

**FINAL Meeting Minutes  
Rivanna River Basin Commission**

April 23, 2009  
6:00 pm  
Greene County Public Administration Building  
40 Celt Road, Stanardsville, VA

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**Attendance**

***Rivanna River Basin Commission (Commission) Members***

***Present:***

Mr. Lindsay Dorrier, Albemarle County Board of Supervisors, Acting Chair  
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 Board of Directors  
Mr. Andy Wilson, Fluvanna County Citizen  
Ms. Holly Edwards, Charlottesville City Council  
Mr. Clarence Peyton, Greene County Board of Supervisors

***Absent:***

Mr. John E. Easter II, Thomas Jefferson Soil and Water Conservation District Board of Directors  
Mr. John Gooch, Fluvanna County Board of Supervisors  
Ms. Sally Thomas, Albemarle County Board of Supervisors

***Others present:***

Ms. Leslie Middleton, staff support to RRBC  
Mr. Richard Lloyd, community member  
Ms. Chris Lloyd, community member  
Ms. Rose Brown, RRBC volunteer

**1. Call to Order**

Mr. Moss called the meeting to order at 6:03 pm and explained that Ms. Sally Thomas was away at a meeting of the Chesapeake Bay Program's Local Government Advisory Committee (LGAC), and therefore could not be present.

**2. Welcome to Greene County**

Mr. Schmitt provided an introduction to Greene County, which is one of the smallest counties in Virginia. Along the northern border of the county are the Conway/Middle River and the Rapidan River. The Rivanna watershed occupies the lower two-thirds of Greene County. The Rapidan Service Authority provides the public water supply of the county. The Greene County board is working on solutions to back up the public water supply. Greene County's four principles

waterways of the Rivanna Watershed are Lynch River, Roach River, Swift Run, and Preddy Creek. All four waterways drain to the North Fork Rivanna. Mr. Schmitt acknowledged that Greene County needs to be mindful of protecting the headwaters of the Rivanna watershed.

### **3. Roll Call**

Attendance was taken.

### **4. Determination of Quorum**

It was determined a quorum was present.

### **5. Approval of the Agenda**

Mr. Moss suggested discussing two agenda items before the closed session: Report of fiscal agent and FY2009 estimated expenses/FY2010 draft budget. Mr. Moss also suggested adding an agenda item under New Business: Renewal of Memorandum of Agreement regarding shared office space with Thomas Jefferson Soil and Water Conservation District.

### **6. Comments from the Public**

There were no comments from the public.

### **7. Approval of Minutes of the Preceding Meeting**

Ms. Savage motioned to approve the minutes from the January 23, 2009 meeting and Mr. Wilson seconded the motion. The motion passed 10 to 0.

### **8. Report of the Chair**

Mr. Moss reported that he has contacted with the offices of Senators Warner and Webb requesting letters of support for the National Fish & Wildlife Foundation proposal for project funding project #1911 ("Pulling Together: A Watershed Approach for the Rivanna"). Ms. Middleton added that she has contacted Congressman Tom Perriello's office regarding this grant and will follow up to make sure the drafted support letter has been forwarded.

### **9. Report of Fiscal Agent**

Ms. Sappington was not present at the meeting and sent her regrets. Ms. Middleton gave the fiscal report on behalf of Ms. Sappington. Ms. Middleton distributed a fiscal report and summary. The balance in the The Nature Conservancy (TNC) Rivanna River Basin Commission account, as of December 31, 2009, was \$387,772.29. Disbursements from the TNC account into the RRBC checking account during the first quarter of 2009 totaled \$41,900, and the balance as of April 20, 2009 is \$346,772.67. Ms. Middleton reminded the Commission that the role of the Thomas Jefferson Soil and Water Conservation District (TJSWCD) as designated fiscal agent is to maintain a separate bank account, write checks (authorized signatures are Ms. Alyson Sappington and Ms. Deloris Bradshaw at TJSWCD), and to balance the account. Ms. Middleton has been working with TJSWCD to set up an accounting system using QuickBooks that will be adequate and helpful for tracking RRBC expenses, especially grant expenditures.

