



RIVANNA WATER & SEWER AUTHORITY

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RWSA BOARD OF DIRECTORS Minutes of Regular Meeting September 22, 2008

A regular meeting of the Rivanna Water & Sewer Authority (RWSA) Board of Directors was held on Monday, September 22, 2008 at 2:00 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board Members Present: Mr. Gary Fern, Mr. Michael Gaffney – Presiding, Ms. Judith Mueller (arrived at 2:05 p.m.), and Mr. Robert Tucker.

Board Member Absent: Mr. Gary O’Connell.

Authority Staff Present: Ms. Tamara Ambler, Mr. David Atkins, Mr. Bruce Edmonds, Mr. Tom Frederick, Mr. Chuck Kent, Ms. Mary Knowles, Mr. Cary Lang, Ms. Michelle Simpson, Mr. Justin Weiler, Ms. Jennifer Whitaker, Dr. Robert Wichser, and Mr. Lonnie Wood.

Also Present: Mr. Kurt Krueger – RWSA Attorney, Mr. Chris Webster – Senior Associate with Schnabel Engineering, members of the public, and media representatives.

1.0 Call To Order

The regular meeting of the RWSA Board of Directors was called to order by Mr. Gaffney on Monday, September 22, 2008 at 2:00 p.m., and he noted that a quorum was present.

2.0 Minutes of Previous Board Meeting

Mr. Tucker moved that the Board of Directors vote to approve the minutes of the regular meeting of the Board held on July 28, 2008, and the special meeting of the Board held on August 12, 2008, seconded by Mr. Fern. The motion was approved by a 3 – 0 vote.

Ms. Mueller arrived to the meeting after the vote was taken.

3.0 Executive Director’s Report

Mr. Frederick stated that within the context of his report were responses to two questions raised during the “Items from the Public” segment of the July 28, 2008 Board of Directors meeting as follows”

1. What is the Rivanna Water & Sewer Authority’s role in water conservation?

RWSA actively sets an example within this community through the actions of its employees and operations, which includes the use of a non-potable water system for all the industrial process water uses at the Moores Creek Wastewater Treatment Plant. The significant amount of water savings achieved places the facility among the leading industries in this community related to water conservation from industrial processes.

RWSA also supports water conservation efforts through a support role to the Albemarle County Service Authority (ACSA) and the City of Charlottesville Public Works Department. The staffs from the three organizations meet as needed to coordinate defined responsibilities for greater efficiency and consistency in the provision of public service to the community. As the retail agencies in this community, the City and ACSA have been assigned the "lead role" with respect to public programs and educational outreach for water conservation efforts.

2. *What is the difference between the federal and state permitting processes for water supply and the Virginia State Water Planning law?*

The Virginia State Water Planning law is a new statute that requires regional plans to be submitted by 2011, which RWSA plans to complete and submit for the County of Albemarle, the City of Charlottesville, and the Town of Scottsville by the 2011 deadline.

The federal Clean Water Act is completely separate from the state planning law and requires permits from the Virginia Department of Environmental Quality (DEQ) and U S Army Corps of Engineers (the Corps) for water supply plans. Permit applications for the Community Water Supply Plan were submitted, and the permits have been issued for this project.

Mr. Frederick next provided an update on some items that were not included in his written report concerning water releases to the Moormans River and water levels at the Sugar Hollow and Ragged Mountain Reservoirs.

RWSA had agreed several months ago to voluntarily go "above and beyond" the permitted water releases to the Moormans River whenever reservoir levels and modeling data indicated that the water supply would not be placed in jeopardy. Due to the rain events in August and September 2008, RWSA reevaluated its position and determined that it could release water to the Moormans River above the permit levels. Effective last Friday, water was being released to the Moormans River at a rate of 1.0 million gallons per day (mgd) or natural inflow, whichever is less. RWSA's permit only requires a release of 400,000 mgd or natural inflow. RWSA will continue this voluntary 1.0 mgd release as long as there is no threat to the water supply, but the Authority reserves the right to revert back to the permitted minimums at any time.

