

County Business

VIRGINIA:

At a regular meeting of the King George County Service Authority Board of Directors, held on Monday, the 5th day of May, 2020 at 5:30 p.m. in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia:

PRESENT: Annie Cupka, Vice-Chairman
Neiman C. Young, County Administrator

Remote Presence: Cathy Binder, Chairman
Michael Bennett, Member
James Morris, Member
Allen R. Parker, Jr., Member
Matt Britton, County Attorney

[START OF TRANSCRIPT]

Ms. Binder: Service Authority Board of Directors, these are our online go-to meeting, virtual meeting. Ms. Cupka is in the boardroom and Mr. Parker, Mr. Morris and Mr. Bennett and myself, are all participating online and Mr. Weakley and Doc. Young are also in the boardroom, practicing their safe social distancing. Now that we have been called to order, I would have the invocation by Mr. Morris. Mr. Morris the floor is yours.

Mr. Morris: Thank you Ma'am. Lord, as we begin this meeting, guide us in our decision-making as we strive to serve our fellow men and protect our environment. In Your name we pray, Amen.

Mr. Weakley: Remain standing, face the Flag. Oh, I'm sorry Madam Chair, go ahead.

Ms. Binder: Go ahead Mr. Weakley; you were jumping ahead on me.

Mr. Weakley: Sorry, Madam Chair. I Pledge allegiance to the Flag of the United States of America and to the Republic, for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Ms. Binder: Thank you. Are there any amendments to the agenda?

Mr. Weakley: No amendments, Madam Chair.

Ms. Binder: Thank you. I will open the floor to public comment. Comments will be limited to three minutes, per person, in order to afford everyone an opportunity to speak. If comments relate to a specific public hearing item, we ask that you offer those comments at the time of the public hearing. Are there anyone in the boardroom – or is there anyone in the boardroom?

Mr. Weakley: No, Ma'am.

Ms. Binder: All right did anyone receive any correspondence?

Mr. Weakley: No correspondence, Madam Chair.

Mr. Britton: Are we – I may have misunderstood, I apologize – but do we have a quorum present?

Ms. Binder: Yes, we do, well quorum we have four online and one in the boardroom.

Mr. Britton: Okay I think we need to read the introduction that I had sent regarding the invocation of the Emergency Statute under the electronic meeting.

Ms. Binder: If you give me a second to bring it up or if you could send me really fast quickly over, I can read it.

Mr. Britton: Sure, I'll try and pull it up.

Ms. Binder: Give us a moment. Sorry about the delay guys. All right, I got it. Just give me a minute, I'll bring it up and I'll read it for you. Alright I'll read it, here we go. I, hereby call this meeting of the King George County Service Authority Board of Directors to order. Please take notice that three or more of the Board members are participating by electronic or remote means without a quorum physically present pursuant to the King George County Emergency Continuing of Government Ordinance previously adopted by the Board of Supervisors. This action is taken as a result of the Covid-19 pandemic and the Governor's orders regarding limiting of gatherings and staying in place. Electronic participation is encouraged and pursuant to the Emergency Ordinance, physical attendance by the public is not allowed. I now turn it over to our members of this Board who state whether they are physically present, are participating by electronic means. Mr. Bennett?

Mr. Bennett: I'm participating remotely by electronic means.

Ms. Binder: Mr. Morris?

Mr. Morris: I am participating remotely by electronic means.

Ms. Binder: Mr. Parker?

Mr. Parker: I'm participating remotely by electronic means.

Ms. Binder: Ms. Cupka?

Ms. Cupka: I am physically present in the boardroom.

Ms. Binder: And as Ms. Binder I am participating by electronic means. The County Administrator and the Clerk are responsible for receiving public comment. Notice of opportunities for the public to access and participate have been widely disseminated on the County website and throughout the County resources. I direct the Clerk this statement of the members remotely participating and those physically present to be memorialized in the minutes and I apologize for not reading that earlier and now we will go back to the public meeting and hold on, I've got to bring up my screen, and there it is. So, we had public comment. Has anybody asked for, online want to give public comment?

Mr. Weakley: No public comment, Ma'am.

Ms. Binder: All right. So, we'll move on to reports from members of the Board. Ms. Cupka?

Ms. Cupka: No report.

Ms. Binder: Mr. Parker?

Mr. Parker: No report currently.

Ms. Binder: Mr. Morris?

Mr. Morris: Yes, ma'am. I fielded a call from a resident who lives in Eagle Bay. They were looking for information. What they were looking for didn't really pertain to Service Authority. I educated him on what the Service Authority is and does and it appears most of his questions could be handled by the Community Development Office and I redirected him to that office.

Ms. Binder: Right, thank you, Mr. Morris. Mr. Bennett?

