

A G E N D A
JAMES CITY SERVICE AUTHORITY BOARD OF DIRECTORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 13, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT CALENDAR

1. Minutes Adoption - January 2, 2018 Organizational Meeting and January 9, 2018 Regular Meeting
2. Update to Withdrawal Impact Mitigation Plan

E. PUBLIC HEARING(S)

1. Property Exchange - Lift Station 1-7

F. BOARD CONSIDERATION(S)

1. Pre-Budget Presentation
2. Setting a Public Hearing - Fiscal Year 2019 Utility Rates

G. BOARD REQUESTS AND DIRECTIVES

H. GENERAL MANAGER'S UPDATE

I. ADJOURNMENT

1. Adjourn until 5 p.m. on March 13, 2018 for the Regular Meeting

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Directors
FROM: Teresa J. Fellows, Deputy Secretary
SUBJECT: Minutes Adoption - January 9, 2018 Regular Meeting

ATTACHMENTS:

	Description	Type
☐	010218 BODOrg-mins	Minutes
☐	010918 BOD-mins	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:21 AM

MINUTES
JAMES CITY SERVICE AUTHORITY BOARD OF DIRECTORS
ORGANIZATIONAL MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 2, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. ORGANIZATIONAL MEETING

1. Organizational Meeting of the Board of Directors

A motion to Appoint Individuals to Boards and Commissions was made by James Icenhour Jr and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Icenhour made a motion to appoint Ms. Sadler as Chairman of the Board of Directors for 2018. The motion passed by a unanimous voice vote.

A motion to Appoint Individuals to Boards and Commissions was made by James Icenhour Jr and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Icenhour made a motion to appoint Mr. Hipple as Vice Chairman of the Board of Directors for 2018. The motion passed by a unanimous voice vote.

2. Appointment of Secretary and Deputy Secretary to the Board

A motion to Approve was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon made a motion to move the Resolution of Organization for the Board of Directors.

D. CONSENT CALENDAR

None

E. PUBLIC HEARING(S)

None

F. BOARD CONSIDERATION(S)

None

G. BOARD REQUESTS AND DIRECTIVES

None

H. ADJOURNMENT

1. Adjourn until 5 p.m. on January 9, 2018, for the Regular Meeting

A motion to Adjourn was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

MINUTES
JAMES CITY SERVICE AUTHORITY BOARD OF DIRECTORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 9, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Roberts District
James O. Icenhour, Jr., Jamestown District
Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Chairman, Stonehouse District

William C. Porter, Interim County Administrator
Adam R. Kinsman, County Attorney
M. Douglas Powell, General Manager

C. CONSENT CALENDAR

A motion to Approve was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Icenhour Jr, Hipple, Larson, Sadler

1. Minutes Adoption

D. PUBLIC HEARING(S)

1. Easement Abandonment - 1100 Eaglescliffe Vicinity - Eaglescliffe I Condominium - Building 1

A motion to Approve was made by James Icenhour Jr and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Icenhour Jr, Hipple, Larson, Sadler

Mr. Powell stated that the owner requested abandonment of the easement as described in the memorandum and resolution included in the Agenda Packet.

Ms. Sadler opened the Public Hearing.

As there were no registered speakers, Ms. Sadler closed the Public Hearing.

E. BOARD CONSIDERATION(S)

None

F. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon inquired if there were any significant weather impacts on pipes.

Mr. Powell replied that in terms of public infrastructure there have been three breaks since the storm. He stated that occasionally with this type of weather there can be problems after things thaw and there have been some homeowners and business owners with these issues.

Ms. Sadler stated she had received calls from citizens that suggested having a Public Comments section during the JCSA meetings and directed staff to add a Public Comments section to the beginning of future JCSA meetings.

Mr. McGlennon noted that this may create confusion for citizens due to JCSA meetings occasionally being held at the beginning of the Board of Supervisors meetings and sometimes at the end.

General discussion ensued regarding this issue and it was decided that the Public Comments section would be added with adjustments made if necessary.

G. GENERAL MANAGER'S UPDATE

Mr. Powell stated that he had nothing further to report.

H. ADJOURNMENT

1. Adjourn until 5 p.m. on February 13, 2018 for the Regular Meeting

A motion to Adjourn was made by Ruth Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Icenhour Jr, Hipple, Larson, Sadler

At approximately 5:29 p.m., Ms. Sadler adjourned the Board of Directors.

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Directors

FROM: M. Douglas Powell, General Manager

SUBJECT: Update to Withdrawal Impact Mitigation Plan

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	Attachment 1	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:48 AM
Board Secretary	Fellows, Teresa	Approved	1/29/2018 - 8:55 AM
James City Service Authority	Powell, Doug	Approved	1/26/2018 - 3:25 PM
Publication Management	Burcham, Nan	Approved	1/26/2018 - 4:06 PM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:10 PM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 11:07 AM

MEMORANDUM

DATE: February 13, 2018
TO: The Board of Directors
FROM: M. Douglas Powell, General Manager, James City Service Authority
SUBJECT: Update to Withdrawal Impact Mitigation Plan

The James City Service Authority (JCSA) Regulations contain a Withdrawal Impact Mitigation Plan. The purpose of the Plan is to establish a dispute resolution mechanism that existing groundwater users can use to resolve claims that may arise because of groundwater withdrawals from the JCSA wells in James City County. This Plan applies to both the JCSA's central system and the independent systems. The hope is that claims can be resolved through informal discussions and negotiations. There have been very few claims against JCSA in recent years.

This Plan is required by the Department of Environmental Quality, and they recently requested that we update the Plan by removing the permit numbers from the Plan and simply listing the names of the various systems. Staff has taken the opportunity to review the Plan and make several other changes, as noted on the attached revised Plan. These proposed changes are mostly insignificant, with the exception of increasing the amount of time JCSA has to review a claim from five to ten days and clarifying the language in Section V.

