

**FINAL Meeting Minutes
Rivanna River Basin Commission
Executive Committee**

November 20
9 a.m. to 11 a.m.
Albemarle County Office Building – McIntire Road, Room 246

Attendance

Rivanna River Basin Commission Members:

Ms. Holly Edwards, Charlottesville City Council*

Mr. John Easter II, Thomas Jefferson Soil and Water Conservation District Board of Directors*

Mr. John Martin, Albemarle County Citizen

Mr. Marvin Moss, Fluvanna County Board of Supervisors*

Ms. Roberta Savage, Greene County Citizen*

Ms. Sally Thomas, Albemarle County Board of Supervisors*

* RRBC Executive Committee member

Others present:

Ms. Leslie Middleton, RRBC Executive Director

Ms. Rose Brown, RRBC Recording Secretary

1. Call to order

Mr. Moss called the meeting to order at 9:04 am.

2. Roll call

Roll call was conducted.

3. Determination of quorum

Quorum was determined.

4. Approval of the agenda

Ms. Thomas requested to have a moment to speak during Agenda Item 10 (Other Business of the Commissioners).

5. Matters from the public

No public was in attendance.

6. Acknowledgement of matters from the public

There were no matters from the public.

7. Report of the Chair

Mr. Moss reported that both he and Ms. Savage attended the TAC meeting on November 17 and reported that there were many participants and that it was a productive meeting with good

presentations. Mr. Moss also extended his appreciation, on behalf of the full Commission, to the TAC for the important contributions to helping launch the Commission. Mr. Moss noted that at least two new members would be appointed to the RRBC in January 2010: one from Albemarle County to replace Ms. Thomas and one from Fluvanna County to replace Mr. Moss. Ann Malleck has expressed an interest in being appointed to represent Albemarle County. Mr. Moss is not sure who might replace him from Fluvanna County. Ms. Middleton noted that representatives from the City of Charlottesville and Greene County might also change. Ms. Middleton stated that later in the meeting, the Executive Committee would be discussing the process for appointing new officers.

8. Report of Executive Director

a. Grant proposal activity update:
VDOF "Forests to Faucets"

Buck Cline (VA Department of Forestry) and Michael Collins (Conserv) submitted a grant proposal to the U.S. Endowment to provide funds to explore creating a conservation market system that links water quality and quantity with water users. Specifically, the grant would provide funds to plant trees in the South Fork Rivanna watershed as a way to reduce the amount of sediment and to generate up a market system. This will give landowners in the SFRR another avenue for “working” their land for income, especially if it is possible to generate an annual payment in return for planting or maintaining forest cover. At the very least, trees will be planted in the South Fork Rivanna watershed. Rivanna Water and Sewer Authority (RWSA) is a key player in this project, as well as other partners and the RRBC has written a supporting letter. If this approach is successful, eventually RWSA could consider adding a small fee to water bills to generate more funds to plant more trees in the Rivanna watershed. Ms. Thomas stated that this is a good way to show landowners that they do not have to cut trees in order to be foresters. This is a way to provide people with money for *not* cutting trees. Ms. Middleton stated that she would serve on the project advisory team if Mr. Cline and Mr. Collins were awarded the grant. Mr. Easter stated that this is a potentially valuable and viable program, similar to NRCS and SWCD programs, in which landowners were paid to plant and grow trees in riparian buffers. It may not be very lucrative for landowners, but it will at least be an incentive. Mr. Moss stated that the program might encourage people to plant trees in current meadowland.

NFWF funding request, locality agreements, contracts

Ms. Middleton issued the first request for funding from NFWF that includes reimbursement for expenses as well as anticipates expenditures through the end of 2009.. Middleton is working on contracts with StreamWatch, Rivanna Conservation Society, and Center for Watershed Protection for NFWF project work. The planning meetings for each of these projects have been conducted, and what remains is to execute the grants. A Memorandum of Agreement between the Commission and Fluvanna County has been executed for cost-share for the Fluvanna stormwater BMP's at Fluvanna High School. A similar MOA is being executed with the City of Charlottesville for the CHS stormwater retrofit features. Mr. Moss requested that funds be transferred to Fluvanna County before the end of the year.

