

MAUMEE AOC ADVISORY COMMITTEE (MAAC)
OPERATING PROCEDURES
(as adopted February 27, 2015)

I. PREAMBLE

The Great Lakes Water Quality Agreement (GLWQA) is an agreement between the U.S. and Canada to address key environmental health issues in the Great Lakes. The most recent Agreement (September 7, 2012) reaffirms actions necessary to restore and delist the 43 Areas of Concern (AOCs). The Great Lakes Water Quality Protocol of 2012 specifically addresses AOCs in Annex 1 (the 1987 GLWQA addressed AOCs in Annex 2).

The Maumee AOC was originally identified as the area extending from the Bowling Green water intake near Waterville along the Maumee River at river mile 22.8 downstream to Maumee Bay. The area included direct drainage into the waters that are primarily within Lucas, Ottawa and Wood counties. This included Ottawa River (Tenmile Creek), Swan Creek, Grassy Creek, Duck Creek, Otter Creek, Cedar Creek, and Crane Creek. In 1992, the AOC was extended to the east to include Turtle Creek, Packer Creek, and the Toussaint River. In 2010, the AOC was redefined to follow US Geological Survey's (USGS) updated 10-digit Hydrologic Unit Code (HUC) boundaries. This added the headwaters of Swan Creek and Tenmile Creek that are primarily located in Fulton County. The Maumee AOC is one of the largest AOCs covering 787 square miles.

Restoration of the Maumee AOC has been a cooperative effort between federal, state, and local governments, as well as local businesses, organizations, and citizens. The goal of the AOC program is to improve area waterways in the Maumee AOC to meet established targets for the 14 beneficial uses defined in the GLWQA, and ultimately delist the Maumee AOC.

Since its inception in 1987, the Maumee RAP Advisory Committee (previously under the umbrella of Toledo Metropolitan Area Council of Governments [TMACOG 1987-2006] and Partners for Clean Streams [PCS 2007-2014]) developed detailed reports on water quality conditions (*Stage 1 Report - 1990*). The Maumee RAP Advisory Committee also developed a list of what needed to be done to clean up the pollution from the many sources, who needed to do it, how much it might cost, and where the money could come from (*Recommendations Report - 1991*). Many of those recommendations were implemented and are documented (*Activities & Accomplishments in the Maumee AOC - 2002*). The next list of projects that was developed by the Maumee RAP Advisory Committee served to direct projects from 2006-2014 (*Maumee AOC Stage 2 Watershed Restoration Plan - 2006*). In 2013 and 2014, a web-based *Data Management and Delisting System* (DMDS) was developed, in cooperation with PCS and the Ohio Environmental Protection Agency (Ohio EPA), to help evaluate the status of BUIs in relations to Ohio EPA's *Delisting Guidance and Restoration Targets for Ohio Areas of Concern (2014)*, to track projects (including conceptual, planned, ongoing and completed projects), and to provide a library of resources for the Maumee AOC. In 2015, in response to the Ohio EPA's *Framework for Reorganizing and Implementing Ohio's Remedial Action Program in Support of Ohio's Areas of Concern* (Oct. 2014), the Maumee AOC Advisory Committee (MAAC) was established as a standalone committee, with the support of a local Facilitating Organization, rather than as a committee of an umbrella organization.

II. PURPOSE

The Maumee AOC Advisory Committee (MAAC) was commissioned to perform the crucial task of advising state and federal partners on which projects are needed to provide focused and expedited improvements to the Maumee AOC by identifying strategic priorities within the AOC, encouraging completion of needed management actions, and serving as the voice of the AOC community.

This working committee, in collaboration with its local Facilitating Organization, will help to steer the course of what is happening to restore beneficial uses in the Maumee AOC, where it is happening, and how it is getting done with its presence, committees, programs, projects, and activities.

The MAAC is also an important liaison with the local AOC community. The MAAC's engagement is critical for successful implementation of recommended projects and especially for ensuring that the public has a voice in the AOC process.

For more information on the roles and responsibilities of local AOC Advisory Committees, local AOC Facilitating Organizations, and Ohio EPA AOC Program staff, consult the *Framework for Reorganizing and Implementing Ohio's Remedial Action Program in Support of Ohio's Areas of Concern* (Oct. 2014). (<http://www.epa.state.oh.us/dsw/lakeerie/index.aspx#125637033-documents>)

III. MAAC STRUCTURE

The MAAC is composed of voting members and non-voting members. Voting members are the decision-making body that decides how Ohio EPA and other partners should be advised regarding what is needed to delisting the Maumee AOC. The responsibilities of these members are outlined under *Membership: Member Responsibility section*.

