



RIVANNA WATER & SEWER AUTHORITY

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Rivanna Water & Sewer Authority Minutes of Special Board of Directors Meeting June 30, 2008

A special meeting of the Rivanna Water & Sewer Authority (RWSA) Board of Directors was held on Monday, June 30, 2008, at 8:00 a.m. in Conference Room 241 at the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA. The purpose of the meeting was to allow members of the Authority's Board of Directors to attend a meeting of the chairmen of four local boards (the four boards being the Charlottesville City Council, the Albemarle County Board of Supervisors, the Albemarle County Service Authority Board of Directors, and the Rivanna Water & Sewer Authority Board of Directors) to discuss the composition and goals of a task force that will help define in greater detail the purpose of the Maintenance of the South Fork Rivanna Reservoir (SFRR) Study.

Board Members Present: Mr. Gary Fern, Mr. Michael Gaffney – Presiding, and Mr. Gary O'Connell.

Board Member Absent: Ms. Judith Mueller and Mr. Robert Tucker.

Authority Staff Present: Mr. Tom Frederick – Executive Director, Ms. Mary Knowles – Recording Secretary, and Ms. Jennifer Whitaker – Chief Engineer.

Meeting Participants: Mr. Kenneth Boyd – Albemarle County Board of Supervisors Chairman,

Mr. Michael Gaffney – Rivanna Water & Sewer Authority Board of Directors Chairman, Mayor Dave Norris – Charlottesville City Council, and Mr. Donald Wagner – Albemarle County Service Authority Board of Directors Chairman.

Also Present: City and County officials, members of the public; and media representatives.

1.0 Call To Order

The special meeting of the RWSA Board of Directors was called to order by Mr. Michael Gaffney on Monday, June 30, 2008 at 8:05 a.m., and he noted that a quorum was present. He explained that due to the presence of three Board members, legal requirements specified that this public gathering become an official Board meeting. No Board actions would be taken at this meeting. Minutes would be prepared and submitted for Board approval.

Mr. Gaffney next distributed copies of an outline prepared by Mr. Tom Frederick for consideration by the four board chairmen related to the responsibilities and composition options of the SFRR task force (attached). Copies of the outline were also provided to members of the audience.

Mr. Gaffney first briefly reviewed the page outlining the possible responsibilities of the task force. He stated that most of this initial information was included in a resolution presented to



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the RWSA Board of Directors at their June 23, 2008 meeting, with the remainder being a compilation of that material. Today's meeting was being held as a result of resolutions put forward by both the City and the County calling for a study of the maintenance dredging issue with the goal of high water quality and also the preservation of the public resources of the reservoir. Some possible issues that the task force could explore included confirming the list of public resources of the reservoir and defining the outcome desired for each resource, identifying studies desired by the consulting team, and identifying financing alternatives for initial scope and long-term objectives for maintaining the SFRR. Mr. Gaffney reiterated that the written information presented today was intended as a guideline for discussion and not a proposal submitted by RWSA.

Mr. Ken Boyd next questioned about "where's the chicken and where's the egg," particularly with regard to the consultant and the task force and if the two could go "hand in hand." He felt that the study needed to be defined before trying to hire a consultant. Mr. Gaffney then stated that the purpose of initiating the Request for Proposal (RFP) was to open the process to all consultants in order to review their qualifications. Mr. Boyd next asked if the task force or RWSA would prepare the RFP. Mr. Gaffney replied that RWSA would develop the RFP in order to determine the firms most qualified to undertake this project. In August or September, he anticipated that the studies to be undertaken for this study would have been identified and that a second RFP would be sent to the consultants whose qualifications could best meet the scope of work for this project. Mr. Boyd then commented that he felt that the project would need to be more clearly defined before issuing an RFP since he was uncertain at this time whether it would be necessary to dredge. He felt the task force should identify specifically what needed to be undertaken to maintain the SFRR.

