


# Internal Monitoring Report

**Policy #:** EL-2H Communication and Support to the Board    **Date:** Aug. 27, 2013  
**Frequency:** Annual

I certify that the following information is true.

Signed , General Manager

## Policy Language:

The General Manager shall not cause or allow the board to be uninformed or unsupported in its work.

Accordingly, the General Manager shall not cause or allow conditions, procedures, or decisions that:

1. Fail to submit monitoring data required by the board (see Board-Executive Delegation policies) in a timely, accurate, and understandable fashion, directly addressing provisions of board policies being monitored, and including General Manager interpretations consistent with the Board-Executive Delegation policies.
2. Allow the board to be unaware of any actual or anticipated noncompliance with any Outcomes or Executive Limitations policy of the board regardless of the board's monitoring schedule.
3. Allow the board to be without such information as may be required periodically for fully informed board deliberations and choices, including internal and external data as well as staff and external opinions and points of view.
4. Allow the board to be unaware of any significant incidental information it requires including
  - a. relevant trends
  - b. anticipated adverse media coverage
  - c. significant public reaction
  - d. anticipated or pending lawsuits
  - e. unusual or exceptional purchases
  - f. directives or instructions from the Common Council or Mayor
  - g. material internal and external changes, particularly those that affect the assumptions on which previous board policies have been established
5. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among three information types (as defined in the Policy Governance context):
  - a. monitoring – includes regularly scheduled monitoring data as well as notices of actual or anticipated noncompliance with Outcomes or Executive Limitations policies
  - b. decision preparation – includes information required for fully informed board deliberations
  - c. other – includes significant incidental information as outlined above
6. Fail to submit to the board a consent agenda containing items delegated to the General Manager yet required by law, regulation, or contract to be board-approved, along with such monitoring assurance as may be relevant.
7. Fail to provide, or delay the provision of, negative information regarding the utility's performance, staff, or image.
8. Fail to advise the board if, in the General Manager's opinion, the board is not in compliance with its own policies on Board Process and Board-Executive Delegation, particularly in the case of board behavior that is detrimental to the work relationship between the board and the General Manager.
9. Fail to deal with the board as a whole.
10. Fail to provide a workable mechanism for official board, officer, or committee communications.
11. Allow the board to be without such information required for fully informed decisions regarding consultant selection.

August 27, 2013

- a. Prior to soliciting consultant proposals in excess of \$25,000, the General Manager shall submit the following information to the board for approval:
  - A tentative scope of services and estimate of cost.
  - Verification that staff is unavailable to perform the work or is not qualified to perform by education or experience without retaining the services of another who is qualified.
  - Verification that the contemplated work is necessary to fulfill the mission of the Water Utility.
- b. In the case of projects determined by the board to be controversial, the approval of the Common Council should be obtained prior to advertising for proposals.
- c. After evaluating consultant proposals, the General Manager shall submit a recommendation, including documentation, to the Water Utility Board for approval.

### **General Manager's interpretation and its justification:**

This policy is rather prescriptive; the detail and specificity of the enumeration is sufficient to preclude the need for further interpretation. I will note the general challenge in proving compliance with Executive Limitations policies that contain "shall not fail to" language – it is tantamount to "proving a negative".

### **Data directly addressing the General Manager's interpretation:**

The numbers below correspond to the policy enumeration:

1. All monitoring reports have been submitted according to the master agenda and approved by the board.
2. We have added a standing agenda item to the board meeting to ensure that this provision is met.
3. I am unaware of any deficiency here. It is incumbent upon the board to let me know if there is any need for additional information for deliberation and decision making.
4. The Public Information Officer copies the board on e-mails to staff containing media mentions. Within the past year Project H2O and the development of an opt-out policy was prominent. I kept the board informed and involved via e-mail and at meetings. There are no pending or anticipated lawsuits against the utility; however, there is a lawsuit against the City of Madison that stems from a February 2010 MWU employee dismissal. This suit names as defendants two MWU managers, one Engineering Division manager, and one former Engineering Division manager.

August 27, 2013

5. I believe the agenda has clearly described the type of information being provided. I have received no complaints regarding length or complexity.
6. Consent agendas have been prepared as required.
7. I am aware of no objective negative information regarding the utility's performance, staff, or image.
8. Such advisement, if required, will be provided in September when the board monitors its Board Process policies.
9. I have dealt with the board as a whole by copying all members on correspondence with any member, except when working with the President in his official capacity, as with, for example, agenda preparation.
10. I have received no complaints as to the workability of communication mechanisms, recognizing that the City of Madison abides by a strict interpretation of the Open Meetings Law.
11. I have provided the board with the information requested regarding consultant proposals by including memos from staff with board agenda items requesting approval to solicit proposals or submitting recommendations.

I report compliance.