





<p>Ordinance to include Rivanna Water and Sewer Authority water and sewer lines as a by right use within the Flood Hazard Overlay District.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached Resolution of Intent and <b>DIRECTED</b> staff and the Planning Commission to expedite the processing of the Zoning Text Amendment.</li> </ul>	<p>Development and County Attorney's office. (Attachment 5)</p>
<p>8. <b><u>Appeal: SUB-2008-240. Little Yellow Mountain.</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, SUB-2008-240, private street request subject to seven conditions.</li> </ul>	<p>Clerk: Set out conditions of approval. (Attachment 6)</p>
<p>9. <b><u>Appeal: SDP-2008-00012. South Pantops Condominiums – Preliminary.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ACCEPTED</b>, by a vote of 5:0 (Boyd abstained), the applicant's withdrawal of the appeal.</li> </ul>	
<p><b>NonAgenda.</b> At 10:32 a.m., the Board recessed and then reconvened at 10:39 a.m.</p>	
<p>10. <b><u>Public Hearing: Parks and Recreation Fees.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the attached ordinance.</li> </ul>	<p>Clerk: Forward copy of ordinance to Parks and Recreation, and County Attorney's office. (Attachment 7)</p>
<p>11. <b><u>Public Hearing: Concurrent Resolution to amend and restate the Articles of Incorporation for the Rivanna Water and Sewer Authority.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the attached resolution.</li> </ul>	<p>Clerk: Forward copy of resolution to County Attorney's office. (Attachment 8)</p>
<p>12. <b><u>Public Hearing: Concurrent Resolution to amend and restate the Articles of Incorporation for the Rivanna Solid Waste Authority.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the attached resolution.</li> </ul>	<p>Clerk: Forward copy of resolution to County Attorney's office. (Attachment 9)</p>
<p>13a. VDOT Monthly Report.</p> <ul style="list-style-type: none"> <li>• Allan Sumpter provided the following additional updates: <ul style="list-style-type: none"> <li>• Commented that it is not known what the impacts are going to be regarding the restructuring of VDoT. Thanked Board members and staff for their comments.</li> <li>• He has received calls from several Board members regarding a broken off shoulder area on Route 649, Proffit Road. The repairs were made on March 31, 2009.</li> <li>• Regarding Advance Mills Bridge, he has not received notice that the Commissioner has assigned the award. The contract has a fixed time which is around Thanksgiving. He has been told from individuals within VDoT that they are still moving on schedule to meet that fixed date.</li> </ul> </li> </ul>	
<p>13b. Transportation Matters not Listed on the Agenda. <u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>• Mentioned the towers are being installed in the median strips and commented that they are for cameras used to help in accident prevention and routing. She added that when I-64 is blocked there should be an easy way to tell people what detour to take. Mr. Sumpter said VDoT is looking at installing message boards</li> </ul>	<p>Clerk: Forward comments to Sue Kennedy and Allan Sumpter.</p>

where their Traffic Operations Center can put messages that will alert motorists.

Lindsay Dorrier:

- Asked how VDoT determines what roads will get trash pickup through the “Adopt A Highway” Program. Mr. Sumpter said they try to look at roads with the most trash and address them on an as needed basis. VDoT focuses most of their attention on primary roads, will little concentration on secondary roads. Mr. Rooker suggested Lou Hatter work with localities to publicize the “Adopt A Highway” Program and emphasize its’ importance with the current economy and cuts in VDoT’s staff. Ms. Mallek suggested publicizing the list of the roads that are part of the Program.
- Discussed regulations that apply to pedestrian races on the roadway.

David Slutzky:

- Asked the status of the safety improvements on Hillsdale Drive. Mr. Wade commented that staff is finalizing the contracts and the work should begin later this month. Completion is anticipated this summer. Mr. Sumpter added that VDoT’s Civil Rights Department is currently reviewing the contract to determine if it should be awarded.
- Asked the status of the extension of Sunridge Road. Mr. Benish said he would get someone in Engineering to forward the status of the project.

