

Augusta County Service Authority
Regular Board Meeting, Thursday, October 15, 2020, at 1:30 p.m.
Board Meeting Room

PRESENT: Andrew C. Middleton, Chairman, North River District
Garry R. Gordon, Vice Chairman, Middle River District
Harvey Almarode, South River District
Allen Dahl, Beverley Manor District
Matthew Egeli, Wayne District
Michael L. Shull, Riverheads District
Timothy Simmons, Pastures District
Phil Martin, Executive Director
Brent Canterbury, Board Treasurer
Jean Marshall, Board Secretary

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CALL TO ORDER

The Chairman called the meeting to order at 1:31p.m.

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ADOPTION OF AGENDA

Mr. Shull moved, seconded by Mr. Dahl to adopt the Agenda as presented.

Vote was as follows:

Yeas: Middleton, Gordon, Almarode, Dahl, Egeli,
Shull, and Simmons
Nays: None

Motion approved.

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APPROVAL OF MINUTES

Mr. Gordon moved, seconded by Mr. Almarode, to approve the Minutes of the Regular Board Meeting of September 17, 2020, which have been mailed to the members with no corrections made.

Vote was as follows:

Yeas: Middleton, Gordon, Almarode, Dahl, Egeli,
Shull, and Simmons
Nays: None

Motion approved.

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MATTERS PRESENTED BY THE PUBLIC

No members of the public were in attendance to make comments and no public comments were brought forth by Staff.

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EXECUTIVE DIRECTOR’S HIGHLIGHTS

Staff shared updates with the Board regarding the proposed utility disconnection moratorium and repayment plan legislation. Budget language is being proposed in the House of Representatives and in the Senate to allow customers to set their own repayment plan, taking up to 24 months to pay the delinquent amount accrued during the COVID-19 pandemic. The proposed language will not affect customers who are currently on an established repayment plan. At present, the Service Authority has approximately 60 customers on repayment plans, with most plans being completed within two to six months.

Mr. Simmons asked if there are any legal avenues the Service Authority can use to oppose the budget language being proposed.

Staff stated the Service Authority has been lobbying through VAMWA and the Authorities Association, with little success.

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PROGRESS REPORT

The Progress Report for September is on file in the Secretary’s office and was reviewed with the Board.

Staff informed the Board the cost for the substandard waterline replacement project has increased to \$107 per linear foot. This increase is due to area restoration and reconnecting services; however, it is still below the bid price of \$189 per linear foot.

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GROUP APPROVAL

A. Replacement Treatment Plant Screening Equipment

The Middle River WWTP Verona Pump Station, Mount Sidney WWTP and New Hope WWTP all have Headworks Screening Equipment in need of replacement.

Sealed bids were solicited and included the provision the Authority could award either to the lowest bidder by line item or to the lowest bidder in total.

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Aqualitec Corporation was the low bidder for New Hope and Mount Sidney, but Combs Technologies, Inc., was lowest for the Verona Pump Station.

The combined purchase order to Aqualitec totals \$138,400 and because it exceeds \$100,000 it requires Board approval.

The Approved FY-21 Capital Budget includes \$230,738 for this purchase. There are adequate funds available for the combined \$224,710 purchase.

B. Annual Paving

Staff has solicited sealed bids for pavement replacement services on an annual basis. Only one bid from B & S Contracting Inc. was received for \$165,878.75. Because the bid exceeds \$100,000, Board approval is required.

The Field Operations expense budget includes a total of \$190,000 for “Contracted Services” (split between waterline maintenance, service connections, hydrant maintenance and sewer line maintenance). Adequate funds are available for this purchase.

After discussion, Mr. Gordon moved, seconded by Mr. Egeli to authorize a purchase order in the amount of \$138,400 to be issued to Aqualitec for replacement screening equipment at Mount Sidney and New Hope wastewater treatment plants, and to authorize a contract to be signed with B & S Contracting Inc. for annual paving services.

Vote was as follows:

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| Yeas: | Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons |
| Nays: | None |

Motion approved.

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ACSA RULES OF ORDER

At the March 19, 2020 ACSA Board Meeting, the Authority’s By-Laws were amended to state “Parliamentary procedure in Authority meetings shall be in accordance with the Augusta County Service Authority Rules of Order.” This change to the By-Laws was approved on a unanimous vote. Copies of the related Board Memo, the revised By-Laws, the Augusta County Service Authority Rules of Order, and the relevant section of the March, 19, 2020 Board Meeting Minutes were included in the Board packet.

At the June 25, 2020 Special Called Board Meeting, a motion was made to renew the previously defeated motion for a rate increase from the June 18, 2020 Regular Board Meeting. This motion to renew was seconded and the rate increase was ultimately passed. At least one Board Member has objected to this motion being allowed and has stated there should be a one-year moratorium on bringing any defeated motion back, unless a member from the prevailing side does so. It has also been stated Robert’s Rules of Order includes this provision, and while

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there is no statement in their rules of order specifying this, the County Board of Supervisors follows Robert's Rules of Order when voting.

