

Friday, January 24, 2020

1:00 – 3:30 PM

CWSP Stakeholder Engagement Meeting – Minutes

In Attendance

- Vermont DEC – Neil Kamman, Chris Rottler, Ethan Swift, Ben Copans, Angie Allen
- VAPDA/ RPCs – Charlie Baker (skype), Peter Gregory, Tom Kennedy, Dan Albrecht
- VACD/ NRCD – Gianna Petito, Holden Sparacino
- WUV/ WRP – Lyn Munno, Mary Russ (skype)
- GMWEA – Amy Macrellis
- LCC/ Water Caucus – Jared Carpenter
- CLF – Zack Porter
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Meeting minutes from 1-10

Corrections:

- Change on page two of notes regarding target close for RFP. Desire April/May not just April. Mary Russ hoping for mid-May as a good compromise that was supported by others in the AG.
- Change on page five of notes, right above “DEC- will add to #2”: add comment from WUV regarding why compensation is so critical. If BWQC partners can't afford to attend these meetings, they won't, meaning key decisions about prioritization schema, project selection, basin planning and problem identification will all be happening without critical partners at the table, compromising the effectiveness and reach of these BWQC.

Next Meetings

- Chris schedule through April 3rd with the current Friday afternoon 1-3:30 schedule
- Lyn miss 2/21 and 3/6 meetings – Mary available to join in her place
- Zach to miss the next two, will ask another to join

Check in on Process/Housekeeping

- Neil thanks all in attendance for commenting on the RFP
- Neil asks AG about outreach from committee to broader community and organizations that would be interested

Discussion around the BWQC Process and Rule

- 1) Member selection. Chair selection. Non-statutory members of the BWQC. Allowed? Limits?
 - Concerns over adding non-statutory members to BWQC is a slippery slope. Where does it end?
 - Allow sponsored representatives to speak on the behalf of additional participants
 - Leaning towards collaborative consensus model for BWQC, less likely to stack committee for voting purposes
 - Standardize how BWQC function/structure statewide
 - Cap of nine members, keeping governing body small for more effective decision-making process
 - Putting the cap of nine members in rule

- Rather than approving projects individually, what about a package of proposed projects (omnibus version) put forth to the BWQC at once, would encourage team playing.
 - Chair selection – matter of guidance, BWQC select chair for a two-year term
 - Question was raised about if the CWSP should be a voting member of the BWQC
 - CWSP may participate in BWQC if a statutory member
 - Could be awkward if CWSP admin staff is also the voting member. To be revisited.
 - Discussion around term of BWQC members
 - The process of replacing an entity and how long said entity may serve on a council
 - Concerns expressed over rotating someone off the council who is very important at end of term
 - Place a term on an entity is not limiting, allowed to keep serving
 - Suggestion for terms of one year and three-year cycles
 - Question if a three-year member will have more gravitas over the one year during the decision making
 - Suggestion of one year and two-year term allowing every year to replace/refresh BWQC if needed
 - Neil clarified the point of the one year term was to create stagger, so that entire Council not replaced repeatedly, which is bad for institutional knowledge.
 - Question arose about finding enough people to serve on the BWQC for the smaller watershed basins and which basins are the most likely for this to happen
 - Discussion over organizations
 - Could a bunch of organizations hire one organization to represent them?
 - Can an organization serve on multiple basins?
 - Yes, TNC would be an example of an organization that could sit on five different BWQC
 - Concerns arose over an entity like TNC being more active in some basins over others and prioritize
 - Members appointed to BWQC should be knowledgeable about basin/watershed and guidance should indicate as such
 - *Major Outcomes:*
 - *Chair selected by BWQC for a term of one year and is a matter of guidance*
 - *CWSP may participate in BWQC if a statutory member*
 - *Term should be staggered (1yr & 2yr), then two years repeating*
 - *Nine statutory members on BWQC*
 - *Guidance should indicate that members of BWQC shall be knowledgeable*
- 2) Non-member input into BWQC actions/meetings. Allowed? Limits? Process? Effect?
- Meetings should be public and allow for public comment
 - Non-member input into process/meetings part of the basin planning process
 - Discussion arose around members of the BWQC forming sub-committees
 - Important to allow information to flow and ideas to be represented
 - Rule – clarifying subcommittee establishment and operating rules
 - Question arose over stipend for paying sub committee

