

**FINAL Meeting Minutes
Rivanna River Basin Commission**

July 23, 2009
6:00 pm – 8 pm
Old Court House Conference Room, 2nd Floor
Palmyra, Virginia

Attendance

Rivanna River Basin Commission (Commission) Members

Present:

Mr. John Martin, Albemarle County Citizen
Mr. Marvin F. Moss, Fluvanna County Board of Supervisors
Mr. Carl Schmitt, Greene County Board of Supervisors
Mr. Satyendra Huja, Charlottesville City Council
Ms. Roberta Savage, Greene County Citizen
Mr. Robert Runkle, Culpeper Soil and Water Conservation District Director
Mr. Andy Wilson, Fluvanna County Citizen
Mr. John E. Easter II, Thomas Jefferson Soil and Water Conservation District Director
Mr. John Gooch, Fluvanna County Board of Supervisors
Ms. Sally Thomas, Albemarle County Board of Supervisors
Mr. Keith Lancaster, City of Charlottesville Citizen

Absent:

Ms. Holly Edwards, Charlottesville City Council
Mr. Lindsay Dorrier, Albemarle County Board of Supervisors
Mr. Clarence Peyton, Greene County Board of Supervisors

Others present:

Ms. Leslie Middleton, RRBC Executive Director
Ms. Rose Brown, RRBC Recording Secretary
Ms. Alyson Sappington, Thomas Jefferson Soil and Water Conservation District Manager
Mr. Steve Williams, Thomas Jefferson Planning District Commission, Executive Director

1. Call to order

Ms. Thomas called the meeting to order at 6:02 pm.

2. Roll call

Roll call was conducted.

3. Determination of quorum, introductions, and welcome to Fluvanna County.

It was determined that there was a quorum. Introductions were made. Ms. Thomas thanked Mr. Moss for arranging the Fluvanna county field trip. Ms. Thomas noted that the Executive Committee had recently learned that commissioners might have a conflict

of interest when discussing financial matters relating to their own jurisdiction. Ms. Thomas noted that when taking votes, the RRBC would be mindful of these potential conflicts of interest.

Mr. Moss welcomed everyone to Fluvanna County. He described the history of the courthouse in which the meeting was held, as well as the history of the Rivanna River in Fluvanna County. He noted that the Rivanna is an asset for Fluvanna County, and that Fluvanna County resident Minnie Lee McGehee was instrumental in having the Rivanna named as the first scenic river in Virginia. She was also the coauthor of the book *Mr. Jefferson's River*. On behalf of Fluvanna County, Mr. Moss thanked the entire RRBC for its work to keep the Rivanna beautiful and healthy.

4. Recognize Rose Brown as acting Recording Secretary of RRBC

Ms. Thomas said that the Executive Committee had decided to recommend officially appointing Ms. Brown as the Recording Secretary. She requested that the entire RRBC approve this appointment. Mr. Moss moved to appoint Ms. Brown as the Recording Secretary, and Mr. Schmitt seconded. All were in favor, and the motion passed.

5. Approval of the agenda

Ms. Thomas added to the agenda an introduction of Steve Williams, the new Executive Director of the Thomas Jefferson Planning District Commission (TJPDC). Mr. Williams introduced himself to the RRBC, stating that he has been the Executive Director for the TJPDC for 2.5 months. Although the TJPDC is currently focused on transportation projects in the area, his background includes work on watershed and water quality issues. In New Hampshire, the planning district that he managed monitored the health of two watersheds, including developing management plans, special watershed improvement projects, reviewing development activity, and developing monitoring programs and a data storehouse. In California, working in the Monterey Bay area, Mr. Williams described how he worked on watershed management and with consultants to develop early geographical information systems, groundwater and surface water modeling. With National Monterey Bay Marine Sanctuary funding, he was a project manager working with municipalities, nonprofits and research institutes. He noted that TJPDC is very supportive of the RRBC mission, and the TJPDC wants to have close working relationship with the RRBC. Ms. Thomas stated that Rochelle Garwood, from the TJPDC, has been a great resource in the RRBC TAC. Ms. Thomas and the RRBC thanked Mr. Williams for coming to the meeting. Mr. Williams then departed.

There were no other changes to the agenda.

6. Approval of the minutes of the preceding meeting

Attachment A – Draft minutes of April 23, 2009

Mr. Moss moved to approve the minutes from the 4/23/09 meeting, and Mr. Schmitt seconded the motion. Ms. Thomas, Mr. Gooch and Mr. Easter abstained from the vote. All others were in favor, and the minutes were approved.

