

WEST VIRGINIA WATER DEVELOPMENT BOARD MINUTES

The West Virginia Water Development Board met at 11:00 a.m. on Friday, July 9, 2021, at the Water Development Authority's ("WDA") office in Charleston, West Virginia. Notice of the meeting was posted on the Secretary of State's online meeting notice database. The notice referenced that the agenda and a conference call number would be posted on the WDA website. Those wanting to attend the meeting could do so in person or by phone. Tina Parker recorded the minutes of the meeting. After the Roll Call, the Chair declared a quorum.

BOARD ATTENDEES:

Ann V. Urling, Chair as designee for Honorable Governor Jim Justice, present
John Miller, Member, present
Gary Sutphin, Member, present
Michael Duplaga, Member, via conference call
Stephanie Hickerson, as designee for the Commissioner of the Bureau of Public Health, via conference call
Katheryn D. Emery, as designee for the Secretary for the Department of Environmental Protection, present

OTHER ATTENDEES:

Marie Prezioso, WDA, Executive Director
Samme Gee, Esq., Jackson Kelly PLLC, Counsel to the Board
Brock Jarrett, WDA, CFO and Committee Secretary/Treasurer
Wayne Morgan, IJDC
Brandon Crace, IJDC
Sheena Chadwell, WDA
Tina Parker, WDA
Kanti S. Patel, American Geotech, Inc.
Matt Shelton, S & S Engineers, Inc.

APPROVAL OF MINUTES

The minutes for the meeting held on Tuesday, April 13, 2021, were presented for approval.

MOTION: Moved by Mr. Gary Sutphin; Seconded by Mr. John Miller; Passed unanimously.

RESOLVED, THAT THE MINUTES OF THE BOARD MEETING HELD ON APRIL 13, 2021, ARE APPROVED.

RESOLUTION HONORING MIKE JONES

Mr. Mike Jones retired from the Board on July 1, 2021. Ms. Marie Prezioso read a letter to the Board and Staff from Mr. Jones. Chair Ann Urling read the proposed Resolution.

MOTION: Moved by Mr. Miller; Seconded by Mr. Sutphin; Passed unanimously.

RESOLVED, THAT THE RESOLUTION OF APPRECIATION FOR MIKE JONES SERVICE TO THE WEST VIRGINIA WATER DEVELOPMENT AUTHORITY, BE APPROVED.

AUDIT COMMITTEE REPORT

Mr. Miller, temporary chair of the audit committee, reported that the Audit Committee met before the Board meeting. Mr. Rob Adams discussed the audit schedule for all three audits with the committee, as well as the due date to the State. Ms. Samme Gee also relayed that Mr. Adams wanted all Board members to know that if they had any concerns about the audits or any concerns about the agency, they could contact him directly. He left his business cards.

BUILDING AND FACILITIES REPORT

Ms. Prezioso introduced Mr. Kanti Patel to discuss the recommended alternative for Elk River Bank slope repair behind the WDA building. He presented an Amendment to the Engineering Agreement, dated November 6, 2018. The amendment outlines the cost for the Engineering services to do the design, bidding, and construction phases of the project. It also gives an updated estimate of the cost for the alternative chosen. The alternative chosen will provide a permanent solution.

After discussion, the following motion was made:

MOTION: Moved by Mike Duplaga; Seconded by Mr. Miller; Passed unanimously.

RESOLVED, THAT THE EXECUTIVE DIRECTOR ENTER INTO AN AGREEMENT WITH AMERICAN GEOTECH, INC. TO PREPARE BIDS AND OVERSEE THE CONSTRUCTION OF THE OPTION REFERRED AS "SOLDIER PILE WALL" TO CORRECT THE CURRENT INSTABILITY OF THE EXISTING RIVERBANK SLOPE, BE APPROVED.

FINANCIAL REPORT

Ms. Prezioso discussed the grant and loan closings for WDA, Infrastructure and Jobs Development Council, Clean Water State Revolving Fund and Drinking Water Treatment State Revolving Fund for Fiscal Year 2021. She also summarized the deficiencies report and the economic development loans. Also presented was the WDA Income State and Balance Sheet.

