

AGENDA
North Carolina Land and Water Fund
Executive Committee Meeting
January 26, 2023, 1:00 p.m. – 4:00 p.m.

This meeting will be held via teleconference and will have a physical location on the 4th floor of the Nature Research Center located at 121 West Jones Street, Raleigh, NC in room 4508. If any member of the public would like to join to the meeting via MS Teams or in person, please contact Terri Murray at teresa.murray@ncdcr.gov or 919-707-9400 in advance for links or directions.

Committee Members:

John Wilson (Chair), Ann Browning, Renee Kumor, Jason Walser

COMMENCEMENT

1) Call to Order (Chair)

a) Welcome

b) Roll call

c) Compliance with General Statute § 138A-15

General Statute § 138A-15 mandates that the Chair inquire as to whether any Trustee knows of any conflict of interest or the appearance of a conflict of interest with respect to matters on the agenda. If any Trustee knows of a conflict of interest or the appearance of a conflict of interest, please state so at this time.

d) Please put cell phones on vibrate or turn off

e) Revisions, additions, and adoption of the agenda

2) Executive Director's Update (Will Summer)

PUBLIC COMMENTS

The public is invited to make comments to the Board (Chair)

The NCLWF policy manual states that comments shall be limited to subjects of business falling within the jurisdiction of the NCLWF. The NCLWF welcomes public comments on general issues. Comments will not be allowed on individual projects before the NCLWF for funding during the regular meeting. Comments will be limited to three minutes per person.

BUSINESS

1) Updates to the "Decision Matrix Policy" (Will Summer)

Staff will review the existing policy regarding approvals that have been delegated to staff and suggest clarifications and improvements.

2) Third party right of enforcement policy (Marissa Hartzler / Justin Mercer)

Staff will explain third party right of enforcement expectations and propose a policy.

3) Improving access to NCLWF funds and benefits (Will Summer)

Staff will report on recommendations from the division's Diversity, Equity and Inclusion Committee for improving access to the benefits provided by NCLWF projects.

ADJOURNMENT

Action Item

Staff member: Will Summer, Marissa Hartzler, Steve Bevington

Agenda Item 1) Updates to the Decision Matrix Policy**Background**

Prior to 2007, NCLWF held two grant cycles each year and the board met monthly. When there was an occasional request for a project or budget modification, meetings were frequent enough that there weren't delays. When NCLWF transitioned to an annual grant cycle with only quarterly business meetings, it became necessary to establish a process to review these requests in a timely fashion. The board authorized staff and the chair to approve certain adjustments that did not require additional funds and were modest in scope. The process was refined over the years and codified into our policy manual in 2014 (excerpt attached on the following page).

Staff recommendation

Staff will present several changes to the policy, including the following:

- Confirming that positive changes do not require formal approval
- Delegating minor changes (<5%) to program managers
- Clarifying the role of a changed project score in the approval
- Clarifying definition of a "new budget line item"

Staff will also propose renaming the policy to better describe its function, (i.e., "Project change requests – delegation or decision authority") and remove the "Decision Matrix" spreadsheet from the policy and have it exist as a separate tool that supports implementation of the policy.

Committee action needed

Approve, deny or amend the changes recommended by staff and direct them to proceed with a draft for the next committee meeting.

Attachment(s): MPP-002 Decision Matrix

**Multiple Program Policies:**

Decision Matrix (MPP-002)

Background: To clarify at which level (staff, chairman, or board) a decision concerning a project may be made. The Decision Matrix does not determine the decision but considers the degree of change being requested in assigning the decision to staff, chairman, or board level.

The current Decision Matrix form is found on the following two pages.

Effective Date

Versions	Revisions
November 10, 2008	Original Effective Date
February 10, 2014	Revised and Adopted



DECISION MATRIX EVALUATION WORKSHEET

Project Number:		Project Name:		Date of Request:	
		REQUIRED APPROVALS			
Criteria	CWMTF Staff	Chairman	Full Board	Requested Change	
Increase in CWMTF funds Grant Funds Available: YES NO Verified by Administrative Officer:	\$0	0% to 25%, but not to exceed \$100,000	> 25% or over \$100,000		
Change in scope outputs*	up to 10%	10% to 25%	> 25%		
Decrease in match % (Calculations page 2) **	up to 10%	10% to 25%	> 25%		
Change in unit cost (for example, \$/acre, \$/LF, \$/gal)	up to 10%	10% to 25%	> 25%		
Within budget reallocation of funds without adding a new budget line item and no loss of outputs*	10% to 20% of total CWMTF award reallocated to any one line item OR if > \$100,000 reallocated to any one line item*	More than 20% of total CWMTF award reallocated to any one line item			
Within budget reallocation of funds with adding a new budget line item and no loss of outputs*			Any request that adds a new budget line item		
Withdrawal of Any Funded Project or Minigrant	Any Withdrawal Request				
If Request requires Full Board Approval, please enter the date of the Board meeting for which the request will be considered.					
Explanation of request and impacts to natural or cultural resources (Attach request, original budget and revised budget).					
Program Staff Recommendation:					
	Printed Name	Requisite Signature	Date		
Approvals:					
CWMTF Staff					
Deputy Director					
Executive Director					
Chairman					

The Board should consider grant reductions that accompany a decrease in scope, even if the unit cost remains the same. Reductions that are due to lower construction bids than budgeted can be processed by Staff.