Chesapeake Bay Trust (Greene County/RCS) due December 4

Ms. Middleton reported that the Greene County Park project continues to evolve. The original plan was to use NFWF funds to create a stormwater management demonstration at a new

comfort station. After site visits with Jeff Sitler (UVA) and Dave Hirschman (CWP), the project now includes a stormwater master plan for the park plus more effective erosion control and stormwater management at selected sites. Ms. Middleton has been working with Stephanie Golon and Bart Svoboda to obtain additional grant funding for stream restoration and tree planting. Mr. Moss stated that the RRBC should write letters of support for these types of grant applications.

Ms. Middleton stated that Greene County, RCS and the RRBC are poised to proceed with a proposal to the Chesapeake Bay Trust for a grant for staff time, trees, and materials for stream restoration at the Greene County Park. With several potential grants, the partners hope to cover all project costs. If this does not happen, then the project would be scaled back. Mr. Moss stated that the RRBC involvement has helped to facilitate a comprehensive look at watershed problems and this is something that we should add to materials about the RRBC and its work. Ms. Savage noted that Greene County staff had wanted to conduct this restoration, but the project had not been within their means, but the RRBC has helped broaden the scope of the project. Ms. Middleton stated that this would be good information to put on the new website.

Ms. Middleton stated that RRBC staff cannot apply for grants without permission. The maximum amount of request for the Chesapeake Bay Trust proposal is \$70,000. Ms. Middleton has not yet calculated the exact project costs, but she will probably request nearly \$70K for materials and staff time. The grant application would be done by the time the full RRBC meets again, so Ms. Middleton asked the Executive Committee to approve this grant request. Mr. Easter stated that the RRBC should revisit the rule that the full RRBC must approve all grant applications.

Action: Request approval to proceed with Chesapeake Bay Trust proposal

Mr. Easter moved to proceed with the Chesapeake Bay Trust proposal, and Ms. Thomas seconded. Ms. Savage abstained from the vote. All others were in favor, and the motion passed.

b. Website – update

Ms. Middleton stated that the website is very close to completion. RRBC members can refer others to the development website [now: www.rivannariverbasin.org]. Ms. Middleton will provide the minimum amount of material needed before the web-site goes live, and then will continue to add content once it the website is live, probably after Thanksgiving. Ms. Middleton will issue a press release and send emails to RRBC contacts. Ms. Savage asked if meeting materials will be on the website instead of sent via email. Ms. Middleton stated that all materials will be on the website. The draft agendas and previous meeting minutes will be on the website two weeks prior to meetings. Ms. Middleton stated that commissioners have different preferences, so she is keeping a list of which members wish to receive materials via mail vs. email vs. website.

c. Staffing – temporary administrative help

Ms. Middleton has entered into arrangements with Kelly Services and Adams & Garth for temporary help. Ms. Middleton hopes to complete the general administrative set-up tasks over the next few months. Temp help will not be a long-term solution, but it relieves some pressure for now. There will probably be one or two student interns from UVA for the spring semester. Their activities will range from rainwater harvesting research to stormwater incentive programs.

Many RRBC projects are appropriate for student help. Ms. Middleton might also find planning students who could take on projects for independent study. This will allow Ms. Middleton to be in more of a managerial role and will help her to determine the long-term needs for a second paid staff person. Ms. Middleton is presently exploring with TJPDC Executive Director, Steve Williams, whether there are some RRBC-related tasks or projects that could be delegated to Ms. Erin Yancey, who has been recently hired as TJPDC's Environmental Planner.

d. Bookkeeping update

Mary Rice and Ms. Middleton have made major modifications to the QuickBooks bookkeeping format in order to facilitate grant reporting. The RRBC pays Ms. Rice on an hourly basis. She will help to orient a new Treasurer when that person is appointed.

