

Orange Water and Sewer Authority
Virtual Meeting of the Board of Directors
August 13, 2020

The Board of Directors of the Orange Water and Sewer Authority (OWASA) held its duly noticed regular work session all by virtual means in accordance with law, on Thursday, August 13, 2020, at 6:00 p.m. utilizing Microsoft Teams software.

Board Members present: Raymond (Ray) DuBose (Chair), Bruce Boehm (Vice Chair), Jody Eimers (Secretary), Yinka Ayankoya, Robert Morgan, John N. Morris, Bruce Runberg and Ruchir Vora.

OWASA staff present: Amy Armbruster, Denise Battle, Mary Darr, Monica Dodson, Jesse DuClau, Robert Epting, Esq. (Epting and Hackney), Stephanie Glasgow, Ken Loflin, Andrea Orbich, Dan Przybyl, Ruth Rouse, Kelly Satterfield, Todd Taylor, Mary Tiger, Stephen Winters and Richard Wyatt.

Others present: Jamezette Bedford (Orange County Commissioner), Ed Holland, Meg Holton (UNC Water Resources Manager), Ed Kerwin and Reed Palmer (Senior Associate for Hazen and Sawyer).

Motions

1. BE IT RESOLVED THAT the Board of Directors of the Orange Water and Sewer Authority adopts the Resolution Designating OWASA's Primary and Secondary Agents and Authorizing Them to Executive and File Applications for Federal and/or State Assistance and Represent the Organization in All Dealings with Federal Emergency Management Agency and the North Carolina Division of Emergency Management. Motion by Robert Morgan, second by Jody Eimers and unanimously approved.
2. Robert Morgan made a motion to approve the Minutes of the June 25, 2020, Virtual Meeting of the Board of Directors; second by Jody Eimers and unanimously approved.
3. Robert Morgan made a motion to approve the Minutes of the July 9, 2020, Virtual Work Session of the Board of Directors; second by Jody Eimers and unanimously approved.
4. Robert Morgan made a motion to authorize staff to proceed to develop a process and schedule to modify the Drought Response Operating Protocol for future consideration by the Board; second by John Morris and unanimously approved.
5. John Morris made a motion to authorize staff to evaluate alternatives to provide access to our Jordan Lake allocation; second by Robert Morgan and unanimously approved.

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Announcements

Ray DuBose announced that due to COVID-19 public health concerns, the OWASA Board of Directors held the work session virtually utilizing Microsoft Teams software. Mr. DuBose stated that Board Members, General Counsel, and staff participated in the meeting remotely.

Mr. DuBose asked if any Board Member knew of a conflict of interest or potential conflict of interest with respect to any item on the agenda tonight to disclose the same at this time; none were disclosed.

Mr. DuBose announced that on July 16, 2020, the Orange County Climate Council held a virtual meeting and received reports from the Climate Action Reporting, Policy, and Communications Committees. He noted there was discussion about leadership succession planning and planning for a public-facing event in September marking one year since the group was formed.

Mr. DuBose announced that on July 30, 2020, the Board's Executive Committee held a virtual meeting to review Board officer roles, agenda review/approval process, discussed the Framework for OWASA Board and Committee Roles, and general topics fiscal year 2020.

Jody Eimers announced a Human Resources Committee meeting scheduled for Wednesday, August 26, 2020, at 5:00 p.m. to discuss internships and apprenticeships, with focus on minority participation.

John Morris expressed appreciation to OWASA staff and the contractor regarding the excellent customer service and progress being made on the water main replacement on Kensington Drive in Chapel Hill.

Item One: Resolution Designating OWASA's Primary and Secondary Agents and Authorizing Them to Executive and File Applications for Federal and/or State Assistance and Represent the Organization in All Dealings with Federal Emergency Management Agency and the North Carolina Division of Emergency Management

Robert Morgan made a motion to approve the resolution; second by Jody Eimers and unanimously approved. Please see Motion 1.

Item Two: Minutes

Robert Morgan made a motion to approve the Minutes of the June 25, 2020, Virtual Meeting of the Board of Directors; second by Jody Eimers and unanimously approved. Please see Motion 2.

