

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

June 10, 2024

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:15 p.m. on the above date at the Institute for Advanced Learning and Research, 150 Slayton Avenue, Room 206, Danville, Virginia. Present were City of Danville Members Vice Chairman Sherman M. Saunders, J. Lee Vogler, Jr. and Alternate Dr. Gary P. Miller. Pittsylvania County Members present were Chairman William V. Ingram, Robert Tucker and Alternate Darrell Dalton.

City/County staff members attending were: City Manager Ken Larking, Interim County Administrator Dave Arnold, Pittsylvania County Director of Finance Kim Van Der Hyde, Authority Treasurer Michael Adkins, City of Danville Accountants Meredith Franklin and Jaime Pritchett, Pittsylvania County Director of Finance Kim Van Der Hyde, City of Danville Director of Economic Development Corrie Bobe, Assistant Director of Economic Development Kelvin Perry, Pittsylvania County Director of Economic Development Matt Rowe, Legal Counsel to the Authority Michael Guanzon and Secretary to the Authority Susan DeMasi. Also present were Brian Bradner, Shawn Harden and Joseph Snead from Dewberry, Linda Green, Ken Gillie, Director of Community Development, City of Danville, Marc Adelman, Director of Transportation, City of Danville, and John Crane, Register & Bee.

Chairman William V. Ingram presided.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

APPROVAL OF MINUTES OF THE MAY 13, 2024, REGULAR MEETING

Upon **Motion** by Mr. Vogler and **second** by Mr. Tucker, Minutes of the May 13, 2024, Regular Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

NEW BUSINESS

5A. CONSIDERATION OF RESOLUTION 2024-06-10-5A APPROVING THE INSTALLATION OF A 9,000 GALLON TANK BY EIT AT THE CYBER PARK

City of Danville Director of Community Development Ken Gillie noted the company has requested to install a 9,000-gallon nitrogen tank at the EIT building. As it stands, the proposal does not comply with the protective covenants. The tank would have to be in a fully enclosed building or screened, and the proposal does not include that; at this point, staff can't support it as presented, and has requested the applicant go back and possibly change the design; they have not heard back from them. Legal Counsel to the Authority Michael Guanzon stated the Resolution was written so that there were conditions that Renee Burton had stated that included features Mr. Gillie had set forth. If the Board chooses to approve this item, subject to those two conditions being satisfied, for purposes of Restrictive Covenants, RIFA will have given its consent. What they were talking about today was a conditional consent.

Mr. Ingram questioned what they were going to do with 9,000 gallons of nitrogen and Mr. Gillie stated he did not know what the use for that. Mr. Guanzon noted if that was a question needed for the Board to accept even conditionally, they can table this item, but they might have to have a special meeting depending on if the Board needed to give them approval earlier.

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Mr. Tucker questioned if the company had done their due diligence as far as safety, and Pittsylvania County Director of Economic Development Matt Rowe stated this company was very well known, very well regarded and followed all the safety protocols. This was part of their process; typically the gas was utilized in some form doing modifications to their products. It was the staff's opinion that it was in the best interest doing a conditional approval. The company has to meet the requirements of the covenants regardless, and this just allows them to know that if they meet those covenants, which was getting the approval from Mr. Gillie's office, that RIFA has approved it. Ms. Bobe noted the company would like this to be approved this month based off their internal timelines. If this was not conditionally approved, they would seek out a special called meeting.

Mr. Vogler noted staff had the conditions in place and if they approve this today, they don't move forward unless those conditions were met; he does not want to hold up progress. Mr. Saunders questioned if there was a time constraint and Mr. Larking stated he believed there was. He had not spoken directly to the company but based on Ms. Burton's emails to the company, they stated they wanted this approved in June and will come back with a revised plan. Mr. Gillie stated as of this morning they had not heard back from the company, and as to the safety concerns, there was the Uniform Statewide Building Code; all the review would be the building department and fire department, the safety was the City's concern. RIFA was looking at a 30-foot-tall tank that they cannot screen unless it was in an enclosed building, and they would have to determine how that would work. There were options available to them, but at this point, he cannot say to RIFA he has options that comply with the covenants.

