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Council Support

Overview

This document is intended to serve as a long-term governance document for the Vermont Climate Council to conduct its work as mandated by the Global Warming Solutions Act (GWSA).

The Council adopted an Initial Climate Action Plan (the “Plan”) on Dec 1, 2021, and is tasked with updating it on or before July 1, 2025, and every four years going forward. The Plan will “set forth the specific initiatives, programs, and strategies, including regulatory and legislative changes, necessary to achieve the State’s greenhouse gas emissions reduction...and build resilience to prepare the State’s communities, infrastructure, and economy to adapt to the current and anticipated effects of climate change...” The statute describes in more detail the specific topical areas that the plan must cover.

This document describes roles for the Council and the Subcommittees, a leadership structure for the Council and Subcommittees, and decision-making rules for the different groups. In addition, it identifies the administrative support which can be provided by the Agency of Natural Resources and current contracts for facilitation services of the Council and public and stakeholder engagement.

Role of the Council

The GWSA created the Vermont Climate Council as the body charged with creating and updating Vermont’s Climate Action Plan. ~~The Council's focus is currently on tracking the Plan's progress and updating the Plan as envisioned under the GWSA. With the Initial Plan drafted, the focus going forward will be on tracking progress to understand gaps and identify any updates to the Plan needed to address them. The development of the Initial Plan took a level of capacity from Councilors, Subcommittees, and state staff that is not replicable. Current Council responsibilities are focused on work that is supportive of evaluating and filling in gaps in the Plan.~~

Council responsibilities include:

- Set the overall direction for its own work, including themes and expectations for revisions to Climate Action Plan, a process plan for the work, charges for Subcommittees and Subcommittee membership
- Oversee and provide guidance to the Subcommittees on their work ~~so~~ the priority gaps are filled, redundancy is reduced, and overall efforts are coordinated
- Conduct public engagement related to Plan revisions
- Review, compile, and refine the outputs of Subcommittees, resolving differences to create and adopt an updated, coherent Climate Action Plan
- Regularly review progress toward meeting the requirements of the GWSA and identify any gaps.

In practice, this means that updates to the Climate Action Plan will identify initiatives, programs and strategies to meet the requirements of the GWSA, but that the policy and programmatic work needed to fully design and implement those initiatives, programs and strategies will be completed elsewhere. Specifically, initiatives, programs and strategies will be fully designed either as legislation is developed or as state Agencies draft rules, policies or procedures needed to support and guide implementation.

Council Membership

The 23-member Climate Council membership is articulated in the GWSA and consists of eight members of the administration and 15 legislatively appointed members. The administration members are as follows:

- (1) the Secretary of Administration, who shall serve as the Chair of the Council;
- (2) the Secretary of Natural Resources or designee;

- (3) the Secretary of Agriculture, Food and Markets or designee;
- (4) the Secretary of Commerce and Community Development or designee;
- (5) the Secretary of Human Services or designee;
- (6) the Secretary of Transportation or designee;
- (7) the Commissioner of Public Safety or designee; and
- (8) the Commissioner of Public Service or designee;

The legislative appointments are appointed by the Speaker of the House and the Committee on Committees. The following members are appointed by the Speaker of the House:

- (9) one member with expertise and professional experience in the design and implementation of programs to reduce greenhouse gas emissions;
- (10) one member to represent rural communities;
- (11) one member to represent the municipal governments;
- (12) one member to represent distribution utilities;
- (13) one member to represent a statewide environmental organization;
- (14) one member to represent the fuel sector;
- (15) one member with expertise in climate change science; and
- (16) one member to represent Vermont manufacturers.

The following members who shall be appointed by the Committee on Committees:

- (17) one member with expertise in the design and implementation of programs to increase resilience to and respond to natural disasters resulting from climate change;
- (18) one member to represent the clean energy sector;
- (19) one member to represent the small business community;
- (20) one member to represent the Vermont Community Action Partnership;
- (21) one member to represent the farm and forest sector;
- (22) one youth member; and
- (23) one member of a Vermont-based organization with expertise in energy and data analysis.

