

**THOMAS JEFFERSON SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS MEETING MINUTES**  
**April 29, 2020**

**Present:**

*Directors:* Pratley (Chair), Bartz, Campbell, Collins, Lucas, Murdoch, Murray, Thompson

**Remote Participants:**

*Directors:* Easter, Swanson

*Assoc. Directors:* Cowger, Daughters, Merle-Smith

*Staff:* Coates, DaMitz, Hyatt, Longanecker, Moyer

*Agencies:* Cross (DCR)

**Absent:**

*Directors:* Meeks, Willis

*Assoc. Directors:* Tingley, Tweardy

The Board of Directors assembled a quorum on site at 705 Dale Avenue and provided for remote participation and public monitoring via telephone conference to comply with assembly limits and social distancing recommendations arising from the COVID-19 public health threat.

**CALL TO ORDER:** Mr. Pratley called the meeting to order at 10:53 a.m.

**ROLL CALL:** Mr. Pratley called the roll. Mr. Bartz, Mr. Campbell, Mr. Collins, Mr. Lucas, Mr. Murdoch, Mr. Murray, Mr. Pratley, and Mr. Thompson were present on site. Mr. Easter and Ms. Swanson monitored by telephone.

**PUBLIC COMMENT:** Mr. Pratley asked if any comments were received from the public. Ms. Moyer confirmed that no public comments were submitted.

**ADDITIONS/CHANGES TO AGENDA:** None.

**ACTION ITEMS AND UPDATES:**

**Remote Participation Policy:**

Mr. Pratley confirmed that all Directors reviewed the draft policy distributed by email. Mr. Pratley explained that after approval of this policy, Directors monitoring by phone could be approved to fully participate in the meeting.

**MOTION:** Mr. Thompson moved to adopt the remote participation policy. Mr. Murray seconded the motion.

Ms. Daughters noted a typographical error in need of correction.

Mr. Collins expressed reservations about permitting remote participation for closed sessions. Mr. Pratley asked if the policy language came from state guidance. Ms. Moyer replied that language came from the FOIA Council e-meetings guide, but the Board can choose not to hold closed sessions via remote meeting procedures or remove it from the policy. Mr. Pratley asked if Directors want to strike the section about closed sessions. Mr. Collins said he is okay with not amending the policy, but he would prefer that they not hold closed sessions with this process, or they should acknowledge that closed sessions are not truly closed-door meetings when other people could be in the room with a remote participant. Mr. Lucas noted

that guests and other callers would be disconnected from the call if they had to discuss a closed-session matter, and the Directors would have to be on their honor that no one else is in the room listening. Ms. Coates outlined how they would handle call access for a closed session.

The motion passed 8-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Lucas, Murdoch, Murray, Pratley, Thompson

Nays: None

Not Voting: Easter, Swanson

**MOTION:** Mr. Thompson moved to approve remote participation by Mr. Easter and Ms. Swanson for this meeting. Mr. Murray seconded the motion. The motion passed 8-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Lucas, Murdoch, Murray, Pratley, Thompson

Nays: None

Not Voting: Easter, Swanson

Mr. Easter and Ms. Swanson were both participating remotely from their homes due to assembly limits and social distancing recommendations.

**Delegation of Authority, as permitted by Code of Virginia § 10.1-533:**

Mr. Pratley read from § 10.1-533, Delegation of powers: The district directors may delegate to their chairman or to one or more district directors, agents or employees such powers and duties as they may deem proper.

Ms. Coates explained that given the circumstances, there may be topics that need action before the Board is able to meet again, and they are not sure yet whether that will be in person or electronically. There will be time-sensitive topics as they get closer to the end of the fiscal year, such as grant applications and funding transfers. Ms. Coates outlined that they would have a primary and alternate delegated authority for each committee, and the alternate could review any applications that present a conflict of interest for the primary person.

Mr. Murray asked if they can use DocuSign. He asked if the discussion of conflict of interest was hypothetical or is there a conflict in the project list today. Ms. Coates replied that there are no urban or septic projects on the list today because they wanted to keep the meeting as trim as possible. She said that following this meeting, if the Board approves delegated authority, staff will email a list of projects for approval, and the delegated authority could defer approval to the alternate for any projects that present a conflict of interest. Ms. Coates stated that they currently do not use DocuSign but they can use PDF signatures to avoid in-person office visits.

Mr. Pratley noted the difficulties of holding public meetings under the 10-person gathering limit in the Governor's Executive Order. Mr. Pratley said that is why they are looking at moving some things to delegated authority, and a lot of SWCDs have a policy like this already. Delegation of authority would be adopted through the remainder of this emergency, and they could tweak it in future if they wanted to continue past that with a policy.

Ms. Coates noted that any decisions made by the delegated authority would be ratified by the full Board, and all actions will be tracked for ratification. Mr. Pratley said they hoped to see something soon to permit electronic meetings.

