

April 5, 2021

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS HELD A SPECIAL MEETING ON TUESDAY, APRIL 5, 2021, BEGINNING AT 5:30 P.M. BY ZOOM VIDEO COMMUNICATION IN ACCORDANCE WITH THE ORDINANCE ADOPTED ON MARCH 24, 2020 TO PERMIT PUBLIC BODIES OF GREENE COUNTY TO ASSEMBLE ELECTRONICALLY, TO MODIFY PUBLIC MEETING AND PUBLIC PRACTICES AND PROCEDURES, TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES, AND TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH THE COVID-19 PANDEMIC DISASTER

Present were: Bill Martin, Chair
Marie Durrer, Vice Chair
Steve Bowman, Member
Dale Herring, Member
Davis Lamb, Member

Staff present: Mark B. Taylor, County Administrator
Tom Lacheney, County Attorney
Patti Vogt, Deputy Clerk
Jim Frydl, Director of Planning and Zoning

RE: SECOND RESOLUTION – WITHDRAWAL FROM RAPIDAN SERVICE AUTHORITY

Mr. Martin said this Special Meeting was called to respond to issues from the recent Rapidan Service Authority meeting. A second resolution calling for the unanimous consent of Orange and Madison Counties to the withdrawal of Greene County from the Rapidan Service Authority (RSA) pursuant to VA Code §15.2-5112 is before the Board for consideration.

Mr. Taylor said every member of the RSA Board of Members asked and encouraged Greene County to initiate again our request to withdraw from RSA which was originally requested last summer. The statutory process calls for the governing body of the member jurisdiction wishing to withdraw to activate the withdrawal process by passing a resolution to request that the other member localities in the Authority join with them to work through the statutory process in VA Code Section 15.2-5112 for the withdraw of a member from the Authority. The resolution before the RSA Board last week was for dissolution. Either procedure will achieve a like outcome. Mr. Taylor said he was assured that the resolution will be on the agenda for the Madison County and Orange County Board of Supervisors meetings next week.

Mr. Herring felt the resolution should be approved and forwarded to the Madison and Orange Board of Supervisors to hopefully get this resolved.

Mr. Bowman supported this resolution and said it is essentially what we have been requesting over the last eight months. The Board of Supervisors and County Administration have worked diligently with Orange and Madison Counties to secure Greene's exit from RSA. Our representatives have been excluded from meetings and ignored. Mrs. Durrer agreed saying this has been very frustrating for everyone and supports this resolution. Mr. Lamb also agreed with comments.

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the Board approved the second resolution calling for the unanimous consent of Orange and Madison Counties to the withdrawal of Greene County from the Rapidan Service Authority (RSA) pursuant to VA Code §15.2-5112 as presented. (See Attachment "A")

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

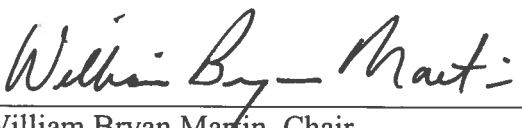
Motion carried.

RE: ADJOURN

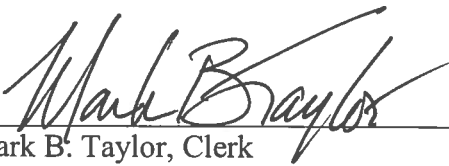
Upon motion by Steve Bowman, second by Dale Herring and unanimous roll call vote, the Board meeting was adjourned.

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.



William Bryan Martin, Chair
Greene County Board of Supervisors



Mark B. Taylor, Clerk
Greene County Board of Supervisors

**SECOND RESOLUTION CALLING FOR THE UNANIMOUS CONSENT
OF ORANGE AND MADISON COUNTIES TO THE WITHDRAWAL OF
GREENE COUNTY FROM THE RAPIDAN SERVICE AUTHORITY (RSA)
PURSUANT TO VA. CODE §15.2-5112**

WHEREAS, on June 17, 1969 the counties of Greene, Orange and Madison formed the Rapidan Service Authority ("RSA") in compliance with the Virginia Water and Waste Authorities Act; and

WHEREAS, the original purpose in forming RSA was for the acquisition, construction, operation and maintenance of water transmission for certain parts of Orange County, Greene County and Madison County; and

WHEREAS, RSA was also specifically formed in part for the express purposes of "the acquisition, construction, operation and maintenance of water supply and treatment facilities plus a water transmission, storage and distribution system in Greene County that will supply, treat and transmit water from a water impoundment site near Stanardsville..."; and

WHEREAS, RSA is governed by a Board of Members consisting of six (6) total members, two (2) of which are appointed by the Board of Supervisors of each of the member Counties; and

WHEREAS, historically RSA has kept the operations, revenues and debts of RSA in a segregated manner with respect to each member County; and

WHEREAS, historically the RSA Board of Members has voted in support of various projects within each of the three (3) Counties as each member County's appointed Members have requested or recommended, and the Board Members has deferred to the determinations of each County as to its individual needs; and

WHEREAS, historically the RSA Board of Members has deferred to each of the three (3) member Counties on all matters relating to the needs, fees, expenses, infrastructure or development actions or priorities within or pertaining to their County; and

WHEREAS, historically, each member County's elected Board of Supervisors has understood that their appointed Members on the RSA Board would be listened to and deferred to, in order that the plans, priorities, decisions, and directives of each member County Board of Supervisors would be advanced by RSA for the benefit of their respective County; and

