



FINAL MINUTES
BOARD OF TRUSTEES MEETING
September 24, 2020
CHARLOTTESVILLE

ATTENDEES:

Trustees:

Eleanor Brown, Chair
Viola Baskerville
Beth Obenshain
Steph Ridder
Tom Slater
Brent Thompson (attended Virtually)
Raul Garcia – absent

Staff:

Brett Glymph, Executive Director
Anna Chisholm, Administrative Director
Bobbie Cabibbo, Executive Assistant
Leslie Grayson, Deputy Director
Martha Little, Deputy Director
Dave Morton, IT Manager
Emily White, Grant Program Manager

Other Attendees:

Rex Linville, Piedmont Environmental Council (PEC)
Joseph P. Clark II, Stewart Companies
G. Kimball Hart, *good works*
Stephan Talan, Virginia Farm Bureau
Beck Stanley, Agribusiness Council

Virtual Attendees:

The Honorable Matt Strickler
Mr. Guy Smith, Pulaski County
Joe Villari, VOF
Barinaale Dube, VOF Cultural History Fellow
Erika Richardson, Assistant Manager, Stewardship

Eleanor Brown, Chair, called the meeting to order at 11:00 am. The virtual portion of the meeting also commenced.

APPROVAL OF THE ORDER OF BUSINESS

The Kosek project in King and Queen County was removed from the Agenda. Motion made by Tom Slater to approve the order of business with the change listed above and citing some flexibility that will be needed for guest's arrival; motion seconded by Viola Baskerville and passed unanimously.

PUBLIC COMMENTS

Eleanor opened the meeting up to public comments.

Rex Linville spoke to PEC's opposition to the Goose Creek/Loudoun County amendment and suggested further refinement of the development plans. He shared PEC's enthusiasm and congratulations on the new Get Outdoors Fund grant program, and thanked VOF for leading Virginia in this arena. He also said that ConserveVirginia should not be the metric for land conservation projects, that should be left to the professional able staff and trustees at VOF.

Guy Smith, director of Pulaski County's Department of Social Services and board member at the T.G. Howard Community Center, joined the meeting virtually and thanked the trustees for selecting the center as a recipient of a recent grant. The community is excited and determined that the grant ensures for many families, a place where they can go and learn outside, and provide them with opportunities they have not had in the past.

Stephanie Talon from the Farm Bureau spoke next, voicing opposition and concerns about the direction ConserveVirginia would take VOF. ConserveVirginia is not designed for working farms and does not consider farming's need for flexibility. She suggested that it would discourage, rather than encourage, landowners to pursue a conservation easement.

Beck Stanley of the Virginia's Agribusiness Council shared concerns that the deed restrictions required in ConserveVirginia would result in protecting less working farm and forest land in Virginia.

Bobbie Cabibbo read submitted comments by:

Kerry Hutcherson, attorney with RudyCoyner, whose comments expressed several concerns about VOF adopting the ConserveVirginia deed restrictions.

Parker Agelesto, Executive Director of Capital Region Land Conservancy, whose comments expressed concerns about VOF adopting the deed restrictions required in ConserveVirginia.

Tim Hemstreet, County Administrator of Loudoun County, expressed support for the Goose Creek amendment.

Phil Irwin, easement holder in Rappahannock County, recommended that VOF actively market the concept of conservation easements.

These comments are on file with the permanent record of this meeting.

CONSERVEVIRGINIA

At 11:35 a.m. the Secretary of Natural Resources, the Honorable Matt Strickler, joined the meeting virtually and narrated a presentation on *ConserveVirginia*. This presentation, the recording of his comments and subsequent discussion with the trustees are on file with the permanent record of this meeting.

Motion made by Tom Slater that the trustees take this matter under advisement, requesting that stakeholders put together a paper noting their reasons why VOF should not adopt the restrictions set forth in ConserveVirginia in time for staff and trustees to review thoroughly so that the matter can be taken up at the next trustee meeting in February 2021; motion seconded by Steph Ridder and passed unanimously.

APPROVAL OF MINUTES

The following minutes were presented for approval:

6/22/2020 – PTF Committee meeting, 6/23/2020 – Special Forestry Committee meeting and 6/25/2020 Board of Trustees meeting

Motion made by Steph Ridder to approve the minutes as presented; motion seconded by Beth Obenshain and passed unanimously.

2021 BOARD OF TRUSTEES MEETING CALENDAR RESOLUTION

Motion made by Tom Slater to approve the calendar with a move of the February 11, 2021 meeting to February 9th and noting the June meeting is the 10th not the 13th; motion seconded by Steph Ridder and passed unanimously.

