



B A S M A A

Board of Directors Regular Meeting

October 23, 2014
Meeting Minutes

A regular meeting of the Board of Directors of the Bay Area Stormwater Management Agencies Association was held Thursday, October 23, 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
Kevin Cullen	Director
Adam Olivieri	Director
Jim Scanlin	Director
Officers and Directors Absent	
Pat Gothard	Director
Staff Present	
Geoff Brosseau	Executive Director
Others Present	
Lisa Austin	Geosyntec / CCCWP
Jill Bicknell	SCVURPPP/EOA, Inc./Dev. Comm. Chair
Dan Cloak	Dan Cloak Consulting / CCCWP
Arleen Feng - phone	ACCWP / Monitoring/POCs Comm. Chair
Keith Lichten	Regional Water Board Supervisor
Lucile Paquette	CCCWP
Peter Schultze-Allen	EOA, Inc.
Chris Sommers	Trash Committee Chair / EOA, Inc.
Tim Swillinger - phone	PI/P Committee Chair

Quorum and Call to Order

Call to Order

With 5 of the 9 Directors present at the time, a quorum was established and Chair Matt Fabry called the meeting to order at 9:40 a.m.

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

- [Rebate program](#) – SMCWPPPP, in partnership with BAWSCA and participating member agencies are offering rebates of up to \$100 per rain barrel for the purchase and installation of qualifying rain barrels. (Matt Fabry)

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

Approval of Board of Directors meeting minutes – September 25, 2014 (Agenda Item 3).
(Terri Fashing)

- ☒ Vote: Director Kevin Cullen 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:

Action

Acceptance – FY 12-13 Audit and Management Comments (Agenda Item 4A). (Geoff Brosseau) The Board of Directors was asked to accept the audit of the FY 12-13 financial statements and management comments. BASMAA hires an outside firm to audit its accounting files and financial statements. After a sub-standard performance by the previous firm on the FY 11-12 audit and tax return, BASMAA conducted a lengthy search before identifying the firm of Robert Lee & Associates (RLA) to conduct an audit of BASMAA's fiscal year 2012-13, which included for the first time for BASMAA, a much more comprehensive "A-133" or single audit. The audit and management comments in response to RLA's review of BASMAA's internal controls were ready for acceptance by BASMAA. The BASMAA Audit Committee met October 3 and voted unanimously to recommend approval of the BASMAA FY 12-13 audit and tax returns to the Board of Directors.

In a special meeting conducted electronically earlier this month, the Board of Directors approved the FY 12-13 tax returns (see October 3, 2014 minutes) and the FY 12-13 tax returns were filed October 10, 2014. Subsequent to the tax returns filing, RLA discovered information provided by BASMAA was not included by RLA, which may require an adjustment to recognize the additional information.

- ☒ Vote: Director Olivieri made a motion that the Board approves the FY 12-13 Audit and Management Comments, conditioned upon any additional information not affecting the FY 12-13 Management Comments and being possible to address via an adjustment. Director Tom Dalziel seconded the motion and the Board approved it unanimously.
- Action: Executive Director Geoff Brosseau will: 1) check with RLA regarding the time coverage status of the conflict of interest forms signed earlier this year, 2) check with RLA regarding combining the recommended new Compliance Committee with the Finance Committee, and 3) work with the Finance Committee Chair Jamison Crosby to set up a schedule of regular meetings of the Finance Committee and reports to the Board of Directors.

Reports

Update – Audit Committee (Agenda Item 4B). (Geoff Brosseau) The Board of Directors received an update on the FY 13-14 audit and tax returns, as well as on reporting accounting and procurement information to EPA for federal fiscal year (FFY) 13-14 regarding the *Clean Watersheds for a Clean Bay* grant, all of which were on schedule.

Discussion – Submission of language for MRP 2.0 to Regional Water Board (Agenda Item 4C). (Geoff Brosseau) The Board of Directors discussed issues regarding submitting language, including whether to do so; language review; consensus and decision-making; and timing of any submittal.