Staff recommends approval of the resolution amending the Withdrawal Impact Mitigation Plan.

MDP/nb
ImptMitPlnWdrl-mem

Attachment

RESOLUTION

UPDATE TO WITHDRAWAL IMPACT MITIGATION PLAN

WHEREAS, the James City Service Authority (JCSA) Regulations contain a Withdrawal Impact Mitigation Plan; and

WHEREAS, the Department of Environmental Quality has requested the JCSA make certain changes to the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby adopts the revised Withdrawal Impact Mitigation Plan.

P. Sue Sadler
Chairman, Board of Directors

ATTEST:

Teresa J. Fellows
Deputy Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 13th day of February, 2018.

ImptMitPlnWdrl-res

SECTION 34. WITHDRAWAL IMPACT MITIGATION PLAN

Preamble

The purpose of this mitigation plan (Plan) is to establish a dispute-resolution mechanism that existing groundwater users can use to resolve claims that may arise because of groundwater withdrawals from the James City Service Authority's (JCSA) wells in James City County, Virginia, ~~(the Project) specifically withdrawals from the wells of the Central System covered by this permit application.~~

Pursuant to the Groundwater Act of 1992 and the regulations adopted under it, the Department of Environment Quality (DEQ) issued JCSA *groundwater withdrawal permits for the following systems: Central System; Wexford Hills; Racefield; King's Village; Ware Creek Manor; The Retreat; Liberty Ridge; and Westport.* ~~Permit Numbers GW0030000 Stonehouse, GW0031000 Racefield, GW 0031100 Glenwood Acres, GW0031200 King's Village, GW0043000 The Retreat, GW0031300 Upper County Park, GW003140 Ware Creek Manor, GW0049400 Wexford Hills, and GW0041000 Central System.~~

Modeling predictions, developed as part of the record of permit proceedings, project the expected zones of influence of withdrawals from the permitted wells and indicate that the withdrawals are expected to have impacts on existing groundwater users. There may be nonpermitted groundwater users within the area where simulated drawdown exceeds one foot. To safeguard existing groundwater users, JCSA adopted this mitigation plan.

The hope is that claims can be resolved through informal discussions and negotiations between the claimant and JCSA. The procedures of the Plan are designed to be used in addition to such informal discussions and negotiations or other procedures already provided by law. The plan is intended to provide a speedy, nonexclusive, low-cost means of fairly resolving specific claims relating to withdrawals from the permitted wells.

The Plan has six sections.

Section I contains definitions of certain terms used in the Plan.

Section II establishes procedures for the filing and initial review of claims.

Section III establishes a committee for reviewing disputed claims that withdrawals from the permitted wells within the Project have adversely affected a well or wells outside the Project.

Section IV establishes procedures for resolving disputed claims.

Section V establishes standards that the committee will apply to resolve disputed claims. Section VI addresses administrative matters.

Section I: Definitions

MITIGATION PLAN

Presented below are definitions of terms used in the mitigation plan:

“Adverse Impact” means (a) for Historical Yield, a significant diminution in Historical Yield, or (b) for Historical Beneficial Use, a change in groundwater that renders it unsuitable for the Historical Beneficial Use.

“Claimant” means an Eligible Owner who wants to take advantage of the procedures in the Plan. “Committee” means the committee established under Section III of the Plan.

“Date of the Plan” means the date on which the DEQ approves the Plan.

“Eligible Owner” means (a) any owner of a well that (i) was lawfully operating as the Groundwater withdrawal permit was issued to the JCSA by the DEQ or, in the case of seasonal or intermittent operation, was lawfully operating within six months before or after that date (or, with respect to agricultural or drought-relief wells, such other date determined by the Committee as necessary to prevent abrogation of documented lawful groundwater rights); and, (ii) is lawfully operating as of the date of making a claim under the Plan (unless, when the claim is made, the well is inoperable as a result of conditions that are the subject of the claim) or (b) any person having a permit or certificate to withdraw groundwater that has satisfied all conditions of that permit or certificate and is otherwise required by law to withdraw water as of the Date of the Plan.

“Historical Beneficial Use” means the actual lawful uses of groundwater from the Well (before the Date of the Plan), such as domestic, agricultural, recreational, commercial, or industrial uses, that can be established to the satisfaction of the JCSA or Committee.

“Historical Yield” means the actual, sustained, lawful average daily yield of the Well before the Date of the Plan that can be established to the satisfaction of the JCSA and/or Committee. For certified or permitted wells, the average daily yield shall be based on withdrawals for any consecutive 12-month period during the previous three years. “JCSA” is the entity to which the permit is issued and the responsible party for mitigating validated well mitigation claims.

“Rebuttable Presumption” means that the JCSA and/or Committee shall assume that Withdrawals are (or are not, as the case may be; see Section V, Paragraph 1) the cause of the claimed Adverse Impact on the Well of the Eligible Owner unless and until evidence tending to disapprove the assumption is presented to the Committee.

“Repairs” means an appropriate process that will restore to the Claimant a supply of water equal to the Historical Yield and Historical Beneficial Use of the water from the Well, including, but not limited to, lowering the existing pump in the Well, installing a larger pump in the Well, drilling a new well, or connecting the user to the County’s public water supply system.

“Well” means a well that is the subject of a claim.

“Withdrawals” means withdrawals from any well(s) subject to the Permit.

