

ACCOMACK COUNTY BOARD OF SUPERVISORS
1ST MONTHLY MEETING
FEBRUARY 4, 2009
5:00 P.M.
BOARD CHAMBERS

AGENDA
PAGE 1

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. ADOPTION OF AGENDA
5. APPROVAL OF THE CONSENT AGENDA
(No Item)
6. HIGHWAY MATTERS
7. REPORT OF PUBLIC OFFICIALS
(No Item)
8. OLD BUSINESS
 1. PSA – There are several topics for discussion regarding the PSA:
 - a. Questions?
 - b. Desire to continue the process?
 - c. Consideration of draft ordinance.
 - i. Pay
 - ii. Restrict PSA's ability to Mandate Hook-ups or to Charge Any Fees Without Service
 - iii. Others
 - d. Consideration of service areas.
 - i. Central
 - ii. Northern
 - e. Consideration of appointments (open or closed session).
 - f. Consideration of plant and equipment now the responsibility of the EDA (EDA Chair and Vice-Chair invited to the meeting).
 - g. Consideration of draft Principles Regarding Accomack County Relationship with Town of Onancock

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PAGE 2**

8. OLD BUSINESS, cont.
 2. Presentation on '09 Budget.
 - a. Presentation by Dana Bundick, Accomack County Treasurer, on collections efforts.
 - b. Mr. Mason will update the Board on the state of the 09 budget.
 - c. Consideration of budget amendments
 - i. (List to be provided)
9. NEW BUSINESS
(None)
10. BUDGET AND APPROPRIATION ITEMS
(None)
11. PAYABLES
(None)
12. **CLOSED MEETING** – Pursuant to §2.2-3711, subsection (A) (1) of the Code of Virginia of 1950, as amended, for discussion of a specific public officers, for the purpose of discussing potential candidates for appointment to initial terms on the proposed Public Service Authority.
13. ADJOURNMENT

RESOLUTION SIGNIFYING THE INTENTION OF THE BOARD OF SUPERVISORS OF
ACCOMACK COUNTY TO CREATE A WATER AND SEWER AUTHORITY UNDER THE
VIRGINIA WATER AND WASTE AUTHORITIES ACT SETTING FORTH ITS
ARTICLES OF INCORPORATION

WHEREAS, Accomack County desires to provide centrally managed sewer service and furnish water in the County and, by contractual arrangement, or otherwise, to make such services available to the Towns within the County, in order to encourage economic development and improve the public health and general welfare of the community; and

WHEREAS, Accomack County wishes to have these facilities owned and operated through a water and sewer authority, which may be created pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title § 15.2, Code of Virginia of 1950, as amended) (the Act); and

WHEREAS, Accomack County advertised its intention to create a water and sewer authority and conducted a public hearing, as required by law, on _____, 2009; and

WHEREAS, Accomack County desires to extend the corporate life of such water and sewer authority for fifty (50) years from the date of this Resolution as permitted by Virginia Code § 15.2-5114; and

WHEREAS, Accomack County hereby adopts this Resolution to create the Articles of Incorporation and Bylaws of this new Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Accomack County, as follows:

Section 1. The Board of Supervisors of Accomack County hereby signifies its intention to create a water and sewer authority pursuant to the Act, to be known as “Accomack Public Service Authority.”

Section 2. The purpose for which the Authority is to be formed is stated in its Articles of Incorporation hereinafter set forth. The projects to be undertaken by the Authority in furtherance of its purpose are strictly specified in the Articles of Incorporation by the Board of Supervisors of Accomack County, pursuant to Virginia Code §15.2-5111 (1950, as amended). The Authority shall have no authority to undertake any project not specifically authorized by the Board of Supervisors.

Section 3. The Articles of Incorporation of the Authority shall be as follows:

ARTICLES OF INCORPORATION
OF
ACCOMACK PUBLIC SERVICE AUTHORITY

The Board of Supervisors of Accomack County, having signified its intention to create an Authority pursuant to Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia, 1950, as amended), which shall be a public body politic and corporate, hereby certifies:

(a) The name of the Authority shall be called “Accomack Public Service Authority,” (“APSA”) and the address of its principal office shall be 23269 Courthouse Avenue, Suite 103, Accomac, Virginia, 23301.

(b) The name of the incorporating political subdivision is Accomack County, Virginia.

(c) The powers of the Authority shall be exercised by a Board of five (5) members consisting of five (5) Accomack County citizens who otherwise hold no elected office in any local government, who shall be recognized by the Accomack County Board of Supervisors as business or professional leaders in the Accomack County community. The names and addresses of the initial Directors, each of whom shall continue in office for the term expiring after the period set opposite their name and until his successor shall be duly qualified, are as follows:

<u>Name</u>	<u>Address</u>	<u>Initial Term Expires</u>
1.		June 30, 2010
2.		June 30, 2010
3.		June 30, 2012
4.		June 30, 2012
5.		June 30, 2012

Each member of the Board of Directors shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

(d) The purposes of the Authority are expressly limited to those specified by the Board of Supervisors of Accomack County (hereinafter "Board") pursuant to Virginia Code §15.2-5111 (1950, as amended), and the Authority shall have no power to undertake any project not expressly specified by the Board.

