

**Boardman River Dams Committee
Meeting Minutes
May 30, 2006; 6:00 – 8:00PM**

Attendees:

Dennis Aloia, Ron Alpers, Jim Anderson, Kyle Axtell, Tom Barker, Robin Beardsley, Garrett Bondy, Beverly Cuthbert, Willard Dausman, Michael Donahue, William Elzinga, John Ernst, Tim Ervin, Ed Flees, Mary Flees, Ilhan Geckil, Leslie Grant, Jennifer Jay, Todd Kalish, Joe Kaltenbach, David Kelly, John Kempf, Leslie Knopp, Stu Kogge, Steve Largent, Herb Lemcool, Nicholas Lomako, J.C. Malstrom, Jim McIntyre, Jack Murray, Peter Neithercut, Scott Parker, Jim Pawloski, Charles Peterson, Carl Platz, Alan Schneider, Jim Schramm, Sanjiv Sinha, Michael Slater, Russ Soyryng, Sandra Sroonian, Jim Veenstra, Scott Watkins, Tom Wertz, Dale Worfel, Peter Zirnhelt

Please refer to the meeting agenda and supporting documents which were reviewed at this meeting. Minutes, agendas, and supporting documents are located on the website:

<http://www.theboardman.org/b/category/brdcarchive>

Boardman River Dams Committee Statement of Purpose:

“To engage all interests in assessing and recommending the fate of the dams on the main stem of the Boardman River based upon a thorough analysis of options, including long and short-term economic, social, environmental, aesthetic, transportation and ecological impacts upon the community, individuals and riparian owners.”

1. RFQ Team Recommendation and Implementation Team Action

Implementation Team members present: Todd Kalish, Dennis Aloia, Jim Pawloski, Joe Kaltenbach, Jim Schramm, Russ Soyryng. The Implementation Team extends its appreciation to the RFQ Review team for taking on a monumental task involving a great deal of their personal time. The dedication of time and service has led to a good recommendation.

The Request for Qualifications process began in October with a public meeting to identify issues and concerns to include in the Engineering and Feasibility study. An initial draft RFQ was put together and a series of public meetings to review and revise the RFQ were held, with the RFQ being finalized in January, 2006. At the Boardman River Dams Committee meeting, held January 31, 2006, the RFQ Review Team was finalized. This task team was open to anyone who wanted to participate, providing there was no conflict of interest. The RFQ Review Team met with the Implementation Team for an informational meeting on May 17, 2006 to discuss the review process. Michael Donahue outlined the review process, the outcome, the review team recommendations and the recommendations for the interview process.

Qualifications Based Selection process (QBS) was used as general guidance in the review process. An explicit evaluation criterion was developed and each of the 9 members did their own review of each of the twelve submissions. Michael Donahue provided a technical review which team members could access at will; he was a non-voting member of the process. Two meetings were then held during which the review team consolidated and developed consensus on their recommendations. The RFQ Review Team recognizes and appreciates the outstanding proposals submitted for this project. The review team results reflected a great deal of consistency in scoring.

Recommendation: *Some modification was made to the original recommendation to reflect the IT's request to follow the QBS process. This change was made subsequent to a public meeting on May 17th regarding this issue. The three consultant teams receiving the highest evaluation scores (MACTEC, Corradino Group and ECT, in that order) will be invited to interview with an interview team comprised of at least four members of the Implementation Team, and three members of the RFQ review team.*

Following the interview process, the Implementation Team will select a preferred consultant team in the interest of negotiating a mutually acceptable Scope of Work and associated cost schedule. If, for any reason, the negotiation is unsuccessful, negotiations with the next highest ranked firm will be initiated.

The Scope of Work and costing process will begin soon after the consultant selection, and involve input from representatives from the Implementation Team, the US Army Corps. of Engineers (as appropriate), and RFQ Review team members. The preferred consultant team will submit a draft of the Scope of Work and associated costs to the Implementation Team within 30 days of the initial meeting. Additional meetings may be needed to fine-tune the scope of work/cost schedule and complete the negotiation and contracting process.

The RFQ Review team will remain intact until a contract is signed with the consultant team. Duties will include drafting a framework to guide the Scope of Work and cost development process; participating in the scoping process; and advising the Implementation Team and Dams Committee, as needed, until a contractual arrangement is completed.

Materials associated with the RFQ Review team evaluation process will be made publicly available only after the Implementation Team has made its selection and the contracting process has been completed to ensure integrity of the process.

