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Northern Lake Champlain Basin Water Quality Council Operating Policies & Procedures

New text is Track Changes compared to 5/18 version

PURPOSE:

The legal basis for the establishment of the Northern Lake Champlain Basin Water Quality Council (BWQC) rests in Amendments to Title 10 V.S.A., Chapter 37, Subchapter 5, § 924, more generally known as the *Clean Water Service Delivery Act of 2019* or *Act 76 of 2019*, hereinafter called the Act, and *Environmental Protection Rule Chapter 39 Clean Water Service Delivery Rule*, hereinafter called the Rule.

“Basin Water Quality Council” or “BWQC” means a council established by a Clean Water Service Provider pursuant to 10 V.S.A. § 924(g) in accordance with Subchapter 5 of the Clean Water Service Provider Rule (herein referred to as the “Rule”), to establish policy and make decisions for the CWSP regarding the most significant water quality impairments that exist in the basin and prioritizing the clean water projects that will address those impairments based on the basin plan.

“Clean Water Service Provider” or “CWSP” means an entity assigned to a basin by the Secretary pursuant to Subchapter 3 of the Rule for the purpose of achieving pollutant reduction values established by the Secretary for the basin and bearing responsibility for overseeing identification, prioritization, development, design, construction, verification, inspection, and operation and maintenance of clean water projects within the basin.

GENERAL ACTIVITIES:

- ◆ Regarding water quality impairments in the Basin, the BWQC shall
 - Participate in the Basin planning process
 - review the Vermont DEC Surface water assessment results that are produced in conformance with Sections 303(d) and 305(b) of the federal Water Pollution Control Act, also known as the Clean Water Act
 - review the updated surface water assessment lists, which will also be published as basin assessment reports within each Tactical Basin Plan.
 - review Tactical Basin Plan “Implementation Tables” which will provide a cross reference to surface water conditions and related implementation plan strategies and priorities.

- ◆ Regarding clean water projects not required by regulation, the BWQC shall
 - In consultation with the Basin Plan, identify and prioritize clean water projects in accordance with the requirements of 10 V.S.A., Chapter 37, Subchapter 5, of the Rule, and Act 76 Guidance.
 - Based upon project priorities identified under § 39-403(d), the BWQC shall consider the preliminary scoring and ranking of all proposed clean water projects as drafted by the CWSP

for both project identification, development, design, and/-or implementation categories and make any adjustments to the co-benefits scoring as needed.

- The BWQC shall vote to advance clean water projects for both project identification, development, /design and/or implementation to fulfill pollution reduction goals.

- ◆ Further detail regarding the role of the BWQC is contained in Clean Water Service Provider Guidance Chapter 4.

MEMBERSHIP and QUALIFICATIONS:

Each BWQC member empaneled or appointed shall be knowledgeable on clean water topics for the Northern Lake Champlain Basin and interested and available to attend BWQC meetings as required.

The BWQC shall consist of nine members along with various alternate as follows:

Nine (9) Members	Nine (9) Alternates
Watershed Protection Organizations (2 seats)	Two alternates
Municipalities (2 seats)	Two alternates
NRCDs (2 Seats)	Two alternates
RPCs (2 seats)	Two alternates
Land Conservation Organizations (1 seat)	One alternate

Members are empaneled or appointed as follows:

(A) two persons representing natural resource conservation districts in that basin, selected by the applicable natural resource conservation districts;

(B) two persons representing regional planning commissions in that basin, selected by the applicable regional planning commission;

(C) two persons representing local watershed protection organizations operating in that basin, selected by the applicable watershed protection organizations;

(D) one representative from an applicable local or statewide land conservation organization selected by the conservation organizations in consultation with the clean water service provider; and

(E) two persons representing municipalities within the basin, selected by the clean water service provider in consultation with municipalities in the Basin

ALTERNATES

Member appointing entities within categories (A)-(D) above shall designate one or more alternate statutory member(s) who may act in place of or replace their appointed member in the event of absence or disqualification of that appointed member. The CWSP may designate one or more designate one or more alternate statutory member(s) for the municipal members who may act in place of or replace their appointed member in the event of absence or disqualification of that appointed member. Alternates members may be designated in the same manner as primary members and appointed at the first BWQC meeting of their term and may be changed with reasonable prior written notice to the BWQC and the CWSP. Alternate members may be identified by the appointing member organization with whom the alternate is paired with at the first

~~organizational meeting of the BWQC. Conversely, Alternates do not have to represent the same organization/municipality as the primary BWQC seat for which they are an alternate. Terms of Alternate members shall match those of the primary members for which they are paired. If an organizational category only has one (1) alternate appointed to fill in for its two members, that alternate may fill either seat for the meeting one of the two members is absent from.~~

TERMS

BWQC members shall be appointed for two-year terms coincident with state fiscal years, with the exception of initial nine appointments which run from March 2022 through June 2024. Assignment of the terms shall be accomplished in the same manner as the initial appointment. Terms of Alternates shall run concurrent with the member with which they are paired. The BWQC may establish term limits for membership. ~~[PLACEHOLDER FOR LANGUAGE REGARDING STAGGERED TERMS]~~

CHAIR AND VICE CHAIR

By majority vote, the BWQC will elect a Chairperson and Vice-Chairperson at the first meeting of each fiscal year for a one-year term, renewable by majority vote. The Chair shall guide the agenda development for BWQC meetings in concert with CWSP staff. The Chair shall guide the planning and facilitation of BWQC meetings in coordination with the CWSP. The Vice-Chair shall act as Chair in the absence of the Chair. If the Chair or Vice-Chair should resign before their term is expired, an interim election shall be held within two meetings of the BWQC.

