

**THOMAS JEFFERSON SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

August 28, 2019

Present:

Directors: Pratley (Chair), Campbell, Collins, Easter, Lucas, Meeks, Murdoch, Murray, Swanson, Thompson (arrived at 10:50 a.m.), Tingley

Assoc. Directors: McGoff

Staff: Abowd, Coates, DaMitz, Eiserman, Hyatt, Longanecker, Moyer, Talley

Agencies: Cross (DCR), Lipinski (NRCS)

Absent:

Directors: Wagner

Assoc. Directors: Tweardy

Staff: Gyurisin

CALL TO ORDER: Mr. Pratley called the meeting to order at 10:09 a.m.

ANNOUNCEMENTS: None.

GUEST INTRODUCTIONS: None.

ADDITIONS / CHANGES TO THE AGENDA: Mr. Pratley noted that they will postpone the closed session until Mr. Thompson arrives. Mr. Meeks asked to add the Legislative Committee report to the agenda.

PUBLIC COMMENT: None.

ACTION ITEMS AND UPDATES:

Directors Meeting Minutes:

MOTION:** Mr. Lucas moved to approve the Directors Meeting Minutes for July 31, 2019. Mr. Easter seconded the motion, and **the motion passed unanimously.

Draft Annual Report:

Ms. Coates noted that the annual report is due to DCR by September 30, and the final annual report will be on the September agenda for approval. Ms. Hyatt gave an overview of highlights and changes in the draft annual report, such as a new sections on dams, Clean Water Farm Award winners, locality work, and the equine conservation program. Ms. Coates related that Ms. Hyatt will share a presentation at the Annual Meeting on the graphic design program she uses to produce the annual report.

Mr. Murray asked for information on spending multiplier effects and landowner match. Ms. Swanson suggested adding volunteer hours.

Budget/Finance Committee:

Mr. Tingley reported on fiscal year-to-date financial statements, noting that revenues are at 15 percent of annual budget amounts and expenditures are at 6.3 percent of annual budget amounts, at 8.33 percent through the fiscal year. The committee recommended approval of the financial report.

MOTION: *Mr. Easter moved to approve the Budget/Finance Committee report. Mr. Murray seconded the motion, and the motion passed unanimously.*

Water Resources Committee:

Mr. Murray noted that septic practices are included on the consent agenda for approval. Ms. McGoff suggested apprising the Nelson County Board of Supervisors of the unusual septic problems that District staff members are helping to address. Ms. Swanson related that she added septic system maintenance as a topic in her well water program this year to increase awareness. Ms. Coates commented that Nelson has been a focus because of the TMDL funding, but septic problems exist in all localities, so she would encourage District-wide outreach efforts. Mr. Murray suggested noting staff efforts on septic projects in the locality budget request. Mr. Longanecker noted that the systems they are working on are usually 40 to 50-plus years old, there have been a lot of improvements in protocols, and the health department does the technical planning and design.

MOTION: *Ms. Swanson moved to accept the Water Resources Committee report. Mr. Meeks seconded the motion, and the motion passed unanimously.*

Agriculture Committee Report:

Mr. Longanecker summarized the Agriculture Committee meeting and reviewed projects recommended for approval (*see attached minutes and reports for details*). They started 2020 VACS approvals, which were delayed while DCR finalized protocols for buffer calculations. One large animal waste project was deferred pending a site visit for more information.

Mr. Longanecker reported that the DEQ loan program is back, and DEQ is offering 50-percent match on the purchase of a no-till drill, but the committee recommended against no-till drill rentals at this time due to costs for staff, storage, truck transportation, and repairs.

MOTION: *Mr. Easter moved to accept the Agriculture Committee report. Mr. Meeks seconded the motion, and the motion passed unanimously.*

NRCS MOA:

Mr. Meeks shared background information on the NRCS proposal to have SWCDs or VASWCD sign new MOAs. The District's current agreement with NRCS was signed in 1996 and has no termination date. Mr. Meeks stated that the Southeast Region is trying to come up with an agreement to suit all states, but Virginia differs in its relationship with NRCS as compared to states where SWCDs still look to NRCS for technical support, staffing, programs, vehicles, buildings, computers, etc. Virginia is more autonomous, with the support of DCR. Mr. Meeks stated that the proposed agreement that NRCS sent out was intended to be universal but it does not fit Virginia. He prefers the current agreement as more of a statement of shared purpose, and he expressed concern about the mandates in the proposed agreement when the Code of Virginia and DCR also direct what SWCDs should be doing.