Item Three: Minutes

Robert Morgan made a motion to approve the Minutes of the July 9, 2020, Virtual Work Session of the Board of Directors; second by Jody Eimers and unanimously approved. Please see Motion 3.

Item Four: Update on OWASA's COVID-19 Information and Discussion by the Board

Todd Taylor, Executive Director, said OWASA field crews will move to a new phase of the Return to Normal Operations plan on August 31, 2020. The field crews will resume most preventative maintenance activities with safety measures in place. He said employees were surveyed regarding possible childcare challenges due to remote education and staff will work with those impacted employees while meeting OWASA's essential operations. Mr. Taylor noted that OWASA will delay the resumption of standard collection practices and will be guided by Orange County's state of emergency in resuming them.

Mary Tiger, Sustainability Manager, provided an overview of OWASA's communication with local governments, partners, customers, and the Board since March 2020 regarding the suspension of disconnections for non-payment. She noted that since March 2020 there has been an increase in past due bills. She discussed plans to provide assistance to those customers who are past due which include offering 12-plus-month interest and penalty-free payment plans for past due balances. Ms. Tiger noted that Care to Share contributions have had record contributions and staff plans to explore state funding to assist customer with their past due bills. She said once the resumption of standard collection practice begins staff will work to avoid disconnections, provide the community and past due customers 30-day notification, offer extended payment plans, and then resume standard collection practices.

Item Five: Long-Range Water Supply Plan: a) Background Information; b) Evaluation of Supply and Demand Management Alternatives for the Long-Range Water Supply Plan

Todd Taylor, Executive Director, provided background information on the Long-Range Water Supply Plan (LRWSP) including project history and a timeline of key events and decisions regarding the LRWSP.

Bruce Boehm suggested the Board discuss revisiting the LRWSP guiding principles and asked if the Board would like to assign a set of priorities to the guiding principles before analyzing alternatives.

Following the Board's discussion of Mr. Boehm's suggestion, the Board agreed with the current analysis using the unprioritized guiding principles. In the future the Board will inform the process by prioritizing the guiding principles for the alternatives being evaluated further.

Ruth Rouse, Planning and Development Manager, provided a PowerPoint presentation on staff's evaluation of the 13 supply and demand management alternatives for the LRWSP. Ms. Rouse said staff recommended no further evaluation of the following Supply Alternatives:

- Jordan Lake Alternative 3 – develop new agreement with Towns of Cary and Apex to guarantee access
- Quarry Reservoir Alternative 6 – access to the deep quarry reservoir
- Potable Reuse Alternatives 7a, 7b, 8, and 9

Staff also recommended no further evaluation of the following Demand Management Alternatives:

- Reclaimed water to UNC Cogeneration Facility (Alternative 10)
- Onbill financing for investments in water efficiency (Alternative 13C)
- Minimizing system flushing (Alternative 13D)

Staff recommended Demand Management Alternatives 13a (unit sub-metering and WaterSense installation) and b (water efficiency design assistance) be considered as part of a water conservation program that will serve as a companion document to the LRWSP.

Jody Eimers noted that currently the illegal alternatives regarding potable reuse (8. Indirect Potable Reuse with return from Mason Farm Wastewater Treatment Plant (WWTP) to University Lake and 9. Direct Potable Reuse returning additionally treated wastewater from Mason Farm WWTP to the drinking water distribution system) are legal in other states and suggested staff continue to investigate these options and work to legalize potable reuse in North Carolina. These direct potable reuse options will be included in the LRWSP for additional study in future updates of the LRWSP.

Yinka Ayankoya agreed with Ms. Eimers.

Mr. Boehm inquired about the sensitivity analysis on yield that was included in the agenda package. Specifically, he wanted to know whether we could characterize the probability that inflow to the reservoirs would change 30 percent as assumed in one of the sensitivity model runs. Reed Palmer (Senior Associate for Hazen and Sawyer) said that the probability could not be determined. He indicated that for other non-OWASA projects he has evaluated a range of emission scenarios coupled with global circulation models and the 20 and 30 percent reduction scenarios are unlikely.

