

Town of Orleans Water Quality Advisory Panel

Detailed Operating Protocols

Revised July 31, 2014

Purpose

The purposes of this Stakeholder Engagement and Consensus Building Plan are:

- a) To convene and charter a Water Quality Advisory Panel (the Panel) to guide studies and assessments, define preferred approaches, seek consensus and build widespread community support for a customized, affordable water quality management plan for the Town of Orleans.
- b) To undertake targeted watershed outreach, as well as Town-wide and intermunicipal engagement, to maximize involvement, understanding and support for the resulting plan and its implementation.

Objectives

The objectives of the Stakeholder Panel in accomplishing the above purposes are:

- a) To provide ***guidance, review, integration and advice*** related to the technical, financial and management studies being conducted by the Town and its consultants throughout this year-long planning period.
- b) To oversee ***the integration of appropriate information and analyses from previous studies and reports***, including:
 - Technical and policy guidance from the current 208 planning initiative of the Cape Cod Commission,
 - Pilot studies and assessments done by other Cape communities,
 - Recent evaluations of the Tri-Town septage plant,
 - Information from the 2010 CWMP and subsequent related studies
 - Results of new studies and assessments from Item a above,
- c) To provide ***guidance in the prioritization of water quality objectives*** across the various watersheds, estuaries and ponds within the Town
- d) To provide a forum for ***discussion and agreement on mutually-beneficial intermunicipal approaches*** that may satisfy the needs and goals of Brewster and Eastham in conjunction with meetings Orleans' priorities and objectives.
- e) To provide guidance, review and confirmation of ***financial objectives, affordability, rate structures, financing options*** and other fiscal issues related to affordability

- f) To provide critical dialogue with *the Tri-Town Septage Treatment Facility Board of Managers* and a forum for understanding, evaluating and defining preferred, mutually-agreeable plans for future use of the Tri-Town facilities, including privatization options.
- g) To provide guidance, review and approval of the *long-term management approach, adaptive management plan and a phased implementation schedule* linked to the financial plan, monitoring of the performance of initial improvements, results of pilot studies and other key information as it becomes available.
- h) To provide guidance in development of a *regulatory approval strategy and to* evaluate options and provide local support related to the need for regulatory flexibility and other requirements promoting to the Town's priorities and goals.
- i) To provide leadership and guidance in development of a feasible plan for *building understanding of the resulting preferred plan throughout the Towns*, for presentation of the steps of the plan implementation through Town Meetings and other approval processes and for building support among constituencies of each stakeholder organization.

Stakeholder Panel Structure

- a) The stakeholder group will be identified as the *Orleans Water Quality Advisory Panel (the Panel)*.
- b) The Panel will consist of several categories of participants, each of whom will have designated groups and selected individual representatives with clear roles and responsibilities in the process:
 1. Stakeholder Representatives and Alternates
 2. Liaisons from key town boards and commissions, neighboring towns, and regional, state, and federal partners
 3. Supporting staff from town departments
 4. Stakeholder process facilitator and technical manager

Stakeholder Representatives and Alternates:

- a) Stakeholder Representatives will include the five members of the Orleans Board of Selectmen plus *8-10 representatives, plus alternates, of engaged citizen constituencies from the town of Orleans*, who collectively represent a balanced and broad range of the perspectives, preferences and opinions of the citizens of Orleans. These constituencies must possess interest and knowledge in nutrient and water quality management and/or its implications for Orleans, as well as demonstrate commitment to working collaboratively and productively on behalf of the Panel's objectives.
- b) The role of Stakeholder Representatives is to actively participate in all discussions and deliberations on all of the above topics, *and to participate in making consensus recommendations* to go to the Board of Selectmen, Town Meeting, and other decision-

making entities. Meetings will be structured to provide first priority for stakeholder representative input in discussions.