Mr. Bennett: No report.

Ms. Binder: All right. I have no report but I do want to introduce somebody, he is a voice you've been hearing in the last about a month now. Our new

County Attorney, who served our old County Attorney, Mr. Matt Britton, and he's just been a voice on the phone but hasn't been a face yet in the boardroom, but I just wanted everyone in the public to know about Matt and introduce him to you. So here we go, our new King George County Attorney is Matthew Britton. As the new County Attorney for King George he is excited to return to King George and eager to serve. And he has been serving it so far and he's been a great asset and a great help I will tell you.

Mr. Britton is a lifetime resident of King George County and previously served as commonwealth's attorney from 2000 to 2012 and the County Attorney from 2002 to 2012. Most recently, Mr. Britton served as general counselor for private and public companies, governmental agencies and localities. Additionally, he conducts pre-bench trainings for the Supreme Court of Virginia, prepares and conducts mock trials for the Office of the Chief Medical Examiner, and has taught over 70 courses at the Rappahannock Regional Criminal Justice Academy.

Mr. Britton earned a Bachelor of Arts Degree in Philosophy and Sociology and Criminology from Boston College, a Masters in Forensic Sciences from George Washington University, and a Juris Doctorate from Washington University in St. Louis. A prominent figure in public and private organizations, Mr. Britton has served on a host of boards, councils and committees to include the Virginia Association of Commonwealth Attorneys, the Rappahannock Regional Jail Board, the Virginia State Bar Judicial Nominations Committee and the Virginia State Bar Standing Committee on Lawyer Discipline.

Mr. Britton's honors include the Lewis F. Powell Medal for excellence in trial advocacy, the Milton F. Napier Award for excellence in trial advocacy, the Judge Samuel Brackenridge Award for excellence in appellate advocacy, Respect the Law Award, Optimist International, and the Virginia State Police Award. And Mr. Britton, a devoted family man, is married with eight children. He's a private pilot and also enjoys martial arts and is very active in his church and community. So, thank you Mr. Britton for joining us, you've been here a month but now everybody knows about you.

Mr. Britton: Thank you, it's good to be back.

Ms. Binder: Let me just bring up my agenda again. All right now for a motion to accept the consent agenda.

Mr. Bennett: Madam Chair, I move we approve the consent agenda.

Ms. Binder: Do I have a second?

Mr. Morris: I second.

Ms. Binder: Alright any discussion? All those in favor?

Mr. Morris: Aye.

Mr. Britton: Aye.

Ms. Cupka: Aye.

Ms. Binder: No nay's Chair votes aye, motion carries. We have a report from the County Attorney, Mr. Britton?

Mr. Britton: Yes, Madam Chair, is that report on the, I believe that report is on the rates. Is that correct?

Ms. Binder: Yes. Mr. Weakley, just to confirm [00:09:04 crosstalk].

Mr. Britton: Okay, we have [00:09:05 crosstalk].

Mr. Weakley: Hold up a second Madam Chair, the rate discussion, I'd like to bring Mr. Britton on when we get down to the discussion items for Service Authority Regulations Edits and Amendments, unless Mr. Britton has anything to add right now. This is a normal placeholder on the agenda that the County Attorney had it in the report, but I yield to Mr. Britton if there is any other discussion item. But originally, as we discussed at our agenda meeting, we would cover the amendments for the rates under the discussion item.

Mr. Britton: It is my understanding Madam Chair that at the time that Mr. Weakley wants to he can turn it over to me for any comments or questions. That's all I have is the rate advertisement.

Ms. Binder: Okay, thank you. Do we have any presentations or reports?

Mr. Weakley: No, Ma'am.

Ms. Binder: Right, we'll move to our action items, Drinking Water Week proclamation.

Mr. Weakley: Chris can you bring that up please. So, members of the Board, American Water Works Association, which we are a member of, they set aside along with utilities asking that boards, councils, different variety of governments recognize May 3rd through May 9th of 2020 as Drinking Water Week. The intent behind that is to raise awareness to the vital

resource that water is and of course with today's unfortunately climate we're dealing with brings that full circle [00:10:43 crosstalk]

[Automated voice: This conference will now be recorded]

Mr. Weakley:

Is that you? Okay. I'm sorry something popped up on my computer. So, this proclamation would be the Board taking effort to recognize the May 3rd through May 9th as Drinking Water Week. We would also, as the Board passes this tonight, place this on our website. There is certain [00:11:11 inaudible] when we have discussions with the Office of Drinking Water, which is part of BDH, but also, most importantly, the Ground Water Withdrawal Department inside of DQ who maintains our groundwater withdrawal permits, they'd love to see emphasis, public education awareness, not only placed on our website but also giving information through the Board.