The proposed delegation of authority is as follows:

**TJSWCD COMMITTEES**  
**Delegated Authority and Alternate**

AGRICULTURE

Delegated Authority - Thompson  
Alternate - Lucas

BUDGET & FINANCE

Delegated Authority - Meeks  
Alternate - Easter

EDUCATION

Delegated Authority - Meeks  
Alternate - Collins

PUBLIC RELATIONS

Delegated Authority - Murray  
Alternate - Thompson

PL566 WATERSHEDS (LOUISA DAMS)

Delegated Authority - Lucas  
Alternate - Pratley

PERSONNEL & DISTRICT OPERATIONS

Delegated Authority - Pratley  
Alternate - Thompson

LEGISLATIVE

Delegated Authority - Campbell  
Alternate - Meeks

WATER RESOURCES

Delegated Authority - Murray  
Alternate - Thompson

SECLUDED

Delegated Authority - Meeks  
Alternate - Easter

RESOURCE MANAGEMENT PLANS

Delegated Authority - Swanson  
Alternate - Thompson

CLIMATE

Delegated Authority - Thompson  
Alternate - Bartz

**MOTION:** Mr. Murray moved approval of the delegated authority and alternate list. Mr. Bartz seconded the motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson

Nays: None

**Agriculture Committee Report:**

Mr. Thompson reported that the Agriculture Committee approved transfer agreements to address a change in ownership and recommended acceptance of up to \$500,000 in additional cost-share funds from Shenandoah Valley SWCD. Mr. Thompson said the District is able to accept that transfer due to the exceptional work of ag staff, who have enough project work to immediately encumber 90 percent of that \$500,000 in cost-share, and that would come with technical assistance funding for staff time. The committee recommended approval of eight project increases, correction of a watering system practice failure, and all projects recommended by staff for which there is funding. They have enough funding currently to approve 48 projects but can cover all of the projects if they receive the additional \$500,000. The current project list totals approximately \$1.1 million in requests, and they have \$860,600 remaining in cost-share, for a shortfall just shy of \$250,000. The committee authorized acceptance of additional transfers if needed, an agreement with the James River Association for participation in the James River Consortium, and Technical Advisory Committee representatives and alternates.

Mr. Pratley reviewed the list of items that need Board motions with Ms. Cross.

**MOTION:** Mr. Thompson moved to accept the transfer of up to \$500,000 in 2020 VACS cost-share from Shenandoah Valley SWCD. Mr. Murray seconded the motion. Mr. Bartz noted direction from Ms. Cross that the motion should specify that this also includes technical assistance. Mr. Thompson accepted the modification to his motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson  
Nays: None

**MOTION:** Mr. Thompson moved to approve the agreement with the James River Association regarding the James River Consortium. Mr. Bartz seconded the motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson  
Nays: None

**MOTION:** Mr. Murray moved to accept the Agriculture Committee report. Mr. Collins seconded the motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson  
Nays: None

**Directors Meeting Minutes:**

**MOTION:** Mr. Murray moved to approve the Directors Meeting Minutes for February 13, 2020, and February 26, 2020. Mr. Bartz seconded the motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson  
Nays: None

**Treasurer's Report and Financial Statements:**

Ms. Moyer related that Mr. Meeks submitted a written report that is included with the financial statements in the Board packet. As of March 2020, operating revenues are at 87.4 percent of annual budget amounts and operating expenditures are at 75.2 percent of annual budget amounts, at 75 percent through the fiscal year.

**MOTION:** Mr. Lucas moved to accept the treasurer's report and financial statements for February 2020 and March 2020. Mr. Murray seconded the motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson

Nays: None

### CONSENT AGENDA

1. **Committee Minutes:** Water Resources Committee (2-26-20); Budget/Finance Committee (2-26-20), Dam Committee (2-26-20), and Education Committee (3-18-20).
2. **Consent Items:** See Attached Lists for Agriculture Cost Share and Tax Credits (if applicable)

### Agriculture Practices

#### TRANSFER AGREEMENTS

- Ann Carol Merchant Trust to Old Mountain Farm x 2
- David Norford to Old Mountain Farm

