

**NYSERDA'S 39<sup>th</sup> GOVERNANCE COMMITTEE MEETING**  
**October 4, 2023**  
Clean Copy of Transcript

**Sara LeCain:**

Okay, go ahead.

**Arturo Garcia-Costas:**

You can start. Call to, yeah, you can go. Good morning. I'm going to call the meeting to order. I thought I was doing a really good job by thinking all it this time, but all of you guys are down there. So a notice of the meeting was forwarded to Committee Members September 21, 2023, and press on September 25, 2023. This meeting is being conducted in person and by video conference the authority will post a video and a transcript of the meeting on the web. To confirm that we have a quorum, I would like to ask Committee Members in Albany and New York to introduce themselves. I'll start. I am Arturo Garcia-Costas Chair of the Committee.

**Vice Chair Bell:**

Chuck Bell, Member of the Committee, Member of Board.

**Arturo Garcia-Costas:**

Turning it over to you all in NYC.

**Sherburne Abbott:**

Shere Abbott. Member of the Committee. Member of the Board.

**Chair Kauffman:**

Richard Kauffman, Chair of the Authority.

**Frances Resheske:**

Frances Resheske, Member of the Committee. Member of the Board.

**Arturo Garcia-Costas:**

Is that everyone? Excellent. Thank you. So the first item on the agenda is the approval of the Minutes of the 38th Committee meeting that was held on June 26, 2023. Are there any comments on those Minutes? May I have a motion to approve the minutes?

**Vice Chair Bell:**

So Moved.

**Arturo Garcia-Costas:**

Okay, I think Chuck got that one. Shere. Would you like to second?

**Sherburne Abbott:**

Sure.

**Arturo Garcia-Costas:**

Okay. All in favor?

**Members of the Committee:**

Aye.

**Arturo Garcia-Costas:**

Any opposed hearing? No opposition. The Minutes have been approved. So the next item on the agenda is a report on the Authority's Diversity, Equity, and Inclusion work. Michelle Andry, the Authority's Diversity, Equity and Inclusion Officer will discuss this item. Michelle,

**Michelle Andry:**

Excellent. Thank you very much. Good morning everyone, and thank you again for your time. So the last time I was here to share with the Committee earlier this year it was to share insights from our latest 2022 engagement survey results and how we've been approaching using the engagement survey to inform and support our work on the DEI Strategic Plan. So today I'd like to share an overview of our progress on the Strategic Plan itself as we committed to do annually with the Board, along with our thoughts on fine tuning the plan as we also committed to do periodically and it's very key at this point, 2 years into our implementation that Go to the next slide please. So I wanted to give a little refresher on the breadth of the Strategic Plan, the DEI Strategic Plan. As you know, we finalized it in 2021 after extensive input and collaboration by dozens of NYSERDA of staff Members.

And that enthusiastic process led us to a Strategic Plan consisting of four thematic goals, which are around engagement, our policy and procedures, accountability to our DEI goals and how we engage with the clean energy industry and other agencies and support of Diversity, Equity, and Inclusion. So we developed a total of approximately 90 implementation actions to achieve these four goals. And you can see here on the right how those actions are distributed by account roughly across the goals. So I need to emphasize that many of the implementation actions in the plan are overlapping or interdependent within or across the goal themes. And some of the actions contain several sub actions that aren't reflected fully in this count. For example, in the policies and procedures goal, you can see that the number of actions there is 13, but there are definitely actions within that section of the plan that have sub actions.

So with that clarification, I'll move on to share how we've been working at these goals in the two years since launch by beginning or completing work on roughly 64 actions. I'm sharing next how those actions have unfolded primarily in these related or interdependent groupings. So it turns out to feel like far less than 64 items to cover that way. I'll also emphasize that the we I will keep referring to are the leads and partners on these activities, which include the Officer and Executive teams, the Human Resources team Council, Strategic Operations along with the DEI team and others. And we're here on the next slide. So we'll start with goal one, where our actions over the last two years have really been heavily focused under the umbrella of organizational culture. We have conducted annual engagement surveys to gather perspectives from staff and improving engagement and experience.

