



B A S M A A

Board of Directors Regular Meeting

June 22, 2017
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, June 22, 2017 at the offices of EOA, Inc., Oakland, California. This regular meeting was called by Matt Fabry, 2017 Chair of the Board, with notice of said meeting given to all Directors by electronic mail. The following Officers of the Corporation, Directors, and others were present:

Officers of the Corporation Present	
Matt Fabry	Chair of the Board and Director
Jim Scanlin	Vice-Chair and Director
Jamison Crosby	Secretary and Director
Directors Present	
Kevin Cullen	Director
Pat Gothard	Director
Rachel Kraai	Director
Doug Scott	Director
Officers and Directors Absent	
Adam Olivieri	Director
Staff Present	
Geoff Brosseau	Executive Director
Others Present	
Beth Baldwin	Trash Committee Co-Chair / CCCWP
Reid Bogert	SMCWPPP
Dale Bowyer	Regional Water Board staff
Jagjiwan Grewal	Caltrans
Keith Lichten	Regional Water Board staff
Lucile Paquette	MPC Co-Chair / CCCWP
Chris Sommers	EOA, Inc. / SCVURPPP
Kirsten Struve	Trash Committee Co-Chair / SCVWD
Hardeep Takhar	Caltrans

Quorum and Call to Order

Call to Order

With 7 of the 8 Directors present at the time, a quorum was established and Chair Matt Fabry called the meeting to order at 10:14 a.m.

Introductions and Announcements (Agenda Item 1). (Matt Fabry)

Announcements

- 22 • Unfunded Mandates Test Claims – Directors shared and briefly discussed developments in
23 the BASMAA test claims. Currently, the first test claim hearings before the Commission
24 on State Mandates are scheduled for December 1.
- 25 • POC Steering Committee meeting – Thursday, June 29; 10:00 – 12:30.
- 26 • Retirements
 - 27 ○ Sue Ma, Regional Water Board – effective June 2017
 - 28 ○ Arleen Feng, ACCWP – effective August 2017

29

30 **Changes to Agenda (Agenda Item 2).** (Matt Fabry) None.

31

32 **Approval – Consent Calendar: Board of Directors meetings minutes – May 25, 2017**

33 **(Agenda Item 3).** (Jamison Crosby) The Board of Directors was asked to approve the minutes
34 of the May 25, 2017 Board of Directors meeting with minor edits.

35

- 36 Vote: Director Jamison Crosby made a motion that the Board approves the Consent
37 Calendar. Director Doug Scott seconded the motion and the Board approved it
38 unanimously.

39

40 Executive Session (Agenda Item 4).

41

42 The Board of Directors requested a closed session of just the Board of Directors and BASMAA
43 staff and discussed the following:

44

- 44 • Other Issues
 - 45 ○ Receiving Water Trash Monitoring Program Plan – The Board of Directors received
46 an update on the status of the termination, lessons learned, and discussion of the
47 contractual / performance issues with the original consulting team. Directors
48 discussed some of the factors that combined to create the unusual situation and
49 cleared up some misperceptions about what led to the situation and how it was
50 managed.

51

- 52 ➤ Action: Executive Director Geoff Brosseau will continue to keep the Board of
53 Directors apprised of developments, and will complete a lessons learned memo,
54 including recommendations.

55

56 • Personnel Issues

- 57 ○ Executive Director / Association Management contract – Executive Director Brosseau
58 has provided the self-assessment performance review completed in March for FY 16-
59 17.

60

- 61 ➤ Action: The Board of Directors will review and provide comments on the self-
62 assessment over next two weeks, and meet to discuss it further before the next
63 Board of Directors meeting on July 27.

64

- 65 ➤ Action: The Board of Directors will meet in closed session on July 27 to discuss
66 the performance review, and based on that discussion, Executive Director
67 Brosseau will revise the goals and scope of work for FY 17-18 and the contract
68 will be revised.

69
70 The closed session was adjourned and the rest of the meeting participants were invited back into
71 the meeting room.

