Chair Randall's Office

R-5 Proclamation to Recognize March 21, 2025, as Save Soil Day (Approval only)

Chair Randall moved that the Board of Supervisors approve the Proclamation to recognize March 21, 2025, as Save Soil Day in Loudoun County, provided as Attachment 1 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contact: Aman Ardalán, Supervisor Briskman's Office

INFORMATION ITEMS

I-1 Broadband Implementation Plan - Update (Countywide)

Dave Friedrich and Nate Wentland with Information Technology provided the Board with an update on the progress of rural broadband initiatives and opportunities in Loudoun County.

Staff Contacts: Dave Friedrich & Nate Wentland, Information Technology

BOARD STANDING COMMITTEE REPORTS & ACTION ITEMS

1. Finance/Government Operations and Economic Development (FGOEDC) Report:

1a. Contract Renewal/Public Safety Two-Way Radios and Related Equipment (Countywide)

Chair Randall moved the recommendation of the Finance/Government Operations and Economic Development Committee that the Board of Supervisors authorize the Purchasing Agent to renew the contract for public safety radios and related equipment with Motorola Solutions, Inc., for the period of April 18, 2025, through April 17, 2026, in the amount of \$12,000,000. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Cheryl L. Middleton & George Govan, Finance and Procurement; Brian Kimberly & Nate Wentland, Information Technology

1b. Contract Renewal/Day Support and Employment Services (Countywide)

Chair Randall moved the recommendation of the Finance/Government Operations and Economic Development Committee that the Board of Supervisors authorize the Purchasing Agent to renew contracts for Day Support and Employment Services to the pool of current awarded providers listed in the March 18, 2025, Board of Supervisors Business Meeting Action Item for the period July 1, 2025, through June 30, 2026, in the cumulative amount of \$2,714,447 with no renewal options. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Cheryl L. Middleton & George Govan, Finance and Procurement; Margaret Graham, Mental Health, Substance Abuse, and Developmental Services

1c. Contract Award/Roadway and Transportation Design Services (Countywide)

Chair Randall moved the recommendation of the Finance/Government Operations and Economic Development Committee that the Board of Supervisors authorize the Purchasing Agent to award the contracts for Roadway and Transportation Design Services to Dewberry Engineers, Inc., Kimley-Horn and Associates, Inc., and Rummel, Klepper & Kahl, LLP in the total estimated amount of \$4,000,000 for the contract period of April 1, 2025, through March 31, 2026. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Cheryl L. Middleton & George Govan, Finance and Procurement; Mark Hoffman & Vincent Jones, Transportation and Capital Infrastructure

1d. Loudoun Museum Memorandum of Agreement (Countywide)

Chair Randall moved the recommendation of the Finance/Government Operations and Economic Development Committee that the Board of Supervisors authorize the County Administrator to execute a five-year extension of the Memorandum of Agreement between Loudoun County and the Loudoun Museum, provided as Attachment 3 to the March 18, 2025, Board of Supervisors Business Meeting Action

Item. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contact: Steve Torpy, Parks, Recreation, and Community Services

1e. Beneficial Use of Landfill Gas (Countywide)

Chair Randall moved the recommendation of the Finance/Government Operations and Economic Development Committee that the Board of Supervisors authorize staff to develop and issue a Request for Proposal for a vendor to build, own, and operate a facility at the Loudoun County landfill to convert existing landfill gas to Renewable Natural Gas for the economic and environmental benefit of the County. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Marc Aveni & Ernest Brown, General Services

2. APPOINTMENTS

2a. Confirmations

Chair Randall moved that the Board of Supervisors confirm the following appointments with terms expiring as noted. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Commission on Aging

- Nancy Nicolson as the Catocin District Representative (Term expires 12/31/2027) (nominated by Supervisor Kershner)

2b. Nominations

Supervisor Glass nominated Clifford Keirce for reappointment as an at-large Representative to the Board of Equalization.

Supervisor Glass moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Briskman. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Supervisor Glass moved that the Board of Supervisors approve the nomination of Mr. Clifford Keirce for reappointment to an at-large seat on the Board of Equalization with a term expiring March 17, 2028. (Seconded by Supervisor Briskman. The motion passed 6-1-2: Chair Randall opposed; Supervisors Kershner and Saines absent.)

