

FINAL Meeting Minutes
Rivanna River Basin Commission
Executive Committee

February 2, 2010
9:00 am to 11:00 am
Albemarle County Office Building – McIntire Rd, Room 241

Attendance

Rivanna River Basin Commission Members:

Ms. Holly Edwards, Charlottesville City Council, Vice Chair*
Mr. John Easter II, Thomas Jefferson Soil and Water Conservation District Board of Directors*
Mr. John Gooch, Fluvanna County Board of Supervisors, Treasurer*
Ms. Ann Mallek, Albemarle County Board of Supervisors, New Member*
Mr. John Martin, Albemarle County Citizen
Ms. Roberta Savage, Greene County Citizen, Chair*
* RRBC Executive Committee member

Others present:

Ms. Leslie Middleton, RRBC Executive Director
Mr. Marvin Moss, Fluvanna County citizen, former RRBC Chair
Ms. Rose Brown, RRBC Program Coordinator

1. Call to Order

Ms. Savage called the meeting to order at 9:05 am.

2. Roll call

Roll call was conducted and introductions were made. A quorum was determined.

3. Approval of agenda

The agenda was approved. Ms. Brown passed out a draft roster and draft bio, and asked Commissioners to provide the appropriate contact and bio information.

4. Comments from the public

There were no comments from the public.

5. Responses to comments from the public (3 minute limit per person)

No responses were necessary.

6. Report of Chair

Appointments of Vice-Chair, Treasurer and Executive Committee

Ms. Savage reported that John Gooch has been appointed as Treasurer, and Holly Edwards has been appointed as the Vice-Chair. The Executive Committee is now comprised of Ann Mallek, John Easter, Robbi Savage, Holly Edwards, and John Gooch. These appointments will remain in effect until the full Commission conducts officer elections, at which point changes may be made.

Discussion of RRBC Officers elections in April

Consistent with the Bylaws, Ms. Savage, as Chair, will appoint a Nominating Committee. The Committee will recommend a slate of officers to the RRBC at its April meeting at which time Commission members will vote to elect the officers and the Executive Committee. Ms. Mallek asked if there had been a discussion by the entire RRBC about whether officers should be elected officials. Ms. Savage replied at its July 2009 meeting that there had been a discussion about whether the Chair must be an elected official. At that meeting, the revised Bylaws were adopted and the RRBC voted, as a part of the Bylaws, that any member of the Commission could be elected as Chair. At that same meeting Mr. Moss was elected as Commission Chair and Ms. Savage was elected as Vice Chair. With the departure of Mr. Moss from the Commission, Ms. Savage became the Chair. John Martin asked how many people would be on the Nominating Committee, and Ms. Savage replied the Bylaws did not specify an exact number. Mr. Martin also asked if nominations could be accepted from the floor. Ms. Savage responded that there were no restrictions on floor nominations.

Ms. Middleton noted that it might be time to review the Bylaws with regards to the nominations, role of the Executive Committee, how often the Executive Committee should meet, and whether it should be meeting more often than the RRBC. In 2009, the Executive Committee met six times, and the RRBC met four times. Perhaps the RRBC should be meeting more often for continuity and momentum. Mr. Moss stated that last year was a transition period for the RRBC. The Executive Committee met frequently to discuss certain issues and offer recommendations to the full RRBC for final decision. Ms. Mallek offered her perspective that when the group makes decisions as a whole, the decisions tend to be more powerful, and the subsequent involvement of the members is greater.

Ms. Savage stated that the RRBC should make it a priority to clearly define the relationships between the RRBC, Executive Committee, and TAC, with the Commission setting the policy and political priorities and the TAC (and its committees) providing the essential technical and scientific expertise to implement these priorities. Ms. Savage said that because there is such a wealth of expertise within the TAC that the Commission should find ways to more effectively utilize this expertise. Once the Commission has set its strategic goals, the goals of the TAC and the staff goals and objectives can be developed to successfully accomplish the RRBC goals. Ms. Mallek indicated that she would like to see comments and recommendations from the TAC brought to localities. Ms. Middleton noted that the TAC is composed of core TAC (staff members to each locality) and non-core TAC. Core TAC members are challenged by the constraints of not being able to speak for their localities, but also being responsible for implementing locality policies. Mr. Moss stated that by the April RRBC meeting, the RRBC will know more about stormwater regulations from the General Assembly which should help inform RRBC and TAC discussions. Ms. Savage indicated that by April, the RRBC will also know more about how the Chesapeake Bay TMDL will proceed and if the Stormwater Regulations will be placed on hold until the Baywide TMDL has been completed.

The Executive Committee briefly discussed the when elections must be held. Mr. Gooch noted that the Bylaws state that elections will be held to fill a vacancy in the meeting following the vacancy. Ms. Middleton said that the Commission had discussed this and decided that elections

should be scheduled for April because appointments of Commissioners might not be completed by the first meeting of the year. Ms. Savage indicated that, in her view, the RRBC would fulfill the requirements of the Bylaws by holding elections in either February or April but that the previous Executive Committee determined that April would be the time for the election of Officers.

