



WHPA Compliance Committee Teleconference Summary Notes
Thursday, October 12, 2017
Scheduled for 8:30am – 9:30am PDT

Call to Order

WHPA Compliance Committee Chair Bob Barks (CALBO) called the meeting to order at 8:36 a.m. PDT. The meeting was recorded for note purposes.

Roll Call

WHPA Staff (Wendy Worrell) conducted roll call of the voting panel during the meeting. There was a quorum (9 or more voting members or proxies) with 9 voting members (or proxies), and the following 24 participants (or proxies) overall based on attendance reporting documentation.

P = Present at meeting A = Absent from meeting; if proxy has been assigned it will be noted below.				
Organization	First Name	Last Name	WHPA Category	Attendance
Voting Members				
ACCA (Air Conditioning Contractors of America)	Todd	Washam	Contractor Association	A
	Don (standing proxy)	Prather	Contractor Association	A
Brody Pennell Heating, Air Conditioning and Electrical Contractors	Michael	Carson	Contractor (Residential)	P
CALBO (California Building Officials)	Bob	Barks	Codes & Standards Official (Association or Jurisdiction)	P (Chair)
CalCERTS, Inc.	Charlie	Bachand	Certifying Body	P
	Russ (standing proxy)	King	Certifying Body	A
CEC (California Energy Commission)	Lea	Haro	Government (Other than CPUC)	P
CHEERS	Bob	Johnson	Certifying Body	A
	Mike (standing proxy)	Hodgson	Certifying Body	A
CSE (Center for Sustainable Energy)	Lindsey	Hawes	Energy Efficiency Program Consultant	P
Enalays	Eric	Taylor	Third Party Quality Assurance Providers	P
Energy CA LLC, The	Eric	Beriault	Third Party Quality Assurance Providers	P
Goodman Manufacturing	Aniruddh	Roy	HVAC Manufacturer	P
HARDI (Heating, Airconditioning & Refrigeration Distributors International)	Jon	Melchi	Distributor Association	A
HVACRedu.net	Scott	Oakley	Educator, Trainer	A
IHACI (Institute of Heating and Air Conditioning Industries)	Bob	Wiseman	Contractor Association	A
JCEEP (Joint Committee on Energy and Environmental Policy)	David	Dias	Organized Labor	A
SynergyNexGen	Barbara	Hernesman	Energy Efficiency Program Consultant	A ("Aye" votes cast by phone)
Non-Voting Members				
AHRI (Air-Conditioning, Heating, and Refrigeration Institute)	Garrett	McGuire	HVAC Manufacturer Association	P
Air Conditioning Guys (Becerril Air/dba A/C Systems)	Louis	Fuentes	Contractor (Residential)	P (for only 5-10 min)
BMA Mechanical+	Dustin	Lane	Other Stakeholder	P
BPI (Building Performance Institute, Inc.)	Jeremy	O'Brien	Certifying Body	P
Charles F. Segerstrom, Energy Efficiency Consultant	Charles	Segerstrom	Energy Efficiency Program Consultant	P
Duct Testers	Dave	Hegarty	Other Stakeholder	P
EnerGtech Experts	Brent	Locke	Energy Efficiency Program Consultant	P
SCE (Southern California Edison)	Gary	Shushnar	California IOU	p
SoCalGas (Southern California Gas Company)	Hackett	Barney	California IOU	p
SoCalGas (Southern California Gas Company)	Harvey	Bringas	California IOU	p
Guests				
CPUC (California Public Utilities Commission)	Peter+	Biermayer	California PUC	P
CSLB (Contractor State Licensing Board)	Marvena+	Harris	Government (Other than CPUC)	P
Goodman Manufacturing	Jennifer	Andjelich	HVAC Manufacturer	P (New)
WHPA Staff				
BJGustavson Consulting (covering for Wendy)	Bonnie	Gustavson	Other Stakeholder	P (Host/Roll Call/Recording)
CLEAResult	Paul+	Kyllo	Other Stakeholder	P (White Paper)
InfoPlast	Wendy	Worrell	Other Stakeholder	A (Scribe)



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** Organization is Not a Member of the WHPA; + Individual is NOT Registered with the WHPA; (P) = Member Organization is Pending Approval from the WHPA Executive Committee.

