

DRAFT Upper Neuse River Basin Association (UNRBA) Decision Framework Evaluation

Process for the Evaluation

In June 2019, the Path Forward Committee (PFC) of the UNRBA requested and the Board approved the development of a modeling and regulatory support decision methodology or framework. The work was contracted to begin in July 2019. The PFC held their preliminary planning meeting for this process in September, and the first facilitated meeting on this topic was held in October. Additional facilitated meetings are planned for November and December to further this evaluation.

During the October meeting, the PFC requested that the current decision-making process be documented at a starting point. Some potential issues with the current process were discussed at the October meeting, and these will be further discussed during the November and December meetings. The current decision-making process may be refined, or monitored and refined as needed, to address these issues.

Purpose of the Decision Framework

The Upper Neuse River Basin Association (UNRBA, a.k.a., the Association) is a non-profit organization operating in accordance with 26 U.S.C. Section 501(c)(3). The operations and administration of the organization are governed by its [Bylaws](#) and its [Policy and Procedures Manual](#).

The UNRBA is in the process of its re-examination of Stage II of the Falls Lake Nutrient Management Strategy (the Rules) passed by the NC Environmental Management Commission in 2011. The UNRBA began planning for the re-examination in 2011 in accordance with the procedures and requirements outlined in the Rules ([15A NCAC 02B.0275 Section \(5\)\(f\)](#)).

As the UNRBA moves through the re-examination process, many decisions directly or indirectly related to the re-examination will be made by its members. The purpose of this Preliminary Draft UNRBA Decision Framework Evaluation is to document the current procedures used for decision-

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making by the UNRBA and to identify any gaps that may necessitate refinements or monitoring moving forward. Per Article IV Part 4 of the [Bylaws](#), “the Board of Directors may authorize, amend or restate operating guidelines, plans, practices, procedures, and rules and regulations from time to time in order to effectively implement the purposes of the Association.”

The UNRBA has consistently used consensus to reach its decisions based on input from its members and representatives. External stakeholders participate through attendance and participation at UNRBA meetings which are open to the public. External stakeholders also have access to review UNRBA project activities, materials developed to describe and present its work, and documents

generated by the UNRBA and its contractors in support of its objectives. The UNRBA has and will continue to provide and enhance input opportunities during stakeholder meetings and workshops.

The UNRBA has utilized an iterative and collaborative process for decision-making to allow for consensus wherever possible. All decisions are vetted at multiple levels across the UNRBA organization. These levels are described below and include the Board, its committees, special committees, and workgroups. Information is shared across these groups through status updates at routine meetings, reports from committees and workgroups, communications from the Executive Director, support from subject matter experts, and through participation by the regulatory agencies, other organizations, and external subject matter experts.

All UNRBA meetings are open, and UNRBA members as well as external stakeholders are invited to attend and participate in meetings, workshops, and forums.

Formal Structure of the UNRBA

Per Article VII of the [Bylaws](#), the Board of Directors is the governing body of the UNRBA and is responsible for the “governance, maintenance, operation, and conduct of the Association.”

As allowed in Article X Part 10.10 of the [Bylaws](#), the Board of Directors may “employ or contract for the services of an Executive Director,” and “the Executive Director shall perform those administrative duties assigned to the Executive Director by the Board of Directors in a resolution appointing the Executive Director or in such other resolutions as the Board of Directors may adopt.” The current duties of the Executive Director are described in the contract established for Executive Director Services. General duties and responsibilities are described in the contract for Executive Director Services (see the Executive Director Scope of Work in the current contract).

As directed and authorized by the Board, the Executive Director routinely manages the workflow for decision making. This coordination by the Executive Director includes guidance to committees (described in the bullets below) and workgroups (described in the next section). Generally, the Executive Director gathers supporting information and materials, facilitates continued discussions within the committees, workgroups, and the Board, and provides input and recommendations for consideration by the Board in making the final UNRBA decision. The Executive Director monitors the decision-making process, supports consensus building, and identifies issues that need to be evaluated by the workgroups and committees and considered by the Board prior to decision-making.

The Executive Director plays a key role by supporting consensus building, identifying issues that need to be elevated to the Board or evaluated by workgroups or committees, and monitoring the decision-making process.

