



# RIVANNA WATER & SEWER AUTHORITY

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## RWSA BOARD OF DIRECTORS

### Minutes of Regular Meeting

February 23, 2009

A regular meeting of the Rivanna Water & Sewer Authority (RWSA) Board of Directors was held on Monday, February 23, 2009 at 2:00 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

**Board Members Present:** Mr. Gary Fern, Mr. Michael Gaffney – Presiding, Ms. Judith Mueller, Mr. Gary O’Connell, and Mr. Robert Tucker.

**Authority Staff Present:** Ms. Tamara Ambler, Mr. David Atkins, Mr. Chuck Benz, Mr. Bruce Edmonds, Mr. Tom Frederick, Mr. Chuck Kent, Ms. Mary Knowles, Mr. Cary Lang, Ms. Michelle Simpson, Mr. Justin Weiler, Ms. Jennifer Whitaker, and Dr. Robert Wichser.

**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. Gaffney on Monday, February 23, 2009 at 2:00 p.m., and he noted that a quorum was present.

### **2.0 Minutes of Previous Board Meeting**

**Mr. O’Connell moved that the Board of Directors vote to approve the minutes of the regular meeting of the Board held on Monday, January 26, 2009, seconded by Mr. Tucker. The motion was approved by a 5 – 0 vote.**

### **3.0 Executive Director’s Report**

Mr. Frederick reported that since his last update to the Board on the progress toward approving a Memorandum of Understanding (MOU) requested at the Joint Boards Meeting on November 25, 2008, RWSA has been notified that the Albemarle County Service Authority (ACSA) Board is no longer interested in pursuing the execution of the MOU. In the interest of finding a way to move forward with the additional studies discussed in November 2008, staff is suggesting today that the Board direct RWSA staff to conduct a review of the conceptual plan for the future South Fork to Ragged Mountain pipeline. The pipeline study was discussed at the Joint Boards Meetings and also covered in negotiations for the MOU until the MOU process was halted. Concerning the dredging feasibility study, the South Fork Rivanna Reservoir (SFRR) Stewardship Task Force will be presenting its recommendations at a Joint Boards Meeting on March 3, 2009. Staff is offering today for Board consideration that Board action related to the dredging feasibility study follow the discussion of the four boards on March 3.

Mr. Frederick next reported that staff continues to discuss and take action related to the federal stimulus bill. Several of the staff participated in a teleconference with the Department of

Environmental Quality (DEQ) last Friday concerning Virginia's plans for implementing its share of stimulus funding. The Commonwealth intends to use the State Revolving Fund Loan program as a "tool" for implementation. "Fiscal stress" will be a "big indicator" in how the money will be distributed, which is not an "advantageous position" for Albemarle County. Staff will continue to monitor the process and will actively seek ways to advance RWSA's "cause".

#### **4.0 Items from the Public**

Ms. Dede Smith, who resides at 2652 Jefferson Park Circle, Charlottesville, VA, commented that she served on the SFRR Stewardship Task Force, representing Citizens for a Sustainable Water Plan. She believed that most of the Board members had received their copy of the Task Force report, as well as the "Minority Report" that was sent via e-mail. Ms. Smith felt that the recommendation included in the "Minority Report" for a more comprehensive dredging study "is not that different than what's in the Task Force report; it's more comprehensive." She believed that as members of the Task Force "we were well in our right to recommend such a study, although some fellow Task Force members disagreed with that." Ms. Smith further stated that she felt the Authority should consider as it moved forward with looking at a dredging feasibility study that a comprehensive study in her estimation would probably not cost "really very much more, if at all more" than a limited study as described both by the Task Force and the bathymetric studies that would need to be undertaken. Ms. Smith felt that a comprehensive study would "satisfy basically everybody," including the Task Force as well as what she believed the City Council and "most importantly" what the public has requested. She next encouraged the Authority "to keep that in mind as you decide what level of study to do." Ms. Smith then distributed copies of an "Executive Summary" of the "Minority Report" to the Board members.