*The following budget reallocations and match reduction can be approved and processed by the Project Managers without submitting a decision matrix evaluation form.

1) For donated easement minigrants:

- Any budget reallocations
 - Shift of funds to a previously used eligible line item on the application template
 - A reduction of match that still meets the minimum requirement. Reductions that do not meet the minimum match requirement must go to the Chairman for approval.
- 2) For all project types other than minigrants (M,D,S), less than 10% of the total CWMTF award reallocated to any one line item up to \$100,000 reallocated to any one line item.

**On 10/11/10, the Board gave the Chairman and R/S/G Co-Chairs the authority to approve match reductions when the tax card value (or appraisal) is less than the amount in the project budget for easement value.



DECISION MATRIX EVALUATION WORKSHEET

Decrease in Match Calculations		
CWMTF Contract Amount	\$0.00	Percentage Contract
Match Contract Amount	\$0.00	
Total	\$0.00	
CWMTF Actual Pay-Out	\$0.00	Percentage Actual
Match Actual Pay-Out	\$0.00	
	\$0.00	
		Percent Change

Additional Comments:

Staff Level Revisions	Chairman Level Revisions	Board Level Revisions
Revised 2-10-14 to reflect 2014 board review; and remove reference to minigrant programs no longer funded Revised 11-21-08 to clarify matching decrease calculation. Revised 1-7-09 to add Note #2. Revised 1-22-09 to add Note #3. Revised 11-5-09 to change titles of Deputy Directors to match Sept 09 reorganization. Revised 7-12-11 to remove Deputy Director for Acquisitions. Revised 2-10-2015 Update worksheet	Revised 2-10-14 to reflect 2014 review of decision matrix; reorganization of Board; % change clarification; and allow new line item reallocation. Revised 11-21-08 to reflect Nov 2008 Board decision on admin costs. Revised 11-21-08 to clarify matching decrease calculation. Revised 11-5-09 to change titles of Deputy Directors to match Sept 09 reorganization. Revised 12-15-2010 to add Chairman/Co-Chair approval of restoration & stormwater match reductions due to lower easement values than expected (based on Oct 11, 2010 Revised 7-12-11 to remove Deputy Director for Acquisitions.	Revised 11-21-08 to clarify matching decrease calculation. Revised 11-5-09 to change titles of Deputy Directors to match Sept 09 reorganization. Revised 12-15-2010 to add Chairman/Co-Chair approval of Revised 7-12-11 to remove Deputy Director for Acquisitions. Revised 1-9-13 to clarify need for Board approval to reduce grant if other than related to construction bids.

Action Item

Staff member: Marissa Hartzler, Justin Mercer

Agenda Item 2) Third Party Right of Enforcement

Background

A long-standing practice of the North Carolina Land and Water Fund has been the requirement for grant recipients across funding programs to provide for third party right of enforcement for the State in donated and/or matching conservation agreements. This includes conservation easements held by local governments and nonprofit land trusts and declarations of covenants and restrictions. This right of enforcement allows the State the independent right to enforce the terms of the conservation agreement if the holder of the conservation agreement fails to do so.

Staff recommendation

Staff will discuss the intention and expectations of the board and will propose defining the roles and responsibilities for exercising third party right of enforcement on these agreements via a policy.

Committee action needed

Approve, deny or amend the recommendation of staff and direct them to proceed with a draft for the next committee meeting.

Action Item**Staff member: Will Summer**

Agenda Item 3) Improving access to NCLWF funds and benefits**Background**

The work we do provides a variety of environmental and social benefits to the nearby residents, such as clean air, clean water, and recreational opportunities. Our funds are available to any North Carolina community represented by an eligible applicant, though many lack the resources and means to apply and be competitive. Many granting organizations are actively working to remove barriers and level the playing field to ensure access to their programs. NCLWF has long considered community need in certain circumstances via county tier system and in project-by-project decision making. However, a more deliberate approach may send a stronger signal to encourage potential applicants to invest their time and to focus our current partners to look within their service areas for opportunities to do more to promote environmental equity.

At the direction of the Executive Committee in November, staff has explored the efforts of other programs and has worked with our division's Diversity, Equity and Inclusion (DEI) Committee to come up with some recommendations for the committee to consider. Staff will be prepared to discuss recommendations at the committee meeting.

Staff recommendation

Discuss strategies to provide meaningful incentives to broaden the impact of our work and promote environmental equity.

Committee action needed

Approve, deny or amend the recommendation of staff and direct them to proceed with a draft for the next committee meeting.