Ms. Savage asked for clarification about a disbursement in the amount of \$25,500. Ms. Middleton explained that this is for the RRBC portion of Land Cover map project. TJSWCD is the fiscal agent for the Land Cover (LC) map project, which is being coordinated by TNC and

includes as project partners TNC, RRBC, StreamWatch, and the counties of Albemarle and Fluvanna (who have added funds for mapping the areas in their respective counties outside the Rivanna watershed). The Commission approved this expenditure in 2008 and authorized transfer of funds from the TNC/RRBC account during the January 23, 2009 meeting. The LC Map project will utilize recent aerial data plus modeling and digital recognition technology to classify land use in the Rivanna watershed with detailed information about various types of imperviousness. WorldView Solutions, Inc. has been contracted to develop the map. Mr. Dorrier suggested that this map product be made available to all the localities.

Mr. Schmitt motioned to approve the fiscal report and Ms. Edwards seconded the motion. The motion passed 10 to 0.

#### **10. FY 2009 Estimated Expenses and Draft FY 2010 Budget**

Ms. Middleton handed out the "RRBC Financial Report." Ms. Middleton explained that she used FY 2009 figures to extrapolate the FY 2010 figures. Potential grant monies would be applied to the salary and website line items. Ms. Middleton notes that next Commission meeting is on July 23, 2009. There is currently \$7,741.62 in the RRBC account at TJSWCD with an anticipated \$14,530.00 required for expenses before the end of the fiscal year (assuming a July to June fiscal year). If those funds are spent before the next Commission meeting, the Commission will need to authorize the transfer of funds from TNC to TJSWCD. Mr. Dorrier asked for clarification about the budget and the transfer of funds. Ms. Middleton clarified that although the Rivanna River Basin account balance is \$346,772.67, the majority of the funds are kept by TNC under agreement between TNC and TJSWCD, whereby TNC transfers funds to TJSWCD as the Commission requests funds specifically for RRBC projects. This allows TNC to track the use of funds and to thank donors accordingly.

Mr. Dorrier asked if the Commission is a 401(c)5? Mr. Moss replied that the Commission is not, but that becoming a 501(c)3 is under consideration. Mr. Moss suggested that the FY 2010 budget should be formally adopted at next meeting. When the budget is adopted, full funding for FY 2010 will be transferred from TNC to TJSWCD to eliminate the need to continually transfer funds. Mr. Moss requested that in the interim, \$10,000 is transferred from TNC to TJSWCD. Ms. Savage motioned to approve a transfer of \$10,000 from TNC to TJSWCD, and Mr. Huja seconded the motion. The motion passed 10 to 0.

#### **11. Personnel Matters. Closed Session.**

Mr. Dorrier moved, with a second by Mr. Schmitt, 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 Dorrier, Martin, Moss, Schmitt, Huja, Savage, Runkle, Wilson, Edwards, and Peyton.

The commission entered into closed session at 6:20 pm.

At 6:54 pm, Mr. Schmitt moved, with a second by Ms. Edwards, to return to open session. The vote in favor was cast by Commissioners Dorrier, Martin, Moss, Schmitt, Huja, Savage, Runkle, Wilson, Edwards, and Peyton.

At 6:55 Mr. Dorrier, with a second by Mr. Schmitt 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 Dorrier, Martin, Moss, Schmitt, Huja, Savage, Runkle, Wilson, Edwards, and Peyton.

## **12. Executive Director Hiring**

Ms. Savage motioned to hire Ms. Middleton as part-time, 30 hour per week, Executive Director under extension of the current contract with Ms. Middleton, and Mr. Peyton seconded the motion. The motion passed 10 to 0. Mr. Moss offered congratulations to Ms. Middleton, which were accepted by Ms. Middleton.

Later in the meeting, Ms. Middleton asked if the Commission had determined a final process for the RRBC attaining legal employer status. Mr. Moss stated that the Executive Committee is charged with evaluating the options and reporting back at the July 23, 2009 meeting with its recommendation. Mr. Huja asked if the full RRBC would vote on the process, and Mr. Moss affirmed that it would do so at the next meeting.

