

Attendees:

Neil Kamman, Ethan Swift, Chris Rottler - VTDEC
Gianna Petito, Holden Sparacino - NRCC/VACD
Jared Carpenter, LCC
Zach Porter, CLF
Peter Gregory, Charlie Baker, Dan Albrecht - VAPDA
Lyn Munno - WUV
Geoffrey Battista, Office of the State Auditor of Accounts
Amy Macrellis – GM Water Env. Assoc.
Christopher Koliba - UVM

Agenda:

Act 76 Stakeholder Advisory Group, 11/4/2019

Catamount Room, N215, National Life

Introductions

1. Review of notes from 11/4 meeting
2. Process check form last meeting
3. Availability of website
4. Proposal for run of show for upcoming meetings
5. Deep dive on proposed criteria for selection – led by Chris Rottler
 - a. Managerial
 - b. Financial
 - c. Technical
 - d. Proposed BWQC makeup
 - e. Future State

Notes from meeting:**Introductions:**

Neil welcomed group and started meeting with introductions from around the table. Quick overview of the agenda for today and started with reviewing notes from 11/4 meeting.

Review of notes from 11/4 meeting

Holden spoke up about a potentially missing piece to last meetings notes regarding after the RFP is closed having a record of decision around who applied, and the selection criteria used.

Process check form last meeting

Lyn: big decisions are being made here and wants to make sure that everyone knows what those decisions are after reaching consensus. Also inquired about the model for consensus/decision making procedure.

Answer on QA regarding TPI as model for board relationship with CWSP – was edited by Neil during the meeting and deleted from the answer.

Asking for a formal RFP document that all can access, edit, and view such as a google doc.

Availability of Website

Neil showed everyone the new Act 76 website page and took the group through the navigation of the DEC website.

Proposal for run of show for upcoming meetings

Neil reviewed today's criteria and upcoming meetings on December 3rd and December 17th. Questions were raised around the word "consensus" and how decision-making process will proceed after input is given from group; will it be a majority rules? Neil emphasized that in this context, "consensus" did not mean 100% mutual agreement, but 100% awareness of the areas of agreement, and remaining areas of disagreement. Ultimately, this is an advisory group that will provide input to DEC. DEC will operate within the constraints of State policy and law, while accommodating as many pieces of the advisory group input as may be supported by policy or law.

On December 17th the group will decide on schedule for January meetings of the Advisory Group.

Proposed Criteria for selection – Chris Rottler led discussion

a. Managerial

- CWSP needs meeting facilitation skills and consensus building as experience requirements for this job.
- Separate section on relationships and clear complex goal directive networks involving diverse constituents with common goals and impacts in mind. This would show relationships as well as letters of support, signal capacity building capabilities, networking, and external connections.
- Discussion around not requiring letters of commitment from prospective BWQC members in the application for CWSP as it would limit who would be able to apply. Having the letters would be a strong application and would reveal who you have been talking to.
- Inviting operations plans to be included to demonstrate ability to build organizational capacity
- Discussion around creating space for a narrative to occur during the application process for those who haven't demonstrated proof of being able to do this aspect. Ask the question "How do you propose to manage this program?". Charlie: separate experience you have versus what is your proposal and possibly placing the support letter in the proposal section instead.
- Discussion around "Existing mission statement must be consistent with the goals of Act 76" and questions were raised around this limiting the pool of potential applicants who would be incredibly good businesspeople but do not have clean water in their mission statement. The reason behind this line was around whether to allow for-profit groups to apply and is making a profit consistent with Act 76?
 - o Chris K.: Mission statement won't enable you to protect the money from fraud or profitability, better to place a cap on profit.
 - o Discussion around whether CWSP should be concerned about clean water and get at who the CWSP is and their motives. Is the CWSP only admin role or taking a more

active role. If the CWSP was mostly concerned around the managerial side, then this could elevate the role of the council.

- Zach: creating requirements for governance within CWSP boards and being clear about the expectation that whoever is applying is committing to live by these rules

b. Financial

- Change title to “Financial Management Capacity”
- Discussion around minimum thresholds and would there be a base amount that everyone will get regardless to provide security and cover fixed costs?
- Evaluating financial health during the proposal with a number would limit the responses and potentially discourage those who aren’t sure if they can cut it to apply
- Discussion around keeping the funds separate from the CWSP organizations funds
- Raising the issue that RFP needs to be explicit in assuring CWSP that they won’t be putting their organization at risk of being fined and questions around liability. Note that the initial draft RFP will seek advisory group input on optimal placement and options for incorporating this concept)
- Concerns around knowing how much debt a potential CWSP has and who will be tempted to pay debts off with state funding.
- Discussion around the topic of liability and coverage for the board, errors and omissions insurance?
 - Raises the specter that risk is being imposed and will require assurance that there will be no unnecessary risk involved to the board and that coverage is just in case something happens.
 - Since council is making decision then they require coverage
 - Accountability and responsibility wise – DEC are accountable for ensuring that funds are spent towards work being completed.
- Under accounting processes the line “Require accountant prepared financial statements...” should avoid the term accountant as implies a professional career accountant is necessary; change wording

c. Technical

- Discussion around the wording of this section and the use of “ability to implement projects” and raised questions if CWSP needs to have the ability to manage projects or demonstrate ability to implement these projects. The wording could be restrictive for those who wish to apply.
 - Demonstrate ability to manage
 - Technical approach to management wording instead.
- Show familiarity with issues at hand and interacted with the language of this type of project. Need to understand the process but not necessarily implement these projects. Show that you know who the players are and have the connections to make these projects happen.
- Show capacity to interact with entities and complete projects
- Ask “What is your plan” may already be covered when asking about the CWSP ability to manage.
- How do you propose maintenance and who is responsible for O&M?

d. Proposed BWQC makeup

- Merge with Technical

e. Future State

- Questions were raised regarding rules and if this should be a multi-year commitment.
- Agree to agree to a set of rules that have yet to be determined, but FYI that they are coming
- Rule can't force anyone to follow through and become a CWSP, only rules are around the money and can't create risk for the CWSP
- Record retention, conflicts of interest, open meeting policy should be put into place by selection
- Ask the question: How are you going to work within the current apparatus of players at the different scales; what does this look like?