



BOARD OF SUPERVISORS MEETING

ADDENDUM PACKET

October 13, 2020

Item #

- | | | |
|-----|---|-----|
| 23. | Appropriations: | |
| | a. Forfeited Assets – Prince Edward County Sheriff’s Office | 211 |
| | b. Sandy River Reservoir – Legal Services | 213 |

Adjourn – Special Meeting will need to be called.

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**County of Prince Edward
Board of Supervisors
Agenda Summary**

Meeting Date: October 13, 2020
Item No.: 23-a
Department: County Administration
Staff Contact: Sarah Puckett
Issue: Appropriations: Forfeited Assets – Sheriff's Office

Summary: Attached is a letter from Sheriff Tony Epps requesting use of \$7,845.86 of Forfeited Asset Fund to pay the cost of equipment to run the Sheriff's Office interview/interrogation room and training room. The Sheriff has approximately \$17,496.84 in this fund.

FY21 BUDGET AMENDMENT

Rev/Exp	Fund	Dept	Object	Description	Debit	Credit
3 (Rev)	105	41050	0105	Fund Balance		\$7,845.86
4 (Exp)	105	31700	6010	Police Supplies	\$7,845.86	

Attachment: Letter from Sheriff Epps

Recommendation: Approve the FY21 budget amendment as proposed and appropriate the same funds.

Motion _____
 Second _____

Booth _____
 Cooper-Jones _____
 Emert _____

Gilliam _____
 Jones _____
 Pride _____

Townsend _____
 Wilck _____



Sheriff L. A. "Tony" Epps

Sheriff's Office

PRINCE EDWARD COUNTY
124 North Main Street
P.O. Box 25
Farmville, VA 23901
Phone: 434-392-8101 Fax: 434-392-6730

10/12/2020

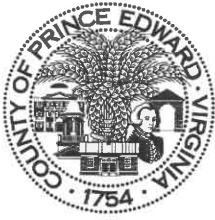
To Whom It May Concern:

The Prince Edward County Sheriff's Office would like to purchase some equipment to run our interview/ interrogation room and our training room.

Therefore; we are asking that \$7845.86 be taken out of our Asset Forfeiture account to pay for this equipment. These funds are due now.

Sincerely,

L.A. "Tony" Epps, Sheriff



**County of Prince Edward
Board of Supervisors
Agenda Summary**

Meeting Date: October 13, 2020
Item No.: 23-b
Department: County Administration
Staff Contact: Sarah Puckett
Issue: Appropriations: Sandy River Reservoir – Legal Services

Summary: As the Board will recall, part of the scope of work that Timmons Group will be providing for the submission of an application to DEQ for the renewal of the County’s Intake Permit for Sandy River Reservoir may require legal services. Timmons recommended the County consider AquaLaw, which specializes in water and wastewater utility law.

Attached is a letter of engagement from AquaLaw. They have proposed an initial budget authorization in an amount to not exceed \$17,500 for the scope of work generally outlined in Item A of their October 12, 2020 letter. Expenses are billed at actual cost.

FY21 BUDGET AMENDMENT

Rev/Exp	Fund	Dept	Object	Description	Debit	Credit
3 (Rev)	100	41050	0100	General Fund Balance		\$17,500
4 (Exp)	100	42610	3150	Legal Services – SRR Permit	\$17,500	

Attachment: AquaLaw Letter of Engagement

Recommendation: Approve the FY21 budget amendment as proposed and appropriate the same funds. Authorize the Board Chair to execute Letter of Engagement with AquaLaw.

Motion _____	Booth _____	Gilliam _____	Townsend _____
Second _____	Cooper-Jones _____	Jones _____	Wilck _____
	Emert _____	Pride _____	



JUSTIN W. CURTIS
JUSTIN@AQUALAW.COM

PH: 804.716.9021
FAX: 804.716.9022

October 12, 2020

Ms. Sarah Elam Puckett
Acting County Administrator
Prince Edward County
111 South Street
Farmville, Virginia 23901

Dear Ms. Puckett:

We at AquaLaw would welcome the opportunity to assist Prince Edward County in renewing the County's Virginia Water Protection (VWP) permit for a water withdrawal from the Sandy River Reservoir and with any water-related legal and regulatory matters incidental to the permitted withdrawal. The purpose of this letter, should it meet with your approval, is to set forth the terms and conditions of this engagement. A statement of our qualifications is attached for your review.