## **13. Grant Match Documentation**

Ms. Middleton explained that federal grants often require "match money." Depending on the grantor and the nature of the grant, the grantee may have to provide a percentage ranging from 25 to 100 per cent of the grant amount in contributions of cash and in-kind donations of services or equipment for use in the grant project. Thus, it is important to have documentation of potential match hours, travel costs, and in-kind donations. Ms. Middleton asked the Commission review and complete a form with hours, mileage and in-kind donations. A standard "labor rate" will be used for all Commissioner time. Mr. Wilson asked for clarification about mileage, and Ms. Middleton replied that mileage is measured from home to the event and return. Ms. Savage mentioned that the government rate for mileage is \$0.55/mile (in 2009). Ms. Middleton also clarified that in-kind donations include such things as use of equipment or facilities and can be

estimated using the equivalent cost to rent or hire such equipment or facilities. Mr. Huja requested that Ms. Middleton pre-calculate all hours and mileage for routine meetings, such as quarterly meetings. Mr. Schmitt mentioned that each person should calculate his/her own travel time, and Ms. Savage mentioned that mileage would also differ from person to person. Ms. Middleton agreed to calculate an average travel time/mileage to make tracking easier. Each Commissioner will then add to the form any other events that Ms. Middleton has not already entered. Ms. Middleton will send the form regularly to Commissioners before each meeting and to provide prompts (events and meetings that occurred in the previous quarter). Ms. Savage requested an EXCEL spreadsheet via email, and Mr. Schmitt agreed that this would be useful.

#### **14. Staff Report**

##### **a. Grants, programs, and FY 2010 work plan:**

In order to outline the future Rivanna River Basin Commission work plan, Ms. Middleton recounted the recent RRBC and TAC activity. In 2008, with help from the Technical Advisory Committee (TAC), the Commission determined that stormwater, altered flow regimes and the resulting sedimentation are the major threats negatively impacting streams in our watershed. In January 2009, the Commission recommended, via letter, that Rivanna watershed localities: (1) adopt specific Best Management Practices (BMPs) that encourage infiltration; (2) retrofit existing public facilities; (3) consider organizing regional workshops for developers and engineers to promote these BMPs; and (4) establish proffers, permits, and incentives to encourage BMPs.

In November 2008, the Commission learned of a National Fish and Wildlife Foundation (NFWF) grant opportunity, and the Commission submitted a pre-proposal based on implementing in each locality the recommendations the RRBC was promoting. RRBC was invited in January to submit a full proposal, which it did on February 20, 2009. The five components of the grant proposal are: (1) establish BMPs in localities; (2) monitor the effectiveness of these BMPs; (3) undertake an inventory of government facilities for retrofit; (4) host public workshops; (5) create an incentive program for accelerating use of the BMPs in the watershed. The grant proposal was for \$750,000. Funds would be allocated to each locality for projects that are already planned, and additional funds would be given for the other aspects of the project as well as public outreach.

In late February 2009, Ms. Middleton was contacted by Rick Hill from the Department of Conservation and Recreation, with the opportunity to consider becoming involved with the Healthy Lands, Healthy Waters Initiative. This initiative is being promoted to shift some of the practical emphasis of the Clean Water Act to include more emphasis on the "anti-degradation" policy, which says that we should do no additional harm to existing healthy and relatively clean streams. In other words, keep the healthy streams healthy. Virginia has recognized the healthy water initiative in Virginia's Chesapeake Bay Clean-up Plan and through a five year effort to develop INSTAR, (INteractive SStream Assessment Resource <http://instar.vcu.edu/>), a tool to aggregate stream data and identify candidate healthy waters. EPA Office of Water and Wetlands (OWOW) <http://www.epa.gov/healthywatersheds/> and EPA Region III <http://www.epa.gov/reg3wapd/healthywaters/index.htm> and have both established Healthy Watershed programs.