Administration officials will serve on the Council consistent with their appointments. Councilors appointed by the Legislature are appointed to 3-year terms. The Legislature is responsible for ensuring diverse appointments to the Council.

[Ethics Code for Councilors](#)

In 2022, Vermont passed a State Code of Ethics which applies to all State public servants, including members of the Vermont Climate Council and its subsidiary bodies, such as Subcommittees. All members are required to complete training on the State Code of Ethics, available at: [Training | Ethics Commission \(vermont.gov\)](#).

Key Takeaways that the Code of Ethics generally prohibits

- 1) Conflicts of interest or the appearance of a conflict of interest, as reviewed by an impartial person
- 2) Providing preferential or prejudicial treatment of any person
- 3) Misusing an official position for personal or financial gain
- 4) Misusing information obtained during State service for personal or financial gain
- 5) Misusing government resources
- 6) Former public servants from knowingly and intentionally communicating with or appearing before the State on certain matters in which the employee personally and significantly participated during government service
- 7) Soliciting or accepting gifts

Speaking on behalf of the Council

~~Individual Councilors are not empowered to speak on behalf of the Climate Council. The Council has not elected a spokesperson and relies on its approved, written outputs as the only expression of its work and intent.~~

When Councilors are speaking publicly about issues related to the Council’s work, they must emphasize that they are speaking as an individual, not on behalf of the Council. In practice, this means avoiding statements such as, “the Council determined” or “the Council believes”, unless citing decisions from the Council, as reflected in meetings and approved documents.

The Council has not elected a spokesperson and relies on its approved, written outputs as the expression of its collective work and intent.

~~they can:~~

To be sure, when speaking about Council related issues, Councilors may:

- State that they are a member of the Council
- Point to approved, written documents that the Council has produced
Reference Council decisions and discussions, including public comment (all of which are recorded and available online)
- _____

When the legislature makes a request to ANR for testimony from the Council on specific topics, ANR will reach out to the relevant Subcommittee co-chairs. For general requests, ANR will reach out to the Steering Committee members appointed by the body making the request. When in doubt, the Steering Committee can help to direct requests for testimony from legislature or other public bodies.

~~They cannot:~~

- ~~Say they are speaking on behalf of the Council~~
- ~~Speak to the Council’s intent or the Council’s views on any particular topic~~
- ~~Use their affiliation as a Councilor as their primary affiliation when speaking publicly~~

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Leadership structure for the Council – Steering Committee

Given the breadth and complexity of the Council’s work, the Council established a Steering Committee to guide the overall process. The Steering Committee acts in service to the Council, organizing the work, but not controlling it. The Steering Committee can make the following decisions on its own:

- Develop and approve full Council meeting agendas
- Approve membership in Subcommittees
- Develop common frameworks for Subcommittee work such as a work plan templates, recommendations templates, and other useful tools
- Serve as a clearinghouse for requests for technical help/contractor support

In addition, the Steering Committee has the following responsibilities, which will result in recommended approaches that require Council approval:

- Develop a work plan for the Council, including processes and timelines to guide the Council’s production of the Climate Action Plan and other related work products
- Develop the process for recruiting Subcommittee members
- Track and report to the Council on overall progress in fulfilling its work plan to ensure efforts remain on time and will deliver the expected outputs.

The Steering Committee is comprised of the following individuals:

- 2 individuals from among the Council’s Executive Branch members
 - The Council Chair - Secretary of the Agency of Administration
 - Secretary of the Agency of Natural Resources
- 4 individuals from among the Council’s members who were appointed by the legislature
 - These 4 individuals will include 2 members appointed by the House of Representatives and 2 who were appointed by the Senate
 - Legislative appointments will run concurrently with the term limits of the appointing body. Steering Committee members selected from the House appointees and Senate appointees will be therefore step down (or seek re-appointment) every three years, one year apart.
 - Legislative members will be selected by and voted on by the Councilors ~~from the appointed by the legislatureing body. As an example, Senate appointed Councilors will select and vote on Senate Steering Committee members.~~

- In addition, the Steering Committee will periodically convene the co-chairs of the Subcommittees to ensure cross-fertilization and coordination among the Subcommittees and relevant state agencies.

