

JFO 2381 notes:

Committee members were polled via email and phone. Email responses are included in file. Sen. Lyons expressed concern that DPS was hiring, rather than the Clean Energy Development board. This concern was address and an email from the CEDF manager is included in file. No other concerns were raised, and the item was approved in accelerated fashion.

From: Mark Larson <marklvt@myfairpoint.net>
To: Nathan Lavery <nlavery@leg.state.vt.us>
Date: 7/1/2009 9:35 AM
Subject: RE: JFO #2381 Public Service position request

Nathan,

I approve.

Mark

-----Original Message-----

From: Nathan Lavery <nlavery@leg.state.vt.us>

Sent: Wednesday, July 01, 2009 9:16 AM

To: Diane Snelling <dbsnelling@aol.com>; Martha Heath <mpheath@aol.com>; Susan Bartlett <senatorbartlett@comcast.net>; Shap Smith <ssmith@dinse.com>; Janet Ancel <janetancel@earthlink.net>; Peter Shumlin <Pete@goputney.com>; Ann Cummings <ann@heneyrealtors.com>; Alexandra Maclean <AMaclean@leg.statevt.us>; Michael Obuchowski <OBIE@leg.state.vt.us>; Rosalind Daniels <RDaniels@leg.state.vt.us>; Rachel Levin <RLEVIN@leg.state.vt.us>; Richard Sears <RSEARS@leg.state.vt.us>; Steve Klein <SKLEIN@leg.state.vt.us>; Theresa Utton-Jerman <TUTTON@leg.state.vt.us>; Mark Larson <marklvt@myfairpoint.net>; Richard Westman <westman@vsac.org>
Subject: JFO #2381 Public Service position request

Hello JFC members,

This email is intended as my first effort to contact each of you to solicit your opinions on JFO #2381 (request from Public Service for 2 limited service positions to assist with administration of State Energy Program). The administration requested expedited review of this request as the positions are to be funded with ARRA monies. RIF'd employees are eligible to fill these positions.

Please respond to this email indicating whether or not you are comfortable waiving the 30 day review process and approving this request immediately.

I will be attempting to reach you via telephone as well.

Thank you.

[The entire original message is not included]

Nathan Lavery - Re: JFO #2381 Public Service position request

From: "Susan Bartlett" <senatorbartlett@comcast.net>
To: "Nathan Lavery" <nlaavery@leg.state.vt.us>, "Diane Snelling" <dbsnelling@aol.com>, "Martha Heath" <mpheath@aol.com>, "Shap Smith" <ssmith@dinse.com>, "Janet Ancel" <janetancel@earthlink.net>, "Peter Shumlin" <Pete@goputney.com>, "Ann Cummings" <ann@heneyrealtors.com>, "Alexandra Maclean" <AMaclean@leg.state.vt.us>, "Michael Obuchowski" <OBIE@leg.state.vt.us>, "Rosalind Daniels" <RDaniels@leg.state.vt.us>, "Rachel Levin" <RLEVIN@leg.state.vt.us>, "Richard Sears" <RSEARS@leg.state.vt.us>, "Steve Klein" <SKLEIN@leg.state.vt.us>, "Theresa Utton-Jerman" <TUTTON@leg.state.vt.us>, "Mark Larson" <marklvt@myfairpoint.net>, "Richard Westman" <westman@vsac.org>
Date: 7/1/2009 11:40 AM
Subject: Re: JFO #2381 Public Service position request

waive the 30 days works for me Susan

----- Original Message -----

From: Nathan Lavery

To: Diane Snelling ; Martha Heath ; Susan Bartlett ; Shap Smith ; Janet Ancel ; Peter Shumlin ; Ann Cummings ; Alexandra Maclean ; Michael Obuchowski ; Rosalind Daniels ; Rachel Levin ; Richard Sears ; Steve Klein ; Theresa Utton-Jerman ; Mark Larson ; Richard Westman

Sent: Wednesday, July 01, 2009 9:16 AM

Subject: JFO #2381 Public Service position request

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Thank you.