CHAIR'S REPORT/COMMENTS

Eleanor expressed appreciation about the willingness of the trustees to meet in person, it is important as we are unsure of what 2021 will bring.

She commented that it was great to hear from Secretary Strickler.

Regarding the recent IRS disallowance of tax benefits, based in part, due to a lack of specified location for reserved building sites – VOF has sent a notice to all landowners, or their representatives, with prospective conservation easement projects.

DIRECTOR'S REPORT

Brett noted that adding a streaming capability and having staff present virtually broadens our partner participation, makes the most of technology, and allowed us to be mindful in this difficult time. The General Assembly is back in session wrapping up the budget process. This fiscal year \$4,500,000 has been budgeted for the Virginia Land Conservation Fund. VOF receives 25%, i.e. \$1,125,000, for Preservation Trust Fund grants.

The increase in the deed recordation fee began July 1 and everything was in place for that legislation to be in effect immediately. Thank you again to Viola and the other trustees for their hard work and support. Brett shared a video produced by New River Land Conservancy on Brush Mountain, a public access project funded by the VOF Forest Core grant program. The video will be on file with the permanent record of this meeting.

FINANCIAL REPORT

Anna Chisholm went over the income and the expenses. Tom requested that we send him a list of the cities and counties that have no recorded VOF conservation easement.

OWNED LANDS

Leslie highlighted the following items in the Owned Lands Activities Report included in the meeting materials: Sale of Ski Lodge parcel, trout releases at Bull Run, Jackson Hollow, planned maintenance at Hayfields, and grant funded acquisition updates at House Mountain She commented that the Board would be treated to a firsthand look at the cultural history work and fellowship program with the Bull Run presentation later in the meeting.

LAND CONSERVATION

Amendment (LDN-00451) Loudoun County Goose Creek Overlook

Martha narrated a presentation (which is on file with permanent record of this meeting) explaining the concept of the amendment, noting that details were continuing to be worked out. Motion made by Tom Slater to approve the concept of the amendment; motion seconded by Steph Ridder and passed unanimously.

Amendment Report 2020

Leslie Grayson presented the report on Amendments completed since the previous report in September 2019.

Get Outdoors (GO) Fund Program

Emily White narrated the presentation of VOF's new initiative – Get Outdoors Fund. This new grant program will become a second program overseen and guided by the current members of the Preservation Trust Fund Committee. Tom asked that we send a copy to every state legislator to help “get the word out” about this new fund and Eleanor requested that we liaison with the Department of Health along with our traditional partners. The size of the grants will be no larger than 10% of what is available in the fund and FY21's budget includes \$250,000. Motion by Beth Obenshain to approve the grant program; motion

seconded by Tom Slater and passed unanimously.

Preservation Trust Fund Program Updates

PTF public access grant round FY2021 will present first projects for approval in February and \$1M will be made available for that round. Trustees clarified that these grant projects will not be subject to ConserveVirginia restrictions if adopted. Tom Slater, again, asked that staff disseminate the opportunities available as widely as possible including to county administrators.

Conservation Scorecard: A New Tool for Project Analysis

Emily White presented a new analysis tool for conservation easement projects developed by staff. The presentation was included in the meeting materials. Trustees asked that we provide example scores for projects at the next meeting to better understand the process.

Long Term Steward of Mitigation Stream Banks Report Virtual

Erika Richardson joined the meeting virtually and reported that there are 4 projects (see chart below) currently under development. She presented new fee recommendations. Tom questioned the ability to change fees in the future, Erika assured him we would be able to make changes. Trustees requested that staff provide project photos of before and after a bank has been completed at the next meeting. Tom Slater made a motion to approve the modified fee schedule; motion seconded by Steph Ridder and passed 4 to 0. Beth Obenshain abstained both from the discussion and voting.

Long Term Steward projects in VOF pilot program

| Project Name | County | Watershed | Status |
|-----------------|----------|------------------------------|--------------------|
| Whitewood | Fauquier | Middle Potomac | IRT Review |
| Montebello | Orange | Rapidan - Upper Rappahannock | IRT Review |
| Wancopin (VDOT) | Loudoun | Middle Potomac | Under Construction |
| Wancopin (IRT) | Loudoun | Middle Potomac | IRT Review |

Bull Run Mountains Natural Area Preserve Cultural Heritage Presentation Virtual

Joe Villari & Barinaale Dube provided a presentation on the extensive work being done in this realm at Bull Run Mountains Natural Area Preserve. The trustees applauded the work done as well as the presentation.

Preservation Trust Fund- Cost Only Awards

Motion made by Tom Slater to approve \$20,700 in PTF monies for the Profitt project and \$21,000 for the Cash project; motion seconded by Viola Baskerville and passed unanimously. The funds needed for these projects exceeded the \$20,000 administrative approval threshold for cost-only awards per project.