Mr. Vogler **moved** for adoption of *Resolution 2024-06-10-5A, approving those certain plans and specifications for improvements to Lot 3F (PIN 78471) in the Authority's Cyber Park located in Danville, Virginia, for the installation of a 9,000-gallon nitrogen tank by Electronic Instrumentation and Technology, LLC, a Virginia limited liability company, subject, however, to the satisfaction of certain technical conditions.*

The Motion was **seconded** by Mr. Tucker and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5B. CONSIDERATION OF RESOLUTION 2024-06-10-5B AUTHORIZING THE ABANDONMENT OF CERTAIN PORTIONS OF OAK HILL ROAD

Pittsylvania County Director of Economic Development Matt Rowe explained this Resolution was to execute, deliver and record a plat of abandonment on Oak Hill Road and related documents to abandon certain portions of Oak Hill Road at the Megasite. The Resolution passed by the Board of Supervisors in 2019 stated should a project need the abandonment of Oak Hill Road, the Board would support such a project. At this point, staff was doing everything they could to be proactive; if a company were to locate there, they have a mechanism in place in order to do this quickly. Mr. Guanzon noted the Resolution in the agenda packet does specify they were approving it in advance, but subject to actually having an end user that would require the road being abandoned. If RIFA has a recruit that comes into the Megasite, it has been preapproved and the time to get it done will be shortened.

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Mr. Ingram noted he has had citizens inquire about this over the years, agreed RIFA needed to be proactive, and asked how many residents would be displaced by this. Mr. Rowe noted no residents would be displaced; it would be from the Transco Gas Line to the north to where it intersects with Route 311 Berry Hill to the south. Harmony United Methodist Church would still be accessing Oak Hill Road, it was just the thru movement down to US 311 would be impacted. Staff had Dewberry, in the past, look at how that would impact emergency services. Having Brosville Fire Station and Bachelor Hall Fire station, they still have seamless service for emergency response. There would be a cul de sac where the new substation AEP just built. Mr. Ingram questioned whether VDOT had input and Mr. Rowe stated they had been integrally involved as part of this, and will look at all types of eventual outcomes, but it will be dependent on the final, potential project at the site. At this point, there have been no discussions of VDOT re-routing the roadway through the Megasite property; it would stop there. VDOT has done traffic counts and demonstrated that the number of vehicles going through that section was very small.

Mr. Saunders **moved** to adopt *Resolution 2024-06-10-5B, authorizing the Chairman of the Authority to execute, deliver and record a plat of abandonment of Oak Hill Road and related documents to abandon certain portions of Oak Hill Road adjacent to the Authority's Southern Virginia Megasite at Berry Hill project, located in Pittsylvania County, Virginia.*

The Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5C. CONSIDERATION OF RESOLUTION 2024-06-10-5C APPROVING AMENDMENT NO. 39 WITH DEWBERRY ENGINEERS INC.

(Dewberry staff, Brian Bradner, Shawn Harden and Joseph Snead, stepped out of the meeting for the Board to discuss this item.)

Mr. Rowe explained this was a proposal from Dewberry, for \$90,000, lump sum, to provide additional planning related services for a preliminary ALTA survey and Phase I environmental site assessment. The Phase I environmental site assessments that were done were typically good for a five-year period; RIFA's was going to be coming due by the end of this year, and needed to be updated. The other component was that RIFA had done a preliminary ALTA for the main Megasite and the Megasite lot, now staff wants to make sure they have the ALTA survey completed for the entire park as a whole. Staff has done title work for all 3,528 acres, this was additional due diligence associated with getting the property in a saleable condition.

Mr. Guanzon stated when RIFA had a potential recruit come in, trying to conceptualize what the lots could be, it was easier if there was a survey of what the lot lies would look like. RIFA has to have the title work to note all the easements and it was typical for the engineer to have those easements listed in the survey. This information was so that RIFA could have an ALTA survey ready for prospective recruits so they don't have to spend money trying to title thousands of acres. As far as the Phase I environmental, that was to see if there might be any type of environmental issues. If they do find preliminary items, the issue was whether RIFA needed to move forward and get a Phase II environmental. This was a normal procedure that needed to be done and updated.