e. Legal affairs – update

Ms. Middleton will continue to consult with Phyllis Katz about the RRBC's liability and immunity status. The consultation will probably cost about \$2500. Ms. Middleton will give an update during the January 2010 RRBC meeting. Ms. Savage asked who would make the determination about RRBC status. Ms. Middleton stated that the Virginia Attorney General has directed RRBC to contact the Commonwealth's attorneys, which may mean contacting all four Commonwealth Attorneys. The Executive Committee reaffirmed the Commission's approval of spending funds on legal assistance necessary to complete this work.

f. 2010 meeting dates:

RRBC: 6-8 pm, 3rd Thursday: Jan 20, Apr 15, July 21, Oct 20

TAC: 9 am – 12 pm, 3rd Tuesday: Feb 16, May 18, Sep 21, Nov 16

TAC Planning Meeting: 9 am – 1 pm, January 12, 2010 (Jan 26 snow date)

The TAC planning meeting will be a chance for the TAC to revisit the science discussions and to make more recommendations to the RRBC. Ms. Savage stated that when the RRBC is not able to act on a particular matter, she would like to see a pathway for the TAC to provide technical advice. Ms. Middleton replied that the non-scientists of the TAC are appointed by localities and are hesitant to take positions lest they be perceived as taking a position on behalf of that locality. Ms. Savage asked how the RRBC could empower the TAC to render opinions and advice. Ms. Middleton stated that this question would probably be discussed during the TAC planning meeting.

8. Transition into 2010

a. Executive Committee during transition

Ms. Savage and Ms. Middleton led a discussion of how to transition into a newly appointed Executive Committee. At the end of 2009, Mr. Moss and Ms. Thomas will leave the RRBC and thus also the RRBC Executive Committee. Ms. Savage will become the Acting Chair. The RRBC bylaws dictate that vacancies in the Executive Committee must be filled by vote at the next meeting. This means that vacancies must be filled during the January 21 meeting.

The RRBC bylaws dictate that the Executive Committee is made up of the Chair, Vice Chair, Treasurer, and two other members. The Executive Committee must include representatives from all four localities, and must have at least three elected officials. Mr. Martin asked if all RRBC members could also be members of the Executive Committee. Ms. Thomas noted that there

might be trouble with achieving quorums, and with more Executive Committee members, there may be fewer Commissioners who take attendance at Commission meetings seriously. Ms. Middleton stated that if the Executive Committee were comprised of more than five members, then it might be easier to fulfill the requirements of locality representation and necessary elected officials. Mr. Moss stated that any of these changes would require changes to the Bylaws. He recommended appointing a new Executive Committee based on the current Bylaws, but to amend the bylaws later if needed. Mr. Moss suggested that after the April RRBC meeting, it would be useful to re-evaluate the make up of the Executive Committee. The Executive Committee might be too complex for the size of the organization.

There was a discussion about the definition of elected members. If a name appears on a formal ballot, then that person is considered elected. Ms. Savage stated that the RRBC should engage elected officials to encourage more participation in both the RRBC and Executive Committee. Mr. Moss proposed that the Executive Committee remains as is through the end of the year. After that, the RRBC will have new members from Albemarle and Fluvanna Counties. At that time, Ms. Savage, as the Acting Chair, will appoint two more members to replace Ms. Thomas and Mr. Moss. Ms. Savage asked Ms. Edwards if she expects changes to be made within the membership of the City of Charlottesville. Ms. Edwards stated that it is possible.

b. Chair and Vice Chair

The election of a Chair and Vice Chair are not required by the bylaws until April, but the RRBC might appoint these positions in January.

c. Treasurer and Finance Committee

The Treasurer will be appointed in January. Until this time, Ms. Savage can act as second signature for checks. Mr. Moss agreed to serve on the Finance Committee, if the RRBC wishes to appoint him. Ms. Middleton stated that the Finance Committee could be appointed during the January 21 RRBC meeting. Andy Wilson has also agreed to serve on the Finance Committee. John Martin stated that he would consider joining the Committee.

d. Introducing new Commissioners in January 2010 - Info to localities prior to commission selections in January

Ms. Middleton asked if she should send a letter to localities to help introduce potential new members to the work of the RRBC. Mr. Moss asked Ms. Middleton to send a letter to newly elected officials as well as previously elected officials.

