MA EEAC Assessment

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Method/Approach

- Document review

- Meeting Observation (EEAC and ExCom)

- Interviews—27 Interviews (Councilors and former Councilors, Consultants, PAs attorney, & DPU)

Areas of Assessment

- Overall Effectiveness

- Scope & Purview

- Roles and Responsibilities

- Size, Composition & Participation

- Meeting Dynamics & Logistics

Overall Effectiveness: Findings

- **Successes**
  - Unanimous support for last two three- year plans
  - Approve MTMs as needed
  - ACEEE #1 state ranking, four years in a row

- **Challenges**
  - Different views of EEAC roles and responsibilities during "implementation" leads to conflict (e.g., meeting the C/I goals, and appropriate granularity of available data)
  - Pervasive sense from interviewees that the EEAC is not as effective and efficient as it should be, and that its deteriorating rather than improving

+ On-Going Tension

- "Desperately Seeking . . . Autonomy"
  - The PAs want more autonomy to implement their programs without EEAC or Consultant "micromanagement" AND
  - Many EEAC Councilors (and Consultants) want more autonomy to deliberate, decide, and recommend with necessary data from PAs but without PAs trying to overly "shape, steer, and thwart"

EEAC/Program Administrator Structure
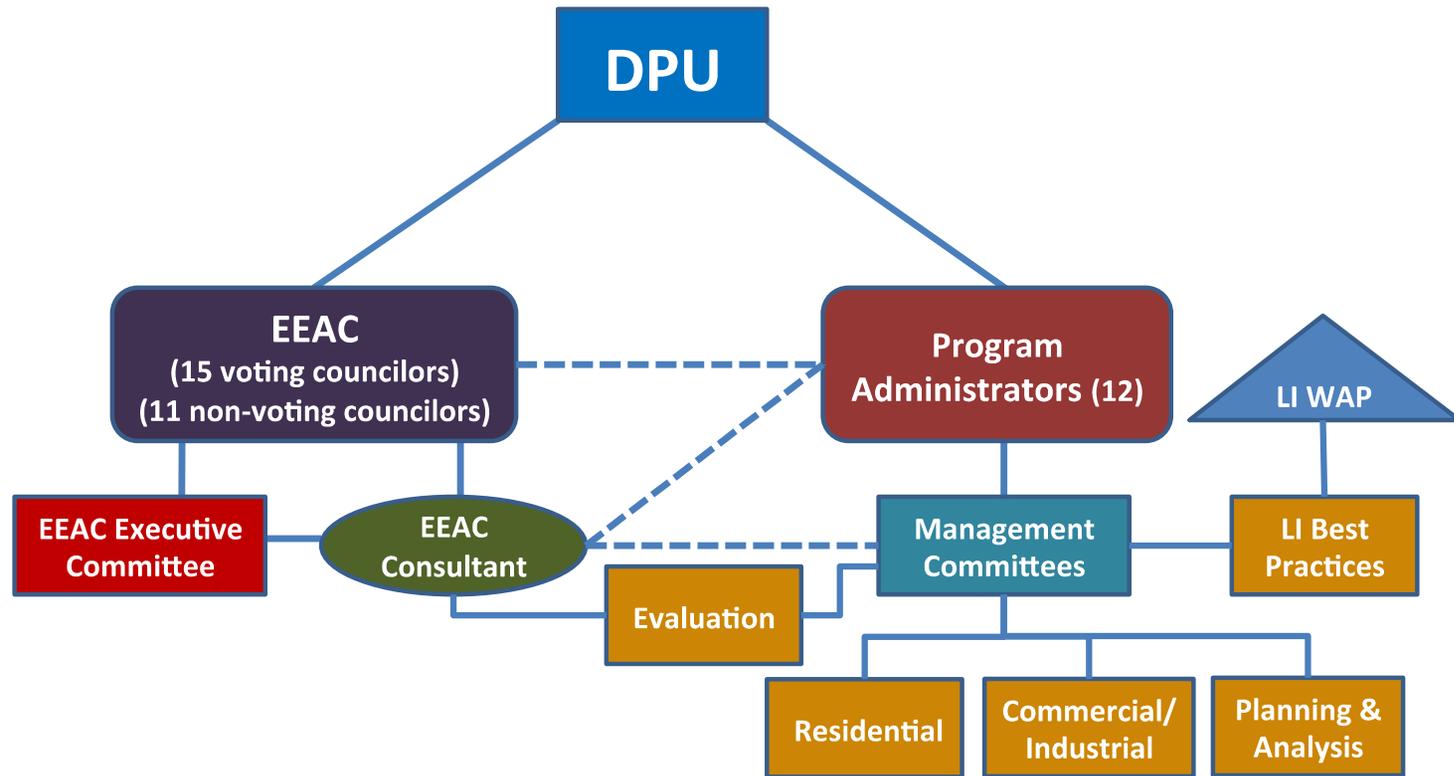
EEAC Scope & Purview: Findings

