



Lake Champlain Basin Water Quality Council Meeting
July 28, 2022, 10:00 am
Virtual meeting/Microsoft Teams and In-Person at RRPC Office

Members present: Robert Richards, Murray McHugh, Donald Campbell, Erin Rogers, Katy Crumley, Paul Donaldson, Mike Winslow
Staff present: Hilary Solomon, Barbara Noyes Pulling, Devon Neary, Sadie Brown
Basin Planner: Angie Allen
Public: None

1. CALL TO ORDER AND WELCOME

Not having elected officers yet, the meeting was called to order by staff at 10:03 AM.

2. APPROVAL OF AGENDA

Motion by Mike Winslow to approve Agenda as presented, seconded by Murray McHugh. Approved by voice vote.

3. APPROVAL OF MINUTES

Motion by Mike Winslow to approve the Minutes as presented, seconded by Murray McHugh. Members discussed adding Hilary Solomon's suggested changes and Bob Richards' suggestion to add 'no action taken' to the conflict of interest section of bylaws. Approved by voice vote.

4. REVIEW OF BWQC BYLAWS AND RULES OF PROCEDURE

The group reviewed the staff responses to its questions and suggestions at its last meeting. Robert Richards asked if there should be more continuity in the bylaws. Hilary Solomon suggested a general introductory statement. Mike Winslow concurred that it should be in the bylaws.

In Sect. 402, the group revisited its discussion about staggered terms for BWQC members and, per Donald Campbell's suggestion, agreed to leave as is and in two years do a check in to see if there is a need for staggered terms.

Staff reported that it had placed Sect. 406 after 402.

In Sect. 403, the group decided to add language that BWQC alternates are established at the first meeting and can be changed with reasonable prior written notice to the BWQC and CWSP in subsequent meetings. Staff will make change.

Members discussed Sect. 404(a)(3)vi: *For a motion to pass, it must receive the concurrence of a majority of the members of the Council.* Staff informed the group that this is not required in the Rule although it is cited as an option in Guidance. Mike Winslow advocated for changing the language to ensure there are enough votes to approve projects when there are members recusing themselves. Hilary Solomon suggested that the respective Minutes reflect comments from recused members. Katy Crumley thought that was a good idea because it would give members more feedback. Members concurred to changing the language to: *For a motion to pass, it must receive approval of a majority of eligible members of the quorum.* Staff will make change.

In Sect. 408, Mike Winslow suggested reorganizing this section to eliminate redundancies and add new language on public participation. Members concurred that (f) would be regarding website; (g) would be public participation; and (h) would be e-communications (#2 + 3). Staff will review.

For Sect. 409 (Compensation), staff suggested adding *\$50 per hour for trainings* or adopting Otter Creek BWQC bylaws language: *Council delegates shall be entitled to reasonable compensation for participation on the Council in accordance with the Secretary's guidance and applicable grant agreements.* With regard to whether preparing for meetings can be covered by the per hourly rate stipends, staff reported that it's currently not allowed under the startup grant, but they will inform BWQC members if funds become available in the future. The group agreed to replace with Otter Creek BWQC language. Staff will review.

In Sect. 502, staff presented the group with added language from the Otter Creek BWQC bylaws. Members discussed the role of non-BWQC members sitting on committees and voting rights. It was decided to include language from #1-5 in Otter Creek BWQC and additional language that states that committees are authorized to make recommendations to the full BWQC which will vote on those recommendations. Non delegates (non-statutory members) who sit on committees can vote on recommendations for the committee on which they serve (but not on business of the full BWQC). Staff will review.

For Article VI, Don Campbell requested that the title be changed to Conduct and Standards rather than Elections. Staff presented conflict of interest and professional conduct language from the Rule and draft Guidance. Don Campbell also suggested that the definition of Conflict of Interest include language that acknowledges that most members of the BWQC have inherent conflicts of interest because of the work they do for a living. Members should be able to not only say when they or the entity they work for will be enriched by projects but also why they think these projects should be advanced. Hilary Solomon stated she likes the idea of a process that shows consensus. Mike Winslow stated as written the section allows for the majority of the BWQC to vote on members' conflicts of interest. Don Campbell suggested that the chair ask about conflicts before there are any votes. Mike Winslow read the conflict of interest section in the Otter Creek BWQC bylaws. Robert Richards indicated he liked the provision to call other experts when advancing projects. Don Campbell suggested an introductory paragraph that asks parties with a potential conflict of interest to self-identify before a vote. Staff was asked to review the language from Otter Creek for the next iteration of the bylaws at the next meeting.