Dennis Rooker:

- Commented that he hopes VDoT can find a way to do something to improve the Broomley Road bridge surface deck.
- The Design Public Hearing was held on the Georgetown Road project. There was a good turn out. The hearing was well-handled and staffed by VDoT. The oral comments were positive. The overwhelming oral comments he heard was the assumption that they would have fluorescent green signs and lighted sidewalks. Emphasized the need to find a way to indicate that a crosswalk is coming up. Mr. Slutzky asked Mr. Sumpter to provide information on VDoT’s position and basis on installation of lighted crosswalks.
- Mentioned the issue of the synchronization of lights on Route 29 (from Hydraulic Road to the Route 250 Bypass) in the County not working with the City’s synchronization. Mr. Sumpter said the controllers that VDoT placed on Route 29 are supposed to be compatible with the ones that the City is using. Traffic Engineering has been working on syncing the entire corridor. Mr. Rooker asked that he receive notice on when the work is complete. Board

	members then discussed synchronization of the lights in the County.	
13c.	<b>Work Session:</b> Six Year Secondary Road Plan. • <b>HELD.</b>	
14.	<b>Discussion:</b> Follow up on Outstanding FY 2009-10 County Budget Issues. • <b>CONSENSUS</b> to support staff's recommendation to fully fund JAUNT's FY 2010 request of \$876,442 and to continue the Woods Edge subsidy, with funding provided through a \$40,000 reduction in the proposed budget for the down payment assistance program. • <b>SUPPORTED</b> the terms staff recommended as part of the agreement with JABA with the exception of reducing the subsidy when an existing tenant moves out of a unit.	
15.	Closed Meeting. Personnel and Legal Matters. • At 12:43 p.m., the Board went into closed meeting to consider appointments to boards, committees, and commissions; and to consider specific legal matters requiring legal advice regarding a contract for services provided by the SPCA.	
	Recess. • The Board recessed following its' Closed Meeting.	
16.	Certified Closed Meeting. • The Board did not reconvene into open session until the night portion of the meeting.	
17.	Boards and Commissions: Appointments. • Appointments were made at the night portion of the meeting.	
18.	From the Board: Committee Reports and Matters Not Listed on the Agenda. • Moved to the end of the meeting.	
19.	Call to Order/Certified Closed Meeting. • At 6:00 p.m. the Board called the meeting to order and certified the closed meeting.	
	Posting of Colors, Monticello High School AFJROTC, Unit VA-20023, Honor Guard.	
	Boards and Commissions: Appointments. • <b>APPOINTED</b> Christopher Dumler to the Region Ten Community Services Board with said term to expire June 30, 2009. • <b>APPOINTED</b> Paul Clark, Meg Holden, and David Mellen to the Crozet Community Advisory Council with said terms to expire March 31, 2011. • <b>REAPPOINTED</b> Robin Mellen to the Agricultural and Forestal District Advisory Committee with said term to expire April 17, 2013. • <b>REAPPOINTED</b> Larry Wilson and Greg MacDonald to the Charlottesville-Albemarle Convention and Visitors Bureau with said terms to expire June 30, 2011. • <b>REAPPOINTED</b> Brian Hemmert (as the Joint	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

	City/County Private Provider) and Amy Laufer to the Commission on Children and Families with said terms to expire June 30, 2012.	
22.	<b>PUBLIC HEARING</b> to receive comments on Recommended Operating and Capital Budgets for FY 2009/2010, and the Proposed FY 2009 Tax Rates. <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>	
23.	From the Board: Matters Not Listed on the Agenda. <u>Ken Boyd:</u> <ul style="list-style-type: none"> <li>• Discussed the Star Swimming proposal and the CIP process. There was a <b>CONSENSUS</b> of the Board to discuss this item at the April 8<sup>th</sup> meeting at 3:00 p.m.</li> </ul> <u>Ann Mallek:</u> <ul style="list-style-type: none"> <li>• Discussed the need for an enclosed pool in Crozet as well.</li> <li>• The General Assembly has made cuts that the County will feel in its' budget in the next few years.</li> </ul>	
29.	Adjourn to April 2, 2009, 2:00 p.m. at COB 5 <sup>th</sup> Street, Room A. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:22 p.m.</li> </ul>	

ewj/mrh

Attachment 1 – Proclamation recognizing April 3 – 11, 2009 as Preservation Week 2009

Attachment 2 - Proclamation recognizing April, 2009 as Fair Housing Month

Attachment 3 - Proclamation recognizing the 30<sup>th</sup> Anniversary of The Green Olive Tree

Attachment 4 - Resolution of Intent to Amend Section 4.2 Critical Slopes Regulations in the Zoning Ordinance

Attachment 5 - Resolution - Amend Section 18-30.3.05.1.1. of the Zoning Ordinance to include Rivanna Water and Sewer Authority water and sewer lines as a by right use within the Flood Hazard Overlay District

Attachment 6 – SUB-2008-240 Little Yellow Mountain Conditions of Approval

Attachment 7 – Ordinance - Parks and Recreation Fees

Attachment 8 – Concurrent Resolution to amend and restate the Articles of Incorporation for the Rivanna Water and Sewer Authority

