

**JAMES RIVER WATER AUTHORITY  
BOARD OF DIRECTORS  
SPRING CREEK SPORTS CLUB  
181 CLUBHOUSE WAY  
ZION CROSSROADS, VIRGINIA  
MAY 5, 2015  
10:30 A.M.**

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Present: Steven M. Nichols, Erick Gomez, D.D. Watson, and Christian R. Goodwin

Absent: Goodman B. Duke and Joe Chesser

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**CALL TO ORDER**

Chairman Duke called the May 5, 2015, regular meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:38 a.m., which was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

On the motion of Mr. Goodwin, seconded by Mr. Nichols, which carried by a vote of 4-0, the Board approved the May 5, 2015, agenda, as amended, with the following changes:

- Added a discussion regarding legal counsel for potential condemnation actions;
- Added a discussion regarding a proposed meeting to review the financial software used by the Louisa County Water Authority;
- Added a discussion regarding communications, delegation of authorities, and order of operations during the progression of the Project; and
- Added a discussion regarding amendments to the bylaws, specifically related to the order of business.

**READING AND APPROVAL OF MINUTES OF PRECEDING MEETINGS**

**April 7, 2015**

On the motion of Mr. Nichols, seconded by Mr. Goodwin, which carried by a vote of 3-0-1, with Mr. Watson abstaining because of his absence from the meeting, the Board approved the minutes of the April 7, 2015, meeting.

**FINANCIAL REPORT**

**Approval of Bills**

Mr. Nichols said the following bills had been received for payment:

- Hefty Wiley & Gore, P.C. for the quarterly payment in the amount of \$7,500; and

- McDonough Bolyard Peck, Inc. (MBP) for ongoing services in the amount of \$990.00.

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 4-0, the Board approved payment for the following bills:

- Hefty Wiley & Gore, P.C. - \$7,500
- MBP - \$990.00

## **ACTION ITEMS**

### **Update – Permit Relocation**

Mr. Gomez said during the last meeting, the JRWA authorized Mr. Chesser to make the Department of Environmental Quality (DEQ) permit application fee payment in an amount not to exceed \$30,000, if needed, and questioned if it was requested. Mr. Hines said not yet.

Mr. Joe Hines, representative with Timmons Group, commented that the property owner's signature had been received and would be sent to the Virginia Marine Resources Commission (VMRC) and Timmons Group was in the process of finalizing the intake plans to also be sent to VMRC so they could formally proceed with the public notice.

Additional discussion was held amongst the JRWA in regards to the permit application fee payment to DEQ and Mr. Hines said he would contact DEQ and let the JRWA know the best way to send it.

The BBA briefly discussed the permission access request letter to be sent to the property owner and after discussion, Mr. Watson motioned to authorize Mr. Nichols to sign the final document in the absence of the BBA chairman. Mr. Goodwin seconded the motion.

On the motion of Mr. Watson, seconded by Mr. Goodwin, which carried by a vote of 4-0, the Board authorized Mr. Nichols to execute the permission access request letter to the property owner.

### **Update – PPEA Interim Agreement**

Mr. Hefty commented that the agreement had been approved and fully executed and he had extra copies to circulate for signatures in order to have three (3) originals.

### **Update – County Funding**

Mr. Nichols said the Interim Agreement was for \$725,017 to be equally split between Fluvanna and Louisa Counties. Mr. Nichols noted that the resolution for approval of \$362,500 to the JRWA was on Fluvanna's upcoming agenda for consideration. Mr. Goodwin stated that the funding had already been budgeted by Louisa County and approval to distribute the funds would be placed on their next agenda for consideration. Mr. Nichols confirmed that the total amount to fund the Interim Agreement would be deposited in the JRWA's account within the coming weeks.

**Discussion – Proposed Meeting to Review the Financial Software used by the Louisa County Water Authority**

Mr. Gomez commented that Mr. Chesser and himself planned to meet with the Louisa County Water to review their billing software.

**Discussion – Communications, Delegation of Authorities, and Order of Operations during the Progression of the Project**

Mr. Goodwin said the Project was beginning to reach milestones that couldn't be overlooked and he thought it was important that the JRWA identify someone to orchestrate the items and establish a proper chain of command.

Mr. Nichols suggested that MBP be charged with coordination and communicate with the designated points of contact from both counties. The JRWA agreed.

Mr. Gomez suggested that a master schedule be created for the entire project.

Mr. Hefty said in the past, he had worked on projects where an owners representative was hired, which had proven to be very helpful and indicated that he could draft a request for proposals (RFP) for the JRWA's consideration, if desired. Mr. Nichols questioned whether a RFP was necessary or if the services could be included under an amendment within the scope of the existing agreement with MBP. Mr. Hefty said he would review the existing RFP to see if the language allowed it.

**Discussion – Amendments to the Bylaws - Order of Business**

On the motion of Mr. Nichols, seconded by Mr. Goodwin, which carried by a vote of 4-0, the Board requested that the Bylaws be amended to include a section titled "Discussion/Information Items" under order of business on future agendas.

**Discussion – Legal Counsel for Potential Condemnation Actions**

Mr. Hefty said he hoped the JRWA would not face condemnation issues, but as a precaution he thought the JRWA needed a condemnation attorney firm on retainer and recommended utilizing the Law Offices of Randolph, Boyd, Cherry & Vaughan. After discussion, Mr. Nichols motioned to authorize the Vice-Chairman to sign the engagement letter. Mr. Watson seconded.

On the motion of Mr. Nichols, seconded by Mr. Watson, which carried by a vote of 4-0, the Board authorized the Vice-Chairman to sign engagement letter with the Law Offices of Randolph, Boyd, Cherry & Vaughan.

Mr. Goodwin questioned if the JRWA needed to approve a resolution of public purpose for acquiring by eminent domain in case that was necessary. Mr. Hefty said he would find out and let the JRWA know.

**ADJOURNMENT**

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 4-0, the Board voted to adjourn the May 5, 2015, meeting at approximately 11:28 a.m.

BY ORDER OF:

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GOODMAN B. DUKE, CHAIRMAN  
BOARD OF DIRECTORS  
JAMES RIVER WATER AUTHORITY

DRAFT