DCR wants to designate the Rivanna watershed for a Virginia Healthy Waters pilot program. Approximately \$35,000 in funding will be shared between RRBC, StreamWatch and the Center for Environmental Studies at Virginia Commonwealth University (who developed and maintains INSTAR). StreamWatch would be contracted to provide specific benthic data – and StreamWatch existing data and assessment methods will be used to compare with INSTAR program models and probabilistic methods. RRBC would be responsible for developing “shovel-ready” language for comprehensive plans, codes, and ordinances that will further enhance protection of healthy waters in our watershed. Ms. Middleton added that it might also be an opportunity to update the State of the Basin Report. Ms. Savage expressed support of the project, saying that when the Clean Water Act was passed, the focus was on problems, with little focus on keeping streams healthy.

Ms. Middleton continued to provide information about other efforts in the watershed. Thomas Jefferson Planning District Commission (TJPDC) is developing a Green Infrastructure Plan for the District. Green infrastructure is the interconnected natural systems and ecological processes that provide clean water, air quality and wildlife habitat. Green Infrastructure also equates to recreational opportunities for citizens. TJPDC is working on the project in GIS, and is making a placeholder layer for the Rivanna Healthy waters that get identified.

Meanwhile, the Land Cover mapping project is moving along. The map will allow its users to better understand how land use affects hydrology. Mr. Moss asked where the data will reside, and who will be able to access the map. Ms. Middleton replied that the funders (TNC, RRBC, Fluvanna County, Albemarle County, StreamWatch, and, by extension through the RRBC, the County of Greene and City of Charlottesville) would have access. Ms. Middleton explained that the map might be hosted by TNC because of its GIS capability. Mr. Dorrier suggested that the RRBC act as the host of the map, since the Commission is assuming a role of leadership. Mr. Moss suggested that when the map is complete, the Commission should do publicity (to county planners and others) about how to access the map. Ms. Savage asked if there will be data that can be put on the RRBC website. Mr. Moss replied that there would at least be information about how to access and use the map. Ms. Middleton stated that the data will be highly technical, that the mapping program will be using 1-meter resolution, and that it remains to be seen who will use the map, and how. However, the RRBC plans to utilize the map to further develop its understanding of the relationship between land use, imperviousness, stream hydrology, and sedimentation. Mr. Dorrier asked if the Technical Advisory Committee could write less technical instructions. Ms. Middleton replied that they might be able to do that.

Ms. Middleton reviewed activities around the watershed involved in code and ordinance review for water quality and emphasized that there are some overlaps as well as opportunities. The RCS/SELC/UVA partnership is working on a joint program using the Center for Watershed Protection's basic LID "scorecard" to reduce imperviousness through removing impediments presented by existing codes and ordinances in each of the Rivanna localities; the Commission has encouraged localities to adopt specific BMPs that reduce imperviousness and increase on-site infiltration; the NFWF grant, if funded, would include workshops for developers, planners, and engineers on technology and identify incentives to increase adoption of practices; the RRBC will become a pilot project of DCR's Healthy Waters Initiative, which includes a component of codes

and ordinance review; and the TJPDC is working on the Green Infrastructure plan, which includes looking at codes and ordinances that can restrict or encourage green infrastructure. Ms. Middleton encouraged the Commission to work within the many current opportunities.

b. Highlights of Environment VA Conference

Ms. Middleton attended the annual Environment VA conference in on April 1-2, 2009, hosted by the Virginia environmental agencies (Secretary of Natural Resources, DEQ, DCR) and others. An over-riding topic was the Chesapeake Bay TMDL (Total maximum daily load) and how this will be developed, given that the Chesapeake Bay agreement signatories will not achieve clean-up by the mandated 2010. One suggestion is for a bay-wide TMDL, with each jurisdiction (the states and District of Columbia) having its own allocation and a two-year period for assessment and accountability.