- c) Stakeholder representatives expected to represent the views and concerns of their constituencies, as well as keep their membership informed of the key issues, options, decisions and recommendations of the Panel as it moves forward.
- d) The ***Orleans Board of Selectmen will actively participate*** in the Panel throughout the process to achieve the above purposes and objectives. A standing agenda item regarding the Water Quality Planning initiative will be placed on the agenda of each meeting of the Board of Selectmen to allow, as needed, for update, discussion and interim decision-making of the Board between the monthly Panel meetings.
- e) The following Orleans civic organizations will be invited to nominate ***one primary and up to one alternate*** to represent them as Stakeholder Representatives. Final appointments will be made by the Orleans Board of Selectmen. Preference will be extended to individuals who participated in the Cape Cod Commission's 208 process, to take maximum advantage of the knowledge and experience gained through the 208 process over the past year.
 - Orleans Ponds Coalition
 - Orleans Water Alliance
 - Former CWMP Committee
 - Former Peer Review Committee
 - Orleans Community Partnership
 - Orleans Taxpayer Association
 - Orleans CAN
 - *Orleans Chamber of Commerce

** If the Orleans Chamber of Commerce elects not to send an official representative, the Board of Selectmen will solicit representation of business interests from Orleans business owners.*

- f) In the absence of the primary member, ***an alternate may serve as a representative for the member's organization***, and assume all the rights and responsibilities of the absent member. Alternates will be expected to keep up to date on all deliberations and fill in without disruption.
- g) A key responsibility of the Panel members will be, using the consultants and other resources, to ***inform and engage their full stakeholder groups and related constituencies*** about the work produced or supported by the Panel through focused workshops, informational meetings and other venues to ensure consistency of understanding, participation of interested citizens of Orleans and vetting of all reasonable ideas and expertise in the community.

Liaisons:

- a) A second category of participants in the Panel are *liaisons* from chartered town commissions and boards, representatives of neighboring towns sharing Orleans' watersheds, and regional, state, and federal partners.
- b) The role of liaisons will be to actively participate in discussions and deliberations on topics that are relevant to their expertise, interests, and responsibilities. Liaisons are also charged with providing active outreach and communication, by bringing constituent ideas and concerns to Panel discussions and explaining and publicizing Panel deliberations with their constituents. However, liaisons *will not be asked to weigh in on agreement-seeking consensus recommendations*.
- c) The following entities will be invited to appoint *one primary and up to one alternate* to represent them. To maximize efficiency, Orleans-based entities will be represented by an appointed Stakeholder Representative whenever appropriate (e.g., a selected stakeholder representative who also serves actively on a town commission). Additional preference will be extended to individuals who participated in the Cape Cod Commission's 208 process, to take maximum advantage of the knowledge and experience gained through the 208 process over the past year.
 - Official Representative from the Town of Eastham
 - Official Representative from the Town of Brewster
 - Tri-Town Septage Treatment Facility Board of Managers
 - Orleans Conservation Commission
 - Orleans Marine and Fresh Water Quality Task Force
 - Orleans Board of Health
 - Orleans Board of Water and Sewer Commissioners
 - Orleans Finance Committee
 - Orleans Shellfish and Waterways Committee
 - The Pleasant Bay Alliance
 - The Cape Cod Commission
 - Massachusetts DEP
 - The Cape Cod National Seashore
 - U.S. EPA
 - Brewster Conservation Commission

Technical and Expert Advisors:

- a) As described in the objectives, the Panel will work closely, through designated staff points of contact and the Process Managers described below, with the Engineering/Environmental consultants hired by the town to undertake the engineering, planning, financial, management and other studies being conducted.

- b) The Panel will also draw on the knowledge and substantive expertise, as needed, by staff of Town Departments, including Planning, DPW, Health, Conservation, Finance. Other expertise will be engaged if and when required, including possibly the Association to Preserve Cape Cod (APCC), the Provincetown Center for Coastal Studies (PCCS), the Massachusetts Office of Coastal Zone Management (CZM), and others.