A. Nature of Services. The services to be rendered by our firm will include counseling and representation, on an as needed basis, with respect to renewing the permitted withdrawal on the Sandy River Reservoir and related matters. That will entail coordination with County staff and consultants on preparation of the renewal application and liaising with the Virginia Department of Environmental Quality. It may also include legal advice and assistance with other water-related permitting and regulatory matters that may be necessary for successful completion of the project, including compliance with any applicable requirements of the Virginia Department of Health, Virginia Marine Resources Commission, and/or U.S. Army Corps of Engineers. Under this engagement, you may limit or expand the scope of our work from time to time, provided that any expansion must be agreed to by us.

B. Staffing. I (Justin Curtis) will be your primary contact at AquaLaw. As appropriate, other attorneys or staff members may assist from time to time. We are pleased to extend our lowest, preferred billing rates to the County as a local governmental entity. Please refer to our 2020 Municipal Rate Schedule, which is provided separately. Under this Municipal Rate Schedule, reasonable rate adjustments are anticipated each January 1 and would be subject to your approval.

C. Expenses. The County will be charged for reasonable costs associated with the services rendered including teleconference service charges, express mail services, travel, and reproduction of large documents or files. AquaLaw expenses will be billed at actual cost (i.e., no markup).

D. Invoices. Our invoices will describe the services rendered and show the date rendered and the time expended in connection therewith. We will invoice you for all fees and costs associated with the services rendered on a monthly basis, and payment is required within 30 days.

E. Anticipated Budget. As reflected above in the Scope of Services, we understand the County is seeking assistance with renewing its VWP water withdrawal permit. In our experience, the level of effort required to obtain a VWP permit can vary substantially based on a number of factors, including which additional permits and approvals, if any, are necessary to complete the project; the strength of the applicant's demand for water; other potential downstream users who may have an interest in the withdrawal; the presence of any sensitive environmental resources that may be affected by the withdrawal (e.g., endangered species, historical resources); and the possibility of public or environmental group interest in the project. Providing an anticipated budget of total legal expenses is demanding because we do not presently have a clear picture of the scope of services that may be asked of us. In light of these uncertainties, we would propose an initial budget authorization in an amount not to exceed \$17,500. If we believe the legal fees will exceed this initial authorization, we will provide notice to you and await approval before exceeding this amount.

F. Effective Date. The effective date of this engagement letter shall be the date it is signed and dated by you on behalf of the County.

If the foregoing terms are acceptable, please return a signed copy of this letter. Of course, I would be glad to discuss any aspect of this letter at your convenience. We appreciate the opportunity and privilege to work with you.

Very truly yours,



Justin W. Curtis
Vice President

Encl.: Statement of Qualifications

ACCEPTED AND AGREED:

Prince Edward County, Virginia

By: _____

Name: _____

Title: _____

Date: _____

Justin W. Curtis
AquaLaw PLC
Statement of Qualifications
Provided to Prince Edward County, Virginia
October 12, 2020

Firm History & Experience

AquaLaw was established in 2002 by water law veterans Paul Calamita and Chris Pomeroy. Then (and now) we were best known for our work for the water and wastewater utility industry across Virginia, West Virginia and Maryland.

Over the years, our firm has grown based almost entirely on the recommendations of existing clients. We now number 15 team members. Of these, nine are practicing regulatory attorneys and two are paralegals with extensive legislative and regulatory experience. Our team members include five attorneys who joined AquaLaw from the environmental practice groups of national law firms, the former Principal Counsel of the Maryland Department of the Environment, and the former General Counsel of the National Association of Clean Water Agencies.

Our services primarily consist of advising and representing utilities as a group on industry-wide policy matters and as individual owners on utility-specific projects and priority needs. Our statewide policy work began with the Virginia Association of Municipal Wastewater Agencies (VAMWA), which was organized in 1991 and grew to 30+ member utilities by 2002. Since AquaLaw's founding, VAMWA (www.vamwa.org) has grown to 65 wastewater utilities across Virginia and, as affiliate members, a couple dozen leading engineering firms that support them. AquaLaw serves as VAMWA's general counsel.