Ms. Coates shared concerns about unfunded services. Mr. Meeks noted that the District has a working relationship with NRCS staff, but they do not have the contractual relationship that this document is trying to address. Mr. Meeks said that VASWCD has asked for input to try to generate an agreement that might be acceptable to SWCDs around the state, but these agreements would be between the individual SWCDs and NRCS.

Mr. Thompson noted that the strong programmatic relationship continues, with cross-support on cost share projects, but it is not the old relationship from the standpoint of shared infrastructure. Mr. Thompson outlined a response statement.

Mr. Easter asked why do anything when there is an agreement still in effect. Mr. Meeks replied that NRCS wants a new agreement with all 3,000 districts by December. The 90-day notice of termination has not yet been given.

MOTION: *Ms. Swanson moved to provide the following feedback on the NRCS MOA to the Area II chair: "The new proposed MOA does not truly represent the District's current relationship with NRCS. They do have a strong programmatic relationship, but beyond that there really is not anything that is a shared resource, and therefore this MOA is inappropriate for the District's current relationship with the agency." Mr. Tingley seconded the motion, and **the motion passed unanimously.***

Directors took a brief recess for a group photograph.

Building Lease:

Ms. Coates reported that Bill Nitchmann committed to providing five parking spaces in a lot on Dale Avenue. She will get the cost contribution towards moving costs in writing. Ms. Coates sent the lease to the Assistant Attorney General for legal review, and she has asked the Personnel/Operations Committee and Mr. Tingley to review the suggested revisions. November 1 is the proposed moving date. Mr. Nitchmann has asked for a final decision so that he can proceed with construction. Ms. Coates noted that the meeting room space is tight, but other locations would cost significantly more per square foot.

Mr. Thompson commented that they have some leverage in setting a date to move, but they do not have viable alternatives unless they hit the budget hard. Mr. Collins asked about construction costs. Mr. Tingley replied that costs vary. Ms. Coates said they can research new construction but they cannot build before the June 2020 lease expiration. Mr. Tingley proposed asking for \$5,000 for moving costs. Mr. Murray suggested setting aside reserve funds for future construction.

MOTION: *Mr. Tingley moved that Board agree to the lease in principle, turn the lease over to the Personnel/Operations Committee to finalize detail negotiation, and authorize Ms. Coates to sign the lease after the committee vote. Mr. Collins seconded the motion, and **the motion passed unanimously.***

Mr. Tingley outlined questions regarding whether limitations imposed on the gift preclude construction of an educational building at Secluded and whether the District can borrow to finance construction if the dead of gift precludes foreclosure. He suggested that they consult the Assistant Attorney General.

MOTION: *Mr. Tingley moved to turn this matter over to the Secluded Committee, and they should take any necessary steps to get these questions answered. Mr. Easter seconded the motion, and **the motion passed unanimously.***

Legislative Committee:

Mr. Meeks reported on the VASWCD legislative agenda call. The legislative package is similar to last year, including continued support of and increased funding for VCAP, monitoring equipment for the remaining high hazard dams, and support for a nutrient management specialist to work on equine issues. Expanded septic cost share funding remains on the draft legislative agenda pending further discussion.

Ms. Swanson emphasized that an equine census is still needed. She spoke regarding the recommendations of the equine workgroup and DCR’s plan for Virginia Tech to do a manure study.

MOTION: Mr. Thompson moved to accept the Legislative Committee report. Mr. Easter seconded the motion, and **the motion passed unanimously.**

SWCB Allocation Subcommittee:

Ms. Coates reported that the SWCB Allocation Subcommittee is reviewing the methodology for baseline technical assistance allocations. Ms. Coates and Mr. Thompson attended the first meeting. The subcommittee considered several options for increasing and redistributing technical assistance funding.

CLOSED SESSION:

MOTION: Mr. Thompson moved to enter into closed session for briefings by staff members pertaining to probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the District and the Board, in accordance with Code of Virginia Section 2.2-3711 (A) (7), and to invite Anne Coates, Luke Longanecker, Amy Moyer, and Associate Directors to participate in the closed session. Mr. Tingley seconded the motion, and **the motion passed unanimously.** All others in attendance removed themselves from the meeting.

