

**PUBLIC SERVICE AUTHORITY BOARD OF DIRECTORS MEETING**  
**September 13, 2022**

At a meeting of the Public Service Authority Board of Directors held on Tuesday, September 13, 2022, at 9:00 a.m. in the Board Room of the County Administration Building, 143 Third Street, N.W., in the Town of Pulaski, Virginia, the following Board members were present: Mr. Dennis Setliff; Mr. Eddie Hale; Mrs. Nancy Burchett, Chair, Mrs. Ashley Coake, Vice Chair and Mr. Douglas Swanson.

Staff members present included: Jared Linkous, Executive Director; Josh Tolbert, Deputy Director; Jonathan Sweet, County Administrator, Pulaski County; Tim Kirtner, County Attorney, Pulaski County; Diane Newby, Finance Director; Tracy Belcher, Assistant Finance Director; Debra Boyd, Accounts Payable/Collections Coordinator; and Ashley Edmonds, Clerk to the Board.

1. Welcome and Call to Order

Mrs. Burchett called the meeting to order at 9 a.m.

A. Confirmation of A Quorum

5 (five) Board members were present.

2. Presentations and Citizens Comments

A. Presentations and Citizens Comments

Nancy McDonley, 3424 Hilton Village Loop, Pulaski, presented a petition from Hilton Village Loop residents who do not want a water line in the area. She advised that the residents did not receive the correspondence from the PSA as promised on August 17, 2022, nor has any letters been received at current date. She also questioned the fee for non-users of the water service.

Bruce McDonley, 3424 Hilton Village Loop, Pulaski, asked the PSA to let residents know when work is being conducted in their area. He inquired about the following items: the point system for projects in the Water Master Plan and the purpose and cost of the non-user fee.

Charles Hull, 3091 Schrader Hill Road, Pulaski, stated he attends the Trinity Baptist Church and the church does not good water. He advised that he has attended PSA Board meetings for the last four (4) years to request a water line for the church and is hopeful to get the opportunity. He also inquired about whether there might be assistance for payment of the connection fee for the elderly or low income individuals/families.

Paul Hamblin, 4058 Robinson Tract Road, Pulaski, stated there needed to be better communication with the residents in the area on any plans for a water or sewer project. He also inquired about where Robinson Tract and Hilton Village Loop placed on the water and sewer plans and how low income families and the elderly could afford the connection fee. He asserted that the two homes with positive tests for e-coli should not have been sold but been condemned and made a complaint about the low water pressure on Schrader Hill Road.

Bob Rogers, 4858 Miller Ridge Road, Dublin, affirmed that he attends Trinity Baptist Church and advised that the church wants water from the PSA. He stated the Virginia Tech tested their water and recommended not drinking it.

Bruce McDonley, 3424 Hilton Village Loop, Pulaski, requested the Board consider a payment plan to offset the availability (non-user) fee.

Nancy McDonley, 3424 Hilton Village Loop, Pulaski, questioned the positive e-coli results for the two (2) homes and advised that the property owners are not concerned about the condition of the water. She requested further research instead of jumping to conclusion that the water is bad.

3. Executive Session

A. Enter Into Executive Session

An Executive Session is requested pursuant to Section 2.2-3711. A. 3. 8. of the 1950 Code of Virginia, as amended, to discuss or consider the acquisition of real property for a public purpose, or the disposition of publicly held real property and to consult with staff on legal matters. (Staff attending: Mr. Jared Linkous, Executive Director; Mr. Josh Tolbert, Deputy Director; Mr. Jonathan Sweet, County Administrator and Mr. Tim Kirtner, County Attorney, Pulaski County)

On a motion by Mr. Hale, second by Mr. Swanson and carried, the Public Service Authority Board of Directors entered an Executive Session for discussion of the following:

Acquisition or Disposition of Real Property: Pursuant to Virginia Code Section 2.2-3711 (A) 3 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 regarding:

- Drop Site on the South Side of Claytor Lake

Legal Consultation: Pursuant to Virginia Code Section 2.2-3711(A) 8 discussion for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding:

- Potential Contract Negotiations for Commercial and Industrial Refuse Collection in the Town of Pulaski

Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.