There are two types of non-voting MAAC members: Ex-officio and Resource. Ex-officio members are described within this document as state and federal government staff tasked to work on AOC issues. (see *Membership: Non-Voting Member section*) Ex-officio members are expected to fulfill the same responsibilities as voting members with the exception of not being eligible to vote. Resource members are considered a technical resource to the MAAC and assist the MAAC's voting membership in making informed decisions. Resource members can attend meetings, share information and discuss issues. They are not expected to perform the same responsibilities as voting members and are not eligible to vote.

The Chair of the MAAC shall share information and advise the Ohio EPA and the local Facilitating Organization regarding decisions of the MAAC and issues related to the Maumee AOC.

The local Facilitating Organization does not serve as a member of the MAAC and is not eligible to vote. The Facilitating Organization is to attend all MAAC meetings (unless requested otherwise) and to assist with the facilitation, secretarial and other needs of the MAAC as funding and resources permit.

The MAAC will assist the local Facilitating Organization and the Ohio EPA in the development of an Annual Report regarding the current progress toward restoration of beneficial uses and outlining future priorities in the Maumee AOC.

IV. MEMBERSHIP

VOTING MEMBER ELIGIBILITY

It is preferred that members of the MAAC be either a resident of the AOC or employed/work in the AOC. The MAAC is intended to be a local voice in the AOC/RAP process. Interested parties not meeting this requirement can be involved as non-voting Ex-officio or Resource members and/or on MAAC subcommittees or teams. (See *Membership: Non-Voting Membership section*)

VOTING MEMBER SELECTION

The MAAC and the local Facilitating Organization will publicly promote and solicit applications for MAAC members for a period of at least four weeks prior to voting on Committee membership at the last meeting of each year. Upon expiration of a term any members choosing to may reapply. Representatives of Local Government, Business/Industry, and Academic Institutions/Nonprofit Organizations are representing their employer or organization and will need their support/endorsement of the applicants participation on the MAAC in writing prior to becoming a member.

A MAAC Recruitment/Selection Team will review all applications and make recommendations to the MAAC for voting.

Appointments will be for two year terms commencing in January. The terms will be staggered so approximately one-half of the membership will change annually.

Any vacancies will be filled by the MAAC within two meetings of the vacancy occurring for the remainder of the term or the position may be left open until the next application period.

VOTING MEMBER REPRESENTATION

The MAAC voting membership shall consist of a minimum of eight, with a recommended maximum of 16. If the MAAC is larger than eight members, there should be approximately equal representation for each category. None of the categories should have fewer than two elected members.

In order to ensure varied representation of the interests in the Maumee AOC, a category representation of members should be as follows:

Minimum Members	Category Representation
2	Local Government
2	Business/Industry
2	Academic Institutions/Nonprofit Organizations
2	General Public

Examples of category representation are defined as follows:

- Local government: counties, cities, special district and authorities;
- Business/Industry: industry, commerce, other for-profit organizations;
- Academic Institutions/Nonprofit Organizations: university, environmental organization; and,
- General Public: residents, homeowners, concerned citizens.

MAAC members for each category are expected to represent the interests of that sector within the Maumee AOC.

The MAAC officers are included as representatives of a category; however the Chair of the meeting does not vote, except to break a tie.

MAAC members may be represented by alternates, but alternates do not have voting privileges, unless designated in writing as a proxy prior to the start of a meeting. (See *Meetings: Quorum, Voting & Proxy section*)

VOTING MEMBER RESPONSIBILITIES

Members of the MAAC are responsible for helping to move the Maumee AOC toward delisting, making project and event decisions, and engaging the community in improving the water quality of the region. Specific responsibilities include, but are not limited to:

- Commit to a 2-year term starting in January
- Attend at least 75% of the meetings each year (usually held quarterly) (average 2-4 hrs/mtg);
- Actively participate and engage in making decisions on issues and other MAAC business;
- Stay informed with what is going on in the MAAC, ask questions and request information;
- Act in the best interests of the AOC and excuse themselves from discussions and votes where there is (or may be perceived) a conflict of interest;
- Act in full compliance with Ohio Ethics Laws;
- Interpret the MAAC’s work and values, and promote them and the MAAC to the community;
- Work in good faith with other MAAC members, the Facilitating Organization, and Ohio EPA towards achievement of the agreed upon common goals and priorities; and,
- Attend and/or assist with at least one outreach/education event each year.