Ms. Betty Mooney, who resides at 201 Sunset Avenue, Charlottesville, VA, first commented that "your staff [is] reporting today a proposal to spend \$264,000 to estimate the cost of building a dam at Ragged Mountain or repairing the present dam, and a proposal to spend up to \$25,000 to estimate the costs associated with building a pipeline to fill the new reservoir." She further stated that "this is one project." She claimed that in her opinion "neither the dam nor the pipeline work unless they are both constructed to meet the 50-year water supply goal." She also felt that "to build a dam without knowing accurately the cost associated with the pipeline and the pump station would be like building the shell of a house with no plumbing pipes to supply the occupants with water. Who would even contemplate doing such a thing?"

Ms. Mooney next asked if either Mr. Frederick or the Board "feel that \$25,000 is an adequate amount to get the same level of detailed cost estimate on the pipeline that you are prepared to spend \$264,000 to get this cost estimate for the dam?" She asked that they remember "this is one project ... not phased ... because the dam is useless without the pipeline." She felt that "someone needs to sign off on the entire project as a whole." Ms. Mooney also believed that Schnabel Engineering was paid \$30,000 by RWSA to "simply look over what Gannett Fleming had estimated the cost of the dam to be." Schnabel Engineering had presented some ideas on how to reduce the cost, but Ms. Mooney claimed that they "qualified these ideas as guesses and made clear that accurate cost estimates would require more study." Ms. Mooney then reiterated that today RWSA was prepared to spend \$264,000 to obtain "accurate cost estimates." She next questioned whether RWSA believed it could answer the list of questions on a handout she distributed to the Board members concerning the pipeline costs with \$25,000. She further

questioned that “isn’t it irresponsible and misleading the public, and those who answer to [them], not to inform them that no accurate cost estimates for the pipeline can be obtained for this amount of money” and stated that “the responsible thing for you all to do would be to go through same process that you are following for the costs of the dam.” Ms. Mooney then asserted that RWSA has spent “millions paying consultants for studies about the water supply since 2002 without any hesitation or consultation from the four boards.” She further claimed that “surely you know the \$25,000 for the pipeline cost estimate is totally inadequate.” She added that “we, the public, are depending on the RWSA and this Board to act responsibly and to get the accurate cost information about the entire project, which means answering the pipeline questions before you, as well as getting the dredging survey, before any construction on the dam begins.”

Ms. Mooney next referred to the Gannett Fleming document that she also distributed to the Board members. She noted item No. 1 under the section entitled “Potential Project Options” which she read as follows: “If you proceed with looking at a new Ragged Mountain Dam project, this option should include re-evaluating the South Fork Rivanna River pipeline and pump station costs.” She then asked the following: “Do you think you can do that and answer the questions I’ve given you with \$25,000 when you paid Schnabel \$30,000 already just to simply read over what Gannett Fleming had already given you?” She next claimed that Schnabel “really gave you no new information, except some guesses, and now you’re going to spend \$264,000 to re-look at what they said you need to do and yet you’re only prepared to spend up to \$25,000 ... is that even responsible to do that?” Ms. Mooney stated that “we have to know what the pipeline costs to go forward with any dam work ... you’ve been here for six years looking at this ... I trust you that you do know a lot ... I’m just asking you go give us a responsible answer ... I want some of you to tell me if you think \$25,000 is enough ... it has to be signed off as one project ... it is irresponsible for this community that you not know what the pipeline costs if you go forward with any construction at Ragged Mountain.”

Ms. Sally Thomas next commented that she served as Chair and also represented the League of Women Voters on the SFRR Stewardship Task Force. She thanked RWSA staff, specifically Dr. Bob Wichser, Ms. Tamara Ambler, and Ms. Jennifer Whitaker for all their assistance with the paperwork and the big reports provided to the Task Force, as well as the staff that assisted with putting together the final report. Ms. Thomas next expressed her appreciation to Mr. Tom Frederick for attending all the Task Force meetings and his willingness to answer questions from the group. She also thanked Mr. Gaffney for his attendance and participation as a member of the Task Force. Ms. Thomas added that the Task Force is very appreciative of all their assistance.

Mr. Gaffney then thanked Ms. Smith, Ms. Mooney, and Ms. Thomas for their comments.