Nathan Lavery
Fiscal Analyst
Legislative Joint Fiscal Office
One Baldwin Street
Montpelier VT 05633-5301
(802) 828-1488
nlaavery@leg.state.vt.us

Nathan Lavery - Re: JFO #2381 Public Service position request

From: <dbsnelling@aol.com>
To: "Nathan Lavery" <nlavery@leg.state.vt.us>
Date: 7/1/2009 12:51 PM
Subject: Re: JFO #2381 Public Service position request

Nathan,
I will agree to waive the 30 days to receive the ARRA funds and the soonest opportunity for the RIF'd employees.
Diane Snelling

Sent from my Verizon Wireless BlackBerry

From: "Nathan Lavery"
Date: Wed, 01 Jul 2009 09:16:36 -0400
To: Diane Snelling<dbsnelling@aol.com>; Martha Heath<mpheath@aol.com>; Susan Bartlett<senatorbartlett@comcast.net>; Shap Smith<ssmith@dinse.com>; Janet Ancel<janetancel@earthlink.net>; Peter Shumlin<Pete@goputney.com>; Ann Cummings<ann@heneyrealtors.com>; Alexandra Maclean<AMaclean@leg.state.vt.us>; Michael Obuchowski<OBIE@leg.state.vt.us>; Rosalind Daniels<RDaniels@leg.state.vt.us>; Rachel Levin<RLEVIN@leg.state.vt.us>; Richard Sears<RSEARS@leg.state.vt.us>; Steve Klein<SKLEIN@leg.state.vt.us>; Theresa Utton-Jerman<TUTTON@leg.state.vt.us>; Mark Larson<marklvt@myfairpoint.net>; Richard Westman<westman@vsac.org>
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Thank you.

Nathan Lavery
Fiscal Analyst
Legislative Joint Fiscal Office
One Baldwin Street
Montpelier VT 05633-5301
(802) 828-1488
nlavery@leg.state.vt.us

Nathan Lavery - PROBABLE SPAM: Re: JFO #2381 Public Service position request

From: <MPHeath@aol.com>
To: <nlavery@leg.state.vt.us>, <Dbsnelling@aol.com>, <senatorbartlett@comcast.net>, <ssmith@dinse.com>, <janetancel@earthlink.net>, <Pete@goputney.com>, <ann@heneyrealtors.com>, <AMaclean@leg.state.vt.us>, <OBIE@leg.state.vt.us>, <RDaniels@leg.state.vt.us>, <RLEVIN@leg.state.vt.us>, <RSEARS@leg.state.vt.us>, <SKLEIN@leg.state.vt.us>, <TUTTON@leg.state.vt.us>, <marklvt@myfairpoint.net>, <westman@vsac.org>
Date: 7/6/2009 9:53 PM
Subject: PROBABLE SPAM: Re: JFO #2381 Public Service position request

This seems fine to me. Martha

In a message dated 7/1/2009 6:16:56 A.M. Pacific Daylight Time, nlavery@leg.state.vt.us writes:

Hello JFC members,

This email is intended as my first effort to contact each of you to solicit your opinions on JFO #2381 (request from Public Service for 2 limited service positions to assist with administration of State Energy Program). The administration requested expedited review of this request as the positions are to be funded with ARRA monies. RIF'd employees are eligible to fill these positions.

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Thank you.

Nathan Lavery
Fiscal Analyst
Legislative Joint Fiscal Office
One Baldwin Street
Montpelier VT 05633-5301
(802) 828-1488
nlavery@leg.state.vt.us

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From: <VVLIONS@cs.com>
To: <amaclean@leg.state.vt.us>, <NLavery@leg.state.vt.us>, <SKLEIN@leg.state...>
CC: <VVLIONS@cs.com>
Date: 7/2/2009 3:54 PM
Subject: Re: JFO #2381 Public Service position request

The positions are probably one and the same. At least they should be. The law indicates that the CEDF will oversee deployment of ARRA funds. So the hiring for grant or other oversight and allocation of the funds should also be handled by the CEDF fund administrator and Board.

The request by the DPS should be modified to be a request from the CEDF administrator with appropriate other edits.

Let me know if you require further clarification.

