



# B A S M A A

## Board of Directors Regular Meeting

February 26, 2015  
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, February 26, 2015 at the offices of EOA, Inc., Oakland, California. This regular meeting was called by Matt Fabry, 2015 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:

<b>Officers of the Corporation Present</b>	
Matt Fabry	Chair of the Board and Director
Jim Scanlin	Vice-Chair and Director
Terri Fashing - phone	Secretary and Director
<b>Directors Present</b>	
Kevin Cullen - phone	Director
Tom Dalziel	Director
Pat Gothard - phone	Director
Adam Olivieri	Director
<b>Officers and Directors Absent</b>	
Lance Barnett	Director
Jamison Crosby	Treasurer and Director
<b>Staff Present</b>	
Geoff Brosseau	Executive Director
<b>Others Present</b>	
Jill Bicknell	SCVURPPP/EOA, Inc./Dev. Comm. Chair
Dan Cloak	Dan Cloak Consulting / CCCWP
Arleen Feng - phone	ACCWP / Monitoring/POCs Comm. Chair
Gary Grimm – phone	Law Offices of Gary Grimm
Jon Konnan	EOA, Inc. / SMCWPPP
Tom Mumley	Regional Water Board Asst. EO
Lucile Paquette	CCCWP
Peter Schultze-Allen	EOA, Inc. / SMCWPPP
Chris Sommers	Trash Committee Chair / EOA, Inc.
Tim Swillinger - phone	PI/P Committee Chair

## Quorum and Call to Order

### **Call to Order**

With 6 of the 9 Directors present at the time, a quorum was established and Chair Matt Fabry called the meeting to order at 10:19 a.m.

**Introductions and Announcements (Agenda Item 1).** (Matt Fabry) None.

- Urban Greening Bay Area grant award – EPA has fully funded this award to SFEP (BASMAA is a partner) so cuts of the proposed budgets will not be necessary. Kick-off meeting to be scheduled soon.
- Senate hearing on stormwater financing – February 25; Hosted by Senator Hertzberg, chair of the Senate Committee on Governance and Finance, and Senator Pavley, chair of the Senate Committee on Natural Resources and Water (<http://senate.ca.gov/media-archive>)
- CASQA quarterly meeting / webcast – March 12, Sacramento; Low Impact Development: Lessons Learned (<https://www.casqa.org/events/quarterly-meetings-webcasts/past-quarterly-meetings/2015-quarterly-meetings>)
- Regional Water Board MRP 2.0 meetings with Programs – Regional Water Board staff is starting to make presentations to the MRP Programs about MRP 2.0.

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

**Approval of Consent Calendar: Board of Directors meeting minutes – January 22, 2015 (Agenda Item 3).** (Terri Fashing)

- ☒ Vote: Director Tom Dalziel made a motion that the Board approves the Consent Calendar. Director Matt Fabry seconded the motion and the Board approved it unanimously.

**Executive Session (Agenda Item 4).**

The BASMAA Board of Directors and staff discussed the following regarding MRP 2.0:

- Debrief – C.10 work group (2/24 AM) and Other work group (2/24 PM) meetings
- Discussion / concurrence? – C.7 proposal
  - Action: Jim Scanlin will attempt to draft a proposal that addresses the differing interests of the MRP Programs.
- Prep – C.8, C.11, C.12 work group (2/27 AM) and C.3 work group (3/4 PM) meetings
  - Action: The MRP Programs will hold a conference call on March 2, 4 pm to prepare for the March 5 Steering Committee meeting.

**Actions**

**Approval – POC Loads Monitoring Progress Report, Water Years 2012, 2013, and 2014 (Agenda Item 5).** (Arleen Feng / Chris Sommers) The Board of Directors was asked to approve the report: *Pollutants of concern (POC) Loads Monitoring Progress Report, Water Years (WYs) 2012, 2013, and 2014*. The report was prepared for BASMAA and the RMP, and follows the format of previous water year's reports. Monitoring / POCs Committee (MPC) representatives reviewed the draft document and SFEI staff addressed comments. MPC representatives are reviewing the final draft document and response to comments now. Pending any final comments from MPC representatives, the report is ready for approval by the BASMAA Board of Directors. The MRP Programs will include this report in their Urban Creeks Monitoring Reports that are due to the Regional Water Board by March 15, 2015.

- 66  
67     ☒ Vote: Director Dalziel made a motion that the Board approves report: *Pollutants of concern*  
68     *(POC) Loads Monitoring Progress Report, Water Years (WYs) 2012, 2013, and 2014*;  
69     pending no significant revisions from the MPC representatives' review. Director Adam  
70     Olivieri seconded the motion and the Board approved it unanimously.