Community Services Board

- Chair Randall nominated Elisha Kehinde Hassant as an at-large Representative (Term expires 6/30/2027)

Economic Development Authority

- Chair Randall nominated Scott Hamberger for reappointment as an at-large Representative (Term expires 3/31/2029)

- Chair Randall nominated Angela Wilson for reappointment as an at-large Representative (Term expires 3/31/2029)

Family Services Advisory Board

- Vice Chair Turner nominated Veena Agaram as an at-large Representative (Term expires 3/31/2029)
- Supervisor Glass nominated Nairuti Pranay Shastry as an at-large Representative (Term expires 3/31/29)

Staff Contact: Erin McLellan, County Administration

3. Administrative Items Report of March 18, 2025

Chair Randall moved that the Board of Supervisors approve the Administrative Items Report of March 18, 2025. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

a. Budget Adjustments

The Board of Supervisors approved the budget adjustments as set out in the March 18, 2025, Administrative Items Report, and decreased the General Fund by \$133,926.82, increased the Capital Projects Fund by \$7,414,047.92, and increased the Debt Service Fund by \$77.

Staff Contacts: Megan Bourke & Erin McLellan, County Administration

b. Board of Supervisors' Minutes for Approval

The Board of Supervisors approved the Minutes provided as Attachments 1 through 8 of the March 18, 2025, Board of Supervisors Business Meeting Administrative Items Report, Item 3b.

Staff Contacts: Jennifer Grimmell & Erin McLellan, County Administration

c. Timeline Extension – LEGI-2025-0001, Western Loudoun Recreation Complex: CMPT-2025-0001 & CMPT-2025-0003

The Board of Supervisors approved a timeline extension of 441 days to June 30, 2026, for Planning Commission action on LEGI-2025-0001, CMPT-2025-0001 and CMPT-2025-0003, Western Loudoun Recreation Complex.

Staff Contacts: Kristian Maldonado & Daniel Galindo, Planning and Zoning

d. Secondary Road Additions

The Board of Supervisors adopted the resolutions provided as Attachments 1 through 3 to the March 18, 2025, Board of Supervisors Business Meeting Administrative Items Report, Item 3d.

Staff Contacts: Travis Perlman & George Govan, Housing and Community Development

4. Proposed Traffic Calming Measures in the Waterford Ridge Community (Catoctin)

Chair Randall moved that the Board of Supervisors direct staff to purchase and install two “Watch for Children” signs for the Waterford Ridge community in the Catoctin Election District, as outlined in the March 18, 2025, Board of Supervisors Business Meeting Action Item.

Chair Randall further moved that the Board of Supervisors authorize staff to use \$5,000 from the Traffic Calming Signs project in the Capital Projects Fund for the purchase and installation of two “Watch for Children” signs in the Waterford Ridge Community in the Catoctin Election District.

Chair Randall further moved that the Board of Supervisors authorize the Department of General Services to perpetually maintain the “Watch for Children” signs in the Waterford Ridge community in the Catoctin Election District. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Carolina Siguenza & Vincent Jones, Transportation and Capital Infrastructure

5. LEGI-2023-0109, NOVEC Southfork Substation: SPEX-2024-0033 & SPEX-2024-0034 (Dulles)

Chair Randall moved that the Board of Supervisors approve LEGI-2023-0109, NOVEC Southfork Substation: SPEX-2024-0033 and SPEX-2024-0034, subject to the Conditions of Approval dated February 20, 2025, and based on the Findings for Approval, provided as Attachments 1 and 2 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Kristian Maldonado & Daniel Galindo, Planning and Zoning

6. LEGI-2023-0077, Zebra East: ZCPA-2023-0005 & SPEX-2023-0019 (Sterling)

Supervisor Saines moved that the Board of Supervisors approve LEGI-2023-0077, Zebra East: ZCPA-2023-0005 & SPEX-2023-0019, subject to the Proffer Statement dated March 12, 2025, and the Conditions of Approval dated March 13, 2025, and based on the Findings for Approval provided as Attachments 1, 2, and 4 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Seconded by Supervisor Letourneau. The motion passed 6-3: Supervisors Briskman, TeKrony, and Turner opposed.)

