**CBP Governance and Goals Options for MB Consideration**

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| **Options for CBP governing bodies/membership/voting privileges:** | | |
| Workgroup looked at possible changes to program structure and membership necessary to better define and differentiate the role of GITs, Management Board, PSC and EC and appropriate partner representation.  Current Problems/Considerations: *Lack of clarity in role of the MB v. PSC. At what levels should issues be decided? Who gets to vote or weigh in on issues? Appropriate levels of participation on EC, PSC, MB, etc. Who are members (Jurisdictions, federal agencies, local orgs, NGOs?) Original signatories only? Who is a partner v. stakeholder? What does partnership confer and what are expectations/responsibilities? What are the unique responsibilities and obligations of a partner?*  Solution should: *Provide clarity in appropriate roles for each governing body, appropriate membership levels and levels of consideration of issues.* | | |
| Notes: | Executive Council Options  (note: Section 117 requires an executive committee; historically, though not specified, members have been at the most senior level for each member organization).   * Status quo— “full members” include: MD, VA, PA, DC, CBC, EPA (EPA as lead federal agency); “participating partners” include DE, WV, NY (headwaters), other federal agencies on specific issues as appropriate; top level of all signatory members: Governors and DC Mayor, EPA Administrator, CBP chair   + *Pro – high visibility for issues, ensures issues are priority for implementation*   + *Con –meets only once a year, mostly for show (few significant issues advanced)* * Option 1 - Current members plus full membership for any headwater states who sign onto agreement   + *Pro – Greater participation and cooperation throughout watershed*   + *Con – greater staffing needs commitments for headwaters, implementation grant funding formula will need to be re-visited; requires increased CBP funding for headwater states* * Option 2 - Current members plus additional membership spot for other federal agency(s) who sign onto agreement   + *Pro – Federal partners more engaged in full range of issues*   + *Con – dilutes voting rights of jurisdictions* * Option 3 – Current members plus additional membership spot for Federal Leadership Committee agency. * Option 4 – Combination of options 1, 2 and/or 3 * Option 5 – Non-TMDL option. Current governing body structure and membership of EC/PSC/MB/GITs but take TMDL out of the program; EPA would handle directly with jurisdictions; other water quality issues would be retained by CBP Partnership (monitoring, model, etc)   + *Pro – takes divisive TMDL issue out of the CBP Partnership*   + *Con – If jurisdictions do not sign on to non-water quality goals, jurisdictions lose funding provided through CBP/Sec. 117, less opportunity for cross-git communication and collaboration as it relates to issues that relate directly to water quality.* | |
| Notes: | Principals’ Staff Committee Options   * Status quo – EC designees (state secretaries from all jurisdictions, CBC chair, EPA as lead federal agency), CAC and LGAC chairs; all invited to table; only one vote per member (EPA has single vote for all federal members), but multiple members from same jurisdictions/federal agencies at table.   + *Pro – greater expertise and higher level decision makers from all partners*   + *Con –dilution of jurisdictions’ perspective, jurisdictions with more members at the table can have perceived greater influence on discussion; unclear who has voting privileges* * Option 1 – Current membership; however, members may only vote on issues according to what they have signed onto (i.e. if only signed onto water quality, may only vote on water quality issues)   + *Pro – members can pick and choose issue on which they will work*   + *Con –complicates voting; weakens collaboration of full range of ecosystem issues* * Option 2 – Current membership plus one additional federal representative (non-EPA) identified by FLCD. (new option post meeting)   + *Pro – accomplishes goal of aligning federal agencies’ goals and outcomes and work with those of CBP Partnership members.*   + *Con – dilutes jurisdictions perspective/votes* | |
| Notes: | Management Board Options  *\*\*note: we did not come up with options to address the level of seniority of MB v. GIT members; please let me know if you have suggestions.*   * Status quo – Members are PSC designees, CAC and LGAC chairs. STAC and GIT chairs are members, but are advisory with no voting privileges.   + *Pro – members from all the partners; strong expertise and history in partnership*   + *Con –members are often at same level and/or people as GITs; members mostly represent water quality issues and not full spectrum of issues; lack of clarity for role in partnership. Lacks authority to make final decisions (mostly a pass through).