

King George County Board of Directors
June 06, 2023

The regular meeting of the King George County Service Authority was called to order at 5:30 PM by Chairman, Chairman Allen Parker in the Board Room of the Revercomb Building, located at 10459 Courthouse Drive, King George, Virginia, 22485.

Members Present: Chairman, Allen Parker
Vice Chairman, Vice Chairman Carrie Cleveland
Ann Cupka
Cathy Binder
James Morris

KGC Administrator: Christopher Miller, County Administrator

KGC Attorney: Kelly Lackey, County Attorney

0:00:00.0 Chairman Allen Parker: You're meeting with King George County Service Authority Board of Directors. We'll start with an invocation by Ann Cupka, followed by the Pledge of Allegiance by Chris Miller. Please stand as you're able.

0:00:14.8 Ann Cupka: Let us pray. Dear Lord, thank you for bringing us together here this evening to conduct the business of our community and the Service Authority. Please watch over all who gather here. Please give us the strength and the wisdom to make the hard decisions that need to be made this evening. In your name we pray, amen.

0:00:37.2 ALL: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

0:00:54.9 Chairman Allen Parker: We'll start with public comment. Is there anybody in the audience that would like to make any comments? Seeing none. Chris Dines, is there anybody online?

0:01:05.8 Chris Dines: No. Mr. Chairman.

0:01:06.0 Chairman Allen Parker: I'll close public comment. I do notice two things missing off the agenda. Are there any amendments to the agenda, Chris Miller?

0:01:16.4 Chris Miller: No, sir.

0:01:17.7 Chairman Allen Parker: And then report for the board members. Cathy Binder?

0:01:23.1 Cathy Binder: I have no report at this time. Thank you.

0:01:25.1 Chairman Allen Parker: Vice Chairman Carrie Cleveland?

0:01:26.2 Vice Chairman Carrie Cleveland: No report.

0:01:26.8 Chairman Allen Parker: Ann Cupka?

0:01:29.4 Ann Cupka: No report.

0:01:31.1 Chairman Allen Parker: And Mr. Morris, I know you're online, so just make a note that, of your attendance and then give us your report.

0:01:42.5 James Morris: No report, and James Morris, attending remotely due to a health concern.

0:01:49.8 Chairman Allen Parker: Thank you, and there's no report from myself. Moving on to the consent agenda.

0:01:57.5 Vice Chairman Carrie Cleveland: I move to accept the consent agenda as written.

0:02:01.6 Cathy Binder: Second.

0:02:03.1 Chairman Allen Parker: There's been a motion made and seconded. Is there any discussion? All those in favor?

0:02:07.4 Cathy Binder: Aye.

0:02:08.3 Vice Chairman Carrie Cleveland: Aye.

0:02:09.4 Ann Cupka: Aye.

0:02:10.2 Chairman Allen Parker: The Chair votes, aye. Motion carries. Do we need to... Question. Do we need to approve the meeting minutes separately, or is that fine how we just did that?

0:02:20.2 Ann Cupka: So that was included in the consent, but because there's a large number of minutes, if anybody wants to drop that from the consent to discuss that, you're welcome to do so.

0:02:36.3 Chairman Allen Parker: Is everybody good with them being accepted or do we want to... Or do you want to discuss this separately?

0:02:47.7 Ann Cupka: Mr. Chair, if I may, too. I think sometimes folks as a precaution, they don't want to approve minutes for meetings that they didn't attend but there's nothing

wrong in doing so with that. If that relieves anybody's conscience, you're not required to. But if you wish to vote on minutes for meetings you didn't attend, that's fine.

0:03:07.3 Vice Chairman Carrie Cleveland: Mr. Chairman has, I have not read these minutes. Has everybody on the board read the minutes?

0:03:13.9 Chairman Allen Parker: Yeah, they were, I think they were issued like a couple times ago now. They, they're in, they've been in the packet for a while. I've read through, I've read through them in general.

0:03:25.6 Vice Chairman Carrie Cleveland: Yeah. And I wasn't in-person at the last meeting, so I'm thinking that I would not like to approve them just because I have not read them.

0:03:35.9 Chairman Allen Parker: Okay. So, you, I guess you would abstain?

0:03:38.7 Vice Chairman Carrie Cleveland: All right.

