Posted: August 17, 2012

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Welcome to the City of Asheville Water/Sewerage Consolidation Analysis Page. The purpose of this page is to make available to the public, all information related to the City of Asheville's analysis of consolidation alternatives for the water utility with the Buncombe County Metropolitan Sewerage District (MSD).

Jump to the Timeline

Click This Link → Frequently Asked Questions about the Water Utility

Latest News

Nov. 10, 2015	City files request for the Trial Court to grant a rehearing (Petition for Rehearing) and a request to maintain the status quo while the Court considers the City's petition for rehearing (Motion for Temporary Stay).

Why is the City of Asheville doing an analysis?

In the Legislative Research Commission's Metropolitan Sewerage/Water System Committee's report to the 2012 Session of the General Assembly, Recommendation 2 of the report states,

> The Committee recommends that the 2013 Session of the North Carolina General Assembly consolidate the Public Utility Water System with the Metropolitan Sewerage District of Buncombe County. Should the interested governments craft their own solution for consolidation, which achieves all the objectives of the Committee, before the 2013 North Carolina General Assembly convenes, due consideration would be given to the local plan. Action will not be taken if the parties are engaged in good-faith negotiations on this matter.

The City of Asheville and MSD are both engaged in analyses that will provide the basis for the good-faith negotiations related to the consolidation of the water and sewerage utilities. Information is being shared between stakeholders, all of which will be accessible through this site.

Access the documents

Click the blue links to access the highlighted information directly. To browse all of the folders, click here.

Most Recently Added Documents

Document	Date Added
The NC Court of Appeals releases opinion affirming the trial court's conclusion that Asheville has standing to challenge the authority of the General Assembly in the legislation enacted by the NC General Assembly in 2013 related to the transfer of the City of Asheville water system to MSD; and Reversing the court's conclusions regarding the legislation's constitutionality and its injunction.	**October 6, 2015**

City of Asheville Documents

- City Council Updates
  These updates serve as an executive summary of the analysis and negotiation process

- Information about the water system
  These documents provide general information about the water system. They include master plans, capital improvement plans, policies, studies, reports, performance measures, certifications and awards

- Analysis Documents
  - Financial impact of different scenarios on the taxpayer
    Scenarios include the City of Asheville absorbing the sewerage function for the region and MSD absorbing the water utility for the region
  - Fair market values of current assets
  - Benchmarking and analysis of different governance models

MSD Documents

These are documents provided to the City of Asheville by MSD. MSD also has a website where documents requested from other cities are made available. Click here to link to the MSD Water Study webpage.

TIMELINE →

City of Asheville Timeline

Brief chronological overview of the City of Asheville Water Utility and the assets associated with it.

May 4, 2011	House Bill 925 introduced to the State House "to provide for the conveyance of a city water system to a metropolitan sewerage district." (HB 925).
May 5, 2011	House Bill 925 amended to "direct the Legislative Research Commission to study whether the efficiency of providing water and sewer services can be improved by requiring large cities located entirely within a metropolitan sewerage district to convey their water system to that district which can then operate both water and sewer" (Amended HB 925).
May 27, 2011	Asheville City Council sends a letter to the Metropolitan Sewerage/Water System Committee Chair listing (i) the Asheville City Council's reasons for opposing the first version of House Bill 925 and (ii) questions relating to the Metropolitan Sewerage/Water System Committee (Letter).
September 12, 2011	The Legislative Research Commission receives authorization to appoint subcommittees. The Metropolitan Sewerage/Water System Committee tasked to study "whether requiring large cities that have a municipal water system and that are located entirely within a Metropolitan Sewerage District to convey that water system to the district will improve the efficiency of providing public services" (Letter).
October 27, 2011	Asheville City Council and Metropolitan Sewerage District of Buncombe County Board request "the opportunity to provide input to the subcommittee and staff as they go about their work" (Letter).
Jan. 23, 2012	The first public hearing of the Metropolitan Sewerage/Water System Committee is held in the State Legislative Building, Raleigh (Agenda). The following entities presented information: • General Assembly staff • Vance Hollowman, Deputy Treasurer, State and Local Finance Division, Department of State Treasurer (Presentation). • City of Asheville (Presentation). • Metropolitan Sewerage District of Buncombe County (Presentation). • Robert B. Long, Attorney, Long, Parker, Warren, Anderson & Payne (Presentation).

