



B A S M A A

Board of Directors Regular Meeting

March 26, 2015
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, March 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:

| Officers of the Corporation Present | |
|--|-------------------------------------|
| Matt Fabry | Chair of the Board and Director |
| Jim Scanlin | Vice-Chair and Director |
| Jamison Crosby | Treasurer and Director |
| Terri Fashing - phone | Secretary and Director |
| Directors Present | |
| Lance Barnett | Director |
| Tom Dalziel | Director |
| Adam Olivieri | Director |
| Officers and Directors Absent | |
| Kevin Cullen | Director |
| Pat Gothard | Director |
| Staff Present | |
| Geoff Brosseau | Executive Director |
| Others Present | |
| Beth Baldwin | CCCWP |
| Jill Bicknell | SCVURPPP/EOA, Inc./Dev. Comm. Chair |
| Dan Cloak | Dan Cloak Consulting / CCCWP |
| Arleen Feng - phone | ACCWP / Monitoring/POCs Comm. Chair |
| 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. |

Quorum and Call to Order

Call to Order

With 7 of the 9 Directors present at the time, a quorum was established and Chair Matt Fabry called the meeting to order at 10:12 a.m.

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

- Prop 218 vote – VSFCD is conducting a Prop 218 vote to raise fees. Votes are due 5/5.

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

Approval of Consent Calendar: Board of Directors meeting minutes – February 26, 2015 (Agenda Item 3). (Terri Fashing)

- ☒ Vote: Director Jamison Crosby made a motion that the Board approves the Consent Calendar. Director Adam Olivieri 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:

- Comments on Administrative Draft – Directors planned and discussed the finalization and transmittal of comments to Regional Water Board staff by March 27.
 - Action: Director Olivieri will compile and transmit the comments to Regional Water Board staff on March 27.
- Agenda – Directors discussed potential topics for the April 2 Steering Committee meeting.
 - Action: The Board of Directors will vet the topics with Regional Water Board staff.
- Contracting under EPA WQIF Urban Greening grant – Directors discussed potential consultant procurement and contracting restrictions (e.g. competitive bidding) and how BASMAA policies and procedures might be designed or written to facilitate a fair and equitable selection process that is compliant with grant restrictions.

Actions

Approval – FY 14-15 MRP Annual Report forms (Agenda Item 5). (Jill Bicknell / Chris Sommers) The Board of Directors was asked to approve the FY 14-15 MRP Annual Report forms as final and ready for transmission to the Regional Water Board by April 1. 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 was informed last month that for all but provision C.10 - Trash Load Reduction, the only necessary changes were to update the dates. A mark-up of the FY 13-14 version for FY 14-15 was provided at the February 26 Board of Directors for vetting with the MRP Programs. That same version with C.10 included was provided on March 13 for further vetting with the MRP Programs.

Subsequently, the C.10 form has been further reviewed and revised based on discussions with permittees and with Regional Water Board staff. The C.10 draft form continues to be in review, and is not expected to be ready to be submitted with the rest of the FY 14-15 Annual Report

forms by April 1. The C.10 form is expected to be ready soon thereafter for Board of Directors approval and submission to the Regional Water Board.

- ☑ Vote: Director Tom Dalziel made a motion that the Board approves the FY 14-15 MRP Annual Report forms (except for provision C.10) as final and ready for transmission to the Regional Water Board by April 1. Director Jim Scanlin seconded the motion and the Board approved it unanimously.
- Action: Executive Director Geoff Brosseau will transmit the FY 14-15 MRP Annual Report Format to Regional Water Board staff by April 1.
- Action: A special meeting will be held to review and revise the C.10 portion of the form as needed, with a plan to vet, approve, and submit the C.10 portion to Regional Water Board by May 1.

Approval – Funding: CW4CB Project Report (Agenda Item 6). (Geoff Brosseau) The Board of Directors was asked to approve the final piece of funding for the CW4CB Project Report. The scope of work for developing the Clean Watersheds for a Clean Bay (CW4CB) Project Report was budgeted at about \$142,500. The proposed funding plan includes \$10,000 of the \$142,500 funded by SCVURPPP directly to EOA, Inc. under a separate contract. The remaining \$132,500 was proposed to be funded as follows:

| | |
|-----------|---|
| \$80,500 | – ACCWP |
| \$10,000 | – VSFCD |
| \$42,000 | – BASMAA project funded by MRP Programs |
| \$132,500 | – Total |

At the February Board of Directors meeting, the Board was asked to approve: 1) the funding for the CW4CB Project Report and 2) two agreements to develop the Project Report. The Board approved the scope, budget, and funding plan for the first \$90,500 (ACCWP and VSFCD contributions) of the \$142,500 budget, and authorized agreements with two firms, subject to the amount of funding available. Also, Executive Director Brosseau was to agendize the proposal to fund the additional \$42,000 for the March Board of Directors meeting, provide the Directors with options for allocating the additional \$42,000, including the default population-based formula and a re-balanced-based option, and provide the project timeline.

