

# Winooski River Basin Water Quality Council Meeting

September 15, 2022

# Agenda

- 1:00 Call to order & Roll call
- 1:05 Updates to agenda
- 1:10 Public Comment
- 1:15 Review & approve minutes from August 18, 2022 meeting (action item)
- 1:25 Brian Voigt: CWSP Policy Updates (information)
- 1:40 Karen Bates (DEC): Updating the Winooski Tactical Basin Plan – Outreach Strategy (information)
- 2:10 Project co-benefits (discussion)
- 2:40 Brian Voigt: Tools, Calculators & Databases (information)
- 2:55 Agenda items for next meeting (October 20, 2022)
- 3:00 Adjourn

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# CWSP Policy Updates

- 1) Procurement / sub-grant guidance- BWQC to review
- 2) Public engagement/participation - BWQC to review
- 3) Records retention
- 4) Internal controls - incl. dissolution, accounting, financial management, etc.
- 5) Personnel policy - incl. discrimination language that complies with federal / state law
- 6) BWQC bylaws - BWQC to co-write/review
- 7) Conflict of interest

# CWSP Policy Updates: Procurement

- ◆ Small purchases
  - ◆ CVRPC threshold: \$3000
  - ◆ CWSP threshold: \$1000 (quote required for purchases > \$1000)
- ◆ Procurement > \$10,000 require a contract
- ◆ Procurement > \$15,000 from a single vendor requires contract
- ◆ Procedures:
  - ◆ vendors solicited should understand they will be required to sign an agreement that includes provisions of the formula grant that are required to be passed onto subcontractors / subgrantees, together with other applicable requirements
  - ◆ BWQC members may not participate in procurement decision making
  - ◆ CWSPs alone are responsible for procurement under the formula grant

# CWSP Policy Updates: Procurement

- ◆ Pre-qualification & Sole Sourcing
  - ◆ Pre-qualification process must be open at least once per year
  - ◆ Typical categories of services that a CWSP might seek pre-qualified entities for include engineering, project management, and construction, among others
  - ◆ Sole Source subawards are allowed when an entity has been prequalified to provide services pursuant to § 39-306(h)



# CWSP Policy Updates: Records Retention

- ◆ Procurement of Goods

- ◆ Records related to the procurement of services shall be retained for the term of the contract plus three years
  - ◆ Records related to procurement of goods shall be retained for at least one year after the audit covering the procurement
  - ◆ Records related to procurement of services shall be retained for at least three years after the audit covering the procurement
  - ◆ Records relating to the RFP/bid process, including proposals and a record of the selection process, shall be retained in the contract/grant file in accordance with the CWSP's records retention schedule
- ◆ CVRPC Records Retention Policy was shared with (Vermont State Archives & Records Administration (VSARA) for their review & feedback



# CWSP Policy Updates: Internal Controls

- ◆ Principal Director
  - ◆ one principal Director (CWSP Director), who shall be responsible to the Secretary for the entity's compliance with all CWSP obligations set forth in statute, this Rule, and guidance
  - ◆ authorized signatory for all CWSP activities
  - ◆ review & approve CWSP budget + monitor CWSP financial status
- ◆ Separation of duties
  1. custody of assets & accounting
  2. authorization of use of assets
  3. reconciliation
- ◆ Other topics: financial reporting, safeguarding of assets, insurance, dissolution

# CWSP Policy Updates: Personnel

- ◆ Personnel practices, policies, and procedures that promote high quality services
- ◆ Policies prohibiting discrimination based on all protected classes under federal and Vermont state law
- ◆ Maintain evidence showing that the CWSP adheres to its stated practices
- ◆ Detail separation of duties, approvals/authorizations, and safeguarding of assets

# CWSP Policy Updates: Conflict of Interest

- ◊ All persons engaged in the decision making of the respective CWSP or BWQC, or both, shall conduct themselves according to high ethical standards
- ◊ "Conflict of interest" means an interest, direct or indirect, financial or otherwise, of a person or entity with a CWSP or BWQC decision making role, or such an interest, known to such person, of a member of that person's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the CWSP or BWQC or which is in conflict with the proper discharge of the person's duties under this Rule
- ◊ A person engaged in CWSP decision making must disclose any potential conflict of interest and shall recuse itself from any CWSP decision making subject to that conflict
- ◊ A BWQC member that proposes to implement a clean water project must disclose any potential conflict of interest and shall recuse itself from any BWQC decision making subject to that conflict. Notwithstanding these limitations, the conflicted BWQC member may answer questions on the subject project in an open meeting of the BWQC
- ◊ It is recommended that CWSPs should require every subcontractor / subgrantee to disclose in writing any actual or potential conflict of interest



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# Project Co-benefits

- ◆ Assessing Phosphorus Reduction Co-Benefits of Watershed Restoration Projects, UVM / DEC White Paper
- ◆ Promote awareness of the potential co-benefits of P reduction projects
- ◆ Assist CWSPs & BWQCs with project proposal review using qualitative and quantitative metrics
- ◆ Identifies 24 co-benefits related to: Environmental Justice, Clean Water & Sanitation, Ecosystem Services & Climate Resiliency, Recreation & Community, Education, Economic Growth
- ◆ Act 76 co-benefits definition: “Co-benefit” means the additional benefit to local governments and the public provided by or associated with a clean water project, including flood resilience, hazard mitigation, education, ecosystem improvement, and local pollution prevention.

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# Tools, Databases & Resources

- ◇ Clean Water Portal
  - ◇ <https://anrweb.vt.gov/DEC/CleanWaterDashboard/>
- ◇ Clean Water Project Explorer
  - ◇ <https://anrweb.vt.gov/DEC/CleanWaterDashboard/ProjectExplorer.aspx>
- ◇ Watershed Projects Database
  - ◇ <https://anrweb.vt.gov/DEC/CleanWaterDashboard/WPDSearch.aspx>
- ◇ Water Quality Project Screening Tool
  - ◇ <https://anrweb.vt.gov/DEC/CleanWaterDashboard/ScreeningTool.aspx>
- ◇ Custom query created by DEC
  - ◇ <https://anrweb.vt.gov/DEC/cleanWaterDashboard/ReportViewer.aspx?Report=BMPOperatingPeriod&ViewParms=True>
- ◇ Clean Water Roadmap
  - ◇ <https://anrweb.vt.gov/DEC/CWR/CWR-tool>



# Agenda Items for Next Meeting

- ◆ Next meeting is Thursday, October 20, 2022
- ◆ Updated DEC guidance – Chapter 6
- ◆ CWSP Policy Updates
- ◆ CWSP Formula Grant Updates
- ◆ Other ideas
  - ◆ Member / Organization roundtable
- ◆ Of potential interest:
  - ◆ Guidance Chapters – <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76/law-rule-guidance>
  - ◆ Responsiveness Summary – <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76/resources>