Discussion – Regional Water Board letter regarding Mercury & PCB TMDL Risk Management Activities - Permittee Responsibilities (MRP 2.0) (Agenda Item 4D). (Geoff Brosseau) The Board of Directors discussed the content of and how to develop a response by the November 21, 2014 date suggested by the Regional Water Board staff in their October 2, 2014 letter to BASMAA, BACWA, and WSPA.

Discussion – Prep for MRP 2.0 November 6 Steering Committee meeting (Agenda Item 4E). (Geoff Brosseau) The Board of Directors discussed potential topics for the next Steering Committee meeting and continued the discussion with Regional Water Board staff later in this meeting (see Agenda Item 11).

Actions

Approval – BASMAA-Geosyntec CW4CB Agreement: WinSLAMM Modeling (\$123,093) (Agenda Item 5). (Geoff Brosseau) The Board of Directors was asked to approve an agreement with Geosyntec for WinSLAMM modeling as part of the CW4CB grant project. In the first phase of this project, Geosyntec and California State University Office of Water Programs prepared a study design for the integrated monitoring and modeling pilot study of enhanced street sweeping as part of CW4CB Task 4. The objective of this scope of work is to conduct the second phase of the integrated study. In this phase, WinSLAMM will be calibrated using the pilot study data and then applied to evaluate the effectiveness of various sweeping enhancements on load reductions for pollutants of concern.

Funding for the proposed agreement would be as follows:

\$93,895	EPA
\$14,599	CCCWP via invoice
<u>\$14,599</u>	SCVURPPP via agreement between EOA (on SCVURPPP behalf) and BASMAA ¹
\$123,093	Total

The funding would provide the following task budgets for the following consultants:

\$93,895	Task 1	Geosyntec (funded by EPA)
\$29,198	Task 2	USGS (funded by CCCWP and SCVURPPP)

¹ See Agenda Item 6.

- 113 ☒ Vote: Director Cullen made a motion that the Board approves the agreement with
114 Geosyntec for WinSLAMM modeling. Director Jim Scanlin seconded the motion and the
115 Board approved it unanimously.
116

117 **Approval – EOA-BASMAA CW4CB Agreement: WinSLAMM Modeling (\$14,599)**
118 **(Agenda Item 6).** (Geoff Brosseau) The Board of Directors was asked to approve an agreement
119 with EOA on behalf of SCVURPPP to fund the WinSLAMM modeling project. As noted in
120 Agenda Item 5, SCVURPPP proposed to make its contribution to the project by setting up an
121 agreement with BASMAA for its \$14,599 contribution. Its contribution and that of CCCWP
122 would fund Task 2 in the scope of work (see Agenda Item 5).
123

124 BASMAA’s Consultant Selection and Contracting policy and procedure requires “contracts,
125 addenda, or work orders for which changes in the standard language are requested by the
126 consultant are brought back to the Board of Directors for review and approval”. “changes in the
127 standard language” references the standard language of a BASMAA boilerplate agreement. In
128 keeping with the intent of that policy, the proposed EOA boilerplate-based agreement was
129 brought to the Board of Directors for review and consideration of approval.
130

131 Directors discussed the need for and advantages and disadvantages of the request for such a
132 mechanism to make a contribution to BASMAA versus other options (e.g., invoice, purchase
133 order/invoice, MOU). The need for more than an invoice varied by member agency but the
134 Directors generally agreed that if more than an invoice was necessary for some member agencies
135 it would be preferable to have a standard mechanism for use by all members versus a range of
136 mechanisms or a customized mechanism for each member.
137

- 138 ☒ Vote: Director Dalziel made a motion that the Board approves an agreement with EOA on
139 behalf of SCVURPPP to fund the WinSLAMM modeling project conditioned upon the
140 agreement being based on a BASMAA boilerplate with no significant deviations from that
141 boilerplate, and if significant deviations were proposed, the draft agreement be brought
142 back to the Board of Directors for review and approval in accordance with BASMAA
143 policy and procedures. Director Cullen seconded the motion and the Board approved it
144 with Director Olivieri abstaining.
145