At the August 26, 2020 Augusta County Board of Supervisors Meeting, the Supervisors approved adding the following statement to the beginning of their Rules of Order: "The rules of parliamentary procedure set forth in Robert's Rules of Order shall govern the conduct of meetings of the Board of Supervisors, except where otherwise specified by these rules or otherwise mandated by state law."

Mr. Shull stated his desire is for the Service Authority's Rules of Order to state they will be governed by Robert's Rules of Order.

Mr. Egeli stated after reviewing Robert's Rules of Order, it is his opinion the motion made on June 25, 2020 at the Special Called Board Meeting as referenced above, was proper. Robert's Rules does not prohibit reconsidering or renewing a previous motion at a separate meeting.

Mr. Simmons stated Robert's Rules tend to complicate matters and drag meetings out for hours trying to prove or disprove someone's disposition. He is not in favor of changing the Service Authority's Rules of Order, but wants to keep them as they stand.

Dr. Middleton stated the Service Authority's Rules of Order were voted on and approved unanimously at the March 19, 2020 meeting. He is not interested in taking away from meetings being effective, productive, and as short as practical, or complicating them by bringing Robert's Rules of Order back into the Service Authority's Rules of Order. The fact previous motions cannot be brought back up before a governing board is not in Robert's Rules and it is perplexing to think a previous motion could not be brought back to the Board for a whole year. As Chairman, he feels it is acceptable for previous motions to be brought back to the Board at a subsequent meeting. He agrees the motion made at the June 25 meeting was proper. He is not interested in Robert's Rules being incorporated into the Service Authority's Rules of Order.

Mr. Egeli asked for confirmation that Board meetings are not under Robert's Rules of Order, but are under Augusta County Service Authority's Rules of Order.

Dr. Middleton explained before the new Rules of Order were adopted in March, they stated the latest edition of Robert's Rules would be followed. Because of experiences with meetings being delayed for hours due to arguing over Robert's Rules, the Board looked to the Rules of Order the Augusta County Board of Supervisors used, which were found to be a practical model. The Service Authority modeled, but did not copy, the new Rules of Order adopted in March after Augusta County's.

Mr. Almarode asked if the rate increase was brought before the Board at the June 25 meeting possibly because other Board members were absent and the ones in attendance thought it would be a good time to get the rate increase passed, or was it brought up again in genuine sincerity to renew the motion.

(It should be noted all Board members were present at the June 25 Called Meeting.)

Dr. Middleton explained because the motion to raise the rates did not pass at the June 18

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meeting, the FY21 budget needed to be adjusted. The June 25 Called Meeting was scheduled for reconsideration of the budget. The motion was made to renew the 3% rate increase and a motion was made to adopt the original proposed budget, adjusting it by \$300,000. Both the rate increase and the budget were approved by a majority of the Board.

Mr. Dahl noted had Mr. Graves been able to attend the June 18 meeting when the rate increase was originally voted on, the motion would have passed then.

(It should be noted Mr. Graves had expressed his approval in writing of the rate increase before the June 18 meeting.)

Mr. Dahl also noted it is likely the Board of Supervisors deals with more complex issues needing the guidance of Robert’s Rules of Order than the Service Authority Board does.

Mr. Shull stated when it comes to money, such as the rate increase, it is a key issue on both Boards.

Mr. Egeli stated as a general matter, it is unlikely he would be in favor of any revised Rules of Order that places a time limit on any input from the public. He is not in favor of a procedure allowing motions being presented for discussion without a second. The current procedure calling for a motion to be made and properly seconded is a sound procedure.

Mr. Shull moved, second by Mr. Egeli to table this matter.

Vote was as follows:

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| Yeas: | Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons |
| Nays: | None |

Motion approved.

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CLOSED SESSION

Mr. Gordon moved, seconded by Mr. Almarode to convene in closed session pursuant to Virginia Code §2.2-3711(A)(19), to discuss plans to address cybersecurity threats and vulnerabilities.

Vote was as follows:

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| Yeas: | Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons |
| Nays: | None |

Motion approved.

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Mr. Gordon moved, seconded by Mr. Simmons to come out of closed session.

Vote was as follows:

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| Yeas: | Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons |
| Nays: | None |

Motion approved.

Board members were requested to certify only matters pursuant to Virginia Code §2.2-3711(A)(19) were discussed. Members certifying were Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons.

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Mr. Gordon moved, seconded by Mr. Almarode to convene in closed session pursuant to Virginia Code §2.2-3711(A)(29), to discuss the award of a public contract, including discussion of the terms or scope of such contract, where discussion in an open session would adversely affect ACSA’s bargaining position or negotiating strategy.

Vote was as follows:

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|-------|---|
| Yeas: | Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons |
| Nays: | None |

Motion approved.

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Mr. Gordon moved, seconded by Mr. Egeli to come out of closed session.

Vote was as follows:

| | |
|-------|---|
| Yeas: | Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons |
| Nays: | None |

Motion approved.

Board members were requested to certify only matters pursuant to Virginia Code §2.2-3711(A)(29) were discussed. Members certifying were Middleton, Gordon, Almarode, Dahl, Egeli, Shull, and Simmons.

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There being no further business, the meeting was adjourned at 3:00 p.m.

Board Secretary

Chairman