CERTIFICATION: Upon returning to open session, Mr. Thompson moved to certify that, to the best of each Director’s knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion by which the Closed Session was convened were heard, discussed, or considered in the Closed Session. Mr. Lucas seconded the motion. A roll call vote was conducted, and **the motion passed 11 to 0.**

CONSENT AGENDA:

1. **Committee Minutes:** Agriculture Committee (8-23-19); Water Resources Committee (7-31-19); Budget/Finance Committee (7-31-19).
2. **Consent Items:**

Agriculture Practices

Last Name / Business	Contract #	Instance	Practice Code	Estimated Cost Share	Potential Tax Credit	Final Tax Credit	Conservation Plan Approval
n/a	02-20-0021	364530	RMP-2	\$705.00			
n/a	02-20-0021	364569	RMP-2	\$150.00			
n/a	02-20-0021	364570	RMP-2	\$415.00			
n/a	02-20-0021	335011	RMP-2	\$955.00			
Gibson	02-20-0014	363611	FR-3	\$929.00	n/a		X
Goodwin	02-20-0009	359189	SL-1	\$3,392.50	\$184.38		X
Goodwin	02-20-0009	359190	SL-1	\$4,226.25	\$229.69		X
Edelberg	02-20-0016	364273	SL-6W	\$59,351.70	n/a		X
Edelberg	02-20-0018	364287	CCI-WP-2W	\$490.00	n/a		X
Silver Creek Orchard	02-20-0020	364457	SL-6W	\$47,440.23	\$542.26		X

Teel/Clover Green Farm	02-20-0012	362223	SL-6W	\$86,173.83	n/a		X
Mallen	02-20-0011	361431	SL-6W	\$23,197.15	n/a		
Wyland	02-20-0008	354496	SL-6W	\$36,542.03	n/a		X
Wiley	02-20-0013	363608	SL-6W	\$12,225.72	\$672.56		X
Yarrington	02-20-0019	364308	SL-6W	\$64,781.85	n/a		X
Quaker Hill	02-20-0015	363614	WP-4	\$32,203.97	\$13,042.50		X
Riverview Farms Cattle	02-20-0017	364281	WP-4	\$13,200.72	\$3,562.50		X
Dragonfly Farms LLC	02-19-0094	332240				\$1,236.83	X
INCREASES							
Quaker Hill	02-18-0205	302847	SL-6	\$1176.47	\$2,287.23		
Mangham	02-19-0121	334882	WP-2	\$3,656.25			

Septic Practices

Last Name / Business	Contract #	Instance	Practice Code	Estimated Cost Share
George	02-20-0023	365669	RB-1	\$175.00
Bowling	02-20-0024	365672	RB-1	\$263.00
INCREASES				
Rodriguez	02-19-0133	336240	RB-4P	\$1,500.00
Adams	02-19-0131	338988	RB-4P	\$7,588.00

MOTION: Mr. Easter moved to approve the Consent Agenda. Mr. Tingley seconded the motion, and the motion passed unanimously with one abstention (Thompson).

COOPERATING AGENCIES REPORTS:

DCR: Ms. Cross summarized information from her monthly report (see attached report for details). She noted that the Conflict of Interests Act now requires local elected officials to complete training provided by the Virginia Conflict of Interest and Ethics Council, effective July 1, 2019. OAG will still provide supplemental COIA training specific to SWCD directors. DCR will select a sample of SWCDs for a VACS programmatic review, given the high level of cost share funding. Ms. Cross presented the FY 2019 Grant Agreement Compliance Assessments.

NRCS: Mr. Lipinski reported that they are completing CRP and CREP reenrollments as they come to the end of the fiscal year. They will have two obligation periods in FY20, tentatively scheduled for November and January.

VCE: Ms. Swanson noted the upcoming Piedmont Master Gardeners presentation.

DEQ: DEQ provided the attached written report.

FSA: No updates.

DOF: No updates.

TJWRPF: No updates.

STAFF REPORTS:

Mr. Longanecker introduced new staff member Marie Abowd.

Ms. DaMitz spoke regarding the Piedmont Master Gardeners 30th Anniversary event, where the District will have a table and display, and they will recognize a homeowner for her VCAP project. Ms. DaMitz reported that Jamestown High School won the Envirothon national competition. Directors are welcome to visit watershed education programs held at Camp Albemarle over the coming weeks.

Mr. Longanecker reported on plans for VACS outreach events in each locality.

DIRECTOR REPORTS:

Mr. Meeks noted that DEQ issued the final WIP III report.

Mr. Thompson asked about interest in the new DEQ grant rounds.

Mr. Lucas thanked staff for putting together the Louisa outreach event.

ADJOURNMENT:

MOTION: *Mr. Thompson moved to adjourn the meeting. Mr. Murray seconded the motion, and **the motion passed unanimously.***

There being no further business, the meeting was adjourned at 12:56 p.m.

Submitted by: _____
Recording Secretary

Approved: _____
Chair