

September 1, 2009

At a special called meeting of the Prince Edward County Board of Supervisors held in the Third Floor Conference Room of the Court House, on Tuesday, the 1st day of September, 2009, at 5:00 p.m., there were present:

William G. Fore, Jr.

Sally W. Gilfillan

Robert M. Jones

Charles W. McKay

James C. Moore

Howard F. Simpson

Lacy B. Ward

Mattie P. Wiley

Also Present: James Ennis, County Attorney; Gloria Freye, McGuire Woods; Randy Allen, Attorney; and Tim Slaydon, Wiley & Wilson.

Chairman Fore called the meeting to order, stating that its purpose was to go into closed session and afterward, discuss the draft interim agreement for the construction of the Sandy River Reservoir Water Treatment and Distribution Project.

In Re: Closed Session

Supervisor Gilfillan made a motion, seconded by Supervisor Moore, that the Board convene in Closed Session for consultation with Legal Counsel, pursuant to the exemptions provided for in Section 2.2-3711(A)(7) of the *Code of Virginia*.

Supervisor Ward asked the subject of the closed session. Chairman Fore said it is for probable pending litigation. Mr. James Ennis, County Attorney, added it is regarding the dedication of sewer lines.

After some further discussion, the motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: Lacy B. Ward

The Board returned to regular session by motion of Supervisor Jones and seconded by Supervisor McKay and adopted as follows:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward
Mattie P. Wiley

Nay: None

On motion of Supervisor Simpson and carried by the following roll call vote:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward
Mattie P. Wiley

Nay: None

the following Certification of Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act:

WHEREAS, the Prince Edward County Board of Supervisors 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 of the *Code of Virginia* requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Prince Edward County Board of Supervisors hereby certifies 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 were heard, discussed, or considered by the Prince Edward County Board of Supervisors.

Chairman Fore declared a recess for dinner-break at 6:35 p.m.

Chairman Fore called the meeting back to order at 7:08 p.m.

In Re: Review of Draft Interim Agreement – PPEA Proposal

Mr. Wade Bartlett, County Administrator, introduced Mr. Randy Allen, Attorney, and Mr. Tim Slaydon, Wiley & Wilson, to present a review of the Draft Interim Agreement between the County of Prince Edward and Crowder Construction Company for the Design and Construction of the Sandy River Reservoir Water Treatment and Distribution Project.

Mr. Allen gave a brief overview of the PPEA process; he said the interim agreement complies with all PPEA requirements and offers protections for the County. He said there is a termination clause for default and a convenience termination provision; insurance requirements are also included. He said the interim agreement is approved and is posted for the 30 days waiting period, then the Board can vote on acceptance and implementation of the agreement; at which time Draper Aden and Crowder Construction Company can start working on the design. After the scope of work is completed, a decision will be made on entering the Comprehensive Agreement.

Mr. Slaydon reviewed the exhibits including Financial Feasibility Services, Engineering Services for the Sandy River Water Treatment Plant and the Sandy River Water System Infrastructure, and Preconstruction Services. He said the Financial Feasibility stage will predict the cost and revenues, and which costs will be attributed to each option. He then said the preliminary design and engineering work plans are used to generate the lump sum cost of constructing the water treatment plant.

Mr. Slaydon then reviewed Exhibit B, the Owner's Responsibilities, in which the County is requested to provide documents, technical guidance, background information, to participate in the process, and to generate a list of partners. Further discussion followed including discussion of cost and design; tiered structure; and right of way for pipelines. Mr. Bartlett said a benefit of having a regional authority is that it may then apply and has a better success rate of being awarded various grants.

Supervisor Gilfillan left the meeting at 8:04 p.m.

Further discussion followed regarding raw water, treatment and distribution systems.

Mr. Bartlett said the next step would be to accept the draft interim agreement; there then will be a 30-day public comment period after which the public hearing will be held. At that point, the Board will vote on acceptance of the interim agreement. Mr. Bartlett said there is no time limit included in the interim agreement, and added that representatives from Draper Aden and Crowder Construction, as well as Mr. Slaydon will be present at the September Board meeting and at the public hearing to answer questions.

On motion of Supervisor Moore and adopted by the following vote:

Aye:	William G. Fore, Jr.	Nay: None
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Lacy B. Ward	
	Mattie P. Wiley	

Absent: Sally W. Gilfillan

the meeting adjourned at 8:23 p.m.