

UNRBA Board of Directors: *September 18, 2013 Meeting Minutes*

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) met at 9:30 A.M. on Wednesday, September 18, 2013 at the Town of Butner's Town Hall.
Meeting attendees are listed below (* denotes member Director to the Board; ** denotes alternate).

Name	Affiliation
Melissa Hodges	Town of Butner
Nancy Alford *	Town of Stem
Renee Green **	Town of Stem
Terry Hackett **	Town of Hillsborough
Kenneth Waldroup **	City Of Raleigh
Pam Hemminger (Chair)*	Orange County
Jimmy Clayton (Treasurer)*	Person County
Lindsay Mize *	South Granville Water and Sewer Authority
Mike Gering *	Town of Hillsborough
Ed Mims *	Granville County
Don O'Toole	City of Durham Attorney's Office
Melinda Clark**	Wake County
Cora Cole-McFadden (V-Chair)*	City of Durham
Tom Davis**	Orange Co. Dept. of Environment, Agriculture, and Parks and Rec.
Dan McLawhorn	City of Raleigh Attorney's Office
Aaron Holland	Person County
Jim Wrenn	Attorney Rep. Granville Co., Person Co., Butner, Creedmoor & SGWASA
Bill McKellar *	Town of Butner
Ellen Reckhow *	Durham County
Tommy Marrow**	Town of Butner
Reginald Hicks **	City of Durham
Michelle Woolfolk	City of Durham
Gerard Seibert	Town of Stem – Planning
Forrest Westall	UNRBA Executive Director
Lauren Elmore	Cardno- ENTRIX
Jimmy Minor *	City of Creedmoor
Nancy Wood	Durham County Environmental Health
Steve Bristow	Wake County
Henrietta Locklear	Granville-Person Stormwater Services
Tom Lane	Town of Butner
John Huisman	NCDENR – DWR
Diane Reid	NCDENR – DWR
Alix Matos	Cardno- ENTRIX
Ross Loomis	RTI International
Carolyn Bachl	City of Raleigh
Erin Wynia	NCLM
Sarah Collins	NCLM
Howard Kimbrell	Highfill International Eng.
Gerry Konil	Upperville
Haywood Phthisic	LNBA/NRCA/UNRBA

Welcome and Recognition -

Chair Pam Hemminger called the meeting to order and asked attendees to introduce themselves and share relevant information with the group. The meeting minutes from June 19, 2013 was presented for approval. Melinda Clark made the motion to approve the minutes, seconded by Lindsay Mize, and the minutes were approved by the Board.

Administrative Items and Update -

Forrest briefed the Board on acquiring general liability and directors & officers insurance. As of September 16th coverage has been bound for the organization. The cost of the coverage is \$1,273.00 annually.

The 990 tax return for the UNRBA has been prepared and emailed to the Board for their review. If you have questions or comments please contact Forrest or Haywood.

All membership fees for FY 2013 – 14 have been received as of September 05, 2013.

Erin Wynia gave the Board an update on the legislative session.

Personnel Committee Report -

Don O'Toole presented the Personnel Committee's report to the Board. At the committee meeting following the June 19 Board meeting the committee requested Forrest and Haywood prepare a plan that would address the additional staffing needs for the upcoming projects (nutrient credit, lake monitoring, and additional administrative support). It was pointed out that many members were spending significant time for association business. Forrest presented the Board with a proposal to address the committee's concerns. The committee recommended the Board approve the following actions:

- Adjust the baseline of the Executive Director Services (EDS) contract from \$140,000 to \$156,000 for the remainder of FY 2013-14. These funds would be allocated from fund balance in the checking account not requiring any increase in dues. This increase will allow for additional staff support for the upcoming projects and committee meetings.
- Authorize the Executive Director to allocate funds from the Monitoring Program funding to provide specific oversight of the work (\$10,000 annually) and to hire a Subject Matter Expert (SME) to review the work of the monitoring program development (an allocation of \$20,000 annually) for a total of \$30,000 from the annual monitoring budget. This would be reviewed prior to setting the overall monitoring budget for each fiscal year.
- Authorize the Executive Director to allocate funds (\$20,000) from the Nutrient Credit Project budget to hire a SME to review and advise the group on the credit development as that project proceeds.
- At some point in the future there may need to be legal support as the Association enters the Reexamination of the Falls Lake management strategy.

The committee recommended the increase in the EDS contract, Cora Cole-McFadden made the motion to approve an increase of \$16,000 from checking account fund balance in the Executive Director Service contract, Ed Mims seconded the motion, with all members present voting yes to approve (roll call vote).

The second recommendation from the committee was to allocate \$10,000 to administer the monitoring program from the monitoring program funds and to hire a SME (\$20,000) to assist in reviewing the monitoring program development. The funds will be allocated from the monitoring budget. Lindsay Mize made the motion to accept the recommendation, seconded by Jimmy Minor, with all members present voting yes to approve (roll call vote).

The Board deferred the discussion on funding of the SME for the Nutrient Credits project until it considered the budget and funding process for that project.