72

73

Actions

74

75 **Election – Treasurer (Agenda Item 5).** (Geoff Brosseau) The Board of Directors was asked to
76 elect a Treasurer to serve the rest of the resigning Treasurer’s one (1) year term. In resigning
77 from the Board of Directors last month because of an employment change, former Director Terri
78 Fashing also resigned as Treasurer. Former Director Fashing was mid-way through her 2nd year
79 as Treasurer.

80

81 BASMAA Bylaws Section 5.05 Vacancies in Office states: “A vacancy in any office because of
82 death, resignation, removal, disqualification, or any other cause shall be filled in the manner
83 prescribed in these Bylaws for regular appointments to that office, provided, however, that
84 vacancies need not be filled on an annual basis.”

85

86 BASMAA Bylaws Section 5.01 Officers of the Corporation states in part: “Any number of
87 offices may be held by the same person, except that neither the Secretary nor the Chief Financial
88 Officer may serve concurrently as the Chair or Vice-Chair of the Board of Directors.”

89

90 BASMAA Bylaws Section 5.02 Election of Officers states: “The officers of the Corporation,
91 except such officers as may be appointed under Section 5.03 of these Bylaws, shall be chosen
92 annually by the Board of Directors from among the Board members. Officers shall serve one (1)
93 year terms. Officers may serve no more than three (3) consecutive one (1) year terms and may be
94 elected to serve again after a one (1) year break in service.

95

96 Directors discussed the Treasurer’s role and responsibilities and potential nominees and Director
97 Crosby volunteered to be nominated. Director Crosby was formerly the Treasurer with her last
98 term in that role ending in January 2016.

99

100 Vote: Director Jim Scanlin made a motion that the Board nominates and elects Director
101 Crosby to serve the rest of former Treasurer Fashing’s 2nd one (1) year term, which ends in
102 January 2018. Director Pat Gothard seconded the motion and the Board approved it
103 unanimously.

104

105 **Approval – FY 17-18 Management-Administration Budget (Agenda Item 6).** (Geoff
106 Brosseau) The Board of Directors was asked to approve the FY 17-18 Management-
107 Administration Budget. In its December 2016 meeting, the Board tentatively approved the FY
108 17-18 Management-Administration Budget of \$260,075 with a plan to approve the budget in late
109 spring 2017 after confirming outcomes of member programs’ budget approvals. In its May 2017
110 meeting, a closer review of costs and additional information regarding the scope of the Executive
111 Director / Association Management contract were requested. The review identified a cost that
112 was covered by the contingency but is ongoing and significant enough that it should be
113 recognized as its own line item (Meetings costs (e.g., meals)) and an unlikely cost (BayWise)
114 that was removed. Information on the Executive Director / Association Management scope of

115 work for FY 16-17 was provided in the packet. Information on the FY 17-18 scope of work will
116 be available after the FY 16-17 performance review (see Agenda Item 4 – Executive Session).

117
118 In today’s meeting, Directors asked some clarifying questions and discussed the interaction
119 between the scopes of the Management-Administration Budget and the Executive Director /
120 Association Management contract as well as the timing of their respective approvals. The long
121 term future of BASMAA was suggested as a topic for future discussion.

- 122
123 Vote: Director Kevin Cullen made a motion that the Board approves the FY 17-18
124 Management-Administration Budget and a one-month extension of the Executive Director /
125 Association Management contract scope and budget to July 31, 2017. Director Scanlin
126 seconded the motion and the Board approved it unanimously.

127
128 **Approval – FY 17/18 Projects Budget (Agenda Item 7).** (Geoff Brosseau) The Board of
129 Directors was asked to approve the FY 17-18 Projects Budget. In its December 2016 meeting, in
130 accordance with the Policy and Procedure: *Budgeting and Work Planning*, the Board of Directors
131 tentatively approved the FY 17-18 Projects Budget of \$677,200 with revised, non-standard
132 funding allocations for the “POC Monitoring for Source Identification and Management Action
133 Effectiveness (C.8.f / C.12.e)” project and a plan to approve the budget in late spring of 2017
134 after confirming outcomes of member programs’ budget approvals.

