



RHODE ISLAND BAYS, RIVERS, & WATERSHEDS COORDINATION TEAM

Meeting of June 11, 2014

RI Commerce DRAFT Minutes

Coordination Team Members in Attendance: Depart. Of Environmental Management: Sue Kiernan; Narragansett Bay Commission: Tom Uva; Statewide Planning: Jared Rhodes, RI Rivers Council: Veronica Berounsky; Coastal Resources Management Council: Jeff Willis

Coordination Team Members Absent: RI Water Resources Board

BRWCT Staff: Ames Colt, Melissa Deciantis

Other Attendees: William Sequino, Jr. Exec. Director RI Clean Water Finance Agency

BRWCT Administration

Meeting was called to order at 2.00 pm.

Meeting minutes for the April 2014 meeting were approved with one edit.

Project Updates

Colt reported that eight bids have been received for the Climate Change Vulnerability Assessment. The bid review meeting is scheduled for June 19.

The review team for consultant bids for the Upper Bay Water Quality Stakeholders Process selected the Horsley Witten Group to serve as project consultant. A modified scope of work has been developed and the contractor, Uva, and Kiernan are reviewing it. The goal is to convene two project steering committee meetings over the summer and kick off the technical stakeholder meeting in September.

The first RfP issued by the new Southern New England Coastal Water Restoration Program RFP has been released and pre-proposals reviewed. Final proposals are due July 21.

The Narragansett Bay Estuary Program is working to convene a Narragansett Bay modeling workshop to reach broader consensus on which modelling tools are most appropriate for particular management assessments and decisions.

The Narragansett Bay Science Advisory Committee will be formally established this month. The Estuary Program has recently reached agreement with Courtney Schmidt to serve as the full-time science officer for the Program.

The SUD Feasibility Assessment Phase II Final Report for the Town of Middletown was issued early May. Town officials are scheduling a workshop for the town council to review the report and establish next steps. The project consultant AMEC is developing cost estimates to perform a Phase III Assessment. Newport City Manager Jane Howington has expressed interest in partnering with Middletown on stormwater management.

The final draft of the Upper Bay Inter-Municipal Stormwater Utility District Feasibility Assessment Phase I Report will be issued next week. DEM and the City of Providence expect to hear this month on the status of their proposal for Sandy Recovery funds (\$400,000) to expand the project's Phase II Assessment. Phase II of the assessment project will commence in August.

Uva mentioned that the draft report initially separated the Stormwater Utility District into areas that discharge to separate stormwater systems and those that discharge to combined sewer systems managed by the Narragansett Bay Commission. The initial draft was going to address only properties connected to separate stormwater systems. This was updated in the final draft so that the stormwater management district would evaluate the costs necessary to address all the minimal MS4 stormwater compliance issues throughout the proposed Stormwater Utility District.

Walker noted that there will likely be major concerns about how a stormwater management district will interface with local and state stormwater permitting processes. Permit terms and compliance will be need coordination with fee setting and appeal processes.

Colt stated that implementation will ultimately be successful if property owners recognize stormwater as a significant problem, and if there is sufficient political support for establishing a municipal or inter-municipal stormwater management fee. If a commercial property's development included constructed of low impact development (LID) stormwater control systems, the property owner would be eligible for stormwater treatment credits, lowering the property's stormwater fee. A credit system and other mechanisms to fairly implement a new stormwater management district would be central to the design of any stormwater management district .

Walker asked Sequino if, in his new role as Exec. Director of the RI Clean Water Finance Agency, he is encountering municipalities with limited borrowing capacity for capital projects. Walker expressed concern about placing municipalities in a situation where they are no longer able to service their overall debt.

Sequino replied that RI municipalities must pledge a revenue stream in order to participate in the RI Clean Water Finance Agency loan programs. In terms of establishing stormwater management districts as a financing mechanism, Sequino expressed uncertainty about whether there are other viable means to address such a capital need.

Walker acknowledged that there is a great deal of deferred infrastructure maintenance and renovation need for stormwater infrastructure statewide but expressed concern that state and federal authorities are adding new regulatory requirements for local stormwater management that will increase minimal required levels of stormwater treatment and infrastructure.