The actions taken last Friday will mean that the Sugar Hollow Reservoir will operate more frequently at lower levels than what had occurred in the past, but will occur at such times as not to be a threat to the water supply.

The level at the Ragged Mountain Reservoir has been falling over the past few days due to an emergency repair on the Sugar Hollow pipeline, which required that the Sugar Hollow Reservoir be taken completely out of service. During that time, the Observatory plant was operating on Ragged Mountain water. The repairs have been completed, and the Sugar Hollow Reservoir is being put back into service. The process of refilling the Ragged Mountain Reservoir will now begin, which is our standard procedure this time of year as we are approaching the end of the hurricane season.

3.0 Items from the Public

Mr. Hawes Spencer, Editor of *The Hook* newspaper, commented that he attended this morning's news conference and there was a Schnabel Engineering cost savings discussed in the amount of \$13.5 million. He was not clear by reading the updated New Ragged Mountain Dam report distributed at today's Board meeting whether the \$3 million to \$5 million reduction related only to the foundation work and if the \$13.5 million was the sum of all potential savings. Mr. Gaffney stated that this matter would be discussed later in the meeting.

Dr. Richard Collins next stated that he was a former RWSA Board Chairman and currently an elected member to the Thomas Jefferson Soil and Water Conservation District (TJSWCD) for the City of Charlottesville. Although the TJSWCD is an active participant in the water supply plan "from a number of perspectives, he was speaking today "only as a citizen." He then asked Mr. Gaffney if there was another public comment period at the end of the Board meeting, and Mr. Gaffney replied in the negative. Dr. Collins next commented that he had hoped after this morning's news conference that the public would have the opportunity to respond to the Board's discussion on this issue, as it was unclear as to what exactly the public could learn due to the "constrained conditions" under which the news conference was conducted.

Dr. Collins then commented that he was reminded of the following old statement: "The first thing you should do when you find yourself dug in a deep hole, is stop shoveling." He believed that this morning's press conference indicated that "you had not stopped shoveling." He was even more concerned that if "somebody offers to throw you a rope ladder of some kind to get out of it, you seemingly don't see it or don't want to look at it." Dr. Collins felt that the "rope ladder in this case is a fuller study of the geological, geophysical, and bathymetric possibilities of increasing the water supply at the South Fork of the Rivanna Reservoir and to look at the possibilities for further conservation and for demand analysis as requested by City Council in a resolution of about two months ago." He also felt that this morning's press conference was not about "fractured rock" or changing consultants. Even with the global "financial disaster," it was not about "the doubling of the potential cost of one part of this project that is the dam, nor the proposal by the Executive Director to create still maybe another task force or work group to look at the pipeline." Dr. Collins believed for reasons he did not fully understand that it was about the Board's inability to open a discussion on the alternatives. He felt it was clear that the "scramble" to maybe hire a new consultant, the doubling of the cost for the project, the creation of a task force on the reservoir, and the creation of a new technical advisory group suggested a need to look at the planning process "more deliberately and more completely than apparently you are prepared to do. The honest thing to do at this point is to not only look at the consultants who gave you these numbers, but to look at the process by which the framework of this debate was in effect constrained from the beginning by dismissing dredging or an addition to the South Fork Rivanna Reservoir in conjunction with dredging as an alternative that would be environmentally superior and economically and financially more viable."

Mr. Kevin Lynch next stated that he was a former City Councilor, and in 2006 he voted for RWSA's 50-year water plan. He now believed that he was an "unwitting participant in a fraud on the taxpayers and the rate payers." He heard during this morning's press conference that Gannett Fleming's estimates for the price of the dam were "off ... they were half of what the dam will cost ... the price of the dam would double." It has been known for months that the dredging

estimates provided by Gannett Fleming were “wildly overestimated” and questioned when RWSA would hold a press conference to make that announcement. For nearly a year, RWSA has been “ignoring” requests by the taxpayers and rate payers to reexamine the fundamental assumptions of this plan. “Now it appears that when your consultant tells you, you can all turn on a dime. Who are you accountable to exactly?” The Board was aware that the dam would not “work” without the pipeline, and now the public is being told that the pipeline is “only a concept” in response to being confronted about the “gaping holes in the pipeline design.” When water rates were doubled in 2002 and 2003, it was not to pay for a “half-baked concept and overpriced consultants.” He felt it was time for this Board to admit that “you have no business making decisions about our community water supply. We need a new plan and a new Board.” Our elected officials need to start listening to the public “instead of repeating whatever talking points the consultants put in front of them.”

