

**SANTA MONICA BAY RESTORATION COMMISSION**  
**MINUTES OF THE MEETING OF THE GOVERNING BOARD**

**October 20th, 2011**

**Del Rey Yacht Club**

**Welcome and Introductions**

Mike Gin chaired the Governing Board meeting. At 9:35 AM, Mike Gin called the meeting to order. Introductions by attendees followed.

**1. Public Comment**

Kathy Knight, chair of the Sierra Club Airport Marina Group, said she could not find the agenda or the website with the agenda.

Douglas Fay said that he received the agenda a day before the meeting. Fay said he is not getting notices of the meetings. Fay stated also that he could not get downloads of TAC documents.

**2. Informational Items**

**a) Order of Agenda**

Order of the agenda unchanged, except for 2b and 2c, below.

**c) Reports from the Technical Advisory Committee (order changed)**

Steve Bay reported on the meeting held by the TAC on September 22. Among other things, Bay discussed NOAA, TAC assessments, scientific basis for decision making, and port development.

**b) Report from the Chair and Executive Committee (EC)**

Mark Gold reported on the last Executive Committee meeting, and indicated that the meeting included discussions about the ANEP annual conference hosted by the Santa Monica Bay. Gold said the EC discussed and shared information about the Arroyo Sequit Project and indicated that this project was approved.

**c) Report from the Executive Director**

Shelley Luce spoke about the Association of National Estuaries Programs (ANEP) annual conference which was hosted by SMBRC this year. Luce said most NEP directors came and were given tours of our watershed. Luce spoke about how our programs were an "eye-opener" for other NEPs, and said other directors have described our projects as innovative. Luce said the directors were given tours to restoration sites including Baldwin Hills, Ballona Creek, etc. Luce thanked LMU for providing the space to meet and thanked Dennis Washburn, Mark Gold, Alexis Strauss, and Sam Schuchat, among others, for their participation during the conference.

Gold asked Luce what common problems the estuaries face. Luce replied that funding is a constant effort by estuary programs. Luce also spoke about leverage as a constant effort. Luce spoke about a survey of priorities of the Clear Water Act and actions, shared responsibilities, and selecting which actions and better ways are feasible.

Luce also spoke about the Arroyo Sequit project and said that the project funding was approved by the State Water Board. Luce spoke about developing a TMDL for the Ballona Wetlands and spoke about the issues and uniqueness of the TMDL that EPA has to develop. Luce indicated that we will provide the information to develop the TMDL. Luce also spoke about a deadline on November 17 to submit an Urban Greening grant proposal to treat storm water. Luce also addressed the posting of the agenda and said that the website [www.smbrc.ca.gov](http://www.smbrc.ca.gov) contains the agenda.

**3. Governing Board Business**

**a) Consideration of Approval of August 18, 2011 Meeting Minutes**

The minutes were amended to include Wing Tam as an attendant. Minutes were approved as amended without objection. (M: Tam S: Maguin)

**b) Consideration of Approval of Amendments to the Memorandum of Understanding**

Luce introduced the agenda item and spoke about the need for an update to the MOU. Scott Valor spoke about the salient changes to the MOU. Valor said that the propose changes include an increase in the number of voting members, and said that voting membership is expanded to include state and local entities who actively participate in the watershed. Valor indicated

that EPA and State official are not eligible to vote. Valor said that one at-large member and one business interest member from the local tourism industry will be added, leaving a total of 35 board members, 27 voting and 8 non-voting.

Valor also pointed to other salient changes in the MOU, he mentioned the proposed change of name of the Bay Watershed Council (BWC) to the "Watershed Advisory Council" (WAC) to clear any confusion of the nature of the council and its advisory role to the Governing Board. Valor also spoke of other changes including an upcoming development of criteria for applying to the WAC, the voting process for WAC members and putting the vote back to the governing board including nominations, and the clearing of erroneous references and outdated information in the MOU.

Frances McChesney suggested 6 or 7 changes on the proposal, McChesney pointed to 2 BWC references needed to be updated, on page 5 and 7. McChesney also recommended deleting two sentences on page 5 that dealt with "memberships". McChesney also recommended fixing numerals on the MOU. McChesney also recommended a change on page 10 in the area of "conflict of interest" to change a word to "maintain" in reference to the Board and the conflict of interest. McChesney also made an editorial recommendation on page 6 about the "roles and functions" on the 2<sup>nd</sup> sentence of the paragraph starting with "delegage..."

