

SEU Advisory Board
Meeting Minutes
Monday, November 24, 2015

I. Call to order

Director Tommy Wells called to order the meeting of the SEU Advisory Board (SEUAB) at 10:10 am Monday, November 24, 2015 at the Department of Energy and Environment (Department or DOEE), 1200 First Street, N.E., Washington, D.C.

Roll call

SEU Advisory Board: John Mizroch, Bernice McIntyre, Dan Wedderburn, Sandra Mattavous-Frye, Betty Anne Kane, Donna Cooper, Bicky Corman, Jared Lang, Nicole Steele, Leni Berlinger, Nigel Parkinson

Absent Board Members: Anna Pavlova

Other Attendees: Tommy Wells, Taresa Lawrence, Ted Trabue, Dan Cleverdon, Hussain Karim, Marcus Walker, George Nichols, Katie Bergfeld, Bob Jose, Karim Marshall, Lynora Hall, Olayinka Kolawole, Marshall Duer-Balkind, Nicole Sitaraman, Sean Skulley

Approval of agenda and minutes

The agenda and the minutes were approved.

II. Official Business

Selection of an SEUAB Vice Chair

Director Tommy Wells indicated that the Board Chair position would remain vacant for at least a few months. He said the previous Chair has a conflict with serving on the Board, but that the conflict would end soon. The Mayor will keep the seat vacant until he becomes available. Director Wells recommended that the Board choose a Vice Chair. His recommendation for the position was Bicky Corman. Dan Wedderburn nominated Ms. Corman and John Mizroch seconded it. Ms. Corman accepted the nomination. A vote was taken and a unanimous vote was recorded.

It was noted that the Board will meet quarterly as mentioned in the Clean and Affordable Energy Act of 2008 (CAEA) or on an as needed basis.

Traci Hughes – Open Meeting Act Training

Ms. Hughes reviewed the attached handout.

DC Government Emails

Ms. Hughes said that each Board member would receive notification from the Mayor's Office of Talent and Appointments (MOTA) about their new email address. Director Wells stated that DOEE IT staff could assist with connecting phones to email address. Nigel Parkinson asked if there should be an established protocol for all emails on Board issues to go through the government email. Ms. Hughes stated such a protocol could be included in the Bylaws, but this was not necessary because there is a Mayor's Order that governs this issue. Ms. Hughes stated that it is necessary to use the government email

address concerning Board activity and operations. Those Board members who had received Board-related emails prior to receiving the new email address should, at their leisure, forward any emails related to the Board to their government email addresses. When reviewing their inboxes, they should go back to January 2015. Lastly, forty-eight hours before Board meetings are held, the notice with agenda should be posted at locations where the meetings will occur. The notice should also be placed on DOEE's website. Board meetings should be held in a public location that is accessible.

Ted Trabue – FY 2015 Achievements & FY 2016 Program Plans

Mr. Trabue stated that the DCSEU started in FY 11, and this is the first year that the DCSEU achieved all of the contractual benchmarks that the organization is required to meet or exceed. He said that in FY 13, the DCSEU achieved all of the benchmarks except Green Jobs; and in FY 14, they achieved all benchmarks except the Renewables benchmark (see the attached report.) Jared Lang asked if DOEE had vetted the numbers. Mr. Trabue stated that these are preliminary results and that DOEE will ask an outside contractor Tetra Tech or another independent contractor to verify the numbers. He added that DOEE had not verified these results and Dr. Lawrence could speak to this. The verification is usually done by early April. Tetra Tech will do a presentation on its report to the SEUAB. Bernice McIntyre asked if the Board could receive Tetra Tech's report in advance of the meeting to discuss the report.

SEUAB Annual Report

Bicky Corman asked about the deadline for the SEUAB annual report. Karim Marshall stated that the date is statutorily based, but the City Council was aware that the report would be late. Director Wells stated that the current deadline needs an extension. He asked for the date by which the EM&V Report will be issued and Dr. Lawrence answered March 31, 2016. Director Wells stated that it is difficult for the Board to draft a report without the EM&V Report. He also asked for the date of the Audit Report and Dr. Lawrence answered by June 2016. Director Wells stated that there are two documents the Board will not have – the EM&V Report and the Audit Report. Hussain Karim mentioned that the Board had previously used information from the DCSEU Annual Report to complete its report. Sandra Mattavous-Frye stated that the Board should have the EM&V Report at the minimum before drafting a final report. It was asked whether a legislative amendment was required. John Mizroch asked what the initial deadline was for the report. Mr. Karim answered thirty days after the fiscal year. Dr. Lawrence stated that the City Council gave an extension until December 15, 2015. Ms. Corman asked if there has been any communications with the Council in the event the Board goes beyond the December 15 date, considering the new board members, the new administration, and the continued statutory infirmity. Ms. Corman volunteered to be the lead on the Board's report, and Mr. Mizroch volunteered to assist. Ms. Corman asked the Board to send her the sections that they would like to work on.

SEAUB Review of DCSEU RFP & Performance Benchmarks

Leni Berliner stated that a goal should be to get the DCSEU to become an independent structure. Mr. Karim said that the original CAEA called for the Board to participate with the drafting of the RFP for the DCSEU; however, this law has since been amended. He said current law requires DOEE to solicit recommendations from the Board on the performance benchmarks for the RFP. He, however, noted that the process becomes complicated because the performance benchmarks and all the related documents are confidential while the Board is subject to the Open Meetings Act (OMA). He told the Board that he discussed this issue with Traci Hughes. Ms. Hughes recommended that, in order for the Board to have a closed session, there needs to be a simple amendment to the Bylaws to permit the Board to meet in an executive session. Furthermore, any Board member who was planning to bid on the RFP could not participate in the Board's review of the draft RFP's performance benchmarks. Any such member should

recuse himself/herself and not be a part of the process. Ms. Corman asked if it makes sense to amend the Bylaws so that when the executive session is held, the amendment will already be in effect. Daniel Wedderburn suggested waiting on voting to amend the Bylaws because they already have to subscribe to the OCP procurement laws. Mr. Karim stated this is not the case because the SEU RFP is not subject to the District's procurement laws.

Mr. Marshall stated that the RFP involves a competitive process. There are two laws that govern procurement in the District: 1) the Home Rule Act, which has rules on what is needed for a multi-year contract, which the SEU contract will be; and 2) the Procurement Practices Reform Act (PPRA), which governs OCP. In the CAEA, the SEU RFP is explicitly exempted from the PPRA, but the RFP is still covered by the Home Rule Act, and covered by the principle of a fair and competitive RFP process. In order to have a fair and competitive RFP process, the information that is contained in the RFP should not be available to members who are going to bid, or help someone to bid, on the RFP. Considering the time constraints, there is no time to set up a committee. Chairman Kane noted that the changes to the Bylaws should be provided to the Board to review. Mr. Karim stated that during the New Board Orientation meeting, there were members who specifically asked to review the RFP documents. A Non-Disclosure Agreement must be signed by each Board member prior to reviewing the draft RFP.

SEUAB FY16 Deliverables & Schedule of Activities

Director Wells stated that the Board needed to see the RFP timeline from Dr. Lawrence, and that they should try to meet in early January regarding the RFP.

III. New Matters

Jared Lang suggested putting important issues at the top of the agenda.

IV. Adjournment

Vice Chair Bicky Corman adjourned the meeting at 12:25 pm.

Minutes prepared by: Lynora Hall