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Mr. Tucker **moved** for adoption of *Resolution 2024-06-10-5C approving Amendment No. 39, dated May 28, 2024, with Dewberry Engineers Inc., a New York Corporation, for engineering services related to the Mega Park Master Plan Southern Virginia Megasite at Berry Hill, to provide services relating to ALTA Survey and Phase I Environmental Site Assessment, located in Pittsylvania County, Virginia, at a lump sum fee of \$90,000.00.*

The Motion was **seconded** by Mr. Saunders and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5D. CONSIDERATION OF RESOLUTION 2024-06-10-5D APPROVING THE THIRD AMENDMENT TO THE STORAGE LEASE AGREEMENT WITH APPALACHIAN POWER

Mr. Rowe explained this was to amend the current agreement with Appalachian Power where they were leasing space from RIFA to use as a laydown yard; it was modifying that to a month-to-month term, at \$1,500 per month. It was associated with them being able to restore premises; it was gravel, so they have to get that back to a stand of new grass, to close out their stormwater permit.

Mr. Vogler **moved** for adoption of *Resolution 2024-06-10-5D approving the negotiation, execution and delivery of a Third Amendment to that certain Construction Materials Storage Lease Agreement with Appalachian Power Company, approved under Resolution No. 2021-10-10-5D modifying the term to a month-to-month lease at a lease rate of \$1,500.00 per month, to complete certain Transmission Line and Substation construction activities at the Authority's Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, including without limitation restoring the lease premises by replacing the existing gravel with new grass and closing out environmental permitting.*

The Motion was **seconded** by Mr. Tucker and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5E. CONSIDERATION OF RESOLUTION 2024-06-10-5E AUTHORIZING A SUBDIVISION PLAT FOR LOT 7D IN THE CYBER PARK

City of Danville Director of Economic Development Corrie Bobe explained RIFA recently completed grading of Lot 7D which was at the intersection of Stinson and Slayton Drives. Within that there were some bike trails and trailheads, and they asked Dewberry to subdivide these parcels to best accommodate industry as well as best segment the natural assets.

Mr. Tucker **moved** for adoption of *Resolution 2024-06-10-5E, a Resolution authorizing the Chairman of the Authority to execute, deliver and record Subdivision Plat and related documents to subdivide Lot D of the Authority's Cyber Park Project, located in the City of Danville, Virginia, where Lot D will be subdivided into New Lots E and 7F.*

The Motion was **seconded** by Mr. Vogler and carried by the following vote:

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VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5F. CONSIDERATION OF RESOLUTION 2024-06-10-5F AUTHORIZING THE CHAIRMAN TO COMMISSION A REGIONAL BUS FEASIBILITY STUDY

City Manager Ken Larking explained they have had prospects express interest in having regional bus transit serve the Megasite and other industrial sites within the community. This need has been expressed by prospects but also existing businesses as well, not only in the county but in the city and other parts of the region. In order to move forward and be ready to serve a prospect in the future, they need to start with the feasibility study. There was a timing aspect to this as it will take some time to accomplish. Once it was done, it can be used to proceed toward getting state and federal funding to help pay for the service. There were lead times in order to purchase equipment; that would add time to implement this service. The City received a number of proposals and the one that was recommended was Option 1 of the most recent proposal they received; it was about \$75,000 and would be paid for by RIFA in order to accommodate this first step in the process. Danville Transit and Transportation Department was happy to work as staff toward accomplishing this project helping the consultant.

Dr. Miller questioned if there were any projections of the usage rate and City of Danville Director of Transportation Marc Adelman stated he thought that the Danville to Greensboro route was extremely popular. There was a bus service provided previously by Greyhound, they terminated it, and he does expect there will be a lot of interest both for people traveling from Danville to Greensboro as well as individuals traveling from Greensboro to Danville. Mr. Adelman noted he was not sure about the interest with Danville to Lynchburg and Danville to Martinsville. The study will look at how many times a day the service will be provided. There was a similar type of service from Fishersville to Waynesboro to Staunton and Charlottesville and they offer five round trips; one of those round trips can be up to three hours in length even though Waynesboro is only thirty five minutes away. They have twelve stops in that route; the more stops, the longer the time frame. Mr. Adelman stated he would expect two hours one way, planning stops for example, going north to Chatham and Gretna and then on to Lynchburg, easily two hours one way; also to provide layover time. It would be similar going to Greensboro, stopping at Reidsville as well as Greensboro. Dr. Miller noted that involved two different states, would there be problem with that, and Mr. Adelman stated there could be funding issues, that was another part of the feasibility study to examine opportunities to secure state and federal funding since the operation would be primarily in North Carolina for one route.

