



BOARD OF SUPERVISORS MEETING

June 18, 2008

AGENDA

<u>Time/Location</u>	<u>Agenda Item</u>
7:00 p.m. <i>(Board Room)</i>	<ol style="list-style-type: none">1. The Chairman will call the meeting to order.2. <u>PUBLIC HEARING:</u> <i>The Board will consider public input prior to acting on the creation of the Virginia's Heartland Water and Sewer Authority.</i> <p>Adjourn.</p>



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

Meeting Date: June 18, 2008
Item No.: 2.
Department: Board of Supervisors
Staff Contact: W.W. Bartlett
Issue: Virginia's Heartland Water & Sewer Authority

Summary: The Board of Supervisors has expressed its desire for the County to establish a public water and sewer system to be managed by a Public Service Authority, as authorized by the Virginia Water and Waste Authorities Act.

The use of an Authority to manage the system limits the liability to the taxpayers of the County. The Code of Virginia expressly prohibits the use of a General Obligation Bond of the County to be used to finance such an Authority. Additionally, an Authority helps remove political pressures from the operation of the utility system. The County will wish to operate its utility system using sound business practices and the use of an Authority facilitates such management.

The Authority, once established, will have the power to finance and operate facilities required to supply potable water and treat wastewater. While the Authority, as proposed, will only include Prince Edward County, it can be expanded in the future to include other jurisdictions.

This public hearing only pertains to the creation of the authority, as a management structure. It is not proposed at this time that any specific projects, other than those currently being analyzed by the Board, be pursued.

Attachments: Public Hearing Notice
 Resolution to create Authority, with Articles of Incorporation
 Proposed Service Area Map

Recommendation: (1) Adopt resolution to create water and sewer authority
 (2) Authorize attorneys to file necessary documents with SCC

Motion _____
 Second _____

Fore _____
 McKay _____
 Ward _____

Gilfillan _____
 Moore _____
 Wiley _____

Jones _____
 Simpson _____

**RESOLUTION SIGNIFYING THE INTENTION OF THE BOARD OF SUPERVISORS
OF PRINCE EDWARD COUNTY TO CREATE A WATER AND SEWER AUTHORITY
UNDER THE VIRGINIA WATER AND WASTE AUTHORITIES ACT SETTING
FORTH ITS ARTICLES OF INCORPORATION**

WHEREAS, Prince Edward County desires to provide water and sewer service to a portion of the residents and commercial establishments in the County; and

WHEREAS, in anticipation of an expanded need by virtue of significant growth in the County, Prince Edward County desires to establish the necessary governmental infrastructure to provide necessary water supply and sewage treatment services to its citizens; and

WHEREAS, the Prince Edward County Planning Commission has determined the need to amend the County comprehensive plan to recognize the need to provide such essential services to County residents; and

WHEREAS, the Prince Edward County Board of Supervisors has determined the most efficient and practicable manner to provide such services is to form a regional water and sewer authority, which may be created pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended) (the Act); and

WHEREAS, Prince Edward County advertised its intention to create a water and sewer authority and conducted a public hearing, as required by law, on June 18, 2008; and

WHEREAS, Prince Edward County hereby adopts this resolution to create the articles of incorporation of this new authority.

BE IT RESOLVED by the Board of Supervisors of Prince Edward County, as follows:

Section 1. The Board of Supervisors of Prince Edward County hereby signifies its intention to create a water and sewer authority pursuant to the Act, to be known as “Virginia’s Heartland Water and Sewer Authority.”

Section 2. The purpose for which the Authority is to be formed is stated in its Articles of Incorporation hereinafter set forth.

Section 3. The Articles of Incorporation of the Authority shall be as follows:

ARTICLES OF INCORPORATION
OF
VIRGINIA'S HEARTLAND WATER AND SEWER AUTHORITY

The Board of Supervisors of Prince Edward County, having signified its intention to create an Authority pursuant to Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended), which shall be a public body politic and corporate, hereby certifies:

- (a) The name of the Authority shall be "Virginia's Heartland Water and Sewer Authority," and the address of its principal office shall be the County Administration Office, located at 111 South Street, Third Floor, Farmville, Virginia 23901.
- (b) The name of the incorporating political subdivision is Prince Edward County, Virginia.
- (c) The powers of the Authority shall be exercised by a board of eight members consisting of the eight persons holding the office of Supervisor for Prince Edward County, from time to time. The names and addresses of the first members are as follows:

William G. Fore, Jr.	2670 Black Hampden Sydney Road Farmville, VA 23901
Howard F. Simpson	P. O. Box 114 Farmville, VA 23901
Sally W. Gilfillian	101 Thomas Circle Farmville, VA 23901
Robert M. Jones	2456 Poor House Road Rice, VA 23966
Charles W. McKay	6969 Farmville Road Farmville, VA 23901
James C. Moore	69 M & O Ranch Drive Burkeville, VA 23922
Lacy B. Ward	P. O. Box 207 Prospect, VA 23960
Mattie P. Wiley	205 S. Virginia Street Farmville, VA 23901

The terms of the members of the board serving as such by virtue of their offices with the County shall expire upon their ceasing to hold such offices and shall not exceed four years. Any person hereafter holding any such office shall automatically succeed to the membership of his predecessor in such office on the Board of Authority during his term of office. Each member of the Board of the Authority shall serve without compensation.

(d) The purpose for which the Authority is formed is to acquire, finance, construct, reconstruct, operate and maintain facilities for developing a supply of potable water for the County of Prince Edward and for the sanitary treatment of wastewater resulting from sewage in the County of Prince Edward, including without limitation sources of water supply, water intakes, reservoirs, filtration and purification plants, pumping stations, transmission lines and storage facilities, sewerage trunk or interceptor lines and pumping stations and wastewater

treatment facilities, together with all appurtenant equipment and appliances necessary or suitable thereto and all properties, rights, licenses, easements or franchises relating thereto and deemed necessary or convenient by the Authority for their operation.

The Authority may contract with any lawful entity to furnish water and to treat sewage delivered to its facilities upon such terms as the Authority shall determine; provided, however, that any such contract shall include as a party thereto the County (or any agency of the County designated for that purpose by its Board of Supervisors).

(e) The Authority shall cause an annual audit of its books and records to be made by the State Auditor of Public Accounts or an independent certified public accountant at the end of each fiscal year and a certified copy thereof is to be filed promptly with the Board of Supervisors of Prince Edward County.

(f) Prince Edward County has determined it is not practicable to provide preliminary estimates of capital costs, proposals for specific projects to be undertaken by the Authority or preliminary estimates of initial rates for water and sewer services at the current time.

IN WITNESS WHEREOF, the Board of Supervisors of Prince Edward County has caused these Articles of Incorporation to be executed in the name of Prince Edward County, by its Chairman and its seal to be affixed and attested by its clerk, this _____ day of _____, 2008.

PRINCE EDWARD COUNTY

By: _____
Chairman, Prince Edward County Board of Supervisors

(SEAL)

ATTEST:

Clerk, Board of Supervisors

Section 4. The first members of the board of the Authority shall be those persons specified in the Articles of Incorporation by the State Corporation Commission and shall expire as specified in the Articles of Incorporation. The members shall serve without compensation. However, each member shall be reimbursed the amount of his or her actual expenses necessarily incurred in the performance of his or her duties.

Section 5. The Chairman of the Prince Edward County Board of Supervisors is hereby authorized and directed to execute the Articles of Incorporation in substantially the form set forth above, to cause the executed Articles of Incorporation to be filed with the State Corporation Commission on or after the date of the public hearing required by Section 6 hereof, together with proof of publication of the notice of such public hearing and to do all things necessary for the creation of the Authority.

Section 6. A public hearing was held by the Board of Supervisors of Prince Edward County at 7:00 p.m. on June 18, 2008, in the Board of Supervisors meeting room on this resolution. Immediately following such public hearing or any adjournment thereof, the Board of Supervisors shall cause to be filed with the State Corporation Commission a record of the proceedings thereof which shall indicate whether such governing body desires to proceed with the creation of such an authority, and whether such governing body called for a referendum pursuant to Section 15.2-5105 of the Act. A copy of the Board's resolution was published at least one time, thirty days prior to the date of the public hearing, along with notice thereof, in *The Farmville Herald* newspaper having general circulation in the Town of Farmville and Prince Edward County, substantially as follows:

“Notice of Public Hearing”

“Notice is hereby given that a special hearing will be held at 7:00pm on June 18, 2008 in the Board of Supervisors Meeting Room located at the Prince Edward County Administrative Building, 111 South Street, Third Floor, Farmville, Virginia 23901 on a resolution to be considered for adoption by the Board of Supervisors of Prince Edward County signifying its intention to create a water and sewer authority as set out therein. The purpose of the resolution is to create the Virginia’s Heartland Water and Sewer Authority to acquire, finance, construct, reconstruct, operate and maintain facilities for developing a supply of potable water for the County of Prince Edward and for the sanitary treatment of wastewater resulting from sewage in the County of Prince Edward. A copy of the resolution may be obtained from the County Administration Office, located at 111 South Street, Third Floor, Farmville, Virginia 23901. The County Administration Office is open from 8:30am until 5:00pm, Monday through Friday, and the phone number is 434-392-8837.”