Orientation (pre-meeting) and Packet

Ms. Middleton offered to hold "new Commissioner orientation session" before the regular 6 o'clock meeting on January 21, 2010, but it was decided that this option would be impractical. Mr. Moss stated that it is important for new Commissioners to have a packet of information ahead of time. Ms. Middleton will instead send New Orientation Packets to the newly appointed Commissioners at the same time as their pre-meeting packets.

e. Proposed meeting topics for 2010

Ms. Edwards stressed the importance of maintaining engagement and enthusiasm from Commissioners. The RRBC could spend time in 2010 discussing what needs to be done

differently, or what would draw people to be more active. Mr. Moss stated that by the end of 2010, the RRBC might consider a planning retreat. It would be a meeting to review the RRBC mandate, review what actions have been taken, consider the future of the RRBC, and investigate what other river basin commissions are doing. The RRBC could hire a facilitator, such as someone from the Chesapeake Bay Program. Ms. Thomas stated that there would be a lot of activity and discussion about TMDLs in 2010, especially how the Chesapeake Bay TMDL will impact localities. The RRBC could facilitate these discussions. Mr. Moss noted that localities will have to take action, since the EPA can cut off funding if localities do not meet certain goals by certain dates. Ms. Savage also noted that these TMDLs could spark litigation. Ms. Thomas suggested that the RRBC could help the community to focus on the welfare of the river. Ms. Middleton stated that on December 17 from 2-3:30 pm, EPA's Region 3 staff will come to Charlottesville for a discussion on the Chesapeake Bay TMDL. This will be open to all local staff, commissioners, and other community members. Part of the RRBC's role in 2010 could be to facilitate more of these types of discussions.

Mr. Martin suggested a meeting of water authorities from all jurisdictions. The RRBC could facilitate the meeting to help develop a shared sense of environmental ethic. Ms. Middleton stated that part of the RRBC charter is to protect water resources. Ms. Edwards stated that this could evolve into a regional or statewide conference. Ms. Middleton stated that the RRBC might begin by arranging a panel discussion of water authorities at a RRBC meeting. If there is enthusiasm and support, a follow-up meeting could occur.

Ms. Savage suggested another panel discussion, with various organizations working in the watershed, such as StreamWatch, RCS, TJPDC, League of Women Voters, etc. A summary of proposed topics includes: TMDLs, stormwater and regulations, panel discussion with water resources/water authority, other panel discussions.

f. Continued involvement of retiring Commissioners

Mr. Moss will probably serve on the Finance Committee. Ms. Thomas is considering how she will stay involved. Ms. Middleton reminded members that everything done by the RRBC is public and that retiring members may stay as involved and informed as they wish.

9. [Closed meeting] Probable litigation

At 10:44 am, Ms. Savage moved that the Executive Committee of the RRBC go into Closed Session to discuss probable litigation, pursuant to Virginia Code § 2.2 - 3711 (A) (7) of the Code of Virginia, and that Mr. Martin and Ms. Brown attend the closed session because their presence in the closed session is deemed necessary and will aid the Executive Committee in its deliberations. Ms. Edwards seconded the motion. The vote in favor was cast by Commissioners Moss, Savage, Thomas, Edwards, and Easter.

At 11:05 am, Ms. Savage moved that the Executive Committee return to Open Session. Ms. Thomas seconded the motion. The vote in favor was cast by Commissioners Moss, Savage, Thomas, Edwards, and Easter.

At 11:06, Ms. Savage moved that the Commission certify by a recorded vote that, to the best of each Commission member's knowledge, only public business matters lawfully exempted from

the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. Ms. Thomas seconded the motion.

The vote in favor was cast by Commissioners Moss, Savage, Thomas, Edwards, and Easter.

10. Other business of concern to Commissioners

Ms. Thomas stated that the Hatton ferry across the James River might be forced to close for lack of \$20,000 per year in funding to keep it going. Ms. Thomas asked for suggestions about people or groups who may be willing to support this ferry.

11. Adjourn

Mr. Moss adjourned the meeting at 11:10am.

Attachments:

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RRBC_Bylaws_Rev_09Oct20

Be_River_Friendly_Handout