Mayor Dave Norris next inquired if RWSA had already sent out the Request for Qualifications (RFQ). Mr. Gaffney responded that it has not been released and asked Mr. Frederick, who was in the audience, to clarify the date when the request would be submitted. Mr. Frederick stated that RWSA's goal is to issue a RFQ next week, but it would not yet include a specific scope of work in order to yield to the conclusions of the task force. Mayor Norris then asked Mr. Frederick to address Mr. Boyd's question, which is ... "If the task force has a direction that we cannot foresee at this point, isn't that going to affect the kind of consultants we want on to bring on board?" Mr. Frederick responded that it was possible, but it would depend upon the recommendations of the task force. Mr. Gaffney next suggested seeking input from the task force midpoint in the process as to their potential direction prior to issuing a proposal. Mr. Boyd felt that Mr. Gaffney's suggestion "made more sense because then at least you define what you are trying to get a proposal for," which has not been done to date. Mr. Gary O'Connell, who was in the audience, then commented that part of the concept was to go parallel in order to "fast-track" the study so that the consulting groups could be identified early in the process and then "matched up" with the scope of work that the task force would address. He felt that the process would be slowed down by two to three months if it was not handled in this manner. Mr. Don Wagner next stated that "he would rather do it right the first time than do it over," and Mayor Norris added that he "tended to agree." Mr. Gaffney also recognized the possibility that additional consultants might need to be solicited later by proceeding with a parallel process at this time.

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Mayor Norris next commented that since he felt the bathymetric and soil studies would need to be undertaken regardless of the direction of the study, he suggested proceeding with those studies now and holding off on the others until the scope of work has been more clearly defined. Mr. Boyd then commented that he understood that there were different types of bathymetric studies that could be done, depending on the amount of detail required. Mayor Norris then inquired if Mr. Boyd was suggesting that the type of studies would depend upon the level of dredging that would be undertaken. Mr. Boyd next asked Mr. Frederick if he was correct about the different types of bathymetric studies, which would be driven by the scope of the dredging project. Mr. Frederick replied that RWSA staff would make a similar assumption. Mr. Gaffney then stated that he felt it would be more cost effective for one consultant to undertake the entire project rather than contracting portions of the work. Mayor Norris next commented that he could agree with holding off on issuing the RFQ until the goals of the study were more clearly defined. Mr. Wager also expressed his agreement.

Mr. Gaffney then referred to the section of the outline provided by Mr. Frederick concerning the composition of the task force. Three options were presented for discussion purposes. Option 1 would entail that a four-member task force consist of the four board chairmen. Option 2 calls for an eight-member task force composed of the four board chairmen and one citizen appointed by each of the board chairman. Option 3 would involve a task force of eight to ten members with the following groups represented:

- City Council
- Board of Supervisors
- ACSA Board
- RWSA Board
- University of Virginia
- Rivanna River Basin Commission
- The Nature Conservancy
- League of Women Voters
- Rivanna Conservation Society
- Ivy Creek Foundation
- Group calling themselves "Citizens for Sustainable Water Supply"
- One citizen representing property owners living around the South Fork Reservoir
- One citizen representing recreational interests on the South Fork Reservoir

Mr. Gaffney then inquired if he were correct that Option 1 should be eliminated from consideration, and the other board chairmen were in agreement. Mayor Norris next stated that he would favor Option 3 to ensure an inclusive process. Mr. Gaffney then stated that RWSA also felt that there should be a broad selection process so that there would be good community representation. Mr. Boyd next commented that he could agree on Option 3, but he felt that the scope of work should be clearly defined for the task force members. It was his belief, and he also felt that he was speaking for his board, that the recommendations from the task force should not impact the 50-year water supply plan. The maintenance dredging would be in addition to the Ragged Mountain Expansion and pipeline plan, and those projects should be "taken off the table" so the task force does not think that the study is an alternative plan. Mr. Wagner and Mr. Gaffney also expressed agreement with Mr. Boyd's comments, as well as for their respective boards. Mayor Norris then stated that "he might be the lone one out here," but he and City