Staff Contacts: Allison Britain & Daniel Galindo, Planning and Zoning

7. CPAM-2024-0001 & ZOAM-2024-0001, Data Center Standards and Locations, Phase 1 (Countywide)

Chair Randall moved that the Board of Supervisors adopt the Grandfathering Resolution for ZOAM-2024-0001, as provided in Attachment 4 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Seconded by Supervisor Letourneau.)

Supervisor Briskman moved an Amendment to the Motion to delete all provisions from the Grandfathering Resolution pertaining to the grandfathering of administrative applications. (Seconded by Supervisor TeKrony. The motion FAILED 4-5: Supervisors Kershner, Letourneau, Randall, Saines, and Umstattd opposed.)

Chair Randall accepted Supervisor Briskman's Friendly Amendment to add a new Paragraph 3 to read as follows: "If an administrative application with prior legislative approval meets the requirements in Paragraph 2, other than the 500-foot standard in clause (ii), and such administrative application is revised to comply with the 500-foot standard in clause (ii) of Paragraph 2, including by a revision that requires changing a site plan amendment application into a site plan application, then such administrative application shall be treated as if it met all of the requirements of Paragraph 2, and will be considered a grandfathered administrative application."

Supervisor Letourneau moved an Amendment to Supervisor Briskman's Friendly Amendment to modify the language to read "If an administrative application meets the requirements in Paragraph 2, other than the 500-foot standard in clause (ii), and such administrative application is revised to comply with the 500-foot standard in clause (ii) of Paragraph 2, including by a revision that requires changing a site plan amendment application into a site plan application, then such administrative application shall be treated as if it met all of the requirements of Paragraph 2, and will be considered a grandfathered administrative application." (Seconded by Chair Randall. The motion passed 8-1: Supervisor Briskman opposed.)

During the Additions and Deletions portion of the April 1, 2025, Board Business Meeting, Supervisor TeKrony raised a point of order with regard to the vote taken on Supervisor Letourneau's motion to amend Supervisor Briskman's Friendly Amendment on the Grandfathering Resolution at the March 18, 2025, Board Business Meeting. She stated that Supervisor Letourneau's motion permitted revisions to administrative applications that didn't comply with the 500-foot buffer. The motion passed 8-1 with Supervisor TeKrony voting in favor of the motion.

Supervisor TeKrony requested that without objection, her vote be changed to nay. There were no objections. Chair Randall asked staff to ensure that the minutes reflect that the motion passed by a vote of 7-2: Supervisors Briskman and TeKrony opposed.

Chair Randall accepted Vice Chair Turner's Friendly Amendment to amend the Grandfathering Resolution as follows on the draft Grandfathering Resolution, Attachment 4):

7. For purposes of this resolution, a "substantial modification" to a legislative application is a modification made after the Effective Date that:
 - (a) would require a new special exception application in order to increase floor area ratio **that exceeds the maximum allowed in the district;**

- (b) would require a new special exception application in order to increase the height for a building housing a data center use ~~that exceeds the maximum allowed in the district;~~
- (c) would require a new modification pursuant to Section 10.10.04.C of the Zoning Ordinance or a new minor special exception application in order to decrease the setback for a building housing a data center use ~~to a point less than the minimum required by a district;~~
- (d) ~~changes or adds proposed uses;~~
- ~~(e) changes or increases the land area subject to the legislative application; or~~
- ~~(f)~~ otherwise requires a legislative application to be remanded to the Planning Commission for further consideration, as determined by the Office of the County Attorney.

However, even if a modification is of the kind described in (a) – ~~(d)(f)~~ above, such modification shall not be a substantial modification to a legislative application if it was requested by or made in response to a recommendation adopted by the Board or Planning Commission in an open meeting, or a comment from County staff in an official referral or review memorandum.