Role of the Subcommittees

To achieve the Council’s mandate, the GWSA establishes four Subcommittees and charges them to “assist with preparing the [Climate Action] Plan and carry out other duties.” The four Subcommittees specifically identified in §591(c) of the GWSA are:

- Rural resilience and adaptation
- Cross-sector mitigation
- Just transitions
- Agriculture and ecosystems

The GWSA also allowed the Council to create additional Subcommittees to advise the Council. To address the technical complexity and data needed for this effort, to improve upon the state’s emissions inventory, [to undertake](#) scenario evaluation of draft recommendations, and [to establishing from which ways](#) to measure progress over time, the Council also created a fifth Subcommittee:

- Science and data

The core function of the Subcommittees is to recommend draft initiatives, programs and strategies for the Council to review, refine and compile into an updated Vermont Climate Action Plan.

The Council will establish the parameters and needs ahead of each 4-year Plan revision and direct the Subcommittees where they should focus their work.

Additional detail on the [specific charge](#) for each of the Subcommittees is available and should be updated periodically as needed. Agency staff also developed a [logistical guide](#) to support Subcommittees.

Leadership structure for the Subcommittees – Co-Chairs

Each Subcommittee will have co-chairs. One co-chair will be a Council executive-appointed member or their designee, and one co-chair will be a Council member appointed by the legislature. In specific cases, an additional co-chair may be designated from outside the Council

depending on the needs and purpose of a particular Subcommittee. The primary criteria for selecting co-chairs are:

- Relevant interest and/or expertise.
- A willingness to work collaboratively with a diverse group of experts and stakeholders to develop recommendations.
- Availability to dedicate sufficient time to the Subcommittee, particularly during the initial months of developing the group's draft recommendations.

The Subcommittee co-chairs will:

- Lead implementation of the workplan of their respective Subcommittees to develop draft recommendations for consideration by the full Council.
- Coordinate regularly with other co-chairs and the Steering Committee, and report back to the Council on issues and progress on a regular basis
- Direct requests for support through agency staff. Only the contracting agency can direct technical consultants.
- Ensure all Subcommittee members have been trained on open meeting laws and their implications for the work of the Subcommittees. Agency staff developed an [onboarding guide](#) to support this component.

Subcommittee membership

Subcommittees should aim for a limited number of core members (approximately 8 to 12) ready and willing to do the work. *However, please note that the Cross-Sector Mitigation Subcommittee and Just Transitions may need more members given the range of economic sectors involved and diversity of Vermonters we are trying to reach, respectively.* Agency staff and technical consultants may be available to provide limited administrative support to Subcommittees. The Subcommittees may include non-Council members.

Subcommittee membership should consider the following:

- Council members and some measure of balance across the three designations
- Specific expertise necessary to ~~create~~ conduct the work
- As needed, geographic balance
- As needed, sectoral balance
- Equity and representation of vulnerable populations

Subcommittee terms and appointments will work as follows:

- Subcommittee members will serve three-year terms, starting in January 2024.
- Councilors will signal their preference for Subcommittee appointments to the Steering Committee, which will confirm their assignment. Councilors are required to participate on at least one Subcommittee that is aligned with the seat they are selected to represent on Council.
 - In certain circumstances, Councilors may serve on more than one Subcommittee.

- Members who are not Councilors or their designees will be selected through a public nomination process overseen by the Steering Committee and informed by the Subcommittees, which may suggest candidates.
- At the end of their term, Subcommittee members who are not Councilors or designees will be asked to step down. If they so choose, they can reapply through the public nomination process.
- The Steering Committee will confirm Subcommittee membership and seek to achieve a balance of technical expertise and stakeholder interests.
- During the three-year cycle, additional selections will likely need to be made as Subcommittee members transition off for reasons other than term limits. Nominations during this time will be managed through Co-Chairs with nominations forwarded by the Co-Chairs to the Steering Committee for confirmation.

All Subcommittee meetings will be noticed and managed through all applicable open meeting laws.

