

RWSA BOARD OF DIRECTORS
Minutes of Regular Meeting
July 28, 2003

A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was held on Monday, July 28, 2003, at 2:05 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board members present: Mr. William Brent, Mr. Michael Gaffney – Presiding, Mrs. Judith Mueller, Mr. Gary O’Connell and Mr. Robert Tucker.

Authority staff present: Mr. Lonnie Wood, Mr. Robert Wichser, Mr. Norman Wescoat, Ms. Anne Bedarf and Mrs. Mary Knowles.

Also present: Mr. Kurt Krueger – RWSA Attorney, Mr. Stephen Bowler – Watershed Manager for Albemarle County, Mr. John Murphy – Program Manager of StreamWatch, members of the public and media representatives.

1.0 Call To Order

The regular meeting of the RWSA Board of Directors was called to order by Mr. Michael Gaffney on Monday, July 28, 2003 at 2:05 p.m., and a quorum was present.

Mr. Gaffney welcomed the Board members and members of the public who were in attendance at the meeting.

Mr. Gaffney commented that the higher than average rainfall that this community and the Eastern Seaboard continue to receive has not only replenished the water table but has also pushed last year’s water crisis further away from the community’s consciousness. Mr. Gaffney stated that we must continue the task of attending to each milestone set forth on each item of the community water supply plan to ensure that the community has an adequate water supply in the future. He further stated that with the number of governmental agencies, studies and reports required during this process, it might appear that the actual work will never get underway. He added that in the construction business, he tells his customers that once the difficult phase of getting contracts signed and obtaining permits is finished, the actual construction is the easy and fun part. Mr. Gaffney also stated that although we have a long way to go before that point is reached in the community water supply plan, progress is being made.

Mr. Gaffney stated that the community water supply plan involves more complex procedures, such as the procurement process. He further stated that since it was determined in June 2003 that O’Brien & Gere could not continue the work on the community water supply plan under the scope of the original emergency procurement resolution, the law mandated that RWSA seek competitive proposals for professional services related to the

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1.0 Call to Order Cont.

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Phase II work. Mr. Gaffney reported that the Request for Proposal for the Phase II work has been sent out, and RWSA expects to receive the contractors' proposals by early September.

Mr. Gaffney also noted that this past weekend the Virginia Water Monitoring Council presented Outstanding Citizen Activist awards at an event held at the University of Virginia. He further stated that Mr. Larry Tropea was honored for his progressive system-oriented approach to water resource protection in the Charlottesville area, as well as for his diligent responses to citizen suggestions for new policy. Mr. Gaffney added that RWSA would continue those efforts.

2.0 Minutes Of Previous Board Meeting

Mr. Wood noted two corrections to the July 3, 2003 minutes. He stated that on page 3, Item 5b), second line, "Black & Veatch was awarded the original RFP" should read "Black & Veatch was awarded the original contract." He also stated that on page 4, third line, "RWSA is recommending that" should read "the panel is recommending that."

Upon a motion by Mr. O'Connell, and seconded by Mr. Tucker, the Board of Directors by a 5 – 0 vote approved the minutes of the regular Board meeting held on Thursday, July 3, 2003, as corrected.

3.0. Items From The Public

There were no items from the public.

4.0 Consent Agenda

Mr. Gaffney asked if there were any other items that the Board members would like to pull for questions or further discussion from the Consent Agenda.

- 4a) Staff Report on Finance
- 4b) Staff Report on Operations
- 4c) Staff Report on On-going Projects
- 4d) Community Water Supply Request for Proposal Update

Mr. Wood noted two corrections to **Item 4d), Community Water Supply Request for Proposal Update**. He stated that the September 8, 2003 timeline for "Interview with top firms" should be changed to September 4 and/or 5, 2003. He also stated that the "Award Contract" date of September 22, 2003 should be changed to September 12, 2003.

Upon a motion by Mr. Tucker, and seconded by Mr. Brent, the Board of Directors by a 5 – 0 vote approved Items 4a), b), c), and d) of the Consent Agenda.

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5.0 Other Business

In regards to **Item 5a1), Approved Minutes of April 23, 2003 Citizens Advisory Committee Meeting**, no Board action was required.

In regards to **Item 5b), Update – Executive Director Search**, Mr. Wood reported that the Request for Proposal went out in mid-June and RWSA received nine proposals. He stated that he has not had an opportunity to review all of the proposals and asked that one of the Board members serving on the Executive Search committee to provide an update.

Mrs. Mueller stated that the committee would be meeting later this week to make a final selection. She further stated that after the selection has been made, the name would then be provided to Mr. Wood so that RWSA can enter into a contract with the selected firm.