Motion made by Tom Slater to approve all the projects listed below as presented in the meeting materials; motion seconded by Steph Ridder and passed unanimously.

TEAM - Valley

- Open Space Easement- Draper - Bath County
- Open Space Easement - Foltz - Shenandoah County
- Open Space Easement - Harner - Augusta County
- Open Space Easement - Wain - Shenandoah County

TEAM - Southwest

- Open Space Easement - H. Rudy Cash - Campbell County

- Open Space Easement - David L. Dabbs - Patrick County
- Open Space Easement - Norma Faye McLemore - Scott & Russell Counties

TEAM – Coastal/Southside

- Open Space Easement - Dandridge and Michelle Allen - Essex County
- Open Space Easement - Carter’s Grove Associates, LLC - James City
- Open Space Easement - Cory & Rebekah Garrett - Caroline County
- Open Space Easement - Gooden Group, LLC - Southampton County
- Open Space Easement - Matthew and Bethany Hunter - Charlotte County
- Open Space Easement - Michael Luter Revocable Trust and Legacy Ranch Investments, LLC
- Open Space Easement - The Robert F. Norman Living Trust - Westmoreland County
- Open Space Easement - Proffitt Farms, LLC & Robert and Winona Proffitt - Mecklenburg County
- Open Space Easement - Mary Nell B. Tatum - Amelia County
- Open Space Easement - Richard Wilkins - Westmoreland County

TEAM - Piedmont

- Open Space Easement - Joshua E. Amos - Buckingham County
- Open Space Easement - Forkland Farms Corporation - Cumberland County
- Open Space Easement - MF Norman Properties, LLC - Prince William County
- Open Space Easement - Dr. Betsee Parker - Fauquier County
- Open Space Easement – Reed - Rappahannock County
- Open Space Easement - MFR Company, LC – Turner - Loudoun County

Closed Session for discussion as provided for in the Code of Virginia §2.2-3711(A)(7) & (8)

Motion made by Steph Ridder:

Madame Chair, I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.7 & 8 and for :

1. consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel:
 - a. Jackson River vs. VOF
 - b. Hayfields RFI
 - c. Counsel regarding IRS ruling

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2-3712 (F), the Board requests the VOF’s Attorney General Counsel, the Executive Director, the Deputy Directors, & the Executive Assistant, as it believes their presence will reasonably aid the committee in its consideration of topics that are the subject of the meeting. Motion seconded by Viola Baskerville and passed unanimously.

Trustees moved in to closed session.

Upon return to open session, Steph Ridder read the following certification:

WHEREAS, The Board of Trustees conducted a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;
NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Bobbie Cabibbo called for certification:

Elizabeth Obenshain so certified; Tom Slater so certified; Viola Baskerville so certified; Steph Ridder so certified; Eleanor Brown so certified.

The meeting adjourned.

RESOLUTION**VIRGINIA OUTDOORS FOUNDATION (VOF) BOARD OF TRUSTEES
RESOLUTION TO SET VOF MEETING DATES FOR CALENDAR YEAR 2021**

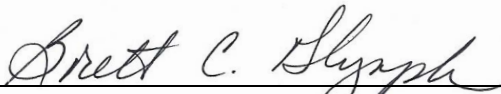
WHEREAS, The Virginia Outdoors Foundation (VOF) Board of Trustees typically meets several times a year to consider easement proposals and matters of land conservation policy;

WHEREAS, as there may be compelling reasons to adjust the schedule which may be done at the discretion of the Chair in consultation with the trustees; now therefore be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 24th day of September 2020, That the following dates are hereby adopted for VOF Board of Trustee meetings, including committee meetings in the calendar year 2021.

| Meeting | Date |
|--|------------------------------------|
| Finance, Audit & Compliance Committee Mid-Year/Audit Review | Tuesday, February 09, 2021 |
| Board of Trustees | Tuesday, February 09, 2021 |
| Special Forestry Committee | March 1, 2021 TBD |
| Finance, Audit & Compliance Committee Budget Preparation | Thursday, April 8, 2021 TBD |
| Board of Trustees | Thursday, April 8, 2021 TBD |
| Preservation Trust Fund Committee | Thursday, June 10, 2021 |
| Board of Trustees | Thursday, June 10, 2021 TBD |
| Board of Trustees | Tuesday, September 14, 2021 TBD |
| Board of Trustees Meeting | Monday, November 8, 2021 TBD |

Adopted by a vote of 5 for and against 0



ATTEST: Brett C. Glymph, Executive Director