Over the years, utilities in other states have sought us out for our approach to managing large client groups to work on policy matters of common interest. This has led to the founding and our representation of water and wastewater utility trade associations in West Virginia, Maryland, North Carolina, South Carolina, and Missouri.

In 2005, as stormwater utilities were beginning to face a growing number of complex laws and regulations, we were asked by existing clients to organize, advise and represent what would become the Virginia Municipal Stormwater Association (VAMSA) (www.vamsa.org), which now includes the 40 largest stormwater utilities in the Commonwealth. As with VAMWA, AquaLaw serves as VAMSA's general counsel and lobbyist.

The broad policy experience we have gained representing the utility industry provides significant efficiencies or economies of scale benefitting our individual utility clients, which collectively represent the majority of our workload. We serve these individual clients on a variety of regulatory and legal matters, also typically related to the development and operation of regulated infrastructure. These clients and projects often concern water and wastewater infrastructure, including highly regulated

treatment plants, water pipelines, and wastewater collection systems. We also have considerable experience confidentially serving large industrial clients and facilities.

Justin Curtis CV

Education

- J.D., University of Richmond, 2008
- B.A., Pennsylvania State University, 2002

Experience

- Attorney & Vice President, AquaLaw PLC, Richmond, Virginia, 2013-present
- Associate, Venable LLP, Washington, D.C., 2010-2013
- Law Clerk, U.S. District Court Judge Thomas E. Johnston (S.D.W.V.), 2008-2010

Justin Curtis Example Permitting and Regulatory Projects

I have represented the water, wastewater, and stormwater utility sector, as well as private-sector clients on water-related matters, for the past decade. Below are several recent examples:

- Along with my colleague Chris Pomeroy, I serve as counsel to a regional water authority formed by two Virginia localities. In addition to providing regulatory, permitting, contract, and rate advice on water-related matters for the past seven years, I recently assisted the authority in renewing an advantageous groundwater withdrawal permit at time when the Virginia Department of Environmental Quality (DEQ) was actively seeking to reduce groundwater withdrawals in the Tidewater region. The project necessitated close coordination and negotiation with DEQ's Office of Water Supply.
- For the past two years, I have represented another municipal water authority formed for the sole purpose of developing a new raw water supply for two rapidly growing Virginia counties. The focus of the representation has been on siting and permitting a new surface water intake and raw water main through an area with significant and highly sensitive environmental and cultural resources.
- I recently assisted a Virginia locality developing a permitting strategy for interconnecting two surface water supplies through an existing reservoir to increase redundancy and mitigate potential impacts from drought conditions. The process involved coordinating Virginia Water Protection withdrawal permits and a grandfathered surface water withdrawal.
- I am currently representing another regional water authority in Virginia in the process of applying for a Virginia Water Protection water withdrawal permit.

- I recently represented the interests of a Virginia water authority on a regulatory working group created under state law for the purpose of developing legislative recommendations for a groundwater injection, storage, and trading program.
- I have and continue to represent a Virginia city before the State Corporation Commission in water and wastewater ratemaking cases.
- I am currently representing two localities in South Carolina whose primary sources of raw water are municipal reservoirs that experience frequent water quality challenges that cause taste and odor problems in their finished drinking water. Both cases involve working with the utilities, local landowners, and state federal agencies to develop strategies to protect water quality in the reservoirs.
- For nearly five years, I have served as Virginia environmental counsel for two interstate natural gas pipeline projects. This representation involves obtaining and defending multiple environmental permits and approvals, including Virginia Water Protection permits from the Virginia Department of Environmental Quality, Clean Water Act 404 permits from the U.S. Army Corps of Engineers, and subaqueous permits from the Virginia Marine Resources Commission.

JWC



MUNICIPAL RATE SCHEDULE
Hourly Billing Rates through December 31, 2020

Chris Pomeroy	\$520
Paul Calamita	\$520
Dick Sedgley	\$515
Rosewin Sweeney	\$515
Lisa Ochsenhirt	\$480
Amanda Waters	\$480
Justin Curtis	\$440
Paul Nyffeler	\$440
Ellen Egen	\$330
Paralegals	\$195

The above hourly billing rates are preferred rates extended to localities and local governmental authorities, districts and commissions. Reasonable increases to this schedule are made each January 1 in consideration of inflation and general market conditions plus, with respect to attorneys currently below senior partner level only, the individual's increased seniority and experience.