

WATERWORKS ADVISORY COMMITTEE MEETING  
Tuckahoe Library, 1901 Starling Drive, Henrico, VA 23229

December 14, 2022 from 10:00 am to 12:30 pm

This will be an in-person meeting. The method by which the Waterworks Advisory Committee meets shall not be changed unless the Waterworks Advisory Committee provides a new meeting notice in accordance with Code of Virginia § 2.2-3707. The public may also access the meeting via WebEx, with further information on doing so provided below.

<b>Subject</b>	<b>Time</b>
Welcome message, establishment of quorum, and introductions – Dwayne Roadcap	10:00 – 10:15 AM
<p style="text-align: center;"><b>Waterworks Advisory Committee Bylaws, Policies, and Chairperson</b></p> <ul style="list-style-type: none"> <li>• Consideration of bylaws – Grant Kronenberg</li> <li>• Consideration of draft policy addressing fully virtual meetings and draft policy addressing individual participation by electronic means – Grant Kronenberg</li> <li>• Chairperson appointment discussion – Dwayne Roadcap</li> </ul> <p style="text-align: center;"><b>Drinking Water Program Discussion</b></p> <ul style="list-style-type: none"> <li>• Compliance &amp; Enforcement update – Grant Kronenberg</li> <li>• PFAS study implementation – Dr. Tony Singh</li> <li>• Centralized Plan Review implementation – Bob Edelman</li> <li>• Lead and Copper Rule revisions – Bob Edelman</li> <li>• Oracle database products; Drinking Water Viewer – Aaron Moses</li> <li>• Equitable Access to Drinking Water Fund – Barry Matthews</li> <li>• Fee Regulations update – Barry Matthews</li> <li>• Funding and DWSRF Intended Use Plan (ARPA, BIL, DWSRF) – Kelly Ward</li> <li>• Partnership with Petersburg – Dwayne Roadcap</li> <li>• ODW budget and hiring – Dwayne Roadcap</li> </ul>	10:10 – 11:45 AM
<b>Public Comment Period</b>	11:45 – Noon
<p style="text-align: center;"><b>Other Business</b></p> <ul style="list-style-type: none"> <li>• Upcoming meeting date: March 8, 2023, June 14, 2023, September 13, 2023, December 13, 2023</li> </ul>	Noon – 12:30 PM

## **Information and Protocol for WebEx Meeting**

You can access the meeting on your computer, phone or mobile device with the meeting link below:  
<https://vdhoep.webex.com/vdhoep/j.php?MTID=m08abbc5497e7181f0a468ffeb4bf55ee>

If accessing via a mobile device, you will need to download the WebEx Meet app prior to joining the meeting.

When joining the meeting, please use the meeting number and password below:

Meeting number (access code): 2634 123 8148

Meeting Password: q6M6uqcumv9

You can use your computer audio or join via telephone by calling [1-844-992-4726](tel:1-844-992-4726) United States Toll Free.

Please log into the meeting at least 10 minutes before the meeting begins. (If you are having problems logging in or if there is any interruption in transmission, please call Kris Latino at 804-664-4403.)

Please sign into the meeting and identify yourself so we can verify that you are attending the meeting.

After you have identified yourself, please mute your phone to reduce any unwanted noise.

**Policy on Individual Participation in Waterworks Advisory Committee Meetings by Electronic Communication Means Pursuant to Code of Virginia § 2.2-3708.3**

It is the policy of the Waterworks Advisory Committee (“WAC”) that individual members of the WAC may participate in meetings of the WAC by electronic communication means as permitted by Code of Virginia (Va. Code) § 2.2-3708.3. This policy shall apply to the entire membership of the WAC and without regard to the identity of the member requesting remote participation by electronic communication or the matters that will be considered or voted on at the meeting. As used in this policy, “electronic communication” has the same meaning as that term is defined in Va. Code § 2.2-3701.

If a member of the WAC wishes to participate through electronic communication means due to being unable to attend the meeting in-person as the result of: (1) a temporary or permanent disability or other medical condition preventing the WAC member’s physical attendance, (2) a family member’s medical condition that requires the WAC member to provide care for such family member thereby preventing the WAC member’s physical attendance, (3) the WAC member’s personal residence being more than 60 miles from the meeting location identified in the required notice for such meeting, or (4) a personal matter preventing the WAC member’s physical attendance, then on or before the day of the meeting the WAC member shall notify the Secretary of the WAC of the member’s request to attend by electronic communication means and which one of the enumerated reasons applies. If the WAC member’s absence is due to a personal matter, the WAC member shall also identify with specificity the nature of the personal matter. The Secretary of the WAC shall notify the Chair of the WAC of the request.

Whenever a WAC member wishes to participate remotely by electronic means, the law requires a quorum of the WAC to be physically assembled at the primary or central meeting location, and arrangements must be made for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The reason that the WAC member is unable to attend the meeting – whether due to the WAC member’s temporary or permanent disability or other medical condition preventing their attendance, a family member’s medical condition requiring the WAC member to provide care for their family member thereby preventing the WAC member’s physical attendance, the distance between the WAC member’s principal residence and the meeting location, or due to a personal matter – and a general description of the remote location from where the member participates will be recorded in the meeting minutes. If the WAC member’s participation by electronic communication means is due to a personal matter, the minutes will include the specific nature of the personal matter cited by the member.

An individual WAC member’s participation by electronic communication due to a personal matter is limited by law to two meetings each calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

A WAC member’s participation by electronic communication means shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a WAC member's participation by electronic communication means is

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challenged, then the WAC shall vote on whether to allow such participation. If the WAC votes to disapprove of the member's participation by electronic communication because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

This policy applies to all committees, subcommittees, or any other subgroup of the WAC.

**Policy on All-Virtual Meetings of the Waterworks Advisory Committee  
Pursuant to Code of Virginia § 2.2-3708.3**

It is the policy of the Waterworks Advisory Committee (“WAC”) that the WAC may conduct all-virtual meetings as permitted by Code of Virginia (Va. Code) § 2.2-3708.3.

This policy shall be applied strictly and uniformly, without exception, to the entire membership of the WAC and without regard to the matters that will be considered or voted on at the meeting.

As used in this policy, an “all-virtual public meeting” means a public meeting conducted by the WAC using electronic communication means during which all members of the WAC who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through means of electronic communication. As used in this policy, “electronic communication” has the same meaning as that term is defined in Va. Code § 2.2-3701.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or by the locality in which the WAC is located. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

The WAC may convene an all-virtual public meeting when: (1) it is impracticable or unsafe to assemble a quorum of the WAC in a single location but a state of emergency has not been declared by the Governor and a state of emergency has not been declared in the locality where the WAC is located; or (2) other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, for the convenience of the members of the WAC.

The number of all-virtual public meetings convened by the WAC in a calendar year shall not exceed the greater of: (1) two, or (2) 25 percent of the WAC’s meetings in the calendar year rounded up to the next whole number. Additionally, the WAC shall not hold consecutive meetings that are all-virtual public meetings.

The WAC may schedule its all-virtual public meetings at the same time and using the same procedures used by the WAC to set its meetings calendar for the calendar year. If the WAC wishes to have an all-virtual public meeting on a date not scheduled in advance on the WAC’s meetings calendar, and an all-virtual public meeting is otherwise authorized by this policy and the Virginia Freedom of Information Act, the Chair of the WAC may schedule an all-virtual public meeting at the Chair’s discretion. If a WAC member wishes to request that an all-virtual public meeting be convened for a date that such a meeting is not already scheduled, they shall notify the Secretary of the WAC who shall then inform the Chair of the WAC of the request. The Chair may then decide to schedule an all-virtual public meeting of the WAC.

The public notice of an all-virtual public meeting of the WAC shall identify that it will be an all-virtual public meeting. The public notice shall include a statement that the method by which the WAC chooses to meet shall not be changed unless the WAC provides a new meeting notice in accordance with Va. Code § 2.2-3707.

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Public access to the all-virtual public meeting shall be provided by means of electronic communication. The means of electronic communication used at the all-virtual public meeting shall allow the public to hear all members of the WAC participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the WAC as well.

A phone number or other live contact information shall be provided so the public may alert the WAC if the audio or video transmission of the meeting fails, and the WAC shall monitor such designated means for the public to contact the WAC concerning a transmission failure. In the event the WAC is informed of transmission failure during an all-virtual public meeting, the meeting shall be in recess until the public access is restored.

A copy of the proposed agenda for the all-virtual public meeting and all agenda packets and, unless exempt, all materials furnished to members of the WAC for a meeting shall be made available to the public in electronic format at the same time that such materials are provided to the members of the WAC.

The public shall be afforded the opportunity to comment through electronic means, including by way of written comments, at meetings where public comment is customarily received.

No more than two members of the WAC shall be gathered at any one remote location unless that remote location is open to the public to physically access it.

If the WAC enters into a closed session, transmission of the meeting to the public shall be suspended until the WAC resumes to certify the closed meeting in open session pursuant to the Virginia Freedom of Information Act.

Minutes of an all-virtual public meeting shall be taken as required by Va. Code § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

This policy applies to all committees, subcommittees, or any other subgroup of the WAC.

**BYLAWS OF THE WATERWORKS ADVISORY COMMITTEE**

**ARTICLE I – GENERAL**

This Committee shall be known as the “Waterworks Advisory Committee” (WAC).

The provisions of these Bylaws are applicable to all proceedings of the WAC to the extent that the same are not otherwise governed by the requirements set forth in the Code of Virginia or the Waterworks Regulations. Whenever the provisions of these Bylaws are in conflict with the provisions and authorizations mandated by the Code of Virginia or the Waterworks Regulations, the latter shall control.

**ARTICLE II – PURPOSE**

Pursuant to 12VAC5-590-45 of the Waterworks Regulations, the State Health Commissioner (Commissioner) establishes the WAC. The purpose of the WAC is “to review and make recommendations regarding the regulatory, policy, and legislative aspects of the [Virginia Department of Health’s] authorities.” 12VAC5-590-45. A.

**ARTICLE III – COMMITTEE MEMBERSHIP**

The WAC shall consist of members as appointed by the Commissioner pursuant to 12VAC5-590-45 of the Waterworks Regulations.

The WAC may establish one or more subcommittees to assist in performing its tasks.

**ARTICLE IV – QUALIFICATION TO SERVE**

The Commissioner appoints the members of the WAC pursuant to the requirements in 12VAC5-590-45 of the Waterworks Regulations.

**ARTICLE V – TERM OF APPOINTMENT**

All terms shall be for a period of three years. The Commissioner may reappoint members to consecutive terms. Each member of the WAC serves at the pleasure of the Commissioner.

**ARTICLE VI – OFFICERS**

The Commissioner shall appoint the Chair of the WAC.

The WAC may elect a Vice Chair. In the absence of the Chair being at a meeting of the WAC, the Vice Chair shall preside.

A member of the Virginia Department of Health shall serve as Secretary for the WAC. The Secretary shall be responsible for recording the actions of the WAC and posting an agenda prior to each meeting. Minutes of the meetings shall be approved by majority vote of the WAC at the

subsequent meeting. No other officers and directors shall be appointed, except that the Chair may from time to time appoint members to head subcommittees.

**ARTICLE VII – REMOVAL**

Any appointed member of the WAC may be removed at any time by the Commissioner.

**ARTICLE VIII – COMPENSATION**

Members of the WAC and any subcommittee members shall serve without compensation. Nothing contained in this Article shall be construed to prevent any sponsoring organization from compensating their representative for salary, expenses, or other compensation considered as a condition of their employment.

**ARTICLE IX – MEETINGS**

Regular meetings of the WAC shall be held quarterly within the Commonwealth at a time and place as the Chair, with assistance from the Secretary, may determine.

No business requiring a vote or final decision of the WAC may be conducted in the absence of a quorum.

Meetings of the WAC shall be open to the public; however, those attending that are not members or have not been called by the WAC shall be allowed to speak only at the discretion of the Chair or during any scheduled public comment period.

The rules contained in the current edition of Robert’s Rules of Order shall govern the WAC, and any subcommittees thereof, in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules the WAC may adopt and any laws or regulations applicable to the WAC.

**ARTICLE X – SPECIAL MEETINGS**

The Commissioner or the Chair may, upon proper notice as required under the Virginia Freedom of Information Act and the Waterworks Regulations, call special meetings of the WAC. Such notice shall be as far in advance as practical, but not less than three working days. Such meetings may be held at a time and place established by the notice.

**ARTICLE XI – ATTENDANCE**

The Secretary shall maintain a record of those members in attendance at each meeting of the WAC.



**ARTICLE XII – AMENDMENTS**

These Bylaws may be amended by a two-thirds (2/3) majority vote of the members of the WAC present at any regular meeting at which quorum is present, provided that the amendment has been submitted in writing at the previous regular meeting of the WAC.

**ARTICLE XIII – QUORUM**

At any meeting of the WAC, a majority of the members of the WAC shall constitute a quorum for the transaction of business. Actions taken by the WAC during a meeting at which there is a quorum shall be deemed to represent the actions of the entire WAC.

**ARTICLE XIV – APPROVAL**

Read and approved by at least two-thirds (2/3) of the members present at the December 14, 2022, meeting of the WAC.