0:03:38.9 Chairman Allen Parker: Is every, is everybody else...

0:03:41.6 Cathy Binder: I'll make the motion. I'll make a motion to approve the minutes included in the packet as presented.

0:03:47.6 Ann Cupka: Second.

0:03:48.1 Chairman Allen Parker: Motion's made and seconded, is there any discussion? All those in favor?

0:03:53.1 Cathy Binder: Aye.

0:03:53.4 Ann Cupka: Aye.

0:03:53.5 Chris Miller: Aye.

0:03:53.9 Chairman Allen Parker: The Chair votes, aye. And you...

0:04:00.0 Vice Chairman Carrie Cleveland: Abstain. Yeah.

0:04:00.8 Chairman Allen Parker: Vice Chairman Carrie Cleveland's abstaining. The Chair votes, aye. Motion carries. Minutes are approved. On to action items, Kelly Lackey.

0:04:13.4 Kelly Lackey: Good evening. So, as you will recall from the overview that was presented at the May 2nd meeting by the representatives of JPI-Walnut Hill, who are here, if there's questions on the details of their proposal. In November, 2016, the Service

Authority entered into a cost reimbursement agreement with JPI-Walnut Hill, whereby the developer would be reimbursed an estimated \$660,579. And I say estimated because that was the engineer's estimate. And then the actual cost would be determined through actual expenditures and the reimbursement process would be through connection fees of the lots in that 42-lot subdivision. And the basis for the reimbursement would be for upsizing water and sewer utility improvements beyond those solely required to support the subdivision. At this point in time, JPI-Walnut Hill has encountered some difficulties with their project as discussed in the meeting and as included in your agenda packet. So they currently have a pending rezoning application to increase the density from a 42 single-family subdivision to a 100 townhome units. That would allow them to better utilize the site in light of some soil conditions they've found, and to also provide for, so the feasibility as in their investment in what they've already expended on the project and what they anticipate expending to bring it to fruition. In order to pursue the design changes that would be associated with the rezoning, if it's approved, they're seeking support from the board of directors to amend their existing reimbursement agreement to address the redesign of utilities for the project. So, some of the infrastructure can be reworked to accommodate the new lots and some other changes will be required. However, they're asking that that same amount from the 2016 agreement be used and rather than as a... Instead of a cost estimate, they would like that just to be a fixed amount. Their rationale being that they have already expended in excess of that much money on the project. The main part of relief that they're asking for is that they would not be required to follow to the letter Section 27 of the Service Authority regulations that govern cost reimbursement. That section requires that in order for expenditures to be reimbursed, that the expenditures follow the public procurement process through the county's ordinance. In this case, Walnut Hill has already paid one contractor to do the bulk of the work, and although rework is requiring, they've already been through a public bid process, they've engaged one contractor, and given the problems that they've encountered in the past, they would like to have a little bit of a freer hand in who they select to complete the work. In addition, it's an extra cost, expense, and time to go through the process of a cost estimate, again, to recalculate what the Service Authority's share of costs would be. I've spoken, with Bryce Young, and he and Travis, I believe, have both reviewed this matter and they feel comfortable that the fixed amount from the 2016 agreement of \$660,579, if the cost allocation between upsizing and what's just required for the development was recalculated, it would probably or possibly come out to the detriment of the Service Authority. And in addition, there is a perceived benefit to, or a real benefit to the fact that if in fact there are 100 lots built, the Service Authority would receive connection fees from 100 sites rather than 42. There's a lot of things in this proposal that are positive. But as I say, I am obligated to bring to your attention that it doesn't quite square with the Service Authority regulations of Section 27. However, I think that this would be a pretty limited precedent because of the particular circumstances regarding this site in which there was an original agreement, there were costs that were paid under that original agreement. And it's a little bit similar to if you have a public contract and you have a breach of contract, in some cases you can just hire someone to complete the work and then your original contractor pays those expenditures. So sometimes there's a little bit of a, even in the

public procurement world, there's a little bit more freedom when you're fixing the mistakes of a prior contractor. And then lastly, in terms of the background, I looked at the regulations, it looks like this particular regulation of Section 27 has not to my knowledge, been changed since 1995. And the regulations in large part track the regulations in place with the James County Service Authority. And in 2020, they changed their regulations to state that the procurement can be public bid process, or the cost can be validated if consistent with "current local material prices." So, I don't think there's a legal imperative that the regulations be as they state, but because the regulations are in place, it's up to this board to decide if it's willing to make an exception for this particular agreement. Also, I will note that because they're still part of the rezoning process, even if this agreement is approved, it won't actually take effect unless that rezoning is approved. So the original agreement would stay in place unless and until they get a rezoning approved.