## **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) Proposed Engineering Services – Sanitary Sewer Condition Assessment and Rehabilitation Services

**Mr. Tucker moved that the Board of Directors vote to approve Items 5a), b), c), and d) of the Consent Agenda, seconded by Mr. Fern. The motion was approved by a 5 – 0 vote.**

## **6.0 Other Business**

In regards to **Item 6a), Introduction of FY 2009-2010 Operating Budget**, Mr. Frederick stated that the proposed budget is introduced at this time every year along with a request to adopt a Preliminary Rate Resolution in order to meet statutory requirements for wastewater, which state that wastewater rates have to be advertised at least 60 days before a public hearing. He noted that the resolution is not for the purpose of adopting the rates but is a call for a public hearing on proposed rates, establishes the public hearing date, and authorizes staff to run the necessary legal ads to meet the 60-day requirement. RWSA staff is proposing that the public hearing be set for Monday, May 18, 2009 at 2:00 p.m. during the regularly scheduled Board meeting. The May meeting is being held one week early due to the fourth Monday being the Memorial Day holiday.

Mr. Frederick next stated that the proposed budget represents the “most austere” document that has been presented in several years and reflects the current economic climate. There are still some issues that are beyond the Authority’s control, which have been incorporated into the budget. Those items include state mandates, such as the new state laboratory certification program, as well as increases in the costs of chemicals and electricity.

Mr. Frederick then reported that the debt service budget reflects the second year of a five-year graduated financial plan prepared by Mr. Lonnie Wood last year as part of the 2008-13 Capital Improvement Plan (CIP). He referred to the discussions held at the December 22, 2008 Board meeting when he indicated that the 2009 update to the CIP would be postponed until after some upcoming studies have been completed on the new Ragged Mountain Dam. Because RWSA is still in an intense capital cycle of renewing and replacing infrastructure, there are some proposed increases on the debt service side.

Mr. Frederick next referred to page 1 of the budget document that itemizes the “Summary of Revenues” and “Summary of Expenses” for the entire Authority across all the water and wastewater cost centers. He then noted that the proposed operating expenses for FY 2010 are \$382,000 less than what was approved for the current fiscal year or a 3.21% reduction. In order to continue to implement the capital projects that were recommended a year ago, there is a 3.16% increase in Debt Service expenses. The net expense total for the proposed budget is actually \$59,000 less than what was approved in this year’s budget.

Mr. Frederick further reported that no new positions are being recommended for FY 2010. There is also no merit pool being requested. The Authority understands from its contacts with budget staffs from the County and the City that those entities are not proposing a merit pool for FY 2010 due to current economic conditions. Rivanna believes that its employees should be treated competitively but also consistently with employees of the City, County, and ACSA. For that reason, a merit pool is not being requested for 2010. Mr. Frederick suggested that staff would

continue to monitor that situation in light of how the other three boards respond to the merit pool issue.

Mr. Frederick then referred to the other two bulleted items on page 2 of his report. The proposed purchase of a small tanker truck originated from staff analysis that a cost savings could be realized by hauling biosolids from a remote wastewater plant to the Moores Creek facility “in-house” rather than contracting for that service. The other item related to revenues for water and wastewater charges being based on lower estimated consumption for FY 2010 as compared to FY 2009 budget.

Mr. Frederick next expressed his appreciation to all RWSA staff that assisted in the preparation of the proposed budget, which included Mr. Lonnie Wood and his staff, Dr. Bob Wichser, and all the managers who participated in the process.

Mr. O’Connell then inquired if the proposed budget would be brought back to the Board at the May meeting. Mr. Frederick confirmed that the public hearing and requested Board action on the budget would occur on May 18.

Mr. Gaffney next commended staff for their efforts to reduce operating expenses by 3.21% from last year’s budget.

Mr. Frederick then noted that Mr. Kurt Krueger, legal counsel, has advised that the Board go into a closed session following the Other Business items for consultation on voting procedures pertaining to rate resolutions. RWSA staff therefore recommends that Board action on **Item 6b), Preliminary Rate Resolution and Call for Public Hearing on FY 2009-2010 Operating Budget**, be suspended until the end of the meeting and a vote taken after the closed session.

In regards to **Item 6c), Recommendation of Expert Panel for Ragged Mountain Dam**, Mr. Frederick stated that at the November 2008 joint meeting of the four boards, RWSA was instructed to hire a panel of experts to review the Ragged Mountain Dam preliminary design assumptions, geotechnical information, and cost estimates. From proposals received from 15 dam design and construction experts, three experts have been selected to comprise the Independent Technical Review Team (ITRT). Staff is requesting Board authorization to enter into contracts with the three experts, as well as with Gannett Fleming and Schnabel Engineering, in the budget amounts listed in the Board report. The ITRT will specifically review all the borings that have been conducted, the preliminary design recommendations of Gannett Fleming, all the geophysical and geotechnical data, cost factors, options and alternatives, and will advise if additional geotechnical or geophysical study is necessary. RWSA understands that the public desires a comprehensive study that takes a critical look at all the preliminary information on this project. RWSA expects that ITRT recommendations would include the most cost effective means of building a structurally stable dam that meets all regulatory requirements.