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72     **Approval – White Paper on C.3 Issues in MRP 2.0 (Agenda Item 6).** (Geoff Brosseau) The  
73     Board of Directors was asked to approve the document *White Paper on C.3 Issues in MRP 2.0* as  
74     a final BASMAA product. BASMAA's Policy and Procedure: *Project Management and Project*  
75     *Deliverable Approval* includes a process for review and approval of BASMAA project  
76     deliverables. The *White Paper on C.3 Issues in MRP 2.0* has gone through extensive review at  
77     both the Development Committee and Board of Directors (Phase I Managers) level as well as by  
78     MRP permittees. The February 24 final draft addresses all comments received, and is ready for  
79     Board of Directors consideration as a final BASMAA product. The Board of Directors discussed  
80     the document and agreed on how to address some final edits.

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82     ☒ Vote: Director Jim Scanlin made a motion that the Board approves the document *White*  
83     *Paper on C.3 Issues in MRP 2.0* as a final BASMAA product. Director Dalziel seconded  
84     the motion and the Board approved it with Director Olivieri abstaining.

- 85  
86     ➤ Action: Jill Bicknell will finalize the document by February 27.  
87     ➤ Action: Executive Director Geoff Brosseau will transmit the White Paper to Regional  
88     Water Board staff by February 27.

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90     **Approval – Sub-agreements: IPM Focus on Multi-Unit Housing (Agenda Item 7).** (Geoff  
91     Brosseau) The Board of Directors was asked to approve sub-agreements between BASMAA and  
92     sub-contractors to implement a grant received by BASMAA from the Department of Pesticide  
93     Regulation (DPR). In June 2014, BASMAA was informed the BASMAA-led proposal *IPM*  
94     *Focus on Multi-Unit Housing* was chosen by DPR for Pest Management Alliance grant funding.  
95     DPR and BASMAA signed their agreement in October 2014. The BASMAA-led project is  
96     scheduled to run about 2.5 years to May 2017, and include a number of types of tasks, most  
97     important to BASMAA are tasks implementing IPM for outdoor structural pest control. The  
98     total grant budget is \$199,927, there is no match requirement, and the budgets of all of the  
99     proposed sub-agreements are fully funded on a reimbursement basis by the grant. A sub-  
100     agreement with Geoff Brosseau, separate from the Executive Director / Association Management  
101     contract, is required by DPR.

102  
103     All of the sub-agreements are based on BASMAA boilerplate agreements, and have been  
104     reviewed and agreed to by the sub-contractors with the following substantive changes requested:

- 105     • Geoff Brosseau – None requested.  
106     • Janet Cox – Commercial Automobile Liability limit reduced but still in compliance with  
107     DPR insurance requirements.  
108     • City and County of San Francisco, Department of the Environment – BASMAA right to  
109     approve / remove CCSF staff revised to request; Binding mediation changed to  
110     mediation; Right to use deliverables granted to sub-contractor; Obligations limited to

aggregate amount of funds disbursed; Sub-contractor can meet insurance requirements with evidence of self-insurance.

- Pestec – In review; no changes requested to-date.
- Tara Cahn Architecture – In review; range of changes requested to-date.
- BIRC – Professional Liability Insurance waived; Commercial Automobile Liability requirement waived – no car; no drivers license (commercial liability policy does cover hired and non-owned automobiles).

☑ Vote: Director Olivieri made a motion that the Board approves the following sub-agreements with the conditions shown:

- BASMAA-Geoff Brosseau (\$16,380)
- BASMAA-Janet Cox (\$72,600)
- BASMAA-City and County of San Francisco, Department of the Environment (\$25,902)
- BASMAA-Pestec (\$63,525) – no substantive changes requested.
- BASMAA-Tara Cahn Architecture (\$5,800) – substantive change(s) negotiated to being immaterial; location of right-to-inspect provision changed to location of sub-contractor's choosing.
- BASMAA-BIRC (\$5,000) – not posses a Driver License and not operate a vehicle for services performed under this Agreement.

Director Dalziel seconded the motion and the Board approved it unanimously.

- Action: Executive Director Brosseau will finalize the sub-agreements, and as necessary bring any back to the Board of Directors for review.

**Approval – Funding / Agreements: CW4CB Project Report (Agenda Item 8).** (Geoff Brosseau) The Board of Directors was asked to approve: 1) the funding for the Clean Watersheds for a Clean Bay (CW4CB) Project Report and 2) two agreements to develop the Project Report.