In today's meeting, Executive Director Brosseau recommended using the default population-based formula to allocate the final piece of funding. The reasons for not recommending that a re-balance option be considered related to CW4CB projects previously not being counted in the regional accounting. Including a CW4CB project would be a change in the accounting scheme that would affect programs' over or under 'even-steven' position and could have unforeseen unintended consequences. On the other hand, it was noted MRP programs' 2015-16 budgets did not account for this project so allocations on a population-based contribution basis would likely not work for all MRP programs. It was also noted the project would be conducted primarily in FY 15-16 so a significant portion of the funding would not need to be provided until after July 1.

- Action: Executive Director Brosseau will research using a re-balanced based option, including the potential allocations, and bring that information back to the Board of Directors as one of the options for allocating the final \$42,000 portion of the project budget.

Reports

Update – Finance Committee (Agenda Item 7). (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. The BASMAA Finance Committee met a fourth time this fiscal year on March 17, 2015. 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.

The Committee is looking for some direction from the Board of Directors on when to schedule the FY 14-15 audit and tax return filing. The tax return would be due on the 15th of the fifth month after the end of the fiscal year (November 15) unless an extension is requested. The audit is due nine months after the end of the fiscal year – or end of March 2016. The argument for extending the tax return filing deadline is that November 15 comes at the end of a busy time of the year – coinciding with annual reporting, conferences, and potentially MRP 2.0 commenting and adoption; and compiling, organizing, reviewing, and providing information for the single audit (required because of the annual spending level under the federal grant) is time-consuming. Proactively extending the deadline could time the exercise for a less busy time of the year (late in calendar year/early next year), allow more time for information gathering, including allowing information to be gathered through the end of the federal fiscal year (September 30) at the same time as through the municipal fiscal year (June 30), allow BASMAA's accounting firm to provide a 10% discount of their fees, and apparently, statistically reducing the odds of an IRS review.

☑ Vote: Director Crosby made a motion that the Board approves submitting an extension for filing the FY 14-15 tax return. Director Dalziel seconded the motion and the Board approved it unanimously.

➤ Action: Executive Director Brosseau will ask BASMAA's audit firm to 1) file a tax return filing extension for FY 14-15 and 2) schedule the FY 14-15 audit for late in calendar 2015.

Subsequent to the last Board of Directors meeting, BASMAA received a positive reply from the IRS to BASMAA's request to waive any fines or penalties related to the late filing of the FY 12-13 tax return because of extenuating circumstances related to its previous audit / tax preparation firm. The IRS stated: "we assess no daily delinquency penalty for the late filing of the return." BASMAA's FY 13-14 return was filed timely.

Update – Statewide and National Items (Agenda Item 8). (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 occurred today, March 26, 2015 (was scheduled for end of January). The State Water Board adoption hearing is scheduled for April 7; which will be followed by a review by OAL within 20 days of adoption; and then onto EPA.

CASQA has been in communication with municipal stormwater permittees around the state and compiling their significant comments. CASQA representatives will be meeting with

State Water Board staff on March 30, before the hearing, to convey key issues and recommended changes. BASMAA's remaining issues are included in these efforts.

- 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:
 - AB-1362 – Introduced by Assemblyman Rich Gordon is an omnibus bill amendment that 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.” Gordon represents northern Santa Clara / southern San Mateo and is seen as an ideal author having been a local elected official and currently chair of the Assembly Rules Committee.
 - 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.
- Action: Executive Director Brosseau will provide a template letter of support as soon as it is available from the coalition for use by BASMAA and its members.

Discussion – Collaboration with Regional Water Board (Agenda Item 9). (Board / Tom Mumley) The Board of Directors and Regional Water Board Assistant Executive Officer Tom Mumley discussed the following items:

- State of the Estuary Conference (September 17-18) topics
- Non-point sources of trash – As follow-up to its February workshop on the subject, the Regional Water Board is expected to pass a resolution regarding non-point sources in its May meeting.
- MRP 2.0 – EPA comments on Administrative Draft of MRP 2.0. A public draft is planned for release by end of April / early May.

Update / Direction – Committee Reports / BASMAA representatives (Agenda Item 10). (Committee Chairs) The Board of Directors received committee reports and discussed next steps.

- **Development Committee** (Jill Bicknell) – The Committee met March 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 March 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 March 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 well as its development of a framework for permittees to use to develop their Program Effectiveness Assessment and Improvement Plans (PEAIPs). The Committee expects to bring the PEAIP framework to the Board of Directors for approval in May.
- **Public Information / Participation Committee** (Geoff Brosseau for Tim Swillinger) – The Committee did not need to meet in March. Work continues on assuming management of the *Be the Street* program elements and a graphics makeover of the *Our Water, Our World* program.
- **Trash Committee** (Chris Sommers) – The Committee met March 24 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting minutes. Committee Chair Chris Sommers highlighted the Committee’s focus on providing comments on the Administrative Draft MRP 2.0. Additionally, trash monitoring is underway both on land to assess BMPs and in receiving waters as part of BASMAA’s Tracking California’s Trash grant. Finally, BASMAA and Caltrans representatives are meeting April 6 to discuss ways to collaborate on trash.

Information Items. None.

Next Meeting of the Board of Directors. The next meeting of the Board of Directors is scheduled to be held on April 23, 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 3:27 p.m.

Terri Fashing



Secretary, BASMAA

Approved: May 28, 2015 ###