Sequino noted that in order for a project to be placed on the DEM Office of Water Resources' (DEM OWR) Project Priority List, it must demonstrate that it will address significant pathogen

contamination problems. Stormwater discharges in Rhode Island's urbanized watersheds are significant sources of pathogens and hence projects to address stormwater are placed on the PPL. Sequino suggested that the project priority rating system could be modified so that other cities and towns can apply for subsidized RICWFA loans to address a wider suite of stormwater impacts.

Keirnan added that DEM OWR's recent statewide clean water needs survey attempted to generate more information on stormwater needs. She said that there has been discussion about updating the PPL ranking criteria to better serve stormwater projects.

Colt said that Rhode Island is at a critical juncture for water quality management and infrastructure redevelopment in Narragansett Bay. Regulatory requirements continue to evolve, but not necessarily at a rapid pace. Rhode Island needs to work with its municipalities to develop long-term plans for stormwater and other types of water infrastructure.

RI Environmental Monitoring Collaborative –

Colt reported on the meeting of the Environmental Monitoring Collaborative on May 29, which provided detailed updates on monitoring programs in 2014. A summary of the meeting will be made available. A URI Coastal Institute intern Terri Breedan has been hired to assist in producing the 2013 summary report, due out in August.

The Watershed Counts report is due out for public release this summer.

RI Executive Council on Climate Change –

Colt recommended close review of the material on Goal 7 of the Council report released on May 28, 2014. Colt has offered to assist in the work of the Council with further discussions with the Governor's Office likely to occur this summer.

Review of New BRWCT Funded Projects for FY 2015

Kiernan is working with Kathy Crawley of WRB to finalize the USGS water monitoring agreements for FY 2015. In FY 2014, the BRWCT authorized up to \$342,711 for the USGS agreements. Working with Colt, they developed a BRWCT FY 2015 funding target for the program of \$291,000, funded by the BRWCT OSPAR monitoring allocation, and \$51,000 from the BRW Fund. USGS has analyzed their field operations and monitoring networks and produced a revised scope of work that will bring them under the \$291,000 cap.

Colt explained that the cap was required in order to fulfill BRWCT commitments to other projects. Rhodes asked what the total request for the USGS water monitoring program would be to maintain it at historic levels, and how much the total cost would be greater than the \$291,000 allotted. Kiernan said that the state and USGS agree that the funding required to fully fund the water monitoring programs is \$346,000, \$55,000 higher than the \$291,000 allotment. It is hoped that the WRB will continue to receive sufficient budgetary support in FY 2015 to provide this remaining amount.

Uva asked if the scaled-down program for FY 2015 would include large river monitoring at the state border. Kiernan answered that there are five key monitoring stations. One on the Branch River functions as a reference station for entire Blackstone River system. The Manville gage station has the longest record historically, so there is a reluctance to drop it. At the mouths of the

Pawcatuck and Blackstone Rivers, there are stations for regular monthly flow and water quality monitoring. The Millville station on the Blackstone is being funded by the Mass DEP for FY 2015.

The USGS has suggested doing a data comparison project with the NBC water quality monitoring program. Uva welcomed the idea and suggested that they look at which stations are duplicative. NBC surveys monthly water quality at the borders and the mouths of the rivers.

Rhodes asked about the BRWCT FY 2015 level of support for the Shoreline change SAMP as stated in the draft BRWCT FY 2015 work plan budget Colt distributed at the meeting. Colt acknowledged that the BRWCT support for the Shoreline Change SAMP may have to be stretched out over FY 2015 and FY 2016 in order for the BRWCT to meet all project funding needs. But Colt feels that the long delays associated with project invoicing by URI will enable BRWCT to meet all of its commitments over the next two fiscal years.

RI Rivers Council Proposal

Berounsky presented the revised proposal from the RI Rivers Council (RIRC) to the BRWCT. The revised proposal focuses more on stormwater, particularly low-cost projects that can be done without permits and will produce tangible outcomes. Some watershed council projects could target outreach needs, such as maintaining watershed council websites and sharing information across the councils regarding stormwater management.

Kiernan endorsed the focus on stormwater and small, doable projects. She expressed concern that the proposal implied that project design support may be provided by DEM and CRMC. Berounsky replied that she added that recommendation to encourage engagement by DEM and CRMC with what RIRC will undertake statewide. Kiernan said that the agencies can provide technical advice but not design recommendations. Berounsky said that is fine, especially given that the projects to be funded will not require significant design work.