Mr. Richard Lloyd, who resides at 1825 Locust Shade Court in Albemarle County, next commented that he keeps asking this question: “Why are we going to pick up a new water supply before we maintain the old one?” He felt it goes back to the “yield,” which is to “save the river during a drought beyond the stream.” The Nature Conservancy (TNC) takes credit for the “computation” on its web page. TNC wants natural flows “at the expense of reservoirs and dams.” TNC was asking that \$150 million be “written off,” which Mr. Lloyd estimated was the value of the reservoir and the dam, and that another \$150 million be spent to build a new dam and a pipeline to fill the dam. TNC was also requesting that “hundreds of thousands of dollars a year” be spent in order to pump that system ... cut down 52,000 trees ... and all the water storage would become dependent on one reservoir. He felt that there were in-stream assets that TNC was attempting to remove or abandon, and there were some out-of-stream assets they wanted to rebuild. Mr. Lloyd further stated that “we give up what we got instead of maintaining it and we build something brand new,” which costs a lot of money. The total amount for “writing off” the existing dam and reservoir and building a new dam and a pipeline totals \$300 million, and he questioned whether the City of Charlottesville could “endure” that expense along with its other obligations. The reservoir will “silt up” under this current plan, and as noted by TNC, eventually the downstream habitat will become isolated from the upstream habitat “for no reason at all.”

Mr. Lloyd then commented on the Corps’ procedures for removing dams. The first step is to stabilize or remove all the sediment upstream. He then questioned whether this operation would increase the total project cost by \$100 million to \$200 million ... “that’s left for your grandchildren.” After adding up all these costs, he questioned why “we don’t just maintain what we have and look for incremental increases that may be needed as the community grows or is unable to conserve into its growth.”

Ms. Betty Mooney, a City of Charlottesville resident, next stated that she had hoped that she would not have to speak today because she was “led to believe that the press conference this morning was going to bring some sanity back into the process ... I was led to believe that you had decided as a group to immediately go forward with the dredging survey. You were no longer going to hold this up.” She did not hear that at the press conference this morning. Ms. Mooney reminded the Board about a letter Mr. Crutchfield wrote to *The Hook*, and she read the following text from that letter: “Since the beginning of this debate, I have felt that it is a mistake not to dredge the South Fork Rivanna Reservoir. Furthermore, my instincts have been extremely

uncomfortable with the concept of enlarging the Ragged Mountain Dam and connecting the Ragged Mountain and South Fork Reservoirs with a 9.5 mile pipeline. Why did the Rivanna Water & Sewer Authority seek a cost feasibility study for dredging from only one consultant?" This morning she heard that RWSA's consultant has "not consulted very well. In fact, you are now looking at a doubling of that dam cost." Referring to the public meetings held in 2004, the public "overwhelmingly" wanted to dredge. Dredging was included in the 2002 water supply plan, which she felt everyone in attendance today had probably read. Ms. Mooney felt that if Ms. Lois Rochester had been present today, she would have confirmed that the League of Women Voters was in favor of dredging. A contract was signed between the City and the County based on the 2002 plan ... "you had the cost sharing agreement ... you had the contract ... you were going to go forward ... very mysteriously that plan disappeared ... the director disappeared ... all the information about that [plan] disappeared." She felt the public was "totally in favor of dredging – overwhelmingly." Then consultants were hired to build dams, who told RWSA that it could not dredge because it was too expensive. RWSA's legal consultant, Mr. Bill Ellis, was in agreement with that assessment and the dredging option was "dropped." The Corps and DEQ still had dredging "on the table" since it was the overwhelming choice of the community, but it was "dropped" due to its cost. Now, the public is told that the dam is going to cost "way more than anyone who has seriously looked at dredging – and there have been serious people looking at it – has estimated." Yet, RWSA is not "calling" for another study and gathering consultants to conduct the survey, so they will be able to tell the community about the cost and the amount of water supply that could be attained by dredging. Dredging was one of the final four alternatives in the 2002 plan. Dredging was eliminated because RWSA's consultants "way overestimated it." The consultants were wrong about the dam, so now RWSA is calling for a new study and will be paying more consultants. Ms. Mooney felt this has gotten to be "nonsense."

