

PROCESS SUBCOMMITTEE MEETING MINUTES - draft

A meeting of the **Process Subcommittee** was held as follows:

MEETING INFORMATION

Meeting Date and Time: **August 26, 2004 at 1:00 pm**

Meeting Location: Offices of Naismith Engineering, Inc., 600 West 8th Street, Suite 300 Austin, Texas 78701.

SUBCOMMITTEE MEMBERS:

Present	Member	Representing
X	Robert Botto	Neighborhood Interests
X	Joe C. Day	Economic Interests
X	Jon Beall	Local Environmental Preservation/Good Governance Organizations
X	Bryan Jordan	Development Interests
X	Bret Raymis	Concerned Citizens
X	Karen Hadden	Public Interest Organizations
X	Jack Goodman	Government Entities
X	Henry Brooks	Property Owners
X	Terry Tull	Executive Director
X	Tom Brown	NEI

OBSERVERS

Present	Member	Representing
X	John Noell	Self
X	David Fusilier	NEI

AGENDA ITEMS

1. Welcome and Introduction

Executive Director Terry Tull and NEI's Project Manager Tom Brown welcomed the assembled subcommittee members. The members were assembled to discuss, address, and resolve process issues facing the Stakeholder Committee (SHC).

2. Subcommittee Discussions and Recommendations

The Subcommittee was asked to address three issues. The issues had been previously identified at the August 18, 2004 SHC Meeting. The issues had been further defined and detailed by the Executive Director in three separate e-mails (one e-mail addressing each issue). The following paragraphs summarize the discussions pertaining to these three issues, and the resulting recommendations.

ISSUE 1: Provide detailed recommendations on how independent technical input should be used by the Stakeholder Committee and/or the Consultant.

DISCUSSION:

The Subcommittee discussed this issue with the members offering the following comments:

- Technical review will happen whether it is formalized or not;
- Some stakeholder groups on the SHC may possess more resources than others with respect to technical review, placing some stakeholders at a disadvantage with respect to ensuring their issues are addressed;
- Technical workshops, with outside experts providing input/knowledge on selected topics, would be helpful;
- The Consultant hired has assembled its own team of experts and some concern was expressed about complicating the process by the addition of more expert opinion;
- Opinions from technical experts can vary widely on such a complex issue as water quality;
- The Ex Officio group could provide the Consultant an effective source of input and technical review;
- The Ex Officio group may not provide the un-biased opinion that some of the SHC members would desire;
- Formally making a Technical Review Group part of the SHC would make the SHC larger and harder to manage, with little benefit to the overall planning process;
- Some members stated that they did not know the expertise or knowledge-base of NEI's Project Team.
- A procedure should be set up to quickly bring in additional technical expertise to advise the SHC if the need for it is identified during the planning process.
- NEI stated they expected and welcomed a peer review by technical experts.

RECOMMENDATIONS:

1. **An additional Technical Subgroup should not be added to the SHC ;**
2. **An independent Technical Peer Review Group should be organized, as soon as possible. This group should be organized to provide input during the planning process, as follows:**
 - a. **review the Consultant's work product, both interim and final versions, and provide to the SHC and the Consultant their comments and/or advice;**

- b. provide technical input on issues to the SHC and/or the Consultant, on an as-needed basis, as determined by the SHC;
 - c. assist in educating the SHC on issues in the form of presentations and/or workshops. Such workshops would be planned for a time immediately preceding monthly SHC meetings, and would focus on subjects pertinent to the agenda of the meeting that follows.
3. The Consultant, based on their professional judgment as to what the Plan may contain or address, shall provide a list of known categories of technical expertise to the Process Subcommittee members as soon as possible.
4. Each Stakeholder Category Subgroup shall provide, to the Executive Director, a list of technical experts they would like invite to join the Technical Peer Review Group.
5. The Executive Director shall send letter invitations to known technical experts, who are financially independent of the participants in the planning process, and who may be able to offer their advice and knowledge during the planning process, to aid in drafting a more effective plan.
6. The Consultant shall update the project schedule to allow for review/input by the Technical Peer Review Group.
7. The Consultant, based on his anticipated schedule and work plan, shall recommend a schedule of workshop topics and dates for consideration by the SHC.

ISSUE 2: How will Stakeholder Committee know that it has reached consensus on an issue?

DISCUSSION:

Excerpts from Terry Tull's e-mail:

“Here is what our bylaws say about consensus:

“(a) Use of Consensus Based Decision Making. The Stakeholder Committee shall attempt to make decisions using a consensus decision-making process...A consensus is reached when all members agree that their major interests have been taken into consideration and addressed in a satisfactory manner so that they can support the decision of the group...