135
136 In the May 2017 meeting, some but not all of the member programs reported having a chance to
137 vet the budget and a request for some additional information was made. So consideration of the
138 item was postponed until June, except for one item that was time-sensitive – approving the
139 release of a request for proposals (RFP) for the Monitoring / POCs Committee project: Five-year
140 Bioassessment Report. Additionally, the Phase II Committee proposed the E.12 Manual Update
141 project, which was added bringing the total budget to \$675,098. The proposed Projects Budget
142 includes \$82,000 in Phase I and II projects, \$578,098 in Phase I only projects, and \$15,000 in
143 Phase II only projects. In today’s meeting, Directors asked some clarifying questions.

- 144
145 Vote: Director Cullen made a motion that the Board approves the FY 17-18 Projects
146 Budget. Director Scott seconded the motion and the Board approved it unanimously.

- 147
148 ➤ Action: Executive Director Brosseau will extend the multi-year contracts.

149
150 **Approval – Revision to Policy and Procedure: *Project Management and Project Deliverable***
151 **Approval (Agenda Item 8).** (Geoff Brosseau) The Board of Directors was asked to approve a
152 clarification to the Policy and Procedure: *Project Management and Project Deliverable*
153 *Approval*. The Monitoring / POCs Committee (MPC) has identified a procedure in the subject
154 Policy and Procedure that if followed as written could take the procedural requirements beyond
155 the Board of Directors intention. The procedure and proposed revision are shown below.

- 156
157 • Project deliverable approval
158 • submit final task deliverable(s) to the Board for approval; and
159 • for final project deliverables, make recommendations to the Board regarding
160 approval of the project as complete.

162 The MPC noted the procedure could be interpreted to apply to every product, including every
163 draft or even partial draft document. Another MPC concern was the sometimes detailed,
164 technical nature of some of the Committee documents might not lend the documents to Board of
165 Directors-level review.

166
167 When the Policy and Procedure was drafted, the focus of the procedure in question was not every
168 draft or partial draft product, it was intended to apply to any final products. So, consistent with
169 that intention, the word “final” has been added to the first bullet. The word “task” has been
170 added as well to distinguish these final products from project-end final projects. Directors noted
171 there could be a significant number of task deliverables, some of which deserve Board of
172 Directors approval and some that would not, and that bringing those to the Board of Directors for
173 approval could delay projects and increase costs if not planned for. To that end, it was suggested
174 that on a project-by-project basis, the deliverables proposed for Board of Directors approval be
175 identified at the beginning of the project so budgets and schedules can be planned accordingly.

176
177 It was recognized that neither of these word additions would address the sometimes detailed,
178 technical nature of some of the Committee documents. To address that aspect, the Board of
179 Directors could 1) recommend Directors rely on the Committee’s recommendations and consult
180 with technical staff and technical consultants to inform their considerations of approvals or 2) not
181 require Board of Directors approvals of such documents and potentially defer to the Committee
182 to make the approvals. The latter is not workable as such decisions are the Board of Directors to
183 make and identification of which documents were too detailed or technical for the Board of
184 Directors would be highly subjective. Therefore, option 1) was recommended.

185
186 ➤ Action: Executive Director Brosseau will further revise the Policy and Procedure: *Project*
187 *Management and Project Deliverable Approval* to incorporate the results of the Board of
188 Directors discussion. Policy and Procedure: *Consultant Selection and Contracting* will
189 also be reviewed and revisions proposed accordingly as the deliverables proposed for
190 Board of Directors approval should be identified at both the contract and solicitation stages
191 in the budgeting and scheduling process.

192
193 **Approval – Comments on Safeguarding California Plan: 2017 Update (Agenda Item 9).**
194 (Geoff Brosseau) The Board of Directors was asked to approve a comment letter to the
195 California Natural Resources Agency on the Draft *Safeguarding California Plan: 2017 Update –*
196 *California’s Climate Adaptation Strategy*. Comments are due June 23. The most relevant
197 sections of the Plan appear to be:

- 198 • Recommendation T-4: Improve transportation system resiliency
- 199 • Recommendation W-8: Utilize low impact development and other methods in state and
200 regional stormwater permits to restore the natural hydrograph
- 201 • Appendix B: Measuring Climate Change Adaptation

202
203 Submitting the subject comment letter would be in much the same way and with many of the
204 same or related messages as these recent BASMAA comment letters:

- 205 • Air Resources Board – *Urban Greening and Green Infrastructure Section of the Natural*
206 *and Working Lands Discussion Paper* (May 3, 2016)
- 207 • California Natural Resources Agency – *Vibrant Communities and Landscapes: A Vision for*
208 *California in 2050* (October 28, 2016)

- 209 • ABAG / MTC – *Draft Plan Bay Area 2040* (June 1, 2017)
210

211 Additionally, submitting the comment letters helps with compliance with MRP provision C.3.j.iii
212 Participate in Processes to Promote Green Infrastructure.

