

**James River Water Authority
Board of Directors Meeting
181 Clubhouse Way
Zion Crossroads, Virginia
October 9, 2019
9:00 A.M.**

The public is invited and encouraged to attend.

Regular 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. September 3, 2019 – Regular Meeting
- b. September 17, 2019 – Special meeting

V. Financial Report

- a. Bills Approval
 - i. AquaLaw

VI. Discussion/Information Items

- a. Information – COE Permit Update

VII. Action Items

- a. Action Item – Change of Regular Meeting Date and Time

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

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

September 3, 2019

10:30 A.M.

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

Absent: Joe Chesser (Treasurer), Troy Wade

Others Present: Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Joe Hines (Timmons Group); David Saunders (Timmons Group); Greg Krysinia (Faulconer Construction); Justin Curtis (Aqualaw)

CALL TO ORDER

Chairman Watson called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:35 a.m., and led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Dahl, which carried by a vote of 4-0, the agenda was adopted.

ITEMS FROM THE PUBLIC

(none)

APPROVAL OF MINUTES OF PRECEDING MEETING

On the motion of Mr. Dahl, seconded by Mr. Dunning, which carried by a vote of 4-0, the Board approved the minutes of the August 13, 2019, meeting.

FINANCIAL REPORT

Mr. Dahl reviewed the bills for consideration and stated that the payments would leave the Authority with a balance of \$562,968.71 to meet continuing obligations.

On the motion of Mr. Goodwin, seconded by Mr. Dunning, which passed by a vote of 4-0, 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 he had responded to several media inquiries regarding the project to date. The Advisory Council on Historic Preservation to date has yet to provide expected comments on the Authority's proposed documents, and that he has a call in to the COE to inquire as to status. He noted that the JRWA has been waiting on these comments since June.

ACTION ITEMS

(none)

CONSENT AGENDA

(none)

CLOSED SESSION

On the motion of Mr. Goodwin, seconded by Mr. Dahl, which carried by a vote of 4-0, the Board voted to enter Closed Session at 10:39 a.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711(A)(29) for consideration of the potential award of a contract for cultural resources and archeological consultant services.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Chesser, seconded by Mr. Goodwin, which carried by a vote of 4-0, the Board voted to return to regular session at 1:10 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

By roll call, which carried by a vote of 4-0, 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	(Absent)
Mark Dunning	Yes/Aye
D.D. Watson	Yes/Aye
Troy Wade	(Absent)
Christian R. Goodwin	Yes/Aye
Eric Dahl	Yes/Aye

OTHER BUSINESS

The Board briefly discussed the meeting location and it was determined that no change should be made.

ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Dahl, which carried by a vote of 4-0, 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

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB, 109 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
September 17, 2019
2:00 P.M.**

Present: D. D. Watson (Chairman – arrived late), Mark Dunning (Vice Chairman), Eric Dahl, Troy Wade and Christian Goodwin

Absent: (none)

Others Present: Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Greg Krysiniaak (Faulconer Construction); Justin Curtis (Aqualaw)

CALL TO ORDER

Vice-Chairman Dunning called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 2:00p.m., and led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

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

ITEMS FROM THE PUBLIC

- Mr. Angelo Lomascalo of Louisa voiced concerns regarding the project and process.
- Mr. Paul Grady of Crozet voiced concerns regarding the project and process.

APPROVAL OF MINUTES OF PRECEDING MEETING

(none)

FINANCIAL REPORT

Mr. Dahl reviewed the bill for consideration. On the motion of Mr. Wade, seconded by Mr. Chesser, which passed by a vote of 5-0, the payment was approved.

DISCUSSION/INFORMATION ITEMS

(none)

ACTION ITEMS

Award of contract for Cultural Resources and Archeological Consultant Services

The Board tabled this item pending further consideration in closed session.

CONSENT AGENDA

(none)

CLOSED SESSION

On the motion of Mr. Dahl, seconded by Mr. Wade, which carried by a vote of 5-0, the Board voted to enter Closed Session at 2:10p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711(A)(29) for consideration of the potential award of a contract for cultural resources and archeological consultant services.
2. In accordance with §2.2-3711(A)(8) and (A)(7) of the Code of Virginia, for the purpose of 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. Wade, seconded by Mr. Dunning, which carried by a vote of 6-0, the Board voted to return to regular session at 3:02 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

By roll call, which carried by a vote of 6-0, 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	Yes/Aye
Christian R. Goodwin	Yes/Aye
Eric Dahl	Yes/Aye

OTHER BUSINESS

Award of contract for Cultural Resources and Archeological Consultant Services

On the motion of Mr. Dahl, seconded by Mr. Wade, which passed by a vote of 6-0, the Board approved the award of a contract for cultural resources and archeological consultant services to GAI Consultants, Inc.

