

November 24, 2023

Chief Wilbert Marshall, Chair

A meeting of the AFNWA Board will be held on Wednesday November 29, 2023, at 9:30 AM via Zoom.

# **AGENDA**

# **In Camera Reports**

- 1C Approval of Minutes of the In-Camera Meeting held on September 27, 2023.
- 2C Business Arising from Minutes
- 3C Enterprise Risk Management Q2 Risk Register

<u>Motion:</u> That the AFNWA Board approve the recommendation as outlined in the confidential report dated November 24, 2023

4C 2024-2025 Capital and Operating Budgets

<u>Motion:</u> That the AFNWA Board approve the recommendation as outlined in the confidential report dated November 24, 2023

5C Request for Accommodation: AFNWA By-Laws

**Motion:** That the AFNWA Board approve the recommendation as outlined in the confidential report dated November 24, 2023

6C Contract Award - Pagtnkek Water Treatment Facility Design (Dillon)

**Motion:** That the AFNWA Board approve the recommendation as outlined in the confidential report dated November 24, 2023

7C Contract Award- Lennox Island Wastewater SCADA Design-Build (Belanger/EXP)

**Motion:** That the AFNWA Board approve the recommendations as outlined in the confidential report dated November 24, 2023.

8C Mechanisms to Challenge Jurisdiction of WorkSafe New Brunswick

**Motion:** That the AFNWA Board approve the recommendations as outlined in confidential report November 24n 2023.

9C Personnel Matter

**Motion:** That the AFNWA Board to consider options as outlined in confidential report dated November 24, 2023.

# **Information Reports**

1-IC Second Quarter Financial Results

# **Regular Reports**

- 1. a) Ratification of In-Camera Motions
  - b) Approval of the Order of Business and Approval of Additions and Deletions
- 2. Approval of Minutes of the Meeting held on September 27, 2023.
- 3. Business Arising from Minutes of the Meeting
- 4. Communications Strategy

**Motion:** It is recommended that the AFNWA Board accept the revised Communications & Outreach Strategy in the substantive form attached.

# **Information Reports**

1-I Elders Advisory Lodge Update

Original signed by

James MacKinnon

Board Secretary



# Atlantic First Nations Water Authority MINUTES 27 September 23

PRESENT:

		Chief Wilbert Marshall Chief Terry Paul Chief Leroy Denny Chief Andrea Paul Chief Darlene Bernard Chief Arren Sock Chief Ross Perley Todd Hoskin	
REGF	RETS:	National Chief Joanna Bernard Dr. Shelly Denny	
	tal LeBlanc, Director	Susheel Arora, interim CEO James MacKinnon, Director of Engagement and Government Relations / Board Secretary of Corporate Services/ CF Communications and Outreach	
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## **CALL TO ORDER**

James MacKinnon, upon direction from the Chair, called the regular meeting to order at 11:31 AM via the Zoom virtual platform.

#### 1. RATIFICATION OF IN-CAMERA MOTIONS

MOVED BY Todd Hoskins, SECONDED Chief Darlene that the AFNWA Board ratify the In-Camera motions of the August 30, 2023 meeting.

#### **MOTION PUT AND PASSED**

# 2. APPROVAL OF MINUTES - 30 August 2023

MOVED BY Chief Terry Paul, SECONDED BY Leroy Denny that the AFNWA Board approve the Regular Minutes from the July 26, 2023, Board Meeting.

# **MOTION PUT AND PASSED**

#### 3. BUSINESS ARISING FROM MINUTES

N/A

#### 4. ELECTION OF CHAIR AND VICE-CHAIR

MOVED BY Chief Darlene Bernard SECONDED BY Chief Andrea Paul to appoint Chief Wilbert Marshall as Chair of the Board and Chief Ross Perley as Vice-Chair.

#### MOTION PUT AND PASSED.

# 5. POLICY AMENDMENTS

It is recommended that the AFNWA Board direct AFNWA Management to make the policy amendments, and draft new policies, as described within the report.

As a part of the FMB Practice Directives associated with the economic oversight project, FMB conducts a review of AFNWA policies against FMB NPO Standards. The review against standards could result in an FMB Compliance Opinion or Certification. FMB Staff conducted an audit during the week of September 11<sup>th</sup> to test adherence to their NPO Standards.

MOVED BY Chief Terry Paul, SECONDED BY Todd Hoskins that the AFNWA Board approve recommended policy amendments.

# MOTION PUT AND PASSED.

#### 6. DOCUMENT MANAGEMENT POLICY

It is recommended that the AFNWA Board approve the attached Draft Information Management Policy, in its substantive form attached.

First Nations Financial Management Board (FNFMB) conducted a review of AFNWA policies during the week of September 11, 2023, as part of the NPO Standards Compliance Audit. The audit highlighted some gaps in existing AFNWA policies, particularly as it pertains to Document and Information Management Policies.

Although Staff have developed and implemented a wide range of procedures to create, maintain, safeguard, and delete (where applicable) all documents, there is not currently a policy which delegates responsibility for the oversight of these procedures. The attached draft policy delegates the Board and CEO responsibility for this oversight.

This policy was created using a template provided by the FNFMB for First Nations Government Document Management and was edited to suit AFNWA. There were several minor changes made to the template but overall, the template is relatively straight forward and empowers staff to continue applying the pre-developed and pre-implemented procedures.

MOVED BY Todd Hoskins, SECONDED BY Chief Terry Paul that the AFNWA Board approve recommended information policy amendments.

# MOTION PUT AND PASSED.

# 7. ANNUAL REPORT CONTENT

The publication of an annual report is considered a best practice in relation to communications with stakeholders on achievements and progress over the fiscal year. The production of an annual report was highlighted in the overview of the Communications and Outreach Strategy presented to the Board on March 31, 2021.

It is recommended that AFNWA Board approve the 2022-23 Annual Report in its substantive form attached.

MOVED BY Chief Terry Paul, SECONDED BY Chief Andrea Paul that the AFNWA Board approve recommended information policy amendments.

MOTION PUT AND PASSED.

# CLOSING

The AFNWA Board adjourned the regular meeting at 12:05pm.

MOVED BY Chief Andrea Paul, SECONDED BY Chief Darlene Bernard that the AFNWA Board close the meeting.

MOTION PUT AND PASSED.