Voting No: None.

#### B. Return to Open Session

On a motion by Mr. Setliff, second by Mr. Hale and carried, the Public Service Authority Board of Directors returned to open session.

Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.

Voting No: None.

#### C. Certification of Executive Session

On a motion by Mr. Setliff, second by Mr. Swanson and carried, the Public Service Authority Board of Directors adopted the following resolution certifying conformance with the Virginia Freedom of Information Act:

WHEREAS, the Public Service Authority Board of Directors has convened a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with provision of the Virginia Freedom of Act.

WHEREAS, Section 2.2-3371(A) of the Code of Virginia requires a certification by the Board of Directors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Public Service Board of Directors hereby certifies to the best of each members' knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution files applies; and (ii) only such business matters as were identified in this motion convening the closed meeting were heard, discussed or considered by the Public Service Authority Board.

Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.

Voting No: None.

#### 4. Approval of the Agenda

##### A. Additions or Changes to the Agenda

On a motion by Mr. Swanson, second by Mrs. Coake and carried, the Board accepted the agenda as presented.

Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.

Voting No: None.

## 5. Financial Matters

### A. Financial Report

Mrs. Belcher presented the financial report to the Board and provided the following updates:

- Revenues and expenses are on track.
- Provided refuse revenue numbers for previous years.
- Working on letters to non-users/vacant structures (refuse).

On a motion by Mr. Swanson, second by Mrs. Coake and carried, the Board accepted the Financial Report.

Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.

Voting No: None.

### B. Collections Update

Mrs. Burchett inquired about the status of the PSA's participation in the Debt Set-Off program. Staff advised involvement will resume next year.

Water cut-offs for accountholders who are delinquent ninety (90) days will start in October with sixty (60) days to follow in subsequent months.

## 6. Action Items (New Business)

A. None.

There were no Action Items (New Business).

## 7. Action Items (Old Business)

A. Pulaski County PSA - VRA Loan WSL-046-18 (Water Intake Project)

On a motion by Mr. Swanson, second by Mr. Hale and carried, the Board repealed the prior Resolution adopted December 8, 2020, authorizing the issuance of a bond in the maximum amount of \$715,000 for the Water Intake Project and adopted/authorized a Resolution with a principal amount not to exceed \$1,534,000 for the project.

Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.

Voting No: None.

**RESOLUTION AUTHORIZING THE CONSTRUCTION AND FINANCING OF  
IMPROVEMENTS TO THE WATER SYSTEM OF THE PULASKI COUNTY PUBLIC  
SERVICE AUTHORITY AND THE ISSUANCE, SALE AND AWARD OF A NOT TO  
EXCEED \$1,534,000 WATER, SEWER, AND SOLID WASTE REVENUE BOND AND  
PROVIDING FOR THE FORM, DETAILS, AND PAYMENT OF THE BOND AND  
REPEALING A RELATED RESOLUTION**

Pulaski County Public Service Authority (the "Authority") is a public body politic and corporate and a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Water and Waste Authorities Act by the Board of Supervisors of Pulaski County, Virginia, and by a certificate of incorporation issued February 4, 1970, by the State Corporation Commission of Virginia.

The Authority has been authorized to acquire, construct, operate and maintain water, sewer, and solid waste disposal systems in Pulaski County, Virginia (the "County"), and to borrow money and to issue its revenue bonds to pay all or part of the cost of such systems, including the cost of such additions and betterments as the Authority deems necessary to place or maintain the systems in proper condition for the safe, efficient and economical operation thereof, and to refund bonds previously issued by the Authority.

The Authority has determined to make improvements to the raw water intakes of its water system and to issue its revenue bond in the maximum amount of \$1,534,000, the proceeds of which, together with other available funds, are estimated to be sufficient to pay the cost of the Project hereinafter authorized.

The Authority desires to repeal its resolution adopted December 8, 2020, authorizing the issuance of a bond in the maximum amount of \$715,000 for the Project.

The Virginia Resources Authority ("VRA"), as Administrator of the Virginia Water Supply Revolving Fund, has offered to purchase such revenue bond upon certain terms and conditions, and the Authority, after mature consideration of the condition of the municipal bond market and other methods of selling its bonds, has determined to satisfy such terms and conditions and award the bond to VRA.