The initial limited purpose for which the Authority is formed is to provide sanitary sewer service and deliver potable water within the "Initial Service Area" ("ISA") which shall include (i) that area identified as the "Proposed Central Accomack Water & Sewer Service Area" dated _____, 2009, and (ii) that area identified as the "Proposed Northern Accomack Water & Sewer Service Area" dated _____, 2009. In addition to its provision of sanitary sewer and water service within the Initial Service Area, the Authority is hereby expressly authorized to accept pumped septage from any location and to properly treat and dispose of pumped septage at any location within the Initial Service Area and/or at the Accomack County North Landfill. The Authority is also expressly authorized to accept, on such terms as it deems fit, the operation and maintenance of any clustered and/or community sanitary waste disposal system in Accomack County as of the date of this Resolution.

The Authority may, only upon further ordinance or resolution of the Accomack County Board of Supervisors, be further specifically authorized to provide sanitary sewer service in other area(s) and/or undertake other projects; however this language shall not be interpreted as prohibiting the Authority or any of its staff or members from discussing, planning, or considering possible additions to any service area or creation of additional service areas or of any further possible duties.

To effectuate the purposes expressly outlined above and to complete the projects specified above and other projects that may be specified from time to time by the Board, the Authority may, without limitation, contract with a private entity or entities and/or with any or all of the several towns, the County, or any sanitary district or authority therein created pursuant to State law. The Authority is expressly prohibited from undertaking any project not expressly specified by the Board, and from contracting with any party desiring sewer or water service in the County outside of the sewer or water service area(s) designated by the Board of Supervisors from time to time as part of the Accomack County Comprehensive Plan.

(e) The Authority shall cause an annual audit of its books and records to be made by the State Auditor of Public Accounts or an independent certified public accountant at the end of each fiscal year and a certified copy thereof is to be filed promptly with the Board of Supervisors of Accomack County.

(f) The registered agent for the Accomack Public Service Authority shall be the duly appointed County Attorney for Accomack County, Virginia.

Pending the necessary engineering studies and estimates, it is not practicable to include herein preliminary estimates of capital costs, proposals for any specific projects to be undertaken

by the Authority, or preliminary estimates of initial rates for services of such projects as certified by responsible engineers.

IN WITNESS WHEREOF, the Board of Supervisors of Accomack County has caused these Articles of Incorporation to be executed in the name of Accomack County, by its Chairman, and its seal to be affixed and attested by its Clerk, this _____ day of _____, 2009.

ACCOMACK COUNTY

By: _____
Steve D. Mallette, Chairman
Accomack County Board of Supervisors

(SEAL)
ATTEST:

Steven B. Miner, Clerk
Accomack County Board of Supervisors

Section 4. The first members of the Board of the Authority shall be those persons specified in the Articles of Incorporation filed with the State Corporation Commission and shall expire as specified in the Articles of Incorporation. Following the initial terms provided in the Articles of Incorporation and specified therein, members of the Board of the Authority shall serve for a period of four (4) years and until their successor shall be appointed by the Board of Supervisors and duly qualified. Board members may be re-appointed for successive terms. The Directors of the Authority Board shall receive no compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Section 5. The Chairman of the Accomack County Board of Supervisors is hereby authorized and directed to execute the Articles of Incorporation to be filed with the State Corporation Commission, together with proof of publication of the notices of such public hearings, and to do all things necessary and appropriate, including the execution of additional documents, for the creation of the Authority.

Section 6. A public hearing was held by the Board of Supervisors of Accomack County at 7:30 p.m. on _____, 2009, in the Cafetorium of Metompkin Elementary School, 24501 Parksley Road, Parksley, Virginia on this Resolution. Immediately following such public hearing or any adjournment thereof, the Board of Supervisors shall cause to be filed with the State Corporation Commission a record of the proceedings thereof which shall indicate whether such governing body desires to proceed with the creation of such an Authority, and whether such governing body called for a referendum pursuant to Section 15.2-5105 of the Act. A copy of the Board's _____, 2009, Resolution was published at least one (1) time, thirty (30) days prior to the date of such public hearing, and notice thereof several times after that in the Eastern Shore News, a newspaper having general circulation in the County of Accomack, preceded by a notice substantially as follows:

“NOTICE OF PUBLIC HEARING”

“Notice is hereby given that a public hearing will be held as set out below on the following Resolution heretofore adopted by the Board of Supervisors of Accomack County signifying its intention to create a water and sewer authority as set out therein.”

BE IT FURTHER RESVOLVED by the Board of Supervisors of Accomack County that in accordance with § 15.2-5114 of the Virginia Code, the term of the Accomack Public Service Authority is hereby extended to fifty (50) years from the date of this Resolution.

ACCOMACK COUNTY

By: _____
Steve D. Mallette, Chairman
Accomack County Board of Supervisors

(SEAL)

Adopted _____, 2009

ATTEST:

Draft Northern Accomack Water & Sewer Service Area