Mr. Frederick further reported that the ITRT budget incorporates the funding to hire the three experts through their companies, their attendance at up to three workshops if necessary, and some review work outside of the workshops. The budget also includes funding to bring representatives from Gannett Fleming and Schnabel Engineering to the first workshop to answer questions and

summarize their work. Funding for a chairperson for the panel, who has not yet been selected, has also been included. Staff hopes that the chairperson will have been selected by the first meeting in consultation with the three experts.

Mr. Frederick next noted that the ITRT budget includes funding for a "Professional Cost Estimator." When the applicants for the expert panel were being reviewed, staff was considering a panel consisting of three to five members, with one of those members having cost estimation expertise. After further consideration, RWSA felt its interests were best served by a three-member panel that could conduct the study in a more efficient and thorough manner with the opportunity to contract outside for some cost estimation assistance.

Mr. Frederick further stated that RWSA is also requesting that the Board authorize the Executive Director to amend as necessary any of the contracts included in the budget to carry out the work of the ITRT, only as needed, up to \$30,000 in contingency funding.

Mr. Frederick next noted that a possible contingency that has not been included in the ITRT budget included additional drilling and geophysical services. It is not possible at this time to estimate the scope and cost for these additional studies until the ITRT makes its recommendations. If additional drilling work is needed, RWSA intends to bring such requests to the Board possibly next month for authorization.

Mr. Frederick then recognized Mr. Chuck Kent, who was in attendance today, for the "tremendous" work he has done for staff in coordinating the hiring of the ITRT. Mr. Frederick next asked Mr. Kent to provide a brief summary of the qualifications of the three experts that were selected to the ITRT.

Mr. Kent stated that out of the 15 proposals received, the following three individuals were selected for the panel: Mr. Dan Johnson, Mr. Donald Bruce, and Mr. Paul Rizzo. He further commented that Mr. Johnson is an internationally recognized international expert in roller compacted concrete (RCC) dam technology and has been involved in the design of roughly 30 completed projects. Mr. Johnson has also been an invited participant on worldwide expert dam panels with clients such as the Asian Development Bank in the Philippines and Hydro-Quebec. Mr. Bruce is among the leading world experts in subsurface engineering, specifically grouting projects with seepage or support problems with foundations under dams, and also has expertise with rock anchors. Mr. Bruce has 245 publications related to dam foundations on his resume and has lectured in many worldwide conferences, including Mexico, Canada, Thailand, Japan, and Brazil, as well as all over the United States. These individuals are very active in the major dam design associations, which include the United States Society of Dams and the Association of State Dam Safety Officials. Mr. Rizzo has over 40 years' experience in dam design and is recognized as an expert in foundation design of major structures with subsurface engineering being one of his strengths. One of Mr. Rizzo's projects was the Saluda Dam, which at the time it was built, was the largest RCC dam in this country, consisting of 1.3 million cubic yards of RCC. It is estimated that the Ragged Mountain Dam will not be much over 100,000 cubic yards of RCC. The Saluda dam was a major challenge due to the technical problems associated with this project. The reconstruction of Taum Sauk is an on-going project, which is a Missouri dam that experienced a major failure and is being rebuilt as an RCC structure. Mr. Rizzo is the principal

in charge of the project design. Mr. Kent felt the individuals selected were “high quality” experts.

Mr. Tucker then inquired how staff arrived at the \$25,000 budget figure for the ITRT Chairperson. Mr. Kent stated that this is a rough estimate since the Chairperson will not be selected until the panel convenes in Charlottesville for a workshop. The money would be spent in part on document preparation and clerical support. The Chairperson would also be expected to report ITRT findings in person to the Board, and the budget would cover the additional travel expenses. Mr. Frederick added that the biggest expense involved the actual writing and editing of technical reports. RWSA wanted to ensure that the technical report written by the ITRT is definitive enough so that it could be a “take-off point” for however the Authority decides to finish the design of the dam. Mr. Frederick also commented that RWSA would use the money as wisely and efficiently as possible but also wanted funding sufficient to accomplish that objective.

Mr. O’Connell next asked about the timeline for the ITRT study. Mr. Frederick stated that a critical element that makes it difficult to predict a planning schedule at this point concerns the amount of additional drilling that might be needed. RWSA expects by mid-March to have a report from the panel on what additional drilling is being recommended. If the ITRT were to recommend no additional drilling, it would be possible for the study to be completed within 30 to 45 days. RWSA anticipates that it will be very likely that the panel will recommend additional drilling, and a specialized contractor will need to be “engaged” to perform the deep boring holes through rock. There are limited specialists, and the schedule will be based on the availability of the drilling contractor. Mr. Frederick suggested that it could be early to mid-summer when the study is actually completed.

Mr. O’Connell further inquired about the ITRT meeting process and whether the panel would meet as a group on occasions. Mr. Kent explained that the panel members would attend workshops at Rivanna as a group. Mr. Frederick further stated that allowance has been made for all three panel members to come to Charlottesville up to three times as part of their work if necessary.

Mr. Tucker then inquired about the staff’s estimates as to when the expert panel would be able to provide a report to the Board. Mr. Kent stated that information related to drilling logs and the current geotechnical data is in the process of being sent to the ITRT members with a request to be prepared to discuss the reports at the initial ITRT workshop planned for next month. Staff expects to have “some sense” of what has been accomplished by the ITRT at the end of the three-day session. There are a number of alternatives that staff feels need to be at least considered that might require additional drilling work, which includes other possible dam alignments for which borings and geophysics data is not available. Mr. Tucker next asked if staff felt the study could be completed in four to six months. Mr. Frederick then stated staff estimates that the report would probably be completed by early to mid-summer, depending upon what additional drilling is needed and the availability of a drilling specialist.

Mr. Tucker next asked if Dam Safety officials were aware of the additional time needed for the ITRT study and if they were agreeable with this schedule. Mr. Frederick stated that Dam Safety officials were not commenting at this time on the details of the schedule at this point. Dam

Safety issued a new certificate for the Ragged Mountain Dam that expires in November 2009, and they have not extended the June 2011 deadline to complete a new dam. By November, RWSA should have received a revised budget and schedule "forecast" for the project and will be prepared to discuss this information with the Dam Safety officials at that time.

Mr. Kent then provided a possible scenario on the ITRT study's timeline. As mentioned previously, early summer would be an optimistic estimation as to when the study could be completed. If new drilling is recommended, the expert panel would need to evaluate the new data obtained from core logs and geophysics investigations. If it is ITRT's determination that the dam can be built in the original proposed alignment, the original design is nearly complete and construction could begin by November 2009. However, a significant amount of design work would be required if ITRT recommended a different alignment for the dam.

Mr. O'Connell next questioned when ITRT could begin its study. Mr. Kent responded that subject to Board approval today, the ITRT is authorized to begin reviewing RWSA's documents upon their receipt. The ITRT will convene in March at Rivanna for the first workshop.

Mr. Fern then commented on his opportunity to review all the potential members' resumes and to sit with staff during the interview process. He stated that the interviews were handled in a very professional manner and commended RWSA staff for a "good job" during the ITRT selection process. Mr. Fern added that the three individuals selected for the ITRT are really "tops" in the field, and he was "amazed" at the number of qualified resumes that RWSA received.

Mr. O'Connell next asked Mr. Fern why he felt the response from qualified experts was so great. Mr. Fern responded that he believed these individuals liked "the challenge of sitting on these types of panels."

Mr. Frederick then thanked Mr. Fern, as well as Ms. Lauren Hildebrand with the City, for their assistance during the selection of the ITRT panel.

Mr. O'Connell then read the following for the record what the four boards agreed upon at the November 25, 2008 Joint Boards Meeting and what City Council also formally approved in their December 15, 2008 City Council Meeting:

"RWSA will retain a team of dam experts from multiple firms to review geotechnical data, preliminary design, and foundation design for the proposed Ragged Mountain Dam and related Interstate 64 embankment, and other data appropriate to the purpose set forth that goes to the scope of work that we discussed at the Board meeting. The purpose of the review will be to obtain the recommendations of experts toward the direction of the design of the dam and embankment consistent with regulations in safety practice at the lowest expected reasonable value or cost."