We have conducted a series of learning and development activities for the entire staff in support of increasing inclusive practices among and across teams and between managers and their direct reports. We have launched this sheer professional development with both the executive team and our people managers team to strengthen our leadership and management approach. And we have introduced training practice and guidance for managers and how to engage in feedback and coaching of their direct reports throughout the performance year to better support the annual performance evaluation process. Lastly, we've launched work to tighten up our job descriptions and responsibilities, responsibilities and provided more guidance to managers and staff on aligning business goals, individual business goals, but more clearly with team goals. And so we've instituted processes, policies, also providing dedicated time and resources for professional development towards the goals that have been set for our staff Members. Next slide please.

Further on engagement, we needed to look at the plans focused on workload and this is where a lot of really great work has been happening around looking at our process efficiencies, decision-making, prioritization and workload. We engaged in I think what was probably a year long activity gathering staff input and assessment, streamlining opportunities again, decision making and the like, which really resulted in some recent developments that have been shared with staff around how we're really seeking to tackle efficiency and workload with a new framework and perhaps some more to come on that later from another team.

We also endeavor with the Executive team and across our Senior Leadership team to do a wholesome analysis of how we prioritize our workload across teams. And on the issue of the number of meetings that we have, we continue to provide guidance and training on holding effective meetings. And lastly on this issue of workload and work-life balance, we have for a couple of years now been utilizing some scheduled flexibility and taking advantage of ability to have some limited telework policies for staff. Next slide please. So under goal two, which really focuses on policies and procedures, there are some really foundational areas of work here. Obviously recruiting and hiring. Recruiting and hiring is a big focus of Diversity, Equity, and Inclusion efforts. And from our perspective, a lot of this work really comes down to ensuring that our policies and systems and processes are consistent and that our staff know how to use them and they have the tools and resources and training to be able to use them effectively.

And our Human Resources team has been doing a fantastic job of building out those systems and resources and getting them out to the team, particularly over the past year when it comes to supporting job performance of the staff. We've also recognized that it's really helpful to provide managers and staff with actual procedures that really support them with being able to offer, as I mentioned earlier, ongoing coaching. We've introduced 360 feedbacks, a part of our performance evaluation process for both not only peers to offer but managers as well. And again, I just can't emphasize enough how much we've beacon Human Resources teams has really done a fantastic job of supporting all of our team Members with really utilizing the performance evaluation process consistently and effectively and offering training and guidance along those lines In terms of individual, professional and career growth, we continue to make clear our promotion procedures and again, providing clear procedures around being able to access time for professional development as well as funding.

In addition, providing an internal platform of some ready-made, self-paced professional development opportunities that staff can take advantage of whenever they'd like. And then we have that platform available and we also utilize other internal platforms to share DEI related learning opportunities and resources stemming from not only the training series that we've been doing, but other opportunities that we learned about across other State agencies. And it's been really fantastic to be able to have a place where we can direct staff not only for general professional development opportunities, but also for DEI resources slide piece.

If we can go to the next slide please. Thank you. So under goal three, which is about account accountability, where we've really found our focus over the last couple of years has been around DEI competency. And so we've actually already established organization-wide, DEI, all team Members are generally expected to have a baseline sort of understanding and knowledge of what are DEI goals, the training series that we offered over the past year. It's definitely intended to help everyone get to the same sort of shared understanding for that competency. And then the DEI team is continuing to partner with the Human Resources team around worldwide competencies and professional development strategies because we look to leverage and integrate the competencies that we are going to associate with job responsibilities and professional development to help folks meet those. We'd like to leverage those to make DEI an integrated practice there rather than simply another further an accountability in terms of performance metrics.

