

ORDINANCE NO. 5147

An ordinance to amend the articles of incorporation for the City of Alexandria, Virginia Sanitation Authority d/b/a Alexandria Renew Enterprises to expand the purposes of the authority and extend the period of corporate existence to 2068.

WHEREAS, the City of Alexandria, Virginia Sanitation Authority d/b/a/ Alexandria Renew Enterprises (“Alexandria Renew”) was created pursuant to the Virginia Water and Waste Authorities Act, Virginia Code Section 15.2-5100 et. seq. (previously titled the Virginia Water and Sewer Act), on December 20, 1952. The charter creating the authority was amended twice since that date in 1984 and 2008 to extend the period of existence to its current expiration of 2048.

WHEREAS, Alexandria Renew provides wastewater treatment and conveyance to City residents in accordance with the Sewerage Service Agreement between the City of Alexandria, Virginia Sanitation Authority and the City of Alexandria, Virginia dated 1st day of September, 1954 as amended June 25, 1974 (collectively referred to as the “Service Agreement”). Alexandria Renew owns and operates a treatment plant, interceptor sewers, pump stations and related facilities (referred to herein as the “Authority System” and described as the Sewage Disposal System in the Service Agreement);

WHEREAS, the City owns and operates both a combined sewer system and a separate sanitary sewer collection system (referred to herein collectively as the “City Collection System” and described as the City System in the Service Agreement). Combined Sewer Outfalls (CSO) 001, 002, 003 and 004, and associated control structures (“CSO Outfalls”) are currently included in the City Collection System;

WHEREAS, During the 2017 General Assembly a law was enacted accelerating the schedule provided in the Final 2016 LTCPU Report (2017 Va. Acts. Reg. Sess. Ch. 827 (uncodified)) (“2017 CSO Law”). The 2017 CSO Law requires 1) “By July 1, 2023, (the City shall) initiate construction activities necessary to bring the CSO outfalls into compliance; 2) “By July 1, 2025, (the City shall) bring the CSO outfall into compliance with Virginia law, the Federal Clean Water Act, and the Presumption Approach described in the EPA CSO Control Policy, unless a higher level of control is necessary to comply with a TMDL and 3) “The City shall report annually to VDEQ on progress”. In addition, the General Assembly required VDEQ to determine what actions by the City are necessary to attain compliance no later than July 1, 2018;

WHEREAS, the City and Alexandria Renew agree that a global solution is more efficient and that Alexandria Renew is better suited to finance, design, permit, construct, operate, own and maintain such a solution;

WHEREAS, the City and Alexandria Renew agree that in order to implement the global solution, Alexandria Renew should own the CSO Outfalls and is therefore taking the steps to transfer ownership of the CSO Outfalls to Alexandria Renew;

WHEREAS in order to take on ownership and responsibility of the CSO Outfalls, the Articles of Incorporation for Alexandria Renew must be amended to add this responsibility to its

purpose;

WHEREAS in order to finance the update to the CSO Outfalls pursuant to the CSO Law, the corporate existence date must be extended in order to facilitate the issuance of bonds for the construction;

WHEREAS, a public hearing was had on the proposed amendments with an advertisement of the public hearing having been published in a newspaper of general circulations at least thirty (30) days prior to such public hearing pursuant to Section 15.2-5104 of the Virginia Code;

WHEREAS, pursuant to Section 15.2-5105 of the Virginia Code, the city council in adopting this ordinance expressly finds that substantial opposition to the amendment was not heard at the hearing and finds no need to request that the Circuit Court issue a referendum on the subject;

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Articles of Incorporation for Alexandria Renew be and the same hereby is amended as follows:

Article 4 of the Articles of Incorporation is hereby amended by adding the language shown in underline as follows:

4. The purposes for which the Authority is created are to acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain any sewer system, or sewage disposal system, or combined sewer and stormwater control system, or a garbage and refuse collection and disposal system or any combination of such systems, including without limitation the powers i) to include in any such systems structures and facilities for the treatment and delivery of reclaimed water, consistent with all applicable requirements and ii) to enter into contracts relating to the furnishing of services and facilities for garbage and refuse collection and disposal and conversion of same to energy (system) with any person or partnership or corporation together with such other powers with respect said system as are provided by the Virginia Water and Sewer Authorities Act, as the same may be amended from time to time.

Article 5 of the Articles of Incorporation is amended to delete the language shown in strikethrough and add the language shown in underline follows:

5. The existence of the Authority as a body corporate and politic shall be extended for an additional fifty years until ~~November 25, 2050~~ May 1, 2068.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

ALLISON SILBERBERG
Mayor

Final Passage: June 23, 2018