Governance Charter for E-Enterprise for the Environment

September 26, 2016

E-Enterprise Vision and Mission

E-Enterprise for the Environment (E-Enterprise) is a new model for collaborative leadership among States, Tribes and the U.S. Environmental Protection Agency, engaging with all interested and affected parties, to support the environment, public health and the economy by modernizing the business of environmental protection. E-Enterprise will pursue this work by streamlining and modernizing the implementation of our environmental programs, enhancing service to the regulated community and the public and operating our partnership as a transformative model for joint governance.

This charter establishes the E-Enterprise Leadership Council (Leadership Council), the E-Enterprise and Exchange Network Management Board (Management Board) and the E-Enterprise and Exchange Network Interoperability and Operations Team (Operations Team).

The Work of E-Enterprise

E-Enterprise streamlines and modernizes the implementation of our environmental programs, improves data integrity and communication of accurate information and enables more informed and timely decision making and better environmental results by improving the productivity of the environmental-protection enterprise. E-Enterprise represents a commitment to a joint governance model that substantially expands the collaboration among the EPA, State and Tribal partners. This commitment is achieved by bringing together EPA officials and designated employees of elected officers of State and Tribal governments for the purpose of exchanging views, information and advice regarding the management or implementation of federal environmental-protection programs requiring shared intergovernmental responsibilities or administration. Given shared authority to implement environmental protection, collaboration is essential to ensure priority issues are jointly identified and addressed, limited resources are used efficiently, the transparency of environmental conditions and decisions is improved and public health and environmental goals are achieved. E-Enterprise will also strive to connect to broader communities of interest through consistent dialogue and engagement to ensure that users' perspectives are regularly solicited and reflected in developing, implementing and operating E-Enterprise improvements and to expand application of E-Enterprise principles and practices.

The Exchange Network is a partnership among States, Tribes, Territories and the EPA that is improving and expanding the exchange of environmental information. The E-Enterprise joint governance model was built upon the Exchange Network's experience of well over a decade in developing, evolving and practicing collaborative governance among its partners. The Exchange Network has been formally integrated into E-Enterprise governance to more effectively leverage the systems and partnerships of the network.

E-Enterprise Leadership Council

The Leadership Council has been established to lead and oversee at a high level the adaptive management and implementation of E-Enterprise. The Leadership Council's primary responsibilities and focus are in policy and strategic direction including, directly or indirectly, to:

- establish accountability and performance targets and metrics;
- cultivate a robust project portfolio of opportunities for business process streamlining;
- integrate E-Enterprise into routine decision making and standard operating procedures;
- define funding and support priorities and advise and provide recommendations regarding resource allocation;
- direct policy changes as needed to address issues impeding portfolio/project implementation;
- champion and promote E-Enterprise in members' organizational and individual capacities;
- ensure consideration of all relevant stakeholder perspectives;
- assign responsibilities to identify E-Enterprise communication priorities, propose strategies and manage E-Enterprise communications and outreach responsibilities;
- promote actively E-Enterprise and widely disseminate the outcomes of its deliverables;
- charge and oversee the Management Board, the Operations Team and other appropriate teams or committees as necessary; and
- take other actions as deemed necessary to achieve the vision of E-Enterprise.

E-Enterprise and Exchange Network Management Board

The Management Board has been established to manage the integrated E-Enterprise and Exchange Network portfolio and to develop processes and standards for management, oversight, communications and decision making for that portfolio with input from affected parties. The Management Board will work collaboratively to advise the Leadership Council on options and approaches to integrate E-Enterprise into the governance partners' processes. The Management Board will ensure that projects and activities in the portfolio consider all relevant stakeholder perspectives. The Management Board will implement policy decisions made by the Leadership Council and will make decisions consistent with and appropriate to the Leadership Council's policy, guidance and direction. The Management Board will manage staff support and resources for E-Enterprise operations, communications, and, as appropriate, for other E-Enterprise teams that report to the Management Board. The Management Board will advise and may provide recommendations to authorized decision-making organizations regarding Exchange Network grants. Under the supervision of and in consultation with the Leadership Council, the Management Board may charter and oversee appropriate teams as necessary, including developing relevant performance measures and tracking progress. The Management Board will seek to resolve all partner implementation and operational issues in a timely, collaborative and prudent manner. As necessary and appropriate, the Management Board will elevate policy/governance issues impeding project implementation.