* * Option 1 – Increased MB authority. Current membership and structure with increased authority for MB as final decider and for making higher level decisions (only highest policy decisions would be sent to PSC); tighten up current rules and better define ne voting rights and enforce them; only signatory members have voting privileges; only one voice per member. (\*\*\*signatory member means a jurisdiction which has signed onto the full CBP agreement or a sub-agreement committing a jurisdiction to one or more specific goals. Hence if voting is restricted to signatory members, only those jurisdictions which have committed to a specific goal may vote on issues related to that goal) * Option 2 – Current membership, but create a MB Executive Committee. Members would include gang of 6/9 who are the new signatories (this may/may not include headwater states) * Option 3 – Two Management Boards option. Current governing bodies, but with two Management Boards. Example: MB1 would focus on issues from water quality and habitats GITs; MB2 would focus on issues from fisheries, healthy watersheds and stewardship GITs. Cross-goal collaborations would be built into more frequent GIT chair meetings.   + *Con – does not deal with the watershed as an integrated ecosystem* * Option 4 – GIT Chair MB option – GIT chairs and vice chairs—along with CBC, CAC and LGAC chairs—are the Management Board. Would need to ensure that all jurisdictions are represented. * Option 5 – Current membership plus additional federal representative(s) (non-EPA) identified by FLCD. (new option post meeting)   + *Pro – accomplishes goal of aligning federal agencies’ goals and outcomes and work with those of CBP Partnership members.*   + *Con –dilutes jurisdictions perspective/votes* | |
| Notes: | Goal Teams Options   * Status quo – Open to all willing participants (seniority level not specified); all participants have voting privileges. * Option 1 – Open to all participants, but only signatory members have voting privileges.   (GIT6 agreed that the GIT membership structure works well “as is.” Some suggested that there should be some clarity about who membership and makes decisions. GIT 6 members recognized that the GITs should have the broadest range of members to share all perspectives.) | |
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| **Changes to Rules and Procedures** | | |
| Workgroup looked at options for *scheduling* adaptive management reviews/regular evaluations of the program strategy and effectiveness.  Current problems/considerations: There is currently no set schedule for adaptive management reviews; often need to scramble to set agendas; unable to fit some issues on agendas for months; no true adaptive management implementation.  Solution should: Set a schedule for annual or bi-annual Strategy & Performance reviews tied to adaptive management; these report-outs will inform EC/PSC and lead to better & more informed decisions; will help focus GITs’ work and give them built in agenda time to report out; will be easier to predict agendas and prepare materials in advance; will help meet NAS recommendations. Will improve support provided to the GITs by the MB. | | |
| Notes: | Options for scheduling adaptive management reviews   * Status quo – No set review or report-out schedule. * Option 1: Annual Cycle - GITs on same quarterly schedule for strategy development and progress reporting(see diagram below)   + *Pro – Strategic synergy*   + *Con – data lags* * Option 2: Annual Cycle - GITs on quarterly schedule for strategy development and progress reporting; but allowance for flexible strategy development and progress reporting timing (see diagram below)   + *Pro – Flexible*   + *Con – Less synergy or no synergy* | |
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| Workgroup looked at options for improving clarify of organizational roles and procedures for considering the relevance of document and work products that are relevant to CBP goals and strategies, including those that originate both internally and externally.  Current problems/considerations: No established procedures to guide CBP groups in vetting documents and work products to prompt decisions on how they impact program goals and priorities.  Solution should: Identify different types and sources of documents and work products and roles of different organizational groups to ensure proper consideration and to build awareness. | | |
| Options for work product flow   * Status quo – No specific procedures for routing & vetting work products * Option 1: MB oversight – strong role for MB to make sure work products are fully and strategically considered.   + *Pro – Provides oversight and clarity to process*   + *Con – May slow work flow?* | |
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| **Protocols for Decision Making and Voting Responsibilities** | | |
| Workgroup looked at governance changes that would enhance clarity of decision making expectations and procedures at the different levels of the program. Effective use of delegations in the management structure/hierarchy (i.e., to ensure that voting is fair and is based on one-entity-one-vote.  Current problems/considerations: Lack of clarity about who gets to vote on issues? Only signatory members? All jurisdictions? All Federal agencies? GIT Chairs? NGO partners? How should FLC be represented?  Solution should: identify clear voting rules (i.e. does majority rule? Must the group reach consensus? Dissenting members record their objections? Tie breakers? Rules for conflict resolution.) | | |