7. Comments from the public.

There were no comments from the public.

8. Acknowledgment of comments from the public.

Ms. Thomas noted that the Executive Committee has suggested adding agenda items 7 and 8 in order to provide an opportunity for public comment followed by responses, as appropriate, from the Commission. She stated that these were not intended to open conversations with the public but rather a mechanism for making sure that the public feels it has the opportunity to be heard and acknowledged.

9. Nominate and Elect Chair and Vice-Chair for July 2009 through June 2011

Ms. Thomas said that the RRBC should have elected new officers in May (or at its April, 2009, meeting), as outlined in the Bylaws. The Executive Committee realized this oversight at the end of May. The Executive Committee has suggested appointing a Nominating Committee at tonight's meeting; giving the Committee a few minutes to propose a slate of officers; and then vote on that slate of candidates. The Executive Committee has recommended that the Nominating Committee be composed of Mr. Edwards, Mr. Moss, Ms. Savage, and Mr. Easter. Mr. Schmitt stated that Ms. Edwards should be replaced on the committee, since she was absent from the meeting. Ms. Thomas suggested Mr. Huja, and Mr. Huja agreed. Mr. Wilson moved to accept the Nominating Committee, and Ms. Savage seconded the motion. All were in favor, and the motion passed. The Nominating Committee retired for immediate consultation.

10. Report of the Acting Chair

Ms. Thomas noted that this would be her last meeting as the RRBC Chair. She stated that she and the Executive Committee have been very active in the last several months, obtaining legal advice, editing bylaws, and helping the RRBC to grow into the responsibility of hiring staff. She said that organized work within the Rivanna watershed dates back to the 1990s, and she passed around two publications that document this (*Rivanna River Basin Roundtable: State of the Basin Report*, TJPDC, and *Conservation Area Plan for the Rivanna Watershed*, The Nature Conservancy). And Mr. Wilson requested that new RRBC members see these publications. Ms. Thomas stated that the work in the Rivanna watershed has now evolved to include the RRBC, which has become known throughout the state. Ms. Thomas commended the hard work of Ms. Middleton and the RRBC.

11. Presentation by Nominating Committee of slate of candidates for Chair and Vice Chair for RRBC for two-year terms.

Mr. Easter stated that he had been elected Chair of Nominating Committee. Mr. Easter moved to appoint Mr. Moss as the Chair and Ms. Savage as the Vice Chair. These appointments will be for two years. Mr. Huja seconded the motion. All were in favor, and the motion passed. Mr. Moss acknowledged Ms. Thomas' hard work in getting the RRBC off the ground. All commissioners thanked Ms. Thomas. Mr. Moss requested and Ms. Thomas agreed to continue to chair the meeting until its conclusion tonight.

12. Report of Fiscal Agent

Attachment B – Report of Fiscal Agent (TJSWCD and TNC reports)

Ms. Sappington gave the fiscal agent's report. She reviewed the financial relationships between TNC, RRBC and TJSWCD. Initial donations to the RRBC are held by TNC. As those funds are needed, they are transferred to the TJSWCD, upon a resolution requesting the transfer from the RRBC. If new donations and grants are obtained directly by RRBC, they are held by the TJSWCD as the RRBC's fiscal agent.

Ms. Sappington reported that \$55K of the funds in the TJSWCD account an advance from the TNC/RRBC funds to cover contracts that the RRBC anticipates to give to VCU and StreamWatch as program partners in the Healthy Waters DCR grant, which is funded by DCR on a reimbursable basis. Ms. Thomas noted that RRBC has written thank you letters to the original donors who contributed money for the Commission. Those donors continue to receive progress reports. Mr. Moss asked if TNC anticipates that the donations will be ongoing. Ms. Middleton explained that there was one lead donor and about 10 to 15 other donors. TNC staff believes that these could become long-term donors, but probably not in the near future. TNC staff are arranging a meeting between Ms. Middleton and the major donor in the next couple of weeks.

13. Report of the Executive Director

Attachment C – Report of Executive Director

Handout: EPA Healthy Watershed Fact Sheet

Ms. Middleton gave the Executive Director's report and summarized the handout.

NFWF Grant: The final grant agreement with NFWF is imminent. As soon as the grant documents arrive, they will be signed by the Chair and by TJSWCD. NFWF is poised to put the grant agreement into the new online grant system. RRBC will request some of the grant money up front to fund projects.