Ginny</HTML>

From: <VLYONS@cs.com>
To: <nlavery@leg.state.vt.us>
CC: <amaclean@leg.state.vt.us>
Date: 7/7/2009 12:57 PM
Subject: Re: JFO #2381 Public Service position request

Nate-

Thanks for the note. Have you contacted Alex in Peter's office about this?

I stand by my original position. The Board already has statutory authority to use up to 10% of its money for administrative purposes. This includes ARRA funds. The fund board has the authority to hire the administrator and others as needed. It is the legislative intent that the Board operate independently without DPS oversight. I will give call today.

Ginny</HTML>

From: Alexandra Maclean
To: Lavery, Nathan; sklein@leg.state.vt.us
CC: vvlyons@cs.com
Date: 7/2/2009 1:11 PM
Subject: Re: JFO #2381 Public Service position request

Hey guys -

There was chat about the Clean Energy Development Fund Manager, Anne Margolis, hiring two more people to assist with the administration of that fund. Are those different then the ones below? There is concern that there is going to be overlap and a lack of consistency here.

Is there any more information about these positions that you could provide?

Cheers,
Alex

Alexandra MacLean
Aide to the Senate Pro Tem
Office: 802-828-3806
Fax: 802-828-1040
115 State St
Montpelier, VT 05633
amaclean@leg.state.vt.us

>>> Nathan Lavery 7/1/2009 9:16 AM >>>
Hello JFC members,

This email is intended as my first effort to contact each of you to solicit your opinions on JFO #2381 (request from Public Service for 2 limited service positions to assist with administration of State Energy Program). The administration requested expedited review of this request as the positions are to be funded with ARRA monies. RIF'd employees are eligible to fill these positions.

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Thank you.

Nathan Lavery
Fiscal Analyst
Legislative Joint Fiscal Office
One Baldwin Street
Montpelier VT 05633-5301
(802) 828-1488
nlavery@leg.state.vt.us

From: <VVLYONS@cs.com>
To: <nlavery@leg.state.vt.us>
Date: 7/7/2009 12:59 PM
Subject: Re: CEDF Staffing-Up

Nate-

IF the fund board is asking for help from DPS then I am OK with the request. Disregard the e-mail I just sent. I may not call today as a result of this latest information.

Thanks for the clarification-

Ginny</HTML>

Nathan Lavery - CEDF Staffing-Up

From: "Margolis, Anne" <Anne.Margolis@state.vt.us>
To: "Steve Klein" <sklein@leg.state.vt.us>, "nlavery@leg.state.vt.us" <nlavery@leg.state.vt.us>
Date: 7/6/2009 4:47 PM
Subject: CEDF Staffing-Up
CC: "Wark, Stephen" <Stephen.Wark@state.vt.us>, "Patty Richards" <prichards@vppsa.com>
Attachments: Draft Investment Committee Mtg Minutes_04_29_09.doc

Dear Steve and Nathan,

Enclosed, please find the minutes from the April 2009 Investment Committee meeting, at which Committee member Sam Swanson asked that I pursue additional staffing for the Clean Energy Development Fund. I'm copying our Chair, Patty Richards, as well, in case you have any questions of her regarding the urgency with which this request was made. The Committee is eagerly anticipating the arrival of new staffing to carry out dispersal of ARRA funding; the Fund does not have adequate staffing at this time to do so effectively.

Thank you,
Anne

Anne Margolis

Clean Energy Development Fund Manager
VT Dept. of Public Service
802-828-4017
802-828-2342
anne.margolis@state.vt.us

Nathan Lavery - RE: CEDF Staffing-Up

From: "Margolis, Anne" <Anne.Margolis@state.vt.us>
To: "'Nathan Lavery'" <nlavery@leg.state.vt.us>
Date: 7/8/2009 2:35 PM
Subject: RE: CEDF Staffing-Up

Dear Nathan,

I'm not sure if this is exactly what you're looking for, but the Investment Committee unanimously voted at the April 2009 meeting for me (the Fund Manager) and DPS (where I am housed) to initiate this process in the shortest time possible on their behalf, as they are a volunteer board that does not have its own infrastructure by which to navigate the process. The Investment Committee is in place and running CEDF until July 31. On August 1, a board, consisting of all of the existing Investment Committee members but one and plus three new members, takes over. All 6 members who will maintain a place on the new 9-member board would like these positions to have been in place months ago, as CEDF has always been highly understaffed (I am the ONLY staff person), which is an Achilles heel in light of the \$38.8 million we are expected to deploy in the next 12 months. I would be happy to have each of the members email you and whoever else needs assurances with emphatic support of bringing these new employees on ASAP. If you have additional questions you may also contact Rich Smith, Deputy Commissioner of DPS, at 828-4005.

