



B A S M A A

Board of Directors Regular Meeting

December 5, 2014
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Friday, December 5, 2014 at the offices of EOA, Inc., Oakland, California. This regular meeting was called by Matt Fabry, 2014 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
Tom Dalziel	Vice-Chair and Director
Jamison Crosby	Treasurer and Director
Terri Fashing	Secretary and Director
Directors Present	
Lance Barnett	Director
Pat Gothard - phone	Director
Adam Olivieri	Director
Jim Scanlin	Director
Officers and Directors Absent	
Kevin Cullen	Director
Staff Present	
Geoff Brosseau	Executive Director
Others Present	
Lisa Austin	Geosyntec / CCCWP
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
Napp Fukuda - phone	City of San Jose
Sharon Gosselin – phone	ACCWP
Gary Grimm	Law Offices of Gary Grimm
Jon Konnan	EOA, Inc. / SMCWPPP
Tom Mumley	Regional Water Board AEO
Chris Sommers	Trash Committee Chair / EOA, Inc.

Quorum and Call to Order

Call to Order

With 8 of the 9 Directors present at the time, a quorum was established and Chair Matt Fabry called the meeting to order at 10:16 a.m.

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

Changes to Agenda (Agenda Item 2). (Matt Fabry)

Remove-lack of time: Item 12. Update/Direction – Committee Reports

Remove-lack of time: Item 13. Update – Regional Monitoring Program (RMP)

Approval of Board of Directors meeting minutes – August 4, 2014, October 3, 2014, October 23, 2014, November 14, 2014, and November 21, 2014 (Agenda Item 3). (Terri Fashing)

- ☒ Vote: Director Jamison Crosby made a motion that the Board approves the Consent Calendar. Director Terri Fashing seconded the motion and the Board approved it unanimously.

Executive Session (Agenda Item 4).

The BASMAA Board of Directors and staff discussed the following:

MRP 1.0

- Trash Compliance Review and December 10 Regional Water Board Workshop
- Regional Water Board reaction to BASMAA response to Regional Water Board comments on BASMAA Green Street Pilot Projects Summary Report

MRP 2.0

- Status, state of, and satisfaction with negotiations – Content and Process

Actions

Approval – BASMAA support for cigarette butt legislation (Agenda Item 5). (Matt Fabry)

The Board of Directors was asked to express its support for AB-48 Cigarettes: single-use filters (Stone). Last month (November 21, 2014), the Board of Directors was asked to approve support for cigarette butt legislation planned for re-introduction in the California State Legislature.

BASMAA supported a similar bill (AB 1504) in the last legislative session that would have banned the sale of filtered cigarettes in California. The new bill was to be introduced on December 1st and staff from the bill's author Assemblymember Mark Stone (Monterey Bay) was also requesting a quote from BASMAA for a press release on the reintroduction. The Directors present for the November 21 special meeting decided with the late addition of the item to that day's agenda, the limited number of Directors present for a vote, and the relatively high profile that would come with being quoted in the press release, it would be prudent to postpone consideration of this item until the next Board of Directors meeting.

The new bill is identical to the previous language with an added component related to enforcement of the law at the local level in order to address black market concerns. A question was asked as to whether another option for dealing with cigarette butts could be imposing a regulatory fee that would provide funding to the locality where the cigarettes were sold.

- 65 ☒ Vote: Director Jim Scanlin made a motion that the Board approves a letter of support for
66 AB-48 Cigarettes: single-use filters (Stone). Director Adam Olivieri seconded the motion
67 and the Board approved it unanimously.
68

69 **Approval – *Tracking California's Trash: Sampling and Analysis Plan (Agenda Item 6).***

