

ORDINANCE 91-4  
**AN AGREEMENT CREATING A JOINT PUBLIC SERVICE  
AUTHORITY OF WYTHE COUNTY AND BLAND COUNTY**

WHEREAS, pursuant to the Virginia Water and Sewer Authority Act, (Chapter 28, Title 15.1, Section 15.1-1239 through 15.1-1270), Code of Virginia of 1950, as amended and supplemented, hereinafter referred to as the Act, authorized the creation of joint public service authorities by several municipalities so that such authorities may exercise the powers set out in Section 15.1-1250 of the Act; and

WHEREAS, under and pursuant to the provisions of the Act, the County of Wythe and the County of Bland, acting by and through their respective Board of Supervisors as the governing bodies thereof, are authorized to create a joint public service authority as a separate political subdivision of the Commonwealth, with such powers as set forth in the act, and

WHEREAS, under and pursuant to the provisions of the Act the Authority hereby created shall be known as the Joint Public Service Authority of Wythe County and Bland County, hereinafter known as the Joint Public Service Authority; and

WHEREAS, the Board of Supervisors of Wythe County and the Board of Supervisors of Bland County have determined that it is in the best interests of their respective counties to create a Joint Public Service Authority pursuant to the act, for the express purposes of disposing and recycling solid waste for Wythe and Bland Counties; and

WHEREAS, by direction of the Board of Supervisors of Wythe County and the Board of Supervisors of Bland County this Agreement has been advertised in the Southwest Virginia Enterprise, a newspaper of general circulation in the County of Wythe and the Bland Messenger, a newspaper of general circulation in Bland County, according to the requirements of law, and public hearings were held on the 10th day of September, 1991, for Wythe County and on the 26th day of August, 1991, for Bland County.

NOW, THEREFORE, be it agreed by the Board of Supervisors of Wythe County and the Board of Supervisors of Bland County, Virginia as follows:

- 1 There is hereby created a separate Political Subdivision of the Commonwealth of Virginia with such public and corporate powers as are set forth in the Virginia Water and Sewer Authority Act, Chapter 28, Title 15.1 Section 15.1-1239 through 15.1-1270, Code of Virginia of 1950, as amended,

including such powers as may hereinafter be set forth from time to time in said Act.

The Purpose of this Agreement is to create an organization to own and operate a solid waste disposal facility and a facility for storage and processing recyclables for Wythe County and Bland County.

The Authority as a result of this Agreement shall be empowered only to dispose of solid waste generated within member localities, and shall not accept for disposal solid waste from outside the geographic boundaries of its service area.

The name of the separate political subdivision of the Commonwealth created by this ordinance shall be the "Joint Public Service Authority of Wythe County and Bland County. Said Authority's principle office shall be 345 South Fourth Street, Wytheville, Virginia 24382.

5.1 The Joint Public Service Authority shall be governed by a Board of Directors in which all powers of the Joint Public Service Authority shall be vested; which Board shall be composed of five directors, representing the following:

Bland County	One (1) Member
Wythe County	Three (3) Members
At-Large	One (1) Member

5.1-1 The County Administrator of Wythe County and the County Administrator of Bland County shall serve as Ex-officio non voting members.

5.1-2 The Directors from Wythe County and Bland County shall be elected members of their respective governing body. The At-large member (does not have to be a member of the Board of Supervisors) shall be appointed by the Board of Supervisors of Wythe County and shall be a citizen from the area in which the landfill is located.

5.1-3 The five Directors shall be appointed for terms of one, two, three, and four years. The At-large Director being appointed for a one (1) year term, two (2) Directors from the Wythe County Board of Supervisors for a two (2) year term, one (1) Director from the Wythe County Board of Supervisors for a three (3) year term, and one director from Bland County Board of Supervisors for a four (4) year

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term. All subsequent appointments shall be for a period of four (4) years, except appointments to fill vacancies shall be for the unexpired term. Should any director leave his or her elected position at any time during his term on the Authority, his or her seat on the Authority shall be vacated; and filled as herein specified.

The following persons are hereby appointed to be initial directors of the Authority for the terms of office herein set forth, which terms shall commence on the effective date of this ordinance as follows:

Name	Address	Representing	Term
Olin F. Armentrout	Mill-Park Farm Route 3, Box 18 Max Meadows, VA 24360	Wythe	1
Robert C. Williams	Apple Cove Route 3, Box 250 Wytheville, VA 24382	Wythe	2
G. Andrew Kegley, Jr.	Route 1, Box 445 Wytheville, VA 24382	Wythe	2
Sidney N. Crockett	1500 Peppers Ferry Road Wytheville, VA 24382	Wythe	3
William R. Ramsey	Route 1, Box 110 Bland, VA 24315	Bland	4

Three voting members of the Board of Directors shall constitute a quorum of the Board for the purpose of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Authority shall be leased, encumbered or disposed of in any manner without a majority vote of the Board of Directors. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and perform all the duties of the Board.