213
214 Vote: Director Scanlin made a motion that the Board approves sending the comment letter.
215 Director Rachel Kraai seconded the motion and the Board approved it unanimously.

216
217 ➤ Action: Executive Director Brosseau will finalize the letter and submit it by June 23.
218

219 **Approval – Project Deliverable: *Bay Area Reasonable Assurance Analysis Guidance***

220 **Document (Agenda 10).** (Chris Sommers) The Board of Directors was asked to approve the *Bay*
221 *Area Reasonable Assurance Analysis Guidance Document* as a final BASMAA product. In
222 December 2016, BASMAA initiated the project and a Project Management Team (PMT) was
223 constituted to work with the consultant team led by Geosyntec consultants and including
224 Paradigm Environmental and SFEI. An 8-member Technical Advisory Committee was formed
225 to advise the PMT. TAC members included representatives from USEPA, San Francisco Bay
226 Regional Water Board, and consultants experienced with RAAs or related topics.

227
228 BASMAA’s Policy and Procedure: *Project Management and Project Deliverable Approval*
229 requires the following regarding final BASMAA products:

230 *Review and approval of project deliverables*

231 *The following procedure will be used:*

- 232 1. *The draft deliverable(s) is sent to the Board, or committee members for review and*
233 *subsequent revisions, as determined necessary by the committee.*
234 2. *If in committee, once the committee determines that the draft deliverable(s) is ready for*
235 *higher-level review and approval, the final draft deliverable(s) is sent to the BASMAA*
236 *Chair and Executive Director.*
237 3. *The BASMAA Chair and Executive Director ensure the final draft deliverable(s) is*
238 *provided to the Board of Directors.*
239 4. *The Board of Directors reviews and considers approval of the final draft deliverable(s),*
240 *and in the case of final project deliverables, considers approval of the project as complete.*
241

242 The subject document has undergone steps 1 and 2, and is at steps 3 and 4. The final documents
243 / files incorporated four rounds of comments from the PMT.

244
245 Vote: Director Cullen made a motion that the Board approves the *Bay Area Reasonable*
246 *Assurance Analysis Guidance Document* as a final BASMAA product. Director Scanlin
247 seconded the motion and the Board approved it with Directors Crosby and Gothard
248 abstaining.

249
250 ➤ Action: Executive Director Brosseau will ensure the final version is posted and noticed to
251 stakeholders, including MRP permittees and the project TAC.

252
253 ➤ Action: The Board of Directors will agendaize a discussion of next steps for the Executive
254 Session in its July meeting.
255

256 Reports

257
258 **Update – Collaboration with Caltrans (Agenda Item 11).** (Hardeep Takhar, Caltrans) The
259 Board of Directors received and discussed a presentation by Caltrans (see separate file) on
260 collaboration regarding:

- 261 • Joint Visual Assessments
- 262 • Regional Stormwater Treatment for POCs
- 263
- 264 ➤ Action: The Board of Directors will agendize a continuation of the discussion at its July
265 meeting.
- 266

267 **Update / Direction – Committee Reports / BASMAA representatives (Agenda Item 12).** The
268 Board of Directors received committee reports and discussed next steps.

