

November 16, 2009

MEMORANDUM

To: Rivanna River Basin Commission
From: Leslie Middleton, Executive Director

Re: Changes to RRBC Bylaws Regarding the Technical Advisory Committee

This memorandum summarizes recent changes to the Bylaws of the Rivanna River Basin Commission that affect the Technical Advisory Committee (TAC). It also includes recommendation by staff for next steps.

1. TAC Member Term Lengths. The original (2007) Charter (Bylaws) stated: ""The Commission can establish committees as desired. *All committees of this organization shall be appointed by members of the Commission and their terms of office shall be for a period of four years.*" It further stated that the Commission "shall have a Technical Advisory Committee, which shall be comprised of the members of the Commission, staff of the entities represented by the Commission, and others appointed by the Commission (non-staff members)."

In July 2009, upon recommendation from the Executive Committee (and without consultation with the TAC), the Commission voted to change the term lengths for [any] committees from four years to two years. I may have been the genesis of this recommendation, and if so, I would have been out of concern that the TAC might have difficulty regenerating itself if a four-year commitment or re-commitment were required. To be clear, however, no TAC members specifically asked for this change. In addition, all current TAC members signed on with the understanding of a four-year commitment and all are due to serve until at least 2011. There has also been no provision for staggering of terms, which could have consequence in 2011 with respect to maintaining continuity. There is a list of present TAC members and terms included.

2. Composition of TAC: The 2007 Bylaws originally described the composition as being comprised of: "the members of the Commission, staff of the entities represented by the Commission, and others appointed by the Commission (non-staff members)." Also: "The Commission shall have a Technical Advisory Committee, which shall be comprised of the members of the Commission, staff of the entities represented by the Commission, and others appointed by the Commission (non-staff members)." In addition, the original Charter stated:

- a. All members of the Commission shall be members of the Technical Advisory Committee.
- b. Each entity represented by the Commission (Albemarle County, Fluvanna County, Greene County, City of Charlottesville, Culpeper Soil and Water Conservation District, Thomas Jefferson Soil and Water Conservation District) shall appoint *a minimum of one staff member each* to the Technical Advisory Committee.
- c. The Commission *may* appoint additional members to the Technical Advisory Committee, *but there shall be no more than 12 non-staff members.*

The Commission invited each of the localities to appoint staff members – and each locality chose to appoint two, which were considered "core" TAC members. "Non-core" TAC members were proposed by an informal technical team that had been convened by The Nature Conservancy. Once the Commission adopted the above Bylaws, it formally appointed "core"(staff) and non-core" TAC members, as follows:

Core TAC

Kristel Riddervold, Environmental Administrator, City of Charlottesville
Chris Gensic, Park & Trail Planner, City of Charlottesville
Greg Harper, Water Resources Manager, Albemarle County
Tamara Ambler, Natural Resources Manager, Albemarle County
Stephanie Golon, County Planner, Greene County
Travis Estes, Erosion and Sediment Control Administrator, Greene County
Kate Cooper, Senior Planner, Fluvanna County
Roger Black, Site Inspector, Fluvanna County
Greg Wichelns, District Manager, Culpeper SWCD
Alyson Sappington, District Manager, Thomas Jefferson SWCD

Non-Core TAC

Samuel Austin, Hydrologist, U.S. Geological Survey
Louise Finger, Stream Restoration Biologist, Virginia DGIF
Rochelle Garwood, Senior Planner – Environment, Thomas Jefferson PDC
David Hirschman, Stormwater Services Manger, Center for Watershed Protection
Ed Imhoff, Geologist and retired Hydrologist
John McClain, Environmental Engineer, Virginia Department of Transportation
John Murphy, Director, StreamWatch
Ridge Schuyler, Piedmont Program Director, The Nature Conservancy
Wil Smith, Biologist, U.S. Fish and Wildlife Service
Andrea Terry, Watershed Manager, Rivanna Water and Sewer Authority

Thus, there was provision for "core" and "non-core" TAC members. There was a limit to the total number of "non-core" members of the TAC. The agencies and specialties represented as non-core TAC members were not been specified, but included: StreamWatch, RWSA, TJPDC, VDOT, RWSA, VDGIF, USFWS, TNC, CWP, USGS.

