

NORTHAMPTON COUNTY BOARD OF SUPERVISORS

ORDINANCE

**RE: JOINDER OF THE INCORPORATED TOWNS OF CAPE CHARLES, CHERITON,
NASSAWADOX AND EXMORE**

and

**AMENDMENT TO ARTICLES OF INCORPORATION
FOR EASTERN SHORE OF VIRGINIA
PUBLIC SERVICE AUTHORITY**

RECITATIONS:

A. Pursuant to proper advertisement thereof, a Public Hearing was held by the Northampton County Board of Supervisors on June 28, 2010, on the question of the adoption of this Ordinance.

B. Upon conclusion of said Public Hearing, and upon consideration of matters pertinent to the joinder of the incorporated Towns of Cape Charles, Cheriton, Nassawadox and Exmore to the Eastern Shore of Virginia Public Service Authority (“the Authority”) and the amendment of the Articles of Incorporation, the Board has concluded to approve the joinder of the Towns of Cape Charles, Cheriton, Nassawadox and Exmore as members of the Authority and that the Articles of Incorporation should be amended to provide that the number of members of the Authority’s Board of Directors to be increased from five (5) to ten(10) and for the powers of the Authority shall be exercised by ten (10) Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by each of the four (4) member towns (Towns of Cape Charles, Cheriton, Nassawadox and Exmore), and six (6) At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

IT IS THEREFORE ORDAINED:

The Authority consents to the joinder of the incorporated Towns of Cape Charles, Cheriton, Nassawadox and Exmore as members of the Authority.

IT IS FURTHER ORDAINED:

Paragraph (2) of the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority is hereby rescinded, and the following language shall be substituted therefore:

2. The address of the Authority’s principal office shall be 5229 The Hornes, Eastville, Virginia 23347, and the mailing address of the Authority’s principal office shall be Post Office Box 690, Eastville, Virginia 23347.

Paragraph (4) of the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority is hereby rescinded, and the following language shall be substituted therefore:

4. The powers of the Authority shall be exercised by ten (10) Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by the town council of each of the four (4) member towns (Towns of Cape Charles, Cheriton, Nassawadox & Exmore), and six (6) At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

Authority Board members shall serve staggered initial terms, which have been by draw, as set out below:

5 members: 4 year terms

5 members: 2 year terms

Initial terms shall commence upon the issuance of a certificate by the State Corporation Commission as provided in Section 15.2-5112 of the Code of Virginia and shall extend as set forth below. Thereafter, all successive appointments shall be for terms of four (4) years.

The names, addresses and initial terms of office of the members of the Authority Board appointed by the Board of Supervisors are as follows:

	<u>Member</u>	<u>Address</u>	<u>Term of Office</u>
1.	George E. Gowen, Jr.	P. O. Box 182, Machipongo, VA 23405	Two Year Term
2.	Carl Harris	7424 Long Point Rd., Exmore, VA 23350	Two Year Term
3.	Granville F. Hogg, Jr.	P. O. Box 117, Cheriton, VA 23316	Two Year Term
4.	J. T. Holland	P. O. Box 15, Nassawadox, VA 23413	Four Year Term
5.	Robert H. Meyers	7516 Prettyman Circle, Exmore, VA 23350	Four Year Term
6.	Scott R. Walker, Jr.	P. O. Box 141, Cape Charles, VA 23310	Two Year Term

The names, addresses and initial terms of office of the members of the Authority Board appointed by the four participating Towns are as follows:

<u>Town</u>	<u>Member</u>	<u>Address</u>	<u>Term of Office</u>
Town of Cape Charles	Bob Panek	2 Plum St., Cape Charles, VA 23310	Four Year Term
Town of Cheriton	Henry J. Heneghan, Jr.	POB 297, Cheriton, VA 23316	Four Year Term
Town of Nassawadox	Felton Sessoms	POB 183, Nassawadox, VA 23413	Four Year Term
Town of Exmore	Artie Miles	POB 647, Exmore, VA 23350	Two Year Term

In the event a vacancy is created by the death, resignation or removal of any Authority Board member, the appointment to fill such vacancy shall be for the unexpired portion of the remaining term and shall be made by the respective locality where the vacancy occurred.

Paragraph (5) of the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority is hereby rescinded, and the following language shall be substituted therefore:

5. The purposes for which the Authority are being created are to study, implement and operate a septage treatment and disposal system, a sewer system, a water system, a stormwater control system, or any combination of such systems; and to transfer and operate existing systems; study and construct and operate expansions of existing systems; and study and construct new systems. The Authority is further authorized to exercise those powers set forth in the Virginia Water and Waste Authorities Act which pertain to water and waste systems.

New Paragraphs 7 and 8 are to be added to the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority as follows:

7. It is hereby determined that the initial focus of the Authority shall be:
 - a. Sewer expansion for Exmore and sewer service for Nassawadox, including Riverside Shore Memorial Hospital, and the surrounding areas of Northampton County.
 - b. Sewer expansion for Cape Charles and sewer service for Cheriton and the surrounding areas of Northampton County.
 - c. Conveyance of the existing Exmore, Cape Charles and Bayview sewer and water systems to the Authority.

8. The study and construction of future system expansions or new systems shall be compatible with the Comprehensive Plans of the participating localities.

IT IS FURTHER ORDAINED:

The Authority's attorney is hereby authorized and directed to apply to the State Corporation Commission for this approval of the joinder of the incorporated Towns of Cape Charles, Cheriton, Nassawadox and Exmore and for this amendment to the Authority's Articles of Incorporation.

ADOPTED this 28th day of June, 2010.

Katherine H. Nunez
Clerk