In regards to **Item 5c), Contract Pre-Approval – Stillhouse Tank Painting**, Mr. Wood reported that the Request for Bid was issued on July 6, 2003. He stated that the deadline for submission of bids is August 5, 2003, at which time the lowest bidder would be known. Mr. Wood added that after review by technical staff, RWSA would like to award the contract as soon as possible. He further stated that RWSA is requesting that the Board pre-approve the contract award for the Stillhouse Mountain Tank painting project in an amount not to exceed ten percent of the remaining budget of \$240,000.

Mr. Brent stated that this project had been deferred for at least one year, and it is urgent that RWSA proceed now so that the tank can be painted and put back in service before cooler weather is in place.

Upon a motion by Mr. Brent, and seconded by Mrs. Mueller, the Board of Directors voted to authorize the Interim Executive Director to enter into a contract for the Stillhouse Mountain Tank painting project with the lowest responsive bidder in an amount not to exceed \$264,000. By a 5 – 0 vote, the motion was approved.

6.0 Other Items From Board/Staff Not On Agenda

STREAMWATCH FUNDING: Mr. Wood reported that RWSA became a partner of StreamWatch in March 2003. He stated that Mr. John Murphy, Program Manager of StreamWatch, was in attendance at today's meeting and asked that Mr. Murphy come forward at this time to address the Board on a funding request.

Mr. Murphy distributed a handout (attachment) and apologized for the short timeframe that the Board had to review the material that was submitted to them in advance of today's funding request. Mr. Murphy stated that he hoped he would be able to clarify any questions they might have, but he invited the Board to postpone its decision until the next meeting if further clarification was needed.

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6.0 Other Items From Board/Staff Not On Agenda Cont. July 28, 2003

Mr. Murphy stated that StreamWatch is requesting support for its general operating budget for a 14-month period beginning November 1, 2003. He further stated that the spirit in which the request was being made, and the spirit in which he hoped his request would be granted, was one of collaboration. He added that StreamWatch is requesting that RWSA support its core program of stream monitoring throughout the Rivanna basin. Mr. Murphy elaborated that its program, which crosses jurisdictional boundaries and which serves agencies and organizations with diverse missions, can only be sustained through a collaborative partnership. He acknowledged that RWSA's contribution needed to generate a product that justified the expense and stated that the request was being framed in terms of the scope of work that specifically benefited RWSA.

Mr. Murphy reported that StreamWatch's core program is benthic macroinvertebrate monitoring at 25 sites throughout the watershed. He commented that 8 of those sites are within the source water watershed. He stated that he conducted the monitoring with assistance from volunteers, which is scientifically validated by Virginia Tech. He further stated that the organization felt that the health of the benthic community at the monitored sites reflected the overall stream health, particularly water quality. Mr. Murphy added that other activities conducted by StreamWatch include turbidity monitoring and physical assessments.

Mr. Murphy stated that Albemarle County, The Nature Conservancy, Rivanna Conservation Society, Rivanna Water & Sewer Authority, Thomas Jefferson Planning District Commission, and Thomas Jefferson Soil and Water Conservation District are partners with StreamWatch. He further stated that each partner has one voting member on its steering committee. He also stated that the Steering Committee has developed a document, which suggests that decisions be made by consensus. Mr. Murphy commented that if necessary, a two-thirds vote is required to pass any substantive measure. He added that partnerships are difficult to forge and sustain, but he felt that this one had a lot of potential because StreamWatch's activity is restricted to science-based ecological monitoring, assessment and reporting.

Mr. Murphy stated that StreamWatch is requesting \$10,000 from RWSA to support its general operating budget. He further stated that this appropriation does not constitute a new budget item for RWSA, as the money would be drawn from the existing already-approved \$10,000 item labeled "Watershed Management." He also stated that the scope of work associated with StreamWatch's request include:

- 24 benthic sampling events within the source water watershed – 8 sites, 3 times per year.
- 12 turbidity samples within the source water watershed – 4 streams, 3 times per year.
- 2 physical assessments within the source water watershed.

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6.0 Other Items From Board/Staff Not On Agenda Cont.

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- Annual report – color-coded characterizations of stream health at 25 sites, including analysis and discussion of the health of the source water watershed relative to the

entire watershed.

- RWSA will be credited as a major supporter of report's production.

Mr. Murphy noted that the RWSA Citizens Advisory Committee recommends the support of citizen monitoring by RWSA.

Mr. Murphy also noted that StreamWatch is on a 14-month budget cycle in order to normalize their fiscal schedule. He reported that StreamWatch has roughly a \$36,000 budget for the period beginning November 1, 2003 through December 31, 2004. Mr. Murphy added that the requested \$10,000 is about 28 percent of the total budget. He commented that he felt the expense was justified as 8 of the 25 monitoring sites are within the source water watershed, which comprises about 32 percent of the sites.

Mr. Murphy concluded by stating that in addition to the specific benefits that RWSA would gain by this requested expenditure, he hoped the Board would consider the valuable public service that RWSA would be providing to the entire community.

