

DRAFT NUTRIENT BANK TIMETABLE
as of September 1, 2020
(“projected future timeline” to be finalized after review by consultant)

<u>Date</u>	<u>Event</u>	<u>Direction from Town Council</u>
September 26, 2019	ACRE tours Aberdeen property with some staff members. Meeting summary was prepared by A. Broshkevitch.	N/A
October 1, 2019	Email from ACRE to Mayor re possible revenues	No direction
October 22, 2019	ACRE presents proposal at TC meeting	Council directs ACRE to provide more information to the Town, in response to questions posed by Andrea Broshkevitch, and in response to the “risk analysis” requested by CM Stinnette. ACRE says it will respond with more information in about a week. Andrea reports she has no record of this additional information being transmitted by ACRE, nor does the Town Attorney.
December 10, 2019	ACRE presents at TC Meeting; notifies town of short time frame remaining to be grandfathered under existing regulations and higher credit rating methodology.	Council directs staff to make every effort to submit an application for a nutrient bank to DEQ prior to the time when DEQ reduces the number of credits awarded for the plantings, which we were told by ACRE could possibly be at the end of December, 2019.
December 11-13, 2019	Staff engages consultants to prepare DEQ application. Conducts first SKYPE meeting.	Staff directs consultant to proceed with all haste.
December 13, 2019	Staff sends Town Council its first status report	No direction

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December 19, 2019	Staff emails Town Council with status update and considerations for application to DEQ.	Mayor Fraser responds that he agrees with the approach of focusing only on establishing the nutrient bank to lock-in rates at this juncture, since carbon is not at-risk.
12.13.19. 12.19.19. 1.10.20. 1.24.20. 1.27.20. (2) 2.21.20. 2.21.20. 2.24.20 2.27.20. 3.3.20. 4.7.20. 4.30.20. 5.22.20 6.3.20. 6.5.20. 6.9.20.	Staff emails Town Council with Updates & Considerations. Staff notes under the "Broker" section of the updates, that, after the Application is approved, TC will make a decision about how to proceed regarding the sale of the credits. The early reports note that the Town may sell its own credits, without the assistance of a broker, if it should wish to do so. The report states that under this approach, more information would be needed to assess the cost of managing the project. The report suggests options of selling the credits after the application is approved and the credits are released: to the highest bidder through an Invitation to Bid, or perhaps selling a large quantity to Loudoun County directly, since they are a large purchaser of credits (noting that credits are typically sold in small quantities and that we should expect numerous small sales under normal circumstances). Later, the report notes that legislation is being proposed that would prevent the Town from selling its own credits.	No direction from Council. Staff understands that it is to stay the course on getting the application approved by DEQ, and then TC will make decisions on how to proceed from there.

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June 9, 2020	Town Council Meeting – written staff report delivered with attachments. Staff Report recommended a series of actions be taken to move the project forward. The proposed approach was not accepted by Council. Instead, Council asked that staff put the project out for proposals. Staff responded that the Council had not yet decided on an approach for Aberdeen, and therefore a request for proposals seemed premature, given that we might not establish a nutrient bank on the property at all. Further, the application sets forth all of the project parameters, so an RFP would not be the correct vehicle or approach. Council directed that a “request for information” be issued instead.	Town Council directed that an RFI be issued.
June 10, 2020	Town Attorney emails Town Council with the draft content of the RFI.	Town Council objects to the content of the RFI. Several emails follow. Conclusion by Council appears to be to issue the RFI as initially proposed by staff.
June 16, 2020	Town Attorney emails the Town procurement officer setting forth the content of the RFI, and requests that she issue an RFI.	Town Attorney directs RFI
June 23, 2020	Town Council Meeting.	N/A - Nutrient bank not on agenda
June 24, 2020	DEQ Approves the Town’s nutrient bank application	N/A
July 8, 2020	Town Attorney receives email from procurement officer stating that the requested RFI is not the right approach.	N/A