THEREFORE, BE IT RESOLVED BY PULASKI COUNTY PUBLIC SERVICE AUTHORITY:

## ARTICLE I

### Definitions

Section 1.1. Definitions. Whenever used in this resolution, unless a different meaning clearly appears from the context:

"Act" means the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended).

"Authority" means Pulaski County Public Service Authority, a public body politic and corporate and a political subdivision of the Commonwealth of Virginia duly created pursuant to the Act by the Board of Supervisors of Pulaski County, Virginia, and by a certificate of incorporation issued by the State Corporation Commission of Virginia on February 4, 1970.

"Bond" means the Authority's water, sewer and solid waste revenue bond issued pursuant to this resolution.

"Closing Date" means the date on which the Bond is delivered to VRA upon payment or partial payment of the purchase price of the Bond.

"County" means Pulaski County, Virginia.

"Financing Agreement" means the financing agreement executed by the Authority and VRA in accordance with Section 4.1 of this resolution.

"Fund" means the Virginia Water Supply Revolving Fund, acting by and through the Virginia Resources Authority, its successors and assigns.

"Project" means improvements to the Authority's raw water intakes, together with related expenses, and as may be more fully described in the Financing Agreement.

"System" means all plants, systems, facilities, equipment or property, including but not limited to the Project, owned, operated or maintained by the Authority and used in connection with the collection, supply, treatment, storage or distribution of water, the collection or treatment of wastewater, or the collection,

management, disposal, incineration, storage, recycling or conversion into energy of solid waste as the same may from time to time exist.

“VRA” means the Virginia Resources Authority, a public body corporate and a political subdivision of the Commonwealth of Virginia, its successors and assigns, as Administrator of the Fund.

## ARTICLE II

### Authorization of Project

Section 2.1. The Project. In order to improve the water facilities serving the citizens of the County in the areas served by the Authority, the construction and equipping of the Project is authorized. The Project is found and ordered to be a part of the System.

## ARTICLE III

### Authorization, Award, Details, Execution, Form, Registration and Delivery of Bond

Section 3.1. Authorization of Bond. Pursuant to the Act, there is authorized to be issued and sold a water, sewer, and solid waste revenue bond of the Authority in a principal amount not to exceed \$1,534,000 (the “Bond”), to provide funds, together with other available funds, to finance the cost of the Project.

Section 3.2. Award of Bond. After mature consideration of the methods of sale of such bond and current conditions of the municipal bond market, it is determined that it is in the best interest of the Authority and the County for the Authority to accept the offer of VRA to purchase the Bond upon certain terms and conditions set forth in the Financing Agreement.

### Section 3.3. Details of Bond.

(a) The Bond shall bear an appropriate designation as determined by either of the Chairman or Vice-Chairman of the Authority, each of whom is authorized to provide the designation for the Bond in order to appropriately identify it. The Bond will provide for principal advances to be made and noted on the Bond from time to time as funds are advanced by VRA under the Bond. The Bond shall be issued as a single, fully registered bond without coupons, shall be dated the Closing Date, shall be numbered R-1, shall bear interest at a rate not to exceed two and one-half percent (2.50%) per annum, comprised of interest to the Fund of 1.00% and a fee of 1.50% for administrative management services (defined hereinafter and in the Financing Agreement as the “Cost of Funds” on the Bond), and shall be in a principal amount not to exceed \$1,534,000. The principal of and the Cost of Funds on the Bond shall be in the amount and shall be payable semi-annually in the amounts and on the dates established in accordance with subsection (b) below.

(b) Each of the Chairman or Vice-Chairman of the Authority is authorized and directed to determine the principal amount of the Bond and to accept the dates on which, and the amounts in which, principal of and the Cost of Funds on the Bond will be due, as established by VRA before the Closing Date; provided, however, that the principal amount of the Bond shall not exceed \$1,534,000 and the final maturity of the Bond shall be no greater than forty (40) years after the Closing Date. The execution and delivery of the Bond as described in Section 3.4 and Section 3.7 of this resolution shall conclusively evidence such principal amount and payment dates and amounts established by VRA as having been so accepted as authorized by this Resolution. Principal of and the Cost of Funds on the Bond shall be payable in lawful money of the United States of America.