Mr. Vogler noted he was glad they were talking about it, they talked so much about the connectivity of the region and how important that was. The feasibility study seemed like a good step in the right direction to see how they can continue to improve their capability of attracting prospects and the connectivity of the region; this was a good thing.

Ms. Bobe thanked Mr. Adelman; when staff brought this to him, he immediately began working on what strategy they could use and was very thorough in his process. He has tried to identify every resource available to help cover the costs for such a service.

Dr. Miller noted both he and Mr. Vogler were on the West Piedmont Planning District Commission, and they talked about this, what they could do to help and Mr. Adelman noted

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they will be involved in the feasibility study. WPPDC was involved with community ride sharing and thought there would be a direct link from what they were doing on that end. There was a possibility there might be less cost to the user than traveling by car in a commuter arrangement. Mr. Saunders questioned if they were talking about all the jurisdictions including Rocky Mount or just certain parts, and Mr. Adelman explained the proposed route identified in the RFP showed going as far west as Martinsville, there might be the possibility for people to travel from Rocky Mount to Martinsville and then get on the bus.

Mr. Vogler stated Halifax and anything to the east was not included, and Mr. Adelman noted that was correct. Mr. Vogler questioned the reasoning for that and Mr. Adelman stated spatial density, viability of success, also the number of the routes the City offers was directly tied to driver availability. Danville Transit could potentially right now offer service for one route but not all three; that was something that could be done later on but he would recommend the study contain it to certain routes with the possibility of expansion in the future. Mr. Saunders questioned if the City had recently done a study that included South Boston and Halifax and found that the numbers were not there and Mr. Adelman explained the Southern Virginia Higher Education Center, prior to the pandemic completed a study. The reason that service could not be provided was the City could not find enough drivers to support the operation; they never really learned if there was sufficient demand or not. Mr. Adelman noted adding anything else will increase the cost of the study. In order to meet the grant deadline of February 1st, the consultant needs to start this month, so that by January it would be finished in time to submit a grant application for buses; it can take up to 14-18 months to deliver. If everything were to go to plan, if there was interest in implementing service, the earliest service could start would be the fall/winter of 2026. If the study was delayed, it would be 2027. Mr. Saunders suggested letters of support from the various localities and Mr. Adelman noted that would be part of the feasibility study to do that outreach to the different participating groups.

Mr. Vogler noted he wished Halifax could be involved in this, there were a lot of new industries located there, and Mr. Adelman noted if an organization were interested in looking at that, a change order could be added.

Mr. Tucker **moved** for adoption of *Resolution 2024-06-10-5E authorizing the Chairman of the Authority to commission a Regional Bus Feasibility Study, the scope of which would, at a minimum, include the availability and cost of implementing and operating Regional Bus Service, the potential operator(s) of the services, the scope of services and the size of the market passengers.*

The Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5D. FINANCIAL STATUS REPORTS AS OF MAY 31, 2024.

Authority Treasurer Michael Adkins gave the Financial Status report as of May 31, 2024, beginning with the \$7.3M Bonds for Cane Creek, which had no activity for May. General Expenditures for the current fiscal year showed RIFA paid Abstracts & Titles Inc., \$1,048 for title work on Project Nora, monthly legal fees to Christian & Barton of \$24,145, marketing expenditures include payment to the Institute of \$3,250 to reimburse Parker Productions for

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drone footage, rental of a helicopter for a prospect visit of \$3,580, and Topshelf Company for a trailer rental of \$7,500. Also, meals at the Institute of \$455.88, monthly utilities of \$130.83, and monthly maintenance from Sellars Brothers for Cane Creek and Berry Hill of \$4,890.

Mr. Adkins noted as they approach the end of the fiscal year, as was routine, he always asked the Board if they can get their permission or a motion to move money from the unrestricted fund balance to cover any additional expenses for this fiscal year; RIFA was already over by about \$72,000. This was the result of having increased activity at the sites; the more activity, the more expenses.

Funding Other than Bonds for Berry Hill had a payment to Dewberry for work under Amendment #37 of \$16,400, legal fees to Troutman Pepper Hamilton Sanders of \$13,790, and \$2,500 to Froehling & Robertson for Berry Hill seismic commentary. Lot 4 Site Development, Lots 1 and 2, Water and Sewer, and Cyber Park Site Development had no expenditures for the month of May. Rent, Interest and Other Income for May show RIFA received rent from the Institute for the Hawkins' Building of \$23,342, interest on the money market account of \$10,312 and the expense paid for May was a payment to the Institute for Hawkins Building Maintenance in the amount of \$23,342.

