

Minutes of Public-Private Partnership Study Committee

5:00 PM, Harvey Wheeler Center

February 2, 2017

Present: Members: Ingrid Detweiler, Bob Grom, Jean Goldsberry, Dorrie Kehoe, Peter Mahler, Tom Rarich

The committee met to discuss and draft a letter to the Select Board in response to their discussion of the committee's report at their meeting on January 23, 2017. The group agreed on salient points for the letter and Dorrie and Ingrid volunteered to draft the letter based on the discussion. The letter will be distributed to the committee and sent to the Select Board.



MINUTES

Concord Public Private Partnership Study Committee

Thursday, February 2, 2017

The meeting at Harvey Wheeler Center was called to order at 6:40 PM. Present: Jean Goldsberry, Tom Rarich, Dorrie Kehoe, Bob Grom, Peter Mahler, Ingrid Detweiler.

Minutes of January 9, 2017 were approved as submitted.

The main purpose of this meeting is to review and respond to the Select Board meeting of January 23, 2017 at which time the Select Board commented on the Study Committee's final report of December 28, 2016. P3 committee members expressed disappointment that there was no opportunity at the January meeting to respond to concerns expressed by the Select Board and Town Manager.

Discussion centered around several areas: the P3 proposal that a Standing Committee be appointed by the Select Board to review new Partnership Proposals and to provide a way of updating existing Partnerships, the need for MOUs, and ways to address Select Board concerns in these areas.

After much discussion, the P3 Study Committee agreed on the letter to be sent to the Select Board.

To the Concord Select Board
February 6, 2017

Thank you for giving the P3 Study Committee the opportunity to clarify some sections of the Committee's report surrounding public participation and dialogue, the process for new and existing P3 relationships, creation of a standing committee, MOUs, and the responsibilities of the Select Board and Town Manager relating to P3s.

The P3 Study Committee's charge stated:

"It has been noted in recent times, however, that the interests of private donors and issue specific advocates may sometimes not be in complete alignment with the public interest, particularly in the areas of openness and transparency in decision-making, access to documents and information and public involvement in decision-making. When a private entity is making

decisions for itself, the public has no right of access to information and no right to observe its decision-making process. But when private parties are making decisions concerning the construction of a new public facility or the use and management of public property, there is a disconnect between the public's rights and the rights of private parties to make decisions. The result can be less openness and reduced public participation and therefore a loss of public trust in the decisions that have been made."

The P3 Study committee responded to the Select Board's concerns and shaped its proposals so that, going forward, there will be appropriate public participation and trust in the decisions that affect new and ongoing public-private partnerships related to construction of a new public facility and the use or management of public property.

One area of concern expressed by the Select Board at the January 23 meeting was the P3 Committee's recommendation that there be a new P3 Standing Committee.

As our committee deliberated our charge and held two well-attended Public Hearings, the idea of a Standing Committee began to emerge as the proper vehicle for achieving the goals of public participation and monitoring P3 relationships. (Incidentally, we have learned that other communities, for example, Cambridge, have created similar committees to work with partnerships). At first this seemed like a lot of overhead for not very much return. But then we realized that *without* a standing committee, it's very difficult to build true openness into the process. The goal of our committee—and, we believe the goal of the Select Board in charging us with this task of finding a way for "public participation"—requires that there be a process for such participation. Our P3 Study Committee makes such a recommendation in order to assist the Select Board and not in any way limit or reduce its power or judgment. Such a Standing Committee would work with the Select Board to provide opportunities for public education and dialogue, thus fulfilling one of the goals of our charge.

1. The Standing Committee would work with the Select Board to facilitate public participation in the initial stages of a new Public Private Partnership.
2. The Committee would be responsible for providing a forum for public participation in existing partnerships, including drafting a project agreement.
3. The Committee would also ensure the Town website provides the public with current information about all P3s.

Such a committee would be appointed by the Select Board or the Select Board and the Town Manager and would serve for a length of time agreed upon by the Select Board. This is how we see this early stage of a potential P3 working:

1. The Town Manager is the gate keeper where the process begins.
2. The P3 Committee considers new P3 proposals and reviews existing P3s and organizes public participation. It is an advisory committee only.

3. The Select Board is the ultimate authority in deciding whether to move ahead with a new P3 relationship or not.

A second area of concern to the Select Board was the issue of Memoranda of Understanding (MOUs). For that reason and in the interest of clarity, we suggest that the term MOU be replaced with the term "Project Agreement" which would describe the scope of the project (including its financing), a timeline, and the expectations of both Public as well as the Private partners. Our committee leaves it to the judgment of the Select Board and the Town Manager as to the details of such a Project Agreement. But we urge that the agreement be reviewed by the Standing Committee on a regular basis and a new agreement be drawn up by the Town Manager and/or the Select Board when any of the conditions change.

Finally, at our January 23 meeting with the Select Board there was very little discussion of existing Public Private Partnerships making decisions concerning the construction of a new public facility or the use and management of public property. It is of equal, and perhaps even more importance in terms of openness and public dialogue and education, that a Standing Public Private Partnership Committee provides a place for the public to participate. It is also critical to have a committee that can keep track of project changes by asking for annual reviews.

Our committee made a distinction between partnerships dealing with projects of \$150,000 and/or over a year or more in length and smaller, more specific projects which do not fit those criteria. For your assistance, we have included a list of known, current Public/Private Partnerships which seem to fit these definitions.

Again, we thank you for the opportunity to assist in finding ways to help educate and involve Concord citizens, and to assist in continuing Concord's record of successful Public Private Partnerships.

Respectfully,

Public Private Partnership Study Committee

The meeting was adjourned at 8 PM.

Respectfully submitted,

Dorrie Kehoe