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<u>Date</u>	<u>Event</u>	<u>Direction from Town Council</u>
July 14, 2020	First Town Council Meeting after DEQ approval. Staff announces application has been approved, and it is time to decide how to proceed. Staff reports to Town Council that the procurement officer advises we not issue an RFI as proposed, advising that it is not the correct vehicle for this project.	Town Council directs a SWOT analysis be delivered to TC for its meeting on August 25, 2020.
August 25, 2020	SWOT analysis is presented by staff at the Town Council meeting. Town Council selects the approach whereby the Town contracts with a third party who will: (i) establish & maintain the Nutrient Bank over 10 years, and (ii) broker/sell the credits, after which time, the Town will own and maintain the Bank. Town Council directs that we procure proposals for partnership.	Issue an RFP for a Nutrient Bank partnership under which third-party establishes and maintains the nutrient bank, files all paperwork with DEQ, and brokers the credits over a 10-year period, after which time the Town owns and maintains the Bank.
August 27, 2020	CM Milan asks Mayor to consider “sole source” procurement so Town can sell both carbon credits and nutrient credits. Mayor asks staff to determine whether the carbon/nutrient combination can be provided only by a single source.	No direction from Council as a whole, but Staff is asked by Mayor to opine as to including carbon in the project, and whether there is only a single source.
August 26-31	Staff vacation	N/A
September 1, 2020	Staff responds by email to Council’s “sole source” inquiry.	N/A

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September 1, 2020	<p>Staff begins to investigate carbon-offset market and registries.</p> <p>Staff sends email to: acr@winrock.org American Carbon Registry · c/o Winrock International 2451 Crystal Drive, Suite 700 · Arlington, VA 22202 ph 703-302-6500</p> <p>And to: “Cool effect,” a non-profit carbon credit retailer</p>	N/A

PROJECTED FUTURE TIMELINE FOLLOWS:

September 1-8	Staff to obtain information on carbon credits, for report back to Town Council on September 8, 2020.	N/A
September 8, 2020	Staff to provide Council with information related to carbon trading, and a recommendation as to whether carbon trading can or should be included in the Nutrient Bank RFP, and whether a sole source procurement is the most advantageous approach for the Town. Town Council to give further direction based on this oral update.	TBD
Through Oct, 2020	<p>Staff to prepare RFP scope, criteria, and details. In preparation for RFP issuance, develop better understanding of the ideal tree species mixture: ability to survive invasive grasses; ability to resist disease; ability to withstand high-wind storms; expected lifespan. Develop more detailed understanding of project details, requirements, and timeline.</p> <p>Because the Nutrient Bank project would grant a private entity a right against public land, the RFP process must meet the requirements of Va. Code 15.2-2101, -02: Before granting any such franchise or privilege for a term in excess of five years, ... the city or town shall, after due advertisement, publicly receive bids therefor, in such manner as is provided by § <u>15.2-2102</u>, and shall then act as may be required by law.</p>	N/A
October 2020	Town will till the soil, as part of the invasive grass eradication program, if it intends to plant trees in the Fall of 2021. (Town will also apply herbicide in Spring, 2021). Alternatively, if Town prefers to wait until a third party is contracted with, who will then be solely responsible for preparing the site for planting, then this tilling would occur in October 2021, for planting in Fall, 2022.	

November 10, 2021	Bring draft RFP to Council for approval. Assuming RFP approved, then see following steps in rows below:	
November, 2020	Issue RFP	
End of December	Deadline to receive responses to RFP	
January, 2021	Select proposer	
February - March, 2021	Negotiate contract terms	
March-April, 2021	Town to apply herbicides to kill invasive grasses (meadow fescue & joint head arthraxon), if this approach is to be exercised for planting in the Fall of 2021. Alternatively, could miss the Fall 2021 planting season, and obligate the Town's third-party partner to plant the site in Fall of 2022.	

March - April, 2021	<p>Staff presents contract to Council for approval; possible supermajority required.</p> <p>Note: It is possible that Council must approve the contract allowing the sale of nutrient credits by a three-fourths vote of all members (See Va Code 15.2-2100: No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council.)</p>	
April – May, 2021	Final Permitting with DEQ by Third Party; record in Loudoun County land records the permanent restrictive covenants for all 7 phases.	
May, 2021	Partial Credit Issuance by DEQ & Sale of those Credits (25% of total credits) -- issued by DEQ upon application approval and recordation of covenants	
September & October, 2021	<p>Plant all 7 phases on 93 acres – unless selected proposal sets forth a different, phased planting plan.</p> <p>Best to plant in Fall, with early October completion date desirable in order to give ample time for root establishment prior to first freeze.</p>	
Year One	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Two	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	

Year Three	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Four	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Five	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Six	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Seven	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Eight	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	

Year Nine	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Ten	Third Party maintains all 7 phases (or all “planted phases,” if town takes phased approach) and prepares reports to DEQ.	
Year Eleven	DEQ Reporting Requirements cease and Nutrient Bank should be fully established. Bank maintenance becomes the sole obligation of the Town at some point at or after Year Eleven.	