So, we felt it would be applicable to put this before the Board tonight. I respectfully request the Board to move to approve the proclamation that was included in your packet which would essentially declare May 3rd through May 9th 2020 as Drinking Water Week.

Ms. Binder:

Mr. Britton, do we need to vote on that one or just a consensus?

Mr. Britton:

Normally the Board does vote on proclamations; it's not required, and then the proclamation contains so say we all. But it isn't required by law.

Ms. Binder:

All right, do we have a motion to accept the proclamation?

Mr. Bennett:

Madam Chair, I'll make a motion, I move that we approve the proclamation of the Drinking Water Week.

Ms. Binder:

Do I have a second?

Mr. Parker:

Second.

Ms. Binder:

All right. Any discussion? All those in favor?

Mr. Morris:

Aye.

Mr. Bennett:

Aye.

Mr. Parker:

Aye.

Ms. Cupka:

Excuse me Ma'am, Madam Chair?

Ms. Binder:

Yes, go ahead Ms. Cupka.

Ms. Cupka: Discussion point please.

Ms. Binder: Go ahead.

Ms. Cupka: Would anyone entertain changing the word 'city' to 'county'?

Mr. Weakley: Is that, Ms. Cupka under [00:13:08 inaudible]?

Ms. Binder: There was some feedback.

Mr. Weakley: There's language in the proclamation under whereas each citizen of our city is at and that changing that to county. I agree Ms. Cupka. Madam Chair on the second to last paragraph of the proclamation, the last portion of whereas, it was clearly worded as whereas each citizen of our city is called upon to help protect our source waters. Ms. Cupka's suggestion, which I agree, would be editing that or amending the motion to where this would change to whereas each citizen of our county is called upon to help protect our source waters.

Ms. Binder: Okay, Mr. Bennett would you like to remake that motion?

Mr. Bennett: I'd like to move that we approve the proclamation for Drinking Water Week with the correction that Ms. Cupka suggested from city to county.

Ms. Binder: Do we have a second?

Mr. Morris: I second.

Ms. Binder: Any discussion. Thank you, Ms. Cupka, for bringing that up. All those in favor?

Mr. Parker: Aye.

Mr. Morris: Aye.

Mr. Bennett: Aye.

Ms. Cupka: Aye.

Ms. Binder: Any nay's? Chair votes aye, motion carries, thank you Mr. Weakley.

Mr. Weakley: Thank you, Board.

Ms. Binder: All right next up we move to our discussion item, the Service Authority Regulation Edits and Amendments, Mr. Weakley?

Mr. Weakley: Okay, first off Mr. Dines can you bring up [00:14:41 crosstalk].

Male Speaker:

Yes.

Mr. Weakley:

Write it there. Did everyone receive in their packet, it was my memo just outlining I kind of gave you a roadmap of the Regulation Edits and Amendments, Mr. Dines is it on the screen right now, did you all receive that?

Mr. Parker:

Yes.

Mr. Britton:

Yes.

Mr. Weakley:

Okay I just want to utilize that document to walk us through changes. I sent this document along with, and I know it was many, many pages of our regulations but I wanted you to be able to track through. So, on the first item, the cover page, the basic updating of the regulations, and just to reflect the amended dates, so anytime the rates change this is where we would go in and make that so that you would see through subsequent years or any other regulation change. Let's say you changed maybe like we're getting ready to talk about the rate of the lake fees, or some other type amendment to section 27 or 28, any time the Board approves an amendment and that's the only way we can change the rates, by Board approval, we make notation of that on the cover page so folks know this is the latest addition.

Mr. Britton has done a good job of updating, these were lagging some. So, the first change will reflect and if you notice it has a June 2nd 2020 date, that is by design later on, but I'll take the opportunity to mention it now, as we go through the budget process I'm going to recommend that the Board at our June 2nd meeting approve the budget, so when the Board approves the budget or assuming that they approve the budget, then that will itself be the mechanism to effectively change those rates you are adopting which, quite frankly you've already adopted a five year plan we are just making those changes so once July 1 occurs, the new rates are updated. So that was the first change, was on the cover page. Any questions on that?

Ms. Binder:

Do I have any questions?