Section 3.4. Execution of Bond. The Bond shall be signed by the Chairman or Vice Chairman of the Authority and the Authority’s seal shall be affixed to it and attested by the Authority’s Secretary.

Section 3.5. Form of Bond. The Bond shall be in substantially the following form, with such variations, insertions and omissions as shall be consistent herewith, the execution and delivery of the Bond constituting conclusive evidence that any variations, insertions and omissions are consistent herewith:

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
THE PULASKI COUNTY PUBLIC SERVICE AUTHORITY  
WATER, SEWER, AND SOLID WASTE REVENUE BOND, SERIES [year]

DATED: [date]

Pulaski County Public Service Authority (the "Authority"), for value received, promises to pay, solely from the revenues described and pledged in the Financing Agreement, as hereafter defined, to the payment hereof, to the order of the Virginia Resources Authority (the "VRA"), as Administrator of the Virginia Water Supply Revolving Fund (the "Fund"), or registered assigns, the principal sum equal to the aggregate amount of principal advances shown on the attached Schedule of Principal Advances, but not to exceed the sum of

[amount] DOLLARS  
(\$[amount])

with interest (the "Cost of Funds"), including the part thereof allocable to the annual administrative fee payable as set forth in Section 6.1 of the "Financing Agreement" defined below, on the unpaid principal from the date of each principal advance shown on the attached Certificate of Principal Advances until payment of the entire principal sum at the annual rate of two and one-half percent (2.50%), comprised of interest to the Fund of 1.00% and a fee of 1.50% for administrative management services.

The principal of and the Cost of Funds on this Bond shall be due and payable as follows:

The Cost of Funds only on all amounts disbursed under the Bond shall be due and payable on [date]. Commencing [date], and continuing semi-annually thereafter on [date] and [date] in each year, principal and the Cost of Funds due under the Bond shall be due and payable in equal installments of \$[amount], with a final installment of \$[amount] due and payable on [date], when if not sooner paid, all amounts due under this Bond shall be due and payable in full. Each installment shall be applied first to payment of the Cost of Funds accrued and unpaid to the payment date and then to principal. If principal advances up to the maximum authorized amount are not made, the principal amount due on this Bond shall not include such undisbursed amount. However, unless the Authority and VRA agree otherwise in writing, until all payments due hereunder shall have been paid in full, less than full disbursement of the maximum authorized amount of this Bond shall not postpone the due date of any semi-annual installment due hereunder or change the amount of such installment unless the principal amount due under this Bond is less than the amount of such installment.

In addition, if any installment of principal of or the Cost of Funds on this Bond is not received by the registered owner of this Bond within ten (10) days from its due date, the Authority shall pay to the registered owner of this Bond a late payment charge in the amount equal to five percent (5.00%) of such overdue installment. Principal of and the Cost of Funds on this Bond are payable in lawful money of the United States.

**Neither the faith and credit of the Commonwealth of Virginia nor the faith and credit of any county, city, town or other political subdivision of the Commonwealth of Virginia are pledged to the payment of the principal of or the Cost of Funds on this Bond.**

This Bond has been authorized by a resolution duly adopted by the Authority on [date] (the "Bond Resolution"), and is issued pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), and pursuant to the terms of a Financing Agreement dated as of [date] between VRA and the Authority (the "Financing Agreement") to evidence a loan from the Fund to the Authority, to provide funds, together with other available funds, to finance the cost of improvements to the raw

water intakes of the Authority's water system. Reference is made to the Bond Resolution and the Financing Agreement and any amendments thereto for the provisions, among others, describing the pledge and covenants securing this Bond, the nature and extent of the security, the terms and conditions upon which this Bond is issued, the rights and obligations of the Authority and the rights of the bondholder.

Capitalized terms used and not otherwise defined in this Bond have the meanings given them in the Financing Agreement.

Principal of and the Cost of Funds on this Bond are payable solely from the Revenues of the System pledged thereto in the Financing Agreement and from amounts, if any, received pursuant to the Support Agreement, as defined in the Bond Resolution.