Colt asked if the RIRC is going to pay for qualified environmental consulting mentioned in the proposal, or would such support be provided by volunteers? Berounsky replied that it depends but such a cost could be included in a project budget (maximum of \$3,000).

Kiernan said that it is important to document improvements in water quality stemming from future watershed council projects. She suggested that if there is interest in water quality assessment, RIRC should consult with the BRWCT about what could be done to make it meaningful.

Rhodes asked if there is anything from DEM or CRMC that the RIRC could use to review project proposals by the watershed councils. Kiernan answered that DEM has a series of TMDL watershed-based recommendations for stormwater pollution controls, many of which would be far more expensive than what the watershed councils could handle. Nevertheless, small riparian buffer projects or rain gardens would contribute to TMDL goals and recommendations.

Rhodes asked who would serve as the fiscal agent for the Rivers Council for this grant. Berounsky said that the fiscal agent would be the Woonasquatucket Watershed Association.

Rhodes expressed uncertainty as to how many and which types of projects would be done across the designated watershed councils. He asked if individual watershed councils would decide which projects are funded by the BRWCT grant, or if the RIRC would make those decisions. Berounsky

said that the RIRC will make all final funding decisions. The RIRC would like to do five projects one year and four to five the second year. Rhodes suggested that given the uncertainty about the projects to be funded, perhaps the BRWCT should review the RIRC's project selection and provide guidance in terms of eligibility prior to the RIRC executing and contracting for those projects.

Willis made a motion to approve the RIRC revised proposal for funding in FY 2015. Walker seconded. Motion passed unanimously with Berounsky abstaining.

Updates on BRWCT-Funded FY 2015 Projects

Colt is putting together an request for proposals for the West Warwick Phase II SUD Feasibility Assessment Project. The RfP will reflect the BRWCT's stated preference for a strong focus on actual stormwater remediation projects in West Warwick. There will also be an RFP developed for the Bristol SUD Feasibility Assessment Project.

Proposal for an Integrated Planning Framework Task Force

Referring to the memo on an integrated planning framework (IPF) task force circulated to the BRWCT (appended to the minutes), Colt reported on an EPA funding opportunity to underwrite an IPF task force with an application deadline of June 27. The BRWCT agreed that this funding opportunity was not well-timed as other BRWCT-funded projects need to be pursued first. Colt recommended (and the BRWCT endorsed) insertion into the BRWCT FY 2015 Annual Work Plan of a BRWCT recommendation to help establish and support an integrated planning framework task force, as per the draft memo circulated to the BRWCT (appended to these minutes).

Update of the Bays, Rivers, and Watersheds Systems-Level Plan (SLP)

Colt set a goal of completing an SLP update within one year once the update process was initiated.

Regarding the particulars of the SLP Update, Colt recommended that the BRWCT retain the overall organization of the first SLP consisting of 8 policy domains. He proposed establishing a core working group and convening broad-based focus group sessions dedicated to each of the 8 policy domains. These sessions would review and help synthesize existing state plans and management priorities and help to extract the key goals, strategies and objectives.

Many recent planning efforts will provide ample material for an update to the SLP. The update process must draw from and not simply repeat the findings of recent planning efforts.

Colt stated that development of the BRWCT FY 2015 Work Plan should be used by the BRWCT to refine its approach to and goals for systems-level planning. The FY 2015 work plan will include projects and programs not directly funded by the BRWCT in order to begin delineating "project portfolios" that function across agencies and governments, and are intended to contribute to a water resource management priority area in an integrated, coordinated manner. Colt asked for BRWCT members to provide him input regarding additional projects that could be included in the final draft of the FY 2015 work plan.

Colt emphasized that any insights the BRWCT could provide on how different programs within a portfolio connect to and support each other would significantly strengthen the FY 2015 work plan. That will be his focus in pulling together a final draft of the FY 2015 work plan by July 25.

Walker requested that the FY 2015 work plan incorporate efforts in water-reliant economic development that span private and public sectors, such as the recent expansion of Electric Boat at Quonset Business Park, other Rhode Island defense economy developments, and the boat building and services sectors. Colt suggested that in addition to such a review of the major components of RI's water-reliant economy, the work plan should continue its focus on maritime transportation, increase review of state work force development needs for its water-reliant economy, and incorporate or cite relevant recommendations from the major economic development planning efforts currently underway (Rhode Map RI & the CommerceRI Economic Intersections Report).