0:10:14.1 Chairman Allen Parker: Do we have questions for Kelly Lackey?

0:10:20.7 Vice Chairman Carrie Cleveland: Kelly Lackey, with the contractors that they're using, I imagine that when they do the procurement through the county, they would get their license and their insurance and all those kinds of things. Do we get to see that those companies had their license and the qualifications, or do we just, or not get to see any of that?

0:10:41.5 Kelly Lackey: So, in order to get their building permits, they'll have to demonstrate to community development that they have certain licensures. But if you all wanted to include any additional requirements, you could. I did add a provision to the agreement that they have to make their records available for inspection if an audit is deemed necessary. For a period of three years, they would retain those records for any new work on the utilities.

0:11:09.9 Vice Chairman Carrie Cleveland: Would you recommend that we see that information before we approve it, or do you not think it matters?

0:11:18.5 Kelly Lackey: I don't want to speak for the applicant, but I think they're hoping that they would get this conditional approval subject to rezoning, but we could certainly add a provision that would require that it be demonstrated that they are contractors who are licensed with the requisite license to perform the kind of work that they're going to be performing.

0:11:40.9 Vice Chairman Carrie Cleveland: Okay.

0:11:41.3 Kelly Lackey: And ultimately then, in order to get reimbursement, the facilities would have to be inspected and accepted by the staff.

0:11:50.8 Vice Chairman Carrie Cleveland: Thank you.

0:11:54.4 Chairman Allen Parker: I could probably ask you guys; do you have any idea who you're thinking about using as the contractor?

0:12:04.3 James Jarrell: Yeah. James Jarrell with JPI-Walnut Hill. Our plan right now is to use Pruitt Construction Company out of Spotsylvania, and they are licensed and everything. When the cost that we have incurred to date, we did go through the procurement process, and we've already spent under that more than the amount of the reimbursement. So that's why we were asking Kelly Lackey if we could have a little flexibility because we've already gone through the bidding. We provided the licenses and the business license for our previous contractor. I think I don't want to speak out of turn, but I believe to do any of the work under the regulations anyway, we'll have to have a... Show the licenses and the business license to do any of that work. I think that's already covered under the regulations and we're having to abide by them except for the change, kind of where we feel like we went through the procurement process, we've already spent all the money that you're going to reimburse us. Now I'm spending money out of my pocket, and I was asking to not have to go through procurement for that part. So, but I do think as part of the process with Bryce, we're going to have to show him that we have a licensed contractor. And of course, I'll have to have a business license in King George.

0:13:23.5 Chairman Allen Parker: Any other questions? All right. Is there anything else, Kelly Lackey?

0:13:34.4 Kelly Lackey: Nothing further. The drafting of the proposed agreement is in your agenda packet. There's some bold language in Appendix A that shows some changes from the template contract that is in the Section 27 of the regulations. But the largest deviation is the asking for an estimated cost to be the basis rather than an actual cost. But as you've heard, they've already been through that process with a prior contractor, so it's really a policy decision, if that gives them kind of a little bit of a waiver from what would otherwise be required under the standard regulation.

0:14:18.1 Ann Cupka: Mr. Chair, may I ask a question? Thank you. So, I get that it's a policy decision, we can choose to adopt the Walnut Hill agreement... Amendment as presented tonight, well, what does that look like? Because in so doing with the amendment, we are in fact amending our regulations, so how does that get incorporated? Because we do... We would have to formally amend the regulations as well.

0:14:47.4 Kelly Lackey: So, that would probably the cleanest way would be to actually amend your regulations, or you can accept their interpretation that they have satisfied the regulations for the expenditure amount, albeit, they will have to make additional expenditures to get to the point where they would be eligible for reimbursement. So, they followed, A, public procurement process and they've made expenditures that exceed the amount that they would be potentially eligible for a cost reimbursement. It's just a question of, "Is it sufficient that those costs were paid to a contractor who did not

complete work that was accepted by the Service Authority and has to be re-worked by a second contract?"

