

**James River Water Authority
Board of Directors Meeting
181 Clubhouse Way
Zion Crossroads, Virginia
February 7, 2017
10:30 A.M.**

Regular Business Meeting of the James River Water Authority Board of Directors

- I. Call to Order**
- II. Adoption of Agenda**
- III. Items from the Public**
- IV. Approval of Minutes of Preceding Meeting**
 - a. January 3, 2017 – Regular Meeting
- V. Financial Report**
 - a. Approval of Bills
- VI. Discussion/Information Items**
 - a. Discussion – Update on Property Acquisition
 - b. Discussion – Update on Army COE Permit
- VII. Action Items**
- VIII. Consent Agenda**
- IX. Closed Meeting**
- X. Adjournment**

The James River Water Authority Board of Directors reserves the right to amend and/or change the Agenda the day of the meeting.

BY ORDER OF:
GOODMAN B. DUKE, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY

**JAMES RIVER WATER AUTHORITY
BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB
181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
January 3, 2017
10:30 A.M.**

Present: Goodman Duke (Chairman), Joe Chesser (Treasurer), D.D. Watson, Mark Dunning (arrived 10:38 a.m.), Steven Nichols, and Christian Goodwin

Others Present: Mr. Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Pete Morris (Faulconer Construction); Greg Krysiniaik (Faulconer Construction); Eric Dahl (Fluvanna County); Pam Baughman (Louisa Water Authority); Andy Wade (Louisa County)

CALL TO ORDER

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

ADOPTION OF AGENDA

On the motion of Mr. Chesser, seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved the agenda.

APPROVAL OF MINUTES OF PRECEDING MEETINGS

On the motion of Mr. Chesser seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved the minutes of the December 6, 2016, meeting.

FINANCIAL REPORT

Bills included in the packet were considered and it was noted that the payment for Randolph, Boyd, Cherry and Vaughan should be \$5,281.50 per the invoice. On the motion of Mr. Nichols, seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved the payment.

DISCUSSION/INFORMATION ITEMS

Discussion – Comprehensive Agreement with Faulconer

Mr. Hefty noted that while the agreement had been approved by the Board in May, 2016, several outstanding details have since required resolution. These have been worked out, and the agreement is satisfactory in his estimation. He noted that the overall price had increased by \$28,864.90. Faulconer agreed to research the difference, which may be considered as a change order in the future. On the

motion of Mr. Nichols, seconded by Mr. Watson, which carried by a vote of 6-0, the Board approved execution of the agreement at the initially approved (in May, 2016) price of \$7,909,866.10.

Discussion – Easement Acquisition Status

Mr. Hefty reported that Certificates of Take had been filed for two remaining properties, and requested a discussion during closed session.

Discussion – Army Corps of Engineers Permit Status

Mr. Pete Morris reported that now that necessary easement acquisitions were in progress, the Department of Historic Resources Management and the Corps would be meeting during January to evaluate any impacts.

Update – Accounting System Conversion to MUNIS

Mr. Dahl stated that he had talked to his auditors, and is prepared to load current year expenditures into MUNIS. Mr. Chesser will still issue checks, and will receive statements from Virginia Community Bank. MUNIS will be used for financial reporting.

ACTION ITEMS

Reimbursements to Member Localities

Mr. Nichols summarized the resolution in the Board packet, which reimburses each locality for its contributions less current fiscal year budgeted operational costs. On the motion of Mr. Goodwin, seconded by Mr. Watson, which passed by a vote of 6-0, the Board approved the resolution and directed the Treasurer to issue checks.

Other

Mr. Goodwin noted that representatives from the JRWA had presented on the project at the Governor's Infrastructure Financing Conference.

CLOSED SESSION

On the motion of Mr. Nichols, seconded by Mr. Watson, which carried by a vote of 6-0, the Board voted to enter Closed Session at 10:52 a.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711.A.3 VA Code Ann., for the purpose of discussion of the acquisition of property, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Goodwin seconded by Mr. Nichols, which carried by a vote of 6-0, the Board voted to return to regular session at 11:12 a.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

On the motion of Mr. Goodwin, seconded by Mr. Nichols, 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.

NAME

Joe Chesser
D.D. Watson
Mark Dunning
Christian R. Goodwin
Steven M. Nichols
Goodman B. Duke

VOTE

Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye

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 11:13 a.m.