Attachment 9 - Concurrent Resolution to amend and restate the Articles of Incorporation for the Rivanna Solid Waste Authority

**PRESERVATION WEEK 2009**

**WHEREAS,** *our historic buildings and historic places are defining elements of our community, our well-being and our future development; and*

**WHEREAS,** *the preservation of historic buildings and historic places can be accomplished in an environmentally sustainable manner; and*

**WHEREAS,** *historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and enhancing livability; and*

**WHEREAS,** *“Preservation and Sustainability: Piecing it all Together” is the theme for Preservation Week 2009 in our community, sponsored by the Piedmont Area Preservation Alliance, and organized this year by Preservation Piedmont;*

**NOW, THEREFORE, BE IT RESOLVED** *that we, the Albemarle County Board of Supervisors, do proclaim*

***April 3 - 11, 2009 as Preservation Week 2009***

*and call upon the citizens of the County of Albemarle to join their fellow citizens across the Piedmont area in celebrating and participating in this special week of activities.*

*Signed and sealed this 1st day of April, 2009*

**FAIR HOUSING MONTH**

**WHEREAS,** *April 2009, marks the forty-first anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and*

**WHEREAS,** *the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and*

**WHEREAS,** *vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and*

**WHEREAS,** *illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;*

**NOW, THEREFORE, BE IT RESOLVED,**

*that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the Board of County Supervisors of Albemarle County, Virginia, does hereby join in the national celebration by proclaiming*

**APRIL, 2009**

**as**

**FAIR HOUSING MONTH**

*and encourages all agencies, institutions and individuals, public and private, in Albemarle County to abide by the letter and the spirit of the Fair Housing law.*

*Signed and sealed this 1st day of April, 2009.*

**The Green Olive Tree  
30<sup>th</sup> Anniversary**

**WHEREAS,** *seven Crozet ladies came together in 1979 for Bible Study and fellowship, and out of this gathering grew the idea of starting a used clothing store to serve Crozet; and*

**WHEREAS,** *June Andrews, Nancy-Virginia Bain, Ruby Garnett, Sarah Rogers, Mary Shirlen Willets, Evelyn Doyle, and Grace Waller were blessed with good sense, compassionate hearts, and total dedication to their project, named "**The Green Olive Tree**," and*

**WHEREAS,** ***The Green Olive Tree** took root, thrived, and outgrew each of its succeeding locations, supported by a large group of loyal volunteers over the years; and*

**WHEREAS,** *from its modest beginning **The Green Olive Tree** came to share its proceeds with over a hundred different ministries and organizations around the world, giving away well over \$500,000; and*

**WHEREAS,** *not only have tons of clothing been exchanged, but **The Green Olive Tree** has become a community center where people can share love and support, ideas and worries, and come away refreshed and up-lifted; and*

**WHEREAS,** ***The Green Olive Tree** has served our community faithfully for thirty wonderful and generous years, and continues to prosper with the help of numerous volunteers and board members, all who serve without compensation;*

**NOW, THEREFORE, BE IT RESOLVED,**

*that the Board of County Supervisors of Albemarle County, Virginia, does hereby recognize the many valuable contributions of **The Green Olive Tree** during its thirty years of service to the Albemarle County community and extend its' appreciation and heartfelt thanks for their continued service and commitment to helping to make this a better community.*

*Signed and sealed this 1st day of April, 2009.*

**RESOLUTION OF INTENT**

**WHEREAS**, the purposes of Sections 4.2, Critical Slopes, through 4.2.6, Exemptions, of the Zoning Ordinance are to direct development away from critical slopes to more suitable terrain in order to protect and conserve critical slopes, public drinking water supplies and flood plain areas, and to reduce soil erosion, sedimentation, water pollution and septic disposal problems associated with the development of critical slopes; and

**WHEREAS**, in order to achieve these stated purposes, Sections 4.2 through 4.2.6 establish minimum requirements for building sites and the location of structures and improvements, including septic systems, establish a procedure for modifying those regulations in particular cases, and delineate a limited number of exemptions; and

**WHEREAS**, the current regulations in Sections 4.2 through 4.2.6 have failed to allow the purposes of these sections to be fully realized for various reasons including, but not limited to, their failure to adequately distinguish the Comprehensive Plan's varying goals for development and preservation in different parts of the County; their failure to acknowledge that critical slopes may have different values depending on their location, including their proximity to waterways; and, their failure to provide standards for slope grading and retaining walls that would provide long-term safety, structural and surface stability, ease of maintenance, prevent erosion, be aesthetic, and be complementary to adjoining properties; and