AGENDA

The following agenda was distributed to the WHPA Compliance Committee roster by WHPA Staff prior to the meeting:

GENERAL REMINDERS

- Adherence to the WHPA **Code of Conduct** is required.
- Disclose any potential conflicts of interest as it relates to meeting content, particularly prior to any votes that may occur.
- Identify yourself prior to speaking, clarifying the organization on whose behalf you are speaking, or if you are making a personal comment.
- Mute yourself when not speaking. (*6 will take you on and off mute.)

AGENDA ITEMS

- 1) **Roll Call of Voting Members** – WHPA Staff (Bonnie Gustavson) – 5 min
- 2) **Approval of Prior Meeting Minutes** – Compliance Chair (Bob Barks, CALBO) – 2 min
 - a. September 14, 2017
- 3) **Online Permitting Working Group Best Practices Memos** – OPWG Chair (Louis Fuentes, Air Conditioning Guys) 15 min
 - a. Overview
 - b. Vote to Approve and Escalate to the Executive Committee
- 4) **“Understanding the Residential HVAC Compliance Shortfall” DRAFT White Paper Vetting** – Chair (Bob Barks, CALBO) – 30 min
 - a. Continued Solutions Vetting
 - i. *Starting with Cynthia Moore’s Gap #2 suggestion that “if there was a statewide online permitting system, CSLB could explore putting it in their testing system when contractor licenses are issued, which would force the education”.*
- 5) **The Future of the WHPA Compliance Committee** – Chair (Bob Barks, CALBO) – 5 min
- 6) **Next Steps Overview** – Chair (Bob Barks, CALBO) - 3 min
 - a. Next Meeting: Tuesday, October 17, 2017 from 12:00pm – 1:00pm PDT
 - b. Next Meeting Agenda: White Paper Final Review and Escalation Vote
- 7) **Adjournment** by 9:30am PDT – Chair (Bob Barks, CALBO)

Approval of Prior Meeting Minutes

WHPA Staff email distributed the draft September 14, 2017 minutes to the roster prior to the current meeting.

The Chair asked for a motion to approve the September 14, 2017 meeting minutes. Mike Carson (Brody Pennell) so moved with a second from Eric Taylor (Enalasy). The motion carried with “aye” votes voiced by all eligible voters except for Goodman Manufacturing (Aniruddh Roy) who abstained due to absence the referenced meeting.

ACTION: WHPA Staff to post the September 14, 2017 meeting minutes in final version on the WHPA Compliance Committee webpage.

Online Permitting Working Group – Best Practices Memo

WHPA Staff emailed the following reference document to the roster prior to the meeting: “OPWG Memo to Compliance Committee – Best Practices – Approved by OPWG 9.11.17.pdf”.

As the WHPA Online Permitting Working Group Chair, Louis Fuentes (Air Conditioning Guys) was unable to remain on the meeting call, the Compliance Committee Chair reported that the Online Permitting Working Group (OPWG) has been working to complete this year’s task, one of which was the “Review of Best Practices in Online Permitting Memo” that they request the WHPA Compliance Committee review for approval and escalation to the Executive Committee for approval as WHPA Work Product.

- The OPWG looked at existing systems and did some research on how those systems have been accepted by jurisdictions, the public, and contractors. This included review of articles about systems in Oregon and in San Francisco to determine the best elements of an online permitting system (OPS).
- The goal was to look at what was currently available in the market and evaluate what features contractors, jurisdictions, and users see as most important for what they most need in an OPS.
- Paul Kylo with WHPA Staff helped consolidate content into the final document.



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- The document findings were summarized into 20 concise conclusions on page 5 of the Memo. This represents the OPWG’s analysis of the features that should be involved, limitations of some of the available existing OPS, and suggestions for how some shortfalls could have been mitigated.