Council members support the fundamentals of the water supply plan. He has felt, and Mr. Dennis Rooker has expressed similar sentiments, that if maintenance dredging is undertaken, it will "free up" some water supply. He did not understand why this could not be "factored into the equation" in terms of the extent additional capacity is obtained at Ragged Mountain. He also felt that this should not be viewed as undermining the fundamentals of the plan if there were a way to "save a few million dollars and save a few thousand trees at Ragged Mountain." Mr. Gaffney next stated that as RWSA understood the numbers, if maintenance dredging were included as part of the 50-year plan, the cost of the plan would increase. He questioned whether the community would support the increase, and he added that if maintenance dredging increased the cost then it should not be incorporated into the plan. Mr. Boyd then stated that he agreed with Mr. Gaffney's comments, but he understood that the SFRR has always been part of the water supply plan. He questioned whether the scope of the plan needed to be changed by incorporating maintenance dredging and added that it has always been expected that water would be pumped from the SFRR in order to maintain the Ragged Mountain Reservoir. He felt this issue should be addressed by the task force since it might become necessary to dredge the SFRR in order to maintain the intake station at that facility, but maintenance dredging should not be viewed as a replacement for the water supply plan. Mayor Norris next commented that he agreed that maintenance dredging should not be seen as "trying to go back to square one on the water supply plan."

Mr. Gaffney then referred to the section on the outline concerning "possible issues for the task force to explore" and asked for the other chairmen's input on the items listed. Mr. Boyd commented that one item not listed was a question he had on whether it was necessary to dredge as part of the water supply plan. It has been theorized that 50 or more years from now that if nothing is done toward dredging then the SFRR would turn back into a river. He also understood that the SFRR could still be used as a water supply even if that should occur. He inquired if there were any scientific data that could validate these statements. Mr. Gaffney replied that RWSA did have the scientific data that substantiates that the SFRR would continue to exist. At some point the sediment would cease settling because the river would be much closer to the dam and moving at a speed that would cause most of the sediment to go over the dam. If maintenance dredging were not undertaken, the SFRR would still be part of the water supply plan. Mr. Frederick then commented that RWSA's studies have estimated that if the present rate of sedimentation continues for 50 years and no dredging was performed, the SFRR pool would be at about 400 million gallons of water in 2055. As a comparison, right now the Sugar Hollow is at 360 million gallons, which is slightly smaller than what SFRR would be projected to be in 50 years. Currently, Ragged Mountain is at 460 million gallons, so it is slightly larger than what the SFRR might look like in 50 years. When the dredging consultants Gahagan & Bryant were in Charlottesville, they were asked about how soon dredging would need to be performed solely for water supply, and their response was that they really did not know. When pressed for an answer as to whether it would be in the short term or in the next 50 years, their answer was that it might be longer than 50 years. In order to be responsive to the needs of this community, some of the piping and maintenance including dredging might be needed for other purposes and it is possible that those other purposes might be needed much sooner than what has been projected solely for water supply.

Mayor Norris next stated that Mr. Frederick made a good point. Today's discussion has been referring to a maintenance dredging task force, and it was important to remember that the goal

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was to study ways to preserve the reservoir for a variety of uses, which includes water supply. He felt that Mr. Boyd's point related to whether the assumption should be made that dredging would be undertaken. Mayor Norris also commented that the other uses of the SFRR would need to be taken into consideration and how dredging or not dredging will affect recreational values. Mr. Boyd then stated that starting with the premise that dredging is needed and then determine how to pay for it and what type, is different from addressing the reasons for dredging, which include maintaining the recreational amenities and whether it is truly needed for the water supply. He was in favor of the task force first addressing the question as to whether dredging was needed in order to facilitate the task force's discussion on the reasons for maintaining the SFRR.

Mr. Wagner then commented that in the City the ratepayers and the taxpayers are "basically one and the same." In the County, the ACSA bills its ratepayers based on RWSA's rate. The County taxpayers do not send any money to RWSA. If the purpose of this project is other than the water supply, then the County taxpayers "need to step forward and contribute to this." Mr. Gaffney next inquired if Mr. Wagner was suggesting that in addition to financing alternatives the task force should also consider who pays for the project. Mr. Wagner replied in the affirmative and added that the funding source would depend upon the reasons for any maintenance dredging undertaken. Mayor Norris then stated that he felt Mr. Wagner made an excellent point. Mayor Norris further commented that whether it was through a member of the Board of Supervisors serving on the task force or some other entity, the Albemarle County taxpayers needed to be represented since the issues involved more than just the ratepayers. Mr. Boyd suggested that a citizen representing the landowners living around the SFRR could serve that purpose.