WHEREAS, Greene County has experienced much growth in its population and has increasing needs for water, and the methods and strategies for meeting such needs have become matters of disagreement between Greene County and RSA; and

WHEREAS, in 2005 RSA and Greene County entered into a "Water System Ownership and Management Agreement" ("2005 Agreement"); and

WHEREAS, Greene County assumed a portion of RSA's debt as part of the consideration on the 2005 Agreement; and

WHEREAS, pursuant to the 2005 Agreement, Greene County would collect water availability fees for the Ruckersville Water System, which money would be used to help pay debt service, and for new infrastructure; and

WHEREAS, on September 9, 2014, the 2005 Agreement was amended whereby RSA agreed to charge a "water system facility fee" and pay said fee to Greene County to be used for (1) debt service for debt incurred by the County, (2) debt service on the RSA debt Greene County assumed and (3) new water facilities "as determined by the County." ("2014 Amendment"); and

WHEREAS, pursuant to the 2014 Amendment RSA began collecting a facility fee on behalf of Greene County and shared the facility fee revenue with Greene County; and

WHEREAS, the Greene County Board of Supervisors asked RSA to raise the facility fee in 2020 pursuant to Greene County's financing plan to ensure payment of debt Greene County assumed from RSA and to include funding a water impoundment for which Greene County has already spent more than \$14 million; and

WHEREAS, on July 16, 2020 the appointed RSA Board Members from Orange County and Madison County failed to notify or meaningfully consult with the Greene County Members before making significant decisions affecting only Greene County that were known by them to be contrary to the wishes of Greene County; and

WHEREAS, on July 16, 2020 by a vote made by the Orange and Madison County Members without consideration for the desires of Greene County or the concerns of Greene County's Members, the RSA Board voted to act contrary to the 2005 Agreement by ordering that all Greene County water availability fees be paid directly to RSA; and

WHEREAS, on July 16, 2020 by a vote made by the Orange and Madison County Members without consideration for the desires of Greene County or the concerns of Greene County's Members, the RSA Board voted to terminate fee sharing with Greene County contrary to the provisions of the 2014 Amendment stating that it would no longer collect Greene County facility fees as called for in the 2014 Amendment; and

WHEREAS, on July 16, 2020 RSA issued a press release without consultation or authorization from the Greene County Members, incorrectly stating that the 2005 Agreement required Greene County to "build White Run Reservoir Project, water treatment facility, and other improvements" by 2008; and

WHEREAS, it has become clear that Greene County and RSA no longer agree on how the needs and wishes of Greene County relating to the provision of water and sewer services to Greene County citizens should be met; and

WHEREAS, the Board of Supervisors of Greene County has lost confidence in RSA's ability to properly, equitably, and fairly, address or provide for the future water needs of Greene County; and

WHEREAS, the Board of Supervisors of Greene County unanimously passed its first "RESOLUTION CALLING FOR THE UNANIMOUS CONSENT OF ORANGE AND MADISON COUNTIES TO THE WITHDRAWAL OF GREENE COUNTY FROM THE RAPIDAN SERVICE AUTHORITY (RSA) PURSUANT TO VA. CODE §15.2-5112" on July 28, 2020; and

WHEREAS, the Boards of Supervisors of Orange County and Madison County each rejected Greene County's first "RESOLUTION CALLING FOR THE UNANIMOUS CONSENT OF ORANGE AND MADISON COUNTIES TO THE WITHDRAWAL OF GREENE COUNTY FROM THE RAPIDAN SERVICE AUTHORITY (RSA) PURSUANT TO VA. CODE §15.2-5112"; and

WHEREAS, at a special meeting of the RSA Board of Members at the Orange County Airport of April 1, 2021, Orange County RSA Board representative Jim Crozier suggested that Greene County issue a new resolution requesting withdrawal from RSA, which suggestion elicited support from all members of the RSA Board and from the RSA's attorney; and

WHEREAS, the entire RSA Board of Members, at the special meeting of the RSA Board at the Orange County Airport of April 1, 2021, acknowledged that the passage of resolutions by the RSA member counties consenting to the withdrawal of Greene County would initiate a process as described in the Code of Virginia for the equitable and proper separation of Greene County from RSA.

NOW THEREFORE BE IT RESOLVED that pursuant to Virginia Code §15.2-5112(B), the Board of Supervisors of Greene County does hereby signify, once again, and at the request of the RSA Board, its desire to withdraw from RSA.

IT IS FURTHER RESOLVED that pursuant to Virginia Code §15.2-5112(A), the Board of Supervisors of Greene County does hereby call upon the Board of Supervisors of Orange County and the Board of Supervisors of Madison County to consent to the withdrawal of Greene County from RSA on fair and equitable terms.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON APRIL 5, 2021

Motion: Steve Bowman

Second: Marie Durrer

Votes:

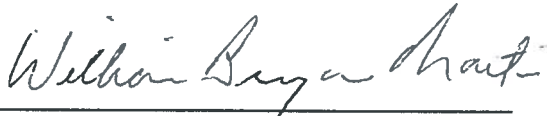
Martin: Yes

Durrer: Yes

Bowman: Yes

Herring: Yes

Lamb: Yes



William Bryan Martin, Chair
Greene County Board of Supervisors

ATTEST:



Mark B. Taylor, Clerk
Greene County Board of Supervisors