ATTENDANCE, QUORUM AND VOTES:

- i. Quorum requirements – A quorum shall be required in order to take a vote. A quorum shall be
 - a. attained by the presence of a majority of the BWQC membership (e.g., for a 9 member BWQC, the majority is 5).
 - b. For the purposes of calculating a quorum for a BWQC which has proportional representation, each member would be counted toward meeting a quorum based on their proportionality of representing a voting member.
 - c. All actions taken by the Council must be made by a quorum of the voting members
 - d. Alternates may only cast a vote in the absence of the voting member for which they serve as the alternate
- ii. The BWQC shall vote to advance each clean water project for development, design, and construction to fulfill pollution reduction goals.
- iii. Individual clean water projects should not be voted for advancement outside of BWQC’s established selection timeline/ process unless to address an urgent water quality concern with the concurrence of the Secretary.
- iv. Decisions shall be binding by a majority vote of the of the BWQC (i.e., a quorum), except that the BWQC may adopt and implement a decision- making model requiring a greater proportion of votes.
- v. Each BWQC member shall have one vote, except when additional members require proportional representation.
- vi. Proxy voting shall not be permitted

The BWQC has nine seats. A minimum of the five seats must be seated for quorum to be met. The minimum threshold for a vote of the BWQC to pass is as follows:

- approval of agenda (a majority vote of those seats represented)
- approval of draft minutes (a majority vote of those seats represented)
- approval of policies & procedures, conflict of interest policy and public participation policy (100% of those seats represented)

-approval of requests for funding of a suite of projects (___% percent of those seats represented and able to vote)

-approval of a request for funding of an individual project (___% percent of those seats represented and able to vote)

CODE OF CONDUCT FOR COUNCIL MEMBERS AND CWSP SUPPORT STAFF:

Professional Conduct

CWSPs and BWQCs receive and administer public funds for the purpose of advancing projects to improve water quality of the State's waterbodies held in the public trust.

BWQC members shall attend all BWQC meetings, unless good cause prevents attendance. Failure to attend one-half or more of the scheduled meetings per year without good cause shall constitute grounds for replacement of the member.

BWQCs shall at all times conduct themselves in a professional manner. More specifically, CWSPs and BWQCs should abide by the following principles:

- All parties should have respect for another's point of view
- All parties should be committed to resolving disputes in a respectful and professional manner
- All parties should be willing to compromise
- Any disputes should be resolved in a fair and timely manner

Ethical Standards

Each BWQC member empaneled or appointed shall be knowledgeable on clean water topics for the Northern Lake Champlain Basin and shall at all times act in good faith in the discharge of BWQC member.

Conflict of Interest

A BWQC member that proposes to manage and/or implement a clean water project must disclose any potential conflict of interest and shall recuse themselves from any BWQC decision-making subject to that conflict. Notwithstanding these limitations, a conflicted BWQC member may answer questions on the subject project in an open meeting of the BWQC.

Upon joining the Council, individuals must review and sign an adopted Code of Conduct and Conflict of Interest Policy consistent with Act 76, to indicate that they have read, understood, and agree to comply with it.

Dismissal

Following a majority vote (e.g., quorum of the BWQC), a Council member can be dismissed following sufficient documentation that the BWQC member is failing to uphold their duty. An example would be the failure of a member to attend one-half or more of the scheduled meetings per year without good cause, which shall constitute grounds for replacement of the member.

Ex-officio members

The BWQC may appoint Ex Officio members to the Council. Ex Officio members will be non-voting and be appointed for a two-year term. The BWQC may adopt policies for appointing Ex Officio members.

Compensation

BWQC members from among the appointing entities in 10 V.S.A. § 924(g) shall be entitled to reasonable compensation for participation in the BWQC in accordance with the Secretary's guidance and applicable grant agreements (included in the Rule - § 39-503(g) Meetings and Actions).

COMMUNICATION AND COORDINATION:

- ◆ Meetings shall be noticed and held in accordance with Vermont Open Meeting Law;
- ◆ Meetings will take place in either a hybrid and/or virtual format as follows: physical location-CCRPC offices at 110 West Canal Street and online via Teams, Zoom or equivalent. On occasion, the physical location may be moved to a public building in Franklin or Grand Isle counties but only with adequate warning and notice to the press.
- ◆ Minutes of all regular and special meetings will be prepared by staff, distributed to Committee members and interested parties, and made available to the public in accordance with open meeting and public records law described in 1 V.S.A., §§310-320.

ADOPTION OF OPERATING POLICIES & PROCEDURES & INTERPRETATION OF SAME: The BWQC may, at any time, vote to amend these operating policies & procedures, in accordance with quorum requirements noted above. Proposed amendments will be forwarded to Committee members before consideration at a regular Committee meeting. Any proposed amendments must be consistent with Act 76, the Clean Water Service Provider Rule and Act 76 Guidance. Notwithstanding the text of these Policies & Procedures contained herein, the Basin Water Quality Council shall comply with Act 76, the Clean Water Service Provider Rule and the Clean Water Service Provider Guidance.

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Adopted Month Day, 2022 at the x/x/2022 meeting of the Northern Lake Champlain Basin Water Quality Council