Mr. Saunders **moved** to accept the Financial Report as presented as well as authorize staff to move funds from unrestricted fund balance of at least \$72,000 up to \$100,000; the Motion was **seconded** by Mr. Tucker and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5H. CONSIDERATION OF A RESOLUTION APPROVING THE FISCAL YEAR 2025 GENERAL EXPENDITURES BUDGET (NO WRITTEN RESOLUTION)

Mr. Adkins explained this was the Fiscal Year 2025 budget for RIFA and there was one correction. Both localities, the city and county, increased their funding for the next year from \$100,000 per locality to \$125,000 per locality. The correction he needed to make was increasing the City/County contribution up to \$125,000 and decreasing the amount that they anticipated being transferred from unrestricted funds from \$90,500 to \$40,000. The totals stay the same, this was just an allocation between those two funding sources. The Budget was in line with what was experienced this past year; they increased legal fees and also added a line item for the monthly maintenance for Sellars Brothers for Cane Creek and Berry Hill.

Mr. Tucker **moved** to accept the Fiscal Year 2025 General Expenditures Budget. The Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

6. CLOSED SESSION

At 12:59 p.m. Mr. Saunders **moved** that the Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority be recessed in a Closed Meeting for the following purposes:

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[During the closed session, all matters discussed shall involve receiving advice from legal counsel, and as such all communications during the closed session shall be considered attorney-client privileged.]

- A. As permitted by Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended ("Virginia Code"), for discussion concerning one or more prospective businesses where no previous announcement has been made of that business's interest in locating its facilities in one or more of the Authority's projects, located in Pittsylvania County, Virginia, and/or Danville, Virginia; and
- B. As permitted by Virginia Code § 2.2-3711(A)(39) for discussion or consideration of records excluded under Virginia Code § 2.2-3705.6(3) (including without limitation (i) those certain confidential proprietary records voluntarily provided by private business pursuant to a promise of confidentiality from the Authority, and used by the Authority for business and trade development and (ii) those certain memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by the Authority, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the Authority); such information being excluded from mandatory disclosure under Virginia Code § 2.2-3705.1(12) (information relating to the negotiation and award of a specific contract pertaining to the Authority's Southern Virginia Megasite at Berry Hill project, Cyber Park project and/or Cane Creek Centre project, where competition or bargaining is involved and where the release of such information would adversely affect the bargaining power or negotiating strategy of the Authority) and Virginia Code § 2.2- 3705.1(8) (appraisals and cost estimates of real property in one or more of the Authority's projects subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease); and
- C. As permitted by Virginia Code § 2.2-3711(A)(3) for discussion or consideration of the acquisition and/or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority; and
- D. As permitted by Virginia Code § 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; and
- E. As permitted by Virginia Code § 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditures of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Authority.

The Motion was **seconded** by Mr. Tucker and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

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7. RETURN TO OPEN SESSION

On **Motion** by Mr. Saunders and **second** by Mr. Tucker and by unanimous vote at 2:00 p.m., the Authority returned to open meeting.

Mr. Saunders **moved** for adoption of the following Resolution:

That the Authority certify that, to the best of each Member's knowledge:

- (i) only public business matters lawfully exempted from the open meeting requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and
- (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by Authority.

The Motion was **seconded** by Mr. Tucker and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

8. COMMUNICATIONS

Board Members

Mr. Dalton thanked everyone for the great job they were doing and recognized Linda Green for her accomplishment at the Chamber of Commerce meeting. Mr. Tucker appreciated each team member and the work they do; they do an excellent job and was glad to be a part of this team. Mr. Vogler thanked staff and the Board. Mr. Saunders noted he was proud to be a part of this body and was looking forward to the region moving forward. Mr. Ingram noted he still hears criticisms about Berry Hill, the time and money spent, but his commitment was still strong. To work with the Board and staff helps to validate what he believed.

Staff

Mr. Larking noted the Board probably received invitations from the Partnership for Regional Prosperity; they were hosting a childcare summit on Wednesday at noon; lunch was provided. If they haven't signed up, staff can sign them up.

Meeting adjourned at 2:07 p.m.

APPROVED:

s/ William V. Ingram
Chairman

s/ Susan M. DeMasi
Secretary to the Authority