Section II: Filing and Initial Review of Claims

1. Any Eligible Owner who believes that Withdrawals may have caused an Adverse Impact on his or her Well may become a Claimant by submitting to JCSA a written request for mitigation of the Adverse Impact or for reimbursement for the costs of Repairs, or both (the “claim”). For ensuring accurate assessments of such a claim, it must be filed within 90 days of the time that the Claimant determines that Withdrawals may have caused an Adverse Impact on the Well. If the Claimant wants a temporary water supply or other interim relief, the claim shall indicate that desire. The Claimant shall allow JCSA, their employees, and their agents reasonable access to the property and the allegedly affected Well as necessary to determine the merits of the claim, including tests and inspections of the Well.
2. A timely claim may be filed only after JCSA initiates groundwater withdrawals from the permitted wells.
3. If Claimant within the indicated area of impact states in writing that he/she is out of water from a Well that is located within the aquifer covered by the permit, JCSA will accept responsibility for providing water for human consumptive needs within seventy-two hours of receipt of said notice and will continue to provide such water during the claim review period.

If after review, the JCSA denies the claim, the Claimant shall reimburse the JCSA all costs associated with providing the water during the claim review period; provided, should the Claimant elect to have the denial reviewed by the Committee, JCSA shall continue to provide the emergency water supply at the written request of Claimant during the Committee’s review. Should the Committee uphold the JCSA’s denial, Claimant shall reimburse JCSA all costs associated with providing emergency water supply.

4. Within ~~five~~ *ten* business days after receiving a claim, JCSA will notify the Claimant in writing that JCSA:
 - (a) agrees to mitigate the claimed Adverse Impact or reimburse the Claimant, or both;
 - (b) denies the claim; or
 - (c) needs additional documentation from the Claimant to respond to the claim. If JCSA denies the claim or any part of it, the notice will:
 - (1) state the reasons the claim, or any part of it, was denied;
 - (2) include a copy of the Plan; and
 - (3) advise the Claimant that he or she may seek resolution of the claim by invoking the procedures in Section III and Section IV of the Plan.

5. Pursuant to Paragraph 4 (c) of this Section, JCSA may request documentation showing
 - (a) that the Claimant is the owner of the Well;
 - (b) that the Well:
 - (1) was lawfully operating as of the Date of the Plan or, in the case of seasonal or intermittent operation, was lawfully operating within six months before or after that date; or, with respect to agricultural or drought-relief wells, such other date determined by the JCSA or Committee as necessary to prevent abrogation of documented lawful groundwater rights; and
 - (2) was lawfully operating as of the date the claim was made under the Plan (unless when the claim was made, the Well was inoperable as a result of the claimed Adverse Impact).
 - (c) that the Claimant has a certificate or a permit for withdrawing groundwater from the Well (if applicable) and has satisfied all conditions imposed by the certificate, the permit, or the applicable law;
 - (d) the depths of the Well, the pump, and the screens (if available);
 - (e) the location of the Well with enough specificity to locate and identify it in the field;
 - (f) the Historical Yield of the Well (if applicable);
 - (g) the Historical Beneficial Use of the Well;
 - (h) the quality of the water in the Well (if applicable); and
 - (i) the reasons the Claimant believes Withdrawals have caused an Adverse Impact on the Well.
6. Within 15 business days of receiving all documentation requested pursuant to Paragraph 5 of this Section, JCSA will notify the Claimant in writing that it:
 - (a) agrees to mitigate the claimed Adverse Impact or reimburse the Claimant, or both; or
 - (b) denies the claim. If JCSA denies the claim or any part of it, the notice will:
 - (1) state the reasons that the claim or any ~~part~~part of it was denied;
 - (2) include a copy of the Plan; and
 - (3) advise the Claimant that he or she may seek resolution of the claim by invoking the procedures in Section III and Section IV of the Plan.

7. A Claimant whose claim, or any part of the claim, has been denied may seek resolution of the claim by invoking the procedures in Section III and Section IV of the Plan.

Section III. The Committee

1. Resolution of disputed claims under the Plan will be administered by a committee of three (the “Committee”) constituted and empowered as stated below.
2. The membership of the Committee will consist of:
 - (a) one representative selected by the Claimant,
 - (b) one representative selected by JCSA, and
 - (c) one representative selected by mutual agreement of the members of the Committee described in items (a) and (b). If the representatives of the Claimant and JCSA are unable to select a third representative, such representative shall be selected by the Dispute Resolution Center, 701 E. Franklin Street, Suite 712, Richmond, Virginia 23219, after consultation with the representatives of Claimant and JCSA and the Department of Geology at the College of William and Mary, Williamsburg, Virginia 23187. Each member of the Committee shall have technical expertise in groundwater supply issues and shall have a baccalaureate or graduate degree in geology or hydrogeology or an equivalent professional certification in geology or hydrogeology or, solely for the member described in item (c), a degree or certification in any other technical or scientific discipline deemed adequate either by the selecting members or by the Dispute Resolution Center.
3. JCSA shall reimburse the members of the Committee and the Dispute Resolution Center for reasonable time spent at a rate prevailing in the area for experts in the above-listed fields and for direct costs incurred in administering the Plan. The Claimant may, at his or her option, choose to provide the reimbursement for the member of the Committee selected by the Claimant.

Section IV. Claim Resolution Procedures

1. If after the filing and initial review of his or her claim pursuant to Section II of the Plan, the Claimant finds JCSA’s offer of mitigation or reimbursement inadequate or JCSA informs the Claimant that JCSA will not mitigate the claimed Adverse Impact or reimburse the Claimant, the Claimant may accept JCSA’s decision or may elect to pursue the claim under the claim resolution procedures set out in this Section of the Plan (“Claim Resolution Procedures”). To pursue the claim, the Claimant shall notify JCSA that he or she is initiating the disputed claim Resolution Procedures of the Plan by referring his or her claim to the Committee. At the same time, the Claimant shall identify a person qualified under Section II, Paragraph 2, to serve as the Claimant’s representative on the Committee.