In accordance with the Financing Agreement, the lien of the pledge of Revenues securing the payment of the principal of and the Cost of Funds on this Bond is on parity with the pledge of Revenues securing the Existing Parity Bonds.

No notation is required to be made on this Bond of the payment of any principal on normal installment payment dates or of any prepayments of principal. HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.

Transfer of this Bond may be registered upon the registration books of the Authority's Treasurer who has been appointed Bond Registrar. Prior to due presentment for registration of transfer the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and the exercise of all other rights and powers of the owner.

This Bond is subject to optional prepayment to the extent and on the terms set forth in the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of and the Cost of Funds on this Bond may be declared immediately due and payable by the holder by written notice to the Authority.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal and Cost of Funds provided for by this Bond, the Authority shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Financing Agreement.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed.

IN WITNESS WHEREOF, the Authority has caused this Bond to be signed by the Chairman of the Authority, its seal to be affixed hereto and attested by the Secretary of the Authority, and this Bond to be dated the date first shown above.

(SEAL)

**[NOT FOR SIGNATURE]**

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Chairman, Pulaski County Public  
Service Authority

ATTEST:

**[NOT FOR SIGNATURE]**

\_\_\_\_\_  
Secretary, Pulaski County Public  
Service Authority

**SCHEDULE OF PRINCIPAL ADVANCES**

The amount and date of principal advances not to exceed the face amount hereof shall be entered hereon by an authorized officer of VRA, when the proceeds of each such principal advance are delivered to the Authority.

<u>Amount</u>	<u>Date</u>	<u>Authorized Signature</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____



**[End of Bond Form]**

Upon request of VRA, the Authority shall arrange to have prepared, executed, authenticated and delivered in exchange as soon as practicable bonds in printed form in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form, in denominations of \$5,000 and multiples thereof, except for one bond which may be issued in an odd denomination of not less than \$5,000, of the same form and maturity and registered in such names as requested by VRA or its duly authorized attorney or legal representative. The typewritten bond surrendered in any such exchange shall be canceled.

Section 3.6. Registration and Exchange of Bond. The Treasurer of the Authority is appointed to serve as Bond Registrar for the Bond. Transfer of the Bond may be registered upon books maintained for that purpose at the office of the Bond Registrar. Prior to due presentment for registration of transfer the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and the exercise of all other rights and powers of the owner.

Section 3.7. Delivery of Bond. The Chairman and Vice Chairman and the Secretary of the Authority are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to VRA in accordance with the terms of the Financing Agreement.

Section 3.8. Mutilated, Lost, Stolen or Destroyed Bond. If the Bond has been mutilated, lost, stolen, or destroyed, the Authority shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon delivery to the Bond Registrar and cancellation of, such mutilated Bond, or in lieu of and in substitution for such lost, stolen, or destroyed Bond; provided, however, that the Authority shall execute, authenticate, and deliver a new Bond only if its registered owner has paid the reasonable expenses and charges of the Authority in connection therewith and, in the case of a lost, stolen, or destroyed Bond (i) has filed with the Bond Registrar evidence satisfactory to him or her that such Bond was lost, stolen, or destroyed and that the holder of the Bond was its registered owner and (ii) has furnished to the Authority indemnity satisfactory to the Registrar. If the Bond has matured, instead of issuing a new Bond, the Authority may pay the Bond without surrender upon receipt of the aforesaid evidence and indemnity.

ARTICLE IV

Financing, Funding, and Support Agreements and Revenues

Section 4.1. Authorization of Financing, Funding, and Support Agreements, and Other Matters. The Financing Agreement between VRA and the Authority (the "Financing Agreement"), the Funding Agreement between VRA and the Authority (the "Funding Agreement"), and the Support Agreement among VRA, the Authority and the Board of Supervisors of Pulaski County (the "Support Agreement"), the forms of which have been presented to the Authority at this meeting and filed with the records of the Authority, are approved. Each of the Chairman and Vice-Chairman of the Authority is authorized to execute and deliver on behalf of the Authority the Financing Agreement, the Funding Agreement, and the Support Agreement in substantially the forms submitted to the Authority, with such changes, insertions or omissions as may be approved by the Chairman or Vice-Chairman, whose approval shall be evidenced conclusively by the execution and delivery of the Financing Agreement, the Funding Agreement, and the Support Agreement. The acceptance by the Authority of grants from governmental agencies to fund the Project is approved and authorized. The Chairman, the Vice-Chairman, the Secretary and any other officer of the Authority are authorized to execute and deliver on behalf of the Authority such agreements and other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Bond, the Financing Agreement, the Funding Agreement, or the Support Agreement, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects approved, ratified and confirmed.