Since then, there have been changes in "core" and "non-core" TAC members. Changes in "core" TAC members have been appointed by their respective elected bodies or executive staff. Changes in "non-core" TAC membership have resulted from the TAC recommending to the Commission that certain individuals be appointed based on the technical expertise they could bring to the work effort of the TAC. More recently, there has been an application procedure for the TAC to review interested applicants prior to making recommendations to the Commission for TAC appointees. There has been no official decision about making sure that certain groups or agencies be represented as "non-core" members. Rather, the focus has been on ensuring scientific and technical skills and experience. The current TAC members and terms are:

	Affiliation	Name	Title	Appointed Date	Term Expires
Locality Staff Members	Charlottesville	Kristel Riddervold	Environmental Administrator	June 2007	June 2011
		Missy Creasy	Planning Manager	August 2008	August 2012
	Albemarle	Greg Harper	Water Resources Manager	June 2007	June 2011
		Gregor Patsch	Water Resources Engineer	October 2008	October 2012
	Greene	Stephanie Golon	County Planner	June 2007	June 2011
		Dan Ratzlaff	E&S Inspector	August 2008	August 2012
	Fluvanna	Darren Coffey	Planning Director	June 2007	June 2011
		Roger Black	Site Inspector	June 2007	June 2011
	CSWCD	Greg Wichelns	District Manager	June 2007	June 2011
	TJSWCD	Alyson Sappington	District Manager	June 2007	June 2011

	Affiliation	Name	Title	Appointed Date	Term Expires
Non-Staff Members	TJPDC	*			
	USGS	Sam Austin	Hydrologist	June 2007	June 2011
	RWSA	Tamara Ambler	Water Resources Manager	October 2008	October 2012
	VDGIF	Louise Finger	Stream Restoration Biologist	June 2007	June 2011
	CWP	Dave Hirschman	Manager for Stormwater Services	June 2007	June 2011
	VDOT	John McClain	Environmental Engineer	June 2007	June 2011
	TNC	Bill Kittrell	Director of Conservation Programs	June 2007	June 2011
	JMU	**			
	UVA	Todd Scanlon	Assistant Professor	October 2008	October 2012
	UVA	Joanna Curran	Assistant Professor	August 2008	August 2012
	UVA	Jeff Sitler	Hydrogeologist and Environmental Compliance Manager	August 2007	August 2011

* Rochelle Garwood formerly served as a TAC member. There has been an informal understanding that TJPDC would appoint a replacement once Rochelle's position had been filled.

** Dr. Christine May from JMU recently resigned.

The total number of TAC members is now 10 "core" TAC and 10 "non-core" members for a total of 20 TAC members. An increase in the total number of appointed TAC members could dilute the effectiveness of the TAC – and the provision for an undefined number of "non-core" (non-staff) TAC members opens up this possibility.

In July, upon recommendation from the Executive Committee (and without consulting with the TAC), the Commission voted to change the total number of non-staff TAC members (and hence the TAC itself) to an unlimited number. My recollection is that this was promoted by one Commissioner who felt the need for flexibility to appoint additional members to bring more balanced viewpoints to the TAC.

3. Commission Points of Contact for the TAC. The Bylaws originally stated that both the Chair and Vice-chair of the Commission serve as points of contact for the Technical Advisory Committee.

In July 2009, upon recommendation from the Executive Committee (and without consultation with the TAC), this was changed to only the Chair being the point of contact. However, in October 2009, the Vice Chair was added back as a second point of contact on the Commission for the Technical Advisory Committee as this is consistent with the Commission Vice-Chair sharing certain duties of the Chair and provides an additional point of contact for TAC members on the Commission. It should be noted that the original Charter and the present Bylaws are silent on the relationship between the TAC and the Commission's staff.

Staff Recommendation:

1. Since the TAC has undergone a major transition similar to that of the Commission over this last year (loss of TNC staff guidance, new Executive Director, new grant responsibilities), it will be refocusing its work plan at the January 12, 2010, planning meeting. It would be good for the TAC to consider, at this time or shortly thereafter, the following:

- a. What is the optimum number of members on the TAC?
- b. What is the optimum term ("appointment") length?
- c. How to provide for staggered terms?
- d. Is it important to have two from each locality?
- e. Can TAC members appoint a "substitute" to serve in their absence?
- f. Should we continue with "core" and "non-core" TAC members?
- g. Should non-core TAC members represent specific groups or agencies, certain technical disciplines or expertise, or both?
- h. What is the optimum total number for the TAC?
- i. What is the optimum number of "core" and "non-core" staff?
- j. Should the TAC become more formal in any way?
- k. What is the relationship of the TAC to staff?
- l. What is the relationship of the Commission to the TAC?
- m. What does it mean that the Chair and Vice-Chair of the Commission serve as points of contact for the TAC?

2. Following this, the TAC will be in a better position to make recommendations to the Commission on how it can best fulfill its technical advisory capacity and especially clarify the above questions. During this same time, the Commission may also choose to reflect on what it expects from its Technical Advisory Committee and provide further guidance to the TAC about its role. This could take place in a joint Commission-TAC meeting in the spring of 2010.

3. The Commission should adhere to its procedure of officially appointing TAC members based on formal application, review by the TAC, and recommendation by the TAC to the Commission.

4. While not essential that these (or subsequently adopted procedures) be included in the Bylaws, it will be valuable to document "operating procedures" for the Commission and the TAC. Staff can assume this responsibility.