

## **Minutes from the meeting of the Steering Committee (SC) of the Baldwin County Watershed Coalition**

**Friday, September 25, 2009**

In attendance: Ralph Helmich, Larry Burnette, Homer Singleton, Larry Chason, Cathy Barnette, Marian MacPherson, Patrick Waller, Leslie Lassitter, Joe Bullock, Roberta Swann, Donna Givens, Kara Langford, Sen. Trip Pittman, Robert James, John Hayward, Brenda Lowther

John Ferris, David Pyzoha and Paul Breeding from Gresham, Smith and Partners, Brett Gaar and Steve Commander from Volkert

### **Agenda #1: Call to Order**

The meeting was called to order by Committee Chair Marian MacPherson at 9:10 a.m. Paul Breeding introduced David Pyzoha, John Ferris, Brett Gaar and Steve Commander.

### **Agenda #2: Review/Discussion /Approval of Minutes of 8.21.09**

John Hayward motioned to accept the minutes of the August 21, 2009 steering committee meeting as presented. Ralph Helmich seconded. Motion carried with no objections.

### **Agenda #3: Old Business – Municipality/County Letters of Support**

Magnolia Springs, Elberta and Foley have sent letters of support and Daphne has passed a resolution to support the Baldwin County Watershed Coalition. Ms. Swann discussed the need to approach other municipalities to get them represented on this initiative.

### **Education Committee Report-Cathy Barnette**

Southern Insights conducted the phone survey and the results show that an overwhelming majority of survey participants are in favor of reducing flooding and protecting water quality, however, an overwhelming majority is opposed to paying for this protection.

The education committee will be pairing its members with a steering committee member for the purpose of sharing information. Cathy will match up the members. See Cathy if you have a preference.

### **Agenda #4: New Business – Presentation by Gresham, Smith and Partners/Volkert**

Dave Pyzoha introduced himself as the project leader, here to facilitate. Mr. Pyzoha referred to the booklet handout for his presentation. He began by giving an overview of Gresham, Smith and Partners and explained the organizational flow between this committee, GS & P and Volkert. The Project Approach Plan has 4 sub-plans: Institutional, Financial, Public Involvement and Technical. All 4 sub-plans have a timeline that is addressed in detail in the stormwater booklet. Basically, the organizational plan will be 95% done by 12/31/09 and 100% complete by April, 2010. Between January and April, 2010 the plans will be reviewed and honed to meet our regional needs and a rate structure will be done so education on the billing can begin.

The first order of business is to develop two sub-committees: the organizational sub-committee and the financial sub-committee. These sub-committees will meet jointly for the first time to ensure proper structuring of each sub-committee. Ms. McPherson asked if all the committees will be working together. Roberta Swann said each sub-committee will be added to the agenda and will report to the steering committee each month.

During April – November, 2010, Gresham, Smith and Partners will be helping the coalition implement all necessary plans to prepare for the November election. They will also be guiding the realization of a public corporation. An attorney will be crucial for this stage to ensure all relevant laws are being followed.

Discussion ensued regarding the implementation. Larry Chasson asked if it is possible to poll the municipalities to find out their priorities and where stormwater fits in. Mr. Pyzoha stated that it is most important to find out the trigger for our region. Some people don't understand stormwater, but feel strongly about flash flooding, as an example. We must find the relevant issue in our society. Patrick Waller stated that we need to sell it as revenue neutral. Cathy Barnette stated a need to tie current projects to this initiative to show that the municipalities already recognize the need and are beginning to address it on their own. Mr. Hayward stated the benefits must be made clear before we discuss cost. John Ferris recognizes the need to find the problem the whole public identifies with and show solutions that will be made possible by the passage of this legislation.

A policy manual will be developed that will address issues for the organizational structure. This policy manual will be critical as this initiative moves forward. It is a living document and will deal with a large scope of issues.

John Ferris gave an overview of Southeastern Wisconsin Watershed Trust as an example of a successful project and a contact for information. Mr. Ferris said a fee must be specific to the payer, meaning that the service provided must be meaningful to the payer. Dave Pyzoha stated that policy is important for this reason, citing an example of *Bolt v City of Lansing*, 1997, where it was determined that some of the people being charged were not receiving a service and others were being charged both as a fee and a utility, essentially paying twice. Ms. MacPherson asked about the nature of previous lawsuits. Mr. Ferris explained that most lawsuits were due to no service for the price per public perception so a formula is needed to justify/quantify the fee. Ms. Barnette asked if the Alabama legislation has been reviewed and if so, were problems identified. Mr. Ferris said the legislation had been reviewed and a problem was identified but it can be worked around. The problem is with the legislation regarding the funding of utility authority. The utility authority states that a user fee is comprised of 20% program management and 80% capital improvement. Capital improvement does not include activities such as operations and management, watershed management or water quality monitoring. Senator Pittman said the point of the legislation is to ensure existing projects were being completed. Projects that are already being funded should not be taken over, they should be finished as planned with the funds originally budgeted. Mr. Pyzoha shared that the user fee needs to be designed and marketed as an "act" vs. "react" fee.

It is important, Mr. Pyzoha stated, to keep general contact with community groups and municipalities until specifics are available so the public is aware of the issues and possible solutions. But it is important that all the information be uniform in presentation. Ms. Swann assured Mr. Pyzoha that we have an

approved presentation for any members to use. Mr. Pyzoha wrote a paper about lessons learned if anyone would like a copy.

The Organizational Sub-Committee will be made up of: Ralph Helmich, Cathy Barnette and Senator Trip Pittman. It was noted that Jaime Tillery of Bay Minette should be asked to serve on this committee as well as a representative of Fairhope.

The Finance Sub-Committee will be made up of: Patrick Waller, Larry Chasson, Bob James, Marian MacPherson, Joe Bullock, Donna Givens and Senator Trip Pittman.

Mr. Pyzoha asked if all the committees could meet on the 3<sup>rd</sup> Friday of each month. The general consensus was no. The organization and the finance sub-committees will meet October 13<sup>th</sup> as well as the technical committee.

Ms. Swann reminded all that the next meeting is public and will be held on October 16, 2009 at the Central Annex in Robertsdale.

Ms. MacPherson passed out a memorandum and a letter from Mobile Baykeeper to all committee members, asked that they all read it and be ready to discuss it at the next meeting.

With no other business, Ms. MacPherson adjourned the meeting at 11:15 a.m.