#### Funding

The scope of work for developing the CW4CB Project Report has been budgeted at about \$142,500. The proposed funding plan shows \$10,000 of the \$142,500 would be funded by SCVURPPP directly to EOA, Inc. under a separate contract. The remaining \$132,500 is proposed to be funded as follows:

\$80,500 – ACCWP

\$10,000 – VSFCD

\$42,000 – BASMAA project funded by 6 MRP Programs at population-based amounts

\$132,500 – Total

For planning purposes the CW4CB Project Management Team (PMT), had previously assumed a cost of roughly \$100,000 to prepare this report but more detailed costing that was just completed resulted in a higher total cost estimate of about \$142,500. There are sufficient funds within the current program match commitments to cover \$100,000 of the reporting cost. The scope and budgets have been reviewed by and are acceptable to the PMT. The current proposal to fund the

additional \$42,000 is to solicit restricted contributions from the MRP Programs using the default population-based funding formula.

Directors discussed the proposed funding plan, including asking clarifying questions. Several Directors noted they needed time to analyze and consider the proposal to fund the additional \$42,000. The report is due September 2016 and the bulk of the work is planned for FY 15-16.

- ☑ Vote: Director Dalziel made a motion that the Board approves the funding plan for the first \$90,500 of the CW4CB Project Report project. Director Scanlin seconded the motion and the Board approved it with Director Olivieri abstaining.

- Action: Executive Director Brosseau will agendize the proposal to fund the additional \$42,000 for the March Board of Directors meeting. He will provide the Directors with options for allocating the costs, including the default population-based formula and a re-balanced-based option. He will provide the project timeline to the Board of Directors as well.

#### Agreements

The purpose of the proposed agreements is to implement a portion of the CW4CB grant. The PMT has discussed the proposed report preparation team of EOA, Inc. and Geosyntec consultants, and is recommending both firms conduct the work in a coordinated effort.

- ☑ Vote: Director Dalziel made a motion that, pending the availability of funding, the Board authorizes agreements with the following to develop the CW4CB Project Report:

- Geosyntec consultants (\$71,100)
- EOA, Inc. (\$61,400)

Director Scanlin seconded the motion and the Board approved it with Director Olivieri abstaining.

#### Reports

**Update – Finance Committee (Agenda Item 9).** (Geoff Brosseau for Jamison Crosby) The BASMAA Finance Committee is addressing the items raised during the audits that require management responses. To do so in a timely way, the Finance Committee is meeting monthly. Once the items are all addressed, the Committee expects to move to a quarterly meeting schedule with the meetings timed to coincide with significant points in BASMAA's budgeting and work planning processes.

**Plan – Process and Schedule for revising FY 14-15 MRP Annual Report forms (Agenda Item 10).** (Jill Bicknell) MRP provision C.16.b allows for the common annual reporting format, originally submitted by April 1, 2010 to "be changed by April 1 of each year for the following annual report, to more accurately reflect the reporting requirements of Provisions C.1 – C.15, with the agreement of the Permittees and by the approval of the Executive Officer."

The Board of Directors received and discussed an update. For all but provision C.10 - Trash Reduction, the only necessary changes are to update the dates. So the discussion focused on C.10 and ranged between keeping the update simple and consistent with the current permit and

the approach developed last year and using the update of the reporting form as an opportunity to look ahead to how C.10 reporting should be done in MRP 2.0; with permittee representatives making the case for the former approach and Regional Water Board staff for the latter. It appeared most prudent to keep the update simple for now.

- Action: Chris Sommers will edit the C.10 form for discussion at the March 5 MRP 2.0 Steering Committee meeting, with the goal of sharing the draft with the permittees in March and including the C.10 portion with the rest of the proposed FY 14-15 form for the Board of Directors consideration as final at their next meeting on March 26.

**Update – Statewide and National Items (Agenda Item 11).** (Geoff Brosseau) The Board of Directors received and discussed updates on the following statewide items:

- Trash Amendments (State Water Board) – The Draft Amendments and Staff Report were released December 31, 2014 with no written comment period. Release of the Response to the August 5, 2014 Comments is still pending (was scheduled for end of January). The State Water Board scheduled the adoption hearing for April 7; which will be followed by a review by OAL within 20 days of adoption; and then onto EPA.

Directors and Regional Water Board staff discussed possible BASMAA comments and how best to provide them given there is no written comment period. Discussion focused on issues in these areas of the proposed amendments:

- Prohibition of discharge
- Priority land uses
- Monitoring / assessment and reporting
- Track 1 bias

- Action: Executive Director Brosseau recommended meeting with State Water Board staff before the hearing to convey key issues and recommended changes.