Land Cover Map: Ms. Middleton stated that the land cover map is being created by a sophisticated mapping tool with internal software that can look at satellite imagery and classify land cover by type. The high-resolution maps will use 2007 and 2009 aerial imagery data and will be used by StreamWatch to make correlations between land use and the health of streams. The data can also be used to generate land use maps to accompany comprehensive plans. Mr. Moss asked if there was a scheduled delivery date. Ms. Middleton expects the map in late September or early October. The mapping vendor

had some difficulty using the 2007 aerial imagery, which has caused a delay. Mr. Moss asked how the final product would be accessed. Ms. Middleton replied that staff at the localities would be able to access the map data online using standard GIS software. Ms. Middleton said that the RRBC has considered acting as a data repository and that the TJPDC may be able to coordinate data on behalf of the RRBC. Mr. Wilson asked if all counties were completely mapped, and Ms. Middleton replied that they all would be mapped. Mr. Schmitt thanked Ms. Middleton for finding funds to complete the Greene County map.

Rivanna Healthy Waters Pilot Program: Ms. Middleton stated that funding cuts in Richmond are affecting the timing and commitment of funding to this project. DCR has committed \$55K grant, which is less than Ms. Middleton had originally expected. Ms. Middleton reviewed that the Rivanna Healthy Waters Pilot Program is a continuation and expansion of a monitoring program that has been conducted in the coastal plain and northern Virginia portions of the Commonwealth. The program uses an application developed by Virginia Commonwealth University (VCU) called INSTAR that utilizes biological, fish, habitat and geomorphology data. The application models a healthy stream and then identifies the streams that are healthy in a given watershed. This tool is being developed in response to and to support a shift at the state and federal level from solely putting resources towards cleaning up degraded waterways to devoted effort and resources towards protecting the remaining healthy waterways because it is cheaper to protect that which is healthy than to clean up a degraded stream. Data collection will include fish data and macroinvertebrate data from Rivanna sites, most of which are not already established StreamWatch sites. The Healthy Waters initiative is putting the Rivanna watershed on the INSTAR map, literally, and will result in more planning tools and language to protect healthy streams. Ms. Thomas noted that the protection of healthy streams was supposed to happen through the Clean Water Act, but had never received much focus.

Ms. Middleton handed out an EPA publication about the Healthy Watersheds program, which included a short article about the efforts in the Rivanna watershed as well as noting the existence of the Commission. Ms. Sappington that the aerial photo of the Rivanna was taken by TJSWCD's Martin Johnson while flying in a plane piloted by Commissioner John Easter.

Revised Logo: Ms. Middleton stated that each of the five versions can be used in different applications, such as letterhead, website, banners, and the like.

Ms. Middleton stated that the RRBC had joined the Center for Non-profit Excellence (CNE). Thus, everyone on Commission is also a member of the CNE and can receive mailings and attend workshops. Ms. Middleton will send a link to commissioners who want to sign up to receive mailings.

14. Report of Executive Committee

Attachment D1- Minutes of Executive Committee Meeting May 28, 2009

Attachment D2 - Minutes of Executive Committee Meeting June 15, 2009

Ms. Thomas gave a short overview of the Executive Committee meeting minutes. She brought attention to the list of 11 action items that resulted from the 6/15/09 meeting. Many of these items would be discussed later in the agenda.

Attachment E - Update on Legal Guidance for RRBC

Ms. Thomas stated that the RRBC is one of two similar entities in the Commonwealth designated "local government entity without political subdivision status" and thus there is little precedence for how the organization should grow. Phyllis Katz, Attorney, Sands, Marks, Miller & Anderson, was hired to provide legal advice on a number of matters, including hiring personnel versus utilizing contractual staff. Ms. Katz recommended hiring employees, rather than utilizing independent contractors. Ms. Middleton is moving forward with implementing this recommendation.

Mr. Schmitt asked if the RRBC must hire counsel or if the state could act as the RRBC legal counsel. Ms. Middleton replied that the RRBC is a subdivision of local government and can request specific advice from the state Attorney General, but only through a state legislator. At this time, the RRBC does not have independent legal counsel. Mr. Moss stated that at some point the RRBC might want to hire ongoing legal counsel.

