

**Executive Director's Report to the Executive Committee
June 25, 2009**

1. Grant funding:

NFWF grant: The grant contract due to be finalized in July. RRBC can request major portion of funding once this has happened. RRBC will work with each locality to effect transfer of funds for share of BMP costs via resolutions by each governing body that outlines that jurisdiction's responsibilities as partner to RRBC, e.g.

- acknowledgement in print, signage, and web materials of the NFWF grant, its sponsors (EPA and Ches Bay Program), and the RRBC partnership;
- agreement that signage designed by RRBC can be placed on the site;
- agreement that monitoring of BMPs can proceed for the duration of the grant at a minimum;
- agreement to work with RRBC and its contractor(s) to provide adequate access and information in order to conduct the retrofit opportunities study;
- agreement to document the matching funding and in-kind effort that has gone towards this project [this will be the total cost of design and installation of the specific BMPs for stormwater management/reuse, as well as staff time to oversee the design/installation, E/S, etc.]
- agreement to work with RRBC and through its TAC to host ongoing developer/staff roundtables leading up to a watershed wide symposium
- agreement to work with RRBC and its TAC on identifying incentives for developers to utilize stormwater management on private projects

We anticipate contracting with StreamWatch to guide and coordinate the monitoring of BMPs effort under Strategy #2 of the grant. This was stated in the NFWF grant proposal; however, at approximately \$25k in funding, we will have to assure the appropriate procurement methods.

RRBC funds from TNC/RRBC donors are being used as partial match of private funds to this NFWF grant.

Questions:

- Should the full Commission formally vote to accept the NFWF funding as per the revised proposal at \$725,000, including the recommended allocations for cost-share on stormwater BMPs to the four jurisdictions?
- Does the Commission need to approve sub-contracts planned for NFWF grant (i.e. with StreamWatch, Center for Watershed Protection, Rivanna Conservation Society, and the Thomas Jefferson Planning District Commission)?
- Do we need to develop guidelines for sole sourcing to any of these entities?
- We will need to address potential conflict of interest with respect to StreamWatch,

TJPDC, and Center for Watershed Protection's membership on the RRBC TAC, as well as clarifying, for example, Ms. Robbi Savage's presence on the Commission as citizen representative of Greene County.

- What is the required sequence of events and approvals?

DCR mini-grant for Greene County LC map: This grant agreement is now in effect, and we are working with TNC (contract technical coordinator) and TJSWCD to amend the contract with Worldview Solutions, Inc. to include additional work. The grant is for \$5k, with \$4.3k going towards the technical project and the remainder for RRBC. Since this is on a reimbursable basis with DCR, we are asking that RRBC request a transfer from TNC of \$5k as an "advance" against the project so that TJSWCD can approve the contract modification (as fiscal agent).

Question: This grant agreement has already been signed by Ms. Thomas. In addition, TNC has provided written approval of sub-contracting plans for this grant. What additional action, if any, must be taken by the RRBC?

- Action: Motion to request the transfer from TNC/RRBC account an additional \$5k for Greene County map project (to be held).

DCR/Healthy Waters Initiative: After a June 1 meeting with DCR, we determined that the more efficient way to get full funding for this project was for DCR to contract directly with RRBC, which in turn will contract with VCU (\$36k) and StreamWatch (\$19k) for the technical portions of the project. I am seeking additional \$20k for RRBC for a total of \$75k. The funding for RRBC will be to cover project management, travel, and RRBC technical work with TJPDC and the member localities to develop Healthy Waters protection language for planning tools (such as Comprehensive Plans).

Issues: We are attempting to have this grant contract and subsidiary contracts with StreamWatch and VCU in place no later than July 15 so that monitoring can proceed as soon as possible. This grant will also be on a reimbursable basis, requiring invoices; however, DCR has communicated that it may be possible to advance funding in order to facilitate RRBC contracting with VCU and StreamWatch. TJSWCD needs assurance that RRBC has funding (at least \$55k to cover Stream Watch and VCU sub-contracts) in order to finalize contracts with StreamWatch and VCU.

In addition, we will need to address the sole-source nature of these procurements. We may need to obtain 2 or 3 additional quotes for the monitoring work (in addition to StreamWatch); however VCU work will likely not require additional justification.

- Action: Motion to request the transfer from TNC/RRBC account an additional \$55k for Healthy Waters project (to be held in RRBC account for payment of invoices from StreamWatch and VCU and to be "reimbursed" to the RRBC account once DCR reimbursement has happened).

2. Budget and spending update: RRBC has \$3,648.00 remaining in account as of 6/15/2009.

The FY 2010 budget (July 2009 – June 2010) will be prepared for review at the July 23, 2009 Commission meeting. Expected expenditures through July 30 total to

for:	salary/contract	\$7000
	web design	\$3000
	rent	\$800
	travel	\$200
	admin/contract	<u>\$1500</u> (contract) *
		\$12,500

* NFWF and DCR grants require setting up administrative and fiscal policies and procedures. This is the optimum time to put these systems in place and to utilize experienced administrative help to do so. I have obtained one of the three quotes required by TJSWCD procurement guidelines (Laurie Miller).

The expectation is that once the budget is approved, procurement guidelines are clarified, and Executive Committee and Executive Director spending authorization and policies approved, RRBC will be able to request an annual lump sum from TNC based on the yearly budget (taking into account salary and other expenses that will be covered by various grants).

- Action: Motion to request the transfer from TNC/RRBC account an additional \$13k to cover expenditures through July 30, 2009.

3. Appointment of Rose Brown as RRBC Recording Secretary

- Action: Motion by Executive Committee to appoint Rose Brown as Recording Secretary of the Rivanna River Basin Commission with the following responsibilities:
 1. Take meeting minutes at RRBC Commission, Executive Committee and Technical Advisory Committee meetings and provide draft copies to the Executive Director for review within 7 days of each meeting.
 2. Notify RRBC Executive Director of planned absences from above scheduled meetings as soon as practical so that alternate arrangements can be made.
 3. Develop and maintain a digital filing system for meeting minutes and other meeting materials in conjunction with the RRBC Executive Director.
 4. Review and follow the provisions of the Virginia Freedom of Information Act. Forward all requests for information from the public to the RRBC Executive Director.

June 25, 2009
Executive Committee of the RRBC

Procedural wording for entering into and closed session and returning to open session:

CLOSED MEETING MOTION
(Consultation with legal counsel – specific legal matters)

I move that the Commission go into a closed meeting pursuant to section 2.2-3711(A)(7) of the Code of Virginia to consult with legal counsel retained by the Rivanna River Basin Commission regarding specific legal matters pertaining to *the Rivanna River Basin Commission's statutory rights and obligations* requiring the provision of legal advice by legal counsel.

Seconded (by)

All for:

All against:

The vote in favor was cast by Commissioners (name them):

CLOSED MEETING CERTIFICATION

I move that the Commission certify by a recorded vote that, to the best of each Commission member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

All for:

All against:

The vote in favor was cast by Commissioners (name them):

Some public records are exempt from mandatory disclosure:

There are few records that may be in the possession of the Commission that may be exempt from mandatory disclosure. Public records exempt from mandatory disclosure include:

- Personnel records. *Virginia Code § 2.2-3705.1(1)*.
- Written advice of the locality's attorney. *Virginia Code § 2.2-3705.1(2)*.
- Records recorded in or compiled exclusively for use in closed meetings. *Virginia Code § 2.2-3705.1(10)*.