Other Bodies Needed to Conduct the Work of the Council

In certain, limited instances, groups outside of the public bodies of the Council will be needed to advance the implementation of specific work products and to serve as drafting groups. In the past, these groups have included Task Groups (e.g., Municipal Vulnerability Index, Transportation, Public Engagement, etc.) and Councilor drafting groups (e.g., biomass and cross-cutting pathways). These groups should be used sparingly as they are ~~less transparent~~ not public meetings and create administrative burden to manage. That said, they can provide also offer an efficient way to consolidate or harmonize feedback from deliberations or take on a specific drafting task. The formation and use of any such group will be recommended by the Steering Committee and subject to Council approval. ~~to work through deliberations. These groups will be contemplated and recommended in processes developed by the Steering Committee for the Council to approve.~~

Decision-making by the Council

The Council will strive to make decisions by consensus, including matters of process and substance.

~~The Council will strive to reach consensus in its decision-making.~~ Consensus is defined by broad agreement among Council Members, meaning all or nearly all Council members can live with the proposed decision. Consensus is also defined by the process as well as the outcome of group deliberation. Thus, the Council will seek to articulate and explore members' interests and concerns, creatively develop ideas and options, seek to meet the needs and concerns of members to the greatest extent possible, and problem-solve in the face of disagreement. Consensus on the final slate of recommendations does not suggest all members will be equally satisfied with the outcomes nor prefer each and every recommendation. Rather, ~~a consensus-~~

based decisions should indicates that the slate of recommendations in total advances the public interest and addresses the requirements of the GWSA.

The Council will be supported in reaching consensus by: 1) work at the Subcommittee level; 2) an iterative process of development of ideas, honing, and prioritizing; 3) facilitated dialogue; and, 4) Steering Committee guidance, support, and informal “mediation” to bridge differences between meetings as needed, always in the context of Open Meeting Laws. Consensus will be tested at various steps in the process through discussion, straw polls, informal, non-decisional surveying on issues and ideas between meetings, and carefully facilitated discussion ahead of formal votes.

With the goal of broad consensus on key decisions, the Council also must ultimately adopt policies, processes, documents, and positions that will require clarity on decision-making and outcome. The GWSA states the Council can make decisions by majority vote. The Council, however, does not have unlimited time for consensus building. Therefore, it will use the following process to review and make decisions on documents and other outputs.

1. For significant decisions around policy or related matters, the Council will strive to hold at least two sessions on the topic.
 - a. First, an initial review of the content (from a Subcommittee or other source). This initial review is an opportunity for Councilors to better understand the content and provide feedback to its authors.
 - b. In a second decision-making session, during a subsequent meeting, the Council will review the content again, along with any revisions based upon feedback perhaps revised based on feedback, and decide whether to adopt it, either as written or with further revisions.
2. During the decision-making session, the standard process ~~will~~ be:
 - a. Review of the content and time-limited discussion
 - b. Opportunity to express concerns that are preventing Councilors from supporting the content.
 - c. Opportunity for Councilors to suggest revisions that can address those concerns in the spirit of building broad consensus. For each suggested revision, a formal decision will be taken, ~~first by testing for unanimous support, then using a vote if needed. The GWSA states the Council can make decisions by majority vote.~~
 - d. ~~Once suggested revisions are exhausted, a~~ formal vote decision will then be made on the entire package, with any approved revisions incorporated. ~~A formal vote will be taken.~~
3. Final approval of a revised Climate Action Plan
 - a. The Council will use the process above to build as much support for each section of the plan.
 - b. The Council will make a final decision on the entire revised Climate Action Plan, using a formal vote. There will be a single Climate Action Plan, not a majority and minority report. However, Councilors are invited to explain their vote, including specific concerns they might have, in an annex to the document.

Decision-making by Subcommittees

The Subcommittees will also strive for consensus ~~as well~~, as defined above for the Council, when making recommendations to the Council for their consideration. For disagreements that can't be resolved in a Subcommittee as part of a consensus set of recommendations to the Council, the Council members of the Subcommittee will determine what is forwarded to the Council. What is forwarded may include:

- The recommendations supported by all or most of the Council members of that Subcommittee
- A slate of options for a particular issue or recommendation, together with the advantages and disadvantages of these options as developed by the Subcommittee.