Last Name / Business	Contract #	Instance	Practice Code	Estimated Cost Share	Potential Tax Credit	Final Tax Credit	Conservation Plan Approval
Bear	02-20-0171	388241	CCI-SL-6W	\$19,392.50			
Johnson	02-20-0158	387246	CCI-SL-6W	\$2,368.75	-		-
Johnson	02-20-0158	388392	CCI-SL-6W	\$1,983.75	-		-
Johnson	02-20-0158	388393	CCI-SL-6W	\$1,407.50	-		-
Harvey (Rocky Rd Farm)	02-20-0156	387133	CCI-SL-6N	\$8,473.75	-		-
Woodson	02-20-0183	387634	CCI SL-6W	\$4,462.50	-		-
Harvey (Rocky Rd Farm)	02-20-0156	387135	CCI-SL-6W	\$1,193.75	-		-
Morris	02-20-0165	387812	CCI-SL-6N	\$3,793.25			
Morris	02-20-0165	387811	CCI-SL-6W	\$1,008.75			
Reynolds	02-20-0174	388262	CCI-SL-6W	\$18,811.25			
Mangham	02-20-0159	387240	CCI-SL-6W	\$5,232.50			
Page	02-20-0181	388219	CCI-SL-6W	\$5600.00			
Mangham	02-20-0161	387244	FR-1	\$626.25	\$42.19		yes
Ragged Mountain Farm LLC	02-20-0192	388646	FR-1	\$12,611.25	\$755.94	-	yes
Ragged Mountain Farm LLC	02-20-0192	388737	FR-3	\$16,881.75	-	-	yes
Bailey	02-20-0191	388550	FR-3	\$2,214.00	-		yes
Loving	02-20-0170	388238	FR-3	\$1,383.75			yes
Black	02-20-0163	387071	FR-3	\$3,402.75	\$10.56		yes
Black	02-20-0163	387073	FR-3	\$2,879.25	\$8.94		yes
Page	02-20-0108	388218	FR-3	\$8,899.50	\$27.63		Yes
Clark	02-20-0153	387118	SL-1	\$5,727.50	-		yes
Clark	02-20-0155	387116	SL-1	\$2,138.75	-		yes
White	02-20-0144	386536	SL-1	\$23,562.50			yes
Morris	02-20-0186	388473	SL-10	\$7,440.00			yes
Bailey	02-20-0190	388549	SL-11	\$1,320.00	\$110.00		-



Mr. Longanecker requested the addition of Old Mountain Farm (02-20-0166) to the consent agenda, as approved by the Agriculture Committee this morning for a practice failure. Mr. Longanecker noted that the Agriculture Committee approved all increases, the practice failure, SL-6 practices, WP-2 practices, and SL-1 practices with current cost-share dollars remaining in house. All other practices were approved pending the transfer of additional 2020 VACS funds.

Ms. Cross asked that the additional practice not originally listed on the consent agenda be taken up by separate vote.

**MOTION:** Mr. Thompson moved to adopt the Consent Agenda as amended. Mr. Collins seconded the motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson

Nays: None

**MOTION:** Mr. Thompson moved to approve Old Mountain Farm (02-20-0166), as detailed in italics in the amended Consent Agenda above. Mr. Lucas seconded the motion. The motion passed 10-0 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Easter, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson

Nays: None

#### **COOPERATING AGENCIES REPORTS:**

**DCR:** Ms. Cross referred to her written report. She noted that Director Cristman worked with the Office of the Attorney General and the Soil and Water Conservation Board to relax grant deliverables due to COVID-19. Guidance will be forthcoming from OAG on electronic meetings. She thanked Mr. Bartz, Mr. Lucas, Ms. Cowger, and Mr. Merle-Smith for participating in the new director orientation call. The Soil and Water Conservation Board has scheduled an electronic meeting on May 20.

**NRCS:** NRCS provided the attached written report.

**VCE:** Ms. Swanson reported that VCE is not doing any in-person programming at the moment, but there is a lot of educational programming online. The local well water testing clinic has been postponed. Ms. Swanson has been working with vineyard owners dealing with frost damage.

**DEQ:** DEQ provided the attached written report.

**DOF:** No updates.

**TJWRPF:** Mr. Thompson reported that PEC contacted him about interest in an easement.

#### **STAFF REPORTS:**

Ms. Coates noted that the site visit log and staff newsletter are included in the Board packet. She commended staff on their efforts and provided brief updates on various programs.

#### **DIRECTOR REPORTS:**

Mr. Pratley expressed appreciation for staff efforts.

Mr. Lucas reported that he met with Dam Engineer Charles Wilson yesterday. The monitors go out for bid this week, and remote monitoring should be installed on the high hazard dams before hurricane season.

Mr. Easter commented that he was pleased by how well this meeting and the telephone meeting last week went. He commended the work by staff and Directors.

**ADJOURNMENT:**

**MOTION:** Mr. Thompson moved to adjourn the meeting. Mr. Murray seconded the motion. The motion passed 9-1 by the following roll call vote:

Ayes: Bartz, Campbell, Collins, Lucas, Murdoch, Murray, Pratley, Swanson, Thompson

Nays: Easter

There being no further business, the meeting was adjourned at 11:58 a.m.

Submitted by: \_\_\_\_\_  
*Recording Secretary*

Approved: \_\_\_\_\_  
*Chair*