Mr. Weakley:

Okay, next item is section 14 that has to deal with termination of utility service. So, in that section language was added to subsection D that would give the general manager the authority to waive late fees during a declared local emergency. So, during our last meeting I was a little premature, I should've worked this up a little more with Matt, but we've had good discussion since. There was no mechanism, no provision

to allow waiver of the fees. I go about the guidelines that you give me which are the regulations

So, this would allow you to – or if you pass this provision, this amendment, it would give me, as the general manager, the ability to waive it, also that's based on upon a declared local emergency. So, anytime there's a declared local emergency it just so happens right we're dealing with Covid-19, you fill in the blank with any other. We hope no future circumstances but during a declared emergency it would give the general manager the authority to waive those fees. So, I believe last time the discussion of the Board, you know the Board was feeling good overall but it was let's dive in, let's look at it, is there a provision currently, is there not. And then we found that there was not so that language has been added in section 14, subsection

D. Any questions on that? And again, these are for discussion, this is overview for tonight. Definitely when it comes to the public hearing, we advertised for not only the rates, which are already adopted, we're just letting folks know hey July 1st this is the new fee schedule. But also, we had to put the language in there for the waiver of fees, because fees are a rate. So, we have to go through advertisement as such as you did last year when you adopted the new rates, the five-year plan. We are not looking tonight, I'm not looking tonight for the Board to say, "Yes, let's vote on these." This is getting information out here so you're aware of the Edits and Amendments that Matt and I worked. So, as we go through if you have questions, please ask but I'm not looking for a vote tonight.

Mr. Bennett: [00:19:24 crosstalk].

Mr. Parker: [00:19:25 crosstalk].

Mr. Bennett: Madam Chair?

Ms. Binder: Yes, Mr. Bennett, go first. I heard you first.

Mr. Bennett: Mr. Weakley and Mr. Britton I have a question. It seems to me that the waiver of late fees, the authority to do that is not covered in the section 14, but it is covered in section 30, which is paragraph 7, on the memo that we're looking at. So, under section 30 subsection U as in united, discusses late fees. But it's not actually in section 14 unless I'm missing something. Am I missing something?

Mr. Weakley: So, that was added language; it does not currently exist. I'm sorry Mr. Britton; you'd like to add?

Mr. Britton: Yeah, I didn't mean to cut you off. Yeah, there are two sections and two amendments that are happening concurrently if you choose to advertise it and consider it on June 2nd. The section 14 goes to, and it's not discretionary, it goes to the fact that if there is a declared emergency, then the director, the authority would not terminate any services during their declared emergency.

The second, section 30, and related are the rates section, costs and expenses are rates by law and so that would be a rate change. And those two sections work together, although could be independent. But section 14 just simply states that the authority would not terminate any services that it provides during a declared emergency. And then section 30 goes on to state that we call it a waiver of late fees and penalties, but actually it is setting the rate at zero during the pendency of any declared emergency.

Ms. Binder: Mr. Bennett does that... do you have any more questions on that?

Mr. Bennett: I think you're saying what I'm saying. The late fees is not in section 14, it's in section 30 correct?

Mr. Britton: Yes.

Mr. Bennett: Okay. That's fine, I'm good.

Ms. Binder: Right, Ms. Cupka did you have a question?

Mr. Parker: I think it was me.

Ms. Cupka: Ma'am?

Ms. Binder: I was just going to go around the horn just so I can hit everybody but I'll go with Ms. Cupka first.

Ms. Cupka: No, Ma'am. I did not have any questions, thank you.

Ms. Binder: Thank you. Mr. Parker, go ahead.

Mr. Parker: I had the exact same question Mr. Bennett had.

Ms. Binder: Do you have any other questions or?

Mr. Parker: No other questions.

Ms. Binder:

Okay, Mr. Morris?

Mr. Morris:

No questions, Ma'am.

Ms. Binder:

All right. Mr. Weakley I have no questions.

Mr. Weakley:

Okay. Next line item is three, which covers section 15, Utility Service Termination Procedures. So, we revised subsection D regarding the hours of operations. At one point in time we were operating at 8:00-5:00 and I don't know when that change occurred but obviously, our hours 8:00-04:30. And what we wanted to do was kind of clean this up to allow us time to reflect our actual hours and the time this operation would occur. So, we have terminations listed from 8:00-4:00 in the suggested revision which originally, they were 8:00-5:00. And that would only be Monday to Thursday like it currently is. We do not turn off on Fridays or holidays. So, it's just changing that 5pm to 4pm.

Ms. Binder:

Do we have any questions on that discussion? No, okay Mr. Weakley. keep going.

Mr. Weakley:

All right. Next is section 16, this is the Restoration of Utility Services, so this is turning someone's service back on. The suggested Edits were revising subsection B, regarding hours of operation for restoration of service. We will restore service from Monday to Friday, 8:00 to 4pm and only restore service the same day if payment is received by 3pm. Otherwise service will be restored the next day. Currently, we were posting this up to the last minute. If folks paid past you know like at 4:30, even when were in-house in this function before our folks leaved 4:30. We need time for a work order because now that we're using Munibilling and it worked the same way with the billing department.