The Plan and Addendums

The Initial Climate Action Plan was adopted December 1, 2021, and will be updated on or before July 1 every four years thereafter, with the next iteration due July 1, 2025.

Understanding that the Plans are iterative, there may occasionally be a need between Plan updates to adopt addendums, but this must be balanced with the need to focus on implementation between Plan periods. The following guidance is provided for when an addendum is appropriate:

- Addendums will only be advanced if the need for them is addressed in the preceding Plan update, unless there are unforeseen circumstances that significantly impact the plan and its implementation. For example, addendums for transportation and biomass were contemplated in the Initial Climate Action Plan adopted on December 1, 2021, and will therefore be considered prior to the next Plan iteration due on July 1, 2025.
 - Subcommittees of jurisdiction will develop the addendums for the Council to consider and adopt.
 - In specific instances, Councilor drafting groups will be used to craft consensus recommendations. The use of these groups is described above in the section entitled "Other bodies needed to conduct the work of the Council"
- If addendums include recommendations that speak to rulemaking, these rules will be considered on the schedule for rulemaking defined in the GWSA, which is one-year from Plan adoption. As such if a rule is recommended in an interim period between Plan updates, rules will be advanced on the schedule which coincides with the next Plan iteration.

Public engagement

The process of developing future iterations of the Plan will have multiple layers of stakeholder and public engagement that seeks to foster information exchange and shared learning.

- The GWSA intends that the membership of the Council and the Subcommittees represent different interests across the state. However, the Council recognizes that many voices are still not represented.
- The Council, Steering Committee and Subcommittees will work transparently, holding all meetings publicly and offering space for public input during meetings. The Council will design agendas so that public input can be considered ~~is a relevant input into~~ in Council deliberations.
- The Council will develop a public engagement plan that meaningfully influences the revision of the Climate Action Plan and provides a wide array of Vermonters information about the revision.
- The Just Transitions Subcommittee will play a leading role in helping to design this public participation plan, so that it facilitates broad engagement to gain input from all residents of the State, paying particular attention to creating opportunities for rural, low income and marginalized communities to engage meaningfully with voice and influence. The Just Transitions Subcommittee will strive to develop tool(s) that can be used to assess the efficacy of community engagement efforts related to the development of the Climate Action Plan.
- The Council will work with the Climate Action Office and ANR's Environmental Justice Unit to direct consultants who can assist with the engagement plan.
- The Council's work will be included on the website for the Climate Action Office, will use a calendar that list all public meetings and special events.

Agency support

The Agency of Natural Resources will continue to support the Council in three ways.

- 1) Administrative support to comply with open meeting law;
- 2) Implementation of CAP actions; and
- 3) Measuring progress.

Regarding administrative support, the Agency will support the Council and its Subcommittee's by warning all meetings and posting associated documents and videos. Agenda planning and coordination across the Council's work will be led by the Steering Committee and Co-Chairs, with assistance from facilitation support.

Facilitation services for the Council are currently supported by the Agency's budget. The Agency will provide targeted administrative support to onboard new Councilors and Subcommittee members. An [onboarding guide](#) discussed above will be maintained and ANR staff will support setting up the partner email accounts and per diems, including guidance to do so.

Technical Services

As budget and capacity allow, ANR may be able to hire technical experts to provide priority technical analysis that will assist the Council and Subcommittees in their decision-making. The Council and Subcommittees will periodically be asked to identify the most useful technical inputs that would help inform and support decision-making.

Chart Summarizing Support

| ANR Capacity | Facilitation Services | Administrative Gaps |
|--|---|---|
| Compliance with Open Meeting Law by Posting All Agendas, Videos, and Minutes and maintaining website | Support development of agendas for Council and Steering Committee | Agendas and minutes for Subcommittee Meetings |
| Onboarding Councilors and Subcommittee Members | Facilitation of Council and SC meetings | Council memos |
| Managing Per Diems | Minute taking for SC and Council Meetings | Process support |
| Supporting Facilitation Services Contract | Targeted support of Subcommittee meetings | |
| Developing Measuring Progress Tool and ultimately reporting to Council and State on progress | Targeted support for public engagement efforts | |
| Management of Other Priority Contracts | | |