- General agreement about role of EEAC in reviewing and approving high-level goals and weighing in on "high level EEAC strategic priorities" during the development of the three-year plans.

- Less agreement (and general confusion) about where to draw the line between high-level EEAC strategic priorities and more tactical and detailed program design issues that should be left to the PAs discretion, both in the development of three-year plan and more critically during implementation of plans

- Our understanding is that Council "approves" Plans, and provides " advice" but does not "approve" implementation activities except for Category 1 MTMs

- EEAC related priority setting processes perceived by some as not sufficiently rigorous, and often a compilation rather than sifted, ordered list

+ Scope & Purview: Recommendations

- Development of Three Year Plans
  - Clarify EEACs scope and purview (and hence roles and responsibilites) regarding the delineation particularly between high level strategy and detailed program design

Scope & Purview: Recommendations

- Better define the roles and responsibilities of the EEAC during the implementation phase of the three-year plan.

- EEAC needs to delineate:
    - 1) On-going or periodic activities that the EEAC must undertake (review of PA quarterly reports, annual EEAC report, etc.);
    - 2) The EEAC's roles and responsibilities when the PAs appear to be falling short of achieving their goals; and
    - 3) EEAC activities, if any, when the PAs are meeting their goals.

Recommended Process When There's A Gap in Achieving Goals

1. PAs identify & diagnose problem, and review with EEAC (and its Consultants) for feedback and advice
2. PAs develop solution options, and review with EEAC (and its Consultants) for feedback and advice
3. EEAC and PAs attempt to resolve any differences through joint problem solving and negotiation
4. At a certain point, if no resolution, PAs determine what program and/or budget changes they believe are necessary
   a. EEAC reviews and approve MTM's if needed (and they agree)
   b. If EEAC not satisfied, can include in annual report to DPU or otherwise elevate issue to the DPU
   c. But EEAC moves on to other topics and issues and does not continuously revisit outstanding differences
5. DPU retains ultimate authority to approve "major" changes, and resolve any lingering "major" disputes between PAs, EEAC, and other stakeholders

Roles and Responsibilities ExCom: Findings

- Needed and generally effective

- Wide open participation by all attending hinders effectiveness and efficiency of meetings

- Composition doesn't necessarily represent balance/breadth of EEAC, and isn't reviewed/reaffirmed periodically

- Role of PAs on ExCom not clear

- Agendas are not detailed enough and meeting summaries perhaps too detailed

Roles & Responsibilities Recommendations: ExCom

- Clear delineation of ExCom Councilors in seating, and priority in speaking at meetings.

- Periodic review of ExCom membership by full EEAC. Consider more formal make-up, representative of full EEAC (e.g., DOER, AG, Residential/Low-Income seat, C/I seat, and Environmental seat, potentially with ex-officio PA seat).
  - Consider fixed terms (e.g., two years).

+ Other Recommendations: ExCom

- More detailed agendas (topics, times, objectives/questions) distributed at least 3-4 days ahead of ExCom to allow for better preparation.

- Meeting notes that aren't transcripts but high level summaries that include for each topic, issue description, key discussion points, and resolution/final disposition

- ExCom meeting summaries should only be approved at the subsequent ExCom meeting (and not the full EEAC). Drafts and final can be shared with full EEAC.

- Firmer facilitation to stay on task and time

Roles and Responsibilities
EEAC Consultants: Findings

- Valuable role in providing background, information, & education to individual councilors and EEAC as whole

- Wide range of views on proper role of the Consultants, especially during implementation of approved 3-year plans
  - Educator, joint problem solver, advisor, independent monitor, advocate, and/or enforcer?