Feb. 14, 2012	Asheville City Council unanimously passes resolution 12-36: Supporting Asheville's Retention of Its Water System (Resolution).
Feb. 23, 2012	Second public hearing of the Metropolitan Sewerage/Water System Committee is held at the Western North Carolina Agricultural Center in Fletcher (Public notice).
March 14, 2012	Third public hearing of the Metropolitan Sewerage/Water System Committee is held in the State Legislative Building, Raleigh (Agenda). The following entities presented information: • City of Hendersonville (Handouts). • Henderson County (Handouts). • Metropolitan Sewerage District of Buncombe County (Presentation). **Handouts 1, 2, 3, 4, 5, 6, 7, 8**
March 20, 2012	Asheville City Council provides a memo to the Metropolitan Sewerage/Water System Committee Chair addressing questions raised about the Asheville Water System during the study Committee's public input process (Letter).
April 19, 2012	Fourth and final meeting of the Metropolitan Sewerage/Water System Committee held in the State Legislative Building, Raleigh (Agenda). The group reviews a draft report (Report) and adopts the final report (Report, Appendix to Report).
April 24, 2012	Asheville City Council holds a "Public Hearing to Demonstrate Support and Solidarity by Asheville Water Customers in Defending Ownership of It's Water System" (Meeting minutes, Video). Asheville city manager and water resources director send a letter to Water Resources employees detailing discussion of transfer (Letter).
May 17, 2012	House Bill 1009, "MSD Amendments", introduced in the NC House of Representatives (HB 1009).
May 18, 2012	Metropolitan Sewerage District of Buncombe County Board sends letter to Asheville City Council detailing their intent to release a Request for Proposals for a consolidation impact study (Letter).
May 29, 2012	Asheville City Council reaffirms commitment to open communication with the Metropolitan Sewerage District of Buncombe County (Letter).
June 18, 2012	The North Carolina House passes a revised House Bill 1009 (HB 1009).

June 19, 2012	Asheville City Council sends a letter to state legislators describing progress relating to the committee's recommendations (Letters).
June 26, 2012	Asheville City Council sends letters to local governments in and around Buncombe County regarding participating in the review process for a regional water system (Letters).
June 27, 2012	North Carolina Senate Passes "MSD Amendments Bill" (NC General Assembly webpage).
July 24, 2012	Asheville City Council votes unanimously to request Governor Perdue to veto House Bill 1009, "MSD Amendments" (Asheville City Council Minutes).
July 25, 2012	Asheville City Council sends letter to Governor Perdue requesting the Governor to veto House Bill 1009, "MSD Amendments" (Letter).
July 31, 2012	Asheville City Council holds work session to discuss the water system and agrees to consider the calling of a referendum relating to the sale or lease of the Water System at their August 14, 2012 formal meeting (Minutes, Staff Presentation).
August 3, 2012	House Bill 1009, "MSD Amendments", becomes law (NC General Assembly webpage) (HB 1009).
August 7, 2012	Asheville City Council invites state legislators to a joint work session to discuss good faith efforts relating to the water study process. (Letter).
August 8, 2012	Asheville City Council sends letter to Metropolitan Sewerage District of Buncombe County Board detailing City Council's interest in discussing committee recommendations (Letter).
August 14, 2012	Asheville City Council unanimously adopts resolution number 12-186: "Resolution Calling for a Special Election on the Question of Whether the City Should Sell or Lease It's Water System" (Minutes, Resolution).
August 21, 2012	Due to scheduling conflicts, Asheville City Council extends an alternative date to state legislators for a joint work session (Letters).
August 28, 2012	Asheville City Council receives regular update on water study process (Minutes, Presentation, Video).
September 11, 2012	Asheville City Council receives regular update on water study process (Presentation, Video).
September 18, 2012	Asheville City Council holds a joint meeting with state legislative delegation (Agenda, Staff report, Presentation).