Ms. Mooney further commented that she thought the Authority was going to do the "right thing" this morning, but that she had also given a lot of thought since the last Board meeting and, although she had originally felt that the Board believed it was doing what was right for the community in order to meet future needs and provide a safe drinking water supply, now she felt that many were promoting the development interest and there was no one on the board representing the rate payers. RWSA was going to spend more money for dam consultants now, have taken the dredging survey "off the table," and appointed a Task Force of "amateurs", who were the same people that had been discussing dredging since 2002. She was asking all the Board members to resign ... "It's time ... You need to leave this Board, and if you don't leave it, the citizens have a right to dissolve this Authority and they will exercise that right, believe me."

Mr. Gaffney next stated that he resented the fact that Ms. Mooney "accused everyone up here of not doing what they think is in the best interest of our community."

5.0 Consent Agenda

Mr. Gaffney asked if there were any items that the Board members would like to pull for questions or further discussion from the Consent Agenda.

- 5a) Staff Report on Finance
- 5b) Staff Report on Operations

- 5c) Staff Report on On-going Projects
- 5d) Carry-Over Budget Items from FY2008
- 5e) KDR Real Estate Services

Mr. Tucker moved that the Board of Directors vote to approve Items 5a), b), c), d), and e) of the Consent Agenda, seconded by Ms. Mueller. The motion was approved by a 4 – 0 vote.

6.0 Other Business

In regard to **Item 6a), Update on New Ragged Mountain Dam**, Mr. Frederick provided a brief summary of the updated report for the benefit of those not present at the 11:00 a.m. press conference. Referring to the memorandum addressed to the Board of Directors, he stated that the first paragraph discusses the process undertaken a few years to identify a long-term solution to meet the future water supply needs of this community. This effort included extensive public meetings and opportunities for public input. The result of this process was the ‘retooling’ of the Ragged Mountain Expansion alternative to include a pipeline from the South Fork Reservoir, which was widely accepted in 2006 as the preferred alternative. The main reasons for the plan’s acceptance included that it would allow the future water supply to stay within our own watershed, would meet forecasted long-term future water need, would significantly improving releases of water to local streams, and would incorporate necessary dam improvements.

Mr. Frederick further reported that while the concept was widely accepted in the community, the design and construction of a new larger dam to replace a smaller dam is a very large and complex project with many facets and challenges. Some of those challenges are being faced today, based on information that RWSA has recently received. The largest challenge with designing a dam is to capture appropriate geophysical information, which is expensive due to the underground borings that would be required and other uses of technology to understand rock formations, location of rock fragments and weathered rock. The data must then be interpreted in a way that defines optimum foundation design.

Mr. Frederick then stated that Gannett Fleming consultants met with RWSA staff a few weeks ago to discuss the progress of the investigations, as well as their interpretations of the collected data. While Gannett Fleming indicated that their investigations were not yet complete, preliminary interpretations suggested they believed that a much deeper foundation and a much wider dam would be required than what had been used as assumptions during the conceptual phase or alternative selection phase of the project. The magnitude of those increases in Gannett Fleming’s opinion was enough of a concern to RWSA staff that it was felt prudent and necessary to stop the design work and obtain a second opinion. RWSA contacted and employed Schnabel Engineering, a firm with significant experience in dam design, to conduct a limited review that included reviewing the findings of geophysical data that were derived from the borings and the cost estimates presented to RWSA in August 2008 by Gannett Fleming.