Discussion: *As a Federal Agency the US Army Corps of Engineers must remain independent and employees are prohibited from participating in an activity that could result in steering business to a commercial entity outside of the USACE process. The USACE will be working closely with the Scope of Work process in a technical advisory role, but will not be involved with influencing any decision. As a result, their involvement on the interview team was stricken from the recommendation. Further exploration and clarification is requested from the USACE regarding their ability to be present to assist with answering questions that may come up during the interview process.*

Discussion: *To ensure that all aspects of this process are open and public, discussion was had to determine at what point materials associated with the RFQ Review Team evaluations, including the RFQs, should be made available to the public. The RFQ Review Team wants to ensure the highest level of integrity throughout the process and recommends that, until the contracting process is completed. The materials, when deemed public, may be made available for review in the Project Assistant's office for review by the general public only, not to firms involved with any part of the RFQ process. In order to ensure public and open procedures, the interviews will be open to the public and the public will have opportunity to ask questions at the conclusion of each interview.*

ACTION: **A quorum of four members of the Implementation Team being present, consensus was reached to accept the recommendation to follow the QBS process through a scope of work phase and to interview the top three firms. The Implementation Team will vote on the recommendation from the interview team at a separate meeting and then move forward with the Scope of Work phase.**

Discussion: *Regarding the interview team, the recommendation from the RFQ Review team is that all members of the Implementation Team be invited to participate with the interview team, though only a quorum of four is considered required. Three members of the RFQ Review Team, including one who is a property owner will also be members of the interview team. After discussion it was determined that the RFQ Review Team members on the interview team will be voting members of the interview team. The recommendation from the interview team comes to the Implementation Team for final approval. An independent facilitator may be used if desired. All members of the interview team will be required to be in attendance for all of the interviews. Identical questions will be pre-submitted to the three firms along with the interview format. There will be opportunity for public input via questions written and submitted to the facilitator at the end of each interview. The recommendations for the format of the*

interviews will be submitted to the Interview Team and, as appropriate, to the three firms, in advance of the interviews.

ACTION: The Implementation Team members will all be invited to participate on the Interview Team, along with three members of the RFQ Review Team. The Interview Team will all be “voting members”, but in keeping with the BRD process, they will make their recommendation to the Implementation Team for a final vote on the recommendation. Date of the interviews will be arranged and notice sent to all interested parties.

2. Task Team Progress Reports and Discussion

Property Ownership Issues Team

Scope of Work

The Property Owners Issues team brought forth the recommendation during the April meeting that Varnum, Riddering, Schmidt and Howlett, Attorneys at Law, be secured to provide legal services for the assessment of riparian ownership and case scenarios of the Boardman River Dams Project. At that time the IT approved the recommendation but asked for a more succinct scope of work, cost estimate and interview before any funding would be approved.

Discussion: Al Schneider, County Prosecutor, presents that there may be no benefit to having a second opinion. Opinions are not binding and do not bring finality. The only way to bring finality to issue is to join as plaintiffs and defendants and take the issue to circuit court for a ruling. The question of who would represent the property owners in such a case was discussed, as well as how such representation would be funded. Various questions were raised concerning scenarios, representation from Varnum, et. al, if they reviewed and supported the County findings and opinions, if it would be possible to ask a court to entertain options regarding bottomlands beyond just ownership, and others. It was determined that a special Property Owners Issues Team meeting would be held June 14th, at 6PM at the Hagerty Center. All property owners will be invited, as will a representative from Varnum, the County of Grand Traverse, the DEQ and TCL&P to discuss these issues and others.

3. Standing Team Progress Reports and Discussion

a. Fiscal/Fundraising

The Finance Team is working to define the budget more clearly and breaking it into two elements: the process, and the Engineering and Feasibility study. Funding sources will be identified along with fund amounts and footnotes to detail intended purpose. All information will also be available on the website, hopefully by the June meeting. The goal is to have full disclosure of all budget issues. NMC’s accounting office is setting up the process and is responsible for monthly budget status reports.

Discussion: Questions were raised regarding the authorization of spending. The administration of the funds is given to Water Studies Institute, and each grant comes with very precise stipulations. If there are concerns with approval process, the Implementation Team could vote to approve a budget, and ask Water Studies to manage the budget and submit financial statements.

b. Communication/Outreach Team

The Communication Team meeting notes were reviewed. Please refer to the notes at:

<http://theboardman.org/b/2006/05/16/communications-team-meeting-may-16-2006/>

Discussion: It will be important for the Communications Team to work closely with the firm selected to conduct the Engineering and Feasibility Study. Also, maintaining and increasing interest in the Boardman River Dams Project beyond simply the local population needs to be a priority. Perhaps linking to better known websites, etc. so long as the message is always balanced (neutral) as well as including photos of before and after scenarios of dam removals, etc. Consider different meeting locations, such as Ranch Rudolph, etc. in order to attract more people.

4. Update regarding Boardman Dam and DEQ concerns

During the April BRDC meeting it was reported that preliminary discussion revealed DEQ concerns regarding the spillway at the Boardman Dam. The spillway is inadequate and is not being accepted by the DEQ. TCL&P will gather recommendations to bring to the DEQ for discussion. The Boardman Dam

is over 40 feet in height and must be able to pass the “half probable maximum flood”; presently it does not. Solutions may include modifying the dam or modifying the operations of the dam, or both. There may be a direct impact on the level of the Boardman Pond, but until there is more information from consultants, this is not clear. This issue will be further discussed at the June 14th Property Owners Issue Team meeting.

5. Suggested Agenda Items for June Meeting

- RFQ decision
- POIT
- Finance committee
- Communication monthly update

Meeting adjourned at 8:09PM

Submitted: June 9, 2006
Jennifer Jay, Project Assistant
Phone: 231-995-2617
Email: jjay@nmc.edu