Mr. Wagner next referred to "Lake Habitat – Fish and Fowl" listed under the public resources of the reservoir, and recalled that the option of raising the SFRR by putting a bladder on top of the dam was "shot down" partly due to the inundation of the wetlands. He then commented that the impact that dredging would have on the wetlands should also be considered and suggested that "Lake Habitat" include vegetation.

Mr. Boyd then went back to the original question about possible issues for the task force to explore. He felt that the first issue to address would be "Should we dredge, and if so, why should we dredge?", which could lead into a discussion on the first bulleted item concerning confirming a list of public resources and defining the desired outcome for each resource.

The four board chairmen then discussed the next bulleted item related to possible issues concerning the "identification of studies by the consulting team." Mr. Gaffney stated that from the previous discussion it appeared that the studies would be identified by the task force rather than the consulting team. Mr. Boyd next questioned whether the task force should consider specific studies to be undertaken. He felt that the main issues for the task force to address were as follows: "Should we dredge and if so, why? What do we expect to accomplish from it? What is it going to cost and where are we going to get the money from?"

Mayor Norris then inquired if the task force would be asked to consider such issues as upstream siltation prevention or was this viewed as beyond the scope of this group. Mr. Boyd next stated that the time frame needed to complete the task force's work would be extended with additional issues to address. Mr. Gaffney then commented that he felt sedimentation prevention would be

part of a long-term maintenance dredging project, but questioned whether this was an issue that the task force should consider. Mr. Boyd next stated that he felt land use was an issue that would come under the County's purview. Mr. Wagner then commented that one of his board members sent him a proposal that was submitted to RWSA several years ago about this subject, which involved analyzing the sediment that washed into the reservoir to determine its source. He felt it was a very interesting proposal and could be a starting point if the study progressed in that direction. Mr. Boyd next asked if bathymetric studies were part of the sediment analyses. Mr. Wagner stated that as he remembered the study would involve taking soil samples from the various watersheds in order to make determinations as to the origins of the sediment. Mayor Norris referred to the outline where it listed as a potential study the "broad identification of programs and land use practices for reducing sediment ..." and asked about the task force's role in making specific proposals related to the sediment issue. Mr. Boyd commented that this would probably be incorporated into the consultant's scope of work.

Mr. Gaffney next inquired about the County's role in the permitting process and if the task force or the consultants would be responsible for this portion of the study. He assumed that if maintenance dredging was undertaken that permits would be needed from the County and possibly state and federal agencies. Mr. Boyd then asked Mr. Frederick to clarify if state and federal permits would be needed for this project. Mr. Frederick stated that he understood that it would be almost certain that a DEQ permit would be needed to undertake maintenance dredging at the SFRR. RWSA would need to meet with the U.S. Army Corps of Engineers (the Corps) once the specific scope for this project was developed. The Corps would then make a decision as to whether this project was within their jurisdiction and require a federal permit, depending on the issues from their perspective, which we believe would include the amount of impact to streams and wetlands. Mr. Wagner next commented that in 2002 RWSA was unable to receive a permit from the Corps to remove sediment. Mr. Frederick explained that a "drag-line" type method was chosen in 2002 and since wetlands were located in the areas along the shore line where the machinery would operate, the Corps determined that the project was within their jurisdiction to require a permit. If a hydraulic method were used, then it is not certain at this point whether or not the Corps would consider the project part of their jurisdiction and require a federal permit.

