

# Pooled Stormwater Resources Fund Oversight Committee Charter

Approved at the November 11, 2023 SWG meeting

## Oversight Committee Charter

The Stormwater Work Group (SWG) has formally adopted this charter and recommends that the Department of Ecology (Ecology) recognize the role of the Pooled Resources Oversight Committee (Committee or PRO-C), a Subgroup of the SWG.

### I. Introduction

The SWG recommended a regional Stormwater Monitoring and Assessment Program for Puget Sound (SWAMPSS) in 2010. Since 2013, Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) permittees contribute to a Pooled Stormwater Resources Fund (Pooled Fund), which is dedicated to conducting a regional stormwater monitoring program called Stormwater Action Monitoring (SAM). SAM is a specific part of SWAMPSS based on the SWG's recommendations for implementation through the Municipal Stormwater NPDES permits. This Committee will provide oversight of the Pooled Fund.

This charter shall be reviewed and updated each Municipal Stormwater NPDES Permit Cycle.

### II. Purpose

The Committee's primary functions include providing oversight, transparency, efficiency, and accountability of the expenditure of the SAM Pooled Fund and provide contracting decisions on SAM's funded projects.

Ecology (unless another future service provider is determined or approved by SWG) will:

- (i) Administer SAM under oversight of this Committee.
- (ii) Consider the collective recommendations of the stakeholders represented by the SWG and its subcommittees.
- (iii) Ensure that the execution of the SAM program and the awarded contracts to conduct SAM studies and activities provide value and needed adaptive feedback information to the permittees funding the program.
- (iv) Administer contracts and awards.
- (v) Provide reports to the Committee.
- (vi) Adopt changes in response to the Committee's feedback and recommendations.

The Committee will:

- (i) Oversee Ecology's administration and management of the Pooled Fund and SAM-related contract.
- (ii) Review quarterly and annual reports and financial statements provided by Ecology.
- (iii) Review and approve contract scopes of work and make contract funding decisions for SAM funds.
- (iv) Verify implementation of the contracts as approved.
- (v) Provide review and recommendations to the SWG on Ecology's administration of the SAM program, twice per Permit cycle. The review will be completed by all Committee members, sent to Ecology for completion before being forwarded to the SWG chair. This review is intended to provide feedback to Ecology through the SWG regarding the schedule, scope, budget, and quality of the program's deliverables and to provide accountability.
- (vi) Make issue resolution recommendations.
- (vii) Reasonably address split Committee votes on contract and consider if further clarification is needed from the project lead entity.
- (viii) Provide project management and program implementation oversight.

Committee duties do not involve conducting audits or determining the completeness and accuracy of Ecology's financial statements and disclosures in accordance with generally accepted accounting principles and applicable rules and regulations. Such responsibilities lie with Ecology and the State Auditor.

### **III. Organization**

The Committee shall be comprised of seven to twelve members, approved by the SWG, with representation, as follows:

- Four to seven members (simple majority of committee) from local governments and other entities that are provided the option by their Municipal Stormwater NPDES permit conditions to pay into one or more parts of the SAM collective, and
- The remaining members (not to exceed a simple majority of the Committee) are from a mix of SWG-represented environmental advocacy groups, business groups, federal and state agencies, and tribal governments.

SWG shall confirm Committee members as nominated by SWG members and/or on the recommendation of existing SWG caucuses. Formal confirmation will take place at a regularly scheduled SWG meeting. When a seat is made vacant a replacement must be confirmed by the SWG in all instances.

Members should agree to participate consistently. It is desirable that members serve at least two years and there is no term limit. The Committee members shall elect a Chairperson and Vice Chairperson by vote of a majority of the full Committee.

The members of the Committee are representatives of various agencies and organizations and intended to provide expertise regarding project management and program implementation oversight. Members of the committee may have a range of backgrounds and experiences and are not required to be accountants or auditors by profession or experts in the fields of accounting or auditing. Consequently, it is not the duty of the Committee to conduct audits or to determine that Ecology's financial statements and disclosures are complete and accurate and are in accordance with generally accepted accounting principles and applicable rules and regulations. These are the responsibilities of Ecology and the State Auditor.

The Committee membership size and composition will evolve if other permits and entities fund components of SAM. As long as they provide the majority of the SAM funding, representatives of municipal stormwater permittees funding SAM will maintain the majority of the Committee membership. The SWG may decide to add other members to the Committee as the program evolves. The Committee will review its performance twice per Municipal NPDES Permit cycle and make specific recommendations to the SWG as to further need for safeguards, checks and balances on the permittee majority composition.