**WHEREAS**, although Section 4.2.5 was amended on January 14, 2009 to authorize the agent to approve the disturbance of critical slopes in limited circumstances on parcels outside of the Rural Areas, Village Residential, and Monticello Historic zoning districts, the current regulations in Section 4.2.5, pertaining to modifications and waivers, and Section 4.2.6, pertaining to exemptions, still impose impediments to the purposes of Sections 4.2 through 4.2.6 being fully realized, and the Board desires to, among other things, broaden the circumstances under which the agent may authorize the disturbance of critical slopes on parcels outside of those three zoning districts and to further clarify those disturbances that are exempt from the requirements of Section 4.2 through Section 4.2.4.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Board of Supervisors hereby adopts a resolution of intent to amend Sections 4.2 through 4.2.6 and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

**RESOLUTION OF INTENT**

**WHEREAS**, the purposes of Section 30.3, Flood Hazard Overlay District, of the Albemarle County Zoning Ordinance are to provide safety and protection from flooding and to restrict the unwise use, development and occupancy of lands subject to inundation which may result in danger to life and property, public costs for flood control measures and rescue and relief efforts, soil erosion, sedimentation and siltation, pollution of water resources, and general degradation of the natural and man-made environment; and

**WHEREAS**, Section 30.3.03.1, Location of Utilities and Facilities, provides in part that new or replacement sewer facilities be located and designed to minimize or eliminate the infiltration of flood waters into those facilities and the discharge of effluent into flood waters, and to minimize damage or impairment caused by flooding; and

**WHEREAS**, in the Flood Hazard Overlay District, water distribution and sewerage collection lines owned and operated by the Albemarle County Service Authority are allowed by right in the floodway and the floodway fringe, but public sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority are not allowed by right in either the floodway or the floodway fringe; and

**WHEREAS**, in all of the basic zoning districts in Albemarle County, water distribution and sewerage collection lines owned and operated by the Albemarle County Service Authority, and all "public sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority" are classified as by-right uses; and

**WHEREAS**, the relevant general principles in the Land Use Plan, which is part of the Comprehensive Plan, state that it is the policy of the County to provide "an economical and safe public water system of water and sewer to serve the existing and future Development Area population" and to "Serve Urban Areas, Communities and Villages with public water and sewer"; and

**WHEREAS**, in order to more fully achieve the recited principles of the Land Use Plan, it is desired to amend the Zoning Ordinance to allow the facilities of the Rivanna Water and Sewer Authority described herein to be a by-right use in the Flood Hazard Overlay District.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Board of Supervisors hereby adopts a resolution of intent to amend Section 30.3, Flood Hazard Overlay District, and any other regulations of the Albemarle County Zoning Ordinance deemed appropriate to achieve the purposes described herein.

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

**SUB-2008-240. Little Yellow Mountain  
Conditions of Approval**

1. The plat shall be subject to the requirements of Section 14-303 (Contents of final plat), as identified on the "Final Subdivision Checklist" which is available from the Department of Planning and Community Development;
2. The final plat shall address all minimum requirements from Sections 14-410 (Standards for all street and alleys) and 14-412 (Standards for private streets only);
3. Health Director approval of individual private wells and septic systems;
4. A maintenance agreement must be submitted and approved by the County Attorney, as specified in Section 14-317 of the Subdivision Ordinance;
5. Not more than one (1) dwelling unit may be established on Parcel A and not more than one dwelling unit may be established on TMP 55-44 (Revised), as the term "dwelling unit" is defined in the Albemarle County Zoning;
6. Neither Parcel A nor TMP 55-44 (Revised) shall be further divided; and
7. Conditions 5 and 6 shall be stated in the notes on the final plat.

**ORDINANCE NO. 09-11(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, PARKS AND RECREATION FACILITIES, BY AMENDING ARTICLE I IN GENERAL, DIVISION 1 PARKS GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 11, Parks and Recreation Facilities, is hereby amended and reordained by amending Article I In General, Division 1 Parks Generally, Section 11-105 Fees.

**ARTICLE I. IN GENERAL**

**DIVISION 1. PARKS GENERALLY**

**Sec. 11-105 Fees.**

A. The board of supervisors shall, from time to time by resolution, establish fees for daily and seasonal passes for entry to and use of parks, recreational areas and swimming facilities under the county's jurisdiction. The board of supervisors shall hold a public hearing to receive public comment on any proposed fee changes. Public notice shall be provided for such public hearing at least ten days prior to the hearing date. A copy of the adopted fee schedule shall be posted in the park at points where such fees are to be collected.