Mr. Gooch stated that it is important to maintain the integrity of the Executive Committee because it will act as an advisory committee for the RRBC. –Ms. Savage stated that the current Bylaws require the Executive Committee to be made up of the Chair, Vice-Chair, Treasurer and two other members. All localities must be represented, and there must be at least three elected officials. This complicates the makeup of the Executive Committee. It will be important to keep this in mind when the Nominating Committee makes recommendations. As a member of the full Commission, Mr. Martin shared his view that the involvement of the elected officials was critical and that he felt a personal responsibility to assure that locally elected members of the RRBC participate.

Confirming upcoming meeting dates/times

Ms. Savage asked the Executive Committee members to review upcoming meeting dates, and to contact Ms. Middleton or Ms. Brown if there were any questions.

7. Review of Executive Committee meeting minutes of November 20, 2009

- **Action: Approve meeting minutes**

Mr. Easter moved to approve the minutes of November 20, 2009, and Ms. Edwards seconded. Ms. Edwards, Mr. Easter and Ms. Savage were in favor, and the motion passed. All others abstained.

8. Review of RRBC “Grants and Deliverables”

Ms. Middleton gave a brief summary of the two main RRBC grants. The work of the TAC in the first two years was focused on defining altered hydrology as the greatest threat to the watershed. The TAC then developed a list of recommended actions for localities to undertake to help minimize excessive stormwater flows contributing to altered hydrology. This was sent as a letter to all localities in January 2009. During the latter part of 2008, At the time, RRBC applied for the National Fish & Wildlife Foundation (NFWF) grant which would essentially provide funds and cost-share monies for implementing these same recommendations. Many of the recommendations for stormwater management are not yet required by the Commonwealth, but may eventually be necessary tools to comply with new stormwater regulations.

The NFWF grant provides cost-share funding for stormwater BMPs in each of the localities as well as funds to undertake monitoring of the effectiveness of these BMPs. Before transferring funds, RRBC works with each locality to develop Memorandum of Agreement (MOA) that outlines the roles and responsibilities. MOAs have been completed with Fluvanna County and Charlottesville. MOAs will be written for Albemarle and Greene when those projects are closer to implementation. The NFWF grant provides funding for conducting inventories of opportunities to retrofit existing public facilities for improved stormwater management in Greene and Fluvanna counties. Charlottesville and Albemarle have already done similar inventories. The grant also includes working with the development community and staff of each locality to identify barriers to implementing innovative stormwater management techniques. This work will

be defined more clearly after stormwater regulations and Chesapeake Bay TMDL process is further along.

The second grant is from the Virginia Dept. of Conservation and Recreation (DCR) under the Healthy Waters Project, which is an effort in Virginia to locate and protect the existing healthy waterways in the state. DCR is working with Virginia Commonwealth University (VCU), which has developed a computer modeling program that identifies the relatively healthy streams based on benthic macroinvertebrate, fish, and habitat data. Up until now, there have been very few streams above the fall line in Virginia that have been included in the Healthy Water study. StreamWatch was hired to do the benthic monitoring. RRBC, StreamWatch, and DCR (VCU) will work together to ensure that a common message is developed about the importance of maintaining healthy streams.

9. Financial update

Ms. Middleton referred the Executive Committee to the Balance. Ms. Savage indicated that as she was polling Commission members in advance of the Officers and Executive Committee appointments, some members asked questions about whether the RRBC will be solely dependent on grants for its operational budget or if other forms of revenue would be sought. Ms. Mallek stated that at this time, especially with the current budget positions, localities would probably not be able to contribute. Over time, the RRBC will become more indispensable to localities, especially as the RRBC is able to continue to obtain outside funds.

- **Action: Approve financial update**

Ms. Mallek moved to recommend the 2nd Quarter Financial Report for approval by the full RRBC. Mr. Easter seconded. All were in favor, and the motion passed.

10. Review “Draft Roles & Responsibilities Chart”

Ms. Savage presented the draft chart to the Executive Committee, asking for their review and comment. Ms. Middleton noted that the column describing the TAC’s role has been left blank so that the TAC can work with this in its discussions about its role relative to the RRBC. The TAC had its planning retreat for a half day on January 12, 2010, and will have its regular meeting on February 16 to continue to refine its plan.

11. Review Draft 2010 Work Plan

Ms. Middleton explained that this document lists tasks that must happen this year, and she welcomed comments about prioritizing these tasks.

12. Discuss Commission “planning retreat”

Ms. Savage stated that she would like the RRBC to choose a date in the near term and definitely before the end of the fiscal year to have a strategic discussion about and determine of RRBC priorities.