Member of the DEI has been hard of work over the past year developing our indicators and the infrastructure that we basically need in order to utilize them in a consistent and ongoing way. And I did include a reminder, a refresher on what the indicators are that we have proposed. I think we've shared those a couple of times in prior Committee meetings. And so I just want to emphasize that standing up this kind of data collection and monitoring process is definitely, definitely an effort, but we are getting support from teams across NYSERDA around how to do that work. And we're right now on track to be able to launch the phase one of those indicators early next year. Finally, on goal four around industry impact, there were a number of actions under this goal in the Strategic Plan where we've really been able to focus this past year has been around supplier and contractor DEI practices in the, we actually have published a statement within our with Serta component of contractor ethics use on our Serta website really just emphasizing that we the signaling to our contractor network DEI to us and that we hope that our suppliers and defined factors are thinking about this as well.

And we're working with our Contract Managers actually to do further engagement with our contract network to better understand how they may already be utilizing in DEI practices and what kinds of supports they may need to begin doing so or to continue doing so. Next slide please.

So those are, as I said, the ways in which we've been working for the last couple of years in a focused way. And so given that we've essentially settled on what looks to be a dozen or more so priority work periods and we did intend to update the Strategic Plan periodically right now we have an opportunity to really look at fine tuning our approach to the plant for the next few years. So moving on to the next slide please. So what I've laid out here is essentially building on, it's highlighting how we're going to build on the progress that I just highlighted in the earlier slides

around each of these four goals and really focusing on two to five items underneath each of these goals for our update. And you can see here that under engagement, those priorities areas include that work that I mentioned with the senior leadership and management team continued work on orgwide goals, prior position workload, essentially workload under goal two, recruiting, hiring and retention practices, how we set staff up for success around our job performance accountability.

We were really looking forward to being able to integrate those DEI competencies and really looking at how we specify those across business units and job roles. And of course launching DEI indicators and again mentioning under both four that engagement with the contractor and supplier network. Another thing that we're really excited about being able to do is relaunching our DEI Council Member seat rotation soon, Q4 Q1. And this will enable us to get some additional staff feedback on our updated Strategic Plan priorities as we prepared that update. And of course, I can't forget to mention that we have our annual engagement survey coming up again November, which of course will provide us more insights to build into. Onto the next slide please, is my last Thank you.

**Arturo Garcia-Costas:**

Thank you. Oh, go ahead.

**Sherburne Abbott:**

You're the Chair.

**Arturo Garcia-Costas:**

Alright, thank you Michelle, are there any questions from Board Members?

**Sherburne Abbott:**

Yes, I have a question about goal four. Is there any legal leverage one could take to enforce DEI inclusion in all contractors and suppliers?

**Peter Costello:**

You want me to answer?

**Michelle Andry:**

Yeah.

**Peter Costello:**

We could put in our contracts hard goals and metrics and things like that. I think what we're grappling with is how to actually define enforce with respect to third parties. We don't want to take on liability to the extent that we would be forcing something that then could be they could increase their exposure. So it's balancing act right now we have aspirational,

**Sherburne Abbott:**

So you can just ask them what they do.

**Peter Costello:**

Yeah.

**Frances Resheske:**

Could the Supreme Court decision hurt you? That's my second matrixed.

**Peter Costello:**

Maybe we should bring that up in our later private session. I'm not sure want to answer that right now, but yes, we can talk about that unless you want to go in private session now in which we could do.

**Sherburne Abbott:**

Can I ask a version of that question which I think we can address, which is, is there anything to build into the performance metrics that allows you to measure the impact? Because one of the ways in which, I mean obviously as we revisit this, which we will and should in five years time, it would be nice to have the data that show that in fact the pool has changed of candidates. And you could do that through performance metrics.

**Michelle Andry:**

Are you speaking of metrics on hiring?

**Sherburne Abbott:**

Hiring.

**Michelle Andry:**

Okay, could you repeat the question?

**Sherburne Abbott:**

I'm not sure I've had a question, but I'll ask you then. Is there a way address to build a database on that enables you to track any changes on the applicant rules associated with a lowered standard that doesn't include affirmative action?

**Michelle Andry:**

So yes, there is a way to build a database. I would say that that is essentially what one of our indicators looks on. Our indicators involved.

**Sherburne Abbott:**

They already do. Okay.

**Chair Kauffman:**

But I think the related question is, it's one thing to have indicators, it's another question of whether they're correct?

**Sherburne Abbott:**

Correct.