One specific decision-making duty of the Board, which is critical to the process used within the UNRBA, is described in Article VII Part (d): “approve programs and activities of the Association’s committees, including any studies to be conducted by such committees, and provide oversight of such committees.” Article VIII defines the types of committees that may support the Board in its management of the Association:

- **Board Committees (Part 8.1):** “The Board may appoint Board committees and assign Directors thereto from among the Directors and shall designate the chairperson and vice chairperson of such committees from among such Directors. Board committees may exercise the authority of the Board” (exceptions to authority are listed in Part 8.2). “The Board may also appoint ex officio directors and non-directors to serve on Board committees in a non-voting capacity.” *Current Board committees include the executive committee, officer selection/nominating committee, and the audit committee.*
- **Special Committees (Part 8.5):** “The Board of Directors, in its judgment, may create such special committees as will facilitate the efforts of the Association in achieving its basic goals. The Board of Directors shall appoint the members of such special committees from among representatives of the Members or outside agencies and shall designate a chairperson and vice chairperson of each such special committee.” *Current special committees are the personnel committee, website committee, and the Path Forward Committee (PFC).*

The PFC serves as the steering committee for the work and activities of the UNRBA. The PFC provides guidance on the re-examination process. To date, much of that guidance has focused on technical matters, including the planning for and implementation of the UNRBA Monitoring Program (now complete). The PFC also provides guidance and direction for the modeling effort supporting the re-examination. The PFC was responsible for selecting the watershed and lake models currently in development by the UNRBA to support the re-examination. The PFC reviewed and approved the documentation of the model selection process. The PFC presents their guidance and recommendations to the Board, and the Board approves or disapproves the PFC recommendations through their actions. The Board can delegate to the PFC certain decisions not specifically assigned to the Board under the Bylaws.

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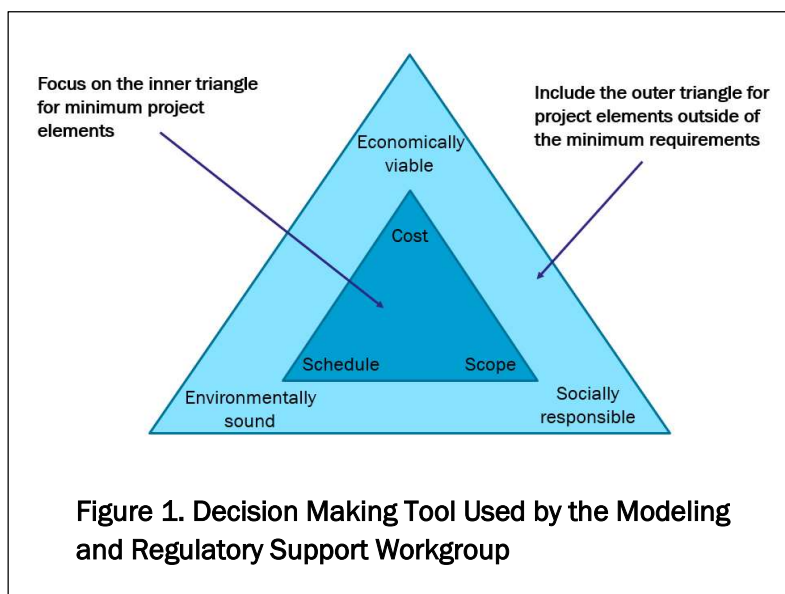
- **Subcommittees of Special Committees (Part 8.5):** “The Board of Directors may also establish one or more subcommittees of any special committee as necessary to further the goals of the Association. The Board of Directors may delegate the selection of subcommittee or special committee members to any such subcommittee or to the chairperson of a special committee.” *There are not currently any active subcommittees of special committees, but they can be created as necessary to support any topic or topics requiring a decision-making process.*
- **Special Committee Programs and Reports (Part 8.6):** “Upon request of the Board of Directors, each special committee shall submit to the Board of Directors following the annual meeting its program and agenda for the next year, and upon request shall report in writing on its activities, including any recommendations the special committee may have for the Board of Directors’ consideration.” *Currently the PFC, which is a special committee, provides status updates to the Board during its regular meetings. The Executive Director also communicates directly to the Board via email to provide status updates and reports ahead of, or outside of, regularly scheduled meetings.*

Informal Workgroups:

To further management of the Association's objectives and to gather and discuss additional information outside of formal committees, the UNRBA has convened workgroups. *Current workgroups include the modeling and regulatory support workgroup (MRSW), the legal workgroup, communications workgroup, interim alternative implementation approach (IAIA) workgroup, monitoring program workgroup, nutrient credit development workgroup, and the rules review workgroup.*

The [Bylaws](#) do not explicitly address workgroups. However, workgroups are the outgrowth of the demonstrated commitment of the UNRBA to reach decisions by consensus. If member concerns are expressed and there is not consensus, every effort is made to further evaluate and address these concerns before moving a recommended, final decision to the Board.