- Proposition 218 constitutional amendment legislation – An informal coalition of environmental groups, government and business associations, and agencies is sponsoring legislation to clarify Proposition 218 regarding stormwater and flood control. Executive Director Brosseau has been participating in the coalition on behalf of CASQA. The coalition is taking a two-bill approach:
  - Omnibus bill amendment to be introduced by tomorrow would add the following definition of “stormwater” to the Government Code for purposes of Proposition 218: “any system of public improvements or service intended to provide for the quality, conservation, control, or conveyance of waters that land on or drain across the natural or man-made landscape.”
  - Constitutional amendment bill would add the word “stormwater” to the list of exceptions to Proposition 218 (water, sewer, and refuse collection) in the State Constitution. This bill may be introduced at any time during this year’s legislative session.
- Water Quality Permit Fees – FY 15-16 (State Water Board) – Executive Director Brosseau participated in the February 13 State Water Board Water Quality Fee Stakeholder group

meeting / webcast. As of now, the cost drivers for stormwater permit fees for next year are down by 3.8%. That is because projected revenue exceeds the approved budget for FY 15-16 for the stormwater program. The next check-in will be after the Governor's "May revise" of his FY 15-16 budget. When asked what the State Water Board would do with the stormwater permits fees if revenues continue to be projected to exceed expenses, Board staff noted one option could be to discount FY 15-16 permit fees as the Board did for the current year's fees.

**Discussion – Collaboration with Regional Water Board (Agenda Item 12).** (Board / Tom Mumley) The Board of Directors and Regional Water Board Assistant Executive Officer Tom Mumley discussed the following items:

- **MRP 1.0** – Discussion focused on communications and differing expectations regarding the accuracy of updates to the Regional Watershed Spreadsheet Model (RWSM). Regional Water Board staff is looking for improved load estimates for use in the POC Loads Report (see Item 5) and SFEI Synthesis Report as well in developing MRP 2.0 based on improved GIS data layers being developed by local agencies. Permittee representatives noted the improvements would be more qualitative making the layers more useful but not necessarily making the RWSM significantly more accurate.
- **MRP 2.0 status and schedule** – A public draft is planned for release by end of April / early May.

**Update / Direction – Committee Reports / BASMAA representatives (Agenda Item 13).** (Committee Chairs) The Board of Directors received committee reports and discussed next steps.

- **Development Committee** (Jill Bicknell) – The Committee met February 3 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Bicknell noted the Committee's continued focus on providing and reviewing information for MRP 2.0.
- **Monitoring / POCs Committee (MPC)** (Arleen Feng) – The Committee met February 4 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Arleen Feng noted the focus of the Committee continues to be identifying approaches to MRP 2.0 language for MRP 1.0 provisions C.8.c Creek Status, C.8.e POC Loads, and C.11/12 POCs – in particular PCBs as they relate to GI and a POC monitoring framework from Regional Water Board staff.
- **Municipal Operations Committee** (Geoff Brosseau) – The Committee has not met since the last Board of Directors meeting. Work is focused on the identification of required tasks and their costs for the Enhanced Mobile Cleaners project.
- **Phase II Committee** (Terri Fashing) – The Committee met February 24 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Fashing highlighted the Committee's primary concerns with the proposed Trash Amendments and possible funding from the North Bay Watershed Association to fund implementation efforts, as well as developments regarding the Program

Effectiveness Assessment Implementation Plan (PEAIP). The Committee expects to bring the PEAIP to the Board of Directors for approval in May or June.

- **Public Information / Participation Committee** (Tim Swillinger) – The Committee met February 25 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Tim Swillinger highlighted developments regarding *Be the Street*, Regional Media Relations and social media, and *Our Water, Our World*.
  - Action: Executive Director Brosseau will send out the new *Our Water, Our World* logo to the Board of Directors.
- **Trash Committee** (Chris Sommers) – The Committee met in January after the Board of Directors – on January 27 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. The Committee did not meet this month, needing instead to hold a MRP 2.0 work group meeting on C.10.
  - Action: Trash Committee Chair Chris Sommers will provide notes from the February 24 work group meeting.

**Information Items.** None.

**Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is scheduled to be held on March 26, 2015, at the offices of EOA, Inc., Oakland, California. Directors will be notified of this meeting via e-mail.

**Adjournment.** The meeting was adjourned at 4:06 p.m.

Terri Fashing



Secretary, BASMAA

Approved: March 26, 2015 ###