70 (Chris Sommers) The Board of Directors was asked to approve the draft final Sampling and
71 Analysis Plan (SAP) for BASMAA's Proposition 84 stormwater grant project: *Tracking*
72 *California's Trash* for submittal to the State Water Board. In 2013, BASMAA was awarded one
73 of the Proposition 84 stormwater grants for its *Tracking California's Trash* project proposal.
74 The project involves developing, evaluating, and recommending monitoring methods for trash in
75 receiving waters / stormwater conveyances as well as for filling critical data gaps on the
76 effectiveness and cost/benefits of select BMPs for trash. The grant agreement includes a
77 requirement to develop a Sampling and Analysis Plan for Monitoring Methods Evaluation for
78 both types of monitoring, and to submit the draft SAP to the State Water Board Grant Manager
79 and the project's Technical Advisory Committee (TAC) for review. BASMAA developed a
80 draft SAP and submitted it to Grant Manager on August 18, 2014 and discussed it at length with
81 the TAC in their first meeting on August 20, 2014. The Grant Manager had a few minor
82 comments, which have been addressed. In the time since then, the project team of Geosyntec, 5
83 Gyres, and EOA has been fine tuning and revising the draft based on more final information on
84 the monitoring sites, logistics, etc. than was available for the draft SAP.
85

86 Director Pat Gothard provided an updated reference regarding traffic control standards, which
87 will be incorporated in the final document.
88

- 89 ☒ Vote: Director Olivieri made a motion that the Board approves for submittal to the State
90 Water Board the Sampling and Analysis Plan for BASMAA's Proposition 84 stormwater
91 grant project: *Tracking California's Trash*. Director Crosby seconded the motion and the
92 Board approved it unanimously.
93

94 **Approval – *Tracking California's Trash: BASMAA-Geosyntec Sub-agreement (\$132,000)***

95 **(Agenda Item 7).** (Geoff Brosseau) The Board of Directors was asked to approve an
96 amendment to an existing sub-agreement for the *Tracking California's Trash* grant project. On
97 February 28, 2014, BASMAA and Geosyntec Consultants entered into a sub-agreement for
98 monitoring and assessment services for BASMAA's Proposition 84 stormwater grant project
99 *Tracking California's Trash*. The scope of the original sub-agreement was two tasks and
100 focused on the production of monitoring and evaluation plans, and had a budget of \$78,000.
101 This proposed Amendment #1 would add four tasks and \$132,000 in new budget for a total
102 budget of \$210,000, and is focused on support for field monitoring operations. The budget is
103 fully reimbursable by the Prop. 84 grant, which has a total budget of \$870,000. With approval of
104 the subject addendum, approximately \$610,000 of the grant funds will have been encumbered in
105 sub-agreements.
106

- 107 ☒ Vote: Director Olivieri made a motion that the Board approves Amendment #1 *Tracking*
108 *California's Trash: BASMAA-Geosyntec sub-agreement (\$132,000)*. Director Matt Fabry
109 seconded the motion and the Board approved it unanimously.
110

Approval – FY 14-15 Unrestricted and Restricted Budgets (Agenda Item 8). (Geoff Brosseau) The Board of Directors was asked to approve restricted and unrestricted budgets for FY 14-15.

Unrestricted Budget

The unrestricted budget is essentially the annual budget funded by BASMAA membership dues and contributions related to expenditures, projects, and programs funded by membership dues. The Board of Directors was briefed on and discussed the draft unrestricted budget for FY 14-15.

- Revenues – No dues increase was proposed—dues would be the same since FY 2010-11. Dues are supplemented by contributions and grants for specific projects to which BASMAA is contributing resources.
- Expenditures – Expenditures are primarily for association management plus a few “BASMAA-wide” projects. Expenditure levels were proposed as similar to previous years with the exception of audit / tax preparation fees, which have increased because of single audit requirements prompted by the Clean Watersheds for a Clean Bay grant. Directors did express some uncertainty about continuing support for the Regional Media Relations budget over concerns the project concept may be outdated in the new age of social media. It was noted the project contractor, O’Rorke, as well as the project oversight work group, and the Public Information/Participation Committee had recognized this trend and had taken steps in the current year work plan to add more social media-based tasks (see August 27, 2014 PI/P Committee meeting summary).
- Action: Executive Director Geoff Brosseau will work with the Public Information / Participation Committee to revisit the scope of the Regional Media Relations project in preparing the FY 15-16 budget.
- ☑ Vote: Director Fashing made a motion that the Board approves the unrestricted budget as proposed for FY 14-15. Director Scanlin seconded the motion and the Board approved it unanimously.

Executive Director / Association Management contract

The following priorities were proposed for the rest of FY 2014-15:

- Implement responses to FY 2012-13 and FY 2013-14 audits management comments
- Optimize Executive Director / Association management budget by further sub-contracting administrative tasks, including contract / grant management and basic project management
- Complete website overhaul
- Action: Executive Director Brosseau will send out the proposed priorities for the rest of FY 2014-15 and for FY 2015-16 to the Board of Directors for comment.