BY ORDER OF:

GOODMAN B. DUKE, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY

HEFTY WILEY & GORE, P.C.

100 West Franklin Street, Suite 300 • Richmond, VA 23220

DATE	INVOICE NO.
1/25/2017	8434

RECEIVED
JAN 27 2017

BILL TO

James River Water Authority
ATTN: Steven M. Nichols
P.O. Box 540
132 Main Street
Palmyra, VA 22963

DESCRIPTION	MONTHS	RATE	AMOUNT
Agreed monthly fee for serving as legal counsel to JRWA board for January, February, and March 2017	3	2,500.00	7,500.00
Total			\$7,500.00



January 16, 2017
Invoice No: 504826

Remit To:
MBP
Williams Plaza 1
3040 Williams Drive, Suite 300
Fairfax, VA 22031-2215

Fluvanna, County of
James River Water Authority
Attn: Steve Nichols, Fluvanna Co. Administrator
132 Main Street, P.O. Box 540
Palmyra, VA 22963

Contract #:
Subcontract #: N/A
Purchase Order #: N/A

Invoice Total	\$2,702.50
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Project Manager: Joseph Modica

Project: J16223.001 James River Water Supply System

Professional Services through December 31, 2016

Phase: 001 Preconstruction Phase

Task: 001 Chesapeake

Professional Personnel

	Hours	Rate	Amount	
Construction Manager				
Modica, Joseph	6.50	115.00	747.50	
Totals	6.50		747.50	
Total Labor				747.50
		Total this Task		\$747.50
		Total this Phase		\$747.50

Phase: 002 Construction Phase

Task: 002 Richmond

Professional Personnel

	Hours	Rate	Amount	
Construction Manager				
Perkins, Walter	17.00	115.00	1,955.00	
Totals	17.00		1,955.00	
Total Labor				1,955.00
		Total this Task		\$1,955.00
		Total this Phase		\$1,955.00

Contract	Current	Prior	To-Date
Total Billings	2,702.50	0.00	2,702.50
Contract Value			374,423.00
Remaining			371,720.50
		Total this Invoice	\$2,702.50

Billing Backup

McDonough Bolyard Peck, Inc. - LIVE

Invoice 504826 Dated 1/16/2017

Monday, January 16, 2017

6:01:29 PM

Project: J16223.001 James River Water Supply System
Phase: 001 Preconstruction Phase
Task: 001 Chesapeake

Professional Personnel

			Hours	Rate	Amount
Construction Manager					
35CNMG00 - Modica, Joseph	10/3/2016		.50	115.00	57.50
35CNMG00 - Modica, Joseph	10/25/2016		1.00	115.00	115.00
35CNMG00 - Modica, Joseph	10/26/2016		3.00	115.00	345.00
35CNMG00 - Modica, Joseph	10/27/2016		1.00	115.00	115.00
35CNMG00 - Modica, Joseph	10/28/2016		.50	115.00	57.50
35CNMG00 - Modica, Joseph	11/10/2016		.50	115.00	57.50
Totals			6.50		747.50
Total Labor					747.50

Total this Task \$747.50

Total this Phase \$747.50

Phase: 002 Construction Phase
Task: 002 Richmond

Professional Personnel

			Hours	Rate	Amount
Construction Manager					
35CNMG00 - Perkins, Walter	10/3/2016		.50	115.00	57.50
35CNMG00 - Perkins, Walter	10/4/2016		2.50	115.00	287.50
35CNMG00 - Perkins, Walter	10/12/2016		8.00	115.00	920.00
35CNMG00 - Perkins, Walter	11/1/2016		2.50	115.00	287.50
35CNMG00 - Perkins, Walter	11/2/2016		.50	115.00	57.50
35CNMG00 - Perkins, Walter	12/6/2016		3.00	115.00	345.00
Totals			17.00		1,955.00
Total Labor					1,955.00

