

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB, 109 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA**

**August 13, 2019
10:30 A.M.**

Present: D. D. Watson (Chairman), Mark Dunning (Vice Chairman), Joe Chesser (Treasurer), Eric Dahl and Christian Goodwin

Absent: Troy Wade

Others Present: Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Joe Hines (Timmons Group); David Saunders (Timmons Group); Greg Krysiniak (Faulconer Construction); Steve Nichols and Mary Anna Twisdale (Fluvanna County); Justin Curtis (Aqualaw)

CALL TO ORDER

Chairman Watson called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:30 a.m., and led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Chesser, seconded by Mr. Dunning, which carried by a vote of 5-0, the agenda was adopted.

ITEMS FROM THE PUBLIC

Approximately 20 members of the public spoke in opposition to the pump station's siting as currently proposed, the process to date, and the importance of historic interests in the area.

- Ms. Marion Werkheiser of Cultural Heritage Partners voiced concerns regarding the water project.
- Mr. Greg Werkheiser of Cultural Heritage Partners voiced concerns regarding the water project.
- Chief Kenneth Branham of the Monacan Indian Tribe voiced concerns regarding the water project.
- Chief Robert Gray of the Pamunkey Indian Tribe voiced concerns regarding the water project.
- Mr. Jeffrey Hantman, University of Virginia professor, voiced concerns regarding the water project.
- Ms. Laura Purvis of Cultural Resource Analysts voiced concerns regarding the water project.
- Mr. Earl Evans of the Haliwa-Saponi Indian Tribe, and delegate to the National Congress of American Indians, voiced concerns regarding the water project.
- Kayleigh Evans of the Haliwa-Saponi Indian Tribe voiced concerns regarding the water project.

project.

- Mr. Rufus Elliot of the Monacan Indian Tribe voiced concerns regarding the water project.
- Ms. Lindsay Evans of the Haliwa-Saponi Indian Tribe voiced concerns regarding the water project.
- Mr. William Early voiced concerns with the water project.
- Ms. Rae Ely of Historic Green Springs in Louisa County voiced concerns with the water project.
- Ms. Susan Markess of the Baltimore Yearly Meeting Indian Affairs Committee submitted a written statement and voiced concerns regarding the water project.
- Mr. George Bialkowski of Fluvanna County voiced concerns regarding the water project.
- Mr. Angelo Lomoscalo of Louisa County voiced concerns regarding the water project.
- Mr. Frank Adams of the Upper Mattaponi Indian Tribe voiced concerns regarding the water project.
- Mr. Dave Norris, former Charlottesville Mayor, voiced concerns regarding the water project.
- Ms. Sue Frankel-Strait of Louisa County voiced concerns regarding the water project.
- Mr. Doug Wright of the Monacan Indian Tribe voiced concerns regarding the water project.

APPROVAL OF MINUTES OF PRECEDING MEETING

On the motion of Mr. Goodwin, seconded by Mr. Dunning, which carried by a vote of 4-0, the Board approved the minutes of the May 7, 2019, meeting. Mr. Dahl abstained.

FINANCIAL REPORT

Mr. Chesser reviewed the bills for consideration and stated that the payments would leave the Authority with a balance of \$573,630.71 to meet continuing obligations.

On the motion of Mr. Dahl, seconded by Mr. Dunning, which passed by a vote of 5-0, the payments and report were approved.

DISCUSSION/INFORMATION ITEMS

Discussion – Corps of Engineers (COE) Permit Update

Mr. Justin Curtis of Aqualaw provided a status report on the permit efforts to date. He stated that the third iteration of the Memorandum of Understanding (MOA) had been submitted to the COE, as well as the second version of the proposed Treatment Plan for the project. Both documents have been circulated to the project's consulting parties for comment. The Authority has also initiated the process to obtain a burial permit, which sets forth the processes observed should remains be encountered, from the Virginia Department of Historic Resources (DHR). DHR has reportedly circulated the application for the permit and has received comments. Mr. Curtis also reported that as of June 24, the Advisory Council on Historic Preservation is now a required signatory on the COE permit along with DHR and COE.

Mr. Curtis further stated that the JRWA's MOA required a good faith effort on behalf of JRWA to reach out to landowners regarding artifact donation. In accordance with that requirement, two associated agreements are included for consideration under Action Items.

Finally, Mr. Curtis reported on the August 9th consulting party meeting to discuss the MOA and Treatment Plan, which he stated was well attended. The JRWA has offered to revised both the MOA and Treatment Plan with regard to concerns received.

ACTION ITEMS

Robinson, Farmer, Cox Associates Audit Engagement Letter

Mr. Dahl reported that the current year engagement letter from the JRWA's auditor was in the packet for the Board's consideration. He discussed the need for the audit, and reported that the firm proposed a fee of \$3,000 for audit services in fiscal year 2019 and \$3,100 for fiscal year 2020. On the motion of Mr. Dunning, seconded by Mr. Chesser, the Board approved the engagement letter by a vote of 5-0.

Historical Artifact Donation Agreement - Hammond

Mr. Hefty introduced the two agreements on the agenda, which he stated were intended to formalize the donation of artifacts which may be encountered during the effort. He stated that he had reviewed the agreements as to form. On the motion of Mr. Goodwin, seconded by Mr. Dahl, which passed by a vote of 5-0, the agreement was approved.

Historical Artifact Donation Agreement - Hammond

On the motion of Mr. Goodwin, seconded by Mr. Dahl, which passed by a vote of 5-0, the agreement was approved.

CONSENT AGENDA

(none)

CLOSED SESSION

On the motion of Mr. Chesser, seconded by Mr. Dahl, which carried by a vote of 5-0, the Board voted to enter Closed Session at 11:28 a.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711(A)(8) and (A)(7) of the Code of Virginia, for the purpose consulting with legal counsel regarding threatened litigation and the terms and conditions of the Memorandum of Understanding and Treatment Plan pertaining to the issuance of the Corps of Engineers permit.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Chesser, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board voted to return to regular session at 12:49 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

By roll call, 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
Mark Dunning	Yes/Aye
D.D. Watson	Yes/Aye
Troy Wade	(Absent)
Christian R. Goodwin	Yes/Aye
Eric Dahl	Yes/Aye

OTHER BUSINESS

Mr. Goodwin requested that two items be added to the agenda: and a discussion of talking points and responses to information provided during the public comment period, and consideration of a request for proposals to archaeological services.

Discussion – Archeological Services Request for Proposals

Mr. Goodwin noted that more advanced archaeological services may be necessary for the remainder of the permitting process, and possibly once construction gets underway as well. Mr. Goodwin motioned that the Board direct its team to draft a Request for Proposals (RFP) for archeological services to complete the permit process and to assist with related services if necessary for construction. Mr. Chesser asked if Timmons could help draft the RFP. Mr. Goodwin stated that we would need assistance from someone, and that Timmons might be a logical first choice. Discussion regarding procurement methods and timing ensued. Mr. Chesser seconded the motion, which passed by a vote of 5-0.

Discussion – Talking Points and Responsive Information

The Board discussed responses to project misconceptions for future use as necessary to ensure that the public is adequately informed with regard to the effort. These included the process to date, consideration of alternative locations and related reasons, the JRWA's concern for historical interests, the fact that this is a public project in response to future needs, water sharing plans between the two localities, environmental factors and river mitigation efforts associated with the decision, JRWA responses to concerns to date, the project's small footprint, and other factors. It was generally agreed that the team should begin work on associated responses.

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 meeting at 1:12 p.m.

BY ORDER OF:

D.D. WATSON, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY