

**COMMUNITY WATER AND WASTEWATER PROGRAM
MEMORANDUM OF UNDERSTANDING**

THIS Memorandum of Understanding (MOU) is made, effective the 9 day of JUNE, 2015, by and between the Loudoun County Sanitation Authority (the "Authority") and the Board of Supervisors of the County of Loudoun, Virginia (the "County") regarding a partnership agreement that clarifies the roles and responsibilities of both the Authority and the County in identifying and completing future water and wastewater projects initiated by the County.

WHEREAS, the County and the Authority desire to work together to address community water and wastewater issues within the unincorporated areas of Loudoun County; and

WHEREAS, the Authority was created by the County in 1959 for the purposes of acquisition, construction, operation and maintenance of water systems, sewer systems and sewage disposal systems located within the unincorporated areas of Loudoun County in accordance with provisions of the Va. Code Ann. 15.2-150, et seq., the Virginia Water and Waste Authorities Act and the County's Comprehensive Plan;

WHEREAS, the County has identified over thirty communities as part of the 2011 Water and Wastewater Needs Assessment at risk of water and/or wastewater issues in Loudoun County; and

WHEREAS, since 1966 the County and the Authority have partnered and completed ten water and wastewater projects aimed at improving community public health and safety; and

WHEREAS, the County and the Authority have worked together over the last year to outline a process to address future water and/or wastewater infrastructure projects, including a process to prioritize communities interested in assistance with their identified water and/or wastewater issues.

NOW, THEREFORE, the County and the Authority agree to the roles and responsibilities as outlined in Attachment 1 and as described herein:

1. Community Education and Engagement. The County will have primary responsibility for community engagement throughout the project process to include communication efforts such as meetings, presentations, written communications, and updates. The Authority will support the County in these efforts and will at a minimum educate communities about the proposed water and/or wastewater system and future operation and maintenance costs of said system.
2. Identification. The County and the Authority will identify communities with water and wastewater issues and encourage them to make application as part of the prioritization process.

3. Prioritization. The County will take primary responsibility in all elements of the community prioritization process as described in Attachment 2, except for feasibility studies which will be the primary responsibility of the Authority. The County will receive all community applications, review them for eligibility, organize a committee to review the applications, review feasibility study results, and complete the final ranking. The Authority will assist the County in these efforts. The Authority will develop the feasibility study. In accordance with Authority policy, the County will reimburse the Authority for costs incurred per feasibility study up to an agreed amount. The County will make payment to the Authority triggered by invoice requests from the Authority as work is completed.
4. Identifying Funding. The County will have primary responsibility for assisting the community with identifying funding for its water or wastewater solution, consistent with funding policies established by the Board of Supervisors. The Authority will assist the County in identifying funding that meets the needs of the project.
5. Central System Extensions. In cases where central system extensions within the approved Loudoun Water Central Service Area are considered the best water and/or wastewater solution, the Authority will take primary responsibility for completing facility planning, land use processes, design, construction, operation and maintenance. The County will assist the Authority where applicable. The system will be owned and operated by the Authority.
6. Communal Water or Wastewater Systems. In cases where communal water or wastewater systems are considered the best solution:
 - a. the County will take primary responsibility for obtaining all land acquisitions and easement acquisitions needed to complete the project;
 - b. the County will take primary responsibility for securing commission permits and special exceptions as required;
 - c. the Authority will take primary responsibility in completing all preliminary engineering necessary for the project;
 - d. the Authority will take primary responsibility in completing site plans as required;
 - e. the Authority will take primary responsibility in acquiring all permits necessary for designing, constructing and operating the system;
 - f. the Authority will take primary responsibility in the design and construction process;
 - g. the Authority will own, operate and maintain the completed system; and
 - h. in all cases, the County will support the efforts of the Authority, except in operating and maintaining the system, and the Authority will support the efforts of the County as applicable throughout the process.

MISCELLANEOUS PROVISIONS:

7. Established Policies. Nothing within this MOU will supersede established policies of the Authority or the County.

8. Amendments. This MOU may be amended at any time by mutual agreement of the parties hereto. Suggested modifications to the MOU shall be developed and agreed upon in writing.
9. No Third Party Beneficiaries. This MOU is not intended to be for the benefit of any party not a signatory hereto.
10. Survivability. If any clause or provision of this MOU is illegal, invalid or unenforceable under the present or future laws in effect during the term of this MOU, it is the intention of the parties that the remainder of this MOU shall not be affected thereby.
11. Miscellaneous. The captions inserted in this Agreement are for convenience only and in no way define, limit or otherwise describe the scope or intent of any provision hereof.

[SIGNATURES ON FOLLOWING PAGE]

APPROVED AS TO FORM:

[Signature]
COUNTY ATTORNEY

BOARD OF SUPERVISORS OF LOUDOUN
COUNTY, VIRGINIA

By: [Signature]
Scott K. York, Chairman

LOUDOUN COUNTY SANITATION
AUTHORITY

By: [Signature]

STATE OF VIRGINIA
COUNTY OF LOUDOUN, to-wit:

I, Eileen HALL-TOBEY, a Notary Public in and for the said jurisdiction, do hereby certify that Scott K. York, whose name is signed to the above Agreement dated the July day of 1 2015, personally appeared before me and acknowledged the same on behalf of the said Board of Supervisors, the governing body of the County of Loudoun, Virginia.

Given under my hand the 1 day of JULY, 2015.

[Signature]
Notary Public

My Commission Expires: 07/31/15
Notary Registration # 7113101



Eileen Hall-Tobey
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7113101
My Commission Expires
July 31, 2015

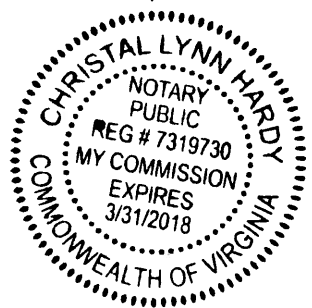
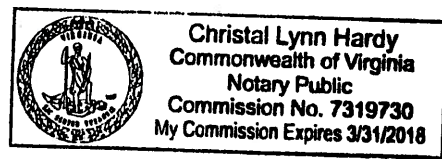
STATE OF VIRGINIA
COUNTY OF LOUDOUN, to-wit:

I, Christal Lynn Hardy, a Notary Public in and for the said jurisdiction, do hereby certify that Dale C. Hammes, whose name is signed to the above Agreement dated the 9 day of June 2015, personally appeared before me and acknowledged the same on behalf of the said Loudoun County Sanitation Authority.

Given under my hand the 9 day of June, 2015.

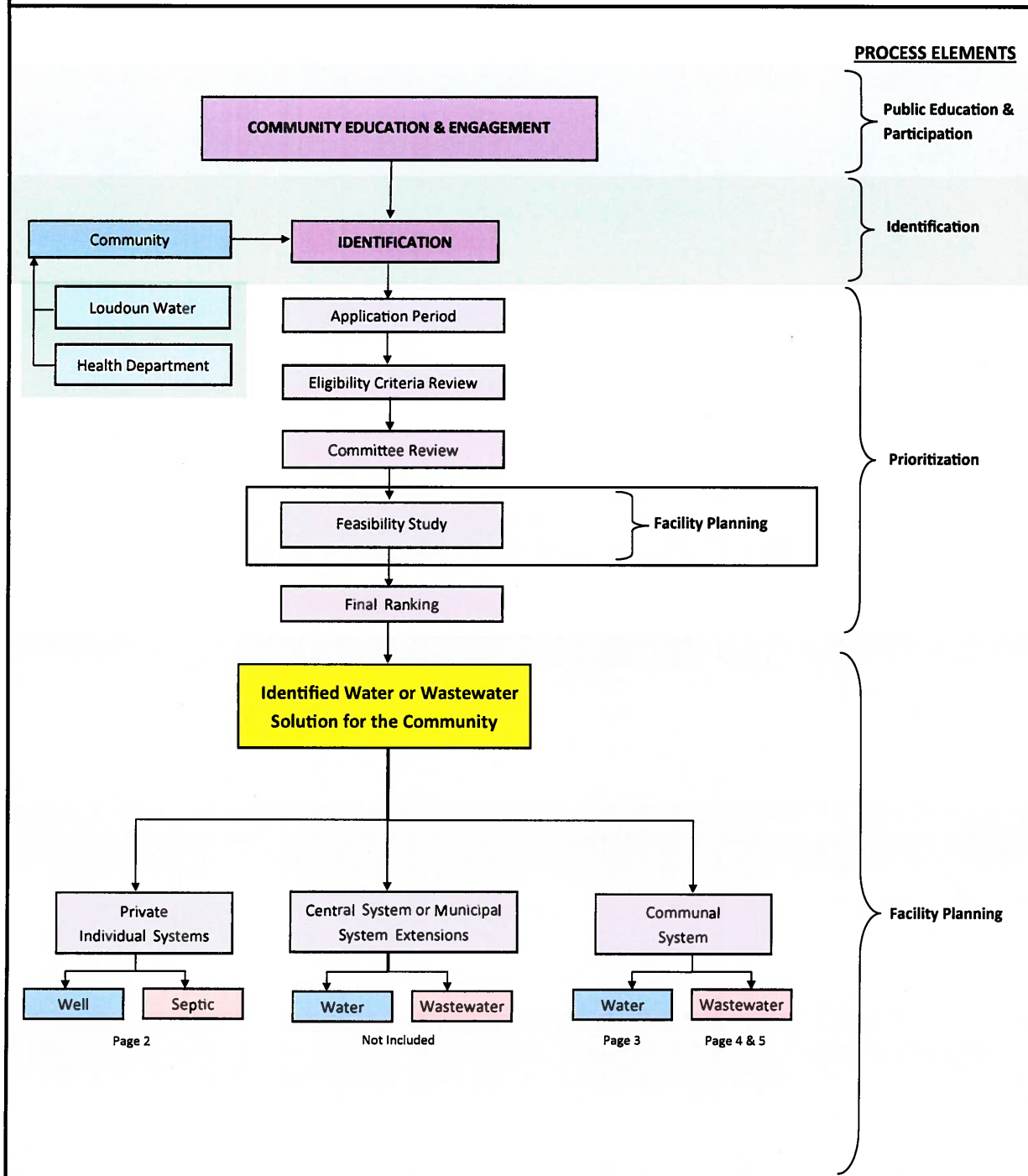
[Signature]
Notary Public

My Commission Expires: 3/31/2018
Notary Registration # 7319730



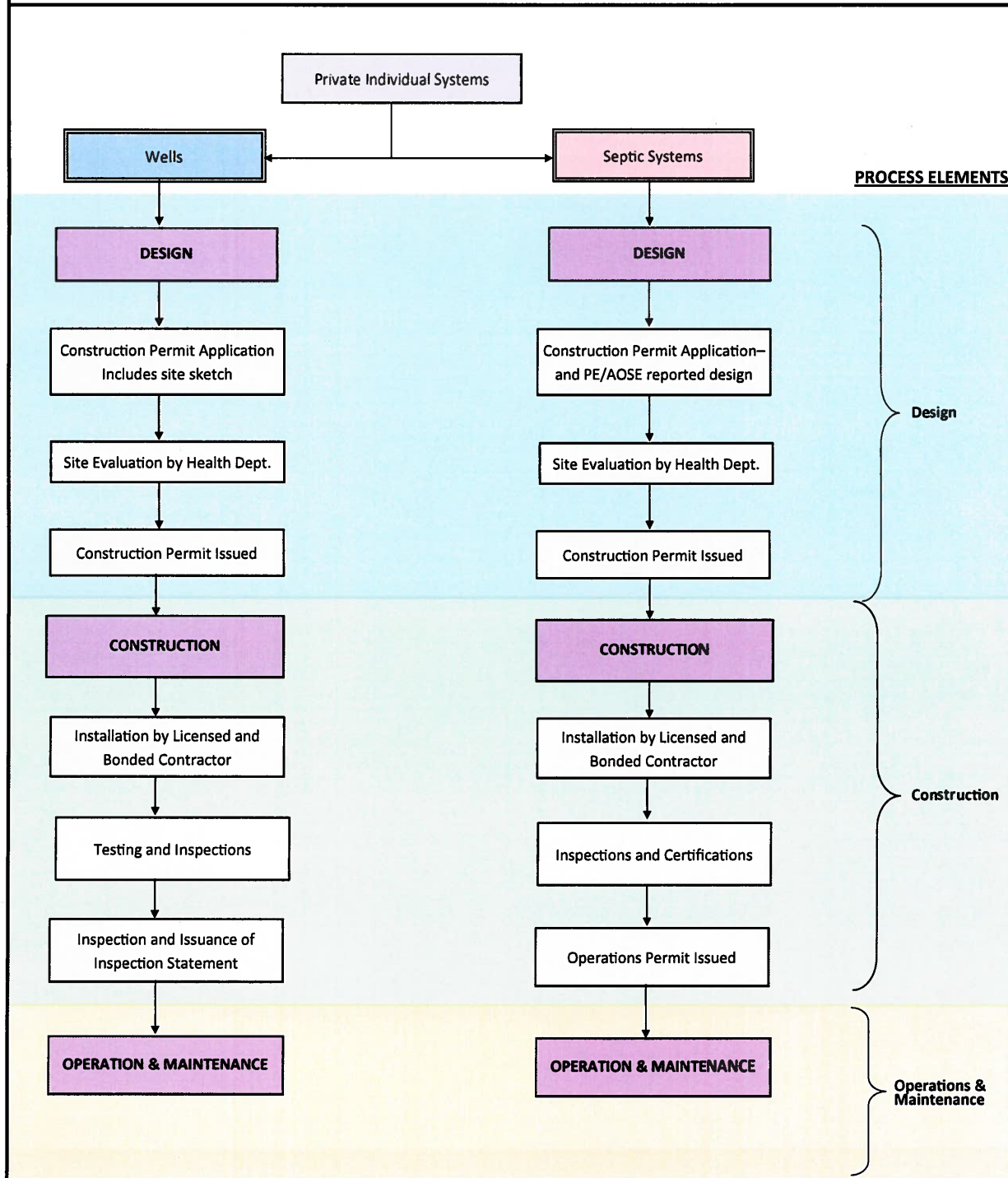
PROCESS TO COMPLETE PROJECTS — EDUCATION, IDENTIFICATION AND PRIORITIZATION

ENTITIES RESPONSIBLE FOR COMPLETING EDUCATION, IDENTIFICATION AND PRIORITIZATION PROCESS			
Process Elements	Process Steps	Lead	Support
Public Education & Participation	Community Education & Engagement	County	Loudoun Water
Identification	Identification Process	Community	Loudoun Water & Health Dept.
Prioritization	Application Period	County	Loudoun Water
	Eligibility Criteria Review	County	Loudoun Water
	Committee Review	County	Loudoun Water
	Feasibility Study	Loudoun Water	County
	Final Ranking	County	Loudoun Water
Facility Planning	Private Individual Systems	Property Owners	Contractors
	Central System Extension	Loudoun Water	County
	Municipal System Extension	Towns	County
	Communal Systems	Loudoun Water	County



PROCESS TO COMPLETE PROJECTS —PRIVATE INDIVIDUAL SYSTEMS

ENTITIES RESPONSIBLE FOR COMPLETING WELL AND SEPTIC SYSTEMS PROCESS			
Process Elements	Process Steps	Lead	Support
Design	Design & Permit Process	Property Owners	Contractors
Construction	Construction Process	Property Owners	Contractors
Operation & Maintenance	Operation & Maintenance Process	Property Owners	Contractors