2. Within five (5) business days after receiving such notice from the Claimant, JCSA shall identify its representative on the Committee, shall notify the Claimant and the Claimant's representative of the identity of the JCSA representative, and shall instruct the two representatives to select a third member within ten (10) business days.
3. Within ten (10) business days of the selection of its third representative, the Committee shall establish a reasonable deadline for submittal of all documentation it needs to evaluate the claim. Both the Claimant and JCSA must abide by this deadline. The Committee shall reach a decision on the claim by majority vote within fifteen (15) business days after the Claimant and JCSA have submitted all documentation the Committee needs to evaluate the claim. The Committee shall take whatever steps it deems necessary to reach a decision, but the decision must be based on the standards in Section V of the Plan.
4. If the Committee decides that the claim qualifies for mitigation or reimbursement to any extent under the Plan, it shall approve the claim to that extent and shall, within five (5) business days, notify the Claimant and JCSA of the approval, specifying in writing the reasons for its decision. JCSA shall, as directed by the Committee, mitigate the claimed Adverse Impact as soon as practicable, or shall reimburse the Claimant within ten business days for the amount awarded by the Committee, or both.
5. If the Committee decides that the claim does not qualify for mitigation or reimbursement under the Plan, it shall notify the Claimant and JCSA of that decision, specifying in writing the reasons for the decision.
6. JCSA reserves the right, under circumstances that it believes constitute intentional abuse of the process established by the Plan, to refuse to convene the Committee. Such circumstances include the filing of a frivolous or fraudulent claim. If JCSA exercises its right to refuse to convene the Committee, JCSA shall notify the Claimant in writing, specifying the reason(s) for the refusal. The Claimant may then, at his or her own risk, convene the Committee. A Claimant convening the Committee pursuant to this paragraph shall be responsible for all costs of convening the Committee, including reimbursement of the members of the Committee for reasonable time spent (at the prevailing rate for experts in the field) and all direct costs incurred by the Committee in evaluating the claim. If the Committee convened pursuant to this paragraph finds in favor of the Claimant, JCSA shall reimburse the Claimant for the costs of convening the Committee and, in addition, shall be liable to the Claimant for a penalty that shall be established by the Committee. The penalty shall not exceed 100 percent of all costs incurred by the Claimant in convening the Committee.

Section V: Standards for Resolving Disputed Claims

1. To qualify for mitigation of the claimed Adverse Impact or reimbursement of the cost of repairing the claimed Adverse Impact, the Claimant must provide evidence satisfactory to the Committee:
 - (a) that the Claimant is the owner of the Well;
 - (b) that the Well
 - (i) was legally in existence and lawfully operating as the groundwater permit was originally issued by the DEQ; or, in the case of seasonal or intermittent operation, was lawfully operating within six (6) months before or after the issuance of the withdrawal permit; or, ~~with respect to~~ *in the case of* agricultural or drought-relief wells, such other date determined by the Committee as necessary to prevent abrogation of documented lawful groundwater rights; and as lawfully operating as of the date of the making of the claim under the Plan (unless when the claim was made the Well was inoperable as a result of the claimed Adverse Impact);
 - or
 - (ii) the ~~W~~well and withdrawals were permitted or certificated and all conditions in such certificate or permit or otherwise imposed by law to establish groundwater rights have been satisfied before the Date of the Plan;
- (c) that, on the basis of information compiled pursuant to Section I, other information presented by the Claimant or JCSA, and other inquiries the Committee, the Claimant, or JCSA chooses to undertake, the claimed Adverse Impact was more likely than not caused by Withdrawals; and
- (d) that the costs of repairs undertaken before initiation of the disputed claim resolution procedures described in Section IV of the Plan were necessary and reasonable.

As to Item (c) above, and only as to a claimed Adverse Impact on Historical Yield, there shall be a rebuttable presumption that Withdrawals are more likely than not the cause of the claimed Adverse Impact if the Claimant demonstrates that (i) the ~~W~~well is screened in the Aquia Aquifer Chickahominy-Piney Point Aquifer, Upper, Middle and Lower Potomac Aquifers and (ii) the Well is located in the area of impact for the aquifer(s) in which it is screened.

There shall be a rebuttable presumption that Withdrawals are not the cause of the claimed Adverse Impact on Historical Yield or Historical Beneficial Uses if (i) the Well is not screened in the Chickahominy-Piney Point Aquifer, or (ii) the Well is located outside the area of impact for the aquifer(s) in which the Well is screened as defined by computer models prepared by DEQ.

2. Costs beyond those necessary to restore Historical Yield and Historical Beneficial Uses shall be at the Claimant's expense.
3. Any Claimant who has previously been reimbursed by JCSA for repairs as a result of an earlier negotiation or a claim filed under the Plan will not be reimbursed or compensated for correction of faulty or otherwise incorrect repairs related to the earlier negotiations or claim unless such previous repairs were performed under JCSA's supervision.
4. If and to the extent permitted wells owned by third parties and operating under a mitigation plan similar to the Plan are shown to the Committee's satisfaction to have contributed to the Adverse Impact on the Well, JCSA's share of the costs of mitigation or well repair under the Plan shall be allocated in proportion to its share of the damage. Such a determination shall be made by the Committee, but only after the Committee notifies the third-party permittee and provides the permittee an opportunity to participate in the Committee's proceeding.

Section VI: Administration of the Plan; Notice

1. The Committee may, at its discretion, request that JCSA assist it in administrative, accounting, and clerical actions required under the Plan.
2. Notices required under the Plan may be served by hand or certified mail. Notice to JCSA shall be addressed to:

General Manager
James City Service Authority
~~P.O. Box 8784~~ 119 Tewning Road
Williamsburg, VA 231878

3. The Plan is intended to provide a relatively speedy and low-cost means of fairly resolving claims of Adverse Impact attributed to Withdrawals. All remedies and procedures under the Plan are in addition to those otherwise provided by law. Use of the process established by the Plan shall not be a prerequisite to filing the claim of alleged damage from Withdrawals in a court of competent jurisdiction. Costs incurred by either party in implementing the Plan, including without limit the cost of interim water supplies, the costs of investigation, and the costs of well repair or remediation, may be included in claims brought before a court of competent jurisdiction.
4. The DEQ and its staff have no responsibility for the case-by-case administration of the Plan, but nothing in the Plan shall prevent DEQ staff from providing information needed for resolving specific matters before the Committee, at the request and discretion of the Committee.