In Sect. 701 (a), the group discussed the proposed methods for disseminating information (outreach) to those not serving on the BWQC. Several members opined that it's not the responsibility of BWQC members to share this information. Don Campbell suggested replacing a quarterly newsletter with quarterly updates to all basin towns and stakeholders summarizing the BWQC's work. Staff will make change.

(a) For Sect. 701 (c-e), staff suggested that this and all of 702 be placed in a list of Standard Operating Procedures. Staff also proposed new language for 701: *The BWQC shall coordinate with the DEC Watershed Planner as the primary DEC staff to serve as the liaison between BWQCs and DEC technical programs (such as for the River Management, Wetlands, and Lakes and Ponds Programs), data and assessments.* Basin Planner Angie Allen suggested that the group wait to review Ch. 6 of Guidance before acting on this language.

In Sect. 703, the group suggested this section remain in the bylaws and not be placed in the SOPs. Mike Winslow pointed out that (b) should be deleted because it is redundant and was changed in 404. Staff will make change.

Members concurred that Sect. 705 and 706 be added as suggested by staff and that a section on Severability also be added. Staff will make change.

5. ELECT OFFICERS - CHAIR AND VICE CHAIR

Mike Winslow nominated Don Campbell as chair; he declined. There was a discussion about how much time these jobs would require. Hilary Solomon suggested that staff would do most of the work and see what else can be done to make it as easy as possible on the officers. Mike Winslow recommended that staff determine how to fill the roles offline. Staff will review.

6. NAME ADDITIONAL ALTERNATES

Staff indicated that it didn't have contact info on Philip McGovern who was included as an alternate at the last meeting. Mike Winslow reminded the group that it doesn't approve alternates; that is done by the CWSP. Robert Richards reminded the group that it had recognized four alternates at the last meeting: Adam Piper/VLT, Mary Ann Goulette/Town Manager of West Rutland, Adam Lougee/Executive Director of Addison County Regional Planning Commission, and Philip McGovern. Katy Crumley suggested reaching out to other BWQC members for ideas. Murray McHugh suggested Shane Gartworth (sp) of TNC as an alternate for one of the Watershed Group members. He was asked to run that by Watersheds United of Vermont (WUV).

7. VIRTUAL AND IN-PERSON MEETINGS

Staff informed the group that starting with this meeting, all BWQC meetings can be accessed both virtually and in-person at the RRPC office.

8. STIPENDS

Staff reiterated that members can be paid \$50/hour for both meetings and time spent attending trainings and that getting paid for "homework" will be researched.

9. CO-BENEFITS FOR USE IN PRIORITIZING PROJECTS

Hilary Solomon presented some initial planning for considering co-benefits based on work by UVM students and other CWSPs. Don Campbell said it reflected good thinking and that he needed time to review it. Mike Winslow suggested a cap on maximum scores; that the current 32 may be too high. Katy asked if the form was incorporated into project applications/packets yet? Hilary Solomon said it was a preliminary effort to help the group figure out how to weight co-benefits. Angie Allen suggested that the UVM Capstone project be sent to BWQC members.

10. FORMULA GRANT ALLOCATIONS

Staff reviewed with the group the amount of funding coming to the CWSP related to the four land use sectors, for project identification and development, and administration of the Formula Grant. Staff also shared estimated costs for certain BMP practices and P reduction targets per land use sector. The tables will be sent out to members following the meeting.

11. REQUEST FOR QUALIFICATIONS

Staff reviewed with the group that there will be two types of RFQs – one for partners/implementors and one for subcontractors. Still to be resolved is whether this will be a rolling process. There's also some discussion by CWSPs whether there is a real benefit of having RFQs.

12. PUBLIC COMMENT

None; no public in attendance.

13. NEXT MEETING

Staff suggested that BWQC not meet in August and hold its next meeting in September. The group agreed. Staff will send out another Doodle Poll closer to that time.

14. ADJOURNMENT

At 11:52 am, Don Campbell moved to adjourn; seconded by Katy Crumley.

Respectfully submitted by Hilary Solomon and Barbara Noyes Pulling