Letter to the Virginia Department of Historic Resources

Mr. Justin Curtis of Aqualaw provided a brief review of recent letters from: the Virginia Department of Historic Resources (DHR) which, due to the project archeologist's alleged lack of qualification, denied the burial permit issuance under the current application and required the JRWA to obtain consulting party approval in order to move forward; and the U.S. Army Corps of Engineers (COE), which, primarily as a result of the DHR letter, required that the JRWA move forward under an Individual Permit application rather than a Nationwide Permit application. Mr. Curtis stated the archeologist had served as the principal archeologist on hundreds of related studies and permits over the past several decades, and had been deemed qualified by DHR in the past. He discussed other issues in the DHR letter, including the requirement for landowner permission which the JRWA has already obtained by virtue of the easements it holds. Mr. Curtis went on to state that DHR failed in its own process by not notifying JRWA of the potential denial and not giving the Authority an opportunity to respond. Mr. Curtis presented a draft letter to DHR which lays out the JRWA's challenge to the DHR findings. On the motion of Mr. Wade, seconded by Mr. Chesser, which passed by a vote of 6-0, the Board voted to send the signed letter to DHR.

ADJOURNMENT

On the motion of Mr. Wade, seconded by Mr. Chesser, which carried by a vote of 6-0, the Board voted to adjourn the meeting at 3:15 p.m.

BY ORDER OF:

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

AQUALAW

CHRISTOPHER D. POMEROY
CHRIS@AQUALAW.COM

PH: 804.716.9021
FX: 804.716.9022

September 23, 2019

Mr. Steve Nichols
Administrator
Fluvanna County
P.O. Box 540
Palmyra, VA 22963



Re: James River Water Authority

Dear Steve:

Enclosed is our invoice for services rendered during August. Please let me know if you have any questions.

Best regards,


Christopher D. Pomeroy

Enclosure

cc: Brendan Hefty, Esq.



September 16, 2019

James River Water Authority
P.O. Box 540
Palmyra, VA 22963

Attention: Steve Nichols
RE: General

Our File #: 0293-001
Inv #: 11901

DATE	WORK PERFORMED	HOURS	AMOUNT	LAWYER
Aug-01-19	Prepare for and attend meeting with Governor Northam and Secretary Strickler; gather information and draft follow up response to Deputy Secretary Saks re burial permit; teleconference with Monacans' counsel re engaging in further discussion of mitigation options; circulate summary of the same to C. Goodwin and E. Dahl	4.10	1,619.50	JWC
Aug-02-19	Multiple teleconferences with J. Hines and C. Tyrer re letter about Treatment Plan; draft letter to Corps; teleconference with D. Saunders and J. Hines re alternatives analysis; contact potential venues to host consulting party meeting	4.60	1,817.00	JWC
Aug-03-19	Review draft alternatives analysis from Timmons; provide comments and edits to the same	1.60	632.00	JWC
Aug-05-19	Correspond with various entities to secure meeting space; teleconference with agency staff re application status; review and comment on draft statement for Board Members	0.50	197.50	JWC
Aug-06-19	Correspond with agency staff re meeting space; review and revise draft letter; provide documents to consulting party at request of Corps	0.70	276.50	JWC
Aug-08-19	Teleconference with team in preparation for next day's meeting; review new draft of letter and circulate same to C. Goodwin and E. Dahl for review; review and comment on revised working draft alternatives analysis and graphics for meeting; review relevant record documents to prepare JRWA presentation for consulting party meeting; review recent comments on Treatment Plan and MOA to summarize changes that have been made and changes to be made in the next version	7.50	2,962.50	JWC
Aug-09-19	Draft JRWA response to email from M. Werkheiser; prepare for and attend consulting party meeting	4.80	1,896.00	JWC
Aug-12-19	Draft meeting summary and send same to J. Hines	0.20	79.00	JWC

Aug-13-19	Prepare for and attend JRWA Board meeting; prepare for and respond to various media inquiries	4.50	1,777.50	JWC
Aug-14-19	Review and comment on archaeological consultant RFP; teleconference with DEQ staff re permit modification; follow up call with Timmons re the same; respond to media inquiry	2.30	908.50	JWC
Aug-20-19	Review and substantially revise FAQ document	2.50	987.50	JWC
Aug-26-19	Respond to media inquiry	0.60	237.00	JWC
Aug-30-19	Lengthy discussion with agency staff re permitting process	0.90	355.50	JWC

Subtotal**34.80 \$13,746.00****DISBURSEMENTS**

Aug-31-19	8/8 Teleconference		35.80	
-----------	--------------------	--	-------	--

Subtotal**\$35.80****TOTAL AMOUNT THIS PERIOD****\$13,781.80**

Previous Balance

\$9,015.00

Previous Payments

\$9,015.00

BALANCE DUE NOW**\$13,781.80****Payment Remit Address: AquaLaw, 6 South 5th Street, Richmond, Virginia 23219****Thank you for choosing AQUALAW. (Tax ID No. 45-0484029)****Please call (804) 716-9021 ext. 224 with invoice questions.****Payment is appreciated within 30 days.**