Mr. Frederick next reported that Schnabel Engineering has just completed their report and Mr. Chris Webster, who directed Schnabel’s effort, is in attendance to address any questions that the Board might have about the report. While recognizing the significant complexities at this point in the project in interpreting geophysical data to determine the right foundation, Schnabel

believed the rock quality is “generally very good to good.” Their review focused in two specific areas. First, Schnabel assumed “for talking purposes” that the foundation depths and the width of the dam would be what Gannett Fleming has recently proposed. Schnabel then only looked at the cost estimates and unit quantities of other items, such as whether or not there was a need for a membrane fabric on the face of the dam and the type of material for the back face of the dam, and other ancillary issues. From that review, Schnabel identified \$13.5 million before contingencies were applied that they felt could be reduced in Gannett Fleming’s estimate that with contingency was beyond \$70 million. During the second part of their study, Schnabel looked at whether the depths and width of the dam could be smaller than what Gannett Fleming had proposed. Schnabel was not able to complete that review definitively because they identified the need to gather more geophysical data and also recommended that seepage and settlement instability computations be completed in order to fully assess what additional savings beyond the \$13.5 million could be constituted. Mr. Frederick then quoted a statement from Schnabel’s report as follows: *“we [Schnabel] conservatively estimate the range of possible ‘additional’ savings ‘beyond the \$13.5 million’ could be from \$3 million to \$5 million, but possibly more”*. (The words in quotation marks and not in italics were added by Mr. Frederick.) During their discussions with RWSA staff, Schnabel indicated that without all of the data they could not provide definitive findings at this time but emphasized that the savings could possibly be more than the range shown in their report. Mr. Frederick next answered a question raised during the public comment segment of the meeting by explaining that the \$3 million to \$5 million range is in addition to the \$13.5 million figure.

Mr. Frederick then commented that RWSA was requesting that the Board of Directors discuss what actions should be taken at this point with the information available. The recommendation being offered by staff for the purposes of this discussion would be to continue with the “pause” in the design work due to the importance of resolving this issue. The staff also recommends that an expert panel be recruited based on the expertise identified through interviews with perspective panel members. Mr. Frederick felt there should be prudent use of additional monies spent on this project, but he also recognized that it would be a “wise investment” to attain additional expertise in order to move forward in the most cost effective manner. RWSA would be seeking individuals who were renowned in their dam experience in order to receive the best information and best decisions possible. The expert panel would review the preliminary engineering data provided to date by both Gannett Fleming and Schnabel Engineering, particularly the geophysical information. The expert panel would have access to both consulting firms to address any questions that might be raised in this process. The expert panel may recommend that some additional testing be conducted, and if undertaken, provide their interpretation of the data so that RWSA has a clear understanding of what should be the optimum foundation conditions for the Ragged Mountain Dam. Given that RWSA has received two differing opinions from two different consulting firms, the Authority is seeking individuals with expertise that can evaluate that information and provide RWSA with the optimum answer that achieves the goals of this project.

Mr. Frederick also stated that a paragraph was added to the end of the Board report based on the one-on-one briefings held last week with some of the elected officials, as well as members of this Board. There was some interest expressed by some but not all of the individuals who were briefed to review the concept plan for the South Fork to Ragged Mountain pipeline. If this Board

is interested in pursuing such a review, RWSA would be pleased to incorporate the review into the upcoming work. He stressed that since there has been no design work initiated for the pipeline, any review would be limited to the concept described in the permit documents. RWSA staff would also suggest that a different panel be recruited to undertake this review rather than being responsible for both so that the best dam expertise could be obtained related to the optimum foundation conditions for the Ragged Mountain Dam.

Mr. Frederick next requested that during the Board's discussion that consideration be given to the staff recommendations as presented today and also included in the written report. Staff was also seeking direction on how to proceed and what time lines would dictate this process. Staff will be available to answer any questions that the Board might have during their discussion of this matter.

Mr. Gaffney then asked if the expert panel would help RWSA select the firm that does the final design of the dam. Mr. Frederick stated that RWSA would be open to the expert panel's ideas during the selection process if that was the direction undertaken.

Mr. Tucker next inquired if the two expert panels would conduct their reviews concurrently. Mr. Frederick commented that RWSA would be open to the option of reviewing the pipeline concept, but the Authority's most important focus at this time is to resolve the issues associated with the design of the dam's foundation. The two panels could work concurrently if that is the preferred schedule.