- 269
- 270 • **Development Committee** (Geoff Brosseau for Jeff Sinclair) – The Committee met June 1
271 – see Committee meeting summary for details on items not covered elsewhere in this Board
272 of Directors meeting minutes. The focus of the meeting was on updates and discussions of
273 current Committee projects, in particular the Green Infrastructure Facility Sizing Analysis.
274
- 275 • **Monitoring / POCs Committee** (Lucile Paquette) – The Committee met June 7 – see
276 Committee meeting summary for details on items not covered elsewhere in this Board of
277 Directors meeting minutes. The focus of the meeting was on updates and discussion of
278 existing Committee projects, in particular there was a pre-meeting of the PMT for the
279 Infrastructure Caulk project. The Committee also discussed rankings for proposed RMP
280 Special Studies.
281
- 282 • **Municipal Operations Committee** (Geoff Brosseau) – The Committee did not meet this
283 month. The Committee continues to track the State Water Board’s plans and schedule for
284 taking comments on and reissuing the Board’s Emergency Regulation for Statewide Urban
285 Water Conservation on the consequences of the current regulation on BASMAA’s Surface
286 Cleaner Training and Recognition Program.
287
- 288 • **Phase II Committee** (TBD) – The Committee meets after the Board of Directors this
289 month – June 27.
290
- 291 • **Public Information / Participation Committee** (Geoff Brosseau for Steven Spedowski)
292 – The Committee meets after the Board of Directors this month – June 28.
293
- 294 • **Trash Committee** (Beth Baldwin) – The Committee will not meet this month. The
295 Committee has been focused on its Receiving Water Trash Monitoring Program Plan
296 project. The PMT is meeting right after this Board of Directors meeting to go over final
297 comments that need some discussion before developing an agreed-to response.
298
- 299 ➤ Action: EOA will provide the final draft Monitoring Program Plan to BASMAA by
300 Monday morning. Executive Director Brosseau will distribute it to the Board of
301 Directors Monday so by Thursday, June 29 the MRP Programs can review and
302 approve the final draft and the Board of Directors can review and approve the

303 document as a final BASMAA product, and so by Friday, June 30, Executive Director
304 Brosseau can ensure the document is transmitted to the Regional Water Board for
305 review and approval.
306

307 **Update – Statewide and National Items (Agenda Item 13).** (Geoff Brosseau) The Board of
308 Directors received and discussed updates on the following statewide and national items:
309

310 State

- 311 • Trash Amendments – As promised, on or about June 2 or 3, State and Regional Water
312 Board staff released 13383 letters to permittees conveying the requirements and providing
313 guidance, the latter of which has had significant input from representatives from CASQA
314 and BASMAA. Much of the information is posted to a new trash implementation page:
315 [https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.](https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.shtml)
316 [shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.shtml). CASQA is now focusing on finalizing Trash BMP Briefs – a series of short fact
317 sheets meant to supplement the corresponding CASQA BMP Fact Sheets with
318 specifications to design a BMP as a Full Capture System BMP.
319
- 320 • SB 231 Local government: fees and charges (Hertzberg) – The bill was passed by the
321 Assembly Local Government Committee 6-3 along party lines. It is now slated for the
322 Assembly floor, where if it passes unchanged, it would go to the Governor. Another round
323 of letters of support will be needed for the Assembly floor vote.
324

325 National

- 326 • WOTUS – CASQA submitted comments by the June 19 deadline. CASQA letters are
327 posted to News & Library section on the CASQA website.
328
- 329 • Stormwater infrastructure bills in development – S. 692 and H.R. 2355 / H.R. 1971.
330

331 **Discussion – Collaboration with Regional Water Board (Agenda Item 14).** (Board / Regional
332 Water Board staff) The Board of Directors and Regional Water Board staff discussed the
333 following items.

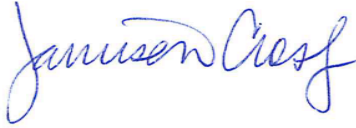
- 334 • Trash – Regional Water Board staff noted that they are starting to hear from the 8-9
335 permittees that missed the 60% trash load reduction goal or are not on track to meet the 70%
336 requirement.
337
- 338 • Alternative Compliance – An offline discussion of the eligibility of past green infrastructure
339 projects to be used for alternative compliance will be continued in the next Development
340 Committee meeting.
341

342 **Information Items.** None.
343

344 **Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is
345 scheduled to be held on Thursday, July 27, 2017, at the offices of EOA, Inc., Oakland,
346 California. Directors will be notified of this meeting via e-mail.
347

348 **Adjournment.** The meeting was adjourned at 3:10 p.m.
349

350 Jamison Crosby



351
352 Secretary, BASMAA

353
354 Approved: July 27, 2017 ###
355