Another topic was the new Virginia stormwater regulations for new developments, which are due to be implemented starting in 2010. Tom Schueler (of the Chesapeake Stormwater Network, formerly of the Center for Watershed Protection) gave a presentation with predictions about stormwater and the Chesapeake Bay. These included:

- (1) Focus will move from retention/detention to reducing runoff from individual sites.
- (2) We will move from spreadsheets (runoff reduction method) to evaluating effectiveness of specific practices.
- (3) Flow will be looked at like a pollutant, and stormwater seen as a resource.
- (4) Lawns and turf will be managed (especially for nutrients) on the individual site scale.
- (5) New leaders and businesses will emerge to regulate, manage, and mitigate stormwater.
- (6) Regulations will trickle down to individual sites and individual homeowners.
- (7) There will be watershed-based MS4 permits, at the scale of 50 to 250 sq miles.
- (8) Climate change will continue to affect water quality (and quantity).

Ms. Middleton provided a handout of the presentation she gave at Environment VA. This presentation focused on the readiness of the RRBC to become a pilot project for the Healthy Waters initiative, given the RRBC watershed-based structure, local expertise on the TAC, and timing.

c. Press and Publicity

As a result of the press release on February 26, 2009 (regarding the letter to localities encouraging BMPs), Mr. Moss was interviewed on WCAV-TV. A second press release was issued on March 9, 2009 regarding the RRBC partnership with localities to host the developer roundtables.

d. FOIA Requests

Ms. Middleton reported that the RRBC had one FOIA request from Mr. Richard Lloyd for copies of all RRBC and RRBC/TAC minutes, which has been satisfied. She also reported that the new RRBC web site will include all meeting minutes and thus be readily available to the public.

f. Update on Appointment of City Citizen Representative to the RRBC

A request for City of Charlottesville citizen appointee to the RRBC to fill the vacancy left by Ms. Middleton (and Mr. D'Arco prior to Ms. Middleton) was advertised by the City in The Daily Progress. Four people have submitted applications, and Ms. Middleton will provide information to the TJPDC for its May 7 meeting so that the TJPDC, in accordance with RRBC statute and Charter, can make a recommendation back the Charlottesville City Council for final appointment. Mr. Huja mentioned that there may be another applicant, who has not yet submitted the application, but Ms. Middleton stated that she thought the person had declined and decided not to apply.

Fluvanna and Albemarle County representatives (Mr. Wilson and Mr. Martin) have terms expiring in April 2009. Both members have expressed willingness to be reappointed and, in accordance with procedures in those counties, will be approved at upcoming county Board meetings. Mr. Wilson and Mr. Martin will be included on the slate provided to TJPDC on May 7 in accordance with the procedure outlined in the RRBC statute. All appointments will be for four years, through April 2011.

Ms. Middleton reported that any changes to the procedure for appointing citizen members to the RRBC would likely require an act of the General Assembly. Due to time constraints, there was no further discussion on the RRBC citizen member appointment process.

h. Commissioners Information Sheet

Ms. Middleton presented the Commissioner Information sheet. Mr. Moss asked for it to be emailed to each member. Each Commissioner is requested to complete the form and return to Ms. Middleton by April 28, 2009, so that it can be used by the TJPDC in its recommendation process for the City citizen appointee. Ms. Savage asked that an organizational chart be created, with the different roles of groups such as TNC, TJSWCD, and TJPDC. Ms. Savage also asked that the chart be put on the website. Ms. Middleton agreed to this, and explained that, by charter, the TJPDC makes recommendations back to each locality regarding applicants for citizen positions on the RRBC. The TJPDC is in a good position to look at the Commission as a whole and see that it is diverse and well represented.

**15. Committee Reports: Technical Advisory Committee (TAC)**

Ms. Middleton presented the TAC report from March 17, 2009 meeting, stating that Mr. Sam Austin, Chair, was unable to attend. The TAC is coordinating with Rivanna Conservation Society's "scorecard project." Rick Hill (DCR) made a presentation to the TAC about the Healthy Waters Initiative. Ms. Savage has asked the TAC if the Rivanna River Coordinating Group (RRCG) should become a committee of the Commission. The RRCG began under the leadership of Mr. Schmitt, and now Ms. Savage chairs the group. The goal of the group was to get the majority of Rivanna non-profits together on a quarterly basis to share information. Ms. Savage wonders if it makes sense for the group to be part of the Commission as the public outreach and education arm of RRBC. Ms. Middleton distributed a handout about the RRCG, and Mr. Moss suggested that members take the handout home and review it. The Commission will discuss this subject at the next meeting.

