

Vermont Climate Council Protocol for Making Decisions

September 2021

Overview

This document aims to clarify how the Vermont Climate Council and its related bodies (Steering Committee and Subcommittees) will make decisions as the Council heads into the final months of putting together its Initial Climate Action Plan by December 1, 2021.

The Council's Approved Process Roadmap Document

The Council's Process Roadmap Document, approved by the Council in March, says the following about decision-making:

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 as broad a consensus as possible on its Vermont Climate Action Plan in order to promote state-wide buy-in into the strategies it is proposing and to motivate a range of actors to be active participants in the implementation of the strategies. Consensus is defined by broad agreement among Council Members: 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 indicates that the slate of recommendations in total advances the public interest and well-being of the citizens of Vermont to the greatest extent it can.

Broad consensus has several benefits: 1) politically more powerful; 2) brings in cross-sectoral support essential for such a complex problem; 3) ensures more rapid implementation, reducing or avoiding litigation, and moving forward more quickly.

The Council will be supported in reaching consensus by: 1) extensive vetting and work at the Subcommittee level; 2) an iterative process of development of ideas, honing, and prioritizing; 3) facilitated dialogue that avoids the many pitfalls of classic Roberts Rules of Orders created to achieve majority vote, not broad acceptance; and, 4) Steering Committee guidance, support, and informal "mediation" to bridge differences between meetings as needed (within 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 toward the end of formal votes.

If the Council cannot reach consensus on specific issues, despite its best efforts, the Council will use the majority voting protocol described in the GWSA. In addition, different viewpoints on specific issues can be noted in the Council's Climate Action Plan, which will be one, single report. The Council will use a high bar to include multiple viewpoints in the final report and will agree on what constitutes that high bar prior to discussions on a consolidated draft Action Plan document.

Decision-making by Subcommittees

The Subcommittees will be operated by consensus as well, as defined above for the Council. 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.*

Protocol for implementing this approach at the Council

Implementing this approach in practice will require the following:

- Clear decision request: For each agenda item, the Council must know what kind of action or decision it is being asked to take. For instance, sometimes the Council will be approving a final recommendation or proposal that will go into its Climate Action Plan. Other times, it will be providing consolidated feedback on a draft, and will need to agree that its feedback has been accurately captured. Council agendas will specify the type of decision/action.
 - Councilors will be able to see in written text what they are being asked to agree on.
 - Proposals will be circulated days prior to each meeting
 - If proposals are adapted during a meeting through discussion, specific suggested changes will be written down and shared on screen or through the chat.
 - If Councilors are providing feedback on a draft document, the consolidated notes of the discussion will be shared on a screen prior to concluding the conversation, to ensure key points are accurately captured (including differing viewpoints, if there are any)

- Consensus-based approach: We will continue to use our consensus-based approach – meaning we’re striving for a single product from this group that addresses all members’ interests and concerns. The steps outlined below are built into the process to reflect that consensus on the plan in its entirety is the goal and that to get there, we may need to reflect various opinions on individual actions.
 - We will use facilitated dialogue and other tools to address differences.
 - We will take the temperature, through real-time polling, of the group periodically on tough issues to test the different viewpoints.
 - If unanimous support for the proposal can not be reached in the time allotted in the meeting agenda, we will take the following steps:
 - For those with concerns, we will invite them to step aside and allow the proposal to move forward (with concerns memorialized in the minutes).
 - If the Councilors concerns are more significant, they can choose to reflect their dissenting opinion in the Climate Action Plan. These comments will be reflected in an appendix to ensure that the majority voice prevails in the plan but that the caveats are captured in a consolidated format without direct attribution.
 - If the Councilors concerns stem from lack of details in the proposal, Councilors may ask for an item to be tabled for future iterations of the Climate Action Plan. A Councilor must make this motion and then consensus will need to be reached as laid out above.
 - If those options are unsuccessful, move to majority voting below.
- Majority voting: The Council has a majority vote protocol as a back-up if the Council is unable to agree. This is outlined in the statute. For all the reasons described in the Council’s process roadmap, formal voting should be a last resort. The steps described above would be used prior to activating a vote. At that time, a vote could be asked for by any Councilor and will need to be seconded by another Councilor. Votes will be reflected in the minutes.

Protocol for implementing this approach at the Subcommittees

The approach outlined in the Process Roadmap for Subcommittees is still applicable. We do not expect needing to formalize voting or operating differently than originally envisioned. It is important to acknowledge that the Council determined that Subcommittees would be co-chaired by a member of the executive branch and a legislative appointment. In four of the five Subcommittees, the executive branch co-chair is a designee. At the Subcommittee level, these members will have an official role as a Councilor would in decision-making to determine what work should advance to the Council for consideration.