

December 9, 2021

At the special meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 9<sup>h</sup> day of December, 2021; at 5:00 p.m., there were present:

Beverly M. Booth

J. David Emert

Llew W. Gilliam, Jr.

Robert M. Jones

Odessa H. Pride

Jerry R. Townsend

James R. Wilck

Absent: Pattie Cooper-Jones

Also present: Douglas P. Stanley, County Administrator; Sarah E. Puckett, Assistant County Administrator; and Terri Atkins Wilson, County Attorney.

Chairman Emert called the special meeting to order.

Chairman Emert stated:

*Due to the COVID-19 Emergency, the Prince Edward County Board of Supervisors is operating pursuant to and in compliance with its "EMERGENCY CONTINUITY OF OPERATIONS ORDINANCE." Effective August 1, 2021, the Board has re-opened meetings to in-person participation by the public; however, there could still be limited available seating. Citizens are strongly encouraged to participate in meetings through in-person participation, written comments, and/or remote participation by calling: 1-844-890-7777, Access Code: 390313 (If busy, please call again.) Additionally, citizens may view the Board meeting live in its entirety at the County's YouTube Channel, the link to which is provided on the County's website.*

The Prince Edward County Board of Supervisors strongly encourages citizen input and engagement in our County government. Due to COVID-19, the Board of Supervisors, Planning Commission, and other County committees, boards, etc. are operating pursuant to the following protocols for public input and public participation.

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Public Participation and Public Hearing comments and information regarding the limited number of seats for in-person participation at County meetings are coordinated through Karin Everhart, Deputy Clerk to the Board of Supervisors, as follows:

- In-Person Participation:** While county meetings have re-opened to the public, there could still be limited seating, if social distancing is needed. To enter the Prince Edward County Courthouse, unvaccinated and vaccinated individuals are required to wear a mask at all times and socially distance. Based on the uncertainty of social distancing requirements, the exact number of seats available in the Board/Planning Commission meeting room is uncertain. The County appreciates the public's patience as staff continues to adapt to the public safety recommendations and guidelines of the Virginia Department of Health and the CDC.

2. **Written Comments:** Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.
  - a. **Mailed:** Board of Supervisors (or Planning Commission)  
P.O. Box 382, Farmville, VA 23901.
  - b. **E-Mailed:** Board of Supervisors: [board@co.prince-edward.va.us](mailto:board@co.prince-edward.va.us)  
Planning Commission: [info@co.prince-edward.va.us](mailto:info@co.prince-edward.va.us)
3. **Remote Participation:** Citizens may participate remotely during the meeting. To call in to the meeting, please dial: **1-844-890-7777**. When prompted for an Access Number: **390313**. Citizens may provide comments during Public Participation and/or for a specific Public Hearing on the agenda. Citizens are encouraged to pre-register with the County Administrator's Office at 434-392-8837 by 2:00 p.m. the day of the meeting. Callers must be on the line and ready to speak when called upon by the Chair. Please state your name and district of residence. Based upon the # of speakers, the Chair will determine the time allotted to each speaker.
4. **County YouTube Channel:** Citizen may also view the monthly Board of Supervisors meeting live at the County's YouTube Channel: (link is also on County website under Meetings & Public Notices.) <https://www.youtube.com/channel/UCyfpsa5HEjIWejBSc5XwplA/featured> .

Supervisor Townsend offered the invocation and led the Pledge of Allegiance.

In Re: Unsolicited Proposal Submitted Under PPEA

Mr. Stanley stated the County has received an Unsolicited Proposal under the Public-Private Education Facilities Infrastructure Act (PPEA) for a provision of constructing a water treatment plant and associated facilities at Sandy River Reservoir. He said the process is detailed; there are County policies and guidelines that dictate the process to adhere to the State Code, which has been amended by the General Assembly but nothing impacts what the County received for the requirements for receiving and accepting proposals.

The team of MEB, Timmons Group and Faulconer Construction Company Design-Build Team, DBA Prince Edward County Infrastructure, LLC (PECI Team) have submitted an Unsolicited Proposal to Prince Edward County pursuant to the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA), and the guidelines adopted by the County on July 8, 2008. The team has deposited with the County \$50,000 to defray the cost of reviewing and implementing the proposal.

Per our adopted guidelines:

1. The Board of Supervisors must decide to either accept or reject the proposal for publication and conceptual stage consideration.
2. If the Board decides to accept the unsolicited proposal, the County must advertise for competing bids for not less than 45 days.