Process Managers:

- a) Mike Domenica of Water Resources Associates and Stacie Smith of The Consensus Building Institute will serve as ***co-managers of the Panel's process***. Mike will be primarily responsible for technical and project management requirements and Stacie for facilitation and coordination requirements.
- b) The process managers have ***no decision-making authority*** and cannot impose any solution, settlement, or agreement among any or all of the parties. They will abide by the Ethical Standards of the Association of Conflict Resolution. In part, these standards require that: "The neutral must maintain impartiality toward all parties. Impartiality means ***freedom from favoritism or bias*** either by word or by action and a commitment to serve all parties as opposed to a single party."
- c) Process managers will be responsible for ***helping to ensure that the process runs smoothly***, developing draft meeting agendas, preparing and distributing draft and final summaries, generating draft agreements, and helping the parties resolve their differences and achieve consensus, to the extent possible, on the issues to be addressed by the Panel. They may use ***any number of techniques*** to help ensure that everyone has the opportunity to speak, that comments are kept to a reasonable length of time, and that subjects under discussion are provided sufficient time and focus for progress. The facilitator will be responsible for implementing the agenda and keeping participants on track.
- d) For purposes of complying with Open Meeting Law, the project managers may designate one or more Chairs.
- e) The process managers will be ***available to consult confidentially*** with Panel participants during or between meetings. Facilitators, if asked, are required to hold confidences even if that means withholding information that the facilitators would prefer to be made available to the full group.

Decision Making

- a) The Panel, to the extent possible, will ***operate by consensus***, which is defined as unanimous concurrence of the primary Stakeholder representatives, or in the absence of a primary, his or her alternate. Members may also "abstain" or "stand aside." Abstaining means not offering consent or endorsement, but also not blocking an agreement. Abstaining/standing aside members will not be counted in determining if consensus has been reached.

- b) If a representative disagrees with a proposal, he or she should make every effort to ***offer an alternative satisfactory to all members***. Members should not block or withhold consensus unless they have serious objections to the proposal, and can articulate the reasons for those objections. Consent means that members can accept, even if reluctantly, the package that emerges. The goal of the Panel is to reach consensus, recognizing that not all members will be equally satisfied with the outcome.
- c) On those issues or topics where consensus cannot be reached, the Panel will offer ***a range of possible options***, will delineate the advantages and disadvantages of these options, and will explain the members' differences clearly, accurately, and fairly.
- d) Liaisons will participate actively in the deliberations, explain and advocate based on their knowledge and expertise, seek creative solutions, participate in drafting alternatives and other written documents, as needed, and provide background information. However, they will not take part in the final consensus on recommendations.

Panel Meetings

- a) All meetings will be conducted in accordance with Massachusetts Open Meeting Law. They will be ***open to the public*** and posted in advance according to Town procedures. Discussion at the meetings will be conducted primarily by members of the Panel. There will be a ***public comment period*** at least once during each meeting. Time allowed for public comment will be limited to ensure that other meeting topics can be covered.
- b) At the outset, all deliberations will take place in ***the full group*** in order to ensure transparency, consistency, and efficiency. As time goes on, the process managers, with approval of the Panel, ***may*** choose to form work groups to advance discussion, generate options, and develop preliminary proposals. Such work groups ***must*** have a clear charge, and ensure participation of a diversity of interests. A sub-panel or work group is not a decision-making body. If used, work groups may include alternates and additional expertise, as determined by the Panel.
- c) In order to achieve our objectives in the allotted time, the process managers and Panel will use the time between monthly meetings to follow up and update on action items, use internet polling, webinar, email, and other technology to collect and disseminate information and input, and otherwise move the process forward, within the constraints of Open Meeting Law. No deliberation, decisions, or agreements will be made outside of Panel meetings.
- d) A CBI associate will attend all meetings in order to take notes and develop meeting summaries. Brief summaries of Panel meetings will be prepared by the facilitators and, after review and approval by the Panel, will be made available to the public. The summaries will identify key points of discussion, action items, points of tentative agreement and next steps, and will generally be written without attribution. The summaries are not intended to be transcripts or detailed meeting minutes, but summaries of key points, issues, and ideas.