Workgroups may be formed by the Board, Board committees, or special committees. While the Board is not required to appoint members or convene workgroups, they are notified of their formation and efforts through status updates at Board meetings and email communications from the Executive Director.



Workgroups are formed when it is necessary to evaluate key UNRBA matters before moving the matter to the PFC for a recommended action. If a workgroup provides a recommendation and issues arise in the PFC in consideration of the recommendation, matters are consistently delayed for further evaluation by the workgroup or the PFC. An example of this process is the pending decision on the IAIA for Stage I existing development. There have been multiple meetings of the PFC, the formation of an initial workgroup, additional consideration by the PFC, and the appointment of a new IAIA workgroup to work through the issues before the IAIA is further considered by the PFC.

The most active workgroup with respect to decisions affecting the re-examination is the modeling and regulatory support workgroup (MRSW). The MRSW has adopted a project-management style decision-making tool to guide their decisions. This double-triangle approach (Figure 1) focuses on the inner triangle for required project elements (e.g., model setup) and the outer triangle for additional project elements (e.g., selecting management scenarios). The MRSW presents their decisions to the PFC during PFC meetings. Recently, the MRSW, due to the expansion of the modeling effort (budget reallocated from the monitoring program), has established a more frequent meeting schedule. This action was taken to help assure the development of effective and valid modeling tools and to provide additional vetting for the support of future re-examination decision-making.

The UNRBA has developed an interactive evaluation process for consideration of critical matters related to the re-examination and for all initiatives and issues that have become priorities for the UNRBA. Standing special committees, particularly the PFC, have been supplemented with a series of workgroups that allow more in-depth consideration before broader member review of proposed decisions.

Voting Rights and Procedures:

Article IX Part 9.4 of the [Bylaws](#) defines the voting rights of the UNRBA Board: “Members shall have no voting rights. As stated elsewhere herein, each Member shall have the right to appoint one Director, one primary alternate Director, and one secondary alternate Director. The primary alternate Director shall have full voting authority only in the absence of the appointing Member’s regular Director and the secondary alternate Director shall have full voting authority only in the absence of both the appointing Member’s regular Director and primary alternate Director. All of a Member’s rights to take part in the management of the Association shall be by and through its Director, primary alternate Director, or secondary alternate Director.” This procedure ensures a single vote by each UNRBA member organization.

Article VII Part 7.8 of the Bylaws established a majority of current Directors as the quorum for voting and, in most cases, a majority vote as sufficient for the Board to take an action.

Currently, the [Bylaws](#) grant voting rights to the Directors, and Directors comprise the Board and Board committees. Voting authority and procedures of special committees such as the PFC, subcommittees of special committees, and workgroups are not defined by the [Bylaws](#).

The types of decisions made by the MRSW and PFC normally are limited to technical matters. However, the Board has sometimes authorized the PFC or its designated workgroups to proceed with finalizing decisions and actions based on preliminary discussion by the Board and with general guidance. An example of this process includes several instances where developing and finalizing UNRBA comment letters on regulatory matters (filed with NC agencies and EPA) have been delegated to the PFC or one of the workgroups. In these cases, the Board assigns finalization of materials or actions to the Executive Director with concurrence of the PFC or the appropriate workgroup (mainly the MRSW and the legal workgroup).

In accordance with the ongoing commitment to consensus building for all decisions, the following practices are currently used by the PFC and MRSW in making decisions and recommendations related directly or indirectly to the re-examination. (This includes matters and decisions on any topic or project that the Board determines is a UNRBA initiative or program):

- When a matter before the PFC has reached a point where finding out the wishes of the participant member representatives is needed to move forward (or not), votes or straw-polls are taken, and one vote per participant has been counted.
- This might take place because a PFC member has called for the straw poll or roll-call vote. The Executive Director may facilitate or encourage forward movement on decisions.
- Recommendations made by the PFC are presented to the Board as guidance and described at the subsequent Board meeting through status presentations and discussion. It has been

left to the PFC members to brief their Board Directors prior to the item being presented to the Board for consideration. The Executive Director provides a summary of the recommendation with the agenda for action items to be presented at the Board meeting.

- The Board may override the recommendation of the PFC.

The MRSW also follows the overall decision-making process that the UNRBA has used to this point.