ITEM SUMMARY

DATE: 2/13/2018

TO: The Board of Directors

FROM: M. Douglas Powell, General Manager

SUBJECT: Property Exchange - Lift Station 1-7

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Plat	Backup Material
☐	Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:43 AM
Board Secretary	Fellows, Teresa	Approved	1/29/2018 - 8:55 AM
James City Service Authority	Powell, Doug	Approved	1/25/2018 - 4:45 PM
Publication Management	Burcham, Nan	Approved	1/25/2018 - 4:49 PM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:09 PM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 10:01 AM

MEMORANDUM

DATE: February 13, 2018

TO: The Board of Directors

FROM: M. Douglas Powell, General Manager, James City Service Authority

SUBJECT: Property Exchange - Lift Station 1-7

James City Service Authority's (JCSA) sanitary sewer Lift Station 1-7, located at 7251 Pocahontas Trail, has reached the end of its useful life. Replacement of the entire facility is being planned, and funding has been approved in the Capital Improvements Program budget. There is insufficient space on the existing lift station site to construct a new facility without demolishing the existing facility first. Considerable savings can be realized during construction of the new facility if the existing facility remains operational (i.e. the savings associated with bypass pumping costs alone can range from \$60,000 to \$80,000 for a project such as this one).

The adjacent property owner, Quarterpath Williamsburg, LLC, has agreed to grant JCSA a parcel of land (3,000 Square Feet) with certain easements, adjacent to the existing facility, in exchange for the existing lift station parcel (1,225 Square Feet). This will allow for the construction of the new pumping facility while the existing facility remains in service. Once construction of the new facility is complete and wastewater flow is diverted to it, the existing lift station and ancillary site improvements will be demolished. The existing site will be graded to blend in with the natural contours and permanent vegetation will be established.

Staff recommends adoption of the attached resolution authorizing the exchange of properties to facilitate replacement of the existing Lift Station 1-7 as described therein.

MDP/nb
ProExchLStn1-7-mem

Attachment

RESOLUTION

PROPERTY EXCHANGE - LIFT STATION 1-7

WHEREAS, the Lift Station 1-7 has reached the end of its useful life and is planned for replacement in James City Service Authority's Capital Improvements Program; and

WHEREAS, Quarterpath Williamsburg, LLC has agreed to a property exchange for an adjacent parcel which will allow for construction of the new facility while the existing facility remains operational.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby conveys a parcel of property consisting of 1,225 Square Feet, located at 7251 Pocahontas Trail, Williamsburg, Virginia, 23188, further identified as the City of Williamsburg Real Estate Tax Map Parcel No. 561-0A-00-002, to Quarterpath Williamsburg, LLC in exchange for an adjacent parcel of property consisting of 3,000 Square Feet, being a portion of 4200 Battery Boulevard, Williamsburg, Virginia, 23188, further identified as the City of Williamsburg Real Estate Tax Map Parcel No. 590-03-2A-B in order to build a new sewer lift station.

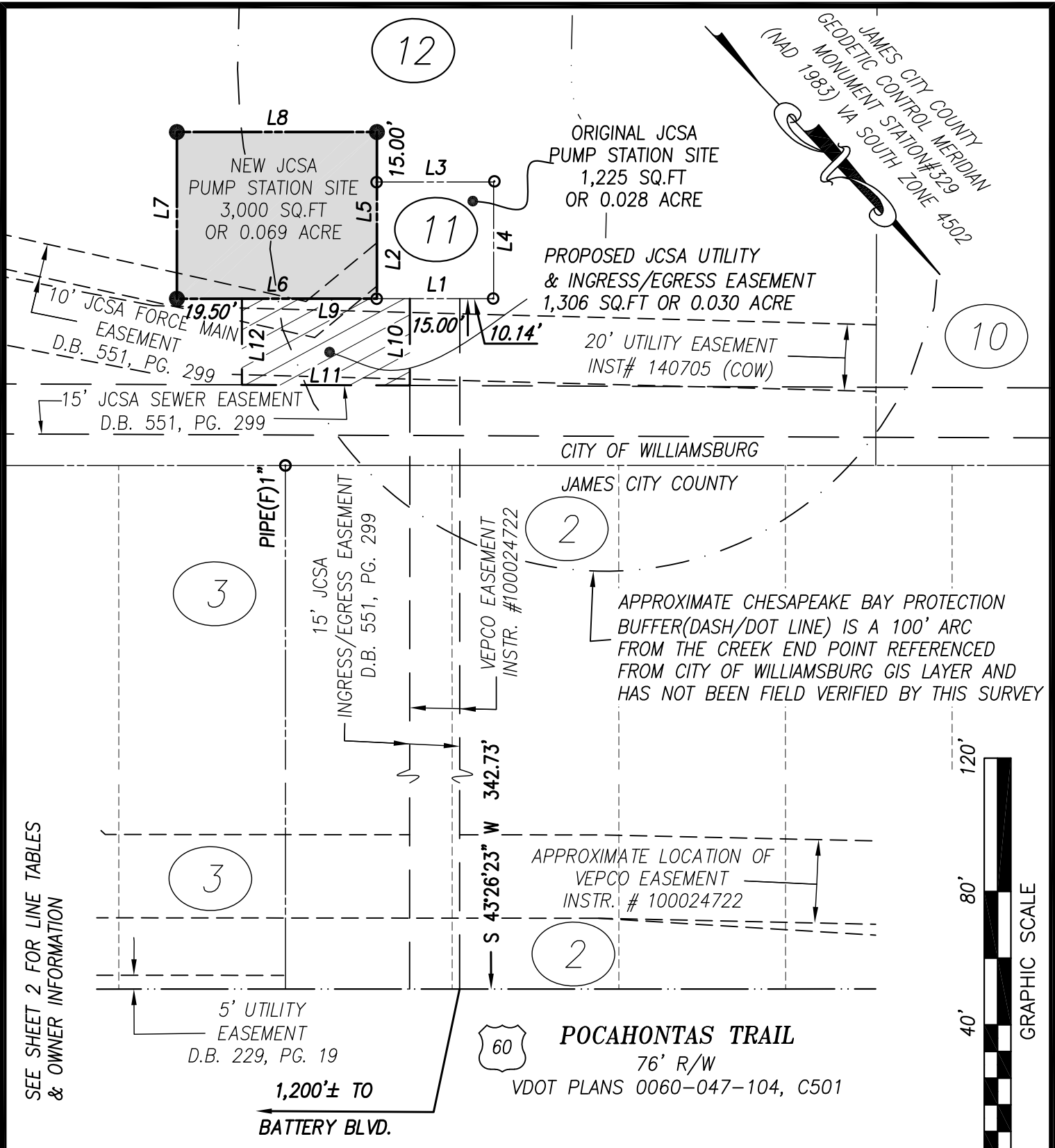
P. Sue Sadler
Chairman, Board of Directors