The Leadership Council approves more detailed charges for the Management Board, including the characteristics of membership, which may subsequently be revised as necessary by a process that the Leadership Council deems appropriate at the time.

E-Enterprise and Exchange Network Interoperability and Operations Team

The Operations Team has been established to jointly "operate" and support design of all technical aspects of E-Enterprise and Exchange Network including shared services, standards, architecture and infrastructure. The Operations Team provides support to projects as they develop or implement shared services and infrastructure. The Operations Team will identify and deliberate on operational and technical issues impacting E-Enterprise; test, prototype and explore technical solutions to identified issues; establish and maintain technical procedures, standards and guidance; manage shared services, resources and infrastructure; and actively track and keep the enterprise current with emerging and changing technologies. The Operations Team will also be responsible for providing input and reviewing work products for all technical working groups. The Operations Team will seek to resolve all partner technical implementation and operational issues in a timely, collaborative and prudent manner. As necessary and appropriate, the Operations Team will elevate issues to the Management Board or the Leadership Council, particularly those impeding project implementation. The Operations Team will prioritize, approve, plan and integrate requests for changes to shared services, standards, architecture and shared infrastructure.

The Leadership Council approves more detailed charges for the Operations Team, including the characteristics of membership, which charges may subsequently be revised as necessary by a process that the Leadership Council deems appropriate at the time.

The Management Board and the Operations Team will work closely with one another to manage the work portfolio.

Structure and Management Relationships

The E-Enterprise governance structure (Figure 1), headed by the Leadership Council, is built upon the Exchange Network's foundation of experience and success. Through a restructuring undertaken in 2015, E-Enterprise governance has formally integrated with the Exchange Network to ensure a single management board and operations team will support the goals and principles of both efforts under the strategic direction of the Leadership Council. The E-Enterprise governance structure and the appointments of senior program leaders to Leadership Council membership ensure that the recommendations of the Leadership Council draw upon and integrate into the respective partner organizations' lines of authority to provide support and leadership to E-Enterprise. Similarly, the composition of the Management Board with higher-level State, Tribal, Territorial and EPA managers and senior experts enables it to exercise ongoing oversight and direction of project implementation as well as resolution of certain issues and referral of others, with supporting information and analysis, to the Leadership Council. Through the Environmental Council of the States and in consultation with State media program organizations, State members of the Leadership Council, the Management Board and the Operations Team have natural venues in which to discuss issues and collect feedback from other States. Linking to the EPA's internal E-Enterprise governance structure allows the Leadership Council, the Management Board and the Operations Team to establish an authoritative connection into the work of the federal program offices, including the capacity to advise on activities for specific program areas. To ensure capacity to facilitate communications to Tribes and collect feedback from Tribes, the EPA will provide support to a neutral organization whose designated role is to perform these functions and, through them, to support Tribal members of E-Enterprise governance bodies, particularly Tribal members of the Leadership Council.

Leadership Council membership emphasizes senior program leadership to ensure a strong capability to undertake its primary responsibilities and focus on policy direction and strategic decisions. This means that portfolio oversight and management of technical issues will largely occur under the integrated structure of the Management Board and the Operations Team. This integration enables collaborative responsibility for E-Enterprise information technology issues and infrastructure and ensures that ongoing technical evolutions are consistent and complementary. The EPA, States, Tribes and Territories may rely on internal governance processes to manage internal development activities, including both shared technical components and those components developed for internal use but offered to all partners.