0:15:36.3 Ann Cupka: I understand that. I don't have any questions about that, I'm crystal clear on that. But what gives me pause is, to do this, we technically have to amend our own regulations in order to allow for this, and so what is the mechanism by which we do that as well?

0:15:56.5 Kelly Lackey: Sure. One option would be to parallel the one provision in the James City County regulations, which were very similar to ours, that provides that you either must follow that public procurement process or the costs have to be validated by staff as consistent with market prices, local market prices.

0:16:18.6 Ann Cupka: Thank you, Kelly Lackey. So, would there be consensus of the the board of directors to direct Kelly Lackey, to come up with that kind of language so that we could accomplish amending the regulations?

0:16:31.9 Cathy Binder: May I ask one question? Could we make it just specific to this contract, or we would have to change that?

0:16:41.3 Kelly Lackey: So, you could either informally grant them a waiver by accepting their argument that they have already followed that process and would be entitled under the original agreement for the reimbursement, if the 42-lot subdivision was built as it was designed. Or you could go ahead and... As Ann Cupka is suggesting so that it wouldn't be of specific applicability to just this case, even though it has limited precedential value, you could clean up your regulations so that if this were to re-occur, you would have a mechanism in place for similarly situated folks to have an avenue to move forward.

0:17:31.3 Chris Miller: Mr. Jarrell, when are you guys slated to come before the Planning Commission?

0:17:38.0 James Jarrell: This is one of the last obstacles, and then I think it's a scheduling issue with... There's a big case coming up that there won't be room for us, but as soon as they can fit us in the schedule, so it should be soon. But if I could address Ms. Cupka's concern, I think we have that covered. My approach was there's an addendum to the contract that should be included, that it spells out all of regulation 27, and says that for our particular case, the board grants us waivers to bring these... This wording is accepted in our particular case, so it would be like a one-time waiver, and it spells out the changes of every section of 27 that we need to meet our requirements. So, I think it's kind of a one-time waiver there that is just for our case, that wouldn't require you, that was my approach anyway. And I think Kelly Lackey had a few changes to that section, she liked some other words differently, so we adopted those. But that was our approach of rather than you having to go into your regulations for everybody that we kind of got waivers for some of them.

0:18:46.4 Chris Miller: So, I think, here is kind of my thought process on it. I don't have a problem improving this contract, but I think we should do the... We should amend our regulations, Because I think this is kind of one of those reasonable problems that could come up and it comes up more often than you'd like to say that things don't go necessarily swimmingly with an original contractor, you have to replace them. So, I think we should probably move to get the regulations amended to the James City... I guess, James City County.

0:19:22.0 Kelly Lackey: Yeah. It sounds like given their schedule, they're probably... I mean, they're not going to be seeking their rezoning hearing this month or possibly even next. I could bring back for the next meeting some proposed drafting to the regulations, and then you can consider that along with their agreement.

0:19:43.8 Ann Cupka: I would be fine with that. I'm just not comfortable... I understand your thought process, and I appreciate that. I appreciate you explaining that. But to just say, "Oh, well, we got a waiver," I'm kind of not okay with that. We have to amend our regulations, even if it's we incorporate... In the regulations, incorporate by reference this addendum or however you can accomplish this, Kelly Lackey, but I don't... Then it kind of just looks like we did something special for you, and we shouldn't, really.

0:20:17.4 Vice Chairman Carrie Cleveland: Sorry, I have a question about that, because I was thinking that it would be better to do the waiver. And so just help me understand why we have it in place, to begin with, what's the benefit of it? Because that's where I just would need to understand before I would say, "Okay, let's just redo the regulation." I don't know why it was there, in the first place. Do you recommend it stay there? Is there any reason why we would benefit from it?

