

**James River Water Authority
Board of Directors Meeting
181 Clubhouse Way
Zion Crossroads, Virginia
February 2, 2016
10:30 A.M.**

Regular Business Meeting of the James River Water Authority Board of Directors

- I. Call to Order**
- II. Adoption of Agenda**
- III. Items from the Public**
- IV. Approval of Minutes of Preceding Meeting**
 - a. December 1, 2015 – Regular Meeting
 - b. December 11, 2015 – Special Meeting
 - c. December 30, 2015 – Special Meeting
- V. Financial Report**
- VI. Discussion/Information Items**
 - a. VRA Application Review
- VII. Action Items**
- VIII. Consent Agenda**
- IX. Closed Meeting**
- X. Adjournment**

The James River Water Authority Board of Directors reserves the right to amend and/or change the Agenda the day of the meeting.

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

**JAMES RIVER WATER AUTHORITY
BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB
181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
DECEMBER 1, 2015
10:30 A.M.**

Present: Steven M. Nichols, Goodman B. Duke (Chairman), Erick Gomez (arrived 10:42), Joe Chesser (Treasurer), and Christian R. Goodwin

Absent: D.D. Watson

Others Present: Brendan Hefty, Hefty & Wiley, P.C., Legal Counsel; Joe Modica, MBP Engineering; Pete Morris, Faulconer Construction; Joe Hines, Timmons Engineering; Wayne Stephens, Fluvanna Engineer; John Robins, Louisa Engineer.

CALL TO ORDER

Chairman Duke called the December 1, 2015, regular meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:30 a.m. Mr. Nichols led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Goodwin seconded by Mr. Chesser, which carried by a vote of 4-0, the Board approved the December 1, 2015, agenda.

READING AND APPROVAL OF MINUTES OF PRECEDING MEETINGS

On the motion of Mr. Chesser, seconded by Mr. Goodwin, which carried by a vote of 4-0 the Board approved the minutes of the November 3, 2015, meeting.

FINANCIAL REPORT

Approval of Bills

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

- MBP, engineering review; \$3,130

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

DISCUSSION/INFORMATION ITEMS

Update – Encroachment Agreement

Mr. Nichols advised that the proposed line will not use the Colonial Pipeline easement other than to cross the Colonial pipeline. Mr. Goodwin agreed to forward Louisa County’s agreement with Colonial to Mr. Hefty for review for possible use by the JRWA.

Update – Status of Offer Letters

Mr. Nichols reviewed the changes suggested by Fluvanna County and the responses by the property acquisition vendor and attorneys. It was agreed that the JRWA would draft a cover letter for the offer package in an effort to provide a simple introduction. Mr. Nichols and Mr. Goodwin agreed to draft a letter for the Board’s review.

ACTION ITEMS

Addendum No.1 to the Interjurisdictional Agreement

Mr. Goodwin summarized the terms of the addendum for the Board. On the motion of Mr. Chesser, seconded by Mr. Gomez, which carried by a vote of 5-0, the Board approved the addendum and directed the Chairman to execute it.

OTHER ITEMS

Permit Review

Mr. Nichols reviewed the status of the permits, reminding the Board that the withdrawal permit had been approved by DEQ. The remaining permits for the project are Fluvanna’s Special Use Permits, the VMRC permit, and the Corps of Engineers permit.

CLOSED MEETING

On the motion of Mr. Goodwin, seconded by Mr. Nichols, which carried by a vote of 5-0, the Board voted to enter Closed Session at 10:50 a.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711.A.3 VA Code Ann., for the purpose of discussion of the acquisition of property, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically related to the location for the pump station.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Goodwin seconded by Mr. Nichols, which carried by a vote of 5-0, the Board voted to return to regular session at 11:18 a.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

On the motion of Mr. Goodwin, seconded by Mr. Nichols, which carried by a vote of 5-0, the Board voted to adopt the following resolution:

WHEREAS, the James River Water Authority Board of Directors has convened a Closed Meeting pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by the James River Water Authority Board of Directors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED that the James River Water Authority Board of Directors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the James River Water Authority Board of Directors.