Colt stated that initially he had recommended completing the SLP Update by the first quarter of FY16. However, given the need to complete ongoing planning efforts, and the need for the BRWCT to choose carefully how the Chair and his assistant prioritize their time in FY 2015, Colt requested that the BRWCT to agree on how the SLP Update will unfold during FY 2015 for incorporation into the FY 2015 work plan, or agree that the SLP Update should be undertaken at a later date. Walker, Uva, and Kiernan noted the several important water planning efforts still underway (the SGP Water Quality Element, the RI Shellfish Management Strategic Plan, the Shoreline Change SAMP, Rhode Map RI, and Economic Intersections) and how difficult it will be to motivate diverse stakeholders to participate in yet another statewide planning process. Colt and BRWCT agreed to consider a revised SLP Update schedule that would begin the update in the spring of 2015.

Meeting adjourned at 4:00 pm.

Addendum I:**DRAFT Proposal for a Task Force to
Develop an Integrated Planning Framework to Guide Equitable Financing of
Water Quality Restoration and Management in Narragansett Bay****Ames B. Colt, BRWCT Chair
June, 2014**

The advancement and financing of stormwater and wastewater treatment for upper Narragansett Bay is at a critical juncture. The Narragansett Bay Commission (NBC) has initiated review of the design of Phase III of the NBC CSO Abatement program as Phase II comes to completion in 2014. We continue to grapple with water quality impairments caused by warm weather hypoxia¹. We are working with municipalities to apply the 2010 RI Stormwater Design and Installations Manual to redevelopment of properties within the Urban Services Corridor (see Land Use 2025). We are actively exploring the development of an inter-municipal stormwater management district for six upper Narragansett Bay cities.² And we are beginning to assess the capacity of aging urban stormwater and sewerage infrastructure to handle intensified precipitation and sea-level rise due to climate change via efforts such as the CRMC Shoreline Change SAMP and systemic vulnerability assessments for drinking water (DOH) and wastewater infrastructure (DEM/BRWCT).

Adequately treating wastewater and stormwater is expensive, technologically demanding, and energy-intensive. Due to age and historical neglect, sewerage and stormwater infrastructure throughout upper Narragansett Bay is in dire need of replacement and renovation. Intensifying precipitation and sea-level rise will require additional investments to increase the climate resiliency of future stormwater and wastewater infrastructure.

There is already a lengthy “priority project list” (PPL) for wastewater and stormwater treatment projects eligible for funding via the RI Clean Water Finance Agency (RICWFA). The 2014 PPL (assembled by DEM) totals \$1.8 billion in estimated costs statewide. In contrast, in March 2014 the RICWFA sold \$55.9 million in AAA-rated bonds for “clean water projects”, sufficient to generate \$90 million in total financing capacity for projects to be undertaken by Cranston, Warwick, Woonsocket, and NBC.

¹ The two most important causes of water quality impairment and water resource degradation and loss in Narragansett Bay are hypoxia/anoxia due to nutrient inputs (point, non-point, and atmospheric) and pathogen contamination due to stormwater (and other sources).

² Additionally, pending release of new EPA Region I requirements, we will soon begin the process of renewing Rhode Island’s “RIPDES General Permit” for small municipal separate storm sewer systems (MS4s), which in turn will led to state review of individual municipal stormwater management programs in accordance with stricter requirements.

Federal funding for wastewater and stormwater treatment has remained flat for years, declining in actual purchasing power. It flows to states and municipalities from annual EPA budgets via State Revolving Fund (SRF) capitalizations, essentially a subsidized

loan program (instead of facility construction grants). The Obama Administration has repeatedly proposed reductions in state SRF capitalization by the federal government and for FY 2015 called for a reduction of \$431 million to the Clean Water SRF, a 30% cut.

So far, Congress has not accepted the Administration's proposed SRF cuts. Upper Narragansett Bay municipal budgets remain severely constrained, with Central Falls having recently emerged from state receivership and the City of Providence narrowly avoiding bankruptcy in 2011. There is little if any appetite among municipal leaders and urban residents and businesses for shouldering increased municipal investments in wastewater and stormwater treatment, whether funded by property tax revenues, utility fees, or other financing mechanisms.