ATTEST:

Teresa J. Fellows
Deputy Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 13th day of February, 2018.



SEE SHEET 2 FOR LINE TABLES & OWNER INFORMATION

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND DOES NOT SHOW ANY PHYSICAL IMPROVEMENTS, NOR ALL EASEMENTS, RESTRICTIONS OR ENCUMBRANCES THAT MAY AFFECT THE PROPERTY.
2. PROPERTY LINE AND RIGHT-OF-WAY INFORMATION IS BASED ON PLATS, DEEDS OF RECORD AND A SURVEY PROVIDED BY AES CONSULTING ENGINEERS.
3. THIS PLAT IS FOR PERMANENT EASEMENT, AND PROPERTY EXCHANGE PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY NOR A SUBDIVISION OF LAND.
4. SOURCE OF TITLE AND LAST PLACE OF RECORD: INST# 14706 & D.B. 228, PG. 735, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG, VIRGINIA.

SHEET 1 OF 2



REFERENCES:

D.B. 228, PG. 735
INST# 14705
INST# 14706

MERIDIAN SOURCE
IS BASED ON:
JAMES CITY COUNTY
GEODETIC CONTROL MERIDIAN
MONUMENT STATION#329
(NAD 1983) VA SOUTH ZONE

PLAT SHOWING EASEMENT
AND PROPERTY EXCHANGE BETWEEN
JAMES CITY SERVICE AUTHORITY
AND
QUARTERPATH WILLIAMSBURG, LLC
WILLIAMSBURG, VIRGINIA

DATE: 09/28/2017 SCALE: 1" = 40'

PRECISION MEASUREMENTS, INC.
SURVEYORS • GPS • 3-D SCANNING • GIS • MAPPERS
VIRGINIA BEACH-RICHMOND-NEWPORT NEWS-CHANTILLY, VIRGINIA
11835 CANON BLVD, SUITE B103
NEWPORT NEWS, VIRGINIA 23606
TEL: (757) 595-7570

(2)
 NOW OR FORMERLY
 QUARTERPATH WILLIAMSBURG, LLC.
 INST # 150008967
 PARCEL ID: 5020620003

(3)
 NOW OR FORMERLY
 QUARTERPATH WILLIAMSBURG, LLC.
 INST # 150008967
 PARCEL ID: 5020620001

(10)
 NOW OR FORMERLY
 CITY OF WILLIAMSBURG
 INST# 101686
 PARCEL ID: 561-12-00-001

(11)
 NOW OR FORMERLY
 JAMES CITY SERVICE AUTHORITY
 D.B. 228, PG. 735
 PLAT # 140705
 PARCEL ID: 561-0A-00-002

(12)
 NOW OR FORMERLY
 QUARTERPATH WILLIAMSBURG, LLC
 INST # 140706
 PLAT # 140705
 PARCEL ID: 590-03-01-B

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 46°34'36" E	35.00'
L2	S 43°25'24" W	35.00'
L3	N 46°34'36" W	35.00'
L4	N 43°25'24" E	35.00'
L5	N 43°25'24" E	50.00'
L6	S 46°34'36" E	60.00'
L7	S 43°25'24" W	50.00'
L8	N 46°34'36" W	60.00'
L9	N 46°34'36" W	50.36'
L10	N 43°26'23" E	26.03'
L11	S 46°20'58" E	50.37'
L12	S 43°28'15" W	25.83'

MONUMENTS LEGEND

●	IRON ROD TO BE SET	UNLESS OTHERWISE NOTED
○	IRON ROD FOUND	UNLESS OTHERWISE NOTED

SHEET 2 OF 2

REFERENCES:

D.B. 228, PG. 735
 INST# 14705
 INST# 14706

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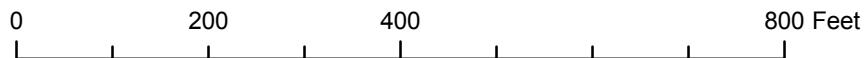
DATE: 09/28/2017 SCALE: 1" = 40'
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JCSA Lift Station 1-7 Site

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. James City Service Authority is not responsible for its accuracy or how current it may be.



ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Directors
FROM: M. Douglas Powell, General Manager
SUBJECT: Pre-Budget Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 11:12 AM

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Directors
FROM: M. Douglas Powell, General Manager
SUBJECT: Setting a Public Hearing - Fiscal Year 2019 Utility Rates

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Attachment 1	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
James City Service Authority	Powell, Doug	Approved	1/25/2018 - 9:54 AM
Publication Management	Burcham, Nan	Approved	1/25/2018 - 11:00 AM
Legal Review	Kinsman, Adam	Approved	1/26/2018 - 4:07 PM
Board Secretary	Purse, Jason	Approved	2/6/2018 - 9:43 AM
Board Secretary	Fellows, Teresa	Approved	1/29/2018 - 8:55 AM
Board Secretary	Fellows, Teresa	Approved	2/6/2018 - 9:57 AM

MEMORANDUM

DATE: February 13, 2018

TO: The Board of Directors

FROM: M. Douglas Powell, General Manager, James City Service Authority

SUBJECT: Setting a Public Hearing - Fiscal Year 2019 Utility Rates

The Board of Directors has a history of providing the resources for the James City Service Authority (JCSA) to meet its mission while being sensitive to the impact of service rates on the customer.

Incremental rate increases are required to successfully manage aging infrastructure, fixed costs and debt service coverage and prepare for substantial future water permitting and water sourcing challenges. The proposed changes to the water and sewer service rate and fixed charge reflect the multi-year plan from the 2015 rate study. The total monthly water and sewer bill for a typical 5,000 gallons per month residential user would increase by \$2.74 per month from \$36.21 to \$38.95. The combined bill would remain the lowest in the region except for the City of Williamsburg.

The remaining proposed change is an increase to the grinder pump maintenance fee to better match the program's current contract, inspection and administrative costs.

In accordance with Section 15.2-5136 of the Code of Virginia, a public hearing for changes in fees requires a minimum 14-day notice from the time the second public notice of the hearing is printed in a local publication. JCSA staff is currently preparing the Fiscal Year 2019 budget and recommends the Board authorize staff to advertise a public hearing on April 10, 2018, for changes in the water and sewer service rates and charges effective July 1, 2018, as listed in the attached resolution. The Board can change the advertised charges and rates during its subsequent budget discussions.

MDP/nb
PH-FY19UtilRates-mem

Attachment

RESOLUTION

SETTING A PUBLIC HEARING - FISCAL YEAR 2019 UTILITY RATES

WHEREAS, the Board of Directors of the James City Service Authority desires to set a Public Hearing for proposed utility rate changes to the Regulations Governing Utility Service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the James City Service Authority, James City County, Virginia, that the Board of Directors will hold a Public Hearing on April 10, 2018, and request staff to review Section 32, General Rate Policy and Rate Schedule, Regulations Governing Utility Service and make changes to the rates as summarized in the attachments which will become effective July 1, 2018, if adopted.

BE IT FURTHER RESOLVED that the proposed amendment be made part of this resolution.

P. Sue Sadler
Chairman, Board of Directors

ATTEST:		VOTES		
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON	_____	_____	_____
	ICENHOUR	_____	_____	_____
	HIPPLE	_____	_____	_____
	LARSON	_____	_____	_____
	SADLER	_____	_____	_____

Teresa J. Fellows
Deputy Secretary to the Board

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 13th day of February, 2018.

PH-FY19UtilRates-res

In situations where a new wastewater system has been installed by the Authority and whereas any applicant adjacent to this new system that has an existing septic system desires to secure wastewater service therefrom, the local facilities charge shall be waived for a period of 12 months from the completion date of the new wastewater system installation.

The purpose of this charge is to defray in part the cost of installing collection mains which are necessary to provide wastewater collection service to abutting properties and which have been provided at the expense of the Authority or persons, firms or corporations other than the applicant. The charge shall be paid prior to the issuance of a plumbing permit from Code Compliance.

3. Grinder Pump Installation and Maintenance Charge.

- (a) Any applicant for a sewer connection requiring a residential grinder pump may purchase the grinder pump (that meets Authority Standards and Specifications) plus ancillary parts from the Authority at cost if the grinder pump is necessary to replace an existing septic system. In addition, if the connection to the public sewer system is replacing a septic system, the applicant is eligible for the deferred payment plan discussed in Paragraph G, Section 2.
- (b) The Authority may, at the applicant request, install the residential grinder pump for the cost of materials as stated above plus labor and equipment costs. These costs are in addition to the normal Sewer System Facilities Charge if required. Grinder pumps will normally be installed within the existing right-of-way where the force main is located. If the topography dictates that the grinder pump be located within the applicant's property then the Authority will prepare the necessary plat and easement for the applicant to execute to permit installation of the grinder pump on the applicants property.
- (c) An annual grinder pump maintenance charge of ~~\$260.00~~ \$300.00 shall be paid for each separate connection to a grinder pump when the operation and maintenance of said residential grinder pump is the responsibility of the Authority. The payment for this charge will be prorated in equal amounts in the customers' utility service charge billing. The Authority shall not maintain nonresidential grinder pumps or other commercial pump stations unless such utility maintenance is deemed by the Authority to be in the interest of the public health or is necessary to protect the integrity of the system, or such facility is located within a designated Reservoir Protection Zone.
- (d) Maintenance of sewage grinder pumps is the responsibility of the property owner. The property owner may contract with the JCSA for maintenance services. Maintenance contracts are between the property owner and the JCSA, and are not transferable or assignable by the property owner. Upon a transfer of title or ownership of the land upon which the grinder pump is located, a new contract for maintenance may be formed with the JCSA at the owner's election. Any prior

contracts for sewage pump maintenance shall be terminated upon transfer of title or ownership.