NON-VOTING MEMBER ELIGIBILITY, SELECTIONS, REPRESENTATION AND RESPONSIBILITIES

The MAAC Ex-officio membership shall consist of one designated AOC staff person from those state and federal agencies working to improve AOCs. Examples of such positions are as follows:

Agency	Position
Ohio EPA	Maumee AOC Coordinator
US EPA	AOC Task Force Leader
NOAA	Great Lakes Regional Coordinator
US FWS	AOC Fish and Wildlife Biologist

When the slate of MAAC voting members are elected in the last quarter of each year, the Ex-officio members also should be designated for the following year.

The MAAC Resource membership shall consist of knowledgeable, informed individuals that can provide technical information needed by the MAAC voting members to make decisions necessary to accurately advising state and federal partners on what is needed to focus and expedite improvements to the Maumee AOC. Resource members do not need to be designated in advance and may come and go depending on the needs of the MAAC. Resource members are likely to be members of a MAAC subcommittee or team. (i.e. Science Advisory Team (SAT)).

V. OFFICERS

OFFICER ELIGIBILITY

Any voting member of the MAAC is eligible to be an officer.

OFFICER SELECTIONS

The MAAC will accept nominations and vote for the Chair and Vice-Chair positions at the first meeting following the Committee election of every other year (odd numbered years). Officer terms will be for two years commencing immediately upon election. When any officer position is open due to expiring terms or departure from that office, the MAAC should fill the position within two meetings of the vacancy occurring for the remainder of the position's term.

Secretarial responsibilities will be conducted by the local Facilitating Organization.

OFFICER RESPONSIBILITIES

The Officers of the MAAC are responsible for maintaining the organization's operation and progress. Specific responsibilities include, but are not limited to:

Chair

- Prepare and/or approve MAAC meeting agendas;
- Run meetings of the MAAC;
- Break all voting ties;
- Perform generally all the duties usually incident to such office; and
- Other duties as may be requested by MAAC, the local Facilitating Organization or Ohio EPA.

Vice Chair

- Assist the MAAC Chair, as needed;
- Perform the Chair's responsibilities when they are not available; and,
- Other duties as may be requested by MAAC, the local Facilitating Organization or Ohio EPA.

VI. TEAMS or SUBCOMMITTEES

TEAM or SUBCOMMITTEE AUTHORIZATION

The MAAC shall establish teams or subcommittees to develop, coordinate, oversee, and implement projects, events or other business for MAAC. For example, a Project Management Team (PMT) might be responsible for overseeing and assisting in the implementation of a specific project, including such tasks as RFP development, consultant selection and oversight, public education, etc. Or a Science Advisory Team (SAT) might be established to review the analytical data used to determine BUI status and recommend actions or projects need to improve metric scores and restore beneficial uses.

TEAM or SUBCOMMITTEE ELIGIBILITY

Team or subcommittee membership may include anyone that has an interest or knowledge of the Maumee AOC and/or its issues. Individuals do not have to be members of the MAAC. Team or subcommittee membership outside of MAAC membership is strongly encouraged.

TEAM or SUBCOMMITTEE COORDINATOR RESPONSIBILITIES

The Coordinator of a MAAC team or subcommittee is responsible for moving the Maumee AOC toward delisting through the project(s) conducted by their team or subcommittee. Specific responsibilities include, but are not limited to:

- Coordinate the operations of their team or subcommittee (i.e. organize and announce meetings, maintain records of attendance and minutes, facilitate the development and implementation of projects and activities); and,
- Act as spokesperson for the team or subcommittee including providing updates to the MAAC Officers and/or the local Facilitating Organization at quarterly MAAC meetings or more frequently if needed.

VII. **MEETINGS** ***PROCEDURES***

The MAAC Chair shall work with the local Facilitating Organization to schedule meetings at least quarterly (more frequently if needed). The MAAC Chair or Vice-Chair may call an emergency meeting or email vote of the MAAC, if necessary.