Mr. O'Connell then commented that he felt the Board was doing exactly as outlined above with today's action on the ITRT.

**Mr. O'Connell next moved that the Board of Directors vote to authorize the Executive Director to take the following action, seconded by Mr. Fern:**

**To enter into contracts with selected members of the Independent Review Team (ITRT) and with Gannett Fleming and Schnabel Engineers in the amounts listed in the Board report and also enter into a separate agreement with one of the ITRT members, as the work of the ITRT proceeds, to serve as Chairperson of the ITRT;**

**To engage the services of an independent professional cost estimator to prepare a formal detailed construction cost estimate for the dam once the ITRT has recommended a course of action and design parameters have been established;**

**To amend as necessary any of the contracts included in this authorization to carry out the work of the ITRT, only as needed, up to a fixed total dollar limit of \$30,000 for all contracts.**

**The motions were approved by a 5 – 0 vote.**

In regards to **Item 6d), Direction on Studies to Review Conceptual Plan for Future South Fork to Ragged Mountain Pipeline**, Mr. Frederick stated that this report is a continuation of the discussion he started during the Executive Director's report concerning an alternative to the continued pursuit of an executed MOU between the four boards. If approved by the Board, this action will authorize RWSA staff to initiate a Request for Proposal (RFP) to conduct a review of the pipeline to Ragged Mountain that will follow the guidelines as agreed upon by the four boards during the November 2008 meeting with one addition to the scope that reflected negotiations that occurred after the November meeting. Mr. Frederick then read the additional statement as follows: "RWSA will also retain a firm to assess the impact of the size of the pipeline on necessary storage capacity of the Ragged Mountain Reservoir, using existing modeling techniques." He further explained that this additional component calls for a review on whether or not increasing the size of the pipeline has an effect on reducing the size of the storage at Ragged Mountain. Retaining a firm that already had the "calibrated model" of RWSA's system could reduce the cost of this item. An item agreed on by the four boards concerned RWSA retaining a firm "to review the reasonableness of the methodology and opinion of cost used by Gannett Fleming in 2005 in its conceptual design of the pipeline from the South Fork Rivanna Reservoir to the Ragged Mountain Reservoir. This review will be within the context and objectives established in 2005, to include the operating rules for the South Fork Rivanna Reservoir and the expanded Ragged Mountain Reservoir and the desire to control sediment transfer between the reservoirs." The third item included in the "inset paragraph" in the Board report that was discussed at the November meeting related to RWSA identifying "a summary list of the advantages and disadvantages of the proposed South Fork Rivanna Reservoir pipeline, the Sugar Hollow Reservoir pipeline, and a pipeline from the James River." This bulleted list can be prepared by staff, and it is not anticipated that a consultant will need to be contracted to perform this task.

Mr. Fern then commented on the previous discussion concerning an executed MOU. He stated that the ACSA Board of Directors felt that an executed MOU was not necessary at this particular time. The ACSA Board wants to ensure that City Council gets the information they need in order to "reconfirm their commitment to the Community Water Supply Plan." His Board felt that completing the recommended studies would provide the necessary information.

Mr. Tucker next asked if the pipeline study would address the suggestions presented today by Ms. Mooney concerning the pipeline costs. Mr. Frederick stated that the language in his memorandum report states what the joint boards requested at the November meeting with the additional clarification he referenced today. There was extensive discussion by the four boards about how much to invest for this study, and the limitation of \$25,000 restricts the scope to what is written in the memorandum and reflects what the four boards agreed to in November. Mr. O'Connell added that the scope specifically addresses what City Council adopted on December 15, 2008.