**Chair Kauffman:**

Because right now this is just reporting. And so what are your thoughts about that?

**Michelle Andry:**

So right now, and I would say probably essentially we're not setting necessarily targets, but we are looking around, I mean you asked earlier in a different Committee meeting about benchmarking. So we're establishing benchmarks and looking around to see how we compare to other data sets and use that information to figure out where we may need to look at our systems and our procedures, what more can we do holistically rather than necessarily setting a target or a hard goal, if that makes sense.

**Chair Kauffman:**

So the other question I have, and obviously it's slice of the whole, but in terms of goal four, I have a broad objective of the resources that are supposed to be directed to certain communities. So again, it's a slice, but if what we're trying to do is to create a culture and engagement across the organization, I'm just wondering how those activities which are critical to our Strategic Plan fit into this initiative.

**Michelle Andry:**

That's a great question. I actually didn't mention that particular bullet on my slide even though I have it there. It's actually a question we get from staff a lot as we've launched the DEI initiative. There's definitely interest in trying to understand the synergy between the two. And so we're actually right now kicking off closer work with the team that's focused on energy and climate equity to better understand how we support each other and how we work together to support the staff and being able to execute on that goal.

**Arturo Garcia-Costas:**

So I would like to follow up on Richard's question there because it struck me as I was reading through the proposal and listening to your presentation that if this is an inflection point for us to think about how to adjust things going forward, the notion of perhaps having industry and community impact actually explicitly talking about community impact to get to those moments of intersection between the industry work might be something that we should consider. And I don't think actually based on everything else in the strategy, it really amounts to a mission drift or anything. And the other question I had is have you gotten feedback from the industry this year on the Statement and the work you're trying to do here?

**Michelle Andry:**

Do you mean the doing business with my Statement that I mentioned? So we just recently launched that, so we haven't gotten any feedback on it yet.

**Arturo Garcia-Costas:**

Okay, Chuck.

**Vice Chair Bell:**

So as the consumer representative here, I'm looking at goal four. It also makes me think of consumer impact in the sense that we serve the diverse people of New York State. So to the

extent that NYSERDA has external communications activities or marketing materials about our programs, that we should be ensuring that there's diverse representation of people of New York State in those materials and communications. And so maybe that is part of some other program goals we have. I'm not saying it necessarily has to be part of this plan, but it is something that occurs to me that we want to make sure that people of color, low-income people are included when we're doing representation of who benefits from a certain program is limited English proficient. Yeah. Excellent.

**Michelle Andry:**

Yes, thank you Chuck. It's a really, really excellent point and the Strategic Plan actually does, there are actually a significant number of actions in the plan that essentially refer to that very objective. And so I didn't include it in the priority updates explicitly except for the fact that that's where, when I think about the DEI competencies and specific to business units and specific roles in the organization, I'm really looking forward to being able to work with business units that, for example, I'm just calling out marketing and communications. So that would be a DEI competency that I would be looking to build for that group in order to be able to support that for the entire organization. So that work would be included there. So not only would you be sitting down with them to kind of understand what does infusing DEI within this specific look like, but what do you also need to support them being able to do that.

**Vice Chair Bell:**

Okay. Terrific. Thank you so much.

**Michelle Andry:**

You're welcome.

**Arturo Garcia-Costas:**

Any other questions in New York City or here?

**Peter Costello:**

So go ahead. I would say if you want to go in a private session, I'm happy to do so. Now I think we've got time to discuss Frances's question and there are some underlying other legal issues that were raised here or we can do it.

**Arturo Garcia-Costas:**

I think that's an excellent suggestion, Peter. Thank you. So can we go into private sessions?

**Peter Costello:**

If you ask for resolution?

**Arturo Garcia-Costas:**

Resolution, yeah. Oh, so can I have a resolution to enter the private session? A motion rather to enter the private session?

**Sherburne Abbott:**

So moved.



**Vice Chair Bell:**

Second.

**Arturo Garcia-Costas:**

Move and second. All those in favor?

**Members of the Committee:**

Aye. Aye. Aye. Aye.