<u>NAME</u>	<u>VOTE</u>
Joe Chesser	Yes/Aye
D.D. Watson	Absent
Erick Gomez	Yes/Aye
Christian R. Goodwin	Yes/Aye
Steven M. Nichols	Yes/Aye
Goodman B. Duke	Yes/Aye

OTHER ITEMS

A brief discussion regarding working with surrounding localities on withdrawal needs ensued. On the motion of Mr. Chesser, seconded by Mr. Gomez, the Board voted 5-0 to approve Mr. Nichols and Mr. Goodwin approaching other localities to communicate the JRWA’s willingness to collaborate regionally regarding withdrawal needs.

ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Chesser, which carried by a vote of 5-0, the Board voted to adjourn the November 3, 2015, meeting at 11:20 a.m.

BY ORDER OF:

GOODMAN B. DUKE, CHAIRMAN
BOARD OF DIRECTORS

DRAFT

**JAMES RIVER WATER AUTHORITY
BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB
181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
DECEMBER 11, 2015 SPECIAL MEETING
3:00 P.M.**

Present: Steven M. Nichols, Goodman B. Duke (Chairman), D.D. Watson, Joe Chesser (Treasurer), and Christian R. Goodwin

Absent: Erick Gomez

Others Present: Eric Dahl, Fluvanna Finance Director; Bobby Popowicz, Fluvanna Community Development Director; Belanger Harris, Fluvanna County Administrative Assistant, David Holtzman; the Central Virginian; Christina Guzman; The Fluvanna Review

CALL TO ORDER

Chairman Duke called the December 11, 2015, special meeting of the James River Water Authority (JRWA) Board of Directors to order at 3:00 p.m. Mr. Nichols led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Chesser, seconded by Mr. Nichols, which carried by a vote of 5-0, the Board approved the December 11, 2015, agenda.

READING AND APPROVAL OF MINUTES OF PRECEDING MEETINGS

None.

FINANCIAL REPORT

Approval of Bills

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

- MBP, engineering review for \$1,725; Richmond Times-Dispatch, advertising for \$395.72.

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved payment for the aforementioned bills.

DISCUSSION/INFORMATION ITEMS

Update – Offer Letter Package

Mr. Nichols reviewed draft JRWA letterhead and a draft cover letter for the offer package. Mr. Duke suggested adding language regarding the overall benefit of the project. Mr. Hefty suggested revising the use of “partnership” given the number of parties in the agreement. Mr. Nichols agreed to draft the revisions for the Board’s consideration.

ACTION ITEMS

Submission of a new SUP application to Fluvanna County

Mr. Nichols reviewed the facts relevant to the SUP consideration and Fluvanna’s efforts regarding SUP approval to date, and the new timeline to hear both applications. Mr. Goodwin asked if Mr. Nichols felt that the proposed move would assuage public concerns in Fluvanna. Mr. Nichols stated that he did not believe so. Mr. Watson asked if the project was still on track, and if another delay would impact issuance costs. Mr. Nichols responded that the new timeline should still enable the JRWA to meet the spring pool VRA deadline. General discussion regarding the new Fluvanna Board member’s stance on the project, and Mr. Chesser noted that public concern would still likely exist with any parcel.

CLOSED MEETING

On the motion of Mr. Chesser, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to enter Closed Session at 3:18p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711.A.3 VA Code Ann., for the purpose of discussion of the acquisition of property, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically related to the location for the pump station.
2. Discussion with Legal Counsel - In accordance with §2.2-3711.A.7 VA Code Ann., for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel, specifically related to potential contractual issues associated with the permit structure.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Watson, seconded by Mr. Chesser, which carried by a vote of 5-0, the Board voted to return to regular session at 4:08 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

On the motion of Mr. Goodwin, seconded by Mr. Nichols, which carried by a vote of 5-0, the Board voted to adopt the following resolution:

WHEREAS, the James River Water Authority Board of Directors has convened a Closed Meeting pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by the James River Water Authority Board of Directors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED that the James River Water Authority Board of Directors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the James River Water Authority Board of Directors.