September 25, 2012	Asheville City Council receives regular update on water study process (Presentation, Video, Minutes).
October 9, 2012	Asheville City Council receives regular update on water study process (Presentation, Video, Minutes).
October 23, 2012	Asheville City Council postpones public meeting set for October 30, 2012 (Letters).
October 23, 2012	Asheville City Council receives regular update on water study process (Presentation, Video, Minutes).
November 13, 2012	Asheville City Council receives regular update on water study process (Presentation, Video, Minutes).
November 27, 2012	Asheville City Council receives regular update on water study process (Presentation, Video, Minutes).
December 11, 2012	Asheville City Council holds 3:30 p.m. worksession in the First Floor North Conference Room of City Hall to review the City's studies related to the proposed consolidation of water and sewer utilities. (Financial impact study) (Financial impact presentation) (Governance model study) (Governance model presentation)
December 11, 2012	Asheville City Council receives regular update on water study process (Presentation, Video) and unanimously adopts a resolution reaffirming Asheville's retention of its Water System (Resolution).
December 18, 2012	Asheville City Council sends letter to the Metropolitan Sewerage District of Buncombe County to share the City reports and ask questions related to the merger study process (Letter).
December 30, 2012	Asheville City Council received a response from the Metropolitan Sewerage District of Buncombe County (Letter).
January 8, 2013	Asheville City Council receives regular update on water study process (Presentation, Video, Minutes).
January 11, 2013	Asheville City Council sends a letter to Governor McCrory that provides information on the Asheville Water System (Letter).
January 22, 2013	Asheville City Council receives regular update on water study process (Presentation, Video).

February 12, 2013	Asheville City Council received regular update on water study process (Presentation).
February 26, 2013	Asheville City Council received regular update on water study process (Presentation).
March 6, 2013	House Bill 252, "Asheville Transfers", introduced in the NC House of Representatives (HB 252).
March 12, 2013	Asheville City Council received regular update on water study process.
March 26, 2013	City staff presents impacts of HB252 to NC House Finance Committee at 8:30 a.m. Click here to see the key talking points. Live audio of the meeting.
March 28, 2013	House Bill 488, "Regionalization of Public Utilities", introduced in the NC House of Representatives (HB 488).
April 2, 2013	House Bill 252, "Asheville Transfers", is amended (HB 252 Edition 2).
April 3, 2013	House Bill 252, "Asheville Transfers", passed in the NC House of Representatives and received in the Senate. Asheville City Council held a Town Hall meeting / budget work session to discuss the potential state legislative impacts to the financial forecast (Presentation).
April 7, 2013	Frequently asked Questions about the Water System
April 9, 2013	Asheville City Council unanimously adopts resolution number 13-77: Resolution Opposing House Bill 488, Requiring Transfers of Certain Water Systems (Resolution).
April 15, 2013	House Bill 488, "Regionalization of Public Utilities", passed in the NC House of Representatives and received in the Senate (HB 488 Edition 3).
May 3, 2013	House Bill 488, "Regionalization of Public Utilities", is presented to Governor McCrory's Office for signature after passing in both the NC House and Senate (HB 488 Ratified Edition).