Mr. Tucker stated that it appeared nine of the monitoring sites were located in Fluvanna County, and he inquired if StreamWatch had approached the County for any funding. Mr. Murphy stated that no formal request has been made, but contacts are being made to place StreamWatch in a better position to make a future funding request. Mr. Tucker also expressed concern with the timing of the request. He commented that he felt the funding issue should have been addressed at the time RWSA became a partner. Mr. Murphy stated that he had not been familiar with RWSA's budgeting process and fiscal schedule when he first appeared before the Board last March. Mr. Tucker recommended that any future funding requests by StreamWatch be made in either December or January in order to be considered for the upcoming fiscal year budget.

Mrs. Mueller asked Mr. Murphy if he had approached the other five partners for a contribution. Mr. Murphy stated that StreamWatch is not in a position at this time to request a financial commitment from each partner. Mr. Murphy added that the organization is evolving to build a framework whereby it can incorporate contributions from different partners in an equitable manner.

Mr. Tucker noted that in Ms. Bedarf's memo to the Board concerning this request, the Rivanna Conservation Society and the Thomas Jefferson Soil & Water Conservation District were mentioned as other possible funding sources. Mr. Murphy clarified that Ms. Bedarf was not referring to those organization as funding sources but as possible fiscal agents for RWSA's \$10,000 contribution.

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6.0 Other Items From Board/Staff Not On Agenda Cont.

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Mrs. Mueller inquired as to the other sources of StreamWatch funding. Mr. Murphy replied that one-half to two-thirds of the \$36,000 budget would be funded through grants. He also stated that StreamWatch has two pending grant applications in the amounts of \$12,000 and \$7,000. Mrs. Mueller then asked if StreamWatch's request for RWSA funding would be

done on an annual basis. Mr. Murphy answered that this would occur until the program matures and financial arrangements within the partnership can be formalized.

In response to a question from Mr. Gaffney, Mr. Wood stated that in the RWSA budget there was a \$10,000 line item for the watershed management program support. He further stated that if the Board approved StreamWatch's funding request, these funds could be used for that purpose. Mr. Wood added that funding is also available due to a savings on the Vulnerability Assessment bid. He commented that RWSA had budgeted \$75,000 for the project, and the contract was awarded for \$68,000.

Mr. Brent inquired if \$10,000 was a reasonable fee for the number of samples being provided by StreamWatch and would it provide RWSA with sufficient information to make sound decisions. Mr. Wichser stated that from a cost standpoint, he felt that \$10,000 was a reasonable fee for conducting the benthic sampling. Mr. Wichser asked Mr. Murphy if there were any other benthic work being done in the area. Mr. Murphy replied that a local DEQ biologist had five benthic monitoring sites in the area, one of which overlapped a StreamWatch site. Mr. Wichser also inquired as to StreamWatch's mission and goal for using the consolidated data. Mr. Murphy stated that an annual report is published, and the information is disseminated to the public and to decision makers.

Mr. Tucker stated that he would be willing to support a \$5,000 donation by RWSA to StreamWatch, which he felt would assist them in obtaining additional funds from the other partners. Mr. Tucker also stated that he felt the funding decision should be an RWSA staff function, possibly utilizing a contractual arrangement through the Watershed Manager's position, versus a Board-approval process.

After further discussion, the Board was in agreement that RWSA staff should make the determination on the amount of StreamWatch funding and that no Board action was needed on this funding request.

BOARD MEETING CHANGE: Mr. Wood stated that due to the number of staff who would be on vacation during the first part of August, RWSA is requesting that the Board consider canceling the August Board meeting. He commented that other than Consent Agenda items, he did not anticipate there would be other business that would require Board action in August. Mr. Wood added that the Board would resume their regular meeting schedule on September 22, 2003.

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6.0 Other Items From Board/Staff Not On Agenda Cont.

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Mr. Wood also proposed that a special RWSA Board of Directors meeting be held on September 12, 2003 at 9:30 a.m. to approve the engineering services contract for the Community Water Supply Plan.

Upon a motion by Mr. Tucker, and seconded by Mr. O'Connell, the RWSA Board of

Directors voted to cancel the August 25, 2003 regular Board of Directors meeting, and in lieu of that meeting, schedule a special RWSA Board of Directors meeting for September 12, 2003 at 9:30 a.m. in the RWSA Conference Room to approve the contract for engineering services for the Community Water Supply Plan. By a 5 – 0 vote, the motion was approved.

7.0 Closed Meeting

There was no need for a closed meeting.

8.0 Adjournment

There being no further business, Mr. Tucker moved the meeting be adjourned, seconded by Mr. O'Connell. All members voted aye, and the meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Mr. Robert Tucker
Secretary - Treasurer