Mr. Boyd next stated that he would like to provide the task force with a clear direction as to their scope of work in order to facilitate the process. Mr. Gaffney then asked if there were any suggestions as to how this should be undertaken. Mayor Norris then suggested that the task force address the following three issues: "Should we dredge and if so, why?"; confirm the list of public resources of the reservoir and define the outcome desired for each resource; and identify studies desired by the consulting team. He felt that the task force's work could be accomplished in a short time frame by limiting the items to be undertaken by them. He also felt that identifying financing alternatives for maintaining the reservoir would be part of the consultant's scope of work in conjunction with public input through stakeholder interviews. Mr. Boyd then commented that he felt that the issue of who should pay for the maintenance dredging was implied on the outline based on the reasons given for undertaking the project rather than addressing financing alternatives.

Mr. Wagner then questioned to whom the task force should report their recommendations and if this group makes the decision as to the next step in the process. Mr. Boyd stated that the

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recommendations would need to be ratified by City Council and the Board of Supervisors, as he could not make that decision on behalf of the board. Mr. Gaffney next asked if the task force should submit their findings to this group for discussion and then forwarded on to the appropriate boards. Mayor Norris then suggested that the task force submit their report to each of the boards as to the scope of work for this study. Mr. Gaffney then inquired if the task force would be asked to prepare the RFP or just define the scope of work. Mayor Norris that the task force would be charged with defining the scope of work. Mr. Boyd next suggested that the task force be directed to hold at least one public hearing to solicit public input. Mr. Gaffney felt that holding a public hearing was a great idea.

Mayor Norris then suggested that the composition of the task force be addressed at this time. During the ensuing discussion about the size of the group, Mr. Gaffney commented that he felt it would be better to be inclusive rather than exclusive. Mr. Boyd added that his suggestion to hold a public hearing was to ensure that the process was inclusive. He would also recommend that the public hearing be held in the initial stages since it would be difficult have every interest group represented on the task force. Mayor Norris felt that a representative from the property owners and someone representing the recreational interests should serve on the group. He further stated that it was not clear to him whether the four board chairmen were to actually nominate individuals or select the interest groups to be represented on the task force. The other board chairmen were in agreement that they were not in a position today to nominate specific individuals. Mr. Wagner also suggested that consideration be given as to whether individuals would be appointed by this group or organizations selected who would then appoint their representatives to the task force. Mr. Boyd next stated that there was a lot of overlapping interests with The Nature Conservancy and the Rivanna River Basin Commission and possibly one representative could be selected to represent both organizations. Mr. Boyd then questioned about someone from the University of Virginia (the University) representing recreational interests on the SFRR. Mr. Gaffney commented that since the University used the SFRR for their rowing programs their input might be needed later during the discussion of financing options. Mayor Norris next recommended that the "Citizens for Sustainable Water Supply" be represented on this group. Mr. Boyd then reviewed the composition of the group to this point, which totaled eight members in addition to a representative from each of the four boards.

Mr. Gaffney next asked if there were any interest groups not listed in the handout that should be included. Mr. Boyd then commented that representation by the League of Women Voters, the Rivanna Conservation Society, and the Ivy Foundation, while listed on the handout, has not been discussed to this point. He also felt that there would be adequate community representation from the eight groups listed. Other groups would have an opportunity to provide input at the public hearing. Mayor Norris was in agreement that the group should not be too large and felt that The Nature Conservancy / Rivanna River Basin Commission perspective would also encompass the Rivanna Conservation Society orientation. He suggested that the Ivy Creek Foundation be added to the group, and the other board chairmen were in agreement. Mr. Gaffney next commented that he had a request from the Chamber of Commerce to be represented on the task force, which would put the number of groups represented at 11. After further discussion, the four board chairmen were in agreement with the 11 organizations represented on the task force. During a review of the list, Mr. Gaffney clarified that the University would be included with the "recreational interests."

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Mr. Boyd then inquired if the organizations should nominate their representative to the task force. Mayor Norris next commented that he would be in favor of that process, but he questioned whether it would be possible for the property owners. Mr. Gaffney then stated that he had been contacted by a group of residents about representation on the task force, and he will follow-up about their selection process. After additional discussion about this issue, the board chairmen were in agreement that each of the organizations would nominate a representative to the task force and the board chairmen would accept those nominations.

