

RWSA BOARD OF DIRECTORS
Minutes of Regular Meeting
April 25, 2005

A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was held on Monday, April 25, 2005 at 2:00 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board Members Present: Mr. William Brent, Mr. Michael Gaffney – Presiding, Mr. Gary O’Connell, and Mr. Robert Tucker.

Board Member Absent: Ms. Judith Mueller.

Authority Staff Present: Ms. Anne Bedarf, Mr. Mark Brownlee, Mr. Bruce Edmonds, Mr. Tom Frederick, Mr. Chuck Kent, Ms. Mary Knowles, Ms. Michelle Simpson, Ms. Jennifer Whitaker, Ms. Kathy Ware, Mr. Norman Wescoat, Dr. Robert Wichser, and Mr. Lonnie Wood.

Also Present: Mr. Kurt Krueger – RWSA Attorney, members of the public and media representatives.

1.0 Call To Order

The regular meeting of the RWSA Board of Directors was called to order by Mr. Michael Gaffney on Monday, April 25, 2005 at 2:00 p.m., and he noted that a quorum was present.

Mr. Gaffney welcomed his fellow Board members, RWSA staff, and members of the public in attendance at the meeting.

2.0 Minutes Of Previous Board Meeting

Upon a motion by Mr. Tucker, and seconded by Mr. Brent, the Board of Directors by a 4 – 0 vote approved the minutes of the regular Board meeting held on Monday, March 28, 2005 and the minutes of the special Board meeting held on Thursday, March 3, 2005 concerning the joint meeting and work session of the Albemarle County Board of Supervisors, the Albemarle County Service Authority Board of Directors, the Charlottesville City Council, and the RWSA Board of Directors. Mrs. Mueller was absent for the vote.

3.0 Executive Director’s Report

Mr. Frederick noted that the first item on his report dealt with the Community Water Supply Plan. He again thanked the joint boards for their continued investment of time in this particular process.

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3.0 Executive Director's Report (cont.)

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Mr. Frederick next reported on the status of the FY 2006 budget. In order to satisfy the Commonwealth's advertisement requirements with respect to the proposed sewer rates that were presented to the Board in February, the public hearing on the budget will be held during the regular Board meeting on May 23, 2005. Although this item was not included on today's agenda, RWSA staff would still entertain any questions from the Board on the proposed budget.

In reference to the last item, Mr. Frederick commented that the Board approved an ambitious Capital Improvement Plan (CIP) in January 2005. There were several projects included on the Consent Agenda that reflected the positive action being taken by RWSA staff as specified in the CIP. RWSA anticipated a continued high level of construction activity in the next few months, as well as preparations for the bond issuance.

4.0 Items From The Public

Mr. John Martin, Free Union resident, stated that he thought other citizens shared his concerns regarding the conduct of the meeting held last Monday. He understood the purpose of the meeting was to allow the only two governing bodies of this community to speak directly with the regulators. RWSA had organized, set up, convened, and presided over the meeting. He thought it was unwieldy due partly to the table configuration, which was arranged by RWSA. He compared its appearance to an Edwardian banquet table found in some European castle. The table arrangement was not conducive to a conference due to its length, which was necessitated by the number of people seated at the table. He felt that 15 to 20 of those persons did not need to be seated at the table given the purpose of the meeting. The lawyers, consultants, and RWSA staff could have been seated behind the table in case their input was needed during the meeting. Because of the size of the group, the regulators were not even clear who the elected officials of the community were at the meeting.

Mr. Martin further remarked that he was also disturbed by the comments made at this meeting by a member of the Albemarle County Service Authority (ACSA) Board of Directors to an elected official that he thought were intemperate at best. He did not know what the regulators thought of that exchange.

Mr. Martin added that all in all, he thought the meeting proceedings were confusing to follow for the citizens as well as for the regulators. He assumed that was the way RWSA wanted to set up the meeting.

Mr. Martin next commented on an issue that surfaced about five or six years ago concerning exactly what was the role of the ACSA in the decision-making process. At that time, ACSA took the position that it was the decider of future water supply options for the County and not the Board of Supervisors. The notion was bizarre then, and he felt it was bizarre now. If and when this issue came up again, he

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4.0 Items From The Public (cont.)