APPROVAL OF BUDGET FOR FISCAL YEAR 2022

Ms. Prezioso presented the budget for Fiscal Year 2022.

MOTION: Moved by Mr. Sutphin; Seconded by Ms. Katheryn Emery; Passed unanimously.

RESOLVED, THAT THE RECOMMENDED FISCAL YEAR 2022 BUDGET, BE APPROVED

EXECUTIVE DIRECTOR'S REPORT

Ms. Prezioso reported that it was busy year. In addition to the regular loan and grant closings, we are getting more requests for critical needs funding as result of Senate Bill 589 and the increased work on the of economic development loans. We recently bid auctioneering services. The services are needed for an economic development loan for equipment that is in default. Finally, she summarized staff's work during COVID-19 restrictions.

ELECTION OF OFFICERS

Vice Chair

Mr. Miller was nominated by Mr. Sutphin to be Vice Chair; Seconded by Ms. Emery; Passed unanimously.

Secretary/Treasurer

Mr. Brock Jarrett was nominated by Mr. Miller to be Secretary/Treasurer; Seconded by Ms. Emery; Passed unanimously.

Assistant Secretary/Treasurer

Mrs. Sheena Chadwell was nominated by Mr. Miller to be the Assistant Secretary/Treasurer; Seconded by Ms. Emery; Passed unanimously.

PERSONNEL AND LEGAL

Per West Virginia Code §6-9A-4(b)(9) and §4(b)(2)(A) Executive Session*

Chairman Ann Urling asked for a motion to go into Executive Session for personnel and legal matters.

MOTION: Moved by Mr. Miller; Seconded by Ms. Emery; Passed unanimously.

RESOLVED, THAT THE BOARD GO INTO EXECUTIVE SESSION PER WEST VIRGINIA CODE §6-9A-4(b)(9) and §4(b)(2)(A) TO DISCUSS PERSONNEL AND LEGAL ISSUES, BE APPROVED.

Board went into Executive Session at 11:31 a.m.

Board reconvened from Executive Session at 11:42 a.m.

The Chair announced that no actions were taken during Executive Session.
MOTION: Moved by Ms. Emery; Seconded by Mr. Miller; Passed unanimously.
RESOLVED, THAT THE BOARD APPROVE THAT THE EXECUTIVE DIRECTOR'S SALARY BE INCREASED BY \$10,000.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

To be determined.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

MOTION: Moved by Mr. Miller; Seconded by Mr. Sutphin; Passed unanimously.

RESOLVED, THAT THE BOARD MEETING BE ADJOURNED AT 11:45 A.M.



Brock Jarrett, Secretary

Minutes approved:

10/8/21 (Date)

Attachments:

Resolution Honoring Mike Jones Service
Elk River Bank Slope Stability Alternative Decision
Budget for Fiscal Year 2022

Mike Jones

Resolution of Appreciation West Virginia Water Development Authority

WHEREAS, Mr. Mike Jones has been committed to the West Virginia Water Development Authority serving as a Board Member with dedication since 2010; and most recently as Vice Chair;

WHEREAS, Mr. Jones provided dedicated service to the West Virginia Water Development Authority, allowing the authority to meet its mission to provide financial assistance for the development and continued maintenance of water, wastewater, and economic development infrastructure in West Virginia; and

WHEREAS, Mr. Jones served the Water Development Authority, thereby serving the State of West Virginia and all its citizens, making a difference to the people of West Virginia;

THEREFORE, BE IT RESOLVED that the West Virginia Water Development Authority hereby expresses its greatest appreciation to Mike Jones for his dedication and contribution portrayed during his service.

Adopted this 9th day of July 2021.

Ann V. Urling, Chair

AMERICAN GEOTECH, INC.