4. **Service connection charge.** A service connection charge shall be paid by each applicant for each new service connection prior to the approval of the application therefor, as follows:

<u>Service installed by:</u>	<u>Charge</u>
Developer, applicant	\$10 per connection inspection fee
Authority	Actual cost times 1.25, including overhead

The purpose of this charge is to defray the cost of installation or inspection of a service connection from the public sewer main in the street to the curb or property line.

The service connection charge shall be waived provided the applicant has paid a local facilities charge and the sewer service line is not greater than 6 inches in diameter for a gravity main or 2 inches in diameter for a force main. In the event that the service connection charge is not waived, the local facilities charge will be applied against the service connection charge.

5. **Retail service rates.** The wastewater service charge shall be based on usage from a metered water source where available. For wastewater service on an unmetered water source a meter size equivalent shall be used, based upon an estimated charge.

(a) Metered water source.

Charge for all collection and treatment of wastewater

- (1) **Fixed Charge**-Each customer bill shall include a Fixed Charge based upon the size of the meter serving the customer. The Fixed Charge for each billing cycle shall be calculated based on the quarterly fixed charge chart below. This Fixed Charge is for expenses associated with operating and maintaining the wastewater collection system.

Meter Size	Quarterly Fixed Charge
5/8"	\$ 5.89 5.95
3/4"	\$ 8.83 8.92
1"	\$ 14.72 14.87
1-1/2"	\$ 29.43 29.72
2"	\$ 47.08 47.55
3"	\$ 94.17 95.11
4"	\$ 147.14 148.61
6"	\$ 294.27 297.21
8"	\$ 470.83 475.54
10"	\$ 676.82 683.59

(2)

<u>Volume</u>	<u>Collection</u>
Per 1,000 gallons of water consumed	\$3.05 \$3.08
Per 100 cubic feet of water consumed	\$2.29 \$2.31

Metered water usage shall be reduced by a metered reading from a landscaping meter or similar device if the landscaping meter or device is registered with the Authority.

A copy of the deduction meter reading must be received by the Authority 20 days prior to the end of each billing period. Regardless of the length of time, sub-meter reading adjustments will only be allowed up to the consumption in the current billing period.

(b) Unmetered water source.

Where no meter exists or where meter readings are not made available by the water supplier to the Authority, then the following estimated charges shall be assessed:

<u>Activity, use</u>	<u>Unit</u>	<u>Collection</u>
Single-family residences	Each	\$ 42.00
Single-family mobile homes	Each	42.00
Mobile homes in parks	Each lot	37.25
Duplex, apartments and townhouses	Each	37.25
Schools (with showers)	Student	4.25
Schools (without showers)	Student	2.65
Motels and hotels	Room	18.55
Minimum		186.70
Manufacturing	Msf	11.10
Minimum		55.85
Warehouses	Msf	7.45
Minimum		46.50
Service stations	Each	49.95
Camping facilities	Each space	16.25
Minimum		64.25
Restaurants	Seat	4.95
Minimum		55.85
Commercial	Msf	18.55
Minimum	1,000 Sq. Ft.	55.85
Churches	Each	40.65
Swimming pools	Sfe	40.65
Laundromats	Sfe	40.65

- (a) Fixed Charge-Each customer bill shall include a Fixed Charge based upon the size of the meter serving the customer. The Fixed Charge for each billing cycle shall be calculated based on the quarterly fixed charge chart below. This Fixed Charge is for expenses associated with operating and maintaining the water distribution system.

Meter Size	Quarterly Fixed Charge
5/8"	\$ 9.30 10.56
3/4"	\$ 13.95 15.83
1"	\$ 23.24 26.38
1-1/2"	\$ 46.48 52.75
2"	\$ 74.37 84.41
3"	\$ 148.73 168.81
4"	\$ 232.39 263.76
6"	\$ 464.78 527.53
8"	\$ 743.65 844.04
10"	\$ 1,069.00 1,213.32

- (b) Water service shall be based upon a commodity charge for all consumption, as follows:

Single Family Residential			
	Tier 1	Tier 2	Tier 3
<u>Meter Size</u>	(quarterly use)	(quarterly use)	(quarterly use)
5/8"	0-15,000	15,001-30,000	30,000+
3/4"	0-22,500	22,501-45,000	45,000+
1"	0-37,500	37,501-75,000	75,000+
1-1/2"	0-75,000	75,001-150,000	150,000+
2"	0-120,000	120,000-240,000	240,000+
3"	0-240,000	240,001-480,000	480,000+
4"	0-375,000	375,001-750,000	750,000+
6"	0-750,000	750,001-1,500,000	1,500,000+
8"	0-1,200,000	1,200,001-2,400,000	2,400,000+
10"	0-1,725,000	1,725,001-3,450,000	3,450,000+
Rate Per 1,000 Gallons	\$ 3.18 3.61	\$ 6.36 7.22	\$ 14.93 16.95

Multi-Family Residential and Non-Residential		
All Meter Sizes	All Use	
Rate Per 1,000 Gallons	\$ 4.70 5.33	

The purpose of the retail service charge is to defray all costs of providing water service for domestic, commercial and industrial uses and for firefighting purposes, including repayment of moneys borrowed to acquire or construct the water system; operation and maintenance; and renewals, replacements and extensions.

- D. Independent Water Systems Connection Fee. The developer of any Independent Water System for which the development plans are submitted in accordance with the provisions of Section 19-57, Water Facilities of the Subdivision Ordinance, shall be required to pay a per-lot or residential unit Independent Water System Connection Fee of \$8,000 to the JCSA for each lot or residential

ITEM SUMMARY

DATE: 2/13/2018
TO: The Board of Directors
FROM: Teresa J. Fellows, Deputy Secretary
SUBJECT: Adjourn until 5 p.m. on March 13, 2018 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/1/2018 - 8:22 AM