Ms. Thomas said that the RRBC may ask one of the local government attorneys when a question arises, citing the example of when she was not sure if she, as county supervisor had a conflict of interest with respect to a matter that also involved her position on the RRBC, and the Albemarle county attorney researched this for her. Ms. Middleton stated Attorney Katz has recommended that RRBC contact the Attorney General for a decision regarding the potential conflict of interest for elected officials that are paid more than \$10K and may be deliberating (as a Commissioner) on a budgetary matter that affects his or her locality. Attachment H is the letter sent to the Attorney General regarding this issue.

Mr. Wilson asked if individuals would be covered by insurance. Ms. Middleton stated that she is looking into cost estimates for insurance, and that Directors and Officers insurance will cover each commissioner when he/she is acting as a RRBC representative. Mr. Schmitt clarified that liability insurance would be a separate policy.

Mr. Moss encouraged all commissioners to read Attachment E, legal guidance from Attorney Katz. There was a discussion about whether or not this legal guidance should be kept confidential. Ms. Thomas noted, if requested through FOIA, RRBC could provide this information because there is nothing sensitive in the documents. Ms. Savage noted that the guidance is considered attorney-client privilege and would not legally have to be turned over.

Attachment F - Fiscal Agent Agreement with TJSWCD

Ms. Middleton stated that the RRBC had not had a clear agreement with the TJSWCD about being the fiscal agent. The RRBC bylaws state that a fiscal agreement should be made annually; however, the proposed MOA is the first agreement and clarifies the relationship, while allowing RRBC to take responsibility for more of the fiscal decisions. Ms. Sappington reported that the TJSWCD Board Treasurer, John Conover, might request that TJSWCD be compensated for its role as the RRBC's fiscal agent. The TJSWCD Board will discuss this issue next week. Ms. Middleton explained that TJSWCD acting as the Commission's fiscal agent has provided the RRBC to get on its feet. Some fiscal agents choose to provide this kind of service for free; some need to ask for compensation. Mr. Easter stated that at the Executive Committee meeting, he had commented that John Conover was probably posing a rhetorical question. It is Mr. Easter's opinion that it may not be the right time to charge the RRBC. Mr. Easter stated that if the TJSWCD board decides to request compensation, then the MOA would have to be revised. Mr. Moss suggested adopting the MOA and amending it later, if needed.

Mr. Huja moved to approve the MOA, and Mr. Gooch seconded the motion. Mr. Schmitt suggested that if the RRBC is planning to become its own fiscal agent, perhaps TJSWCD could give the RRBC a little more time to set that up. Ms. Sappington suggested that the RRBC write a letter acknowledging the work of the TJSWCD and asking for more time.

Mr. Gooch asked if the RRBC could hire someone to be the fiscal agent. Ms. Middleton replied that it would take about three more months to get accounting and payroll systems in place, and that certain aspects of the fiscal agent could be hired through contracts and/or part time staff. Mr. Huja asked why the RRBC would pay for a fiscal agent if the TJSWCD were willing to provide this service for free. Ms. Thomas replied that the free service might come to an end in the near future. Ms. Savage added that any reasonable treasurer would notice that the RRBC budget is very large and complex. Mr. Moss said that the RRBC would continue to pursue and receive federal grants, which require very solid bookkeeping. He stated that it is prudent to do the bookkeeping internally. Mr. Martin asked if a county or city executive could act as fiscal agent instead of the TJSWCD. Ms. Middleton referred to statute, which states that the "commission shall designate a fiscal agent annually," and offers three options. The third option is to appoint a locality. Mr. Gooch asked if the RRBC should hire someone outside of the RRBC or incorporate this into staff responsibilities.

Mr. Moss suggested that the Executive Committee discuss this issue during the next Executive Committee meeting and then make a recommendation to the full RRBC.

Mr. Moss repeated the motioned to approve the MOA. The motion passed unanimously.

Attachment G - Proposed changes to Charter (Bylaws)

Ms. Thomas said that when the original bylaws were written, the RRBC had not thought through all of the possible situations that may arise. Ms. Thomas explained the changes to the bylaws that were proposed by the Executive Committee.