- Some see them currently acting more as a principal rather than as agents of the EEAC (i.e. "with their own agenda")

- Others see them as not being able to do their jobs properly because don't have adequate data from PAs

Roles & Responsibilities Recommendations: EEAC Consultants

- Provide clearer EEAC direction to EEAC Consultants, and more proactively manage their areas of focus. They should not have to figure out their marching orders by interviewing individual Councilors.
  - E.g., EEAC reviews/approves annual Consultant workplan; ExCom reviews/approves interim changes; and DOER manages Consultants consistent with workplan and priorities of EEAC
  - [Note: Clarifying R&R of EEAC is necessary first step of clarifying R&R of EEAC Consultants.]

- Continue valued role of individual Councilor access to EEAC Consultants for increasing understanding and knowledge, but not lobbyist

- Improve working relationship with PAs

- DOER (and the ExCom) should intervene as needed between their Consultants and the PAs to resolve as many conflicts as possible outside of the full EEAC meetings

Roles & Responsibilities Recommendations: EEAC Consultants

- Resolve the data issues, so that the EEAC Consultants and the EEAC Councilors have the right types and amount of data to adequately fulfill their Legislative and DPU mandates (while not micro-managing the PAs implementation of the programs).

- Prior to the rebid of the EEAC Consultant contract, DOER (or the ExCom) should do a more detailed evaluation of the Consultant team, including the performance and effectiveness of the lead and other individual consultants on the team—and this should influence the RFP design and selection process

Roles & Responsibilities Findings: PAs

- Active participants in EEAC and ExCom processes

- Well organized, and present a consolidated views and positions
  - Interviewees point out that PAs have more time and resources, and are not subject to Open Meeting Laws thus better able to develop consolidated views and positions

- Many Councilors feel that they try to overly direct and influence the EEAC process

- Frustration among many interviewees around PAs seeming reluctance to provide the EEAC and its Consultants with adequate data

- Many are frustrated about PAs not meeting certain goals, and some think programs would be better run independent of the PAs

Roles & Responsibilities Recommendations: PAs

- Resolve data issues

- We address better managing role and participation of PAs in EEAC and ExCom meetings elsewhere

- Improve working relationship with EEAC Consultants

- Note: Not in our scope to recommend ways for PAs to design/implement programs to better meet goals, or who should be implementing programs

Roles and Responsibilities DOER: Findings

- DOER Chair makes a good faith effort to fulfill all that's required: represent DOER's positions; administer and facilitate the Council and ExCom; and broker disputes as they arise (being respectful of other Councilors (voting and non-voting) perspectives)

- BUT extra and multiple roles and responsibilities for DOER would be inherently challenging for any organization or individual chair

Roles and Responsibilities
DOER: Findings

- Both EEAC and ExCom meetings could be much better structured and more effectively and efficiently run

- DOER often needs to step in and mediate between the PAs and EEAC Consultants
  - Some said DOER needs to better manage the Consultants
  - Others said that DOER needs to better clamp-down on the PAs

- DOER sometimes decides to handle certain EE related issues directly in its capacity as the Energy Office, rather than bring them to the EEAC

Roles & Responsibilities Recommendations: DOER

- Make sure that DOER has sufficient administrative support to effectively run the EEAC process (including the full EEAC meetings and the ExCom).

- DOER as a major EE stakeholder should weigh in on its positions clearly at the full EEAC and ExCom, and consider separating its roles as chair and facilitator at the EEAC, so it is more free to do so.

- Consider hiring an independent/experienced facilitator to assist DOER in the design and running of the EEAC meetings, and to provide coaching to DOER on the design and running of the ExCom meetings.
  - [DOER and the EEAC as a whole should try this during the more intensive three-year planning process, and then determine whether to continue with independent facilitation for the implementation phase.]