James MacKinnon Board Secretary Chief Wilbert Marshall Chair



Item # 1-I AFNWA Board Nov. 29, 2023

**TO:** Chief Wilbert Marshall, Chair, and Members of the AFNWA

Board

**SUBMITTED BY:** 

Methilda Knockwood-Snache, Chair, Elders Advisory Lodge

DATE: November 27, 2023

SUBJECT: Elders Advisory Lodge Update

# **INFORMATION REPORT**

#### ORIGIN

Approval of the Governance Manual at Board meeting of November 6, 2020. Board meeting held on March 31, 2021. Appointment of members to the Elders Advisory Lodge at Board meeting of March 31, 2021.

#### **BACKGROUND**

The concept of an Elders Advisory Committee was born through engagement with Chiefs, Elders and First Nations community representatives during the completion of the Corporate Structure Report by Halifax Water/Accelerator Inc. in 2017. Throughout these engagements, it was evident that significant value is attached to environmental stewardship, the spiritual aspects of water and Two-Eyed Seeing.

Elders play a crucial role in First Nation communities, and it is critical the AFNWA incorporate First Nations traditional knowledge and culture. To ensure the AFNWA is and remains aligned with First Nations values, culture and knowledge, Section 3.10 of the AFNWA Corporate Governance Manual sets out the creation of an ex officio advisory committee through which community Elders will provide advice to the Board.

#### DISCUSSION

The Elders Advisory lodge held their first-ever in-person meeting on October 26, 2023, in Truro. There, the members of the EAL had the opportunity to share stories and get to know one another. They also had the opportunity to provide insight and direction into several projects they oversee. Below is a synopsis of those projects:

# Two-Eyed Seeing Article:

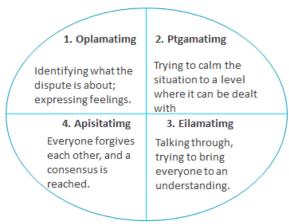
The article is being coordinated by Dalhousie University's Centre for Water Resource Studies and it tells the story of the AFNWA as one of Chiefs, Elders, and community members building their own water utility to ensure safe drinking water and clean wastewater for their communities. It explains that the formation and operation of the AFNWA is guided by Two-Eyed Seeing (Etuaptmumk) principles to deliver services in ways that honour and celebrate First Nations world views and ways of knowing.

The authors of this paper include First Nations Elders and knowledge keepers from the Elders Advisory Lodge (EAL) of the AFNWA, Indigenous and non-Indigenous staff from the AFWNA, and non-Indigenous researchers and faculty from Dalhousie University's Centre for Water Resources Studies (CWRS). The team has come together to tell part of the AFNWA story through experiences with Two-Eyed Seeing with the goal to show others how First Nations knowledge and culture can include western technical practices to build Indigenous-led utilities.

# **Dispute Resolution:**

Our By-Laws allow the AFNWA to create its own, culturally relevant, dispute resolution process. The EAL is currently guiding AFNWA management on its development. Below are elements of the process the EAL are currently considering:

 Dispute Resolution should be organized as a talking circle where all participants are equal. The graphic below shows the four rounds of the circle.



- There should be an elder present during dispute resolution to guide the process.
- The circle should be guided by a trained facilitator.
- Ideally 6-8 People, but may go to 8-12
- Consensus and forgiveness/restoring relationships is the goal of the circle.
   If consensus and forgiveness/restoration of a relationship is not reached,
   then begin another circle.
- Circles discussions should be and remain confidential for circle participants. The resolution could be shared if the participants agree.
- Rules for conduct to be set and approved before entering the circle.
- It is critically important that respect be maintained within the circle.

Items currently being worked on:

- What should be the training and qualifications needed for the facilitator?
- How do we appropriately ensure confidentiality?

#### Guidance

The EAL has also provided guidance on the following AFNWA policies and initiatives:

- Muiwatmnej Etuaptmumk Conference Abstract
- International Water Association (IWA) World Water Congress abstract.
- Residential Lead Sampling
- AFNWA Staff Cultural Training
- AFNWA Fit for Duty Policy

### **BUDGET AND FINANCIAL IMPLICATIONS**

Activities associated with the Elders Advisory Lodge are contained in AFNWA 10- Year Operating Budget.

#### ATTACHMENT

None		
	James MacKinnon, Director of Engagement and Government Relations, 902-603-0312	



# Atlantic First Nations Water Authority IN CAMERA MINUTES 29 November 2023

PRESENT:

**Chief Wilbert Marshall** 

Chief Terry Paul Chief Leroy Denny Chief Darlene Bernard Chief Arren Sock

Chief Ross Perley
Todd Hoskin

Todd Hoskin Tuma Young

Regional Chief Joanna Bernard Regional Chief Andrea Paul

Dr. Shelly Denny

STAFF: Susheel Arora, CEO

James MacKinnon, Director of Engagement and

Government Relations / Board Secretary

Chantal LeBlanc, Director of Corporate Services/ CFO

John Lam, Director of Engineering

Adam Gould, Manager of Communications and Outreach

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#### CALL TO ORER

James MacKinnon, upon direction from the Chair, called the regular meeting to order at 10:48 AM via the Zoom virtual platform.

#### 1C APPROVAL OF MINUTES – 27 SEPTEMBER 2023

MOVED BY Chief Leroy Denny, SECONDED Chief Wilbert Marshall that the AFNWA Board ratify the In-Camera motions of the 27 SEPTEMBER 2023 board meeting.

**MOTION PUT AND PASSED** 

# 2C BUSINESS ARISING FROM MINUTES

N/A

# 3C ENTERPRISE RISK MANAGEMENT – Q2 RISK REGISTER

# Operations & Maintenance Financial Results

Management has updated the Risk Management table below to summarize the critical risks. A workshop to re-weigh the risk ranking of each of the 39 risks identified in the full risk register has was postponed from Summer 2023 to the Winter of 2024, noting that our top critical risks have shifted as a result of taking on full responsibility for water and wastewater operations but that the focus throughout AFNWA has been to acquire further training, and initiate capital projects. AFNWA staff will be asked about the likelihood and impact of the risks, as listed in the original register, which will provide an updated critical priority list which may differ from the one presented below.

LEGEND:		
RISK NAME	Risk Description	Description of activities related to mitigating the risk. The colour of this
Trend: Indicates		block indicates the likelihood of
whether the		occurrence. Red being likely, green being
contributing		unlikely.
environment is		
improving or		
deteriorating.		