During the TAC meeting, members also discussed final plans for the developer's roundtables. Sam Austin from USGS will help RRBC navigate a reasoned path of adding stream gauges in the

Rivanna watershed and will assist with the USGS "application" process for new stream gauges. Ms. Middleton stated that USGS required that new gauges have ongoing maintenance by a specified local party. Ms. Middleton reported that many TAC members helped enormously with the NFWF grant proposal in February. The monitoring subcommittee provided essential input on how to monitor BMPs for that proposal. The rainwater harvesting subcommittee is monitoring the positions of agencies on rainwater harvesting and encouraging coordination. Ms. Middleton noted that during the Environment VA conference, there was a lot of discussion about rainwater harvesting. The workshop committee is focused on hosting the roundtables. The modeling committee is benefiting from the work of several professors and students at UVA and will be correlating discharge with sediment coming from specific catchment basins over time.

#### **16. Developer (Stormwater) Roundtables Update**

There was good turnout for all three Developer Roundtables, as well as large staff participation at each one (Greene County on March 18, Fluvanna County on March 31, and Charlottesville/Albemarle on April 15). The purpose of the Roundtables was to disseminate accurate information prior to the proposed regulations public comment period, expected later in the summer. Comments and questions were collected, and Ms. Middleton is working with the TAC to verify for accuracy. The comments will be sent to DCR by the Commission by the end of May. The Commission will not endorse these comments, but will want to be prepared to submit its own comments during the public period for the regulations. The RRBC TAC will provide a draft of the RRC comment letter, which may need to be approved between RRBC quarterly meetings. Mr. Schmitt suggested getting buy-in from local planners, if they are not already on the TAC. Mr. Dorrier urged that the comments should not put on a shelf; that they should actually be used. He asked if the comments could be put on the internet or a blog on the website. Ms. Middleton suggested that she can post them to the weblog and ultimately to the website when it is ready. Ms. Savage noted that Rivanna Conservation Society will also make comments during the public comment period and requested that the Commission coordinate with RCS. Mr. Moss and Mr. Schmitt stated that the Commission would probably be the avenue for Fluvanna County and Greene County comments. Mr. Schmitt recommended inviting local Planning District Commissions for comments. Ms. Savage recommended requesting a letter of support from each jurisdiction.

#### **Old or Unfinished business**

#### **17. RRBC Web-site Update**

Ms. Middleton has developed a schedule and preliminary cost proposal from Chuck Moran from Bald Guy Studio (BGS). The website is scheduled to go public in early July. Mr. Moss recommended a press release when the website is launched. Ms. Savage and Mr. Moss suggest working proactively with the contractor to keep the project on schedule.

#### **18. SFRR Task Force and RWSA Urban Service Area Water Supply Plan**

Mr. Martin stated that South Fork Rivanna Reservoir Task Force has completed its report, which is available on the Rivanna Water and Sewer Authority Website <http://www.rivanna.org/>.

#### **New business**

### **19. Office Sharing Agreement with TJSWCD**

Mr. Moss explained that the Commission must renew its Memorandum of Agreement with TJSWCD regarding sharing of office space at 706G Forest Street in Charlottesville. Mr. Moss read the MOA to the Commission. The MOA will go before the TJSWCD board at its April 29, 2009 meeting. The new MOA will be from May 1, 2009 through April 30, 2009. Mr. Huja motioned to approve the extension of the MOA, and Mr. Peyton seconded the motion. The motion passed 10 to 0.