All meetings shall be conducted in an orderly manner at the direction of the MAAC officers. The MAAC may institute Robert's Rules of Order upon a majority vote. The minutes shall include at least motions made, actions taken, votes, and attendance.

The MAAC Chair, in cooperation with the Vice-Chair and Facilitating Organization, shall prepare the agenda. Notice of all meetings and materials to be considered shall be distributed to each member, preferably 5-7 days prior to the meeting, including via fax or email. The meeting schedule for the coming year will be established at the first meeting of each year.

The MAAC meeting will be conducted with transparency, open to the public, announced in advance, and will provide opportunities for public input.

ATTENDANCE

Attendance for all MAAC meetings by voting and ex-officio members is expected. If a voting or ex-officio member cannot attend, an alternate or proxy is encouraged to attend so the absent member may be informed of the meeting proceedings. Alternates for voting members may vote if they have been assigned in writing (hard copy, fax or email) as the member's proxy prior to the meeting. (See *Meetings: Quorum, Voting & Proxy section*) Members may participate in a meeting by phone/conference call. After three consecutive, unexcused absences the MAAC Chair may remove a member.

QUORUM, VOTING, AND PROXY

The MAAC is divided into voting and non-voting memberships. Voting members are those elected to the MAAC. Non-voting members are either Ex-officio or Resource members. (See *Membership section*)

A quorum shall consist of 50 percent of the current MAAC voting membership plus 1. Any decisions must be approved by a majority of the quorum. Members participating in meetings by phone/conference call are to be counted as a part of the quorum.

Voting by proxy shall be permitted by one assigned alternate for each elected member. Alternates must be assigned in writing (including fax or e-mail) prior to the meeting. Alternates may only vote on items specified on the agenda for that meeting. An assigned alternate should be included as a part of the quorum on issues specified on the agenda.

Individuals may serve as only one proxy per meeting. MAAC members may NOT serve as the proxy for another MAAC member.

An email vote can be held at the request of any MAAC member when an action is needed prior to the next regularly scheduled meeting. The MAAC Chair and/or Facilitating Organization will conduct all email votes. Any necessary information will be disseminated to members and a response must be received in writing (including fax or e-mail). Any decision rendered from an email vote shall be filed with the minutes of the next meeting of the MAAC. Phone votes are acceptable provided the member is attending the meeting via phone/conference call.

VIII. FINANCIAL ISSUES

The MAAC does not have an Operating Budget. Expenses for planned projects, activities or events must be obtained through, and in cooperation with, the local Facilitating Organization either through an Ohio EPA AOC–Support grant or from another specific grant budget. Any expenditure that has not been obtained in one of these two methods cannot be made without authorization of the MAAC Chair and the Facilitating Organization’s authorized fiscal agent.

The exception to this is “restricted” funds that have been specifically allocated to the Maumee RAP in supplemental environmental projects (SEPs) or consent orders. The MAAC shall make decisions as to the allocation of these funds on a project or program basis. Many of these “restricted” funds have specific usage requirements. As long as they are spent according to the restriction, the expenditure will not be disapproved until such funds are exhausted. Usage of these funds can be accomplished by having the MAAC Chair send a written request to the Facilitating Organization’s authorized fiscal agent that includes a brief description of how these funds will be used and how much. The Facilitating Organization’s authorized fiscal agent will verify that the request is in accordance with the SEP/consent orders and approve expenditure requests accordingly.

IX. REVIEW & AMENDMENTS

These Operating Procedures should be reviewed at least every two years, however they may be amended at any time by a 2/3 majority vote of the voting members of MAAC. Whenever changes are made, an updated copy should be provided to Ohio EPA’s Maumee AOC Coordinator for program records.

X. CONSTRUCTION AND SEPARABILITY

Each provision herein set forth shall be construed, if possible, in a manner consistent with the laws of the United States of America and the State of Ohio. To the extent that any provision shall be deemed in conflict with any such law or bylaw, such provision shall be void, but each provision shall be deemed separable from every other provision, and its invalidity shall not affect any other.

Approved:
Maumee AOC Advisory Committee



John Kusnier, Chair

Date: 3/3/15

Recorded & Submitted to Ohio EPA:
Facilitating Organization (Partners for Clean Streams)



Kristina Patterson, Executive Director

Date: 3/3/15