Total this Task \$1,955.00

Total this Phase \$1,955.00

Total this Project \$2,702.50

Total this Report \$2,702.50

LAW OFFICES
RANDOLPH, BOYD, CHERRY AND VAUGHAN

14 EAST MAIN STREET
RICHMOND, VIRGINIA 23219
(804) 643-6611
FAX NO. (804) 783-2765

Writer's Direct Number: 804-592-4184
E-mail: acherry@rbcvlaw.com
www.rbcvlaw.com

B. RANDOLPH BOYD
FRANCIS A. CHERRY, JR.
ERNEST C. VAUGHAN, JR.
SARAH M. SAUNDERS

J. BAKER McCLANAHAN, JR.
F. ADAM CHERRY, III

H. ARMISTEAD BOYD (1912-1979)
BEVERLEY H. RANDOLPH, JR. (1908-1987)

CHARLES CITY OFFICE
P.O. BOX 85
CHARLES CITY, VIRGINIA 23030
(804) 652-2176

January 4, 2017

Steven M. Nichols
P.O. Box 540
Palmyra, Virginia 22963

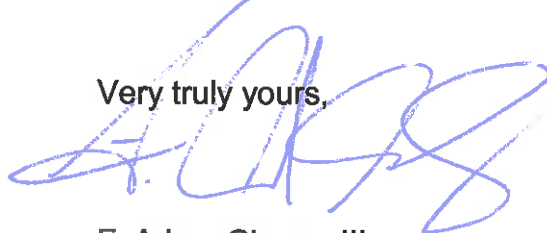
Re: James River Water Authority – James River Water Pipeline Project

Dear Steven:

Enclosed please find our interim statement for all time in the captioned matter which I trust you will find in order.

Thank you and please call should you have any questions.

Very truly yours,



F. Adam Cherry, III.

AC/ckg
Enclosure
cc Brendan S. Hefty, Esq. (w/enclosure)

RANDOLPH, BOYD, CHERRY and VAUGHAN
14 East Main Street
Richmond, VA 23219
Tax ID #54-1116143

Invoice submitted to:

James River Water Authority
c/o Steven M. Nichols
County Administrator - Fluvanna County
P.O. Box 540
Palmyra, VA 22963

January 09, 2017

In Reference To: James River Water Authority
James River Water Pipeline Project

INTERIM BILL FOR ALL TIME FROM NOVEMBER 29
THROUGH DECEMBER 31, 2016

Invoice # 17352
Professional services

		<u>Hours</u>	<u>Amount</u>
11/30/2016	AC Exchange emails Dorin and Hefty re appraiser; review original plats; exchange emails with Authority re certificate;	0.40	\$86.00
	AC Exchange emails with B. Hefty re appraiser and timing of petition; review statutes and conf. FAC re same;	0.50	\$107.50
	FAC Confer further AC regarding filing deadline	0.10	\$31.00

		<u>Hours</u>	<u>Amount</u>
12/1/2016	AC	Receive and review Lane's original appraisal on Point of Fork; email to Hefty re same; email to Dorin re same;	0.60 \$129.00
	AC	Telephone conf. Hefty re appraiser and possible settlement talks; conf. FAC re initial Lane appraisal;	0.60 \$129.00
	FAC	Confer AC regarding earlier Lane appraisal and review 25.1-204 and 417 with him	0.40 \$124.00
12/2/2016	AC	Continue to review Lane appraisal; conf. FAC re same; memo to B. Hefty re issues to address;	1.00 \$215.00
	FAC	Conference AC regarding Lane appraisal and possible revised offer	0.30 \$93.00
12/5/2016	AC	Exchange emails with Hefty re offer and Lane appraisal issue; telephone conf. Hefty re same;	0.40 \$86.00
	AC	Review file and statutes; prepare for conference call with Hefty and client;	0.40 \$86.00
	AC	Meeting with B. Hefty re Lane appraisal and Point of Fork offer; conf. call with Hefty, C. Goodwin and S. Nichols; review Point of Fork appraisal and offer; revise Certificate and email to Hefty;	1.30 \$279.50
12/6/2016	AC	Telephone conf. B. Hefty re revised offer; draft offer letter; brief conf. FAC re same;	0.80 \$172.00

		<u>Hours</u>	<u>Amount</u>
12/6/2016	FAC Review and suggest edits to letter to Waldo providing copy Lane appraisal	0.20	\$62.00
12/7/2016	AC Exchange emails with Hefty and Authority re revised offer letter on Point of Fork; telephone conf. Joe Waldo re same; final edits of letter; email to Waldo;	0.80	\$172.00
	AC Review Bialkowski file and GIS/tax assessment information; notes to file; draft letter to S. Clarke inviting settlement discussions; leave voice mail for Clarke re same; email to Authority;	1.00	\$215.00
12/8/2016	AC Telephone conf. Brendan Hefty re status of permits; note to file;	0.30	\$64.50
	AC Brief review of DEQ permit; draft response letter to Clarke re permitting issue; email to Goodwin, Nichols and Hefty;	0.70	\$150.50
	AC Receive and review S. Clarke's letter re JRWA's authority to condemn prior to permits; legal research; conf. FAC re same; exchange emails with Goodwin, Hefty and Nichols; telephone conf. Hefty re same;	2.30	\$494.50
	FAC Conference AC re S. Clarke's letter and review with AC provisions of 1-219.1, Art. I, Section 11 of Va. Constitution	0.40	\$124.00