The Chair noted that this Best Practices Memo is the fifth of six documents* going through the Compliance Committee. These have been evidentiary or foundational documents to date and will be used as the base for the final Memo document, which will further discuss the feasibility of having an online permitting system within California. The Chair asked Compliance Committee members to keep in mind that while the Best Practices Memo is a standalone document, it also serves a foundational purpose for the final document produced by the OPWG. It is hoped that the OPWG’s Feasibility of Online Permitting Memo will be available for review at the next WHPA Compliance Committee meeting as well.¹

**WHPA Staff Note: The prior four OPWG Work Products approved through both the Compliance and Executive Committees are the:*

[Online Permitting Contractor Survey Results Memo \(September 2017\)](#)

This survey obtains California contractor input about the feasibility of a statewide online permitting system (OPS) which would enable permit application and obtainment, as well as tracking of permits issued. The survey aimed to ascertain information about if an online application could improve the efficiency and accessibility for both contractors and building departments, and enhance code compliance and statistical accuracy of permit reporting.

[Online Permitting Jurisdictional Survey Results Memo \(September 2017\)](#)

This survey obtains California Building Department Jurisdictional input about the feasibility of a statewide online permitting system (OPS) which would enable permit application and obtainment, as well as tracking of permits issued. The survey aimed to ascertain information about the current status of individual jurisdictions’ online permitting systems (OPS) and to assess the viability of a statewide OPS to increase HVAC mechanical permits.

[Minimum Legal Requirements for a Building Permit Memo \(April 2017\)](#)

This memo summarizes the minimum requirements that local building departments are required to collect through the permitting process. It also compares those permit requirements with what is required on the CF-1R compliance form to determine any commonalities. Identifying these minimum requirements can be used to establish baseline criteria upon which an online permitting framework can be built.

[Legislative and Regulatory Policy Issues Affecting Online Permitting Memo \(April 2017\)](#)

This memo summarizes several recent pieces of legislation that have some influence over permitting and compliance. The specific legislation reviewed includes AB 802, SB 350 and SB 1414. In general, permitting and compliance are typically treated as secondary issues in existing legislation with the possible exception of SB 1414, which treats several aspects of compliance more directly. However, in order to achieve the significant improvement to compliance rates envisioned by the California Energy Efficiency Strategic Plan, a more concerted legislative effort will likely be required.

DISCUSSION

The Chair facilitated discussion on the OPWG’s Best Practices Memo reference document.

Eric Taylor (Enalasy) reported that information for the OPWG Memo had been gathered over a year’s time and that most of the comments were from piloting of the Green It Forward Online Permitting Pilot rather than hearsay. He offered to answer any questions the Compliance Committee has based on his experience Piloting that OPS. The OPS development included information gathered from WHPA stakeholders over a 3+ year period for major concerns and functionality. They also looked at best practices, so they did not “reinvent the wheel” from other systems.

Lindsey Hawes (CSE) asked to what extent Building Department Staff who use online permitting systems provided input into the Best Practices Memo development.

- WHPA Staff (Paul Kylo) clarified that multiple jurisdictions were directly contacted, and that input was also gathered from the jurisdictions in the Green It Forward Pilot, as well as from the cross section that responded to the Jurisdictional survey distribution.
- The Chair clarified that some input was also provided by public information on the Oregon system, the San Francisco system, and Las Vegas system.
- Eric Taylor (Enalasy) clarified that the input Enalasy provided was from factual information and not from hypothesis.

¹ WHPA Staff Note: Given the short turnaround time with the pending WHPA Staff Support shut down on October 31, 2017, combined with the Compliance Committee’s need to use all its October meeting time to finalize its own White Paper work product, and the fact that the OPWG’s Feasibility of Online Permitting Memo was a summary of previously approved content, the Feasibility of Online Permitting Memo was approved for escalation directly to the Executive Committee without direct Compliance Committee approval. The Compliance Committee Chair reviewed the document prior to escalation.



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Eric Beriault (Energy) commented that the “Green It Forward Pilot” presents itself as a statewide pilot. If that was the case, he requested clarification on where that was done outside of the Imperial Valley area initially specified.

- Eric Taylor (Enalasy) clarified that they talked with many jurisdictions across the state and showed them the results for the Imperial Valley Pilot for information for this report.
- In reply to inquiry about if Enalasy has the documentation to support that information, Eric Taylor (Enalasy) clarified that the information they gathered was used for the report.
- Eric Beriault (Energy) asked for the Green It Forward Pilot to clarify that it was only in Imperial Valley as originally laid out, rather than referencing it as a broader study.
- Eric Taylor (Enalasy) confirmed agreement with “whatever the group decides”.

