

**Attendees:**

Neil Kamman, Ethan Swift, Chris Rottler - VTDEC  
Gianna Petito, Holden Sparacino - NRCC/VACD  
Jared Carpenter, LCC  
Zach Porter, CLF  
Peter Gregory, Charlie Baker, DanAlbrecht - VAPDA  
Lyn Munno - WUV  
Mary Russ

**Agenda:**

Act 76 Stakeholder Advisory Group, 12/3/2019

Montpelier Conference Room, National Life

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**Introductions**

1. Review of notes from 11/21 meeting
2. Process check from last meeting
3. Review and comment on draft selection criteria
4. Initial dive into the topical areas of the guidance on governance

**Notes from meeting:****Introductions:**

Neil welcomed group and started the meeting with a round of introductions for anyone who missed the last meeting.

**Review of notes from 11/21 meeting**

No one brought up any issues

**Process Check from last meeting**

No one raised any issues or requests

**Review and comment on draft selection criteria**

- 1) Introductory Description:
  - Neil reviewed the paragraphs written
  - Wording suggestions were taken into effect around the second sentence and edited by Neil during the meeting to reflect the suggestions
  - Type XX public comments question was raised as to what this is. Neil answered: Act 150 created five ways to notify the public, potentially chose type 3 to allow public comment on RFP document for 30 days ideally in January 2020.
  - Question was raised on the audience for this, what is the introductory roll out, and what are the set targets the CWSP will have to meet?

- Question was raised about if new impairments are added to CWSP plate other than Phosphorous will CWSP position be re-visited? Answer: language in Act 76 enables adoption of other impairments into the schedule and doesn't assign the targets
- 2) Experience in Grant Management and Project Management
- Question raised about the difference between 2 and 3 and could they be lumped into one
  - Question about what exactly an applicant will have to provide for this section. Show us how many you have? Will the section be a narrative, and will it be about who writes it most convincingly?
  - Re-wording/organizing the list to include contracting and grant-out management and grants-in management
  - Concerns around the use of environmental background and it being too broad of a criteria
  - Questions regarding the key staff section and will we be requesting resumes of the staff?
  - Recommendations to create clear concise expectations for what recommended attachments should be included
  - Concerns regarding the fairness of questions and balance of the grading system, wanting to compare apples to apples when it comes to CWSP applicants
  - Will a minimum threshold be established? Will minimum qualifications exist and what are those minimum baseline credentials?
  - Conversation regarding what criteria would be considered baseline vs critical vs what is nice to have.
    - o Grant making = nice to have but not a pre-requisite
    - o Grant management = a baseline
    - o Contracting = a baseline
    - o Project account and reporting = baseline
    - o Applicant should convey experience in grant making/management and should describe their system
    - o Strong financial management experience
- 3) Operations Planning
- Conversation around these baseline criteria is to weed out the base floor but concerns were raised if this would limit who thinks they can apply because they aren't sure if they make the minimum qualifications
  - Around "Plan to implement CWSP responsibilities" was asked to flesh this out and provide details
  - Concerns were raised about specific wording and be explicit with the details in order to ensure the intent of legislature is upheld.
    - a. BWQC has the advisory power and a CWSP may be able to implement a project however should adhere to the rules and go through the BWQC before taking a project on so only one track is followed
    - b. Money comes to CWSP --> projects prioritized by BWQC --> project implemented (CWSP not excluded from this part but will not act as CWSP, but rather as entity implementing project)
  - Language was added to "Ability to Track projects" and now includes "oversee project administration." The words "existing or planned staffing" was moved to Key Staff.

- Under Ability to Track projects, questions were raised about the specifics of the tracking mechanisms and what IT will DEC furnish for project tracking. Subject was raised on whether starting from scratch with a new program that is more accessible would be an option. DEC more inclined to use existing Watershed Projects Database and alter it so that more people can easily access
  - Sufficient support systems need to be auditable and there exists the need for auditability
  - Under Written policies add in that the agency may request these documents
  - Add language in Written policies “please describe”
  - Questions were raised around Board Oversight and what this entails. Answer: bylaws and board level documents.
    - o Language should be changed to Board Governance as it is a broader term
  - Add Conflict of Interest (COI) policy to the list of Written policies
  - Conversation around the mission statement of organizations and if the mission statement of the CWSP can be different than the BWQC
- 4) Fiscal Condition
- Conversation around the interview type question of budgeting. What is your operational budget in order to put \$500,000 worth of project money on the ground? *Potentially moved to operations plan since it gets at how an applicant would plan*
  - Concerns over including a money amount in the question or application as this may create an expectation of the amount of funds that the CWSP will be provided.
  - Conversation around how applicants will show competency with management of grants and budgeting
    - o Made up scenario with fake numbers and they have to provide the budget for it?
    - o Concerns over making more work for people who already have several budget skills
  - Include Organizational budgets, profit/loss sheets, and balance sheets
  - Questions on what insurance will be required as a base requirement for CWSP were raised. General liability is a base requirement and guidance will provide greater insight into suggested increased insurance for the CWSP to have (commercial liability, professional liability) and how this will be demonstrated to partners
  - Question on auditing was raised. Answer: if you have an audit please submit it, require that CWSP will be auditable but won’t ask for the audit until CWSP is signed in
  - Include in Fiscal section Audited financial statements and 990 as options
- 5) Technical Approach, Competency
- Implementing/overseeing language was struck from this section
  - The two “ability to...” bullets were moved to section on experience in grants and project management
  - Concerns over this move and striking the “technical approach, competency” section and merging it with the experience section was raised as experience doesn’t mean solid credentials and this will enable a resume vs portfolio look into the applicant to determine quality of work
  - Concern was raised again around the language of implement or ability to implement as well as concern if a CWSP who has the capability to implement will score higher than a similar entity that doesn’t implement
- 6) Letters of Reference/Support

- Question around the word “co-incident” and what that means
- Concerns over this causing pressure and being potentially problematic for some CWSP who may not have the commitment of multiple municipalities

Last comments:

- Concern over lack of governance thus far with COI and protocol for an entity on the BWQC to recuse themselves if a project is in direct conflict with their program
- Point was made that the make up of BWQC was made intentionally with select members of groups who implement projects and it is a big barrel of COI
- Concern of pet projects and having governance around a pet project with high price but low yield isn't the right move and how to combat the tendency
- COI has to happen, and details are to come and be incorporated into either governance or rule

**Initial dive into the topical areas of the guidance on governance**

Will be talked about in next meeting on 12/17/2019 as this was not reviewed during this meeting

Neil won't be attending the 12/17/2019 meeting. Will be run by Ethan Swift and Chris Rottler. Agenda for that meeting is to run through guidance and the draft RFP.