Supervisor Kershner moved an Amendment to the Grandfathering Resolution to:

1. Delete “for a data center use” from the eighth Whereas clause on p. 1 of 5 in Attachment 4; and
2. Delete “for a data center use” within section 1 on p. 2 of 5 in Attachment 4.

(Seconded by Supervisor Umstattd. The motion passed 9-0.)

Chair Randall accepted Supervisor Letourneau’s Friendly Amendment to authorize staff to update the Grandfathering Resolution to allow cross-references, renumbering, and correct any technical issues related to the motions approved by the Board of Supervisors.

Chair Randall did not accept Supervisor Briskman’s Friendly Amendment to insert “occupied” before both instances of “residential structures” in Paragraph 2 of the Grandfathering Resolution, p. 2 of 5 in Attachment 4.

Supervisor Kershner moved an Amendment to change the effective date of the Grandfathering Resolution from February 12, 2025, to March 18, 2025. (Seconded by Supervisor Umstattd. The motion FAILED 2-7: Supervisors Briskman, Glass, Letourneau, Randall, Saines, TeKrony, and Turner opposed.)

(The Main Motion, as amended, passed 5-4: Supervisors Briskman, Glass, TeKrony, and Turner opposed.)

Chair Randall moved that the Board of Supervisors adopt CPAM-2024-0001 & ZOAM-2024-0001, Data Center Standards and Locations, Phase 1, as provided in Attachments 1, 2, and 3 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Seconded by Supervisor Saines.)

Supervisor Saines, as the seconder of the motion, did not accept Supervisor TeKrony's Friendly Amendment to add "except with the deletion of footnote #3 in Attachment 3" to the motion.

Supervisor TeKrony moved an Amendment to add "except with the deletion of footnote #3 in Attachment 3" to the motion." (Seconded by Supervisor Briskman.)

Supervisor TeKrony accepted Supervisor Briskman's Friendly Amendment to strike the 5% provision.

Supervisor TeKrony accepted Vice Chair Turner's Friendly Amendment to change the provision to 2%.

Supervisor TeKrony moved to table the motion. (Seconded by Chair Randall. The motion passed 9-0.) *The Board by consensus agreed to table this motion to the April 15, 2025, Board of Supervisors Business Meeting to be discussed with CPAM-2025-0001 & ZOAM-2025-0001, Data Center Standards and Locations, Phase 2.*

Supervisor Umstattd moved that the Board of Supervisors amend CPAM-2024-0001, Data Center Standards and Locations, Phase 1, as provided in Attachments 1 and 2 to the March 18, 2025, Board of Supervisors Action Item, with the following revisions:

1. The area currently designated as the Urban Employment Place Type will not be redesignated as the Urban Transit Center Place Type, and
2. Data centers will be listed as a "Conditional Use" rather than a "Core Use" within the Urban Employment Place Type.

Supervisor Umstattd further moved that the Board of Supervisors direct staff to incorporate a study of options for the Urban Employment Place Type, including land use recommendations that promote the long-term mixed-use redevelopment of the Place Type, into the Project Plan for CPAM-2025-0001 & ZOAM-2025-0001, Data Center Standards and Locations, Phase 2. (Seconded by Supervisor Letourneau. The motion FAILED 3-5-0-1: Supervisors Briskman, Glass, Randall, TeKrony, and Turner opposed; Supervisor Saines abstained.)

The Main Motion passed 7-2: Supervisors Kershner and Umstattd opposed.

Staff Contacts: Abdul Jaffari & Daniel Galindo, Planning and Zoning

8. CPAM-2025-0001 & ZOAM-2025-0001, Data Center Standards and Locations, Phase 2 (Countywide)

Chair Randall moved that the Board of Supervisors table this item to the April 15, 2025, Board of Supervisors Business Meeting for action. (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contacts: Abdul Jaffari & Daniel Galindo, Planning and Zoning

9. Dominion Energy Tree Clearing on the Washington & Old Dominion Park (Countywide)

Chair Randall moved that the Board of Supervisors direct staff to draft communications informing Dominion Energy of the Board's position regarding their project and expressing support for the continuation of Dominion Energy's past vegetation management practices, ensuring alignment with the established selective trimming approach and the 2005 Memorandum of Understanding between Dominion Energy and the Northern Virginia Regional Park Authority. (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Staff Contacts: Joe Kroboth, John Freeman & Erin McLellan, County Administration