In reply to the Chair’s inquiry, WHPA Staff (Paul Kylo) confirmed that the Best Practices Memo sources are footnoted in the document.

VOTE

The Chair asked for a motion on the *Best Practices in Online Permitting Memo*.

MOTION: Eric Beriault (Energy) motioned and Eric Taylor (Enalasy) seconded the motion the WHPA Executive Committee with modification that the “Green It Forward Pilot” reference clarify focus only in the Imperial Valley.

DECISION: The *Best Practices in Online Permitting Memo* was approved and escalated to the WHPA Executive Committee with modification to specify focus only on the Imperial Valley for the “Green It Forward Pilot” based on unanimous “aye” votes cast by a quorum of voting members during the meeting and by phone outside the meeting* without further discussion nor abstention.

***WHPA Staff Note:** Barbara Hernesman cast SynergyNexGen’s “aye” vote to approve and escalate the *Best Practices Memo* to WHPA Staff (Wendy Worrell) by phone on October 12, 2017.

“Understanding the Residential HVAC Compliance Shortfall” DRAFT White Paper Vetting

WHPA Staff emailed the following reference document to the roster prior to the meeting: “WHPA Compliance White Paper DRAFT 10.11.17v2.docx”.

VETTING DISCUSSION

The Chair facilitated reference document vetting discussion starting with the new point raised by Cynthia Moore (CSLB) at the end of the prior meeting.

WHPA Staff (Paul Kylo) was passed WebEx control to make live edits to the document.

Gap 2, Process Standardization, Page 6, CSLB Contractor Licensing Testing Discussion

WHPA Staff (Paul Kylo) clarified that the red text is where the Committee left discussion at the end of the last meeting, and that he had added language related to Cynthia Moore’s (CSLB) suggestion that if there was a statewide online permitting system, CSLB could explore putting content related to it into their contractor licensing testing, which would force education on it.

- The Chair clarified that this was a new idea, and one that would encourage reinforcement not just for permitting, but also for a form of standardization and simplification of the permitting system. He suggested that it would be a great way of bringing that to and reinforcing contractor attention.
- Eric Taylor (Enalasy) voiced agreement that it is an excellent idea. He clarified that the addition of education into the permitting system would also drive awareness to an online permitting system as well.
- Eric Beriault (Energy) suggested that the testing element could also discuss the potential penalties of not pulling permits when required. He clarified that it may already be on the test, but indicated that education on permitting should include what happens when a permit is not pulled as well.
- Mike Carson (Brody Pennell) confirmed that he had not seen any information related to this on his licensing renewal test he recently took, but confirmed his belief that it should be.
 - The Chair asked if there are other areas in the contractor field from a compliance standpoint that CSLB could help with if information was included in the testing program.
 - Mike Carson (Brody Pennell) replied that he could not think of other areas, but noted that the numerous variety of municipality requirements causes frustrations and excessive time for changeout permits (such as a 2 day delay



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he recently encountered in the City of Santa Monica). He acknowledged that this issue was already discussed in prior meetings. He clarified that he does not see how CSLB could help with that though.

- The Chair clarified that he understood Cynthia Moore's intent for this suggestion to cover both the diversity of permitting systems (593 in the State of California), and ways of getting a permit, but that if that process was somehow smoothed a bit and addressed in the licensing testing with some coordination between those, it might be a benefit to contractors in streamlining permitting.
- Mike Carson (Brody Pennell) voiced agreement that it would be a benefit but questioned how "you would get there". He noted that times have changed since he started in the industry, and that "small companies do not have the time nor economic needs to ascertain permits at the various locations". He commended the City of Los Angeles that enables quick, online transactions and "wished" that others were simple like that.
- The Chair summarized the discussion content as the need for some coordination and simplification to smooth permitting, with perhaps online permitting systems and licensing testing and education as solutions. He clarified that at this time, the Committee is not looking to solve the issue of taking processing time from hours to minutes, but that the discussion is pertinent to this particular element of the problem and a possible solution to making it easier. He also noted that it would need to come from a higher level and may require some legislation or staffing at a state agency to achieve it.

ACTION: Marvena Harris (CSLB) reported that she is taking notes on the CSLB testing suggestions to take back to Cynthia Moore who was unable to attend the meeting.