Restricted Budget

The restricted budget is based on contributions made for specific projects and programs beyond those funded by the unrestricted budget. The proposed restricted budget (below) was presented to the Board of Directors. Budgets for five of the eight projects were approved and encumbered

in prior fiscal years and were carried over into FY 14-15 to the extent the budgets were not fully spent prior to FY 14-15. Profiles for other three projects were also provided.

Project	Budget	Status
Modeling Support for LID White Paper	\$4,438	Approved-Revised
LID White Paper	\$45,578	Approved-Encumbered
Enhanced Mobile Cleaners	\$46,200	Approved-Encumbered*
Regional Outreach Campaign – <i>Be the Street</i> ™	\$10,000	Approved-Encumbered**
Creek Status Monitoring Coordination (RMC 3c)	\$14,000	Approved-Encumbered^
SOPs/QAPs-POC Loads Monitoring (RMC 5b)	\$10,000	Approved-Revised
Lab Analyses / Data Management, QA, and Reporting-POC Loads Monitoring (RMC 5e-B)	\$100,000	Approved-Encumbered^
Pesticides Regulatory Efforts - True Source Control for Pesticides in Urban Waterways	\$32,000	Proposed
FY 14-15 Total	\$262,216	

* Partially encumbered ** Fully expended ^ Partially expended

Directors discussed some of the projects and budgets.

- Enhanced Mobile Cleaners – Directors expressed concern over the slow pace of the project and noted the extent to which they could use the project’s deliverables, including that several programs have developed BMPs, and it is important that regional BMPs do not conflict with local BMPs. Given the reduced need for the project and need to save money whenever possible, Directors asked for a scope and budget review.
 - Action: Executive Director Brosseau will review the project budget and revise it as necessary to reflect the latest information on needs and costs, and bring that information back to the Board of Directors.
- Pesticides Regulatory Efforts - True Source Control for Pesticides in Urban Waterways – This expenditure is a contribution to CASQA to conduct the project on BASMAA’s behalf as well as other stormwater agencies in the state affected by pesticides. Directors recognized the importance and apparent increasing success of the project but also continued to express concerns that other affected agencies throughout the State (regardless of whether a TMDL exists) are not providing funding. Some Directors also continued to express concern about the open-endedness of the project. It was noted CASQA has expressed a similar concern to the project oversight group – its Pesticides Subcommittee and the Subcommittee has responded with a longer-term plan for achieving the project goals and winding down the effort to a low-level maintenance mode within the next few years depending on how the regulatory agencies respond.
 - Action: As requested by MCSTOPP staff, Executive Director Brosseau will include MCSTOPPP as a funder in the formula for this project.
 - Action: Executive Director Brosseau will express BASMAA’s strong encouragement to CASQA to increase their efforts to expand the pool of funders for the pesticides work and to provide a clear plan and timeframe to wind down the overall project.

- 192 ☒ Vote: Director Scanlin made a motion that the Board approves the restricted budget as
193 presented for the remainder of FY 14-15. Director Fashing seconded the motion and the
194 Board approved it unanimously.
195

- 196 • Rebalancing – The six MRP programs recognized at the beginning of the MRP they would
197 be conducting a number of regional projects over the 5-year permit term and as always,
198 wanted to ensure each program funded it fair share of regional projects. An accounting of
199 the restricted projects is kept on a large Excel spreadsheet that now covers multiple years
200 and 50+ projects across the member agencies. The purpose of the spreadsheet is to keep
201 track of proportional shares and pledges/contributions committed with the goal at some end
202 point in time of the member agencies' proportional contributions across all projects
203 essentially being 'even-steven' with each other. As the time period is closing over which
204 that state is to be achieved, the MRP programs are looking to reduce the current deviations
205 from the even-steven state. In the November 21, 2014 special Board of Directors
206 teleconference meeting, MRP program managers and others discussed "what if" scenarios
207 of actions that could be taken by BASMAA and/or MRP programs to reconcile current
208 over- or under-contributions of resources of each MRP program to the regional projects in
209 the large regional accounting spreadsheet such that the even-steven state was achieved.
210

