

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB, 181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA**

December 4, 2018

10:30 A.M.

Present: Goodman Duke (Chairman), D. D. Watson (Vice Chairman), Joe Chesser (Treasurer), Mark Dunning, Christian Goodwin and Steve Nichols

Absent: (none)

Others Present: Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Michael Knight (MBP); Greg Krystyniak (Faulconer Construction); Joe Hines (Timmons Group); Fran Burke (Faulconer Construction); Justin Curtis (Aqualaw); and Doug Wylie.

CALL TO ORDER

Chairman Duke called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:32 a.m. Mr. Nichols led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Watson, seconded by Mr. Nichols, which carried by a vote of 6-0, the agenda was approved with the following change:

- Removal of MBP bill consideration

APPROVAL OF MINUTES OF PRECEDING MEETING

On the motion of Mr. Nichols, seconded by Mr. Watson, which carried by a vote of 6-0, the Board approved the minutes of the November 6, 2018, meeting.

FINANCIAL REPORT

Mr. Chesser reported on available funding and bills proposed for payment. On the motion of Mr. Goodwin, seconded by Mr. Watson, which passed by a vote of 6-0, the Board approved payments to: Aqualaw (Legal/Permit Consulting) for \$19,453.93.

Remaining funds available to meet future needs total approximately \$586,683.57, according to Mr. Chesser. Mr. Watson asked if the balance had increased, and Mr. Chesser replied that it had, due to a requisition for debt proceeds from the Virginia Resources Authority.

DISCUSSION/INFORMATION ITEMS

Information – Corps of Engineers (COE) Permit Update

Mr. Hines reported that a revised Memorandum of Understanding had been issued on November 21st, and that comments on the same were due by December 21st. The Treatment Plan is also be finalized for resubmission. Mr. Watson asked who will attend the next consulting party meeting, and Mr. Hines replied that it had not yet been scheduled. Mr. Watson asked about best case scenario timing, and Mr. Hines replied that if there were no further consulting party responses, the Corps of Engineers (COE) could issue a permit fairly quickly after the next deadline, with the provision that further archeological concerns would be addressed in the Treatment Plan. Mr. Dunning asked about worst case scenarios, and Mr. Hines replied that it would depend on the nature of any concerns and their impact on project timing and associated costs. Mr. Hines stated that it is his expectation that the team will work quickly through any concerns raised, address project impacts, and look for savings in the process.

Information – Corps of Engineers (COE) Permit Update

Mr. Nichols informed the Board the January 2019 regularly scheduled meeting would fall on January first, which was a federal holiday. On the motion of Mr. Goodwin, seconded by Mr. Nichols, which passed by a vote of 6-0, the Board voted to reschedule the meeting to January 8th, 2019 at the normal time and location.

Other Information – Project Plans Review

Mr. Nichols reported that Fluvanna County had approved the Project Site Plan on November 20th.

ACTION ITEMS

None

CONSENT AGENDA

None

CLOSED SESSION

On the motion of Mr. Dunning, seconded by Mr. Watson, which carried by a vote of 6-0, the Board voted to enter Closed Session at 10:46 a.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711(A)(8) for consultation with legal counsel regarding the Memorandum of Understanding with the Corps of Engineers.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Goodwin seconded by Mr. Chesser, which carried by a vote of 6-0, the Board voted to return to regular session at 11:56 a.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

By roll call, which carried by a vote of 6-0, 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>
Goodman B. Duke	Yes/Aye
Joe Chesser	Yes/Aye
Mark Dunning	Yes/Aye
D.D. Watson	Yes/Aye
Christian R. Goodwin	Yes/Aye
Steven M. Nichols	Yes/Aye

Mr. Hines reported to the Board that the Cobbs Creek project was in progress and would be a good opportunity for site visits on a similar effort. Discussion regarding adverse effects and mitigation ensued. Mr. Hines will coordinate visits with Board members as desired.

ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 6-0, the Board voted to adjourn the meeting at 11:56 a.m.

BY ORDER OF:

GOODMAN B. DUKE, CHAIRMAN