TRAINING Trend: POS	Staff are not licensed/ certified or properly trained, resulting in substandard service or water quality.	Until AFNWA has Operators with all levels of certification, AFNWA will rely on management, CBCL Ltd. and other community Operators to be assigned as Operator in Direct Responsible Charge. AFNWA are developing programs and supporting Operators to achieve higher levels of certification.
COMPLIANCE	The AFNWA processes, staff or	Development of Regulations based on NS
Trend: POS	activities do not comply with laws and regulations, resulting in non-compliance.	Environment Framework is complete with support from CWRS. Establishment of a Regulator remains outstanding but working with ISC to assign FNIHB as the lead oversight agency with support from NS Environment and Climate Change. A Memorandum of Agreement is in circulation and has been broadly accepted by all parties.
CONTAMINATION	Natural or man-made, either	Development of Standard Operating
Trend: STABLE	intentional or unintentional, contamination of the water supply, causing injury/harm or death.	Procedures are critical during transition with priority SOPs to be established as required.
INFRASTRUCTURE	Failure of key infrastructure (e.g.	Asset Management Plan finalized to
Trend: STABLE	water reservoir) resulting in the loss of potable water or wastewater service.	identify key infrastructure gaps. Operations staff working directly with Community Operators to identify Operations and Maintenance deficiencies and maintain a consistent and reliable flow of services.
INFRASTRUCTURE	The Authority doesn't have access to	Budget 2022 identified funds for AFNWA
FUNDING  Trend: NEG	the funding it needs, resulting in the inability to upgrade and maintain critical infrastructure.	consistent with the Ten-Year Business Plan. The Service Delivery Transfer Agreement and associated Funding Agreement have been approved and signed. Funds to support the budget were transferred in February 2023 and continue to flow according to the cash flow schedule identified in the Funding Agreement.  Inflation has become a critical risk given that capital projects are consistently being bided well over anticipated costs
		throughout the industry. AFNWA negotiated inflationary adjustments to the Funding Agreement however, the

		timing of the project and the inflationary adjustment could create an exposure risk.
HEALTH & SAFETY  Trend: POS	The Authority's processes may not adequately safeguard the health and safety of customers, employees, or other individuals, resulting in serious injury/death or potential criminal/civil liabilities.	Standard Operating Procedures are in development, getting staff up to speed will require coordination and an intentional effort. External consultant hired to facilitate development of Safety Management Program. Site audits and Contractor audits in progress.  Safety training has been rolled out to all employees in the Big 6 areas of risk however, a change in culture is required for safety consciousness, this shift in culture requires long-term dedication.
COMMUNICATIONS	Information needed by staff or	Critical timing for an increase in
Trend: POS	management is not available when needed, or messages are not consistent throughout the AFNWA, creating customer satisfaction concerns in the communities it serves.	information sharing and feedback opportunities. Communication channels have been opened up within all levels of the community and value added service being provided in support of water and wastewater operations.
SUPPLY CHAIN	There is a disruption in the supply	Critical timing for the formation of
Trend: STABLE	of suppliers, there is a risk that the Authority may not receive	relationships with suppliers and the negotiation of standing orders. Also critical will be the development of a comprehensive inventory system and identification of the most convenient and accessible location to store this inventory. Current supply chain is in disarray due to lasting effects of the global pandemic and ongoing changes in geopolitical landscape. AFNWA continues to make best efforts to preorder equipment with long delivery times for construction projects.  AFNWA staff are becoming more familiar
Trend: POS	pollution or other environmental damage, resulting in injury/death or property damage.	with operations and have identified deficiencies for correction. ICS training in place to mitigate environmental risks in member communities. With support from CWRS, Water and Wastewater Safety Plans to be developed to identify risks and hazards in a proactive manner.
COMMUNITY ENGAGEMENT		Management enhanced opportunities for information sharing and feedback. Plans

Trend: POS	out of their agreement or do not renew their agreement, creating insufficient demand and/or funding for the Authority.	established to engage communities over the summer/fall consistent with Communications and Outreach Strategy.
CAPACITY AND EXPANSION RISK	The Authority has inadequate capacity due to unplanned growth or increased community use (IE:	There are several contributing factors to inadequate capacity. In the case of community growth, the AFNWA
Trend: STABLE	Businesses, Schools, Subdivisions, Community splash pads, etc.) resulting in an inability to provide service to the community.	engineering department is working with communities to identify projected growth in population as well as community plans which identify any large public buildings that would require increased supply. Any capital upgrades associated with growth are to be supported through the Implementation Committee as ISC maintains responsibility for funding growth. There are existing gaps in infrastructure due to the historical lack of standards requiring future growth be accommodated by new facilities, these were identified in the AMP and infrastructure will be expanded to meet minimum standards. Finally, an education campaign has begun discussing the responsible use of household water and wastewater services (IE: filling pools, leaky toilets, flushing non-flushable items, etc.)

In addition to what's captured above, AFNWA would like to highlight the following risks that we are currently confronted with:

- Workplace Incident: A workplace incident occurred on October 25, 2023. AFNWA is currently engaged in an investigation with WorkSafe NB. Legal counsel was engaged immediately. While the risk of litigation from the employee or their family is considered low/improbable, AFNWA could receive financial penalties from WorkSafe NB. We continue to cooperate with the investigation. The risk here is primarily financial, but has also brought a very strong focus on formalizing safety manuals, and associated contractor management practices.
- Reorganization resulting in the Dismissal of a Senior Manager: The dismissal of a Director on November 9<sup>th</sup> is ongoing as AFNWA has not yet received a signed copy of a Release. There are several risks associated with this event, there is a financial risk given that there was a severance package offered. However, if the former employee does not accept the severance package, there is a risk of litigation regarding wrongful dismissal and/or human rights violation for discrimination. AFNWA considers this to be low risk given the generous severance package and the lack of evidence for real or perceived discriminatory practices. There is also a risk for the disengagement of employees, with any transition, it is

critical to be transparent and honest with staff members and efforts continue to ensure that all staff are comfortable. Finally, there is a risk for a loss of knowledge and/or a project being stalled. AFNWA Senior Management is dedicated to ensuring that all Operations staff feel supported, and that all projects continue as planned.

MOVED BY Todd Hoskin, SECONDED BY Chief Terry Paul that the AFNWA Board approve the attached Risk Register, as of November 29, 2023, for the top ten risks identified within the AFNWA Enterprise Risk Framework, in its substantive form attached.