The Joint Public Service Authority shall be empowered to charge a tipping fee based upon tonnage of solid waste disposed of in the Authority's landfill. Said tipping fee shall apply to all parties disposing of solid waste in the landfill, whether County, Town, individual, private

contractor, etc. Said tipping fees shall be used to pay all development and operation cost of the facility.

- 9.1 In the event the Joint Public Service Authority is unable to generate enough revenue to cover its costs the County of Wythe and the County of Bland shall each fund the cost expenditures in excess of the revenue of the Joint Public Service Authority according to a formula based upon a proportional relationship of the population of the County of Wythe and the County of Bland reflected in the then most recent decennial census. Based upon the 1990 Census, the funding breakdown is as follows:

Jurisdiction	1990 Population	Percent of Total
Wythe County	25,466	79.6
Bland County	<u>6,514</u>	<u>20.4</u>
Total	31,980	100.0

- 9.1-1 The funding formula shall become effective on July 1st of the year in which the first census figures are released by the Bureau of the Census.

The Joint Public Service Authority shall maintain a July 1 to June 30 Fiscal Year. By January 15 of each year the Authority shall submit to each of the two governing bodies its budget request for the upcoming fiscal year. Said budget request shall contain projected revenues and expenditures, with a narrative explanation of how the figures were derived. Each of the two governing bodies shall act upon the said budget request no later than May 15th. The Authority shall submit to each governing body a monthly financial report which will include a Revenue and Expense Statement.

The Board of Supervisors of Wythe County and the Board of Supervisors of Bland County, pursuant to 15.1-1250.01 of the Code of Virginia, find that operation of a Solid Waste Disposal Facility by the Authority, in spite of any potential anti-competitive effect, is important in order to provide for the development and operation of a regional system of solid waste disposal for two or more units.

- 12.1 Based upon the "Preliminary Geotechnical Evaluation and Comparison of Development Potential of Site 39 and the

Jackson/Watson Properties (Site 40)", dated February 5, 1991, prepared by Draper Aden Associates Consulting Engineers, the preliminary estimated of the development costs for Site 40 as a landfill are as follows:

1. Road Construction	\$ 170,000
2. Liner Construction	17,700,000
3. Leachate System	105,000
4. Monitoring	8,000
5. Closure	6,175,000
6. Sampling	<u>234,000</u>
TOTAL	\$24,374,000

12.1-1 The projected initial disposal cost is \$25/ton

13.1 Should any portion of this agreement be declared invalid or unconstitutional by a court of competent jurisdiction such decision shall not affect the validity or constitutionality of this Agreement as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

14.1 This Agreement was adopted by the Board of Supervisors of Bland County, Virginia, at its continued meeting held September 10, 1991, following a duly advertised public hearing held August 26, 1991, the members voting:

Name	For	Against	Absent
F. H. Lambert	X		
William R. Ramsey	X		
George E. Schaeffer, Jr.	X		
Gary W. Nelson			X

14.2 This Agreement was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held September 10, 1991, following a duly advertised public hearing held September 10, 1991, the members voting:

Name	For	Against	Absent
R. T. DuPuis	X		
George T. Johnstone	X		
Robert C. Williams	X		
Sidney N. Crockett	X		
Charlotte H. Naber	X		
G. Andrew Kegley, Jr.	X		
Alan A. Dunford	X		

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This Agreement shall become effective immediately following the full execution of the Agreement by the respective chairman and attested by their clerks.

Date: September 10, 1991

/s/ F. H. Lambert  
F. H. Lambert, Chairman  
Board of Supervisors  
Bland County

/s/ Gary L. Cutlip  
Attest, Gary L. Cutlip, Clerk  
Bland County

Date: September 10, 1991

/s/ R. T. DuPuis  
R. T. DuPuis, Chairman  
Board of Supervisors  
Wythe County

/s/ Billy R. Branson  
Attest, Billy R. Branson, Clerk  
Wythe County

I certify this to be a true and correct copy taken from the September 10, 1991, minutes of the Wythe County Board of Supervisors.

Billy R. Branson  
Billy R. Branson, Clerk