Timeframe and Schedule:

- a) The Panel will hold its ***first meeting on July 16 from 9:30-12:30***, and subsequently once a month at a specified date and time to be determined by the group from July 2014 through May 2015, as well as at other dates and times determined by the Panel. Some meetings may require more time, and may therefore take place over a longer time period during the day. Materials relevant to the meeting agenda will be provided several days before the meeting to ensure effectiveness of the meeting.
- b) A critical requirement of the program will be to coordinate and plan meetings and agenda of the Panel with the results of each task of the Wastewater & Septage Planning Project, the Utility Survey Project, 208 Program results, pilot study results from other towns and other relevant analyses and work related to the this planning effort. ***A detailed program schedule*** will be prepared to coordinate the dates and agenda of the monthly meetings and special focus workshops with the products and decision requirements of the various studies done by the consultants and others. This schedule will be used in the development of the Consultant's schedule and milestones in order to meet the planning goals of the Town over the next year.
- c) Workshops and informational meetings to broader constituencies will also be scheduled in coordination with study results as described above.

Safeguards and Ground Rules for Participation

- a) Panel members commit to the principles of decency, civility, and tolerance. Members accept that there are different views, and the different stakeholders each have a legitimate interest and right to be part of expressing views and determining solutions.
- b) Panel members will not attribute statements to others involved, seek to present or represent the views or position of other members or alternates, nor attempt to speak on behalf of the Panel as a whole in or to the media. "Media" for these purposes includes the press, television, radio, websites, blogs, social media applications or sites, and any other public information distribution mechanism. Panel members will abide by these ground rules in all communications during the process in and out of Panel meetings.
- c) Panel representatives must exercise leadership within their respective constituencies to foster a climate of joint problem solving on the Panel and publicly, engage with their constituencies to keep them informed, and to ensure their constituents support rather than undermine the process.
- d) Members on the Panel also agree to the following.
 - Represent the interests and concerns of their organizations and constituents as accurately and thoroughly as possible, and work to ensure that any recommendations developed by the Panel are acceptable to their organization or constituency.

- Arrive at the meetings prepared to discuss the issues on the agenda, having reviewed the documents distributed in advance.
- Be constructive. Strive throughout the process to bridge gaps in understanding, to seek resolution of differences, and to pursue the goal of achieving consensus on the content of the potential alternatives under discussion.
- Make a good faith effort to participate in all scheduled meetings or activities.

e) In order to facilitate an open and collaborative discussion, Panel members and participating members of the public also agree to abide by the following groundrules during Panel meetings.

- Only one person will speak at a time and no one will interrupt when another person is speaking.
- Each person will express his or her own views, his or her organization's and constituents' views, rather than speaking for other Panel participants. Participants shall make clear when they are speaking on behalf of themselves as individuals versus when they are speaking on behalf of their constituency.
- Each person will be respectful, and refrain from making personal attacks, name calling, distributing personal or inaccurate information about other participants, and other such negative behaviors.
- Each person will make every effort to stay on track with the agenda, and avoid grandstanding and digressions.

f) In order to foster and support an open and constructive process, Panel members agree to the following Communication protocols outside of Panel meetings:

- Panel members may send comments or ideas, consistent with the above ground rules, to the process managers to compile and send to the full Panel.
- Panel members may send technical information, concerns, or questions to the process managers to forward to the technical consultants for their review, integration, and/or response.
- Panel members are free to engage in direct dialogue with their constituents and colleagues outside of Panel meetings, in a manner consistent with the above ground rules and Open Meeting Law, provided that their communications do not involve a quorum of Panel members.
- The Panel and its participants welcome comments, ideas, concerns and information from constituents and the public that is substantive, specific, and linked to the issues under discussion. They will disregard comments and correspondence that is inflammatory or consists of innuendo, personal attacks, or general invectives,

Public Outreach and Engagement:

- a) Panel meetings will be filmed and televised by Cable Access TV and footage will be made available to stakeholders and the public subsequent to each meeting.
- b) Panel members are also expected to help coordinate and facilitate meetings, discussions, and gatherings among their constituencies and others within the town to maximize participation and involvement in the planning process.
- c) The Town of Orleans will post all project materials on a designated webpage, to allow clear and easy citizen access.
- d) As needed, the group and consultants will assist in developing and revising clear, user-friendly fact sheets, matrices, tools, etc. that can be widely distributed.