| Notes: | Options for MB/PSC/EC Decision Making (when consensus cannot be reached)   * Option 1 (mandatory involvement)   + *Pro – ensures the greatest possible involvement toward all Chesapeake Bay restoration goals and outcomes*   + *Con – No jurisdictional flexibility, may strain budgets and resources, doesn’t encourage consensus* * Option 2 (menu style approach towards goal involvement)   + *Pro – Allows partners and stakeholders to sign on to the goals and outcomes they are interested in. Doesn’t bog down jurisdictions with extra monitoring.*   + *Con – May weaken bay restoration effort, may be too heavily impacted by ever changing political forces* * Option 3 (champion approach)   + *Pro – Allows partners and stakeholders to put an emphasis on the goals and outcomes most important to them. Allows jurisdictions to monitor effectively, without imposing extra monitoring. Allows other jurisdictions to sign on at a later date.*   + *Con – May weaken bay restoration effort, may be too heavily impacted by ever changing political forces* | |
| Notes: | Options for MB/PSC Voting Privileges   * Option 1 - The signatories only get 1 vote each. Those that didn’t sign on to the related goal do not get to vote. * Option 2 - Delegation style vote (for program wide implications). 9 total votes, 1 vote per jurisdiction plus 1 vote for feds. (EPA will always be that vote and communication with others through the FOD) * Option 3 - Delegation style vote (for program wide implications). 9 total votes, 1 vote per jurisdiction plus 1 vote for feds. The federal agency to place vote is the lead agency for the EO 13508 Strategy. EPA will defer to the other agencies as needed; communication through the FOD. | |
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| **Adopting partnership goals and outcomes** | | |
| Workgroup looked at 1) how the partners will memorialize their future work together including the option of a new agreement; and 2) methods for developing and approving/adopting program goals with process options for periodically revising, updating based on emerging issues and ensuring continued partner commitment to goals; and 3) partnership privileges. | | |
| Notes: | Options for CBP participatory document:  Current problems/considerations: Current agreement/goals are outdated; expired structure and form; long and complicated; not all the issues impacted each jurisdiction; 2010 deadlines; not all the goals are measurable;  Governors’ signature mean different things  Solution should: have Foundational Goals (PSC crafts the Foundational Goals/Partnership agrees to meet once a year); Commitment to partner together (Agree to the “what”); have operational support; have overarching partner goals (not specific outcomes); create “Bay Cabinets” for each jurisdiction   * Option 1: Agreement without goals   It would be something that ties us all together; Reconfirms the benefits of the Program; Breakout mutual interest in a separate document – have “Friends and Family” goals (SMART goals)   * + *Pros – Being all in; Focus on the partnership/relationship; More simple and efficient; Transparency at the federal level*   + *Cons – Having the agreement and goals separate; Perception “All for one”; Complication – tracking which state is focused on which goal* | |
| Notes: | Options for Updating Goals  Current Problems: Everybody signed everything; Broad and too many; Could not measure the goals; Working at the lowest common denominator ; Too many versions are circulating; Signed/Working  Solutions Should: Based on who wants/should be working on the goal; Each jurisdiction decides what they want to do; All work is done via Partnership involvement; If you sign-on to a goal – you report on it; SMART/outcome based “Friends and Family” goals – derived from the Foundational Goals (Leverage resources; Goals are developed and supported via the GIT and there is an option for public involvement)   * Option 1: Have appropriate federal/state/partner sign-on to the goals * Option 2: Have EPA serve as the federal representation. EPA works with the individual feds via a MOU   + *Pro – Keeps work moving forward; “Really mean it”*   + *Con –No way to influence a state; Makes it more complex; Less transparency* | |
| Notes: | Options for Partnership Privilege  Current problems: Everybody gets money; Small amount of money to support; Advisor and administration support  Solutions should: Leverage other people’s money; Specific commitment; Money goes to foundational signers; Smarter with how we spend the money  Option 1: (missing?)   * + *Pros – Clean water/improved water quality; Money for signing; Help states improve their goals; Science services; Get knowledge and experience; Decision making; Crafting the Foundational goals*   + *Con –Money distribution* | |
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