John Morris said he strongly supports revising the DROP and to carefully consider community education and involvement.

The Board agreed that staff will develop process and schedule to remove the limitations in DROP and incorporate DROP into the Water Shortage Response Plan (WSRP) and the updated WSRP will be provided at a future meeting. Staff will develop a community engagement strategy to obtain feedback from key stakeholders on the alternatives' analysis, obtain feedback on the use of Jordan Lake as a water supply, and obtain feedback on proposed modifications to the DROP. Staff will also identify dates to discuss the proposed method to modify DROP and the community engagement strategy with the Board.

Robert Morgan made a motion to authorize staff to proceed to develop a process and schedule to modify the Drought Response Operating Protocol for future consideration by the Board; second by John Morris and unanimously approved. Please see Motion 4.

John Morris made a motion to authorize staff to evaluate alternatives to provide access to our Jordan Lake allocation; second by Robert Morgan and unanimously approved. Please see Motion 5.

Item Six: Onboarding Program Update for OWASA's Executive Director

Todd Taylor, Executive Director, provided the Board an update on his Onboarding Program as OWASA's new Executive Director.

Without objection, the Board agreed to the following: delete the "get-to-know-you" task from the Board's Onboarding Tasks; add Closed Sessions regarding Executive Director performance review/feedback to the August 27 and September 10, 2020 Board meetings; and add the item, Discuss Work Plan for New Executive Director, to the September 10, 2020 Board meeting.

Item Seven: Review Board Work Schedule

The Board agreed to explore the possibility of a Board self-assessment at future meeting.

The Board agreed to start the August 27, 2020, Board meeting at 6:00 p.m.

The Board requested a list of employees who actively participate in professional organizations and various committees.

Item Eight: Summary of Work Session Items

Todd Taylor noted the following items for staff follow-up:

- Continue to investigate options for potable reuse in North Carolina and add this task to the Long-Range Water Supply Plan for continued study of and pursuit of legalizing potable reuse.
- Provide the Board additional information on potable reuse, states that allow it, and the types of regulations they have in place.

Item Nine: Closed Session

Without objection, the Board of Directors convened in a virtual Closed Session for the purpose of discussing a personnel matter as provided in NC General Statutes 143.318.11(6).

Following the Closed Session, the Board meeting reconvened in open session and the meeting was adjourned at 8:46 p.m.

Respectfully submitted by:



Andrea Orbich
Executive Assistant/Clerk to the Board

Attachments

Resolution Designating OWASA's Primary and Secondary Agents and Authorizing Them to Execute and File Applications for Federal and/or State Assistance and Represent the Organization in All Dealings with Federal Emergency Management Agency and the North Carolina Division of Emergency Management

Whereas, the Orange Water and Sewer Authority is expending funds to deal with the impact of the COVID-19 pandemic; and

Whereas, staff has begun working with federal and state agencies to document expenditures and receive disaster relief; and

Whereas, the Federal Emergency Management Agency requires that OWASA designate a primary and secondary agent to execute and file applications and represent OWASA in all dealings with the State of North Carolina and the Federal Emergency Management Agency.

Now, Therefore, Be It Resolved by the Board of Directors of Orange Water and Sewer Authority:

1. That Stephen Winters, Director of Finance and Customer Service, and Kelly Satterfield, Finance and Procurement Manager are hereby authorized to execute and file applications for public assistance on behalf of Orange Water and Sewer Authority for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.

2. That the above-named agents are authorized to represent and act for Orange Water and Sewer Authority in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances listed in Attachments B.

3. That the above-named agents are authorized to act severally.

This the 13th day of August 2020.


Raymond E. DuBose, P.E., Chair


Jo Leslie Eimers, Secretary

ATTACHMENT B

ASSURANCES-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of the project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply by the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-2763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681, 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290dd-3 and 290ee-3), as amended relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L.93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) elevation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE
APPLICANT ORGANIZATION Orange Water and Sewer Authority	DATE SUBMITTED Jul 7, 2020