Size, Makeup and Participation: Findings

- Near universal concern that the size of the Council is too large, and that it has become less functional since the expansion (although many interviewees noted that size is not only or even main issue related to effective functioning)

- Meetings often dominated by increasingly contentious interactions between EEAC Consultants and PAs

- Other findings include: unevenness of participation, not sufficient distinction between voting and non-voting Councilors, differing levels of expertise and experience and PAs feeling like 2nd class citizens

+ Size, Makeup and Participation: Recommendations

- Provide formal orientation and training for new Councilors to get them more quickly up to speed (and hence better able to participate)

- Voting and Non-Voting Councilors

  - Clearly identify Voting and Non-Voting Councilors, both on table tents and in seating (either have Non-Voting Councilors in one place at table, or separate table behind Voting Councilors)

  - Generally the voting Councilors should be allowed to speak first on particular agenda items (not including the presenter) and making sure to allow adequate time for Non-Voting Councilors to also weigh in.

  - Chair/facilitator able to allow more free-flowing discussion during brainstorming. But during final decisionmaking discussions, conversation should focus primarily on Voting Councilors

Size, Makeup and Participation of the EEAC Councilors: Recommendations

- Develop groundrules for expectations around participation and behavior, to supplement the by-laws

  - Have a clear process to address any persistent "unconstructive behavior" on the part of Councilors at or outside of meetings. Have the Chair/Facilitator/Ex Com address this with the Councilor(s), and if no improvement—have a clear process for Councilor replacement

EEAC Meetings: Findings

- Agendas are overly packed, and too much time spent presenting and not enough time for discussion/discourse

- EEAC meetings/activity needs to be more intensive during the development of three-year plans and can be less intensive during plan implementation

- Presentations and other meeting related documents often not provided early enough for careful review, and Councilors do not always review documents before meetings

- EEAC generally makes major decisions such as approving the three-year plans or MTMs fairly well, but struggles with other resolutions and "sense of Council" motions

EEAC Meetings: Recommendations

- Continue annual EEAC workplanning process (led by the ExCom) and workplan that lays out the known EEAC tasks and issues for the year, and includes initial agenda topics for each meeting during the coming year. This should be fine-tuned by the ExCom and EEAC during the course of the year.

EEAC Meetings: Recommendations

- Revisit the EEAC meeting schedule for the development of the next three-year plan which has historically required intensive engagement of the EEAC Councilors, and decide whether more or different meetings are needed (See separate Engagement Plan).

- During implementation of the plan, EEAC can probably meet less frequently (e.g., every other month or quarterly), but with ExCom still meeting monthly, and with the ability to form Subcommittees for on-going topics/issues or focused work sessions on specific topics.

- Consider having 3.5 hour morning meetings (when people are generally more productive)

EEAC Meetings: Recommendations

- Agenda items should clearly describe the purpose of the topic, identify any important discussion questions, and describe what actions (if any) are expected of the Councilors

- Reduce the number of topics on agendas—limiting to essential EEAC topics

- Provide more time for EEAC discussion and deliberation:
  - General updates (and data) provided in writing or webinars (and not at meetings)
  - Clarify expectation of Councilors to review material ahead of EEAC meetings and come prepared with any questions they have and ready to discuss.
  - When presentations are needed provide roughly half time for presentations and discussion/deliberation

EEAC Meetings: Recommendations

- Post all materials for the upcoming EEAC meeting (including agendas, presentations, and background material) 4-5 business days before the meeting

- Provide a sound system for room, and consider a larger room more conducive to a meeting of this size and duration

"If you could change one thing about the EEAC…(top 3 responses)"

- Clarify mission, purpose, and scope of EEAC and roles and responsibilities of Councilors

- Better meeting management including use of an independent/experienced facilitator

- More collaborative feel to process

+ "If you could change one thing about the EEAC…"(middle group)

- Stronger leadership from DOER

- Regular and structured feedback from the Councilors to EEAC Consultants

- Reduce the number of Councilors at the EEAC

- Preclude PAs from ExCom and other select meetings (so voting Councilors can talk more freely)

- More time for deliberation/discussion and less time for presentation

- Fully functional database

- Different consultant team

- Clarify discussion questions and decision needed for each agenda topic

"If you could change one thing about the EEAC…"(stated once)

- Shorten presentations, post in advance, and require Councilors to review ahead of meetings

- Reduce size of goals (to make more realistic/achievable)

- One statewide program administrator

- Not have process unduly influenced by PAs

- Free refreshments

- Find a better room, and use a sound system

- Fewer disputes between PAs and EEAC Consultants at EEAC meetings

- Change date of draft three year plan from April to July/August

- Allow PAs to vote on EEAC

- Administrative assistant for the EEAC