ACTION: WHPA Staff to incorporate discussion content about CSLB integrating process-oriented testing suggestions into their contractor testing requirements into the Gap 2, Process Standardization section of the White Paper.

CSE's "HVAC Permit Compliance Survey" Citation Discussion

Lindsey Hawes (CSE) commented that there are at least three footnotes (#6, #11, and #12) referencing an HVAC Permit Compliance Survey that CSE performed in 2014. She asked what specifically was being referenced noting that the Survey and Report commissioned under the California Energy Commission is still under review. She expressed concern that having reference to that document could be challenging if the CSE document is not publicly available.

- Per Chair request for clarification, WHPA Staff (Paul Kylo) clarified that he could not recall how the citation came about, but asked if the reference needed to be removed completely or if it could be modified to clarify that it is "draft".

ACTION: Lindsey Hawes (CSE) and Lea Haro (CEC) to discuss offline and advise WHPA Staff on how to handle White Paper references to the CSE HVAC Permit Compliance Survey as the Survey and Report are still under review at the California Energy Commission. (DONE – Decision per email notification from Lindsey Hawes on October 17 2017 that the CSE results reference language may remain in the White Paper as long as the citations link directly to their public presentation slides available on the CSE website at:

https://energycenter.org/sites/default/files/docs/nav/buildings/contractors/cool-comfort/Survey%20Data%20Results_%20CSE%20Site_Nov.%202014.pdf)

Footnote #9 RE: "EBEE Interest in Evaluating the Merits of an Equipment Tracking System" Discussion

Aniruddh Roy (Goodman Manufacturing) recommended removing footnote #9 because "the EBEE group reports to the Executive Committee as well so the Executive Committee would likely already have that Work Product available to them". He expressed that he did not think it was necessary to reiterate any points the EBEE has made in this Work Product.

- WHPA Staff (Paul Kylo) clarified that he did not recall where the draft White Paper's notation to add "footnote EBEE Strategy 1.5.8 here" came from, but he added it per that direction. He left it to the Committee to determine if the footnote is needed.
- The Chair suggested that the notation may have "been a stray that got left". He confirmed agreement with the recommendation to remove it.

DECISION: There was general agreement to remove Footnote #9 related to "EBEE interest in evaluating the merits of an equipment tracking system".

White Paper Timeline Discussion

The Chair requested that an additional revised copy of the White Paper Draft be distributed to the roster after this meeting to confirm appropriate capture of the meeting's content. He clarified that the goal is to complete vetting and approval of all final content by the end of the next meeting (October 17, 2017).



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ACTION: WHPA Staff to distribute the updated White Paper DRAFT reflective of the October 12, 2017 meeting content to the WHPA Compliance Committee for additional written input prior to the October 17, 2017 meeting.

Eric Beriault (Energy) noted that he was emailing some comments to WHPA Staff and asked that they be considered for inclusion in the White Paper prior to distribution of the revised document.

The Future of the WHPA Compliance Committee

The Chair reported that there are changes coming for the Western HVAC Performance Alliance (WHPA).

- WHPA is conducting meetings of stakeholders and mapping a path forward as a “work in process”. There is a lot of active discussion occurring to determine the best path forward and to clarify what the WHPA structure will be, including addressing if the form will include a Committee structure similar to the current one, and if the Compliance Committee will be the same or adapted to a new structure moving forward after this year.
- There will be a funding issue for WHPA overall moving forward after 2017.
- WHPA Staff Support for the WHPA Compliance Committee is ending October 31, 2017. “That means that Wendy (Worrell) and Bonnie (Gustavson) will no longer be keeping things in line for us after the end of this month.”
- If the Compliance Committee wishes to keep meeting after October 31, 2017, it will be up to the roster membership to host and facilitate meetings themselves in a “self-help fashion”. The Committee needs to determine if and how they want to do that, as well as coordinate that with the format for the overall WHPA formation.

The Chair offered Committee members the opportunity to voice comments and thoughts on continued Compliance Committee work in a new form in the future noting that all their comments will be captured and escalated to the Executive Committee level within the HVAC Stakeholder Engagement Strategy (HSES) Committee that is mapping the path forward. This topic may be visited again at the next meeting.