Thank you very much for your attention to this matter.

Best,
Anne

From: Nathan Lavery [mailto:nlavery@leg.state.vt.us]
Sent: Wednesday, July 08, 2009 8:32 AM
To: Margolis, Anne
Subject: Re: CEDF Staffing-Up

Hello Ms. Margolis,

This email was very useful in addressing the questions that were raised.

To be clear, the board already has statutory authority to use up to 10% of the funding (including ARRA funds) for administrative purposes, and it was the legislature's intent to allow the board to operate independently of DPS oversight. But the board could decide to ask DPS for assistance, such as this position request. It is clear from the minutes that the board directed you to "explore additional staffing options" for CEDF.

Just so we have a clear record of this request, could you please answer the following:

Is this position request a case of the board (or you, as manager) asking DPS for this assistance?

Thank you.

Nathan Lavery
Fiscal Analyst
Legislative Joint Fiscal Office

One Baldwin Street
Montpelier VT 05633-5301
(802) 828-1488
nlavery@leg.state.vt.us

>>> "Margolis, Anne" <Anne.Margolis@state.vt.us> 7/6/2009 4:44 PM >>>
Dear Steve and Nathan,

Enclosed, please find the minutes from the April 2009 Investment Committee meeting, at which Committee member Sam Swanson asked that I pursue additional staffing for the Clean Energy Development Fund. I'm copying our Chair, Patty Richards, as well, in case you have any questions of her regarding the urgency with which this request was made. The Committee is eagerly anticipating the arrival of new staffing to carry out dispersal of ARRA funding; the Fund does not have adequate staffing at this time to do so effectively.

Thank you,
Anne

Anne Margolis
Clean Energy Development Fund Manager
VT Dept. of Public Service
802-828-4017
802-828-2342
anne.margolis@state.vt.us



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: James Reardon, Commissioner of Finance & Management
From: Nathan Lavery, Fiscal Analyst
Date: July 9, 2009
Subject: JFO #2381

The Joint Fiscal Committee has reviewed the following item and agreed to waive the remainder of the statutory 30 day review period and consider the Governor's approval of this item as final:

JFO #2381 — Request from the Public Service Department to establish two (2) limited service positions to assist in the administration of the State Energy Program. These positions will be 100% federally funded through the American Recovery and Reinvestment Act (ARRA).
[JFO received 6/23/09]

We ask that you inform the Secretary of Administration and your staff of this action.

cc: David O'Brien, Commissioner
Tom Evslin, Chief Recovery Officer



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee Members
From: Nathan Lavery, Fiscal Analyst
Date: June 23, 2009
Subject: Position Request

Enclosed please find one (1) request that the Joint Fiscal Office has received from the administration. The administration, via the Office of Economic Stimulus and Recovery, has asked that the Joint Fiscal Committee waive the 30 day review process and approve this item as soon as possible. A letter requesting expedited review is included in the supporting materials.

JFO #2381 — Request from the Public Service Department to establish two (2) limited service positions to assist in the administration of the State Energy Program. These positions will be 100% federally funded through the American Recovery and Reinvestment Act (ARRA). **Employees subject to reduction-in-force (RIF) measures will be eligible to fill these positions.**

[JFO received 6/23/09]

The Joint Fiscal Office has reviewed this submission and determined that all appropriate forms bearing the necessary approvals are in order.