Various Governing Board members asked clarifying questions about the proposed new members, voting structure, etc.

Liz Crosson asked about the WAC membership process and whether an entity can become a member of the WAC prior to the Governing Board vote in December, thus being eligible for the vote. Valor noted that if a qualified entity sends notification to the SMBRC prior to the Governing Board meeting, a WAC selection vote will take place prior to the Governing Board vote. Any new WAC member that qualifies for one of the open Governing Board positions may then be nominated and included in the vote for the open seats.

**Public Comment:**

Knight asked for the voting to be postponed until December because they did not have the MOU changes and had no time for comments. Knight also commented on the website and the lack of staff reports.

Fay asked that the vote be postponed until December. Fay said that there are no term limits in the MOU for board members. Fay also commented about the members of the public being left out of the discussion.

McChesney indicated that the posting of the agenda on the website was considered an adequate notice. McChesney also commented on funds not being provided directly to the Commission and said that it is appropriate that the USEPA provide the funds to the non-profit organization and not the Commission, as agreed and according to federal law.

The MOU amendments were approved unanimously. (M: Pestrella, S: Washburn )

**c) Presentation by Russ Bryden, LA County Dept. of Public Works, on the Los Angeles County Flood Control District Water Quality Funding Initiative**

Russ Bryden presented details regarding the LA County FCD's Water Quality Funding Initiative. Thereafter, numerous Governing Board member comments were made, with Pestrella and Bryden responding about various items including oversight, timing, Board of Supervisors recommendations, parcel tax amounts, etc.

**d) Member Comment—Governing Board members may wish to comment on issues not otherwise on the agenda**

Various Governing Board members made timely announcements regarding Halloween celebrations, Prop 84 funding, the City of Malibu's water quality award, and congratulated staff on their work at the ANEP conference.

**e) Announcement of Next Meeting Date (December 15, 2011 at 9:30 a.m.)**

**Adjournment**

Meeting adjourned at 11:32 am without objection (M: Maguin, S: Washburn).

## **Attendance**

### ***Voting Members of the Governing Board:***

Dayna Bochco, California Coastal Commission  
Barbara Cameron, (alternate for John Sibert), City of Malibu  
Liz Crosson, Public Member (Environmental/Public Interest), Santa Monica Baykeeper  
Mike Gin, South Bay Cities (City of Redondo Beach, Mayor)  
Mark Gold, Public Member (Environmental/Public Interest), Heal The Bay  
Dean Kubani, (alternate for Richard Bloom), President, Bay Watershed Council  
Steve Maguin, LA County Sanitation Districts  
Michael Mullin, Office of the Mayor, City of Los Angeles  
Susan Nissman (alternate for Zev Yaroslavsky), LA County Board of Supervisors (Supervisor, 3rd District)  
Micheal O'Leary, Ballona Creek Watershed Cities (Culver City)  
Mark Pestrella, (alternate for Gail Farber), LA County Department of Public Works  
Ron Smith, At Large member, West Basin MWD  
Fran Spivy-Weber (alternate), California State Coastal Conservancy  
Wing Tam (alternate to Enrique Zaldivar), LA City Department of Public Works  
Dennis Washburn, At-Large Member BWC (RCD, Santa Monica Mountains Region)

### ***Non-Voting Members of the Governing Board:***

Steve Bay, Technical Advisory Committee, Vice-Chair  
Bobbi Buescher, Office of Assemblymember Betsy Butler, 53<sup>rd</sup> Assembly District  
Rorie Skei (alternate to Joe Edmiston), Santa Monica Mountains Conservancy  
Catherine Tyrell, President, Santa Monica Bay Restoration Foundation  
Paul Wong (alternate to Santos Kreimann), LA County Department of Beaches & Harbors  
Jennifer Zivkovic, Office of Senator Ted Lieu, 28<sup>th</sup> Senate District

### ***Commission Staff:***

Shelley Luce  
Scott Valor  
Marcelo Villagomez

### ***Other Attendees, including other Bay Watershed Council Members:***

Russ Bryden, LA County Flood Control  
Frances McChesney, State Water Board  
E.J. Caldwell, West Basin MWD  
Douglas Fay, Member of the Public  
Kathy Knight, Sierra Club Airport Marina Group  
Damian Skinner, Culver City