### **20. Surface Transportation Act (Highway Bill)**

The Commission has been asked to sign a letter drafted by the Chesapeake Bay Foundation and signed by other groups encouraging the House and Senate committee chairs (Senators Boxer and Inhofe, Congressmen Oberstar and Mica) to reauthorize of the Federal Highway Act with stronger regulation of stormwater by the Department of Transportation. Ms. Middleton reviewed the letter, stating that the language was not very strong, but consistent with everything the Commission has been talking about and asked if the Commission is willing to be a signatory. Mr. Huja asked Ms. Middleton if she thinks that it is an appropriate subject on which the Commission should take a stance. Ms. Middleton confirmed that it is a serious issue, and that this is a good opportunity for implementing changes that include better stormwater management. She also suggested that RRBC send a letter directly on this matter to Congressman Tom Perriello, who is the only Chesapeake Bay congressperson on any of the congressional committees dealing with this reauthorization. Mr. Martin pointed out that the TAC does not place this as its highest priority. Mr. Schmitt asked if this letter only addresses federal highways. Ms. Middleton confirmed that it is directed only toward the Federal Highway Act. Ms. Savage said that language could be added stating that since federal funds go to the state, any grantee that receives the federal funds should comply. Mr. Schmidt motioned to sign the letter and Mr. Wilson seconded the motion. The motion passed 10 to 0.

### **21. Options for RRBC Obtaining Legal Advice**

Ms. Middleton pointed out that, in addition to the need to determine the RRBC's legal status with respect to final hire of its Executive Director, RRBC would benefit from having a consistent resource for ongoing legal advice. She posed the questions: What are our present resources? Should there be a cooperative agreement with one of the member localities? Should we hire outside legal advice? Mr. Moss recommended that one of the larger law firms in Charlottesville might be looking for worthy pro-bono projects. Some Commission members may know some attorneys willing to offer pro-bono work. Mr. Moss also suggested the Center for Non-profit Excellence. Mr. Dorrier suggested the Southern Environmental Law Center (SELC). Mr. Marvin asked if there are constraints to the type of law practiced by SELC, and Ms. Middleton and Ms. Savage clarified that SELC only practices environmental law. Ms. Middleton stated that if the main reason for an attorney is to file for nonprofit status, an attorney might not be necessary. Mr. Moss agreed that a CPA could help the Commission file for nonprofit status. Ms. Savage urged the Commission to think about nonprofit status very carefully, as nonprofit status would take away the 'government body' aura of the Commission. Mr. Moss and Mr. Huja agreed that the Commission should be a governmental structure. Mr. Moss pointed out that the makeup of the Commission is weighted toward government. The role of the Commission is to approach 501(c)3's and government organizations and ask them to support particular issues. Mr.

Schmitt related the role of the Commission to the role of Soil and Water Conservation Districts. Mr. Schmitt also asked if the Attorney General is required, by the enabling legislation, to support Mr. Moss commented that the Attorney General might not know about the Commission. Mr. Huja asked if the Executive Committee would come back to the full board with a recommendation about nonprofit status. Mr. Moss confirmed that the decision would only be made by the entire board. Mr. Dorrier suggested that one or more county attorneys could be consulted. Ms. Middleton suggested the general council for legislative services (that body in Richmond who drafted the RRBC enabling legislation) be consulted. Mr. Moss mentioned that Ms. Thomas has some contacts in the City of Charlottesville government, who may be able to guide the Commission in the decision.

**22. Visioning/Planning Retreat for the RRBC**

Mr. Moss recommended removing this item from the agenda and coming back to this subject at a later date.

**23. Announcements by members.**

There were no announcements by members.

**24. Adjournment**

Mr. Schmitt motioned to adjourn and Ms. Edwards seconded the motion. The motion passed 10 to 0. The meeting adjourned at 8:04 pm.

**Attachments:**

A\_RRBC\_Agenda\_09Apr23  
B\_RRBC\_Minutes\_09Jan22\_DRAFT  
C\_RRBC\_TNC\_fiscal\_report\_09Apr23  
D\_RRBC\_transaction\_detail\_09Apr23  
E\_RRBC\_financial\_report\_09Apr23  
F\_Draft\_MOA\_TJSWCD\_RRBC\_09Apr23  
G\_LMiddleton\_presentation\_09Apr23  
I\_Website\_proposal\_09Apr23  
J\_RRBC\_TAC\_summary\_09Jan12\_FINAL  
K\_RRBC\_RRGC\_Proposal\_09Apr23  
L\_RRBC\_Commissioner\_Info\_09Apr23  
M\_CBF\_Letter\_Trans\_Bill\_09Apr24