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referred to the Articles of Incorporation of the ACSA, as amended by the County on December 16, 1985. The amended document limited the powers of the ACSA as follows: *...the purposes for which the Authority is created are for undertaking such projects, as may be specified in the manner provided in said act, for the distribution and sale of potable water to retail customers and for the collection of wastewater from retail customers and delivery of such wastewater to Rivanna Water & Sewer Authority.* The ACSA had no responsibility and no power whatsoever granted by the County government for the production of potable water, so it was difficult to understand why it would have responsibility for planning or making decisions regarding future water supply. He then commented that this issue also went back to the Four-Part Agreement of 1973. However, when the Articles of Incorporation were amended in 1985 and if the County government intended for ACSA to have that responsibility, it could have been included at that time. Today, if the County wanted the ACSA to have that responsibility, which they have essentially assumed, the Board of Supervisors could amend the document to confer that power to them or could amend the Articles of Incorporation to emphasize that they, as the governing body of Albemarle County, have not relinquished that power to the ACSA.

Ms. Martha Levering, Charlottesville resident, commented that at the regulators meeting last Monday it was indicated that a letter could be written requesting a small postponement of the Ragged Mountain repair work. She hoped that someone could advise her today that the task of writing that letter had been assigned.

Mr. Tucker responded that RWSA staff would be responsible for writing that letter. Mr. Frederick added this would involve more than writing a letter to request the postponement. The permit to operate the Ragged Mountain Dams expires in July 2005, and the documentation required when applying for a new permit was being prepared by RWSA's Chief Engineer. In addition to technical information, Dam Safety had requested that a specific timetable be provided outlining RWSA's schedule for compliance. It was his intention that the schedule would be presented next month for Board approval prior to the document's submission to Dam Safety. It was also RWSA's plan to submit the entire permit application with the schedule before the end of May.

Ms. Levering further inquired if those papers would include a specific request to postpone the dam repair work.

Mr. Frederick replied that included in the new permit application package would be a schedule for performing the actions required by Dam Safety.

Ms. Linda Goodling, Ivy resident, commented that she became involved in the Community Water Supply Plan process last fall. RWSA, the Board of Supervisors,

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4.0 Items From The Public (cont.)

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and the City approved a water supply plan in 2002. She did not understand why the plan had been “thrown away.” The idea centered on a short-term fix of installing a bladder, rehabilitating the Mechums River Pump Station, sediment control, and dredging in order to preserve our watershed and keep the water local. She felt it was a very well-thought-out plan, and she wondered why RWSA started over with a new consulting company. She also thought that at some point RWSA would have to address why “you threw the baby out with the bath water.” She understood that there was a mathematical problem with how much water the bladder would really hold, but there was no reason to get another consulting firm and start all over with the James River Pipeline option. She hoped that RWSA realized that there would be a lot of opposition.

Mr. John Via, Charlottesville resident, stated that he understood from the meeting last week that we did not have to study for a 50-year plan. We could do it for five years or a shorter period. He hoped that was not the case. He felt the consultants did a great job of conducting all the studies. He questioned how many millions of dollars had been spent since the 1970’s in order to get additional water that we still have not gotten. He hoped that it would be a long-term plan, not necessarily “written in stone but maybe in soft concrete,” that listed when it would occur so we could move forward.

Mr. Gaffney thanked the members of the public who provided comments concerning the Community Water Supply Plan process. RWSA realized that there was still a lot of work that needed to be done and would proceed in the best possible manner.

5.0 Consent Agenda

Mr. Gaffney asked if there were any items that the Board members would like to pull for questions or further discussion from the Consent Agenda.

- 5a) Staff Report on Finance
- 5b) Staff Report on Operations
- 5c) Staff Report on On-going Projects
- 5d) Staff Report on Community Water Supply Plan
- 5e) Procurement – Lewis Mountain and Avon Street Tank Rehabilitation and Repainting Project
- 5f) Procurement – Emergency Generator Installation and Replacement Project
- 5g) Procurement – Security Fencing Upgrade and Improvement Project.

As there were no further questions or discussion, Mr. Tucker moved, which was seconded by Mr. Brent, that the Board of Directors vote to approve Items 5a), b), c), d), e), f), and g) of the Consent Agenda. The motion was approved by a 4 – 0 vote.

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6.0 Other Business

There were no items to discuss under “Other Business.”

7.0 Other Items From Board/Staff Not On Agenda

There were no other items from the Board or staff not on the Agenda.

8.0 Closed Meeting

There was no need for a closed meeting.

9.0 Adjournment

There being no further business, Mr. Tucker moved that the meeting be adjourned, seconded by Mr. O’Connell. All members voted aye, and the meeting was adjourned at 2:16 p.m.

Respectfully submitted,

Mr. Robert Tucker
Secretary - Treasurer