We need time to receive that notice, be it a work order that payment was made, so restoring service has been requested, we get that, we assign that to a technician who goes out and restores the service. So, the ideas is one, I'm just going to be honest, there's a few group of folks that you can almost count on it like clockwork, let's wait until 4:30 to pay the bill and then we might get a notice or we got to call the on call person, we're getting into overtime.

We feel it's better off to, if we're going to do same day restoration – people's services need to be turned on, I understand that – but if it's going to be the same day service, pay by 3pm, we'll turn you back on. But take yourself to 4:30, our end time, it doesn't allow enough time to

get that in, not have to search around, call back personnel. It just seems like it makes it a more cleaner business operation.

Ms. Binder: Okay do we have any questions on that? Nope? Go ahead.

Mr. Weakley: Okay the next section, section 19, this one Matt, if I may defer to you, it has to do with delinquent accounts, and Matt's done a good of job, this is one area that needed some updating.

Mr. Britton: So this section is just bringing it up to the current language of the Code. There was just some old language in here that doesn't even exist anymore. It's what in lawsuits are called, and also giving discretion to requesting any attorney to take such action as necessary, as required to enforce these regulations and to collect delinquent accounts. And it shortened it quite a bit with respect to all of the provisions, which had been, I guess at one time accurately set out under then code, regarding what is a writ of Fi Fa, what are interrogatories, garnishments, levies, creditors, sale suits, suspension of actions, and things like that.

But the language was outdated, it did not keep up with the Code. So, we took out a lot of this language so that the regulations don't have to be amended every time the Virginia Code is amended and to give flexibility into the manner and mechanism by which I can enforce these if requested to do so. And so, in this way I think a better way of drafting is to say, give the County Attorney the authority to take such action as may be necessary under the Code, and then you all don't have to come back and do little amendments every time the Code is changed to update it.

And so, I just think this is a much better way of drafting. It's shorter, it's clearer and it gives both the Board and the attorney enforcing anything, if that has to happen, the flexibility to handle it in the most alacritous and efficient way. So basically, it shortened it up and brought it up to modern language.

Ms. Binder: Do we have any discussion on this section?

Mr. Bennett: Madam Chair, I'd just like to I agree with Mr. Britton. It's a very streamlined and efficient way to clean that up, so I appreciate his effort on that.

Ms. Binder: Thank you, Mr. Bennett. All right Mr. Weakley, go on to section 30.

Mr. Weakley: Okay. And thank you Matt for covering that, there's no way I would have explained it so well. Thank you, sir. Next is section 30, and this was

covered just moments ago when we discussed section 14. But basically, this updates our rates. So, we want to have the new rates reflected that will be changing July 1st as part of the second year of the five-year plan the Board approved last year, which also, I believe had the provisions in there for waiver of fees. But mainly we want to update. As the five-year plan moves through, we'll update the rates each year to reflect that already adopted rate.

Ms. Binder: Do we have any, anybody discussion?

Mr. Bennett: I have a question, Madam Chair for Mr. Britton, and I know I have not.

Ms. Binder: Go ahead.

Mr. Bennett: I know I haven't talked to about this previously Mr. Britton, but help me remember, Ms. Binder, and maybe Mr. Weakley, I thought last year, the former County Attorney had recommended that we take our rates out of our Regulations so that we wouldn't have to amend the Regulations every time we changed the rates. Do you remember it that way?

Ms. Binder: Go ahead, Mr. Weakley. I sort of remember that what Mr. Bennett is talking about.

Mr. Weakley: That was discussed to pull them out. The suggestion or the way to do that I wasn't too sure it seemed maybe an appendix or typed approach, that approach is not the preferred method I did cover that approach by Matt. I will say after actually going through and making these changes to reflect the new rates coming in July 1, it wasn't too difficult, taking out some wording, making the changes but I stand make the necessary changes or have these moved to whatever part of the section that's more appropriate.

So, I guess I would yield to some advice from the County Attorney and/or based on that any direction from the Board. Right now, this didn't seem to be too labor-intensive after going through that section, but again, I yield to legal advice, and then ultimately how the Board would like to proceed.

Mr. Britton: So, we did [00:31:04 crosstalk].

Ms. Binder: Mr. [00:31:05 crosstalk].

Mr. Britton: Discuss this – thank you Madam Chair. We did discuss this and you all approved the five-year rate plan last year, and that was not reflected in the Regulations, it wasn't updated. So, since we were updating that, as

you can see on the front page, where added those changes, the two changes actually, 2017 was not added and 2019 was not added. Although you did review the minutes and you did make those changes, you did approve a five-year rate plan. So, you can leave it at that. But the County Administrator and Mr. Weakley and myself discussed it and we determined that it was not labor-intensive. I think Jonathan got back in an hour or two with the changes, adding the new rates for each year, and to bring it for the Board to--

Ms. Binder:

Mr. Bennett, do you have any more on that?