**Mr. Tucker moved that the Board of Directors vote to direct and authorize RWSA staff to initiate the procurement of services and perform the "Pipeline to Ragged Mountain Study" as described within the inset paragraph of the memorandum report, and also authorize the expense of this study in the amount of \$25,000 to come from the FY 2009 Budget under Urban Water cost center, seconded by Mr. Fern. The motion was approved by a 5 – 0 vote.**

#### **7.0 Other Items from Board/Staff not on the Agenda**

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

#### **8.0 Closed Meeting**

**Mr. Tucker resolved that the Board of Directors of the Rivanna Water & Sewer Authority enter into a closed meeting for consultation with legal counsel with respect to real property acquisition issues as permitted by Section 2.2-3711.A.3 of the Code of Virginia, and with respect to conflict of interest matters as permitted by Section 2.2-3711.A.7 of the Code of Virginia, seconded by Mr. O'Connell. The motion was approved by a 5 – 0 vote, and the meeting Board of Directors of the Rivanna Water & Sewer Authority went into a closed meeting at 2:45 p.m.**

ATTENDEES: Mr. Fern, Mr. Frederick, Mr. Gaffney, Mr. Krueger, Ms. Mueller, Mr. O'Connell, Ms. Simpson, Mr. Tucker, Ms. Whitaker, and Dr. Wichser.

#### **9.0 Resumption of Open Meeting**

The Rivanna Water & Sewer Authority meet was reconvened at 3:41 p.m.

**Mr. Tucker moved that the Rivanna Water & Sewer Authority Board of Directors vote to approve the following resolution, seconded by Mr. Fern:**

**WHEREAS, the Rivanna Water & Sewer Authority has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by the Rivanna Water & Sewer Authority that such closed meeting was conducted in conformity with Virginia Law;**

**NOW, THEREFORE, BE IT RESOLVED** that the Rivanna Water & Sewer Authority hereby certifies that, to the best of each members' knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Rivanna Water & Sewer Authority.

**There being no further discussion, Mr. Gaffney called for a roll call vote: Ms. Mueller – Aye, Mr. O'Connell – Aye, Mr. Gaffney – Aye, Mr. Tucker – Aye, and Mr. Fern – Aye.**

Mr. Gaffney then asked Mr. Frederick to discuss Other Business **Item 6b), Preliminary Rate Resolution and Call for Public Hearing on FY 2009-2010 Operating Budget**, which had been suspended until after the closed meeting. Mr. Frederick stated that the resolution included in the Board packet will take the action that was discussed earlier during the introduction of the FY 2009-2010 Operating Budget. He further stated that the resolution calls for the adoption of a preliminary rate schedule for the purpose of notification of a public hearing on Monday, May 18, 2009, and it is not the final adoption of the wholesale water and wastewater rates for the next fiscal year. Final adoption of those rates will not occur until after the public hearing on May 18, 2009.

**As there were no further questions or discussion, Mr. Tucker moved that the Board of Directors vote to approve the following resolution adopting the proposed water and wastewater rates as preliminary rates and authorize the Rivanna Water & Sewer Authority to advertise the rates as preliminary rates for the required 60 days for the purposes of notification of a public hearing to be held on May 18, 2009 at 2:00 p.m. during the regularly scheduled Board of Directors meeting, seconded by Mr. O'Connell:**

#### **RESOLUTION**

**WHEREAS, the Rivanna Water and Sewer Authority Board of Directors has reviewed the proposed budget and associated rate changes for Fiscal Year 2010; and**

**WHEREAS, Section 15.2-5136 (G) of the Code of Virginia requires the adoption of the preliminary rate schedule for notification of a public hearing prior to any rate change;**

**NOW, THEREFORE, BE IT RESOLVED** that the Rivanna Water and Sewer Authority hereby approves the following preliminary rate schedule for purposes of notification of a public hearing to be held on May 18, 2009 at 2:00 during regularly scheduled Board of Directors meeting.

**WATER RATES**

**Urban Area**

City - \$2.464/1000 gal.

ACSA - \$3.323/1000 gal.

Crozet - \$52,403/monthly

Scottsville Water - \$32,155/monthly

**WASTEWATER RATES**

**Urban Area**

City - \$2.794/1000 gal.

ACSA - \$3.073/1000 gal.

Glenmore - \$24,252/monthly

Scottsville Wastewater - \$25,420/monthly

**VOTE:**

**AYES:** Ms. Mueller, Mr. O’Connell, Mr. Gaffney, Mr. Tucker, and Mr. Fern

**NAY:** 0

**ABSENT DURING THE VOTE:** 0

**ABSENT DURING THE MEETING:** 0

**10.0 Adjournment**

There being no further business, Mr. Fern moved that the meeting be adjourned, seconded by Mr. Tucker All members voted aye, and the meeting was adjourned at 3:44 p.m.

Respectfully submitted,

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Mr. Robert W. Tucker, Jr.  
Secretary-Treasurer