Section 4.2. Pledge of Revenues. To the extent and upon the terms provided in the Financing Agreement, the Revenues derived from the System shall be pledged to the payment of the principal of and the Cost of Funds on the Bond. Such pledge shall be on parity with the pledge of such Revenues securing the payment of the Existing Parity Bonds.

## ARTICLE V

### Miscellaneous

Section 5.1. Contract with Bondholder. The provisions of this resolution shall constitute a contract between the Authority and the holder of the Bond for so long as the Bond is outstanding.

Section 5.2. Authority of Officers and Agents. The officers and agents of the Authority shall do all acts and things required of them by this resolution, the Bond, the Financing Agreement, the Funding Agreement, the Support Agreement, and the Act for the complete and punctual performance of all the terms, covenants and agreements contained therein.

Section 5.3. Limitation of Rights. Nothing expressed or mentioned in or to be implied from this resolution or the Bond is intended or shall be construed to give to any person or company other than the parties hereto and the holder of the Bond any legal or equitable right, remedy or claim under or in respect to this resolution or any covenants, conditions and agreements herein contained; this resolution and all of the covenants, conditions and agreements hereof being intended to be and being for the sole and exclusive benefit of the parties hereto and the holder of the Bond as herein provided.

Section 5.4. Limitation of Liability of Officials of Authority. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of a present or future member, officer, employee or agent of the Authority in his individual capacity, and neither the members of the Authority nor any officer thereof executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No member, officer, employee or agent of the authority shall incur any personal liability with respect to any other action taken by him pursuant to this resolution or the Act, provided he acts in good faith.

Section 5.5. Trust Funds. In accordance with Section 15.2-5140 of the Act, any officer to whom, or any bank, trust company or other fiscal agent to which, moneys received pursuant to the Act are paid shall act as trustee of such moneys and shall hold and apply the same for the purposes provided in the Act, subject to such regulations as this resolution or the Financing Agreement may provide.

Section 5.6. Conditions Precedent. Upon the issuance of the Bond, all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this resolution to happen, exist and to be performed precedent to or in the issuance of such Bond shall have happened, exist and have been performed.

Section 5.7. Severability. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid or unenforceable, such holding shall not invalidate any other provision of this resolution.

Section 5.8. Successors and Assigns. All the covenants, stipulations, promises and agreements of the Authority contained in this resolution shall bind and inure to the benefit of its successors and assigns, whether so expressed or not.

Section 5.9. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 5.10. Repealer. The resolution titled "RESOLUTION AUTHORIZING THE CONSTRUCTION AND FINANCING OF IMPROVEMENTS TO THE WATER SYSTEM OF THE PULASKI COUNTY PUBLIC SERVICE AUTHORITY AND THE ISSUANCE, SALE AND AWARD OF A NOT TO EXCEED \$715,000 WATER, SEWER, AND SOLID WASTE REVENUE BOND AND PROVIDING FOR THE

FORM, DETAILS, AND PAYMENT OF THE BOND' adopted by the Authority on December 8, 2020, is repealed.

Section 5.11. Filing of Resolution. The Secretary of the Authority is directed to file a certified copy of this resolution with the Circuit Court of Pulaski County, Virginia, pursuant to Section 15.2-5126 of the Act.

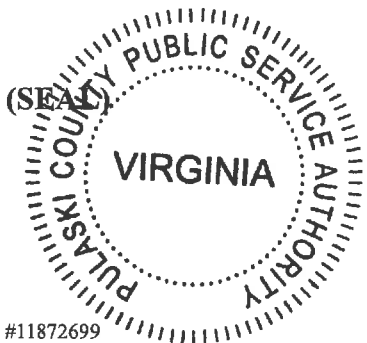
Section 5.12. Effective Date. This resolution shall take effect immediately.