0:20:44.6 Kelly Lackey: We don't want to subvert the public procurement process. So, if you had a proposal where work was happening wholly or mostly on public property, you would generally follow public procurement for that. But in most of these applications, you have a private site that's getting developed so that the facilities will be accepted by the public. It's not unusual to my mind. I consulted one of my former colleagues in a different jurisdiction to ask if they required a public procurement requirement for theirs, and they don't. I've checked at least two jurisdictions that do not require it. From what I can tell, it's not entirely a legal requirement, but I could build into some drafting for you all that it could be subject to my review as well. If there is a strange circumstance where somebody's making massive improvements to public property as part of an application, perhaps that might be where you would want to default to the old process of public procurement.

0:21:49.7 Chris Miller: Yes, I think the idea was that it's eventually... Like Kelly Lackey said, it's eventually going to be a public utility. If King George County was doing it themselves, they'd have a public procurement process to get it constructed. They kind of built that into it. But I think, as Kelly Lackey stated, that's not done anywhere else. I don't know. Usually,

it's the... All the contractors in the area can do the work and are competent to do the work that end up building these things, and it's really just whoever works for the particular job ends up doing the work. Nobody oversees that bid process, it's whatever is paid out. I'm not sure how they do their cost sharing exactly in the other counties, but it's the developer or the owner of the property who pays for whoever they see fit to do the contract work. So, it is a little different here.

0:22:51.8 Cathy Binder: Mr. Chair? A quick question. Can you also send out when you do the revision, the section that they were talking about, so can read it out of the document as opposed to in the big document?

0:23:03.8 Kelly Lackey: Sure. I'd be happy to.

0:23:04.9 Cathy Binder: Thank you.

0:23:06.1 Chairman Allen Parker: Did I hear, Mr. Morris?

0:23:08.3 James Morris: Yes, Chairman Allen Parker. Thank you. I was just going to say that, since it sounds like we've got a little bit of time before Walnut Hill has to go before the other board, that we should just go ahead and make the necessary changes on our end similar to the wording that's in James City, and then that will clean that up. Because it sounds like that needs to be cleaned up and updated, and then there also wouldn't be issues of waivers being issued to Walnut Hill. Thank you.

0:23:55.8 Chairman Allen Parker: Okay. So, I guess the consensus is that Kelly Lackey came back with some kind of wording to adjust our policy, is that correct?

0:24:07.7 Kelly Lackey: Sure. I'd be happy to do that.

0:24:13.4 Chairman Allen Parker: Is there anything else?

0:24:17.3 Kelly Lackey: I have nothing further from my report. Thank you.

0:24:21.4 Chairman Allen Parker: Department of Finance, award of chemical contracts.

0:24:27.4 Megan Pitts: Good evening, Mr. Chair, members of the board. I'm here before you this evening in reference to the award of contracts for water treatment chemicals. Procurement issued IFB 04122023-1400 to solicit bids for water treatment chemicals. In your board packet is a bid tab indicating the various responses. The firm which submitted the lowest cost per unit is proposed to be awarded the contract for those chemicals, and that's reflected by the unit price highlighted in green. With that, I would request that you authorize the interim general manager to execute agreements with Suffolk Sales, Brenntag, Mid-South, Polydyne Inc, Source Technologies, and Univar Solutions for water

treatment chemicals subject to approval as to form by the county attorney. And with that, I'm happy to take any questions.

0:25:22.3 Chairman Allen Parker: Are there any questions?

0:25:23.6 Vice Chairman Carrie Cleveland: I just have a question. When you were doing the bids, would it make a difference if it was bundled together? Did that get taken into consideration or did you actually... Okay.

0:25:34.3 Megan Pitts: We did unit price. We're getting the cheapest option for all of them in bulk because the unit price governs this.

0:25:41.7 Vice Chairman Carrie Cleveland: Okay. Thank you.

0:25:46.1 Chairman Allen Parker: Are there any other questions? I guess then I'm looking for a motion.

0:25:52.2 Vice Chairman Carrie Cleveland: I move to authorize the interim general manager to execute agreements with Suffolk Sales, Brenntag, Mid-South, Polydyne Incorporated, Source Technologies, and Univar Solutions for water treatment chemicals subject to approval as to form by the county attorney.

0:26:10.1 Cathy Binder: Second.

0:26:11.2 Chairman Allen Parker: We have a motion made and seconded. Is there any discussion? All those in favor?

0:26:19.1 Vice Chairman Carrie Cleveland: Aye.