# **MOTION PUT AND PASSED**

#### 4C 2024-2025 CAPITAL AND OPERATING BUDGETS

The table below provides a summary of F25 expenses and anticipated initiation of capital projects. Appendix A provides the detailed Operations and Maintenance expenses by community, and Appendix B provides a detailed listing of all projects to be initiated in F25. All figures are presented in 2021 dollars for comparison purposes. Consumer Price Index (CPI) will be added to all Operations & Maintenance budgets. Non-Residential Building Construction Price Index (NRBCPI) will be added to all Capital items. All figures will be escalated to 2024 dollars using the Calendar 2023 CPI and NRBCPI statistics. (For reference: 2021 CPI of 3.4% and 2022 CPI of 6.8%, 2021 NRBCPI of 6.2% and 2022 NRBCPI of 10.03%, have already been agreed to).

	TOTAL	
OPERATING EXPENSES	F24	F25
SA LARIES & BENEFITS	4,216,263	4,439,504
PROFESSIONAL DEVELOPMENT	416,530	371,030
TRAVEL	359,148	364,752
CONTRACT SERVICES	3,210,014	3,210,014
UTILITIES & A DMIN SERVICES	1,262,388	1,357,063
PROFESSIONAL SERVICES	539,174	539,174
COMMUNITY OUTREACH	118,000	73,000
IN FORMATION SERVICES	76,666	79,110
FLEET COSTS	233,000	233,000
CHEMICALS	123,300	123,300
OTHER PROFESSIONAL SERVICES	266,340	411,000
BOARD COMPENSATION	225,000	225,000
TOTAL OPERATING EXPENSES	11,045,823	11,425,948
CAPITALITEMS		
CAP ITA L PR OGRAMS	1,345,470	1,285,248
CAPITAL PROJECTS - AMP/SCADA	13,356,320	14,647,081
TOTAL CAPITAL EXPENSES	14,701,790	15,932,329

# Operations & Maintenance Budget

AFNWA's experience with the financial management of community systems is limited to 6 months of financial data, therefore no material changes will be made to the initial budget, with the exception of an adjustment to reflect the actual staffing levels in each community.

# Capital Projects Summary

Appendix C provides a detailed listing of all capital projects scheduled to start in F25. Based primarily on the Asset Management Plan & SCADA Master Plan provided by Dillon Engineering and Eramosa, AFNWA staff have added projects that were not previously identified, and removed projects that are not required at this time. AFNWA Operations and Engineering staff meet bi-weekly to discuss progress and assign action. The discussion in these bi-weekly sessions have informed the current list of projects to be initiated in F25.

There are several projects still under consideration to be moved forward to F25, AFNWA Management will bring forward any material changes in projects to the Audit & Finance Committee, as appropriate. AFNWA Management continues to put forth efforts to refine the list of Capital Projects from what was initially submitted through the Asset Management Plans and SCADA Master Plans, based on information received from Communities.

Please note that this capital projects list does not include the Amendment 12 Projects that are currently underway as they are funded through a separate funding agreement which allows for application in an increase in funding. Amendment 12 Projects were added to the Transitional Funding Agreement in January 2023, as discussed previously in reports to the Audit and Finance Committee.

Tuma Young asked if there are contingencies or reserves? Chantal Leblanc explained they are built into each capital project, 10-20% is the typical contingency built in. Reserves are not funded by ISC for contingencies or reserves, but the AFNWA will continue to ask for it, not built in as line item.

Todd Hoskin asked if capital projects need to be started to ensure funds are not lost. Chantal LeBlanc explained the AFNWA has 24 months to start projects to avoid carry forward restrictions. ISC has indicated they will work with us to ensure we don't hit this carryover restrictions. James MacKinnon added our funding agreement is up for renegotiation in 2025/2026 and reserve funds can be requested again at that time.

MOVED BY Tuma Young, SECONDED Todd Hoskins that the AFNWA Board approve the attached Risk Register, as of November 29, 2023, for the top ten risks identified within the AFNWA Enterprise Risk Framework, in its substantive form attached.

# 5C REQUEST FOR ACCOMODATION: AFNWA BY-LAWS

AFNWA is incorporated under, and has developed its by-laws in accordance with the Canada Not-for-profit Corporations Act. These by-laws set out the rules for governing and operating the corporation.

During our discussions regarding a community cancelling their membership with the ADNWA Board had decided on the following process:

# **Membership Cancellation**

A membership may only be cancelled on the following terms and conditions:

- a) the member must provide twenty-four (24) months' advance written notice to the Corporation and Indigenous Services Canada of their intention to cancel their membership ("Exit Notice"), with such notice period being effective from the fiscal year end of the fiscal year during which the Exit Notice is delivered;
- b) no member may deliver an Exit Notice during the five (5) year period commencing on the date on which such member joined the Corporation, and any such Exit Notice delivered during this period shall be null and void and no cancellation of the membership shall be effected;
- c) the Exit Notice must state that the member has passed a unanimous band council resolution to cancel membership.

Pursuant to Section 197(1) (Fundamental Change) of the Act, a special resolution of the members is required to make any amendment to add, change or delete this section of the by-laws.

During discussions with a community in New Brunswick regarding potential membership with the AFNWA, it was raised that a New Brunswick focused water authority is currently under development. The community mentioned they would be willing to join the AFNWA, if they could leave once the New Brunswick focused authority is up and running. The current process was communicated, and a request was made to see if an accommodation could be made.

NB Regional Chief Joanna Bernard is concerned we are preventing communities from joining with this in AFNWA By-Laws.

Could this negatively impact the NB water authority and their work? James adds communities could indicate they are joining AFNWA for the time being, and indicate to the NB initiative that they will join 7 years from the transfer date.

Chief Wilbert says we are stronger together as being all one - all provinces as one. (AFNWA is for all Atlantic Provinces)

NB Regional Chief Joanna Bernard mentions NB has been trying to get a water utility for a long time. Concerned that all Atlantic initiatives can be Nova Scotia focused.

Tuma doesn't think bylaws should be changed. This is what we offer. Perhaps communities should wait until another Authority is developed.

Dr. Shelley Denny mentioned that changing the rules midway can create a lack of credibility and can be seen/perceived as more political than anything else. It doesn't produce a sense of fairness and accountability that the AFNWA is looking for. It is not necessary to change, AFNWA is working well.