3. If additional bids are submitted, the County Administrator makes a recommendation to the Board to either: (1) Reject all proposals; (2) Proceed to a detailed stage review of either (a) the original proposal, (b) a competing proposal, (c) multiple proposals, or (d) request amendments to any proposal.
4. The Board shall approve the course of action to be implemented by the County.

Costs associated with the review of the proposal would be paid from the \$50,000 fee paid by the proposing team. Once all bids have been received and reviewed the Board will ultimately decide whether to proceed with an interim or comprehensive agreement or reject all bids. The decision to accept and advertise does not bind the County to a contract. The decision to proceed will merely authorize the advertisement for competing bids and begin the review process of the unsolicited proposal.

Mr. Joseph Hines, Timmons Group, presented information regarding the proposed PPEA project. He stated this project has been “50 years in the making” and presented information about the Prince Edward County Infrastructure, LLC (PECI) team.

Supervisor Cooper-Jones entered the meeting at this time.

Mr. Hines presented an Executive Summary, and explained the progressive design-build approach. He said this project is a regional water solution and an economic development driver as water and power are the main drivers [for economic development] currently. Mr. Hines reviewed the potential cost mitigation; he stated municipal [interest] rates are at an all-time low. He then stated the PECI team is proven to be effective.

Mr. David Ervin, MEB, said the design/build process accelerates the schedule as it takes less time than the design/bid/build process. He said this is the best process to deliver to the client. Mr. Ervin stated there is stimulus money available to leverage which would help the project move forward. He said this will be a state-of-the-art water treatment plant which may be upgraded and expanded in the future. He reviewed the design/build process and reviewed the qualifications of MEB, Faulconer Construction and Timmons Group.

Mr. Hines reviewed articles from previous projects the PECI team has worked on and presented possible anticipated headlines regarding the Prince Edward County water project.

Supervisor Jones stated that when the County entered into this project the first time, the Board was told that information gathered at that time would be useful in the future, and asked if that information could be used now. Mr. Hines said PECI recommends a different type of water plant now but some information may carry over.

Supervisor Wilck said that when a test release of one and a half million gallons of water occurred, he was surprised at the level of the absorption of the water into the river bed as opposed to just evaporation. Mr. Hines said

the Cobbs Creek project had similar results of mass-balance of the system, and that 20 miles upstream of the intake structure, they put the water into the river which provided the ability to take it out regardless of the evaporation that takes place between the release location and the intake structure. Some discussion followed.

In Re: Closed Session

Chairman Emert made a motion, seconded by Supervisor Townsend, that the Board convene in Closed Session for discussion and consideration of information subject to the exclusions of Subdivision 11 of Section 2.2-3705.6 of the *Code of Virginia* by Prince Edward County, a responsible public entity, as defined in Section 33.2-1800 of the *Code of Virginia*; and for discussion and consideration of the investment of public funds for water infrastructure where competition and bargaining is involved; and where, if made public initially, the financial interest of the County of Prince Edward would be adversely affected, pursuant to the exemption provided for in Section 2.2-3711(A)(6) of the *Code of Virginia*; and for consultation with legal counsel retained by the County regarding specific legal matters requiring the provision of legal advice by such counsel concerning the development of the Sandy River Water Project, pursuant to the exemption provided for in Section 2.2-3711(A)(7) of the *Code of Virginia*; the motion carried:

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| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
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The Board returned to regular session by motion of Supervisor Cooper-Jones, seconded by Supervisor Jones and adopted as follows:

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| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
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On motion of Chairman Emert and seconded by Supervisor Jones, and carried by the following roll call vote:

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| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones | Nay: | None |
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Odessa H. Pride  
Jerry R. Townsend  
James R. Wilck

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.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, that pursuant to the Public-Private Educational Facilities and Infrastructure Act of 2002 (PPEA) and the County's PPEA Guidelines, the Board accept the unsolicited proposal of Prince Edward County Infrastructure, LLC for the design and construction of a water system serving the County; and further move the Board make a determination to use competitive negotiation in selecting a contractor; and to authorize the County Administrator to post the non-confidential portions of the proposal and advertise for the receipt of competing proposals for a period of not less than 45 days; the motion carried:

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| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
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On motion of Supervisor Cooper-Jones, seconded by Supervisor Wilck, and adopted by the following vote:

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|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Aye: | Beverly M. Booth<br>Pattie Cooper-Jones<br>J. David Emert<br>Llew W. Gilliam, Jr.<br>Robert M. Jones<br>Odessa H. Pride<br>Jerry R. Townsend<br>James R. Wilck | Nay: | None |
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the meeting was adjourned at 6:36 p.m.