Mr. Gaffney then asked what a concept level review would entail. Mr. Frederick stated that a review of the conceptual plan for the pipeline would be the permit application statements and support documents. The review process could also include an interview with Gannett Fleming to answer specific questions. Much of the focus of the pipeline work related to environmental impacts. The issued permits give RWSA considerable flexibility within the "confines" of the environmental impacts as outlined in the permits. This flexibility in design allows the alignment of the pipeline to be moved or adjusted as RWSA "deemed fit". At this time, the northern portion of the pipeline has the potential to follow the route VDOT had selected for the "29 Bypass". There are a number of questions in this community about whether a roadway will ever get built in that corridor, which is an example of other contingencies and other factors outside of the Authority's control that could influence the alignment of the pipeline. The staff believes that the pipeline is feasible, as pipelines are regularly built throughout the country including in much more difficult terrain and difficult circumstances than what would be encountered for this project. However, there is no specifically final and exact corridor that could be reviewed at this time by a separate panel.

Mr. Tucker next inquired about the estimated time table for a panel to "render" a recommendation. Mr. Frederick stated that at this point RWSA anticipated that it would likely take the remainder of this year, depending on the amount of additional geophysical data is needed to reach the final foundation decision. Mr. Gaffney then asked if an assumption had been made that a recommendation for additional studies would be made at the panel's first meeting. Mr. Frederick prefaced his response by stating that Board approval of potential panel candidates would be included in RWSA's recommendation. He anticipated that the panel would need to

review a significant amount of data before they would be prepared to make recommendations on any additional services.

Mr. Gaffney then commented that he assumed that the expert panel option was being used by other authorities across the country to address similar issues. Mr. Frederick stated that there were review processes being conducted in many dam designs, which were commonly referred to as "value engineering" where at a prescribed point in the process an outside team would be brought in to review the decisions made to date and determine if there were ways to economize or optimize the process.

Directing his comment to Mr. Chris Webster, Mr. Fern stated that he was impressed by the amount of work Schnabel performed in a short period of time. Mr. Fern then referred to a recommendation in the Schnabel report that seepage and settlement computations should be completed, and inquired if that work could be conducted now based on current information. Mr. Webster replied that he understood Gannett Fleming had started to analyze some of the data but had not completed the process. Schnabel's recommendation was to move forward to complete the analyses in order to have a better understanding of the foundation conditions. These calculations could be undertaken now and could supplement the data from any additional studies recommended by the expert panel.

Mr. Gaffney next inquired if Mr. Webster thought there were other studies in addition to the seepage and settlement computations that any consultant would request in order to reach the right recommendation and in his opinion should be undertaken now. Mr. Webster responded that the second half of the Schnabel report contains a "point-by-point" listing of recommended studies, which included additional geophysical work, and also identified questions that Schnabel felt needed to be addressed during the review process.

Mr. Gaffney then asked if there were any other studies not outlined in the report that might be needed sometime during this process. Mr. Webster stated that no other studies were anticipated at this time. His firm spent a great amount of time focusing on what issues needed to be addressed to allow the project to move forward.

Mr. Fern then commented that there were varying degrees of "conservatism" in the engineering field, which were all based on what assumptions are made. He then referred to the term used in the Schnabel report that Gannett Fleming was "too conservative" and inquired how Schnabel reached that conclusion. Mr. Webster stated that areas where his firm felt the "conservatism" had taken place were outlined in their report. Some of the "conservatism" was identified in the cost estimates as it related to contingencies being applied. At this point in the process, Schnabel felt that some of those contingencies were too high, as well as some of the engineering costs associated with construction. Based on a preliminary study of the data that Gannett Fleming based its recommendation for a deeper foundation, Schnabel felt that the rock foundation would provide "a good support for the dam at a higher grade than suggested by Gannett Fleming."