B. Fees for programs or activities, and the rental of county-owned property, to include but not limited to boats and picnic shelters, shall be established by the county executive or his designee. The director of parks and recreation shall maintain a schedule of established fees.

C. Reservations and payment of fees for the use of reserved picnic shelters shall be made in advance of such use under procedures established by the director of parks and recreation or his designee. Any picnic shelter that is not marked as reserved shall be available at no charge on a first come, first served basis.

D. No person shall be permitted to use such facilities for which fees are charged without first paying the fee.

E. Fees may be suspended by order of the county executive or his designee for good cause.

F. No fees paid under paragraphs A and B, above, shall be refunded without the approval of the director of parks and recreation or his designee. Daily park passes and season passes shall not be transferable to any other person.

(4-20-72; 5-15-75; 4-21-76; 4-12-78; 6-17-81; 4-14-83; 5-7-86; 4-13-88; Code 1988, § 14-11; Ord. 98-A(1), 8-5-98)

State law reference—Va. Code § 15.2-1806

**CONCURRENT RESOLUTION  
OF THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
AND THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA TO AMEND  
AND RESTATE THE ARTICLES OF INCORPORATION OF THE RIVANNA WATER AND SEWER  
AUTHORITY**

**WHEREAS**, by concurrent resolution of the City Council of the City of Charlottesville, Virginia (the City) and the Board of Supervisors of the County of Albemarle, Virginia (the County) and a certificate of incorporation issued by the State Corporation Commission pursuant to the Virginia Water and Sewer Authorities Act (currently enacted as the Virginia Water and Waste Authorities Act, Virginia Code Section 15.2-5100 et seq.), the Rivanna Water and Sewer Authority (the Authority) was incorporated as a public body politic and corporate in 1972; and,

**WHEREAS**, the City and the County amended and restated the Articles of Incorporation of the Authority in December 1985 to limit its powers regarding the treatment and transmission of potable water and the treatment and disposal of sewage; and,

**WHEREAS**, the City and the County further amended and restated the Articles of Incorporation of the Authority in August 1986 to place the Executive Director of the Albemarle County Service Authority, or such Albemarle County Department head as the Board of Supervisors of Albemarle County may appoint, on the Board of the Rivanna Water and Sewer Authority in lieu of the County Engineer of Albemarle County; and,

**WHEREAS**, the City and the County desire to amend and restate the Articles of Incorporation of the Authority to increase the number of members of the Board of the Authority from five (5) to seven (7) through the addition of one (1) member of the Charlottesville City Council, to be appointed by the City Council and to serve as an *ex officio* member of the Board, and one (1) member of the Albemarle County Board of Supervisors, to be appointed by the Board of Supervisors and to serve as an *ex officio* member of the Board; and,

**WHEREAS**, pursuant to Virginia Code Section 15.2-5104 the City and the County caused to be advertised in a newspaper of general circulation in the City and the County a descriptive summary of this Concurrent Resolution and the proposed change to the Authority's Articles of Incorporation with a reference to the location in the City and the County where a copy of the Resolution could be obtained, and giving notice of the date on which public hearings would be held on the proposed Concurrent Resolution; and,

**WHEREAS**, public hearings on the proposed Concurrent Resolution were held by the Charlottesville City Council on March 16, 2009 and by the Albemarle County Board of Supervisors on April 1, 2009.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia and the Board of Supervisors of Albemarle County, Virginia that:

(1) The proposed amendment to the Articles of Incorporation for the Rivanna Water and Sewer Authority which increases the number of members of the Board of the Authority from five (5) to seven (7) through the addition of one (1) member of the Charlottesville City Council, to be appointed by the City Council and to serve as an *ex officio* member of the Board, and one (1) member of the Albemarle County Board of Supervisors, to be appointed by the Board of Supervisors and to serve as an *ex officio* member of the Board, is hereby approved.

(2) Pursuant to Virginia Code Section 15.2-5107, the City Council and the Board of Supervisors shall cause a certified copy of this Concurrent Resolution to be filed with the State Corporation Commission.