Joint Fiscal Office staff will contact you on Wednesday or Thursday next week (July 1 or 2). If all members of the Joint Fiscal Committee are comfortable waiving the 30 day review period, this item will be considered accepted. Please review the enclosed and notify the Joint Fiscal Office (Nathan Lavery at (802) 828-1488; nlavery@leg.state.vt.us) if you have questions or would like this item held for Joint Fiscal Committee review.

cc: James Reardon, Commissioner
David O'Brien, Commissioner
Tom Evslin, Chief Recovery Officer

JFO #2381

ARRA

**STATE OF VERMONT
GRANT POSITION ACCEPTANCE FORM**

GRANT SUMMARY: Federal funding in support of the State Energy Program (SEP) from the American Recovery and Reinvestment Act (ARRA)

DATE: 6/18/2009

DEPARTMENT: Department of Public Service

GRANT AMOUNT: \$21,999,000

GRANT PERIOD: April 17, 2009 – April 121, 2012

GRANTOR/DONOR: U.S. Department of Energy

POSITIONS REQUESTED (LIMITED SERVICE):

- One (1) Grants specialist
- One (1) Financial Specialist

ANY ON-GOING, LONG-TERM COSTS TO THE STATE:

The positions will be needed for 3 years to assist in the administration of the State Energy Program. More than three years of state service will automatically qualify the people filling these positions for state employee RIF rights.

COMMENTS:

Verification of the federal funding award is on file in the Vermont Office of Economic Stimulus and Recovery (ESR). *DB*

DEPT. FINANCE AND MANAGEMENT: (INITIAL) *SM*

SECRETARY OF ADMINISTRATION: (INITIAL) *JHFL*

SENT TO JOINT FISCAL OFFICE: (DATE) _____

RECEIVED
 JUN 23 2009
JOINT FISCAL OFFICE

State of Vermont
Agency of Administration
Office of Economic Stimulus and Recovery
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
www.vermont.recovery.gov

[phone] 802-828-1354
[fax] 802-828-3320

Tom Evslin, Chief Recovery Officer

June 23, 2009

Representative Michael Obuchowski, Chair
Joint Fiscal Committee, Joint Fiscal Office
One Baldwin Street
Montpelier, Vermont 05633-5301

Dear Representative Obuchowski:

As you know, the American Recovery and Reinvestment Act of 2009 will provide substantial funding for Vermont. In the energy sector alone, Vermont will see over \$30 million for renewable energy and energy efficiency – a significant increase in funds, especially when viewed in the context that Vermont normally receives about \$5 million for clean energy from Entergy. These new ARRA funds, in addition to anticipated Entergy funds, will result in over \$50 million in the next two years which has been appropriated for Clean Energy Development (CED).

This letter is a formal request to expedite Joint Fiscal processes and approvals for the hiring of limited service employees for the department of public service. Both because of the demands imposed by the aggressive timelines for granting of these funds and the programmatic ramp up and because it is in the best interest of Vermont to create new green jobs as quickly as possible, the department requires immediate permission to create and fill temporary positions. As the legislature anticipated, new staffing is required to meet new demands and seize new opportunities. The more slowly we staff up, the slower the benefits and the more likely that Vermont will forfeit funds. Obviously we'd like to be positioned to receive funds other states forfeit.

These proposed CED positions will be fully funded through the ARRA State Energy Program. The department intends to employ two full time positions to start, and release a request for proposal for consulting services for a third, technical-level position. It is likely these positions will be required for the duration of the ARRA funding period – up to three years.

The following limited service positions are requested:

- Grants specialist, job code 521800, pay grade 22 – from 07.01.2009 – 06.30.2012
- Financial specialist III, job code 08940, pay grade 21 – from 07.01.2009 – 06.30.2012

Thank you for your attention and please let me know how I can help.

Sincerely yours,

Tom Evslin
Chief Recovery Officer



STATE OF VERMONT
Joint Fiscal Committee Review
Limited Service - Grant Funded
Position Request Form

This form is to be used by agencies and departments when additional grant funded positions are being requested. Review and approval by the Department of Human Resources must be obtained prior to review by the Department of Finance and Management. The Department of Finance will forward requests to the Joint Fiscal Office for JFC review. A Request for Classification Review Form (RFR) and an updated organizational chart showing to whom the new position(s) would report must be attached to this form. Please attach additional pages as necessary to provide enough detail.