PROCESS TO COMPLETE PROJECTS — COMMUNAL WATER SYSTEMS

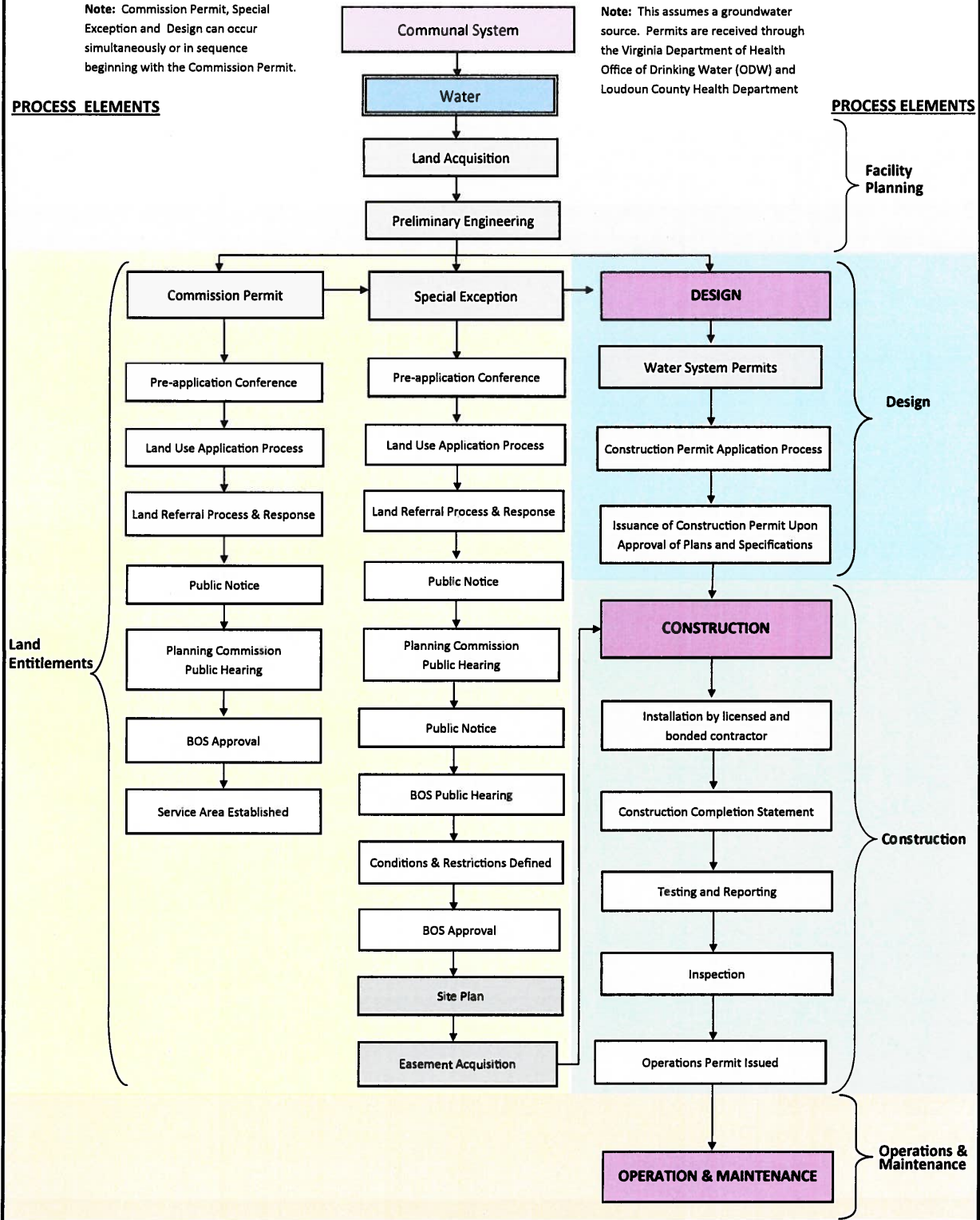
ENTITIES RESPONSIBLE FOR COMPLETING COMMUNAL WATER SYSTEM PROCESS			
Process Elements	Process Steps	Lead	Support
Facility Planning	Land Acquisition	County	Loudoun Water
	Preliminary Engineering	Loudoun Water	County
Land Entitlements	Commission Permit & Special Exception	County	Loudoun Water
	Site Plan	Loudoun Water	County
	Easement Acquisition	County	Loudoun Water
Design	Design Process	Loudoun Water	County
	Water System Permits	Loudoun Water	County
Construction	Construction Process	Loudoun Water	County
Operation & Maintenance	Operation & Maintenance	Loudoun Water	---

Note: Commission Permit, Special Exception and Design can occur simultaneously or in sequence beginning with the Commission Permit.

Note: This assumes a groundwater source. Permits are received through the Virginia Department of Health Office of Drinking Water (ODW) and Loudoun County Health Department