0:26:19.3 Cathy Binder: Aye.

0:26:19.4 Ann Cupka: Aye.

0:26:20.3 Chairman Allen Parker: Mr. Morris?

0:26:20.9 James Morris: Aye.

0:26:22.2 Chris Miller: Aye.

0:26:22.9 Chairman Allen Parker: Chair votes, aye. Motion carries.

0:26:24.7 Megan Pitts: Thanks very much.

0:26:27.2 Chairman Allen Parker: Department of Finance again. Septic tank pump truck.

0:26:34.0 Lauren Hall: Good evening. I am here for the award of agreement for the purchase of a septic pump truck. Procurement issued IFB number 04272023-1400 to solicit responses for a septic pump truck. Bids were opened on April 27, 2023. The lowest responsive and responsible bid belongs to Mid-Atlantic Waste Systems at \$274,800. Funding was approved in the FY23 CIP to be paid for from the \$15 million line of credit. Our recommendation is to authorize the interim general manager to issue a notice of award and to execute a contract... I mean, an agreement. I'm sorry. Mid-Atlantic Waste Systems for a septic pump truck in the amount of \$274,800, subject to approval as to form by the county attorney.

0:27:41.9 Chairman Allen Parker: Is there any discussion? Any questions?

0:27:43.7 Cathy Binder: I have a quick question, Mr. Chair. How long is it going to take if we placed order today? Because I know you know in the ambulance and fire truck world, it's quite a while. Is it the same length of time?

0:27:54.9 Lauren Hall: Yeah, it's a one-year turnaround.

0:27:57.2 Cathy Binder: Okay. Thank you.

0:28:01.9 Vice Chairman Carrie Cleveland: Mr. Chairman, I have a question. So, I'm seeing just one bid. Is that correct?

0:28:06.2 Lauren Hall: Yes.

0:28:06.9 Vice Chairman Carrie Cleveland: Is that normal, that we would only get one bid?

0:28:10.1 Lauren Hall: So, this has been put out several times because there was no bids coming in. And then this last time we put it out, we've only received the one bid. So, in that instance, we just went with the one bid instead of putting it back out.

0:28:29.2 Vice Chairman Carrie Cleveland: So, has the price been validated anyway? Like researched or somebody looking over whether or not it's a good price or not?

0:28:41.0 Megan Pitts: It is pretty consistent with septic pump trucks to the specifications that we requested.

0:28:47.2 Vice Chairman Carrie Cleveland: So how are you figuring that out?

0:28:50.5 Megan Pitts: There's multiple different sites that you can pull these quotes from.

0:28:54.3 Vice Chairman Carrie Cleveland: Okay.

0:28:55.4 **Megan Pitts:** One of them was in Wisconsin. So, we'd be paying more for delivery.

0:29:02.1 **Vice Chairman Carrie Cleveland:** I got it. So, you did validate that this is a...

0:29:04.2 **Megan Pitts:** Yes.

0:29:04.4 **Vice Chairman Carrie Cleveland:** Okay, I got it. Thank you.

0:29:08.6 **Chairman Allen Parker:** Are there any other questions? I guess I'm looking for a motion.

0:29:14.5 **Vice Chairman Carrie Cleveland:** I move to authorize the interim general manager to issue a notice of award and to execute an agreement with Mid-Atlantic Waste Systems for a septic pump truck in the amount of \$274,800... Sorry, thousand, 800. \$274,800, subject to the approval as to form by the county attorney.

0:29:39.1 **Cathy Binder:** Second.

0:29:40.8 **Chairman Allen Parker:** I have a motion made and seconded. Is there any discussion? All those in favor?

0:29:46.1 **Cathy Binder:** Aye.

0:29:46.2 **Vice Chairman Carrie Cleveland:** Aye.

0:29:46.6 **Ann Cupka:** Aye.

0:29:47.1 **Chairman Allen Parker:** Mr. Morris?

0:29:48.8 **James Morris:** Aye.

0:29:49.8 **Chairman Allen Parker:** Chair votes, aye. Motion carries.

0:29:51.5 **Lauren Hall:** Thank you so much.

0:29:55.7 **Chairman Allen Parker:** Looking for another motion.