The following diagram depicts the E-Enterprise Governance Structure.
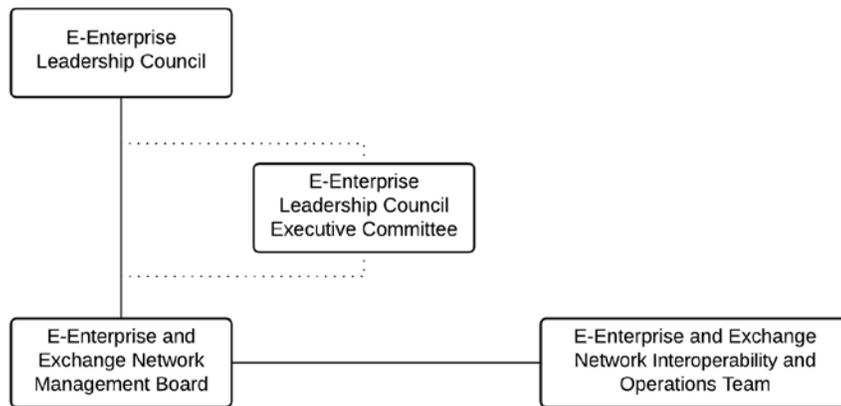
Figure 1: E-Enterprise Joint Governance Structure

> Note: The Executive Committee was created by the Leadership Council pursuant to its Charter authority to "charge and oversee … other appropriate teams or committees as necessary." The Executive Committee was not established by this Charter and is included in this graphic for clarity as part of the larger illustration of governance bodies and their relationships. It may in the future be modified, replaced or abolished by the Leadership Council under its Charter authority.

E-Enterprise Leadership Council Membership

The Leadership Council will have up to 10 standing members each from the EPA, States and Tribes. From these members, there will be one EPA, one State and one Tribal co-chair. The co-chairs will also collaboratively chair all Leadership Council calls and meetings.

The members of the Leadership Council must have a suitable level of responsibility to make recommendations on policy and programmatic issues likely to be involved in E-Enterprise projects, and Leadership Council membership will have expertise across most media areas. Selection and replacement of members should maintain the appropriate level of authority, skill sets, expertise and experience mix.

Consistent with the requirements of the Federal Advisory Committee Act (FACA) and the Unfunded Mandates Reform Act (UMRA), all State, Tribal and, where applicable, Territorial members of E-Enterprise governance bodies must be elected officers of those governments or their designated employees with authority to act on their behalf.

The EPA members of the Leadership Council will be selected by the EPA Deputy Administrator. These members will include an EPA Co-Chair (the EPA Deputy Administrator) and senior leaders from the five national program offices as well as the Office of Environmental Information, the Office of the Chief Financial Officer and two regional offices. EPA members are expected to reflect a mix of appointed and career officials at the level of assistant administrator, regional administrator, deputy assistant administrator or deputy regional administrator. The EPA members will represent the interests of the EPA's programs and policies and will work in close coordination and collaboration with EPA's internal management structure for E-Enterprise.

The State members of the Leadership Council will be selected by the state commissioners or secretaries who are ECOS Officers and will be elected officers of State governments or their designated employees (primarily commissioner and assistant commissioner-level personnel and State senior-level program leaders). The ECOS Officers will, in selecting State members, consider a diverse range of talents, interests, geographic variation, program area responsibility and experience and other factors they deem appropriate for effective membership on the Leadership Council.

The Tribal members of the Leadership Council will be appointed from among elected officers of Tribal governments or their designated employees. Regional Tribal Operations Committees (RTOC) or equivalents in each EPA Region are invited to determine a method for selecting and to select a Leadership Council member, considering appropriate talents, interests, program area responsibility and experience and other factors, as deemed relevant by the RTOC or equivalent for effective membership on the Leadership Council. The regional administrator will issue letters to the director of the American Indian Environmental Office and the Office of the Chief Financial Officer when a member is selected by the RTOC or resigns from the EELC.

Leadership Council members are expected to participate regularly in calls and meetings. If a member misses at least three calls or more than one in-person meeting in any one-year period, regardless of whether timely written notice to identify a designee was provided, they will discuss their continuing membership on the Leadership Council with the co-chairs.