Agency/Department: Department of Public Service Date: 06/05/09

Name and Phone (of the person completing this request): John M. Becker – 828-4009

Request is for:

- Positions funded and attached to a new grant.
 Positions funded and attached to an existing grant approved by JFO # _____

1. Name of Granting Agency, Title of Grant, Grant Funding Detail (attach grant documents):

US Dept of Energy
State Energy Program under The American Recovery & Reinvestment Act (ARRA-SEP)
Energy Efficiency and Conservation Block Grants under The American Recovery & Reinvestment Act (ARRA-EECBG)

2. List below titles, number of positions in each title, program area, and limited service end date (information should be based on grant award and should match information provided on the RFR) position(s) will be established only after JFC final approval:

<u>Title* of Position(s) Requested</u>	<u># of Positions</u>	<u>Division/Program</u>	<u>Grant Funding Period/Anticipated End Date</u>
Grants Specialist	1	ARRA SEP/EECBG	7/1/09 to 6/30/12
Financial Specialist III	1	ARRA SEP/EECBG	7/1/09 to 6/30/12

*Final determination of title and pay grade to be made by the Department of Human Resources Classification Division upon submission and review of Request for Classification Review.

(Will use existing classified job specifications for the two positions, types of work performed match the Grant Specialist and Financial Special III job specifications)

Positions requested:

Grants Specialist – Job Code 521800 – Page Grade 22
Financial Specialist III – Job Code 08940 – Page Grade 21

3. Justification for this request as an essential grant program need:

The PSD will be responsible for performing the administrative processing, Federal reporting, financial monitoring, and reporting duties associated with the ARRA State Energy Program Grant and EECBG Grant totaling \$31 million. The ARRA funds will be disbursed through grants and loans for renewable energy and energy efficiency projects. These grants and the associated invoices will be processed through the PSD; the expected volume of activity is 30 times the normal volume. These two new positions are essential for the PSD to effectively handle the increased workload associated with the ARRA funds and meet the requirements of ARRA for rapid deployment of funds.


STATE OF VERMONT
Joint Fiscal Committee Review
Limited Service - Grant Funded
Position Request Form

I certify that this information is correct and that necessary funding, space and equipment for the above position(s) are available (required by 32 VSA Sec. 5(b)).



Signature of Agency or Department Head 6-8-09

Date



Approved/Denied by Department of Human Resources 4/17/09

Date



Approved/Denied by Finance and Management 6/18/09

Date



Approved/Denied by Secretary of Administration 6/18/09

Date

Comments:



Classification & Compensation Division
Dept. of Human Resources
State of Vermont

7/11 - 2 3000

RECEIVED

single project directly or indirectly receives a grant in more than one of these categories:

* * *

(9) The clean energy development board is authorized, to the extent allowable under ARRA, to utilize up to 10 percent of ARRA funds received for the purpose of administration. ~~One half of this amount shall be allocated to the treasurer to retain permanent, temporary, or limited service positions or contractors to administer such funds, and the other half of this amount shall be allocated to the oversight of specific projects receiving ARRA funding through the clean energy development fund.~~ The board shall allocate a portion of the amount utilized for administration to retain permanent, temporary, or limited service positions or contractors to administer such funds and the remaining portion to the oversight of specific projects receiving ARRA funding through the clean energy development fund.

(i) ~~The treasurer shall consult with the other directors of the clean energy development fund board and the commissioner of public service and adopt rules pursuant to 3 V.S.A. chapter 25 to carry out this section. The treasurer shall adopt an initial set of rules under this subsection no later than July 15, 2009 and may use the emergency rulemaking process provided under 3 V.S.A. § 844 to do so. In adopting the initial set of rules, the treasurer shall consult with any at large board directors who have been appointed, the chief recovery~~

re: PSD ARRA positions. from 2009 Special Session Act 2
Miscellaneous Provisions



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Representative Tony Klein
Senator Virginia Lyons

From: Nathan Lavery, Fiscal Analyst

Date: June 23, 2009

Subject: JFO #2381

In accordance with Sec. E.129 of Act 1 of the 2009 Special Session, please find enclosed ARRA grant request materials recently submitted for Joint Fiscal Committee approval. Joint Fiscal Committee Chair Michael Obuchowski requests your observations regarding the enclosed item(s).

cc: Rep. Michael Obuchowski
Stephen Klein