10. Board Member Initiative: Define and Establish Performance Criteria for Microgrids and Other Onsite Power Generation Uses (Countywide)

Chair Randall moved that the Board of Supervisors direct staff to incorporate items numbered 1 to 4 outlined in the March 18, 2025, Board of Supervisors Business Meeting Action Item into the Data Center Standards and Locations, Phase 2: Comprehensive Plan Amendment and Zoning Ordinance Amendment process. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Lead Departments responsible for follow-up and implementation: Planning & Zoning; Joe Kroboth, County Administration

Staff Contact: Rachael Mai, Vice Chair Turner's Office

11. Board Member Initiative: Proposed Changes to the Board of Supervisors Rules of Order (Countywide)

Chair Randall moved that the Board of Supervisors amend Section I (C) & (D), Business Meetings and Public Hearings; Section II (A), Order of Business at Regular Meetings; Section V, Board Comment, Regional Updates, and Disclosures; Section XVII (A), Rules of Order for Public Comment and Public Hearings; and Section XIX Remote Participation in Board Meetings, of the Board of Supervisors Adopted Rules of Order as outlined in Attachment 1 to the March 18, 2025, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Vice Chair Turner. The motion passed 7-0-2: Supervisors Kershner and Saines absent.)

Lead Departments responsible for follow-up and implementation: Erin McLellan, County Administration

Staff Contact: Matt Rogers, Chair Randall's Office

12. Board Member Initiative: Supplemental Financial Assistance for Loudoun's Non-Profit Communities (Countywide)

Chair Randall moved that the Board of Supervisors appropriate \$5 million of real property tax revenue in FY 2025 and provide a payment in the same amount to the Community Foundation for Loudoun and Northern Fauquier. (Seconded by Vice Chair Turner.)

Chair Randall accepted Supervisor Letourneau's Friendly Amendment that as the funding is provided, it would be within the Counties' established areas of need.

(The motion, as amended, passed 7-2: Supervisors Kershner and Letourneau opposed.)

Lead Departments responsible for follow-up and implementation: George Govan, Finance and Procurement; Erin McLellan, County Administration

Staff Contacts: Matt Rogers, Chair Randall's Office; Rachael Mai, Vice Chair Turner's Office

CLOSED SESSION-PART 1

Vice Chair Turner moved that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider a personnel matter involving the annual performance review of the County Administrator. (Seconded by Chair Randall. The motion passed 9-0.)

Vice Chair Turner moved that the closed session be adjourned, that the Board of Supervisors reconvenes its public meeting, that the minutes of the public meeting should reflect that no formal action was taken in the closed session and further moved that the Resolution Certifying the Closed Session be adopted and reflected in the minutes of this public meeting. (Seconded by Chair Randall. The motion passed via roll call vote 9-0.)

Resolution Certifying Closed Session

Whereas, the Loudoun County Board of Supervisors this 18th day of March 2025, convened in closed session by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motions by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.

CLOSED SESSION-PART 2

Chair Randall moved that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Sections 2.2-3711 (A) (7) and 2.2-3711 (A) (8) of the Code of Virginia to consult with legal counsel and staff members pertaining to actual or probable litigation

involving the County and the architect for the Animal Services Facility located in the Leesburg Election District. (Seconded by Supervisor Letourneau. The motion passed 8-0-1: Supervisor Briskman absent.)

Vice Chair Turner moved that the closed session be adjourned, that the Board of Supervisors reconvenes its public meeting, that the minutes of the public meeting should reflect that no formal action was taken in the closed session and further moved that the Resolution Certifying the Closed Session be adopted and reflected in the minutes of this public meeting. (Seconded by Supervisor Letourneau. The motion passed via roll call vote 8-0-1: Supervisor Briskman absent.

Resolution Certifying Closed Session

Whereas, the Loudoun County Board of Supervisors this 18th day of March 2025, convened in closed session by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motions by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.