13. [Closed Session – Personnel Matters] - Handout

- **Action: Enter into Closed Session**

Ms. Edwards moved that, 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 performance objectives

and performance review of the RRBC Executive Director. Ms. Mallek seconded the motion. Ms. Savage invited Mr. Moss to remain in attendance because he was the RRBC Chair during a portion of the performance period. (Ms. Thomas, former RRBC chair was also invited to attend, but was not available). Ms. Middleton asked that Ms. Brown and Mr. Martin also stay. The vote in favor of entering the Closed Session was cast by Commissioners Savage, Edwards, Gooch, Mallek, and Easter. The Commission entered into Closed Session at 10:30 A.M.

14. Certify Closed Session

- **Action: Return to Open Session**

At 10:49 A.M., Ms. Edwards moved, with a second by Mr. Gooch, to return to open session. The vote in favor was cast by Commissioners Savage, Edwards, Gooch, Mallek, and Easter.

- **Action: Approve certification**

At 10:50 A.M., Ms. Edwards moved, with a second by Mr. Gooch, to certify the Closed Session as follows: “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 Savage, Edwards, Gooch, Mallek, and Easter.

- **Action: Accept Executive Director’s performance appraisal.**

Mr. Easter motioned that the Executive Director’s Performance Appraisal was considered and accepted. This will be added to the February 18 RRBC meeting agenda in Closed Session. Ms. Mallek seconded the motion. All were in favor, and the motion passed.

15. Other discussion

Mr. Moss discussed the 40th anniversary celebration for the Rivanna River’s designation as a State Scenic River. Many events have already been scheduled.

16. Discussion of Chesapeake Bay TMDL, RRBC participation and grant opportunity

Ms. Middleton gave a brief summary of the Chesapeake Bay TMDL. The clean-up of the Bay has now been moved into the regulatory sphere as a TMDL. The TMDL will be broken up by jurisdiction and sector. The EPA will develop the TMDL, working closely with states. The EPA has an aggressive timeline but little funding. The Virginia Secretary of Natural Resources established the Stakeholder Advisory Group (SAG), and the RRBC was asked to participate. Rick Parrish from SELC and Sally Thomas from The Chesapeake Bay Program’s Local Government Advisory Committee (LGAC) were also asked to participate. The SAG will work with EPA and DCR to outline Virginia’s portion of the TMDL. After the first SAG meeting, Ms. Middleton convened two meetings in Charlottesville to gauge local interest in getting involved in the TMDL process at an early stage. The EPA is interested in having approximately six pilot projects in the Chesapeake Bay watershed that develop specific ways that EPA can work with local government to address the challenges of the TMDL. The EPA and DCR know that the Rivanna community is eager to be one of those pilot projects. Presently, Ms. Middleton must get RRBC permission before seeking a grant. Rivanna community members such as RRBC, StreamWatch, and TJPDC plan to work together on a proposal to EPA and DCR to describe how

the Rivanna watershed community could undertake a pilot project. The RRBC will not necessarily be the lead agency, but may be a partner.

Mr. Martin stated that ultimately, the localities would have to spend funds on implementation. For this reason, all four localities should be involved in the development of the pilot program. Ms. Savage suggested that since this effort could require a significant investment of member and staff time, RRBC should take formal action to decide what role the RRBC should play in the development of this. Mr. Moss added that the RRBC would have to decide how best to keep local jurisdictions informed and involved. Ms. Middleton stated that by February 18th, she will have met with the potential partners. She will write a draft proposal, which can be presented to the RRBC during the February 18 meeting. Ms. Mallek stated that it is important to apply for this pilot project and become involved. This will give the watershed community more choices for how to proceed. Ms. Savage summarized by saying that if the community does not get involved now, the state will develop the TMDL without our input and the watershed will be forced to live with whatever the state agencies require.

17. Review RRBC policy: grant proposal process (Middleton)

Due to time constraints, this discussion was postponed.

18. Adjourn

At 11:09 am, Mr. Easter moved to adjourn the meeting, and Mr. Gooch seconded. All were in favor, and the motion passed.

Upcoming Commission Meetings

- February 16, 2010** RRBC Technical Advisory Committee Meeting
Location TBD (one of the Alb Cty office buildings)
- February 18, 2010** Rivanna River Basin Commission (rescheduled from Jan 21)
Albemarle COB - 6 to 8 pm McIntire, Room 235
- April 15, 2010** Rivanna River Basin Commission
Albemarle COB - 6 to 8 pm McIntire, Room 235

Upcoming Conferences of Interest

March 9-11, 2010 Center for Watershed Protection: "From the Rooftop to the Bay: Implementing Stormwater Management Strategies in the Chesapeake Bay Watershed"
(Staunton, VA) * *Special track for municipal officials on Tuesday, March 9 (\$50 reduced rate)*

Attachments:

RRBC_EC_Revised_Agenda_10Feb02
2010_RRBC_and_TAC_meeting_dates
RRBC_EC_Minutes_09Nov20_FINAL
RRBC_Grant_Program_Summary_10Jan12
RRBC_Financial_Reports_10Jan21
2010_RRBC_Roles_Responsibilities_10Feb02_DRAFT
RRBC_2010_Work_Plan_10Feb02_DRAFT
Bay_TMDL_Virginia_FAQ
RRBC_Ches_Bay_TMDL_10Jan21