- Decisions and recommendations on pending decisions made by the MRSW are presented to the PFC and described at the subsequent PFC meeting through status presentations and discussion.
- The PFC may adopt the recommendation, return the matter to the PFC for further evaluation, designate a workgroup to conduct further evaluation before the issue is brought back to the PFC, or override the recommendation of the MRSW. However, it has been extremely rare for the PFC to override recommendations to the MRSW.
- The PFC can elevate any controversial decisions to the Board for consideration.

Communication Flow and Expectations

The UNRBA is a public organization that promotes transparency and information sharing in its decision-making process. All meetings of the UNRBA are open to public attendance, and in most cases the UNRBA allows input from non-member participants. The flow of information across multiple levels of the Association's organization is critical to the UNRBA so that it can make informed decisions that will benefit the association as a whole.

The following lines of communication and member expectations are needed to support successful decision-making:

- Members of workgroups and committees actively engage in discussions and decision making.
- Members of workgroups, committees, and the Board commit to providing input on controversial decisions, and they aim to reach consensus through discussion with other members and within their own jurisdictions.
- Workgroups and committees inform the Executive Director if they need additional people, resources, or access to information to do their work. The Executive Director helps them address the need or communicate it to other members, a relevant committee or workgroup, or the Board.
- Workgroups provide guidance and recommendations to the PFC through status updates and email communications.
- The PFC and Executive Director provide guidance and recommendations to the Board through status updates and email communications.
- PFC members inform and brief their Board Directors and Alternates about recent and upcoming decisions with a focus on upcoming action items for the Board.
- Board members and PFC members keep local government decision makers apprised of the activities and decisions of the Association.

- Board members and PFC members provide feedback from their home organization during status meetings to keep other members apprised of concerns across the Association.
- Board members work within their home organization to understand the types of decisions that the Board has the authority to make and those that need to be elevated to the local-level decision makers.
- The Executive Director provides organizational support, input, and recommendations to the Board and all committees and workgroups.
- The Executive Director, with support from Subject Matter Experts and consultants, supports the information sharing required for the Board to make informed decisions.
- The Executive Director, with support from Subject Matter Experts and consultants, supports information sharing with local government elected officials and decision makers at the request of PFC and Board members.

Potential Issues Regarding the Current Decision-Making Process Used by the UNRBA

At the October PFC meeting, the PFC members requested that the UNRBA's current decision-making process be documented as a first step in the evaluation. The PFC may recommend modifications to this process for Board consideration.

The following topics were discussed as potential issues to address as part of this evaluation. The issues may either be addressed directly in the Decision Framework or monitored to identify those that require resolution later.

Committee and workgroup membership: Some jurisdictions have multiple representatives at committee and/or workgroup meetings. PFC members have expressed that they simultaneously value the participation of all representatives and want to ensure all members have an equal voice in decision making. The shared goal of reaching consensus has made it possible to function in a collaborative way.

Failure to reach consensus: There is currently not a written, formalized process that addresses how the PFC or workgroups should make decisions when consensus cannot be reached. To date, this has not been a significant issue: consensus has consistently been achieved. Generally, if a decision cannot be made by consensus within the PFC, the Executive Director will elevate the decision to the Board along with a report from the PFC with their consideration of the matter.

To adhere to the UNRBA's commitment to consensus while addressing schedule and timeline issues raised during the October meeting, the PFC could consider adopting guidelines for reaching resolution on difficult decisions:

- Stating a deadline up front when more time is allowed for a decision.
- Bounding requests for additional information by articulating specifics. What is the missing information and who is responsible for gathering it?
- Setting funding caps for additional fact-finding efforts.

Upcoming Decisions

THIS SECTION MAY BE MORE APPROPRIATE AS A SEPARATE, SUPPLEMENTAL DOCUMENT BUT HAS BEEN INCLUDED IN THE STATEMENT OF THE PROCESS TO EVALUATE DECISION-MAKING FOR EASE OF REVIEW.

During the first facilitated meeting of the PFC for the Decision Framework development process on October 1, the participants discussed some examples of upcoming decisions that would indirectly or directly affect the re-examination. Other examples were listed on sticky notes that were compiled at the end of the meeting. These additional decisions will be reviewed by the MRSW and the PFC to inform their processes moving forward.

Table 1 list the examples that were discussed during the October 1, 2019 meeting. It also describes the information evaluated so far and the anticipated workflow in terms of committees, workgroups, and Board involvement to further the discussion and decision making. Table 1 also includes an anticipated deadline for each example. This should not be considered an exhaustive list of upcoming decisions.