Mr. Bennett:

I'm not trying to beat a dead horse here but I don't think the question was whether it was too labor-intensive or not, because you got to make the change to show what the new rates are wherever you put them. I thought the issue was if they're in the Regulations, we have to have a public hearing to change the Regulations. Whereas if we have the rates in a policy, or some other type of formal document, we wouldn't necessarily have to have a public hearing.

So, that's how I remember the discussion. It was the recommendation of the prior County Attorney, assuming I remember correctly – and maybe I'm not – but that's how I remember it. I don't have a problem having it in the rates but the question was to change the Regulations we have to have a public hearing, and so the thought was maybe there was an easier way to do it where we wouldn't need a public hearing. We would still need a Board vote, we would still need a formal document. Does any of that make sense Mr. Britton?

Mr. Britton:

Well, as I wasn't there, I'm not sure what the advice was so, what I would say is that by Code, a rate change for setting rates always requires a public hearing. It doesn't matter whether you call it an addendum or a policy or rate. It doesn't matter whether it's part – it is in fact, part of the Regulations, whether you put it there or not. And so, I would say that the easiest way for the Board to be able to grasp the current rates and for the public to make it accessible and ascertainable, is to put it in the Regulations. And if you are going to reaffirm the rates every year from the five-year rate plan, it requires a public hearing no matter how you do it. Any time you set rates it requires a public hearing under Virginia law.

So, there's no way to streamline that other than to use the five-year rate plan adopt it for five years and then not reaffirm it every year.

Mr. Bennett:

Okay. I have nothing further Madam Chair. Thank you, Mr. Britton.

Ms. Binder: Does anybody else have any questions? I think we're good Mr. Weakley, continue on.

Mr. Weakley: I just want to make sure we're still on the last item section 30, the method would be to continue on just to update section 30 for the rates, is that correct?

Ms. Binder: That's how I understood it. Mr. Britton, that is correct?

Mr. Britton: Yes, we're going to need a public hearing and we're going to update it in the Regulations, unless the Board sees otherwise. And then if the Board didn't want to do that then we would have to just remove it entirely from the Regulations they relied on last year's vote on five-year rate plan. But since the process and procedure are common practices then to reaffirm those rates every year, yes, they should go in the Regulations and it does require a public hearing.

Mr. Weakley: Okay, thank you. So, Madam Chair, I had a little summary with recommendations also included at the bottom of that narrative. It says, "Please note that the adopted rates for July 1st 2020, have been advertised. The advertisement informs our customers of the effective rate changes and provides the Board of Directors to consider the amendment of waiving late fees during declared local emergencies, such as Covid-19." So, my recommendation to the Board would be to approve the changes as presented when you consider approving and adopting the budget on June 2nd 2020.

So again, we have some time, that's my recommendation to the Board. Next phase will be public hearing on the 19th, which I understand if the Board, when we get to my GM report in a little bit, we'll talk about that, but if you are fine with that approach that's what I'm tracking. It's 19th the public hearing. You all will hear from the public and then on the 2nd, when you go to approve the budget you would also approve these amendments presented here tonight.

Mr. Britton: Madam Chair, if I could add, that waiver of the fees during a declared emergency, that is also a rate change under law. So, that would be included in the public hearing as well.

Ms. Binder: Thank you Mr. Britton for that clarification. Do we have any questions or a discussion on this? Mr. Britton do we need a motion on this or just consensus?

Mr. Britton: Well, I think you would need a motion authorizing Mr. Weakley to advertise this for public hearing, for all the changes to the Regulations.

Mr. Britton: Okay ,thank you. Do I have a motion?

Mr. Bennett: So, moved.

Ms. Binder: Do I have a second?

Mr. Morris: Second.

Ms. Binder: Any discussion? Go ahead Mr. Weakley.

Mr. Weakley: Yes, Madam Chair. So, you all are voting to... I'm trying to understand what Mr. Britton just illustrated was to advertise these amendments, the actual language for the Covid-19 late fee waiver?

Mr. Britton: You've got to advertise the whole thing because you're changing the rates, so you have to advertise it. You're advertising the changes for the whole package **[00:37:58 crosstalk]**.

Mr. Weakley: What was advertised started on the 29th April, was the rates which were already adopted, but again, it's making notice to the public for the July 1st change. But it also was advertised for the Covid-19 late fee consideration. So, that has occurred. I just want to make sure that if there was anything above and beyond that I understood, but those two items have gone out in the advertisement.

Mr. Bennett: But, Mr. Britton, don't we have to advertise all the proposed Regulatory changes in advance to the public hearing?