211 Based on those discussions, another version of the large regional accounting spreadsheet
212 was created where the allocation of costs for FY 14-15 projects across the six MRP
213 programs was "re-balanced" to shift allocations to programs that were under-contributed.
214 The resulting numbers were illustrative only. If the MRP programs agreed to this approach
215 to moving closer to an even-steven state, the exercise would be run again to confirm the
216 numbers and fully documented. Running this scenario gave a sense of what level of parity
217 could be achieved by working with the allocations of 'existing' projects as opposed to new
218 projects. The test re-balancing scenario reduced the range between the largest under-
219 contribution to the largest over-contribution from \$257,999 to \$104,143, and overall
220 brought the programs' over / (under) values closer to \$0. Directors discussed several ways
221 to conduct the re-balancing, including shifting the allocation of an entire project's budget to
222 the program most over / under \$0 for one project after another in series (how test was
223 conducted) or shifting an allocation of a project's budget equal to a program's over / under
224 amount.
225

226 Directors discussed and asked clarifying questions regarding the re-balancing concept and
227 process, and generally agreed it seemed like a viable way to reach an even-steven state
228 more quickly than using a number of new projects to do so.
229

- 230 ☒ Vote: Director Scanlin made a motion that the Board directs the Executive Director to
231 conduct a re-balancing effort and provide the results and documentation of the
232 process to the Board of Directors, and revisit the process near the end of the fiscal
233 year. Director Fashing seconded the motion and the Board approved it unanimously.
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Reports

Update – Association Management (Agenda Item 9). (Geoff Brosseau)

- Audit Committee – The Committee is scheduled to meet December 17 to receive a presentation from BASMAA’s auditing firm on the conduct and results of a combined audit for BASMAA’s fiscal years 2012-13 and 2013-14, and to develop a recommendation for the BASMAA Board of Directors approval of the audits for FY 2012-13 and FY 2013-14.
- Finance Committee – This new BASMAA Committee is scheduled to meet for the first time on December 18.
- Master RFQ: BASMAA Consultants – In development.
- Contributions agreement – In development. Directors discussed the desirability for such an agreement to cover both unrestricted (e.g., membership dues) and restricted contributions, and ways to do that such as creating a generic agreement to cover membership dues with the ability to add restricted contributions as addenda.

Update – Statewide and National Items (Agenda Item 10). (Geoff Brosseau) The Board of Directors received and discussed updates on the following statewide items:

- Receiving water limitations (State Water Board) – The State Water Board is hosting a Workshop on December 16 in Los Angeles on its draft Order in response to the petitions to the Los Angeles MS4 permit. The petition process is being used as the process by which to address the receiving water limitations language in MS4 permits. Written comments are due January 21. The Board of Directors agreed BASMAA would not send comments, and instead would participate in development of CASQA’s comments.
- Trash Amendments (State Water Board) – State Water Board executive management has promised the draft Amendment and Staff Report will be released by end of the month/year.
- Proposition 218 constitutional amendment legislation – An informal coalition of environmental groups, government and business associations, and agencies is continuing to explore sponsoring legislation to clarify Proposition 218 regarding stormwater and likely flood management. Executive Director Brosseau has been participating in the coalition on behalf of CASQA.
- Revisions to the November 22, 2002 Memorandum "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs" – EPA released another memo on this topic on November 26, 2014 (the previous memo was released November 12, 2010). The 2014 memo updates the information in the 2002 memo and completely replaces the 2010 memo.

Discussion – Collaboration with Regional Water Board (Agenda Item 11). (Board / Tom Mumley) The Board of Directors and Regional Water Board AEO Mumley discussed the following item:

- MRP 1.0: C.10-Trash provision implementation – AEO Mumley discussed the Trash Compliance Review and December 10 Regional Water Board Workshop.
- MRP 2.0 status and schedule – AEO Mumley provided a status of permit language development by his staff.

283

284 **Information Items.** None.

285

286 **Next Meeting of the Board of Directors.** The next meeting of the Board of Directors is
287 scheduled to be held on January 22, 2015, at the offices of EOA, Inc., Oakland, California.
288 Directors will be notified of this meeting via e-mail.

289

290 **Adjournment.** The meeting was adjourned at 3:17 p.m.

291

292 Terri Fashing



293

294 Secretary, BASMAA

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296 Approved: January 22, 2015 ###