Chief Ross Perley is opposed to changes, and is happy with the AFNWA thus far. There is a misconception that the AFNWA is a branch of the APC. This may be why some NB communities are hesitant to join.

Regional Chief Joanna Bernard asks where was it heard that NB wants to create a NB Water Authority. James MacKinnon heard it directly from Chief *Shelley Sabattis, Oromocto,* Chief *Allan* Polchies Jr., St Mary's. He reached out to Jim Ward of the North Shore to offer support, he didn't confirm or deny that it was happening – two Chiefs in NB did.

MOVED BY Ross Perley, SECONDED BY Regional Chief Andrea Paul that the AFNWA does not make any changes to the by-laws at this time.

#### MOTION PUT AND PASSED

Chantal LeBlanc requested that Item 8C be moved to accommodate legal counsel's schedule.

# 8C REQUEST FOR ACCOMODATION: AFNWA BY-LAWS

On March 8<sup>th</sup>, 2023, ESDC issued a letter to the AFNWA stating that provincial labor laws apply to the AFNWA on the basis that service delivery in relation to water and wastewater management is not outlined in section 2 of the Canada Labor Code. Furthermore, ESDC cited that AFNWA's service is not considered to be vital, essential, or integral to the activity of a Federal undertaking (Northern Telecom v. Communications Workers [1980]), and that water and wastewater management is an activity that falls under provincial jurisdiction (Constitution Act, 1867)

In October 2023, a critical incident occurred in an AFNWA member community in New Brunswick where a staff member was injured. WorkSafe New Brunswick was notified, and an investigation is still on-going.

In recognition that the AFNWA Board may not want to set a precedent to have provincial inspectors and regulators within their communities, AFNWA management has engaged legal counsel at McInnes Cooper to provide options on how to proceed on a possible challenge to provincial jurisdiction. From their perspective, we have two options:

 If and when AFNWA receives a compliance order from WorkSafe NB, AFNWA could appeal that compliance order stating that WorkSafe NB does not have jurisdiction to (a) investigate this matter, or (b) issue orders against us. Our argument would be that such investigation and orders should be conducted and issued pursuant to the Canada Labour Code;

2. The second option would be to wait and see if any charges are laid, which we are not certain whether they will be or not, and challenge constitutional jurisdiction then. If charges are to be laid, they would have to be laid within two (2) years from the date of the accident.

There is a technical risk with mechanism #2 in that it could be argued that if we blindly complied with compliance orders, then we have acknowledged the jurisdiction of New Brunswick. As such, if the AFNWA Board decides to go with mechanism #2, if and when we receive compliance orders, we will need draft a proviso which states that AFNWA does not feel that the province of New Brunswick has jurisdiction and are only participating with the investigation and compliance order on a without prejudice basis.

AFNWA Legal Counsel Brad Proctor mentioned that the two strategies discussed so far are defensive. Another option could be to make an application for declaratory relief from NB court as to what jurisdiction we are in, however it needs to be researched.

Tuma Young mentions we may want to discuss how to reclaim jurisdiction in this area as Indigenous courts may be formed in NB and possibly NS. Also mentions creating water regulatory laws.

Brad Proctor mentions WorkSafe NB has two years to lay charges and typically takes the entire length of time. If investigated and charged at the end of the two years, we could potentially say it was the wrong jurisdiction and by then it is too late for federal charges to be laid.

Susheel wants the board to be aware that we would be investigated by one or the other regardless.

Regional Chief Joanna Bernard asked if all communities fall under WSNB? Brad Proctor responded that there is no federal WCB.

James MacKinnon asked if there is there a risk to wait for a third option? Brad recommends reaching out to him if needed, but we can reserve the right to challenge. He can revise the memo for us and can respond to questions via email. A notice of constitutional question has to be given to the attorney general putting them on notice so they can be involved.

Chief Darlene asks about injury, is it serious? Is AFNWA liable for it? James MacKinnon responded thatthe injury was significant, however, a full recovery is expected. Chantal LeBlanc adds that the employee was not following our policies at the time of the accident. He is otherwise a strong employee and the AFNWA is taking care of them, they are receiving WCB (85% of their wages and AFNWA is topping that

up to 100%) We want the board to be aware that there may be a provincial investigator coming to First Nations land to conduct the investigation.

Dr. Shelley Denny – the bigger picture here is someone did get injured, if they were not complying with our policies is AFNWA addressing this? Should there be more enhanced training more often? Chantal LeBlanc responded that there is a disciplinary letter in draft form because safety policies weren't adhered to. Advises that anything we do after the fact will not be considered an admission of guilt. This employee was trained and certified in April 2023. We have healing circles going on to support the employee and the first people on the scene. Need clarification from Brad Proctor but believes the band is not liable it is 100% on AFNWA.

Chief Darlene Bernard – accidents happen, how we define it is how we respond. We've done everything we can to support this individual. It does need to be investigated so we can respond properly.

Dr. Shelley Denny asked if there needed to be a response from the organization saying what we could have done better? Is there anything AFNWA can change or do better? Susheel Arora responded that there was an emergency safety meeting soon after the incident and some procedures changed. An internal investigation has taken place to determine which operational procedures need to change to prevent this from happening again.

James MacKinnon suggests waiting until next meeting to make decision to allow time for more information to be gathered.

MOVED BY Chief Darlene Bernard, SECONDED by Chief Terry Paul that the AFNWA Board defer their decision until more information gathered.

#### **MOTION PUT AND PASSED**

James MacKinnon requested to amend the agenda to address Item 9C

#### 9C PERSONNEL MATTER

Confidential Report circulated and discussed.

MOVED BY Tuma Young, SECONDED by Regional Chief Andrea Paul that the AFNWA Board deny the request in accordance with the governance manual.

# **MOTION PUT AND PASSED**

### 6C CONTRACT AWARD – PAQTNKEK WATER TREATMENT FACILITY DESIGN

Paqtnkek currently relies on a single production well (Well #3) for its water supply. Well

#4 and Well House 3 were constructed through an ISC funded project prior to AFNWA site visits for the Asset Management Plan. Subsequent assessment of the Well #4 by Dillon determined that the well was in poor condition, was undersized, and hydraulically connected with wells on a neighboring farm property. See Exhibit 1 below of the Pagtnkek water system showing the location of Well #4 and Well House 3.

As approved by the Board previously, Dillon drilled two test wells to supplement the water supply for Paqtnkek. The wells were found to provide adequate quantity and quality for use as production wells for the community. It was recommended that one well be connected to the distribution system, and the other well capped for future use as required.