- 146 ➤ Action: Executive Director Brosseau will develop as simple a mechanism as possible for all
147 member agencies to make contributions to BASMAA for the Board of Directors
148 consideration.
149

150 **Approval – FY 14-15 Unrestricted Budget (Agenda Item 7).** (Geoff Brosseau) As discussed in
151 Executive Session, because of a focus on completing the FY 13-14 single audit and tax return,
152 and federal FY reports to EPA regarding the Clean Watersheds for a Clean Bay grant project,
153 information for development of the FY 14-15 unrestricted budget was incomplete and so that
154 budget was not available for the Board of Directors’ consideration.
155

- 156 ➤ Action: Executive Director Brosseau will send out the most recent regional accounting
157 spreadsheet of regional projects.
158 ➤ Action: Executive Director Brosseau will include with the unrestricted budget priorities for
159 his Executive Director / Association Management contract.

Reports

Update – Master RFQ: BASMAA Consultants (Agenda Item 8). (Geoff Brosseau) The Board of Directors received an update on BASMAA’s plan to issue a master request for qualifications for a range of consultant services. The purpose of the master RFQ would be to produce a list of pre-qualified consultants from which BASMAA could select firms to conduct projects. Having a qualification process and list of pre-qualified consultants would help:

- ensure as equal an opportunity and as fair a consultant identification process as possible,
- ensure BASMAA is aware of and has access to as many qualified consultants as possible,
- ensure BASMAA is aware of and has access to a wide a range of qualified consultants,
- promote a fair consultant selection process, and
- expedite selecting consultants to conduct projects.

BASMAA has issued RFQs / requests for proposals (RFPs) – most recently for the Clean Watersheds for a Clean Bay and Regional Outreach Campaign Strategic Plan projects. So relevant portions of those documents will be used to create this master RFQ. The RFQ will be used not only to identify qualifications but demonstrated experience and where possible, understanding of how to approach different categories of projects.

Update – RMP Fee Memo: Projected RMP Expenses and Fees for 2016-2023 (Agenda Item 9). (Adam Olivieri) The Board of Directors received an update on the RMP Steering Committee’s consideration of projected RMP expenses and fees in the period 2016 - 2023. SFEI staff and RMP funders are discussing annual increase scenarios of 2%, 3%, 4%, and ‘break-even’ (3.4%). Directors agreed 4% was not possible, and that going above 2% (which is BASMAA’s maximum increase in its dues) would be difficult. Directors reiterated BASMAA’s call for pursuing and exhausting efficiencies and reductions.

- Action: Director Olivieri will convey these interests at the next RMP Steering Committee meeting on November 13.

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

- Waters of the US Proposed Rule (EPA) – US Army Corps and USEPA proposed the rule on April 21, 2014. The comment deadline was originally July 1, postponed to July 21, then to October 20, and finally to November 14, 2014. CASQA developed a comment letter, which is undergoing final review now. The final draft CASQA letter should be available by October 30.
- Unfunded Mandate Test Claim: Los Angeles (California Supreme Court) – Los Angeles County submitted its reply brief to the State’s response brief on October 21. CASQA is developing an *amicus curiae* brief, which now appears to be due about November 20.
- Receiving water limitations (State Water Board) – The State Water Board’s response to petitions is expected mid-November.
- Proposition 218 constitutional amendment – An informal coalition of environmental groups

and associations is exploring sponsoring legislation to clarify Proposition 218 regarding stormwater and likely flood management. Executive Director Brosseau has attended two meetings of the group and given there have been four previous failed attempts (ACA-10 (2003), ACA-13 (2005), SCA-12 (2007), SCA-18 (2009)), has asked the group to provide justification for a fifth attempt by giving compelling answers to questions like: Why now? What has changed? What would be different about this attempt? What are the drivers for passage? The passage of AB-2403 seems it could be instructive. Why did AB-2403 pass so easily?