Mr. Gaffney next inquired about the type of experts that RWSA would be seeking for the panel in addition to engineering experience. Mr. Frederick stated that the panel may include a combination of engineering and construction expertise. Staff was developing a list of

individuals, which included designers who worked in firms that designed dams. If directed by this Board, he anticipated some type of solicitation process where resumes would be accepted and qualified candidates interviewed in order to determine the best composition for this panel. Mr. Gaffney then asked if he understood Schnabel's comments correctly that individuals in the construction industry might be unwilling to serve on this panel if that excludes their firms from bidding on this project. Mr. Frederick replied that Mr. Gaffney's understanding was correct.

Mr. Tucker then asked if RWSA had determined the number of individuals who would serve on this panel. Mr. Frederick stated that the panel would probably have between three to five members.

Mr. Gaffney next questioned what RWSA anticipated would be the cost for this panel and the costs for the additional studies being recommended by Schnabel. Mr. Frederick stated that he did not have enough information at this time to give an estimated cost, but it would be prudent for any recommendations to come before the Board for approval.

Mr. Tucker then inquired if Mr. Frederick had an idea as to how long it would take to form the panel and if he felt a special Board meeting would be needed if the process would be completed prior to the October meeting date. Mr. Frederick stated that RWSA would need to follow the Virginia Procurement Act during the recruitment process, which would be difficult to complete in less than one month. Mr. Tucker further commented that he would still suggest that a special meeting be called if the panel is created after the October 27, 2008 date but prior to the November meeting. Mr. Frederick responded that RWSA would take his suggestion under advisement.

Following up on an earlier question, Ms. Mueller asked if Mr. Frederick could provide a range of costs for the additional studies that were being recommended by Schnabel. Mr. Frederick stated that until the expert panel convenes and makes its recommendations, it would be difficult to place a cost estimate on those additional studies.

Mr. Gaffney next inquired if in Mr. Frederick's opinion no additional studies would be undertaken until the expert panel made its recommendations. Mr. Frederick thought that would be a "wise" course of action at this time, with the exception of limited issues such as the seepage and settlement calculations mentioned earlier in this meeting. He felt that consideration could be given to proceeding with limited work, as the data would provide additional information for the panel.

As he felt the recommendations presented today were the appropriate way to address this issue, Mr. Tucker moved that the Board of Directors vote to accept the Executive Director's recommendation to recruit an expert panel to review the results of the preliminary design and information developed to-date for the new Ragged Mountain Dam, seconded by Mr. Fern.

Prior to the vote, Mr. Gaffney inquired if the Board was approving the recruitment of the panel members but not authorizing its engagement. Mr. Frederick that RWSA was requesting today authorization to initiate the procurement process. Board action would be requested to approve

the execution of those contracts at a future meeting. Ms. Mueller further requested that an estimated budget also be submitted at that time. Mr. Gaffney also received clarification from the other members that a review of the concept plan for the South Fork to Ragged Mountain pipeline was not included for action by the Board at this time but would be discussed further at the October meeting.

As there were no further questions or discussion, the Board of Directors voted to approve the motion authorizing the Executive Director to recruit an expert panel by a 4 – 0 vote.

7.0 Other Items from Board/Staff not on the Agenda

Mr. Tucker took this opportunity to address comments that were presented during the Public Comment segment about the composition of this Board. He agreed with Mr. Gaffney's earlier comments that this Board takes its responsibilities very seriously. He further stated for clarification purposes that the governing bodies of the City and the County appoint the members of this Board by the position they hold. The Chairman is the only position that is appointed jointly by the City and the County. The members serve at the "pleasure" of the City and the County. Any decisions on major issues that have come before this Board have been "vetted" at the Board of Supervisors' level and at the City Council level, as well as by the ACSA Board of Directors. Mr. Tucker emphasized that this Board was not an entity acting on its own without direction or input from others in this community, particularly elected officials.

8.0 Closed Meeting

There was no need for a closed meeting.

9.0 Adjournment

There being no further business, Mr. Tucker moved that the meeting be adjourned, seconded by Ms. Mueller. All members voted aye, and the meeting was adjourned at 2:47 p.m.

Respectfully submitted,

Mr. Robert W. Tucker, Jr.
Secretary-Treasurer