0:30:04.5 **Vice Chairman Carrie Cleveland:** I move that the King George County Service Authority Board of Directors convene and close session to discuss, one, wastewater facility regulatory enforcement status and consent order negotiations, and, two, wastewater facility grant reimbursements obligations, both pursuant to Virginia code sections 2.2-3711 A7 and 8 for consultation with staff and legal counsel regarding actual or probable litigation where such consultation or briefing an open meeting would

adversely affect the negotiating or litigating posture of the public body and specific legal matters requiring the provision of legal advice. I invite the county administrator, county attorney, assistant county attorney and principal engineer because they are deemed necessary, and/or their presence will reasonably aid the board and its consideration of the topics to be discussed, pursuant to Virginia Code Section 2.2-3712F.

0:31:04.4 Cathy Binder: Second.

0:31:05.9 Chairman Allen Parker: I have a motion made and seconded. All those in favor?

0:31:09.8 Ann Cupka: Aye.

0:31:09.9 Cathy Binder: Aye.

0:31:10.2 Vice Chairman Carrie Cleveland: Aye.

0:31:11.6 Chairman Allen Parker: Mr. Morris?

0:31:13.3 James Morris: Aye.

0:31:14.2 Chairman Allen Parker: Chair votes, aye. We are in closed session. We'll call you in Mr. Morris.

0:31:18.9 James Morris: Okay.

0:59:27.8 Vice Chairman Carrie Cleveland: I move that the King George County Service Authority board of directors return to public meeting and certify by a vote that only public business matters lawfully exempted from open meeting requirements by Virginia law and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered during the closed meeting.

0:59:47.1 Cathy Binder: Second.

0:59:48.4 Chairman Allen Parker: We have a motion made and seconded, and I'm going to take a roll call of vote. Cathy Binder?

0:59:51.4 Cathy Binder: Vote so certify.

0:59:52.6 Chairman Allen Parker: Ms. Cleveland?

0:59:53.8 Vice Chairman Carrie Cleveland: So certify.

0:59:54.5 Chairman Allen Parker: Ms. Cupka?

0:59:55.3 Ann Cupka: So certify.

0:59:56.1 Chairman Allen Parker: Mr. Morris?

0:59:57.9 James Morris: James Morris, so certify.

1:00:00.4 Chairman Allen Parker: And the Chair says certify. So, we're back in open session. Looking for another motion.

1:00:05.2 Cathy Binder: I move that the board authorize the interim general manager to execute a proposed consent order with the Department of Environmental Quality to include all alleged waste water treatment facility permit violations from September 2020 to the present and such form as may be approved by the county attorney and inclusive of the following major terms; payment of a monetary penalty in the total amount of \$108,861.50 to be paid in quarterly payments over two years as further specified in the order and completion of those remediation or replacement projects is identified and subject to such terms specified in Appendix A of the proposed order.

1:00:47.0 Vice Chairman Carrie Cleveland: Second.

1:00:48.7 Chairman Allen Parker: We have a motion made and seconded. Is there any discussion? Roll call vote. Cathy Binder?

1:00:53.4 Cathy Binder: Aye.

1:00:54.4 Chairman Allen Parker: Vice Chairman Carrie Cleveland?

1:00:54.5 Vice Chairman Carrie Cleveland: Aye.

1:00:55.5 Chairman Allen Parker: Ann Cupka?

1:00:56.0 Ann Cupka: Aye.

1:00:56.7 Chairman Allen Parker: Mr. Morris?

1:00:58.7 James Morris: Aye.

1:01:00.4 Chairman Allen Parker: Chair votes, aye. Motion carries.

1:01:02.7 Ann Cupka: I move that we adjourn to June 7, 2023 at 5:30 at company 1.

1:01:09.8 Cathy Binder: Second.

1:01:11.1 Chairman Allen Parker: Motion is made and seconded. All those in favor?

1:01:13.2 Cathy Binder: Aye.

1:01:13.3 Vice Chairman Carrie Cleveland: Aye.

1:01:13.9 Ann Cupka: Aye.

1:01:14.8 Chairman Allen Parker: Mr. Morris?

1:01:16.4 James Morris: Aye.

1:01:17.2 Chairman Allen Parker: Chair votes, aye. We adjourn to June 7th, 2023 at 5:30 PM, at company 1.