Mr. Britton: Yes, the rate changes are required to have a public hearing and those have been advertised. But everything will be brought before the Board. All of the changes will be brought before the Board during the public hearing for public comment at that time.

Mr. Weakley: Right. But the question is, we don't advertise the non-rate related things right, like the hours of operation for restoration of service and so forth. I think that's the question, it's just the rate related items, correct?

Mr. Britton: Correct.

Ms. Binder: Okay. So, our motion is to set a public hearing on May the 19th and then for a Board vote on June 2nd, just to clarify that, that's the motion.

Mr. Weakley: But you all – and I'm not... you all gave me the authority at the last meeting to advertise, so that part was done for the 19th. I'm not sure –

Mr. Britton, correct me if I'm wrong – but if a motion is actually needed because the advertisement has occurred, and under the Board's direction last time when I presented the budget on the 7th and I asked the Board to advertise rates, we added the Covid-19 to that. That has occurred. So, is there an additional motion needed?

Mr. Britton: I think the best practice is for the Board to have a motion to set it for public hearing as the Chair just said. It's already been advertised and you indicated that last time that they already had authorized that. So, what I would say the motion should be something along the lines that to set this for public hearing, including the rates as advertised.

Ms. Binder: Can I have somebody to make that motion?

Mr. Parker: I'll make the motion. I motion to set a public hearing for May 19th for the rates as advertised, with a Board vote to follow on June 2nd.

Ms. Binder: Do I have a second? Do I have a second?

Mr. Morris: I'll second.

Mr. Bennett: Second.

Ms. Binder: All right, anymore discussion? All those in favor?

Mr. Parker: Aye.

Mr. Bennett: Aye.

Mr. Morris: Aye.

Ms. Cupka: Aye.

Ms. Binder: Any nay's? No. Chair votes aye, motion carries. Thank you, Mr. Weakley and Mr. Britton. Next up is our General Manager's report.

Mr. Weakley: Okay. Mr. Dines, if you have that next slide please. Just a brief report under water information, we did get our review back from Doug Myers office with BDH, he was fined for that. We did take the opportunity to also add water conservation language to the Consumer Conference Report, also known as CCR. This is required by law for them to be mailed and received by all of our customers July 1st. I don't believe we will be able to pull off the electronic posting provision that's allowed, but we're going to work very hard to make that a reality next year. There's a cost savings on mailing.

I would like though to poll the Board on that just to see, that's something tangible that every customer gets, and for those are on the Service Authority Board of Directors who are customers, you receive those, you know what they look like. So, if the Board desires to continue to mail those we will certainly do that every year but we do qualify as long as we meet certain thresholds. One, I'd have to work with Mr. Dines on establishing a unique URL link for each of water systems. That link would have to be posted on the bill prior to July 1, so this would have to go into May's billing cycle as long as we're bimonthly.

The other part of that, we have to have copies available for those who want a hardcopy, because there may be 20, 30, just throwing a number out. But if the Board wants to consider electronic means and save on mailing, we can do that. If we want to keep the hardcopy approach, we certainly can continue to do that. Is there any preference from the Board either way?

Ms. Binder: Anybody have any comment?

Mr. Parker: I would favor the electronic approach for people who want access to it, because I get the feeling a lot of mailings just get tossed in the garbage and are not looked at. So having it electronically available at all times would be preferable.

Ms. Binder: Does anybody else have any questions?

Mr. Morris: I agree with Mr. Parker.

Ms. Binder: Mr. Bennett?

Mr. Bennett: I'm fine with that.

Ms. Binder: Ms. Cupka?

Ms. Cupka: Yes, ma'am, I agree. Particularly if the cost of mailing is borne by our customers, I'm sure they would appreciate [00:44:33 inaudible].

Mr. Weakley: That is correct. We have in our budget every year expenditure line for mailing, but we'll definitely move forward with that approach. I thank you for your feedback.

Just another quick item. We did have to pull one of our well pumps that we all left at Hopyard. We're currently operate two wells; we rotate between well A and well F. There was some material that broke off and lodged and unfortunately, that pump locked up. We pulled that AC

Schultes who we've used in the past and I've got a nice, technical report back from them. They actually also did a swabbing approach where they cleaned the screen. There's several feet in the aquifer as you go through, not the complete aquifer that is screened.

So, they cleaned that out, installed a new pump and we're back up in business. We had the redundancy. We never lost pressure, no one was ever out of water. But that was about little over \$30,000 expense that was not anticipated, but we are back to normal operations. But again, I repeat; no one was without water or a loss of water pressure.