		<u>Hours</u>	<u>Amount</u>
12/9/2016	AC	Brief meeting with Hefty re certificates and 1-219.1 issue; letters to S. Clarke; exchange emails S. Clarke re same; review prior memo on permit/condemnation issue; email to Hefty re Clarke's response;	0.80 \$172.00
	AC	Revise letters on Point of Fork and Bialkowski re "authorized utility " issue; review 1-219.1; email to Goodwin, Nichols and Hefty re same;	1.00 \$215.00
12/13/2016	AC	Office conf. FAC re Clarke's constitutional issue raised;	0.30 NO CHARGE
	AC	Office conf. FAC re Section 1-219.1 and case law; exchange emails with FAC re same;	0.40 NO CHARGE
	AC	Brief legal research on legal status of water authority; memo to FAC re same;	0.50 \$107.50
	FAC	Continue review with AC of issue raised by atty. for one of the owners re need for permits	0.30 \$93.00
	FAC	Review with AC of owner's position re need for all permits before the Authority can condemn	0.40 \$124.00
12/14/2016	AC	Exchange emails with FAC re permit issue; exchange emails Hefty re same;	0.50 \$107.50
	FAC	Memo to AC re additional arguments against treating the Authority as if it were a public	0.50 \$155.00

			<u>Hours</u>	<u>Amount</u>
		service company under Art. 1, Section 11 of the Virginia Constitution		
12/19/2016	AC	Exchange emails with J. Dykes re timing of certificates; email to Hefty re same	0.20	\$43.00
12/21/2016	AC	Legal research on landowner's objection on permitting issue; notes to file; telephone conf. B. Hefty re same and certificates; conf. FAC re same; draft memo to Hefty on permitting issue;	3.30	\$709.50
	FAC	Review memo AC re status of various permits and confer same AC	0.50	\$155.00
12/22/2016	AC	Review emails from Hefty re permitting issue; draft memo to Hefty re same and recording certificates; brief conf. FAC re same; notes to file;	1.40	\$301.00
	AC	Telephone conf. Hefty re Army Corps permit; review email from Hefty re same; notes to file; begin to review Army Corps requirements for 106 review;	1.20	\$258.00
	FAC	Conference AC re preparing for owner's contesting validity of the certificates	0.30	\$93.00
12/27/2016	AC	Telephone conf. Joe Hines re permitting issue; email Hefty re same; notes to file; brief research on Native American Indian Council;	1.80	\$387.00

		<u>Hours</u>	<u>Amount</u>
12/27/2016	AC Exchange emails with B. Hefty re permitting issue and certificates; telephone conf. Mike Lockaby re same and status of Louisa acquisitions; brief legal research on same; conf. FAC re same;	1.80	\$387.00
12/28/2016	AC Telephone conf. Chris Dodson re permitting issue and potential as expert witness; notes to file; review 106 process; follow up email to Dodson re same;	1.50	\$322.50
	AC Conf. Brendan Hefty re status of certificates and risks; conf. FAC re same; conf. C. Dodson re same; review certificates of take; notes to file; prep for recording;	2.40	\$516.00
	FAC Meeting AC and tel. conf. Chris Dodson, Timmons	0.40	\$124.00
12/29/2016	AC Roundtrip travel time to Fluvanna Circuit Court (billed at half rate)	2.00	\$215.00
	AC Fluvanna Circuit Court to update title reports and record certificates of take; email Hefty;	2.00	\$430.00
For professional services rendered		<u>36.00</u>	<u>\$7,735.50</u>

Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Francis A. Cherry, Jr.	3.80	\$310.00	\$1,178.00
F. Adam Cherry	29.50	\$215.00	\$6,342.50
F. Adam Cherry	2.00	\$107.50	\$215.00
F. Adam Cherry	0.70	\$0.00	\$0.00