Finally, investments by NBC to upgrade its wastewater treatment facilities for enhanced nitrogen removal and to complete Phases I and II of its CSO Abatement Project, have increased its annual residential sewer fees from about \$160 in 2012 to about \$540 in 2014, a 330% increase. (Annual residential fees could increase to about \$650 by 2017.) Much of the growth in these rates is due to NBC's substantially increased debt service costs from the CSO Abatement Project. Additionally, NBC member communities Providence and Pawtucket have proposed that NBC take over rehabilitation and maintenance of their "lateral sewers" which are in poor condition, potentially adding substantial new financing requirements upon the NBC commercial and residential ratepayer base.

Rhode Island needs to comprehensively address these water quality management and financing issues via development and application of an Integrated Planning Framework (IPF). An EPA Office of Water 2011 memo states:

Integrated planning will put municipalities on a critical path to achieving the water quality objectives of the CWA by identifying efficiencies in implementing sometimes overlapping and competing requirements that arise from separate waste- and storm-water programs, including how best to make capital investments and meet operation and maintenance requirements. Integrated planning also can lead to the identification of sustainable and comprehensive solutions, such as green infrastructure, that improve water quality as well as support other quality of life attributes that enhance the vitality of communities.

NBC has already called for development an IPF for upper Narragansett Bay, and intends to beginning develop information required to do so during its CSO Phase III Re-Evaluation. This re-evaluation however is just one of three major assessments underway that would be relevant to IPF development.

Re-Evaluation of Phase III of NBC CSO Abatement Project
Narragansett Bay Commission

(March to December 2014)

Goal: *Re-evaluate technologies and controls for combined sewer overflows and convene a stakeholders' process to advise on construction alternatives for Phase III of the NBC CSO Abatement Project.*

Upper Narragansett Bay Regional Stormwater Utility Feasibility Study: Phase I & II

City of Providence, DEM, and BRWCT

(September 2013 to September 2015)

Goal: *Evaluate the feasibility of establishing a regional stormwater utility with local communities and the Narragansett Bay Commission. The cities of Providence, Pawtucket, Central Falls, Cranston, East Providence, and Warwick are participating. (North Providence participated in Phase I only, but is exploring development of its own SUD.)*

Upper Narragansett Bay Water Quality Facilitated Stakeholder's Process

BRWCT

(June 2014 to June 2015)

Goal: *Identify, evaluate, and assess the feasibility of selected sustainable, cost-effective management strategies for improving the water quality and overall ecological health of upper Narragansett Bay*

Together these three projects will assess the feasibility and costs of alternative wastewater (nutrient) and stormwater control strategies and needs (CSO abatement is essentially a stormwater management challenge.).

We should actively promote among these (and other) projects “cross-fertilization” of information and data on alternative treatment and flow management technologies and strategies, treatment and management costs, funding sources and financing mechanisms; and we should ensure that these projects serve as building blocks for IPF development for upper Narragansett Bay. Therefore, the BRWCT, under RIGL 46-31-9 (appointment of advisory committees) and RIGL 46-31-5 (development and implementation of a Systems-Level Plan), proposes to establish a Task Force with a mandate to initiate development of an Integrated Planning Framework for upper Narragansett Bay.

The “IPF Task Force” would draw from the expertise and outputs developed by ongoing assessment projects, EPA draft water quality management affordability guidance, EPA guidance for IPF development and implementation, input and guidance from RI legislative, executive, and municipal leaders, clean water advocates, the new Executive Office of Commerce, experience with IPF development in other cities and regions, and other sources of insight and information that the Task Force develops.

Given its mission, agency membership, and reporting responsibilities to the Governor and the General Assembly, the BRWCT is well-positioned to lead development and administration of an IPF Task Force. The BRWCT could provide administrative and logistical support and would incorporate future Task Force findings into its planning and funding programs. Timing the launch of the Task Force would be contingent upon feedback from key stakeholders and government officials. However, a launch in early 2015 would enable ongoing projects to make significant progress and for the BRWCT to refine the purpose and potential membership of the Task Force through discussions with

the Office of the Governor, municipal
Narragansett Bay stakeholders.