- Subcommittees allowable by action of the BWQC, with membership approved by BWQC
 - Members of BWQC can solicit consultation with constituents at their initiative
 - *Major Outcomes:*
 - *Meetings shall be public and noticed beforehand*
 - *Subcommittees allowable by action of the BWQC with membership approved by BWQC*
 - *Any BWQC member can solicit info from their constituency at their initiative*
- 3) BWQC member alternates/substitutions. Replacing members.
- Discussion arose around the difference between proxy and alternate and if designating proxy/alternate should be allowed
 - Alternates are someone from the same organization and should be named upfront
 - Should be regular participants in the meetings but don't have a vote unless named the alternate for that meeting
 - One alternate per representative
 - Discussion arose around if the CWSP picks organization and the organization picks representative
 - Can an alternate be rejected?
 - Guidance will place limit on use of a proxy
 - *Major Outcomes:*
 - *Alternates allowed*
 - *Proxies allowed but subject to guidance limits*
- 4) Quorum requirements. Frequency requirements. Decision making methodology.
- Frequency of meeting should be a minimum of quarterly
 - Suggestion that quarterly is going to be expensive
 - Guidance stipulate a minimum of quarterly meetings, adjustable later if need be
 - Discussion over decision making methodology: consensus vs voting
 - consensus or majority vote of members, not quorum
 - discussion over how project decisions are made and if everyone on the review committee must agree if a project is viable to move forward
 - consensus is a great idea to start with but when it doesn't work move to vote, voting must be binding
 - *Major Outcomes:*
 - *Quorum requires majority and is subject to rules*
 - *Minimum quarterly meetings – in guidance*
 - *Decision making methodology: Consensus or majority votes of members, not quorum*
- 5) BWQC follow open meetings law? Agendas, minutes, no non-warned meetings, etc.
- Discussion over if a sub-committee meeting is subject to open meeting laws
 - Subcommittees are not decision making
 - If decisions are being made then meeting should be open/minutes taken
 - BWQC should have open meetings with warned meetings for public to be made aware of
 - *Major Outcomes:*
 - *Meetings shall be public and noticed beforehand*

- *Subcommittees are not decision-making. If so, meetings shall be open/minutes taken*
- 6) BWQC executive session - when allowed?
 - Transparency is best and vote should be public
 - All BWQC prioritization should not be executive session
 - Deciding on regular contractors – executive session
 - *Major Outcomes:*
 - *When permitted by statute, with outcome voted upon*
- 7) Attendance requirements for BWQC?
 - Discussion whether chair speaks to BWQC member first after missed meetings, if a member misses a years' worth of meetings then the board has ground to remove them – guidance
 - Give weight to the BWQC/CWSP to have input on someone who isn't participating
 - If critical conflicts occur – ANR steps in
 - Members not in attendance will not be paid – time served
- 8) Conflict of interest policy for BWQC participation and the CWSP as a whole
 - Neil presented the LCBP model for COI
 - Unable to vote or take part of decision making/voting on own project
 - Not using the further portion of the LCBP model, which wouldn't allow a member to weigh in on any projects being proposed at the time if you apply the project
 - Not allowed to vote on a project you proposed, does this extend to the host organization as well?
 - Appearance of COI is important and big deal even if you don't have one
 - The packages bundled together idea wouldn't work due to COI and no one would be left on the BWQC to vote
 - Needs additional discussion
 - *Possible Major Outcome:*
 - *Member will not vote on own project and will recuse themselves from the voting*
- 9) Standard rules and/or factors for consideration for ranking projects for selection across all BWQCs? Such as: pollutant reduction targets, co-benefits, O&M costs, conformance with tactical basin plan, and other water quality benefits beyond pollution reduction.
 - Yes, a discussion lead by Ethan Swift will happen.
- 10) Relationship of BWQC to basin planners.
 - CWSP/ANR will provide technical assistant to BWQC
 - Basin planners are primary liaison between DEC and CWSP/BWQC
 - Discussion around what the vision is for these meetings and if one or two meetings should be designated as planning meetings to get the big picture
 - Basin planners have a large breadth of knowledge and are important
 - Discussion around basin planners connecting the public input aspect to these meetings and how far downstream does one wish to entertain public based input
 - Public meetings with open call for projects that someone from public can attend and provide input?
 - *Major Outcomes:*

- *Funding – some BWQC meeting may be TBP, while some may be CWSP funded depending on the context of the meeting*
- 11) Liability insurance coverage for BWQC members and CWSPs.
 - 12) BWQC role in overseeing and/or hiring of ED/CWSP Program Manager?
 - No
 - 13) Role in other CWSP policy making? How and when? Determining most significant water quality impairments that must be addressed? Financial/Operational Oversight? Other decision making?
 - 14) Communication requirements for CWSP?

CWSP Governance

- 15) Term for CWSP? Up to 5 years that can be renewed.
 - Discussion about if an organization comes forward wishing to be a CWSP and provides a letter of interest, how is that weighted against any current CWSP and determining who is more qualified to fulfill the station. What would this letter of interest process be?
 - Discussion over a five-year automatic performance review from state review what was accomplished and if any complaints have been filed against the CWSP during that performance period
 - This is weighed against any prospective CWSP
 - Not going back to RFP and cannot hybridize an RFP
 - Discussion around allowing period of learning curve for CWSP to improve upon performance
 - Desire the CWSP term to be staggered to avoid an issue of having to appoint multiple new CWSP at once
 - *Major Outcomes:*
 - *Five-year performance period and subject to review*
 - *Letters from public may be submitted during the performance period*
 - *BWQC may have review role*
 - *CWSP have staggered terms*

Questions/Ideas to be revisited:

1. Can the CWSP admin staff be the voting member of the basin council, or is it another CWSP organization employee?
2. Clarify what can be talked about in subcommittee and what is subject to open meeting law
3. Package of projects presented to BWQC idea