(3) The Articles of Incorporation of the Rivanna Water and Sewer Authority as amended and restated shall be substantially as follows:

**THIRD RESTATED ARTICLES OF INCORPORATION  
OF RIVANNA WATER AND SEWER AUTHORITY**

The Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle having created an Authority pursuant to the Virginia Water and Sewer Authorities Act (Chapter 28, Title 15.1, Code of Virginia of 1950, as amended), as a public body politic and corporate, and having signified their intention to amend and restate its Articles of Incorporation pursuant to the Virginia Water and Waste Authorities Act (Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended), hereby certify:

(a) The name of the Authority is "Rivanna Water and Sewer Authority" and the address of its principal office shall be Charlottesville, Virginia.

(b) The names of the incorporating political subdivisions are the City of Charlottesville and the County of Albemarle.

(c) The powers of the Authority shall be exercised by a Board of Directors of seven members consisting of the four persons holding the offices, from time to time, of City Manager and Director of Public Works of the City of Charlottesville, County Executive of the County of Albemarle and Executive Director of the Albemarle County Service Authority, or such Albemarle County Department head as the Board of Supervisors of Albemarle County may appoint in the Executive Director's place; one member of the Charlottesville City Council to be appointed by the City Council; one member of the Albemarle County Board of Supervisors to be appointed by the Board of Supervisors; and a seventh person appointed by the concurrent action of the Charlottesville City Council and the Albemarle County Board of Supervisors. The names and addresses of the current members of the Authority Board are as follows:

<u>Name</u>	<u>Address</u>
Robert W. Tucker, Jr. (Albemarle County Executive)	401 McIntire Road Charlottesville, VA 22902
Gary Fern (Executive Director, Albemarle County Service Authority)	168 Spotnap Road Charlottesville, VA 22911
Gary B. O'Connell (Charlottesville City Manager)	605 East Main Street Charlottesville, VA 22902
Judith M. Mueller (Charlottesville Director of Public Works)	305 4 <sup>th</sup> Street, N.W. Charlottesville, VA 22903
Michael A. Gaffney (Concurrent City / County Appointee)	119 Morgan Court Charlottesville, VA 22903

The terms of the members of the Board serving as such by virtue of their appointed offices with the City, the County and the Albemarle County Service Authority shall expire upon the earlier of their ceasing to hold such appointed offices, or after four years from the recordation of these Restated Articles of Incorporation by the State Corporation Commission; provided that such members shall be eligible for reappointment for terms not in excess of four years for so long as they hold their appointed offices. The terms of the City Councilor appointed by the City Council and the Supervisor appointed by the Albemarle County Board of Supervisors shall expire upon the earlier of their ceasing to hold such offices or expiration of their term of office as a Councilor or Supervisor; however, if they are re-elected to those offices they may be reappointed to the Board. Any person hereafter holding the office of Albemarle County Executive, Charlottesville City Manager or Charlottesville Director of Public Works shall automatically succeed to the membership of his predecessor in such office on the Board of the Authority. The term of the member of the Board serving as such by virtue of his office with the Albemarle County Service Authority shall also expire upon the decision of the Albemarle County Board of Supervisors that a County Department head shall serve on the Board in the Executive Director's place. Any person

hereafter holding the office of Executive Director of the Albemarle County Service Authority (or, if a County Department head has been appointed by the Albemarle County Board of Supervisors to serve in the place of the Executive Director of the Albemarle County Service Authority, any person holding the office of such Department head) shall automatically succeed to the membership of his predecessor in such office on the Board of the Authority. The current term of the member of the Board appointed by the concurrent action of the Charlottesville City Council and the Albemarle County Board of Supervisors shall expire on December 31, 2010, and his successor shall be appointed for a term of two years, except that a vacancy shall be filled only for the unexpired term. The appointed member shall hold office until his successor has been appointed and qualifies and he shall be eligible for reappointment to succeed himself. The appointed member shall receive such compensation not to exceed \$1,800.00 per year as the Board of the Authority may determine, but those members who are employees or officials of the City or the County or the Albemarle County Service Authority shall serve without compensation. Each member shall be reimbursed the amount of his actual expenses necessarily incurred in the performance of his duties.

(d) The purpose for which the Authority is formed is to acquire, finance, construct, operate and maintain facilities for developing a supply of potable water for the City of Charlottesville and Albemarle County and for the abatement of pollution resulting from sewage in the Rivanna River Basin, by the impoundment, treatment and transmission of potable water and the interception, treatment and discharge of wastewater, together with all appurtenant equipment and appliances necessary or suitable therefore and all properties, rights, easements or franchises relating thereto and deemed necessary or convenient by the Authority for their operation. Except to the extent of providing incidental services and the sale of excess products, the Authority's powers are limited to providing wholesale services to the City and the County.

