

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Supervisors of the County of Rockingham, Virginia will hold a public hearing on August 12, 2020, at 6:00 p.m., in the Board of Supervisors Meeting Room, 20 East Gay Street, Harrisonburg, Virginia, pursuant to Section 15.2-5104 of the Code of Virginia (1950), as amended, to receive public comment on the following proposed Resolution to Create the Massanutten Water and Sewer Authority:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKINGHAM
COUNTY, VIRGINIA, TO CREATE
THE
MASSANUTTEN WATER AND SEWER AUTHORITY

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA, THAT:

Section One: The Board of Supervisors of Rockingham County, Virginia, hereby creates an Authority, a public body politic and corporate and a political subdivision of the Commonwealth of Virginia, under the provisions of the Virginia Water and Waste Authorities Act, as amended (Title 15.2, Chapter 51, Article 1 through Article 5, both inclusive, of the Code of Virginia, 1950, as amended) (the “Act”) for the purpose of providing for the acquisition, construction, operation and maintenance of a water system and a sewer system as authorized by the Act, and for the purpose of exercising all of the powers conferred by the Act, and any subsequent amendments to the Act, in relation to the foregoing, including, but not limited to, the issuance of debt and the establishment and charging of rates and fees.

Section Two: The following Articles of Incorporation for the Authority are hereby adopted:

ARTICLES OF INCORPORATION
OF THE
MASSANUTTEN WATER AND SEWER AUTHORITY

In compliance with the Virginia Water and Waste Authorities Act, as amended, (Title 15.2, Chapter 51, Articles 1 through 5, both inclusive, of the Code of Virginia, 1950, as amended) the Board of Supervisors of Rockingham County, pursuant to a resolution duly adopted signifying its intention to form this Authority, does hereby certify:

I. The name of the Authority shall be the **MASSANUTTEN WATER AND SEWER AUTHORITY**, and the address of its principal office shall be 20 East Gay Street, Harrisonburg, Virginia, 22802.

II. The name of the incorporating locality is Rockingham County, Virginia, and the members of the Authority Board shall be composed of the then current members of the Board of Supervisors of Rockingham County, Virginia, and the names and addresses of the first members of the Authority Board are as follows:

NAME OF MEMBER	ADDRESS:	ELECTION DISTRICT
Brent Trumbo	10877 Harpine Highway Broadway, VA 22815	District # 1
Sallie Wolfe-Garrison	1393 Cooks Creek Road Rockingham, VA 22802	District # 2
Rick L. Chandler	Post Office Box 174 Port Republic, VA 24471	District # 3
William B. Kyger, Jr.	6710 Vista Heights Rd Bridgewater, VA 22812	District # 4
Michael A. Breeden	1716 Breeden Circle Elkton, VA 22827	District # 5

All Board Members shall serve during the term of their membership on the Board of Supervisors of Rockingham County, which Members shall be deemed elected to the Authority Board upon their election to the Board of Supervisors. All Members of the Authority Board shall hold office until their successors have been duly elected and qualified and may succeed themselves. The terms of office of the first Members of the Authority Board shall begin on the date of the Certificate of Incorporation issued by the State Corporation Commission.

III. The purposes for which the Authority is created are: the acquisition, construction, operation and maintenance of a water system and a sewer system, including but not limited to transporting, treatment and disposal, for the area known of as the Massanutten community, and currently served by the Massanutten Public Service Corporation, a copy of a map of such area may be inspected on the County's website and at the office of the County Administrator of Rockingham County, Virginia, at 20 East Gay Street, Harrisonburg, Virginia, and for the purpose of exercising all of the powers conferred by the Virginia Water and Waste Authorities Act, as amended, in relation to the foregoing, including, but not limited to, the issuance of debt and the establishment and charging of rates and fees.

The area included within the Massanutten Water and Sewer System is generally and approximately described in the following narrative:

The Massanutten Water and Sewer System will encompass all areas currently within the service area of the Massanutten Public Service Corporation on Massanutten Mountain.

IV. In compliance with Section 15.2-5103 of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby makes the finding that it is not practicable to estimate the costs of operation and maintenance at this time. Many factors are yet to be determined by the Board of the Authority after consultation with engineers.

Nevertheless, it can be stated that the major capital costs will be the cost of acquiring the personal and real property, including easements, owned and used by the Massanutten Public Service Corporation, plus the cost of capital repair and replacement of the existing systems, which the Board of Supervisors believes will be significant.

IN WITNESS WHEREOF, the Board of Supervisors of Rockingham County, Virginia, have caused these Articles of Incorporation to be executed in its name by William B. Kyger, Jr., its Chairman, as thereunto duly authorized.

This ____ day of _____, 2020.

BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA

By _____
William B. Kyger, Jr., Chairman

ATTEST:

County Administrator

Section Three: The Articles of Incorporation shall be executed on behalf of the Board of Supervisors of Rockingham County, Virginia, by the Chairman of the Board of Supervisors, and attested by the County Administrator, and the Chairman and county staff are hereby authorized, empowered and directed to do all things necessary and appropriate to cause the Authority to be created under the provisions of the Act.

Section Four: As required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, a Public Hearing was held at 6:00 p.m., on the 12th day of August, 2020, in the Board of Supervisors' Meeting Room at the County Administration Center, 20 East Gay Street, Harrisonburg, Virginia.

Section Five: A copy of this resolution was published, as required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, one time at least thirty (30) days prior to the date of the aforesaid public hearing in the Daily News Record, a newspaper of general circulation in Rockingham County, Virginia, together with the notice of publication, in substantially the above form.

Section Six: Following the aforesaid public hearing, or any adjournment thereof, and adoption of this Resolution by the Board of Supervisors, no referendum having been called as provided by State Law, the county staff shall cause to be filed with the State Corporation Commission the Articles of Incorporation of the Massanutten Water and Sewer Authority, together with the proof of publication of this resolution. Also, immediately following such public hearing, or any adjournment thereof, the Clerk of the Board of Supervisors shall furnish the State Corporation Commission with a record of the proceedings in such hearing and the adoption of this Resolution and the State Corporation Commission shall be formally requested to act upon the issuance of a Certificate of Incorporation for the Massanutten Water and Sewer Authority.

Rockingham County Board of Supervisors