“Consensus does not necessarily mean unanimity...A member can participate in the consensus without embracing each element of the agreement with the same fervor as other members, or necessarily having each of his or her interests satisfied to the fullest extent...”

“(b) Failure to Reach Consensus. If, after good faith negotiations, it appears likely to the Project Executive Director that the voting members will be unable to reach consensus, the Project Executive Director shall entertain a motion to put the issue to a vote to be conclusively decided by agreement of not less than three-fourths of the voting members present.”

The Subcommittee discussed this issue with the members offering the following comments:

- The Executive Director has been doing an effective and impartial job of addressing and considering SHC Members' viewpoint and issues;
- A member of the Subcommittee wanted it clarified whether or not one member of the SHC could, if they have a strong objection to a particular issue or point, prevent the SHC from reaching consensus on that issue or point – the conclusion reached by the Standing Process Subcommittee was yes, in fact, one person could keep the SHC from reaching a consensus;
- SHC members that object to particular issues or points of the plan should attempt, as best they can, to articulate their objections and to work proactively to find solutions;
- SHC members should attempt to understand objections or concerns that have been raised, and work toward allaying those objections or concerns;

RECOMMENDATION:

1. **The Executive Director and Karen Hadden (Public Interest Organizations) would work together to draft a standard operating procedure on how the SHC would come to consensus on particular issues or points of the plan. This standard operating procedure should incorporate the following points:**
 - A. **Once particular issues or points of the plan are discussed, the Executive Director should conduct a “straw poll” of each voting SHC member present to determine if his/her interests have been taken into consideration, and addressed in a satisfactory manner. If the “straw poll” reveals that the SHC Members’ interests have been satisfied, then it can be said that we have consensus on that issue or point.**
 - B. **If any member says that his/her interests are NOT addressed in a satisfactory manner, then he/she must be able to explain what are his/her unsatisfied needs, and, if possible, offer a constructive alternative for further consideration.**
 - C. **If the SHC members’ objections to a particular issue or point cannot be resolved quickly or easily, in the opinion of the Executive Director or a SHC Member, it may be requested that a subcommittee, made up of SHC members, be formed to help find a solution regarding the particular issue in question. The SHC member whose interests have not been addressed should be made a part of the subcommittee to be formed.**
 - D. **Only when, in the judgment of the Executive Director and after the subcommittee has worked to resolve this objections to a particular issue or point, it is no longer possible to offer constructive alternatives would a vote be taken to resolve an issue.**

ISSUE 3: How should the Stakeholder Committee report on its work to the Core and Executive Committee?

DISCUSSION:

The Subcommittee discussed this issue with the members offering the following comments:

- The Executive Director has been doing a good job reporting on the SHC's activities;
- The Executive Director has been doing a good enough job reporting to the Executive/Core Committee and that no changes in the reporting method are necessary;
- It would be good for a member(s) of the SHC to address the Executive/Core Committee so that they can hear first-hand about the SHC's activities, and to make the Core/Executive Committee more aware of the credentials and dedication of the SHC members;
- If any SHC member feels compelled to address the Executive/Core Committee they are free to do that at any time;
- The following options were presented:
 - (a) Let Terry Tull continue to report on the SHC's activities;
 - (b) The SHC should select one representative to report in person to the Executive/Core Committee at their monthly meeting;
 - (c) The SHC should select one representative, on a rotating basis, to report in person to the Executive/Core Committee at their monthly meeting;
 - (d) The SHC should select several members to report in person to the Executive/Core Committee, in an effort to give them different perspectives on the planning process and to emphasize the dedication of the SHC members;

RECOMMENDATION:

1. The Executive Director should continue to prepare written reports of the SHC's activities, and to report such activities to the Executive/Core Committee members at their monthly meetings. A draft version of the written report should be circulated to the SHC members via e-mail for comments prior to finalizing the report;
2. Each SHC subgroup category (i.e., Concerned Citizens, Public Interest Organizations, etc..., on a rotational basis) should select one member from their SHC subgroup to report, in person, on the SHC activities at the monthly Executive/Core Committee meeting. The report should reflect the views of the SHC as a whole, and not just the perspective of the individual making the report or of his/her category group.

Development of a Regional Water Quality Protection Plan for the Barton Springs Segment of the Edwards Aquifer and its Contributing Zone

Meeting Handouts Provided:

- 1) Three e-mails to subcommittee members from the Executive Director outlining the individual issues to be discussed at the meeting.

ADJOURNMENT

The meeting was adjourned at 4:00 p.m.

APPROVAL

These minutes were approved, with changes, at the Stakeholder Committee meeting on _____.