Moving on, next slide please. Under the Wastewater Information, I just want to make mention, we have been interviewing for vacant wastewater operator positions. We have a good candidate pool. I was hoping to see if we received some licensed applicants. Not many of those applied, and you can do your own job search if you would, and compare, and some of that is as I just think it's the market. So again, we'll talk some time in the future about incentive plans that may help, but we're looking to fill some positions soon. We also are interviewing for the administrative assistant that we spoke of we're moving from part-time to fulltime.

We have some repairs to do to one of our two clarifiers at Dahlgren Wastewater Treatment Plant, so that's just keeping you informed. So, when you see some items on your warrants approval, you're aware of what those items actually are. Actually, Mr. Hogan was fabricating some of these parts to get that back online and then we'll get a total assessment of repair and or replacement and have an estimate for that. So, any large ticket item we'll bring back before the Board, we're just trying to get that back online. I can tell you with rainfalls like we've received recently, two inches in Dahlgren, it's just like tidal waves coming every day.

So, our operation staff has done a phenomenal job of keeping up and that's why you have contingency plans and high flow rate plans in place and they're doing a stellar job. But we need to get that clarifier back online.

And lastly, our UV parts finally arrived. We have to overhaul our UV system out at Hopyard Farm Wastewater Treatment Plant. And when I say overhaul that may be too aggressive, we're not pulling out all the units, there are things they have to re-replace from time to time. Bulbs, the cord sleeves that the bulbs insert into, ballast, they have ballast just

like your light fixtures in the building we sit in today. So, they finally arrived, they took a long time but we're happy parts came in.

So that's just some of the information I wanted to report on in my GM report. We have some upcoming things, so hopefully I'll have **[00:48:21 indistinct]** out soon for some blower replacement. But I want to take this time too, although it's not in my report to continue to praise and recognize our staff. They continue to perform. Naturally, when folks are hired in that field, they fall under the umbrella of essential service, but sometimes it's when the test comes to see if you're ready for it. So, just kudos to them. They come to work every day and they've been performing well so we can definitely continue to provide these services that our customers rely on. So, Madam Chair that's all I have to report on this evening.

Ms. Binder:

Okay, thank you Mr. Weakley. Do I have a motion to adjourn?

Mr. Britton:

Madam Chair, if I could add one thing on the General Manager's report as well, I wasn't sure who was going to cover it. We were directed last time to review the Whip 3 lawsuit that had been filed at King George County, was a claimant in that lawsuit regarding the Commonwealth of Virginia and our objections to the Whip 3 Plan. The Governor asked us to dismiss that lawsuit in exchange for that **[00:49:37 inaudible]** we could get a seat at the table and amended the budget to have the Board.

I think Mr. Bennett specifically asked me to reach out to counsel but to determine whether or not that would have any negative effect or what we call dismissal with prejudice, where if we didn't like the ultimate Whip 3 recommendations and regulations that we could still have a seat at the table.

I did reach out to counsel, Chris Pomeroy, on that, and I did speak with Mr. Weakley and Mr. Bennett about that, and we were assured that to the maximum extent that anybody could get reasonable assurance under the law, that although this lawsuit would be dismissed with prejudice, the grounds were that this was not a regulation and it was not an agency action, and that if there was any further regulation promulgated that we did not agree with, that we would be able to file the lawsuit, and given that the Service Authority gave approval with the other localities involved in the lawsuit, to enter into an agreed dismissal.

And so, we will be getting notice how the Service Authority will get a seat at the table to discuss our concerns about the Whip 3 Regulations,

if any. And so, we did move forward on that and followed the directive of the Board.

Ms. Binder: Thank you Mr. Britton and Mr. Weakley for that clarification and the update, appreciate it. Do we have a motion of adjournment?

Mr. Parker: I propose we adjourn to May 19th at 5:30 p.m.

Ms. Binder: All right. Do I have a second?

Mr. Bennett: Second.

Ms. Binder: Any discussion? All those in favor?

Mr. Morris: Aye.

Mr. Parker: Aye.

Ms. Cupka: Aye.

Ms. Binder: The main Chair votes aye. Before we adjourn, I do have one little thing to read. Just give me one moment and I'll bring it up. Just one second, it's a copy I have to read, apologize for the minute; it's not coming up on my screen.

All right, this meeting is hereby adjourned to the next regular scheduled meeting on May 19th at 5:30 p.m. in the boardroom or electronically. This meeting will be held by electronic means and remote participation only and will be closed to the public being physically present. All citizens are encouraged to participate in advance or during the meeting by electronic means as provided by the County.

That closes this meeting of the Service Authority, and in 10 minutes we will proceed with the Board of Supervisors. So, it's 6:33 p.m., please tune back in for the Board of Supervisors. Thank you.

[END OF TRANSCRIPT]