- Eric Taylor (Enalays) reported that his company believes the Compliance Committee is very valuable for input from industry experts throughout the State. He recommended that those wanting to continue this as an ad hoc situation all “pitch in” for who would be willing to facilitate and keep things going until a more formal infrastructure is determined. He “would hate to see all of our hard work going unheard by the most important people in the industry which is all of us.”
- Eric Beriault (Energy) asked for clarification on if this applies only to the Compliance Committee or to all WHPA Committees.
 - The Chair clarified that it applies to WHPA overall. He clarified that WHPA has received its funding through the IOUs since early on. The funding is now being curtailed and possibly completely eliminated. Either way, there is no funding for the existing facilitation contract level, which applies to all of the WHPA Committees and WHPA as a whole. WHPA is a unique and very valuable organization and those involved in forward planning value and respect all the activity done throughout the years and want WHPA to remain, so the balance of the year is being spent determining how to make that happen. To help that process, the Compliance Committee needs to provide input on what the membership feels is valuable to it, what the Committee can do on its own, and what else the membership could do to keep WHPA functioning at the level the Committee would like to see it be, so the information can be considered.
 - Eric Beriault (Energy) commented that he “feels as though it will greatly slow down the process of getting any work completed” since WHPA Staff has done a great job of doing what they could on the administrative side to keep things moving. The Chair agreed.
 - On behalf of WHPA Staff, Bonnie Gustavson noted appreciation for the comments about Staff’s work.

Meeting Next Steps

The Chair confirmed that the next meeting focused on finalization and escalation approval of the “*Understanding the Residential HVAC Compliance Shortfall*” White Paper DRAFT and additional discussion on thoughts about the future of the Compliance Committee and WHPA is scheduled for October 17, 2017 from 12:00pm – 1:00pm PDT. The agenda and reference documents will be distributed prior to the meeting.

Closing Comments/Adjournment

Eric Beriault (Energy) motioned and Eric Taylor (Enalays) seconded the motion to adjourn the meeting. The Chair adjourned the meeting at 9:33 a.m. PDT based on unanimous approval with no discussion.

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Summary of Action Items and Key Decisions (from above)

ACTION ITEMS

1. **ACTION:** WHPA Staff to post the September 14, 2017 meeting minutes in final version on the WHPA Compliance Committee webpage. (DONE)
2. **ACTION:** Marvena Harris (CSLB) reported that she is taking notes on the CSLB testing suggestions to take back to Cynthia Moore who was unable to attend the meeting.
3. **ACTION:** WHPA Staff to incorporate discussion content about CSLB integrating process-oriented testing suggestions into their contractor testing requirements into the Gap 2, Process Standardization section of the White Paper. (DONE)
4. **ACTION:** Lindsey Hawes (CSE) and Lea Haro (CEC) to discuss offline and advise WHPA Staff on how to handle the footnote references (#6, #11, and #12) to the CSE HVAC Permit Compliance Survey as the Survey and Report are still under review at the California Energy Commission. (DONE – *Decision per email notification from Lindsey Hawes on October 17 2017 that the CSE results reference language may remain in the White Paper as long as the citations link directly to their public presentation slides available on the CSE website at: https://energycenter.org/sites/default/files/docs/nav/buildings/contractors/cool-comfort/Survey%20Data%20Results_%20CSE%20Site_Nov.%202014.pdf*)
5. **ACTION:** WHPA Staff to distribute the updated White Paper DRAFT reflective of the October 12, 2017 meeting content to the WHPA Compliance Committee for additional written input prior to the October 17, 2017 meeting. (DONE)

DECISIONS

1. **DECISION:** The *Best Practices in Online Permitting Memo* was approved and escalated to the WHPA Executive Committee with modification to specify focus only on the Imperial Valley for the “Green It Forward Pilot” based on unanimous “aye” votes cast by a quorum of voting members during the meeting and by phone post meeting* without further discussion nor abstentions. (***WHPA Staff Note:** *Barbara Hernesman cast SynergyNexGen’s “aye” vote to approve and escalate the Best Practices Memo to WHPA Staff (Wendy Worrell) by phone on October 12, 2017.*)
2. **DECISION:** There was general agreement to remove Footnote #9 related to “EBEE interest in evaluating the merits of an equipment tracking system”.