The Authority may contract with the City, the County, any sanitary district thereof or any authority therein created pursuant to the Virginia Water and Waste Authorities Act (or its predecessor, the Virginia Water and Sewer Authorities Act) to furnish water and to treat sewage delivered to its facilities upon such terms as the Authority shall determine; provided, however, that any such contract shall include as parties thereto the City and the County (or any agency of the County designated for that purpose by its Board of Supervisors). The Authority is expressly prohibited from contracting with any other party desiring service in the City or the County, except upon the written consent of the City or County (or any agency of the County designated for that purpose by the Board of Supervisors), respectively.

(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 therefore to be filed promptly with the City Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle.

**IN WITNESS WHEREOF**, the City Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle have caused these Third Restated and Amended Articles of Incorporation to be executed in the name of the City of Charlottesville and the County of Albemarle, respectively, by their presiding officers and attested by their Clerks this \_\_\_\_ day of April, 2009.

CITY OF CHARLOTTESVILLE, VIRGINIA  
By: \_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
Clerk of Council

COUNTY OF ALBEMARLE, VIRGINIA  
By: \_\_\_\_\_  
Chair, Board of Supervisors

Attest:  
\_\_\_\_\_  
Clerk, County Board of Supervisors

**CONCURRENT RESOLUTION  
OF THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
AND THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA TO AMEND  
AND RESTATE THE ARTICLES OF INCORPORATION OF THE RIVANNA SOLID WASTE  
AUTHORITY**

**WHEREAS**, by concurrent resolution of the City Council of the City of Charlottesville, Virginia (the City) and the Board of Supervisors of the County of Albemarle, Virginia (the County) and a certificate of incorporation issued by the State Corporation Commission pursuant to the Virginia Water and Sewer Authorities Act (currently enacted as the Virginia Water and Waste Authorities Act, Virginia Code Section 15.2-5100 et seq.), the Rivanna Solid Waste Authority (the Authority) was incorporated as a public body politic and corporate in 1990; and,

**WHEREAS**, the City and the County desire to amend and restate the Articles of Incorporation of the Authority to increase the number of members of the Board of the Authority from five (5) to seven (7) through the addition of one (1) member of the Charlottesville City Council, to be appointed by the City Council and to serve as an *ex officio* member of the Board, and one (1) member of the Albemarle County Board of Supervisors, to be appointed by the Board of Supervisors and to serve as an *ex officio* member of the Board; and to allow for the appointment of an Albemarle County Department head in place of the Albemarle County Engineer, if desired by the Board of Supervisors; and,

**WHEREAS**, pursuant to Virginia Code Section 15.2-5104 the City and the County caused to be advertised in a newspaper of general circulation in the City and the County a descriptive summary of this Concurrent Resolution and the proposed change to the Authority's Articles of Incorporation with a reference to the location in the City and the County where a copy of the Resolution could be obtained, and giving notice of the date on which public hearings would be held on the proposed Concurrent Resolution; and,

**WHEREAS**, public hearings on the proposed Concurrent Resolution were held by the Charlottesville City Council on March 16, 2009 and by the Albemarle County Board of Supervisors on April 1, 2009.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia and the Board of Supervisors of Albemarle County, Virginia that:

(1) The proposed amendment to the Articles of Incorporation for the Rivanna Solid Waste Authority which increases the number of members of the Board of the Authority from five (5) to seven (7) through the addition of one (1) member of the Charlottesville City Council, to be appointed by the City Council and to serve as an *ex officio* member of the Board, and one (1) member of the Albemarle County Board of Supervisors, to be appointed by the Board of Supervisors and to serve as an *ex officio* member of the Board, and allows for the appointment of an Albemarle County Department head in place of the Albemarle County Engineer, if desired by the Board of Supervisors, is hereby approved.

(2) Pursuant to Virginia Code Section 15.2-5107, the City Council and the Board of Supervisors shall cause a certified copy of this Concurrent Resolution to be filed with the State Corporation Commission.

(3) The Articles of Incorporation of the Rivanna Solid Waste Authority as amended and restated shall be substantially as follows:

**RESTATED ARTICLES OF INCORPORATION  
OF RIVANNA SOLID WASTE AUTHORITY**

The Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle having created an Authority pursuant to the Virginia Water and Sewer Authorities Act (Chapter 28, Title

15.1, Code of Virginia of 1950, as amended), as a public body politic and corporate, and having signified their intention to amend and restate its Articles of Incorporation pursuant to the Virginia Water and Waste Authorities Act (Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended), hereby certify:

(1) The name of the Authority is "Rivanna Solid Waste Authority" and the address of its principal office shall be Charlottesville, Virginia.