The Committee will simultaneously submit recommendations and findings to Ecology and to the SWG. After reviewing the recommendations, the SWG retains the authority to modify the recommendations.

### **IV. Meetings**

The Committee shall meet in open sessions at the same frequency as SWG, or as circumstances require. The Committee may require Ecology staff, contractors, and others to attend meetings and to provide pertinent information, as necessary. The Committee Chair will preside at each meeting and, in consultation with Ecology and the other members of the Committee, set the agenda, frequency, and length of each meeting. SWG or SAM staff will support and aid in development of agendas. The Committee Chair shall ensure that the agenda for each meeting is circulated to each Committee member and shared with other interested parties in advance

of the meeting. The Committee Chair shall also ensure that a summary of each meeting is circulated to each Committee member as well as other interested parties no later than two weeks after the meeting.

## **V. Fulfilment of Responsibilities and Duties**

In fulfilling its duties and responsibilities, the Committee will rely on:

- The integrity of those persons within the SWG, Ecology, and the professionals and experts from which it receives information,
- The contractually required reviews of the technical quality of final documents,
- The accuracy of the financial and other information provided to the Committee by Ecology, and
- Representations made by contractors as to any services provided to Ecology and the SWG.

Ecology shall provide:

1. Quarterly status reports to the Committee on the implementation of the SAM. The reports shall include the following information:
  - A summary of accomplishments, key decisions, and budget expended by project for the previous quarter,
  - A summary of planned accomplishments and key forthcoming decisions,
  - A description of contracts and agreements awarded in the previous quarter,
  - A description of contracts and agreements planned to be awarded in the next quarter,
  - A summary of deliverables received as part of the SAM in the previous quarter,
  - A description of outstanding issues in the SAM program to be resolved, and Ecology's plan for resolving the issues,
  - A description of topics for which Ecology seeks input and advice from the SWG and/or the Committee.
2. An annual summary to the Committee and SAM funders on the implementation of the SAM. Ecology may distribute the annual report to SAM funders with their annual invoices. The reports shall include the following information:
  - A summary of completed project findings and active projects.
  - A summary of annual revenues and expenditures for the SAM program, and projected new projects or SAM activities in the upcoming year.
  - Any fiscal or material issues raised by the most recent quality control review, or peer review, and any inquiry or investigation, as well as any steps taken to deal with any such issues, for SAM related contracted work.
3. A timely explanation when Ecology chooses not to or is unable to implement the SWG's recommendations. The SWG and Ecology will use a standard conflict resolution process to work together to resolve any disagreements.
4. Direct responsibility for the appointment, compensation, retention and oversight of the work of the contractors (including resolution of disagreements between Ecology and the contractors) for the purpose of preparing its quarterly report or related information required to be provided to the Committee.

In fulfilling their responsibilities and duties, the Committee will:

1. Review contract scopes of work and work toward approval of SWG-approved study proposals.
2. Approve or disapprove of SAM funds for communications, workshops, food and beverage, and overall administration of SAM.

3. Review Ecology's quarterly and annual reports.
4. Provide quarterly reports to the SWG.
5. Provide feedback to the SWG regarding Ecology's performance based on the information provided in the report card issued twice per Permit.
6. Forward to the SWG findings or recommendations for addressing identified issues with implementation of the SAM, including recommendations for addressing cost overruns.
7. If applicable, present majority and minority opinion when unable to reach consensus on recommendations to SWG.
8. Have a timely opportunity to review Requests for Proposals and Scopes of Work and compile comments to support Ecology's contracting role.
9. Present Committee recommendations and findings to the SWG's regularly scheduled meeting. The SWG retains responsibility for approving recommendations to forward to Ecology at its subsequent meeting unless substantial concerns require resolution.
10. Participate in SWG meetings and review SWG documents (e.g. workplan) representing the Committees' role in supporting SAM.
11. Require any Committee member associated with a SWG-approved project to recuse themselves from Committee funding decisions and voting relating to award, scope of work or amendments.
12. Assist in hearing appeals on contract award decisions at Ecology's request.
13. Review and discuss any findings of the State Auditor pertinent to administration of the SAM program.
14. Review and reassess the adequacy of this Charter once per Permit cycle and recommend to the SWG any changes the Committee deems appropriate.
15. Conduct or authorize investigations or studies within the Committee's scope of responsibilities to the extent deemed necessary or appropriate by the SWG.
16. The Committee shall perform any other activities consistent with this Charter, the SWG's charter and bylaws, and governing law as the Committee or the SWG deems necessary or appropriate.
17. This Charter will be made available on the SWG websites maintained by Ecology.