A proposal was received from Dillon to develop the test well and connect to the distribution system. The work will include expansion of the treatment capacity at the existing pumphouse to allow chlorination of the water from the new well (Well 5), and provision for green sand treatment to address a possible rise in manganese in the future. The contract includes the design and preparation of tender documents. Tender services and engineering services during construction is not included in this contract yet, as the construction schedule has not been established with a contractor, which will affect the level of effort for engineering services.

MOVED BY Chief Terry Paul, SECONDED by Tuma Young that the AFNWA Board approve that Dillon Consulting Limited (Dillon) be awarded the contract for the Paqtnkek Water Treatment Facility Design, in the amount of \$148,280.00 which includes a 10% project contingency.

#### **MOTION PUT AND PASSED**

# 7C CONTRACT AWARD – LENNOX ISLAND WASTEWATER SCADA DESIGN-BUILD (BELANGER/EXP)

The SCADA Master Plan project was completed in December 2021. The master plan documented the existing SCADA systems in each community and outlined the desired state for the SCADA system, as well as many recommendations to bring the SCADA systems in line with the desired state over the next five years. The work on the SCADA Master Plan and SCADA Standards projects were approved previously by the Board. It was recommended that AFNWA proceed with two pilot projects, namely at Pictou Landing and Lennox Island.

The Request for Design-Build Proposals for the SCADA upgrade for the wastewater system in Lennox Island was issued on September 6, 2023. Two proposals were received by the close of the RFP period. An evaluation panel consisting of Eramosa Engineering (acting as Owner's Engineer) and AFNWA staff reviewed the proposals. It was recommended that the Belanger/EXP team be awarded the contract, based on a number of evaluation factors.

MOVED BY Chief Terry Paul, SECONDED by Todd Hoskins that the AFNWA Board approve the contract award for the Lennox Island Wastewater SCADA Design-Build Project in the amount of \$953,000.00 which includes a 10% contingency to Belanger/EXP.

Chief Darlene Bernard abstains.

**MOTION PUT AND PASSED** 

# MOTION TO MOVE OUT OF CAMERA.

MOVED BY Chief Darlene Bernard, SECONDED by Chief Terry Paul that the meeting move out of camera at 12:05.

#### 1-IC SECOND QUARTER FINANCIAL RESULTS

# Operations & Maintenance Financial Results

Important considerations which pertain to revenue are as follows:

- ISC deposited funds in AFNWA bank accounts in March 2023 which was intended to cover Fiscal 2022-2023 O&M Expenses (previous fiscal year). These funds were escalated to 2023 dollars using an effective rate of 10.36% (3.4% in 2021, plus 6.8% in 2022).
- The funds allocated to Fiscal 2023-2024 have not yet been deposited, nor has the associated CPI adjustment.
- Due to the carryover restrictions noted in the Funding Agreement, the funds issued last Fiscal Year are required to be spent this fiscal year. Total Funds received last year were \$5.6 million. Total spent year-to-date is \$5M and we don't anticipate any funds to be at risk.

With regards to expenses, AFNWA staff provides the following commentary for material variances to budget:

- Personnel Costs under budget by \$132k or 6%. We note that the 10-year budget
  was based on forecasted staff numbers in each community. Management
  continues to monitor staffing requirements, discouraging unnecessary overtime,
  and balancing this with capacity development initiatives. AFNWA management
  have created a total of 3 capacity development positions, Junior IT Coordinator,
  Operator in Training, and Junior Safety Coordinator.
- Professional development expenses are under budget by \$89k or 40%. The amount earmarked for training (safety and operator certification) was generous in the first 2 years to ensure that AFNWA can meet targets associated with the Service Delivery Transfer Agreement.
- With respect to Contract Services, we note that the budget is divided equally between all months of the year. Contract Services is generally seasonal as this category includes snow removal and water main breaks, both of which have a higher frequency in the Winter months. However, AFNWA does not have the

- quantitative history to split this amount between months in a reliable manner. The underbudget amounts will likely be used in the second half of the Fiscal Year.
- Overbudget amounts of \$254k in Professional Services is largely a result of Dillon being delayed in their projects for Asset Management Plans (and associated reports including Environmental Risk Assessments), and Dalhousie's delayed invoice (Lead Project and Regulatory Framework Development). These two items make up for approximately \$95k and \$75k respectively. We note that there are carryover funds available from F22 to cover these expenses. Other contributing factors include invoices which should become eligible for capitalization before FYE (IE: Colliers Project Management approx. \$15k), or unexpected outsourcing of work such as operational support for Direct Responsible Charge, private septic surveys, and Engineering support for the development of large capital application templates.
- Board compensation is underbudget by approximately \$75k which is reflective of the budget having anticipated in-person Board and Committee Meetings.
- Fleet Costs overbudget by \$33k or 25% is due largely to an increase the total number of trucks and trailers owned and operated by AFNWA. However, there were some costs associated with deploying the fleet that will not repeat next fiscal year (fire extinguishers, first aid kids, winter tires, etc.).
- Computer Equipment budget includes amounts for network infrastructure for SCADA systems which has not been fully deployed. These costs will increase in the second half of the fiscal year.

# Capital Projects Summary

AFNWA identified 142 projects, captured by the Ten-Year Capital Budget that will be started this Fiscal Year, totaling \$13.4M (2021 Dollars). Of these 142 projects, 4 are complete, and 63 are in progress. The remaining 75 that are pending are primarily made up of small items that are in the process of being bundled together to be sent to the market in one package, for example, there is a large \$860k project in Eskasoni that encompasses 16 items and is the replacement of a Water Main and associated appurtenances (hydrants and valves).

ISC advanced a total of \$16.2M in March 2023. Carryover restrictions deem that \$16.2M in capital projects must be initiated by the end of the Fiscal Year (March 2024). Currently there are a total of \$13.4M that are identified to be started. This leaves a shortfall of \$2.8M in projects to be initiated. However, the Funding Agreement also gives AFNWA the ability to move funds between Capital Spend to Operations & Maintenance. Given that only \$5.7M was deposited in support of F22-23 Operations & Maintenance and that AFNWA's total spend is anticipated to be close to \$10M in this category, it is our understanding that we will not be subject to any restrictions. AFNWA Management will seek written verification on this understanding in writing.