Nutrient Credit Development Project – Forrest updated the Board on the status of the project noting there had been several meetings (conference call and face-to-face) of the funding subcommittee. There is a commitment of \$262,500 at the present time (Raleigh, \$125,000; City of Durham, \$50,000; Upper Watershed Utility, \$25,000 (two fiscal years for a total of \$50,000); Durham County, \$12,500 (two fiscal years for a total of \$25,000); DENR, \$50,000. Raleigh’s contribution requires a match of its \$150,000. Forrest also noted that the funds would be secured via the Special Assessment process allowed under the Bylaws.

Forrest then briefed the Board on the ongoing negotiations with Cardno-ENTRIX and the Center for Watershed Protection. Work is proceeding on the draft scope and contract with the current funding commitment considered. Based on the current activity on the project and funding commitment Forrest recommended:

- Authorize the executive director in consultation with the Credits Subcommittee and PFC to finalize the scope and contract.
- The contract would include an initial clause in the contract “not to exceed limit of work to be performed” at \$258,081.
- Optional tasks identified in the Scope of Work would require Board approval, availability of funding, and issuance of a contract amendment prior to any work proceeding on the additional tasks.
- Designate the UNRBA Chair to execute the final contract.
- If approved, allow the SME recommended by the Personnel Committee to be funded for FY 2013-14 (\$10,000) out of the remaining UNRBA Credits Development funding (not to include the DENR funding) and, if needed, UNRBA contingency funds.

The Board discussed in detail the funding process for this project and the contributions from participating jurisdictions. The overall goal remaining that the other jurisdictions would provide funding to “match” the City of Raleigh’s commitment of \$ 150,000. Initial indications are that these funds will be made available from most of the member governments. The Nutrient Credits Funding Subcommittee, chaired by Kenny Waldroup, has continued to work on funding commitments and ongoing discussions with Durham County, the members of the Granville-Person Stormwater Utility (Town of Butner, City of Creedmoor, Town of the Stem, Granville County and Person County), the Town of Hillsborough, and Orange County have been very positive. The funding level expected from these governments should result in full funding: \$ 300,000 from the UNRBA and the \$ 50,000 from DENR. Because the Board wanted to make sure that funding was in hand before final commitments are made, it was decided that the final Scope of Work and contract could only be executed when the funds necessary to cover the initial contract cost had been received. Forrest noted that this funding would be secured via the Special Assessment Provision of the Bylaws. The Board indicated understanding that approval to move forward would include the issuance of invoices to the participating jurisdictions. Following this discussion, Kenny made a motion to approve the recommendations with the caveat that the final contract would be executed by the Chair only when funds were available to cover the initial contract cost and the SME could not be placed under contract until funding was in hand to cover this service. The motion was seconded by Bill McKellar, and approved by all members present voting yes to approve (roll call vote). Durham County abstained from the vote.

Monitoring Project – Forrest updated the Board on the progress of the developing a scope and contract with Cardno-ENTRIX. Considerable progress has been made but additional review is needed by the Monitoring Subcommittee and the PFC. Forrest requested approval on the following:

- Authorize executive director in consultation with the Monitoring Subcommittee and the PFC to finalize the Scope of Work and the Contract.
- The contract would include a not to exceed limit on work to be performed in FY 2014 at \$455,000.

- Optional tasks identified in the scope of work would require approval before any work was authorized on these tasks, subject to availability of funding level noted, and issuance of a contract amendment prior to any work being performed on the additional tasks.
- Designate the UNRBA Chair to execute the final contract.

Following discussion, Jimmy Minor made a motion to approve the above recommendations, seconded by Lindsay Mize, and approved by all members present voting yes to approve (roll call vote). Durham County abstained from the vote.

Path Forward Committee – Lindsay Mize has agreed to serve as co-chair of the PFC with Kenny Waldroup. Due to workload commitments, Michelle Woolfolk, the previous Chair, had previously resigned as Chair. The Board Chair thanked Michelle for her service to the UNRBA and noted Michelle has agreed to continue working on the PFC committee. The other Board members also expressed their appreciation for the fine work that Michelle has provided as Chair of the PFC.

Treasurer's Report - Jimmy Clayton presented the Treasurer's Report and the current balance in the checking account is \$739,461.24 and \$113,242.32 in the savings account as of today. The checking account balance on June 30, 2013 was \$121,932.96 and savings account balance was \$113,216.73.

Executive Director Report – Forrest briefly noted the following activities since the June meeting and upcoming work items:

- * Funding and Credits Development Subcommittees and Project Scope and Contract Development.
- * Monitoring Project Scope and Contract.
- * DWQ/EMC Nutrient Criteria Development Plan Comments meeting on September 25th.
- * EMC meetings July 10th and 11th.
- * Trading Meeting this afternoon.
- * NSAB Meeting August 2nd, September 6th, 2013.
- * DWR Outside Involvement Committee Meeting, September 19^t.
- * Legislative Changes for EMC.

Following this summary, it was noted the next Board meeting will be November 20, 2013 in Butner and the meeting was adjourned.