Mr. Boyd next suggested that a time frame be established for the task force's work. Mr. Gaffney asked Mr. Boyd if he understood correctly that two public sessions would be held, one at the beginning of the process and a public reporting session at the completion of their work. Mr. Boyd stated that Mr. Gaffney was correct. During the discussion concerning possible time frames, Mayor Norris expressed his concern that the public would perceive this as a "delaying tactic where by the time this group gets done with their work and the consultant gets done with their work, the 'train's already left the station' on the infrastructure improvements related to the 50-year plan." Mr. Boyd next commented that he felt "the train has already left the station and we should keep moving." Mayor Norris further stated that "the train has already left the station in terms of the policy, but in terms of constructing the dam we basically have time." He understood that there were steps in the process that once reached could not be revisited, such as specifications of the plan. Mr. Boyd then commented that if there might be something that comes out of this task force that could potentially impact this plan then he would support a short time frame since he did not want anything to delay the process. Mr. Wagner then stated that at whatever height the dam is currently proposed to be built, he could not imagine designing the foundation for the dam that would not support its ultimate height. Mayor Norris then asked Mr. Frederick if the design specifications for the dam needed to be submitted by November. Mr. Frederick stated that the November deadline was for the submission of the design for the foundation of the dam. The decision just made by the four board chairmen would give RWSA the "green light" to proceed with that design work. Mayor Norris next questioned when actual construction on the dam would begin. Mr. Frederick replied that the construction of the foundation would begin within six months. The design of the dam would then be fitted to the actual foundation conditions – basically rock – and would be complete in early 2009. Construction bids would go out perhaps about this time next year. After further discussion, the board chairmen agreed to a four-month time frame for the task force to complete its work.

Mr. Wagner then inquired if the task force would report its findings to the four board chairmen in November and then the four board chairmen would report to their respective boards. In the essence of time Mr. Boyd suggested that the task force report its findings at a collective meeting of the four boards in November. All four board chairmen were in agreement with this suggestion. Mr. Gaffney next inquired if the task force time frame for completing its work would change RWSA's schedule for preparing the base of the dam. Mr. Frederick responded that he had not heard anything at today's meeting that would alter that schedule. Mayor Norris then suggested that the collective meeting of the boards could also serve as a public report-out session. He would still favor holding a public hearing at the beginning of the process. Mr. Boyd then commented that he felt holding an initial public hearing would be the decision of the task force, but he felt it "made sense" to get public input before working on the scope of work.

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Mr. Boyd next requested that the notes from this meeting be sent to the four board chairmen for their review and to also confirm their directive to the task force based on today's discussion. Ms. Knowles then asked Mr. Gaffney to restate the list of organizations that would be represented on the task force. Mr. Gaffney then read the list of organizations as follows: City Council, Board of Supervisors, ACSA, RWSA, one person jointly representing The Nature Conservancy / Rivanna River Basin Commission, Ivy Creek Foundation, the League of Women Voters, one citizen from the group calling themselves "Citizens for a Sustainable Water Supply," Chamber of Commerce, one citizen representing property owners around the SFRR, and one representative from the University with "recreational interests" in the SFRR.

Mayor Norris then commented for informational purposes on a citizen's question via e-mail last week about how RFQs are advertised. He further clarified that it concerned a RFQ that does not take into consideration the actual cost of the project. He then asked Mr. Frederick to explain if this was a state regulation that the RFQ selection cannot be based on cost. Mr. Frederick replied that the Virginia Procurement Act provides for professional services and allows for competitive negotiation, which is defined in the statute and takes into account a variety of considerations, including technical qualifications. A provision in the Act specifies that after you have compiled a short list of the top candidates based on qualifications it is possible at that point to have cost be one of many criteria. The Act clearly states that cost cannot be the sole criteria for selection. Mayor Norris thanked Mr. Frederick for clarifying this matter.

2.0 Adjournment

Mr. Gaffney formally adjourned the special meeting of the RWSA Board of Directors at 8:52 p.m.

Respectfully Submitted,

Mr. Gary O'Connell
Acting Secretary – Treasurer

Attachment