PROCESS ELEMENTS

PROCESS ELEMENTS

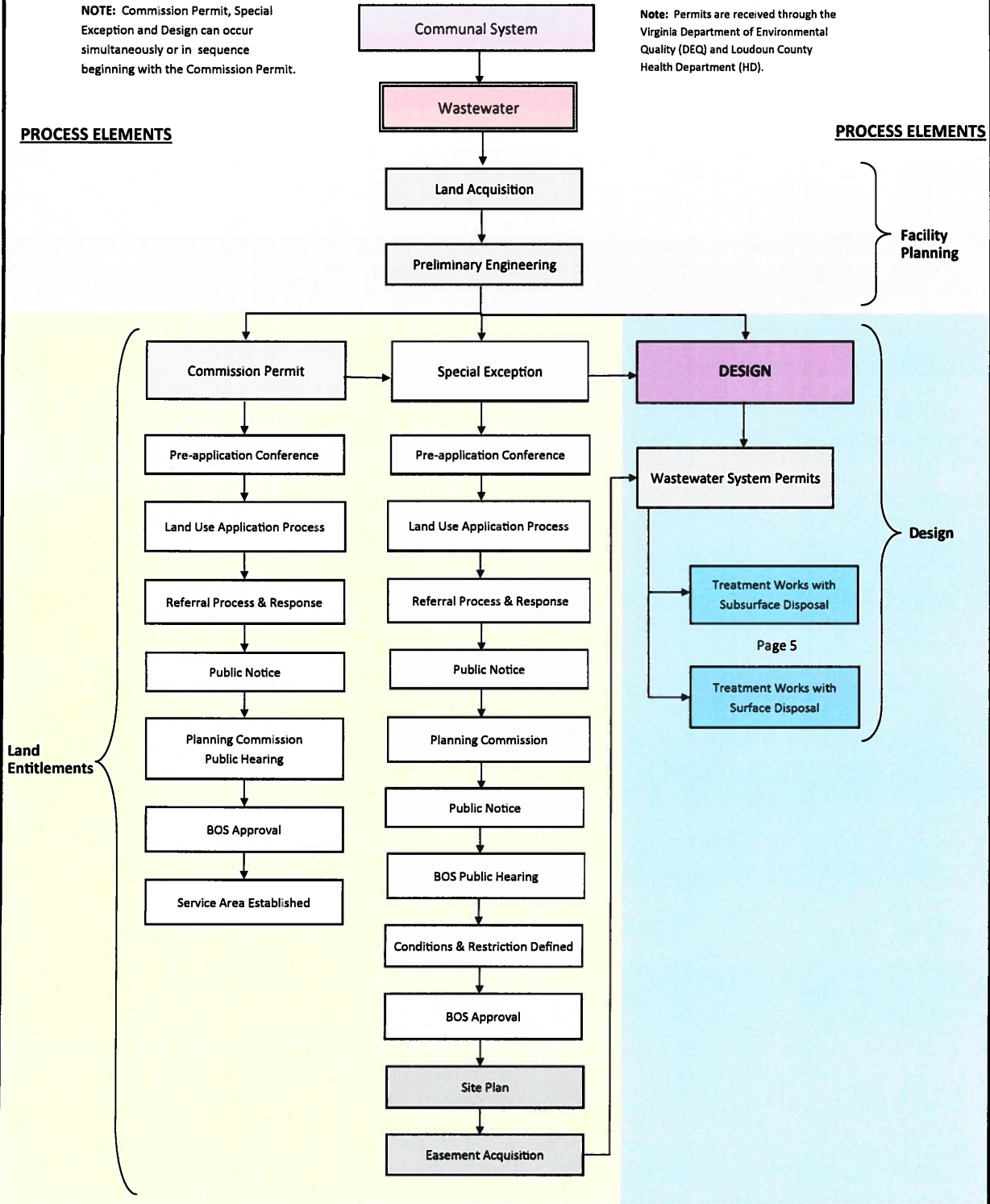


PROCESS TO COMPLETE PROJECTS — COMMUNAL WASTEWATER SYSTEMS

ENTITIES RESPONSIBLE FOR COMPLETING COMMUNITY WASTEWATER SYSTEM PROCESS			
Process Elements	Process Steps	Lead	Support
Facility Planning	Land Acquisition	County	Loudoun Water
	Preliminary Engineering	Loudoun Water	County
Land Entitlements	Commission Permit & Special Exception	County	Loudoun Water
	Site Plan	Loudoun Water	County
	Easement Acquisition	County	Loudoun Water
Design	Design Process	Loudoun Water	County
	Wastewater System Permits	Loudoun Water	County

NOTE: Commission Permit, Special Exception and Design can occur simultaneously or in sequence beginning with the Commission Permit.

Note: Permits are received through the Virginia Department of Environmental Quality (DEQ) and Loudoun County Health Department (HD).



PROCESS TO COMPLETE PROJECTS — COMMUNAL WASTEWATER SYSTEMS CONT'D

ENTITIES RESPONSIBLE FOR COMPLETING COMMUNITY WASTEWATER SYSTEM PROCESS			
Process Elements	Process Steps	Lead	Support
Design	Design	Loudoun Water	County
	Wastewater Permit Process	Loudoun Water	County
Construction	Construction Process	Loudoun Water	County
Operation & Maintenance	Operation & Maintenance	Loudoun Water	---

Process Elements