<u>NAME</u>	<u>VOTE</u>
Joe Chesser	Yes/Aye
D.D. Watson	Yes/Aye
Erick Gomez	Absent
Christian R. Goodwin	Yes/Aye
Steven M. Nichols	Yes/Aye
Goodman B. Duke	Yes/Aye

OTHER ITEMS

The Board allowed Mr. George Bialkowski five minutes for public comment as he arrived after the initial public comment period. Mr. Bialkowski noted that an alternate pump station parcel further west on the river may cost more, but would calm citizen concerns over the use of the point of fork area.

Mr. Nichols reminded all present that the JRWA Board worked for the Boards of the member Counties, and that there was not much the JRWA Board could do without permission of those two Boards. Mr. Nichols said he could not do anything different without authorization from his Board.

On the motion of Mr. Chesser, seconded by Mr. Watson, the Board voted 5-0 to approve the resubmission of the JRWA SUP application to Fluvanna County using the adjacent (Hammond) parcel for the pump station.

ADJOURNMENT

On the motion of Mr. Chesser, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board voted to adjourn the December 11, 2015, meeting at 4:15p.m.

BY ORDER OF:

GOODMAN B. DUKE, CHAIRMAN
BOARD OF DIRECTORS

DRAFT

**JAMES RIVER WATER AUTHORITY
BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB
181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
DECEMBER 30, 2015 SPECIAL MEETING
3:30 P.M.**

Present: Steven M. Nichols, Goodman B. Duke (Chairman), D.D. Watson, Joe Chesser (Treasurer), and Christian R. Goodwin

Absent: Erick Gomez

Others Present: Mike Lockaby, Attorney, Christina Guzman; The Fluvanna Review, several concerned citizens

CALL TO ORDER

Chairman Duke called the December 30, 2015, special meeting of the James River Water Authority (JRWA) Board of Directors to order at 3:43 p.m. Mr. Nichols led the Board in the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

Citizens spoke both in favor of and against the project.

DISCUSSION / INFORMATION ITEMS

Participation in Legal Efforts Regarding Land Use

Mr. Hefty provided general comments regarding the proposed legal action against Fluvanna County, and stated that additional information would be provided in Closed Session.

CLOSED MEETING

On the motion of Mr. Chesser, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board voted to enter Closed Session at 3:50p.m. for the purpose of discussing the following:

1. Discussion with Legal Counsel - In accordance with §2.2-3711.A.7 VA Code Ann., for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel, specifically related to potential legal efforts regarding land use.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to return to regular session at 4:44 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

On the motion of Mr. Goodwin, seconded by Mr. Nichols, which carried by a vote of 5-0, the Board voted to adopt the following resolution:

WHEREAS, the James River Water Authority Board of Directors has convened a Closed Meeting pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by the James River Water Authority Board of Directors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED that the James River Water Authority Board of Directors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the James River Water Authority Board of Directors.

<u>NAME</u>	<u>VOTE</u>
Joe Chesser	Yes/Aye
D.D. Watson	Yes/Aye
Erick Gomez	Absent
Christian R. Goodwin	Yes/Aye
Steven M. Nichols	Yes/Aye
Goodman B. Duke	Yes/Aye

OTHER ITEMS

On the motion of Mr. Watson, seconded by Mr. Goodwin, which carried by a vote of 4-1 with Mr. Nichols against, the Board authorized the JRWA to join Louisa County’s suit against Fluvanna County regarding land use for the James River Water Project.

ADJOURNMENT

On the motion of Mr. Chesser, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to adjourn the December 30, 2015, meeting at 4:49p.m.

BY ORDER OF:

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

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