Discussion – Collaboration with Regional Water Board (Agenda Item 11). (Board / Keith Lichten) The Board of Directors and Regional Water Board staff Keith Lichten discussed the following item:

- MRP 2.0 status and schedule – Regional Water Board staff are working on the following schedule:
 - Administrative draft – 1st week of November
 - Steering Committee meeting – November 6. Meeting would focus on green infrastructure (GI).

It was noted the GI discussion might not be ready for a Steering Committee meeting in 2 weeks. Whether it is will be clearer after the next meeting of BASMAA's internal GI work group, which is being scheduled now. [Post-meeting note: scheduled for November 3]

- Action: Development Committee Chair Jill Bicknell will coordinate with Regional Water Board staff Lichten on the schedule and readiness of the GI topic for the November Steering Committee meeting. [Post-meeting note: November Steering Committee meeting cancelled]

Update / Direction – Committee Reports / BASMAA representatives (Agenda Item 12).

(Committee Chairs) The Board of Directors received committee reports and discussed next steps.

- **Development Committee** (Jill Bicknell) – The Committee met September 30 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Bicknell noted that besides the Committee's focus on providing and reviewing information for MRP 2.0 discussions as discussed earlier in this meeting, the Committee has been working on a response to the comment letter from Regional Water Board staff on the Green Streets Pilot Projects Summary Report, as well as the LID White Paper.
- **Monitoring / POCs Committee (MPC)** (Arleen Feng) – The Committee met October 1 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Arleen Feng noted the focus of 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 did not meet this month. Work is focused on review of BMPs for the Enhanced Mobile Cleaner Recognition Program, which has revealed some significant potential differences in the BMPs between stormwater and some wastewater agencies.

- **Phase II Committee** (Terri Fashing) – The Committee has not met yet this month (October 28). Committee Chair Terri Fashing highlighted developments regarding SMARTS / annual reporting, a Program Effectiveness Assessment Implementation Plan (PEAIP), and the new post-construction manual and workshop.
- **Public Information / Participation Committee** (Tim Swillinger) – The Committee met October 21 – see Committee meeting summary for details on items not covered elsewhere in this Board of Directors meeting. Committee Chair Tim Swillinger highlighted developments regarding *Be the Street*, Regional Media Relations and social media, and Our Water, Our World. The *Be the Street* work group is meeting on October 27 to discuss the work group's interest in continuing the project beyond the current maintenance level effort that ends in October. Chair Matt Fabry noted SGA put together some draft C.7 language for MRP 2.0 based on informal conversations between BASMAA and Regional Water Board staff about the design of that section going forward. The language is purely for discussion purposes as an alternative approach to the current C.7 provision language to allow programs more flexibility to adaptively manage and focus their outreach resources.
 - Action: Chair Fabry will provide the draft C.7 language to the MRP Program Managers.
- **Trash Committee** (Chris Sommers) – The Committee has not met yet this month (October 28). BASMAA has arranged a meeting with State Water Board staff and management on November 13 to discuss BASMAA's comments on the proposed statewide trash amendments. The word from the State Water Board has been a possible adoption hearing in mid-December. Committee Chair Chris Sommers briefly reviewed BASMAA's key comments.

Re-scheduling – Next Board of Directors Meeting (Agenda Item 13). (Matt Fabry) In keeping with tradition, the Board of Directors agreed to combine its November 27 (Thanksgiving) and December 25 (Christmas) Board meetings into one meeting on the first Friday in December – December 5, nominally 10:00 – 3:00.

Information Items. None.

Next Meeting of the Board of Directors. The next meeting of the Board of Directors is scheduled to be held on December 5, 2014, at the offices of EOA, Inc., Oakland, California. Directors will be notified of this meeting via e-mail.

Adjournment. The meeting was adjourned at 3:22 p.m.

Terri Fashing



Secretary, BASMAA

Approved: December 5, 2014 ###