The Leadership Council may at times seek additional expertise or perspectives beyond that of its own membership and may invite subject matter experts to provide information or advice to the Leadership Council. When the Leadership Council seeks additional expertise, it is not creating a federal advisory committee under FACA and will regard all information or advice as that of each individual providing it. Leadership Council meetings convened to exchange views, information and advice on shared intergovernmental responsibilities or administration will be managed to remain consistent with UMRA.

Managing Principles

Meetings
The Leadership Council will meet a minimum of six times per calendar year and will not exceed 12 meetings per year. These meetings will be held via teleconference with additional technology, as needed, to share information. At least one extended, face-to-face meeting will be scheduled per calendar year. Conference calls may continue without a quorum at the discretion of at least one co-chair, but no final decisions can be made in the absence of a quorum.

Decision Making and Voting Procedures

To the extent practicable, the Leadership Council will strive for consensus decision making and generally will follow a formal voting process only when a consensus cannot be achieved or when a formal statement of members' endorsement on a particular matter is considered desirable. It is anticipated that instances in which voting is necessary to resolve lack of consensus will be rare. The voting procedures described here seek a balance between preventing a small minority of dissenting opinions from impeding progress and ensuring that more than a simple majority is required to make decisions. The voting procedures are:

- Three-quarters of the total members will constitute a quorum. The quorum must include one of the co-chairs.
- Approval of a recommendation or decision will require an affirmative vote by three-quarters of the members present and voting.
- Members may identify a designee and give a proxy for voting purposes in the infrequent event they are unavoidably precluded from attending, if the member does so in writing to the Leadership Council co-chairs as early as possible prior to the meeting and ensures their designee can appropriately represent their views. In the absence of such written notice, a Leadership Council member may send a non-voting designee to a meeting when necessary to sit in on Leadership Council discussions to report back to the member but will not be counted toward a quorum. Designees for co-chairs will not assume the role of co-chair.
- The co-chairs maintain the right to:
  - Postpone a vote on their own motion or at the request of any member;
  - Recess a meeting or conference call to enable EPA, State or Tribal caucusing prior to voting;
  - Request that votes be conducted by email following discussion in a meeting or conference call so that all members are able to participate; and
  - Ask that the meeting minutes contain a brief statement by one or more Leadership Council members who voted 'no' to explain their opposition.

State and Tribal Collection of Information

The Leadership Council recognizes that to participate effectively in joint governance, State and Tribal members of the Leadership Council will periodically need to inventory, survey or otherwise collect information about practices, tools, programs, processes or other work efforts of States or Tribes. Any decision regarding such a collection of information, including the type of information sought and the manner in which it is collected, shall be made in the sole discretion of the States or Tribes, as appropriate. If requested, the EPA may provide technical advice regarding such information collection activities, but all decisions to request, use or not use such EPA input or advice remain within the sole discretion of the States or Tribes, as appropriate.

Revision of this Charter

At intervals of no greater than every two years after the date of signature of this Charter, the Leadership Council shall consider whether to initiate a review of this Charter. If the Leadership Council decides to initiate such a review, it shall also determine the scope of review and of any potential resulting revisions. Revisions to the charter will require approval of Leadership Council members per the processes described in this Charter and then submitted to appropriate organizations of Leadership Council members for approval.

Governance Charter for E-Enterprise for the Environment

(signature)

Gina McCarthy
Administrator
U.S. Environmental Protection Agency

Date: Sept 26, 2016

(signature)

Martha Rudolph
Director of Environmental Programs
Colorado Department of Public Health
 and Environment

President
Environmental Council of the States

Date: Sept 26, 2016

(signature)
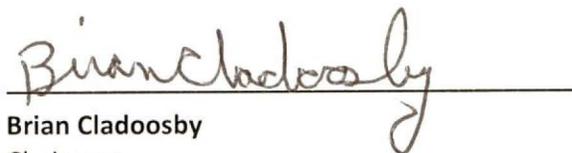
Brian Cladoosby
Chairman
Swinomish Indian Senate

President
National Congress of American Indians

Date: 10/14/2016