Ms. Thomas stated that now that the RRBC meets quarterly, the Executive Committee should have some power to make decisions. The Executive Committee should not take any power away from the RRBC, but should be able to accomplish business between RRBC meetings. Mr. Huja stated that the proposed \$25K limit for Executive Committee spending seems excessive. Ms. Middleton stated that the \$25K was determined by using standard cutoffs from the VA Procurement Act, and that the Executive Committee needs to be able to accept funds and act on them between meetings. Mr. Schmitt asked if the RRBC could vote between meetings, if a financial problem arose. Ms. Thomas replied that they must hold a meeting in order to vote. Mr. Moss proposed changing the limit to \$10K. Ms. Middleton added that if a special circumstance arose, then the RRBC could call a special meeting. There was a consensus to change \$25K to \$10K.

Mr. Huja asked if the Chair should be an elected official. Mr. Martin replied that if the General Assembly wanted to limit chairmanship to elected officials, it would have stated this explicitly. Mr. Easter stated that the Chair should not be limited to elected officials. Mr. Moss stated that the RRBC could reach a point at which no elected official would want to be the chair. Ms. Thomas asked for vote on this issue. One commissioner believed that the Chair position should be limited to elected officials. All others agreed that non-elected officials should be allowed to serve.

Mr. Schmitt noted that the bylaws do not explicitly say that the RRBC Chair is also the Chair of the Executive Committee, and that Article 6, Item 8l (*Duties of the Chair*) should be changed from “preside” to “chair.” Ms. Savage asked if Article 6, Item 8f (*Issue findings of the Commission*) should be added back to the list of duties. Mr. Moss stated that the Executive Committee did not know what that meant and suggested that it be left off.

Mr. Huja asked about Article 8, number 2 on page 6, and why this was changed from two weeks to one week. Mr. Moss stated that it is very difficult to send the packets out so far in advance, and that changes are often made in the last week before the meeting. Ms. Middleton suggested that she could send the draft agenda and meeting minutes two weeks in advance, but that completing the entire packet two weeks ahead is very difficult. Ms. Thomas stated that she is content with the current arrangement. Mr. Martin added that if the packets are sent two weeks in advance, some of the information could be stale, and commissioners would have to read the packets twice. Mr. Gooch stated that if Ms. Middleton must send packets two weeks in advance, then article 8, number 3 should be changed to “more than 15 days.” Ms. Middleton suggested that she could send a meeting notification two weeks in advance, including previous minutes and a draft agenda, followed by the full meeting packet the Friday before each RRBC meeting. Mr. Lancaster stated that he had been confused with various emails, so he requested a hard copy packet. Mr. Huja also felt overwhelmed with all of the emails. Mr. Moss suggested changing the bylaws back to two weeks, with the understanding that notice would include a draft agenda and previous meeting minutes. Mr. Moss moved to accept the changes to the bylaws, and Ms. Savage seconded. All were in favor, and the motion passed.

Mr. Martin asked when there would be a vote for the Executive Committee. Ms. Thomas asked to postpone this issue, so that the entire agenda could be covered in a timely manner. Mr. Martin asked if the RRBC was comfortable with the role of non-Executive Committee members who attend Executive Committee meetings. Mr. Moss stated that all commission members are welcome to attend Executive Committee meetings. Mr. Martin said that he attends the meetings and speaks during the meetings, but does not vote. Ms. Savage requested that RRBC and Executive Committee meetings be set in advance for the whole year.

Mr. Moss asked to rearrange the agenda in order to review the proposed budget before voting on funding.

15. Presentation of proposed 2010 Fiscal year budget
Attachment I – Proposed 2010 Fiscal Budget

Ms. Middleton explained the proposed budget. Mr. Huja asked if the RRBC had already agreed to hire an administrative assistant. Ms. Middleton stated that the RRBC had not made a decision, but that she had put this as a line item in the budget to be approved.

Mr. Schmitt asked whether there is a vision about where the RRBC will get future contributions. Ms. Middleton stated that the RRBC would continue to judiciously spend the money that was raised by TNC. She noted that it takes a lot of resources to do private fundraising, and that the RRBC is probably not in a position to undertake that this year. The RRBC will probably be more effective at going after specific grants for specific projects. She added that perhaps someday, the RRBC would ask localities for funding. Mr. Martin agreed that the RRBC should work toward more grants in the future. Mr. Wilson cautioned that if the RRBC continues to spend at the current rate, it would have three more years of TNC funding raised for the RRBC. He suggested that some time next year could be spent on strategizing about fundraising.