(2) The names of the incorporating political subdivisions are the City of Charlottesville and the County of Albemarle.

(3) The powers of the Authority shall be exercised by a Board of Directors of seven members consisting of the four persons holding the offices, from time to time, of City Manager and Director of Public Works of the City of Charlottesville and County Executive and the County Engineer of Albemarle County, or such Albemarle County Department head as the Board of Supervisors of Albemarle County may appoint in the County Engineer's place; one member of the Charlottesville City Council to be appointed by the City Council; one member of the Albemarle County Board of Supervisors to be appointed by the Board of Supervisors; and a seventh person appointed by the concurrent action of the Charlottesville City Council and the Albemarle County Board of Supervisors. The names and addresses of the current members of the Authority Board are as follows:

<u>Name</u>	<u>Address</u>
Robert W. Tucker, Jr. (Albemarle County Executive)	401 McIntire Road Charlottesville, VA 22902
Mark B. Graham, P.E. (County Engineer / Director of Community Development)	401 McIntire Road Charlottesville, VA 22902
Gary B. O'Connell (Charlottesville City Manager)	605 East Main Street Charlottesville, VA 22902
Judith M. Mueller (Charlottesville Director of Public Works)	305 4 <sup>th</sup> Street, N.W. Charlottesville, VA 22903
Michael A. Gaffney (Concurrent City / County Appointee)	119 Morgan Court Charlottesville, VA 22903

The terms of the members of the Board serving as such by virtue of their appointed offices with the City and the County shall expire upon the earlier of their ceasing to hold such appointed offices, or after four years from the recordation of these restated Articles of Incorporation by the State Corporation Commission; provided that such members shall be eligible for reappointment for terms not in excess of four years for so long as they hold their appointed offices. The terms of the City Councilor appointed by the City Council and the Supervisor appointed by the Albemarle County Board of Supervisors shall expire upon the earlier of their ceasing to hold such offices or expiration of their term of office as a Councilor or Supervisor; however, if they are re-elected to those offices they may be reappointed to the Board. Any person hereafter holding the office of Albemarle County Executive, Charlottesville City Manager or Charlottesville Director of Public Works shall automatically succeed to the membership of his predecessor in such office on the Board of the Authority. The term of the member of the Board serving as such by virtue of his position as County Engineer for Albemarle County shall also expire upon the decision of the Albemarle County Board of Supervisors that a County Department head shall serve on the Board in the County Engineer's place. Any person hereafter holding the office of County Engineer of Albemarle County (or, if a County Department head has been appointed by the Albemarle County Board of Supervisors to serve in the place of the County Engineer, any person holding the office of such Department head) shall automatically succeed to the membership of his predecessor in such office on the Board of the Authority. The current term of the member of the Board appointed by the concurrent action of the Charlottesville City Council and the Albemarle County Board of Supervisors shall expire on December 31, 2010, and his successor shall be appointed for a term of two years, except that a vacancy shall be filled only for the unexpired term. The appointed member shall hold office until his successor has been appointed and qualifies and he shall be eligible for reappointment to succeed himself. Board

members other than the member appointed by concurrent action of the City and the County shall receive no compensation from the Authority for serving as members of the Board. The member appointed by the concurrent action of the City and the County shall be compensated by the Authority for serving as such in an amount to be determined from time to time. Each member shall be reimbursed by the Authority for any actual expenses necessarily incurred in the performance of their duties.

(4) The purposes for which the Authority has been formed are to develop a regional refuse collection and disposal system, as such terms are defined in Virginia Code Section 15.2-5101 of the Virginia Water and Waste Authorities Act, including development of systems and facilities for recycling, waste reduction and disposal alternatives with the ultimate goal of acquiring, financing, constructing, and / or operating and maintaining regional solid waste disposal areas, systems and facilities, all pursuant to the Virginia Water and Waste Authorities Act.

(5) Since its inception the Authority has assumed all responsibility for the operation of the existing landfill which has served the City and the County. Additional projects will be identified by the Authority and implemented through agreements with and among the City and the County. It is not practical to set forth herein any estimates of the Authority's capital costs, project proposals and project service rates.

(6) The Authority shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing bodies of the City and the County.

**IN WITNESS WHEREOF**, the City Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle have caused these Restated and Amended Articles of Incorporation to be executed in the name of the City of Charlottesville and the County of Albemarle, respectively, by their presiding officers and attested by their Clerks this \_\_\_\_ day of April, 2009.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

COUNTY OF ALBEMARLE, VIRGINIA

By: \_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk, County Board of Supervisors