GEOTECHNICAL, ENVIRONMENTAL AND TESTING ENGINEERS

601 OHIO AVENUE
CHARLESTON, WV 25302
(304) 340-4277
Fax (304) 340-4278

July 7, 2021

Ms. Marie L. Prezioso
Executive Director
WV Water Development Authority
1009 Bullitt Street
Charleston, WV 25301

**Re: Amendment #1 to Engineering Services Agreement Dated 11/6/2018
Design, Bid & Construction Administration of the Project Slope Repair
Soldier Pile Wall - Elk River Slope Repair
1009 Bullitt Street
Charleston, West Virginia**

Dear Ms. Prezioso:

This is Amendment #1 to our original agreement dated November 6, 2018 signed by American Geotech, Inc. and WV Water Development Authority. This amendment is in response to a request made by Mr. Brandon Crace of WV Water Development Authority on June 25, 2021, our field walk of the site on June 28, 2021, and review of our geotechnical exploration and evaluation report dated January 14, 2019.

American Geotech, Inc. has completed the Phase I study which included geotechnical exploration, site mapping of the slopes, parking lot, fence and utilities. American Geotech, Inc. evaluated four (4) concepts for "Elk River Slope Repair" at the rear parking lot with Pros and Cons of each concept, along with probable construction costs of each concept. The construction cost of the Soldier Pile Wall was estimated to be \$ 977,900.00 in January 2019. Due to shortage of steel and other materials the present cost has increased 15%. Total project cost is estimated to be \$ 1,393,385.00. We have been asked to provide an amended cost for Phase II "Design work of the project slope repair using pre-drilled soldier pile wall & lagging", including construction administration, monitoring and testing services during the construction phase.

Engineer will perform or furnish the following additional services.

A. The "Pre-Design Phase" of Elk River Slope Repair (20 days)

1. Review slopes, walk-through slopes and slip
2. Confirm mapping and location of fence and any change
3. Miss utility call and locate utilities on ground
4. Mark soldier pile wall alignment on ground by stakes
5. A revised opinion of probable construction cost

Cost \$ 4,000.00

B. The "Design Phase" of Elk River Slope Repair - Soldier Pile Wall & Contract Documents: (90 days)

1. Slope stability analysis and Soldier Pile Wall Design
2. Soldier Pile spacing, size & socket depth
3. Waler size and concrete lagging requirements
4. Removal of existing fence & temporary storage of fence
5. Construction of temporary fence during construction
6. Protection of existing utilities - wood mattings
7. Milling of damage paved surface & re-surfacing pavement
8. Asphalt curb at front of wall or fence
9. Crown the paved surface to drain to drop inlet
10. Detailed plans - specification & contract documents for bidding purpose
11. Environmental Resources Letter to DEP for E & S
12. Environmental Resource Letter to County Flood Plain
13. Environmental Resource Letter to Army Corps of Engineer
14. Due to less than 1 acre disturbance on private property no permits are required except for City of Charleston.

Cost \$110,000.00

C. The "Bid Phase" of Elk River Slope Repair - Soldier Pile Wall (45 days)

1. Assist owner in advertising for obtaining bids
2. Attend on-site pre-bid conference
3. Assist owner in issuing assembled design, contract and bidding related documents to prospective bidders
4. Create and update list of purchaser of contract documents
5. Answer client and contractor questions and clarify issues regarding contract documents and bidding process
6. Prepare and issue addenda as appropriate to clarify, correct or change
7. Issue addenda to bidding and contract documents to clarify, correct or change
8. Evaluate bids and check apparent low bidders
9. Consult with Owner as to the qualification of prospective contractors

Cost \$ 12,000.00

D. The "Construction Phase" of Elk River Slope Repair using Soldier Pile Wall: (130 days)

1. Co-ordination with WV WDA
2. Pre-construction conference
3. Conduct construction meetings
4. Construction change orders
5. Review and submit contractor's invoices
6. Survey control for field construction survey
7. Shop drawing review
8. Provide on-site observations and testing
9. Project close out.

Cost \$ 108,000.00

Agreement Summary:

Original agreement amount:	\$ 34,800.00
Net change for prior amendments:	\$ 0.00
This amendment amount:	\$ 234,000.00
Adjusted Agreement amount	\$ 268,800.00

Mandatory Arbitration

All claims, disputes and other matters of controversy or in question arising out of, or relating to this agreement or services or the breach thereof, shall be decided by arbitration in accordance with the then-prevailing Construction Industry Rules of the American Arbitration Association.

Owner and Engineer hereby agrees to modify the above reference Task Order as set forth in this Amendment. All provisions of the agreement and Task Order not modified by this amendments remain in effect.