(SEAL) Adopted _____.

PRINCE EDWARD COUNTY, VIRGINIA


By: _____

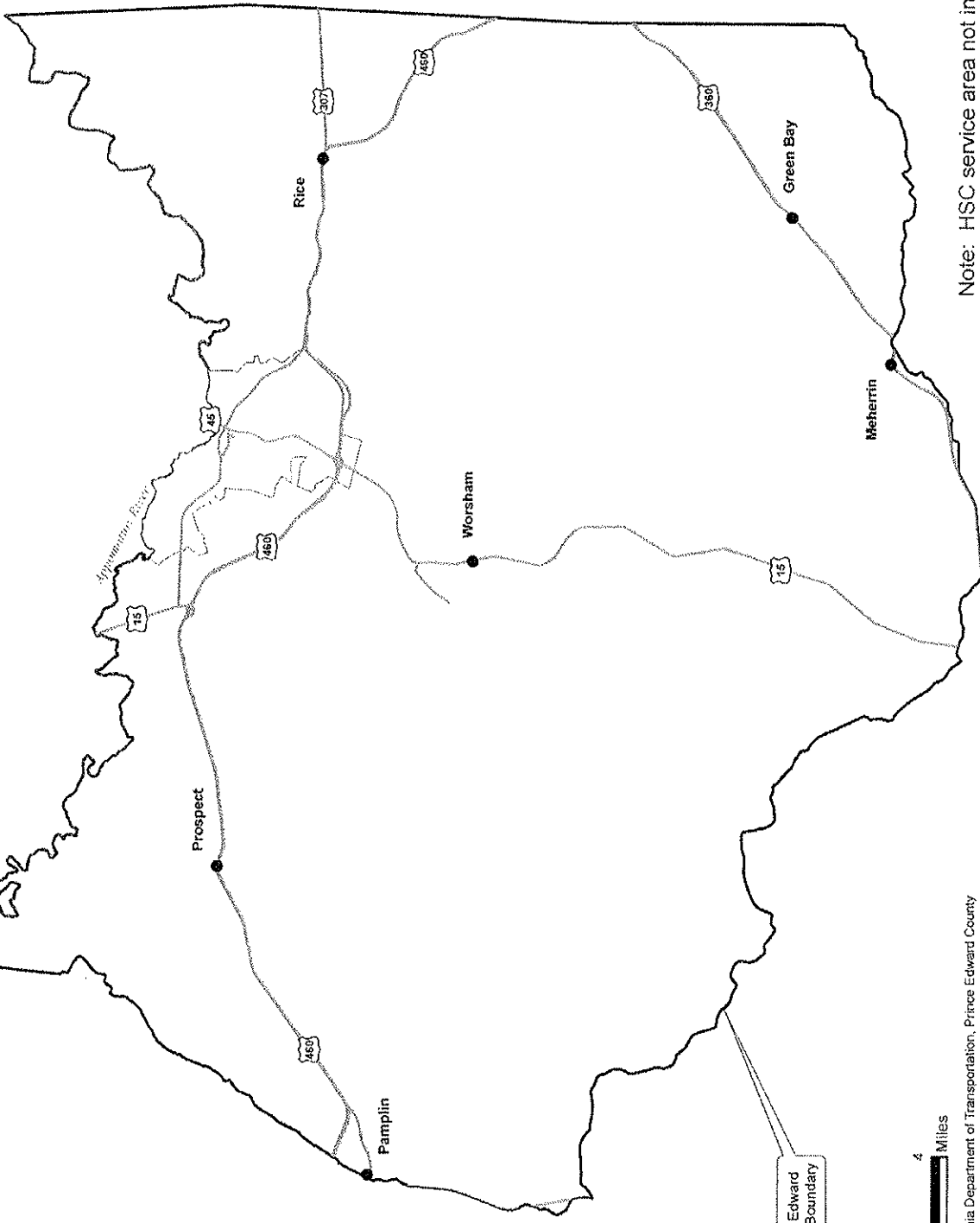
Chairman, Board of Supervisors

ATTEST:

County Administrator and Clerk



 Proposed Service Area




Note: HSC service area not included for sewer.

VIRGINIA'S HEARTLAND WATER AND SEWER AUTHORITY

Prince Edward County, Virginia

FIGURE
1

**Draper Aden Associates**
Engineering • Surveying • Environmental Services
Blacksburg, VA • Charlottesville, VA • Harrison Knob, VA • Roanoke, VA