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OFFICE OF THE CHAIR
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COORDINATION TEAM

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April 18, 2014

From: A. Colt

To: RI BRWCT members, K. Brock Office of the Governor, N. Rohr URI Coastal Institute

Re: BRWCT FY 2015 Work Plan

As we have discussed, the BRWCT FY 2015 work plan will be expanded in terms of the projects it identifies and connects in relation to the six priority areas we have emphasized over the last several years (stormwater management, climate change adaptation, estuarine and ocean science and management, freshwater resources management, water-reliant economic development). Thus, in addition to stipulating those projects the BRWCT funds, and major activities of my office and the BRWCT advisory committees, the work plan will identify projects being implemented by state agencies and partners relevant to our priority areas. Please see the April 2014 work plan outline accompanying this memo for an initial list of the projects to be identified. If there are other agency-led or funded projects you think should be included, please let me know.

In addition to fulfillment of the BRWCT's statutory mandates,ⁱ what is the value and utility of expanding the BRWCT work plan? Interagency planning for water resources management should foster the conjoining of distinct missions and programs of Rhode Island agencies into a coherent, responsive, and high-performing system of water resources governance. Specific benefits include:

- Strengthen consensus and cultivate support for science and monitoring
- Enhance interagency review and regulatory processes and outcomes
- evaluate progress toward strategic interagency goals
- Improve public transparency and communications regarding interagency priorities and their collective implementation
- Identify functional gaps in executive programs
- Guide the allocation and enhancement of funding for staff, skill and knowledge development, and operations across water agencies and their support networks
- Cultivate state and federal partnerships with **municipal governments**
- Advance systems-based management paradigms such as integrated coastal management, watershed management, and ecosystem-based management.

As a template for pursuing an expanded BRWCT work planning cycle and for updating the Bays, Rivers, and Watersheds Systems-Level Plan (SLP) in FY 2015, I propose to draw upon “**strategic enterprise performance plan**” (SEPP) concept developed by the Partnership for Public Service.ⁱⁱ A SEPP is defined as a “comprehensive government-wide blueprint” that can be utilized to identify the water resources goals and functions “that can be best achieved by the whole-of-government enterprise.” It addresses “cross-agency mission and functions” and therefore focuses on “matters requiring collective agency activity and clarifying each actor’s role in the achievement of [strategic] goals.” A SEPP should “align and integrate all of the programs that contribute to a particular goal, taking a **portfolio approach** to that alignment. Such an approach forces a holistic view of the goal’s constituent programs and their associated resources. Thus, [over time] a portfolio approach will unify the efforts of all the agencies that own contributing programs.”

The purpose and benefits of a SEPP match well the stated purposes of the SLP. But it is also useful as a template for the BRWCT annual work plan, especially as the SLP and the work plan are to be closely linked.

Other proposed features of the BRWCT FY 2015 Work Plan

The work plan will provide a single, integrated budget for the BRWCT’s two funding sources, the Bays, Rivers, and Watersheds Fund which is supported by revenues from our two dedicated fees and the OSPAR allocation for environmental and economic monitoring; and a review of the costs of other identified projects and their funding sources. The work plan will also contain a roadmap for an updating and revising the SLP.

Who are the audiences for an expanded work plan?

BRWCT work plans should inform the work of state and municipal executive officials, the RI General Assembly, and the diversity of water resources stakeholders active in Rhode Island, from environmental and economic interests to federal programs actively engaged in Rhode Island with regard to all aspects of water resources management and sustainable development.

How will the FY 2015 work plan be produced?

Here’s the timeframe:

April, 2014: Outline reviewed and approved
 May-June, 2014: information collection and drafting
 June 10, 2014: circulation of initial draft to BRWCT for comment
 July 31, 2014: issuance of final draft for BRWCT approval

I will work with Melissa Deciantis to collect basic information from your agencies on identified projects not funded by the BRWCT. Again, any suggestions you may have for additional projects we should highlight, please let me know.

ⁱ The Annual Work Plan shall include, but not be limited to, SLP priorities, individual work plan elements, and significant program products including proposed regulations, grant solicitations, schedules for production of environmental documents, and project selection processes.

(RIGL 46-31-6)

ⁱⁱ Partnership for Public Service. 2013. Building the Enterprise: Nine Strategies for a More Integrated, Effective Government.