

## Henry County's previous words on negotiating in good faith:

### *Memorandum of Understanding (April 29, 2021)*

- **"Comprehensive Agreement.** The parties shall engage in their best efforts to reduce this agreement to a comprehensive settlement agreement; provided, however, in the event agreement is not reached, this agreement shall still be a binding agreement." MOU ¶ 17.

### *Resolution of the Henry County Board of Supervisors (August 24, 2021)*

- "It is the intention of the Board of Supervisors, after the Commission's review, to adopt the Agreement and thereafter to petition the appropriate Circuit Court to affirm and validate the Agreement and to give it full force and effect." Henry Cnty. VSA Resolution ¶ 5 (Aug. 24, 2021).

### *Voluntary Settlement Agreement (August 24, 2021)*

- "WHEREAS, the Parties have concluded that Martinsville's reversion from an independent city to a town located within and constituting part of Henry County in accordance with the terms of this Agreement meets the requirements of Virginia Code § 15.2-4106." Eighth Recital, *in VSA*.
- **"Special Court Affirmation.** After the Parties receive the Commission's report of findings and recommendations regarding the Agreement and after complying with the requirements of § 15.2-3400(4) of the Virginia Code, the Parties shall submit this Agreement in its present form, or in another form if the Parties amend this Agreement as permitted by § 15.2-3400(4) of the Virginia Code, to the Special Court for affirmation, as required by § 15.2-3400(5) of the Virginia Code." VSA § 10.02.
- **"Authority to Execute this Agreement.** This Agreement requires the approval of the Martinsville City Council and the Henry County Board of Supervisors, which shall be indicated by passage of a resolution by each of the respective governing bodies approving the Agreement. Upon approval of this Agreement by the respective governing bodies of Martinsville and Henry County, this Agreement shall be signed by their authorized representatives. The representatives signing this Agreement warrant and represent that they are authorized to execute this Agreement on behalf of the respective governing bodies of Martinsville and Henry County and to thereby bind the respective Parties to the terms of this Agreement." VSA § 11.07.
- **"Performance of this Agreement.** The Parties agree to undertake and perform the obligations and agreements made in this Agreement in good faith. . . . The Parties shall refrain from any act intended, or otherwise tending, to terminate, impair, supersede, preempt, circumvent, supplant, collaterally attack, frustrate, or otherwise diminish the validity, performance, or effect of the obligations and agreements made in this Agreement. . . ." VSA § 11.11.