Ms. Savage pointed out that it might be inappropriate to give \$5K to StreamWatch when the RRBC is questioning giving money to the fiscal agent. She also asked if this would establish a precedent for other groups. Ms. Middleton stated that she had put the \$5K in the budget as a placeholder, and that the RRBC could hold off on that discussion. At some point in the future, the RRBC should consider its relationship with StreamWatch, since the RRBC can do little work without that data that StreamWatch provides. Mr. Schmitt asked how StreamWatch would use the money, and Ms. Middleton replied that the funds would go toward the long-term monitoring program. Mr. Huja suggested changing this item to ‘contractual services,’ and the RRBC can discuss later if it should be given to StreamWatch.

Mr. Wilson asked what the term ‘no interest loan’ meant. Ms. Middleton acknowledged that it was not the right terminology, and that it should be called an advance, not a loan. She explained that when DCR gives a grant, it is usually on a reimbursable basis. Mr. Moss moved to adopt the 2010 budget and Mr. Schmitt seconded the motion. All were in favor, and the motion passed.

Action: Authorize acceptance of following funds

- Grant contract from DCR for \$5000 for Greene County map, including \$5000 in advance from TNC/RRBC funds to cover project
- Grant contract from NFWF for \$725,000 for stormwater project
- Grant contract from DCR for up to \$70,000 for Healthy Waters Initiative, including \$55,000 in advance from TNC/RRBC funds to cover project

Mr. Moss moved to approve these three expenditures, and Mr. Huja seconded. All were in favor, and the motion passed.

Action: Authorize expenditures (contracts for project work):

- Up to \$36,000 to VCU for DCR Healthy Waters project

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. All were in favor, and the motion passed.

- Up to \$18,000 to StreamWatch for DCR Healthy Waters project

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. All were in favor, and the motion passed.

- Up to \$4,500 to Worldview for DCR Greene County map

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. Mr. Schmitt withdrew from voting. All others were in favor, and the motion passed.

- \$113,000 to Albemarle County for NFWF project BMP

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. Ms. Thomas and abstained from voting. All others were in favor, and the motion passed.

- \$83,000 to Charlottesville for NFWF project BMP

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. Mr. Huja abstained from voting. All others were in favor, and the motion passed.

- \$149,000 to Fluvanna County for NFWF project BMP

Ms. Thomas moved to approve this expenditure, and Mr. Easter seconded. Mr. Moss and Mr. Gooch abstained from voting. All others were in favor, and the motion passed.

- \$38,000 to Greene County for NFWF project BMP

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. Mr. Schmitt abstained from voting. All others were in favor, and the motion passed.

- Up to \$24,000 to StreamWatch to coordinate NFWF project BMP monitoring

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. All were in favor, and the motion passed.

- Up to \$20,000 to Rivanna Conservation Society for NFWF project public outreach work and stormwater planning tools

Mr. Moss moved to approve this expenditure, and Mr. Easter seconded. Ms. Savage abstained from voting. All others were in favor, and the motion passed.

Action: Approve RRBC join StreamWatch Steering Committee as non-voting member

This discussion was postponed.

16. Certify closed session pursuant to Section 2.2- 3711A.1 of the Code of Virginia.

Mr. Moss made, with a second by Ms. Savage, the following motion to enter into closed session:

Pursuant to the Virginia Freedom of Information Act (Section 2.2- 3711A.1 of the Code of Virginia), the Rivanna River Basin Commission authorizes a closed session for the purpose of discussion of personnel matters relating to the selection of the RRBC Executive Director.

The vote in favor was cast by commissioners: Ms. Thomas, Mr. Schmitt, Mr. Gooch, Mr. Moss, Ms. Savage, Mr. Huja, Mr. Easter, Mr. Runkle, Mr. Lancaster, Mr. Martin, and Mr. Wilson.

The commission entered into closed session at 8:08 P.M.

Ms. Middleton and Ms. Brown remained in attendance during the closed session.

17. Re-open public meeting, certifying closed session.

At 8:34 P.M., Ms. Savage moved, with a second by Mr. Huja, to return to open session. The vote in favor was cast by commissioners: Ms. Thomas, Mr. Schmitt, Mr. Gooch, Mr. Moss, Ms. Savage, Mr. Huja, Mr. Easter, Mr. Runkle, Mr. Lancaster, Mr. Martin, and Mr. Wilson.

Mr. Moss moved, with a second by Mr. Huja, to approve the following certification:

The Rivanna River Basin Commission certifies that, to the best of each member's knowledge and with no individual member dissenting, at the just concluded closed session:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed; and
2. Only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered.