# **CLOSING**

MOVED BY Regional Chief Andrea Paul, SECONDED by Todd Hoskins that the meeting be adjourned at 12:32pm.

# **MOTION PUT AND PASSED**

James MacKinnon Board Secretary Chief Wilbert Marshall Chair



Item #4 AFNWA Board Nov. 29, 2023

TO: Chief Wilbert Marshall. Chair and Members of the AFNWA

Board

**SUBMITTED BY: Original Signed by** 

Adam Gould, Communications & Outreach Manager

APPROVED: Original Signed by

Susheel Arora, M.A.Sc., P.Eng., Chief Executive Officer

DATE: November 24, 2023

SUBJECT: Revised Communications & Outreach Strategy

# **ORIGIN**

Approval of Transition Implementation Plan (TIP) at the June 24, 2020, Board meeting.

# **RECOMMENDATION**

It is recommended that the AFNWA Board accept the revised Communications & Outreach Strategy in the substantive form attached.

# **BACKGROUND**

In recognition of the importance of communications and outreach to the success of AFNWA, AFNWA Management has updated the Communications & Outreach Strategy originally contemplated in the Transition Implementation Plan to reflect that we are now fully operational.

For optimal, shared success, a communications and outreach strategy was necessary with long-term planning executed by best practice tactics, which are detailed in the attachment. Members of the Senior Management Team and National PR provided ideas and recommendations which have been incorporated for the Board's consideration.

The revised strategy focuses mainly on external messages to communities and residents, along with similar messaging for chiefs and councils, band managers and administration, and other departments such as health.

# **DISCUSSION**

The strategy outlines communications channels to be used when providing information and updates to key stakeholders. Strategies will provide key audiences and stakeholders updates through tactics by AFNWA Senior Management. The website provides a permanent digital home and info source for community members and Operators, including background about AFNWA service delivery, how to join AFNWA, and documents that guide our actions and milestones. Social media presence will continue as they have proven communications tools for updating First Nations community members and other key audiences.

# **BUDGET AND FINANCIAL IMPLICATIONS**

Funds for the implementation of the Communications & Outreach Strategy '2.0' are contained in the 2023-24 Operations and C+O budgets.

# **ALTERNATIVES**

None.

# **ATTACHMENTS**

Revised Communications and Outreach Strategy

Report Prepared By Original Signed By\_

Adam Gould, Manager of Communications & Outreach,

(902) 789-7514

Financial Reviewed By: Original Signed By

Chantal LeBlanc, CFO, (902)-603-0312



# **AFNWA Communications & Outreach Strategy**

#### **OVERVIEW**

AFNWA is now fully operational and responsible for water and wastewater systems in member Mi'kmaq and Wolastoqey communities. With 12 committed members, from 19 initial participants, and with potential for more bands to join at any time, communications required a shift in focus. As AFNWA continues its operations, following the onboarding period, the strategy's focus will emphasize external messages with proper audiences.

As AFNWA is still young, initial C+O strategies and tactics have proven to be useful and effective. The plan is to maintain the efficient tactics as part of the continuous strategy, and we have listened to advice of Operators who live and work in community. Messages must remain clear and concise, with adherence to target audience expectations. Some tactics and criteria of the original C+O strategy may and do require updating or change.

The Covid-19 pandemic hindered attempted progress in our first two years, however, a proactive approach to outreach in 2022-23 is now in practice and will continue in future years. As safety of community and staff are paramount to AFNWA success, all precautions and safe practices shall be observed and maintained in all service areas.

This amended communications strategy aims to enhance the brand image, demonstrate transparency, and enhance engagement with member communities and relevant stakeholders of Atlantic First Nations Water Authority. It outlines the revised key objectives, target audiences, messages, channels, and tactics to strategically communicate with communities, residents, and stakeholders to address their concerns while advocating sustainable water management practices. The 'shifted' focus to a more external-centred plan is to assist in establishing healthy rapport with communities and residents, and investing trust into AFNWA and its staff.

AFNWA should be a household brand that leads by exhibit and is respected by all communities. Our communications channels must be always open – just as AFNWA's door is always open.

#### **OBJECTIVES**

• **Positive public perception:** Enhance AFNWA's reputation by highlighting its commitment to quality water and wastewater services, environmental stewardship, and community well-being, by practicing and upholding transparency and accountability.



- Expand audience engagement: Foster meaningful two-way channels with key stakeholders, including community members, member First Nations' leadership, government agencies (all levels), oversite and regulatory agencies, and industry partners.
- Promote water conservation and safe practices [education and awareness]: Inform and inspire community members to practice conserving water, waste reduction, and sustainable practices through educational campaigns.
- **Crisis preparedness and response:** Effective communications protocols to address emergencies, service disruptions, and water quality concerns promptly and transparently.
- Promote the 'value of water': "Many people do not understand what water is
  worth" including "public understanding of the value of water systems, services, and
  resources." <sup>1</sup> In municipalities, customers rates cover the costs of producing water in
  municipal and civic utilities. Indigenous knowledge teaches us that water is indeed
  sacred, and we have a responsibility to protect it.

# **AUDIENCES**

# **Primary**

**Member communities:** residents, commercial, and industrial water users in our service areas

- Residents: Engage with community members and families residing in AFNWA service areas to create awareness about the utility's services, conservation efforts, and the importance of sustainable water management.
- Community leaders: Chiefs, councillors, Elders, and community influencers who can advocate for the utility's initiatives and support community engagement efforts.
- Commercial and industry users: Businesses including restaurants, offices, retail stores, fish plants and other industrial facilities that require water and wastewater services for specific needs.
- Community organizations: Collaborate with local community groups, non-profit organizations, and tribal councils to build partnerships, conduct joint awareness campaigns, and encourage community involvement in water conservation and environmental initiatives.

**Media:** Local networks, broadcasters, and online platforms.

- Continue relationship with local media outlets to disseminate information, share news about the AFNWA initiatives, and respond to inquiries or concerns from reporters.
- Uphold relationships with journalists and editors to ensure accurate and timely coverage of the utility's activities, achievements, and emergency situations.

