

Informational Agenda for the BVU Authority Board Meeting

The meeting will start at 12:00 p.m. on October 30, 2020 at the following location:

BVU Administrative Building
Training Room
15022 Lee Highway
Bristol, Virginia 24202

The BVU Authority Board of Directors will hold a meeting at the above time and place to consider the proposed matters listed below and any other matter added. A meal will be provided to official attendees.

Due to COVID-19, vehicles must enter onto BVU property through Old Dominion Road and park in the front customer parking lot. BVU staff will be present at the front door to provide access to the designated conference or training room for the meeting. The public is invited to attend but must pass a COVID-19 screening. If denied admission based on COVID-19 symptoms, the public may watch the meeting live stream on BVU's channel at www.youtube.com and call in to ask any question at 276-645-8731.

REGULAR MEETING AGENDA

1.0	The Chair will call the meeting to order and determine a quorum is present. The General Counsel will discuss electronic meeting procedures.
2.0	The Chair will lead the meeting in opening ceremonies:
2.A	Moment of Reflection.
2.B	Pledge of Allegiance to the United States of America.
3.0	The Chair will ask if any members of the public would like to discuss any agenda items. If so, the public may participate when the agenda item is up for discussion. There is a three-minute time limit for agenda items which may be extended by the Chair. For non-agenda items, the public is asked to contact the CEO and request to be added to a future meeting.
4.0	The Chair will request a motion to adopt a meeting agenda:
4.A	The Chair will ask members and/or CEO if they have any motions to add, delete, or revise items on the agenda.
4.B	The Chair will conduct a separate roll call vote to formally adopt or reject each motion.

4.C*	The Chair will request a motion to formally adopt the proposed agenda to include any approved motions to add, delete, or revise. If moved, the Secretary will conduct a roll call vote.
5.0	The CEO will review upcoming calendar events and make comments.
6.0*	The Chair will request a motion for the Board to: Approve the regular board meeting minutes from September 25, 2020. If moved, the Secretary will conduct a roll call vote
7.0	Blackburn, Childers and Steagall (BCS) will present the FY2020 BVU Annual Audit Report.
8.0*	The CEO and Finance Director will review the employee incentive plan for FY2020. The Chair will request a motion to approve the incentive plan as presented. If moved, the Secretary will conduct a roll call vote.
9.0*	The CEO and Customer Service Manager will discuss proposed revisions to BVU's electric rates to include GSB/C/D rate classes. The rate classes will be transmitted to the Tennessee Valley Authority (TVA) for regulatory rate review and inclusion in the BVU Authority Schedule of Rates and Charges effective January 1, 2021. The Chair will request a motion to approve the revisions as presented. If moved, the Secretary will conduct a roll call vote.
10.0	The CEO and Wastewater Manager will update the Board on the Little Creek and Beaver Creek sewer improvement projects.
11.0*	The Chair will request a motion to go into a Closed Meeting. If moved, the Secretary will conduct a roll call vote. In order to have a Closed Meeting, a majority of the board members attending must determine that a Closed Meeting is authorized under Virginia Code.
11.A*	The subject of the Closed Meeting is to discuss the purchase of real estate related to utility improvements. "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body." The Closed Meeting is authorized for this subject under Virginia Code Ann. §2.2-3711(A)(3).
11.B*	The subject of the Closed Meeting is to "discuss the past year and provide feedback to each other." "A. Public Bodies may hold closed meetings only for the following purposes: 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body...." The Closed Meeting is authorized for this subject under Virginia Code Ann. §2.2-3711(A)(1).

12.0	If the Board votes for a Closed Meeting, it will begin after non-attendees have left the room. The CEO will join the Board and General Counsel to discuss the above matters.
13.0*	Following Closed Meeting discussion, the Chair will request a motion to return to Open Meeting. If moved, the Secretary will conduct a roll call vote. Upon returning to Open Meeting, the public will be invited to return to the conference room.
14.0	<p>The Chair will state that he believes the Board has complied with the Closed Meeting requirements of Virginia Code §2.2-3711 and 3712 and that no additional subjects were discussed. The Chair will then read the following closed meeting Certification Statement:</p> <p>“Virginia Code §2.2-3712.D. The members: certifying that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under this chapter and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”</p> <p>Any member of the public body who believes that there was a departure from the requirements of clauses (1) and (2), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.”</p>
15.0*	The Chair will request a motion on the Closed Meeting Certification required under Virginia Code §2.2-3712.D. If moved, the Secretary will conduct a roll call vote.
16.0*	The Chair will ask Board members of a motion regarding the purchase of property. If moved, the Secretary will conduct a roll call vote.
17.0*	The Chair will ask Board members for a motion regarding the President & CEO's Employment Agreement. If moved, the Secretary will conduct a roll call vote.
18.0*	The Chair will request a motion to go into a Closed Meeting. If moved, the Secretary will conduct a roll call vote. In order to have a Closed Meeting, a majority of the board members attending must determine that a Closed Meeting is authorized under Virginia Code.
18.A*	The subject of the Closed Meeting is to discuss the litigation with the City of Bristol. “Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation.” The Closed Meeting is authorized for this subject under Virginia Code Ann. §2.2-3711(A)(7).
19.0	If the Board votes for a Closed Meeting, it will begin after non-attendees have left the room. The CEO will join the Board and General Counsel to discuss the above matters.
20.0*	Following Closed Meeting discussion, the Chair will request a motion to return to Open Meeting. If moved, the Secretary will conduct a roll call vote. Upon returning to Open Meeting, the public will be invited to return to the conference room

21.0	<p>The Chair will state that he believes the board has complied with the Closed Meeting requirements of Virginia Code §2.2-3711 and 3712 and that no additional subjects were discussed. The Chair will then read the following closed meeting Certification Statement:</p> <p>“Virginia Code §2.2-3712.D. The members: certifying that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under this chapter and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”</p> <p>Any member of the public body who believes that there was a departure from the requirements of clauses (1) and (2), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.”</p>
22.0*	The Chair will request a motion on the Closed Meeting Certification required under Virginia Code §2.2-3712.D. If moved, the Secretary will conduct a roll call vote.
23.0	The CEO and General Counsel will provide a brief review of the City of Bristol lawsuit.
24.0	Adjournment.

***Board Vote Required**

The next regular board meeting will be tentatively scheduled for Friday, December 4, 2020 at noon. For more information, please contact Donna Biggs, BVU Board’s secretary, at (276) 669-4112. Please note that BVU attempts to videotape all open sessions of BVU board meetings. The videotapes are uploaded to www.youtube.com and are available for members of the public to view.