May 7, 2013	Asheville City Council held a special meeting to consider authorizing legal action regarding NC House Bill 488 and other matters relating to the City's water system and the effects of HB 488. Asheville City Council unanimously adopts resolution number 13-88: Resolution Authorizing Legal Action to Challenge House Bill 488, Ratified May 2, 2013, Should It Become Law (Resolution).
May 10, 2013	Asheville City Council held a press conference where leaders from the City's past and present endorsed a lawsuit to prevent the loss of its water system (Video).
May 14, 2013	House Bill 488, "Regionalization of Public Utilities", became law without the Governor's signature (HB 488 Session Law 2013-50).
May 14, 2013	A 10-day Temporary Restraining Order (TRO) is granted in Wake County Superior Court to stay the effectiveness of HB 488 (now NC Session Law 2013-50), preventing any transfer of assets or functions of the water system to MSD, until the City can return to court and ask for a Preliminary Injunction to keep the transfer from occurring while the City's lawsuit is considered (Temporary Restraining Order, Complaint, Affidavit of Stephen Shoaf). A hearing on the motion for a Preliminary Injunction is scheduled for May 20, 2013.
May 17, 2013? **(Exact Date Unknown)**	The May 20, 2013, hearing on the motion for a Preliminary Injunction is extended to August 6, 2013, with stipulation by the parties. The TRO is further extended to September 6, 2013 to give Judge Manning time to prepare his written decision following the August 6, 2013.
June 5, 2013	House Bill 252, "Asheville Transfers", became law (HB 252 Session Law 2013-65).
August 2, 2013	The August 6, 2013, hearing on the motion for the Preliminary Injunction is extended to September 6, 2013, with stipulation by the parties. The Temporary Restraining Order (TRO) is also extended through October 14, 2013, to give the Court time to prepare its written decision (Order).
September 6, 2013	Hearing in Wake County Superior Court on the City's motion to convert the TRO to a Preliminary Injunction and on the State's motion to dismiss the City's complaint.

October 4, 2013	Recognizing stipulations of both parties, NC Superior Court judge signs a Case Management Order. A few things to note about the order: a. Each party has until January 28, 2014 to gather evidence from the other party. After that date there may be an additional 55-75 days, depending on any motions that may be filed, before the court would consider the information and deliberate. b. As a condition of the Case Management Order, the City's notice of hearing on the motion for summary judgment (i.e., the City's request of the Court to make a judgment based on submitted information as opposed to a full trial) and the State's notice of hearing to dismiss the complaint (i.e., the State's request of the Court to drop the case) were both withdrawn but either party has the right to re-file. c. The temporary restraining order was extended until at least 30 days after the Court hears any and all motions that would end the lawsuit, or until the time the Court orders otherwise.
March 25, 2014	City of Asheville information gathered in response to the Oct. 4 Case Management Order
March 27, 2014	Memoranda are filed in the Wake County Superior Court by the City of Asheville and the State of North Carolina in support of their respective motions for Summary Judgment. (State's Opposition to Asheville's Motion for Summary Judgment and Discovery Sanctions – Document; Memorandum of Law in Opposition to Defendant State of NC's Motion for Summary Judgment – Document)
April 14, 2014	State of North Carolina submitted a reply brief in further support of its motion for Summary Judgment. (Document)
April 21, 2014	City of Asheville submitted a reply brief in support of Asheville's motion for Partial Summary Judgment. (Document)
June 9, 2014	Wake Superior Court Judge issues Memorandum of Decision and Order re: Summary Judgment in favor of the City of Asheville. (Document)
July 8, 2014	The State of North Carolina files a Notice of Appeal to the North Carolina Court of Appeals for Judge Manning's June 9, 2014 "Memorandum of Decision and Order Re: Summary Judgment". (Document)
April 24, 2015	The City of Asheville filed a brief with the North Carolina Court of Appeals in Wake County to request that they affirm the Superior Court's ruling striking down the Water Act as unconstitutional. (Document)

October 6, 2015	The NC Court of Appeals releases opinion affirming the trial court's conclusion that Asheville has standing to challenge the authority of the General Assembly in the legislation enacted by the NC General Assembly in 2013 related to the transfer of the City of Asheville water system to MSD; and Reversing the court's conclusions regarding the legislation's constitutionality and its injunction.
Nov. 10, 2015	City files request for the Trial Court to grant a rehearing (Petition for Rehearing) and a request to maintain the status quo while the Court considers the City's petition for rehearing (Motion for Temporary Stay).