<sup>1</sup> https://twri.tamu.edu/publications/txh2o/2019/summer-2019/10-challenges-of-water-utilities/



**Governments:** Municipalities, federal, provincial regulatory and oversight bodies.

- Municipalities: Develop relationships with neighboring municipalities to align the
  utility's goals with the community's development plans and ensure compliance with
  regulations.
- Federal government: Continue sharing healthy relationships with the Federal Government, to ensure efficient implantation of the Service Delivery Transfer Agreement
- Provincial/regulatory/oversight bodies: Maintain open lines of communication with regulatory/oversight bodies responsible for overseeing the water and wastewater industry. Provide regular updates on compliance, infrastructure investments, and

# **Secondary**

# **Environmental groups:** Local and regional environmental groups

- Collaborate with environmental organizations to leverage their expertise and to demonstrate the AFNWA's commitment to sustainable water management practices, environmental protection, and adherence to water quality standards.
- Seek partnerships to support educational campaigns, conservation projects, and community events focused on protecting water resources and the environment.

# **Industry partners:** Collaborators, contractors, and suppliers

- Foster strong relationships with industry partners such as contractors, suppliers, and consultants who contribute to the AFNWA's operations and infrastructure development.
- Communicate regularly to ensure alignment, share updates on projects, and discuss opportunities for collaboration and improvement.

# Non-member communities: residents, leadership, interest groups

- Continue sharing message that 'AFNWA door is always open' and that communities may join at any time if they wish to.
- PR materials will be shared with member communities, but non-members could adopt suggestions for sustainable and safe practices in water and wastewater.

#### **RESOURCES + CHANNELS**

- **Public meetings and workshops:** Organize *town hall* meetings and workshops with public forums to share concerns, provide information, and build rapport and trust. We go directly to the people.
- **Surveys and feedback:** Develop online surveys, hotlines, and feedback forms to gather input, receive concerns, and improve service delivery.



- **Media relations:** Issue timely press releases to share important updates, achievements, and crises response. Maintain relationships with local and regional reporters to ensure accurate coverage through prompt responses to media requests.
- **Website and social media:** Maintain an informative, user-friendly website with regular updates, FAQs, and interactive content. Manage social media platforms to share news, tips, and engage with community members.
- Annual Reports and newsletters: Publish comprehensive annual reports highlighting achievements, challenges, and next steps. Quarterly newsletters to stakeholders to share updates and success stories; one designed for general audiences, and a second version that is directed to individual communities.
- **Educational campaigns:** Produce campaigns to educate community members water conservation and quality, sustainable practices, and safe wastewater disposal.
- Public Service Announcements [PSAs]: Collaborate with local broadcasters to share informative messages about water conservation, AFNWA services, and emergency preparedness. Communities that have radio stations are Sipekne'katik and Potlotek; Eskasoni has a TV channel dedicated to announcements.
- Partnerships and sponsorships: Continue support with Indigenous organizations, schools, and grassroots events to raise awareness, support initiatives, and enhance relationships.
- Staff and leaders: Community-based staff, like Operators, are seen by residents performing needed work at home, and are resourceful in sharing messages with community. Leadership, who are updated regularly, can also relay info to community, or direct them to us.
- Logo and visual identity: Our attractive logo make use of Indigenous symbology
  that bright colours that have cultural significance. It is displayed on all equipment
  and capital promotional items and tools, and external materials. Logo use by
  external entities must be approved by Communications + Outreach Manager,
  or Director of Engagement & Government Relations.

# **KEY MESSAGES**

- Quality and reliability: Emphasis on AFNWA's mission of delivering safe, clean, and reliable water and wastewater services.
- Environmental stewardship: Highlight efforts to protect and conserve water resources, minimize any environmental impact through sustainable practice and promotion.
- **Community focus:** demonstrate community-led initiatives such as responsive service, educational programs, and infrastructure improvement that is done by staff who reside in and serve member communities.
- **Community collaboration:** Build rapport with local community groups through social responsibility initiatives.



- Transparency and accountability: Promote open, timely communications, and accountability in service delivery, addressing concerns and reporting on performance.
- Indigenous owned and operated: The communities are our owners, and they
  should be aware that the work AFNWA does is for our people, and done by our
  people.
- Value of water: We all share the responsibility of protecting water for current and future generations. While water has accessibility, a significant percentage is undrinkable, and potable water does not have an infinite supply. Netukulimk must be honoured.

# **EVALUATION**

- Key performance indicators (KPI): Define specific KPIs aligned with the
  communication strategy objectives and track them regularly. Examples of relevant
  KPIs include community satisfaction scores, social media engagement metrics
  (likes, shares, comments), media mentions, website traffic, water consumption
  trends, and participation rates in educational programs.
- Monitor public opinion: Use social media and sentiment analysis of qualitative public opinion related to the water and wastewater utility. Monitor online discussions, comments, and mentions to identify trends, concerns, and areas of improvement. Regularly review feedback received through community surveys, online reviews, and feedback mechanisms to gauge community satisfaction and address any issues promptly.
- Website analytics: Monitor Monster Insights to assess the effectiveness of communication efforts. Track metrics such as page views, time spent on pages, bounce rates, and conversion rates. Analyze user behavior to identify popular content, areas of interest, and opportunities for improvement. Use this data to optimize the website's structure, content, and user experience.
- Media coverage: Media monitoring to monitor tone and accuracy of coverage to
  ensure consistent messaging and address any misinformation or misconceptions.
  Maintain media monitor log and share through other communications channels,
  noting the recent federal legislation on sharing news through social media in
  Canada.
- Educational campaigns and community events: Assess the success of
  educational campaigns and community events through participant feedback and
  behavioral change indicators. Conduct post-event surveys or interviews to gauge
  participants' knowledge gain, perceptions, and likelihood of adopting sustainable
  practices. Measure attendance and number of inquiries or requests for further
  information as indicators of campaign effectiveness. Operators will also report on
  service delivery findings (i.e., flushing of items other than '3Ps').
- Community satisfaction and feedback: Establish community satisfaction surveys, hotlines or Service Desk, and feedback mechanisms to gather insights directly from the community. Regularly analyze survey responses and feedback to identify areas



for improvement and address concerns promptly. Address community complaints, monitor response times, and resolution rates to ensure efficient and effective service.

- Standardizing: Compare AFNWA performance and communication efforts with industry standards and best practices. Seek benchmarks from similar water and wastewater utilities to evaluate the effectiveness of the communications strategy and identify areas for improvement.
- Continuous improvement: Use collected data and feedback to update and innovate communications strategies and tactics. Conduct periodic reviews and evaluations to assess the overall effectiveness of the communications strategy, adjust as needed, and ensure ongoing improvement in communication practices.