**Arturo Garcia-Costas:**

Any opposed? Hearing none. We will move into private session.

**Sara LeCain:**

Okay.

**Arturo Garcia-Costas:**

Aye. Now reconvene the meeting open session. No formal action was taken to the private section and the executive session. So we'll move on to the next agenda item, which is a discussion of the process for appointing Members of the Board. Peter Costello, the Authority's General Counsel will discuss this item. Peter,

**Peter Costello:**

Thank you. Committee chair. We wanted to provide the Committee with a brief overview of the process for appointing Members to the Board pursuant to Section 1852 of the Authority's enabling statute, the Board is comprised of 13 Members, four of whom serve ex officio and nine of whom are appointed by the Governor with the advice and consent of the Senate of the nine Members to serve at large. So they can be certain you, they can be filled generally and others must come from various backgrounds as follows. One must be an engineer or a research scientist with a degree in the physical sciences or engineering who has not been employed in the nuclear fission field for three years preceding their appointment and who must not be so employed during their term. Second is one

One must be an economist who shall not have received more than one 10th of their income from electric utility or gas utility for three years preceding the appointment. One must be a Member of a not-for-profit environmental group. One must be a Member of a not-for-profit consumer group and one must be an Officer of a utility, primarily engaged in distribution of gas and one must be an Officer of an electric utility. The Governor's appointments are made by seeking individuals who would fit in these classifications and have an interest in NYSERDA's mission and work names for consideration are derived in a variety of ways. The Governor's Office may have various people in mind who fit these roles or we can suggest names to the Governor's Office ourselves. The timing for these discussions normally begin once each year's legislative session is underway. So the winter spring time timeframe, once the Governor does decide on an appointment and appointee will appear before the Senate Committee for a hearing following the hearing, the appointee will be presented to the full Senate for confirmation. Should Members of this Committee or really any Board Member have individuals in mind who may be suitable, they

can be submitted to Richard or to Doreen. And assuming suitable Doreen can pass these along to the Governor's Office for consideration along with other potential appointees that the Governor's Office is gathering. So that's the process in a nutshell. Any questions or discussion on that?

**Arturo Garcia-Costas:**

I actually have a question on that process. I was speaking a little bit with Sara and over, since NYSEDA was founded, there's been a couple of times that the governing statute has been adjusted mainly for the titles of various Officers or various Board Members, governing Board Members. But something that I think that we should think about, I don't know if it's for this year or perhaps next year, is this notion of looking at our governing Board within the context of the CLCPA, the scoping plan and implementation to see whether there are things we should recommend to the Governor or think about to make our governing Board more able to help with the implementation of CLCPA and the Governance of the organization in the context of that implementation. And I don't know what the process might be for addressing that or discussing that, but I think it's something worthwhile to think about for 2024.

**Peter Costello:**

So I could address the process piece if you want. So in order for legislative changes to be introduced, they first would have to be originated from us and then a request to the Governor's Office, and then the Governor's Office would have to decide to take that up with all of the other, you can imagine all of the other things the Governor's Office is addressing through legislation and priorities, et cetera. But it would originate with us and then go through a process that may or may not be tracked with sort of a timeframe that you have in mind.

**Arturo Garcia-Costas:**

Excellent. I just think it's something that perhaps the Governance Committee can begin to discuss, not actually wanting to move forward in a way that applies pressure and appropriately pressure to the Governor's Office, but I do think it's something that's worth talking about and considering. So are there any other questions? Thank you, Peter. There is no formal action on this item. The last item is other business. Are there any other matters that our Members wish to discuss at this time? Hearing none, may I have a motion to adjourn?

**Vice Chair Bell:**

So moved.

**Arturo Garcia-Costas:**

Second.

**Sherburne Abbott:**

Second.

**Arturo Garcia-Costas:**

Was that Shere?

**Sherburne Abbott:**

Yes.

**Arturo Garcia-Costas:**

So all in favor?

**Members of the Committee:**

Aye. Aye.

**Arturo Garcia-Costas:**

Any opposed? Hearing none. The meeting is adjourned.