The vote in favor was cast by commissioners: Ms. Thomas, Mr. Schmitt, Mr. Gooch, Mr. Moss, Ms. Savage, Mr. Huja, Mr. Easter, Mr. Runkle, Mr. Lancaster, Mr. Martin, and Mr. Wilson.

Ms. Savage motioned to adopt the employment contract between the RRBC and Ms. Middleton, and Mr. Huja seconded. All were in favor, and the motion passed.

At this time, the RRBC reconsidered the 2010 proposed budget. Mr. Martin suggested removing the administrative assistant position from the budget. Ms. Middleton could then come the Executive Committee with a new line item to amend budget, if needed. Ms. Savage suggested changing the line item from "administrative assistant" to "contractual." Ms. Thomas noted that the position might not be a contract. Ms. Middleton stated that the RRBC might hire an accountant through a contract, and maybe a short-term administrative assistant, but the full \$15K would not be used on these contracts.

Mr. Wilson seconded Mr. Martin's motion to remove the line item. Ms. Thomas noted that the Executive Committee can only authorize up to \$10K, and the line item is for \$15K. If Ms. Middleton needed to add the item back into the budget, she would need the approval of the full RRBC.

Ms. Middleton explained that it might make more sense, and be more cost effective, to hire an accountant who could put systems in place and help define what tasks should be allocated to an accountant vs. a part time administrative assistant. She has not gotten three quotes for the administrative assistant position because she is not sure that she wants to hire that person at this time. If/when it is time to hire an administrative assistant, a job description will be created and the job will be advertised. Mr. Easter asked how it would impact Ms. Middleton if the \$15K were not approved. Ms. Middleton stated that her time is not well spent right now, and that it is essential to have some skilled administrative help. Mr. Moss suggested deleting the \$15K from the budget, and then the Executive Committee can approve up to \$10K, which would last until the next full RRBC meeting. Mr. Easter stated that perhaps it is unwise to remove the \$15K, as Ms. Middleton is in need of assistance. Ms. Thomas held a vote to decide

the matter. Commissioner voted seven (7) to four (4) to leave the \$15K in the budget. The budget remained unchanged.

18. Report of the Technical Advisory Committee.

Attachment K – Report of RRBC Technical Advisory Committee

Ms. Thomas instructed the commissioners to read this on their own. There was no discussion.

19. Old Business:

- Stormwater Regulations Public Comment Period through August 21, 2009. Letter to SWC Board regarding proposed regulations and forwarding input from RRBC Developers Roundtables

Attachment L – Draft letter to SWC Board

Mr. Moss moved to approve and send the letter, and Mr. Huja seconded. All were in favor, and the motion passed.

- Rainwater Harvesting Letter to Governor Kaine joint with TJSWCD
Attachment M – Letter to Governor Kaine (info only)

Mr. Huja moved to approve and send this letter, and Mr. Easter seconded. All were in favor, and the motion passed.

20. New business

Ms. Thomas stated that the RRBC must select a new Executive Committee. Mr. Easter referred to the bylaws that state that three members of the Executive Committee must be elected officials and that there be representation from each of the localities. The slate proposed was Mr. Moss, Ms. Edwards, Ms. Thomas, Ms. Savage and Mr. Easter. Mr. Moss moved to elect this Executive Committee, and Mr. Easter seconded. All were in favor, and the motion passed.

21. Matters from Commissioners

There were not matters from Commissioners.

22. Adjournment

Ms. Thomas adjourned the meeting at 8:53pm.

Upcoming Meetings

September 17 RRBC Technical Advisory Committee, 9 a.m. to 12 p.m.

October 22 Rivanna River Basin Commission
November 17 RRBC Technical Advisory Committee (program on nutrient offset program)

Attachments:

A RRBC Agenda and Draft minutes 09Apr23
B RRBC Fiscal Report 09Jul23
C RRBC ED Report 09Jul23
D1 RRBC EC 09May28 FINAL
D2 RRBC EC 09Jun25 FINAL
E RRBC Legal Guidance 09Jul23
E1 COIA 2008
F RRBC TJSWCD Fiscal Agent MOA 09Jul23
G RRBC Charter Changes 09Jul23
H Attorney General letter 09Jul17
I RRBC FY2010 Budget 09Jul23
J Personnel matters (not for public record)
K RRBC TAC Report 09Jul23
L RRBC Letter to SWC Board 09Aug12
M Letter to Governor Kaine 09Aug3