\* \* \*

The undersigned Secretary of Pulaski County Public Service Authority (the "Authority"), certifies that the foregoing constitutes a true and correct copy of a resolution adopted at a meeting of the Authority held on September 13, 2022. I further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing resolution as follows:

<u>Members</u>	<u>Attendance</u>	<u>Vote</u>
Nancy M. Burchett	Present	Yes
Ashley H. Coake	Present	Yes
Dennis L. Setliff	Present	Yes
W. Edgar "Eddie" Hale	Present	Yes
Douglas W. Swanson	Present	Yes

WITNESS MY HAND and the seal of Pulaski County Public Service Authority, this 13 day of September, 2022.



#11872699

018127.0005

  
Secretary, Pulaski County Public Service Authority

**8. Reports from Executive Director and Staff**

**A. Hilton Village Loop**

A Community Meeting with Hilton Village Loop residents will be scheduled and a letter sent. Mr. Linkous will find out the costs associated with the testing of wells in the area. Mrs. Burchett inquired about SERCAP's assistance with connection fees.

**B. Operational Reports: Convenience Center and County Landfill Tonnage, Inmate Availability and Cut -Off List**

The Board reviewed the Operational Reports: Convenience Centers and County Landfill Tonnage, Inmate Availability and Cut-Off list for the month of August.

**C. FSA Activity Report**

The Board reviewed the August Fairlawn Sewer Authority (FSA) Activity Report.

**D. Staff To Do List:**

The following updates were provided on the following Staff To Do List items:

A. Drop Site on the South Side of Claytor Lake

No report given.

B. Covered Water Meter Ordinance

No report given.

C. Draper Area Wythe County Sewer/PSA Connection

No report given.

D. Water Meter Replacement

No report given.

E. Water Master Plan

No report given.

F. Facilities for Refuse Employees

No report given.

G. Pulaski Convenience Center Relocation

No report given.

H. Brookmont Water System Disinfection By-Products

No report given.

I. Improvements to Fairlawn Convenience Center

No report.

J. Riverbend Water Delivery Issues Response

No Report.

K. Certification of Fire Hydrant Flow and Corresponding Paint Color Array

No Report.

9. Other Matters from the Directors

A. Updates Requested by Board Members

Mrs. Burchett requested information on what constitutes a meeting of Board members (in person and via email).

10. Items of Consent

On a motion by Mr. Hale, second by Mr. Setliff and carried, the Board reviewed and approved the following items of consent (A.- F.):

Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.

Voting No: None.

A. Minutes of the August 9, 2022, Public Service Authority Board of Directors Meeting

The Minutes of the August 9, 2022, Meeting of the Public Service Authority Board of Directors were approved by the Board at their August 9, 2022, meeting.

B. Balance Due Report

The Balance Due Report is not available.

C. Budget Adjustment

There were no budget adjustments submitted for approval.

D. Billing Adjustments

The Billing Adjustments were not available.

E. Accounts Payable

The Board ratified Accounts Payable for checks numbered # 44171-44306.

F. Personnel Changes

Board members reviewed and approved a memo describing Personnel Changes in the month of August 2022, the electronic version of which is filed in the September 13, 2022, BoardDocs agenda.

11. Informational Items

A. Water Master Plan

Copies of the updated Water Master Plan and Appendices were provided to the Board members.

12. Adjournment

A. Adjournment

On a motion by Mr. Swanson, second by Mrs. Coake and carried, the Board adjourned their September 13, 2022, regular meeting. The Board voted by consensus in the affirmative to conclude the meeting. (Voting Yes: Mr. Setliff, Mr. Hale, Mrs. Burchett, Mrs. Coake, Mr. Swanson.)

The monthly meeting of the Public Service Authority Board of Directors will be held on Tuesday, October 11, 2022, at 9 a.m. in the Board Room of the County Administration Building, 143 Third Street, N.W., in the Town of Pulaski, Virginia.

  
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Nancy M. Burchett, Chair

  
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Dennis L. Setliff, Secretary