OWNER

ENGINEER

WV Water Development Authority

American Geotech, Inc.

By: _____

By: Kanti S. Patel

Print
name: _____

Print
name: KANTI S. PATEL

Title: _____

Title: President

Date Signed: _____

Date Signed: July 8, 2021

**West Virginia Water Development Authority
2022 Budget**

	2022 Budget	2021 actual	2021 budget	2021 Budget to Actual
	WDA	WDA	WDA	Variance
<u>Revenues:</u>				
Administration Fee	\$23,714	\$22,715	\$20,305	\$2,411
Deferred Revenue		(51,084)		(\$51,084)
Miscellaneous Income	285,832	618,894	228,571	\$390,323
Other Nonoperating Revenue				
Gain on Investments	0	0		0
Distribution of Savings	(342,056)	(337,411)	(337,411)	(\$0)
Recovery Uncoll Loans/Ser Chgs				
Prepayment of LGA Bonds				
Interest on Investments	45,693	44,362	1,066,109	(\$1,021,747)
Interest on Loans	10,451,497	10,643,266	10,630,327	\$12,939
Arbitrage Rebate Revenue Offset				
Gain on sale of asset				
Total Revenues:	10,464,679	10,940,742	11,607,900	(667,158)

Operating Expenses:

Labor	530,268	458,457	516,305	(\$57,848)
Labor Overheads:				
Public Employees Insurance	64,065	60,685	57,311	\$3,374
Unemployment Compensation	-	2,893		\$2,893
Consolidated Public Retirement	51,006	48,348	51,630	(\$3,282)
Worker's Compensation (est)	1,165	754	2,300	(\$1,546)
Other Post Employment Benefits	12,876	16,277	16,320	(\$43)
Change in Compensated Absences				
Personnel Administrative Fees	1,850	1,775	2,070	(\$295)
Insurance Expense (1662.5 per qrt)	16,448	15,650	15,665	(\$15)
Rents	6,780	6,780	6,780	-
General Office:				
Administrative Fees Expense				
Cell Phone Expense				
Office Expense	13,805	31,669	31,136	\$533
Telecommunications Expense	31,017	52,251	14,793	\$37,458
Utilities Expense	35,752	30,674	30,744	(\$70)
Computer Services	195,369	185,432	173,086	\$12,346
Contractual & Professional	45,448	49,450	47,667	\$1,783
Janitorial \$945	11,340	10,777	11,040	(\$263)
Postal & Freight	500	715	500	\$215
Temporary Services Expense				\$0

Miscellaneous Expense:				\$0
Directors Expense	48,000	48,000	48,000	\$0
Travel Expense	7,480	192	7,480	(\$7,288)
Association Dues	3,905	2,640	3,905	(\$1,265)
Advertising Expense	205	69	205	(\$136)
Maintenance Contracts	64,224	51,376	59,539	(\$8,163)
Hospitality Expense (estimate)	500	102	500	(\$398)
Training Expense (estimate)	3,475	200	3,475	(\$3,275)
Miscellaneous Expense (est)	-	0	500	(\$500)
Computer Supplies	-	0	750	(\$750)
Trustee Expense	35,240	34,985	35,240	(\$255)
Legal Expense	56,000	48,079	57,125	(\$9,046)
Total Operating Expenses	1,236,718	1,158,230	1,194,067	78,487
Depreciation Expense:				
Depreciation Expense- est	144,500	144,500	132,000	\$12,500
Amortization Expense	3,659	3,659	3,659	\$0
Total Depreciation Expense	148,159	148,159	135,659	12,500
General Taxes:				
Payroll Taxes	7,505	7,172	23,769	(\$16,597)
Property Taxes	0		0	\$0
Total General Taxes	7,505	7,172	23,769	(16,597)
Transfers (in)/out				
Bond Expenses, incl amtz	5,358,032	6,101,126	5,160,568	\$940,558
Loss on Investments	0	1,031	0	\$1,031
Total Expenses	\$6,750,413	\$7,415,718	\$6,514,062	\$901,656
Net position	\$3,714,266	\$3,525,024	\$5,093,838	(\$1,568,814)