Table 1. Upcoming Decisions, Workflow, and Deadlines for Board Action

Upcoming Decision	Information Considered Thus Far	Additional Information Needed	Workflow	Deadline
Approval of the UNRBA Decision Framework Evaluation	The PFC discussed using the Bylaws as the basis for this framework at the October 1, 2019 PFC meeting.	Contractors are compiling information on decision making authority and processes and identifying concerns.	<p>Contractors will provide a preliminary draft framework to the PFC ahead of the November 5, 2019 PFC meeting.</p> <p>Refinements to the framework will be incorporated based on the PFC discussion and provided to the PFC for final review and possibly approval at the December 3, 2019 PFC meeting.</p> <p>A final framework will be provided to the Board ahead of their January Board meeting for review and potential approval.</p>	January 15, 2020 Board Meeting
Continuing or discontinuing the Transitional Monitoring	Scope and costs for several options for the program.	Feedback from member organizations on the importance of the program.	<p>PFC to discuss member feedback at the November 5, 2019 PFC meeting.</p> <p>PFC to present recommendation to the Board.</p>	November 20, 2019 Board Meeting
Pursuit of an interim alternative implementation approach (IAIA)	<p>Conceptual level framework circulated to internal and external stakeholders.</p> <p>Refinements to “strawman” made in response to comments based on IAIA Workgroup</p>	Cost of IAIA relative to member-derived costs of compliance under Stage I Existing Development Rules.	<p>IAIA Workgroup to review revised strawman and provide input via email.</p> <p>Revised strawman to be distributed to the PFC ahead of the November 5, 2019 PFC meeting.</p>	January 15, 2020 Board Meeting

Upcoming Decision	Information Considered Thus Far	Additional Information Needed	Workflow	Deadline
	discussion on October 8, 2019.		<p>More detailed program description to be developed by the IAIA Workgroup for submittal to the PFC ahead of their January 7, 2020 PFC meeting or a Special Topic PFC meeting.</p> <p>PFC to present recommendation to the Board at the January 15, 2020 Board meeting.</p>	
Selecting modeling scenarios	<p>Internal and external stakeholders have provided input on some model scenarios.</p> <p>Models have been developed to allow flexibility in responding to stakeholder concerns.</p>	After the models are developed and calibrated, preliminary modeling scenarios will be run to test effects of nutrient load reductions.	<p>MRSW to guide contractors in preliminary load reduction scenarios and review output.</p> <p>MRSW and PFC to recommend additional load reduction scenarios for evaluation.</p>	Early in fiscal year 2022
Segmenting Falls Lake for compliance assessment	UNRBA subject matter experts have compiled information and presented to the PFC, Board, and DEQ staff and offered comments to the EMC.	After models are developed and calibrated for both hydrology and water quality, analysis of model output will provide additional information on lake segmentation and the behavior of the lake.	<p>Modelers to work with MRSW, PFC, and subject matter experts to determine appropriate summary statistics and analyses to inform the decision on lake segmentation.</p> <p>A workgroup may be convened to further this discussion and provide a recommendation to the Board.</p>	Fiscal year 2022

Upcoming Decision	Information Considered Thus Far	Additional Information Needed	Workflow	Deadline
<p>Evaluation of site-specific chlorophyll-a standard(s) for Falls Lake</p>	<p>UNRBA subject matter experts have compiled information and presented to the PFC, Board, and DEQ staff and offered comments to the EMC.</p>	<p>After models are developed and calibrated for both hydrology and water quality, analysis of model output will provide additional information to evaluate alternative chlorophyll-a standards.</p>	<p>Modelers to work with MRSW, PFC, and subject matter experts to determine appropriate summary statistics and analyses to inform the decision on chlorophyll-a standards.</p> <p>A workgroup may be convened to further this discussion and provide a recommendation to the Board.</p>	<p>Fiscal years 2022 and 2023</p>
<p>Alternatives to put into the “tool box” for implementation and compliance (i.e., practices)</p>	<p>UNRBA crediting documents, DEMLR stormwater crediting manual, DWR credit practices (in progress and approved), IAIA strawman.</p>	<p>After models are developed and calibrated for both hydrology and water quality, they will be used to evaluate different management actions in the watershed and the lake and to inform a revised strategy for implementation and compliance.</p>	<p>Modelers to work with MRSW, PFC, and stakeholders to determine the management actions and framework for compliance to consider under the re-examination of Stage II.</p> <p>A workgroup may be convened to further this discussion and provide a recommendation to the Board.</p>	<p>Fiscal years 2022 and 2023</p>