

# Salinas Valley Basin Groundwater Sustainability Agency Advisory Committee

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## Committee Charter and By-laws

*V 2017\_04-10*

*V 2017\_04-03 Shared for Advisory Committee Review and Discussion on 4/7/2017-*

*The Salinas Valley Basin Groundwater Sustainability Agency Board of Directors will make the final decision to approve the Advisory Committee charter*

*Approved by SVBGSA JPA Board as final on April 20, 2017 as recorded in Minutes of that meeting.*

### Charge

The purpose of the Advisory Committee is to provide input and recommendations to the Board of Directors (“Board”) of the Salinas Valley Basin Groundwater Sustainability Agency (“Agency”). At the request of the Board, the Advisory Committee will provide input on groundwater sustainability plan development and implementation and Agency policies. The intent of the Committee is to provide community perspective and inclusive participation in the Agency.

The Advisory Committee will review and/or provide recommendations to the Board on groundwater-related issues that may include:

- Development, adoption or amendment of the Groundwater Sustainability Plan (“GSP”)
- Sustainability goals and objectives
- Monitoring programs
- Annual work plans and reports (including mandatory 5-year milestone reports)
- Modeling scenarios
- Inter-basin coordination activities
- Projects and management actions to achieve sustainability
- Community outreach
- Local regulations to implement Sustainable Groundwater Management Act (“SGMA”)
- Fee proposals
- General advisory

### Brown Act, Open Process and Conflicts of Interest

1. Advisory Committee meetings are subject to the Brown Act. All meetings of the Advisory Committee are open to the public. The Advisory Committee shall adopt a schedule and location for regular meetings, and meeting agendas shall be posted in compliance with the Brown Act.
2. The Board will maintain an interested parties list, develop an application process, and make appointments to the Advisory Committee from time-to-time.

3. Members of the Advisory Committee are subject to all applicable conflict of interest laws including Government Code section 1090 and the California Political Reform Act. The Board shall adopt a conflict of interest code for the Advisory Committee.

## Roles and Responsibilities

### Agency Board of Directors

The Board commits to the value of the Advisory Committee and will consider Advisory Committee recommendations when making its policy decisions.

### Advisory Committee

The purpose of the Advisory Committee is to incorporate community and stakeholder interests into consensus recommendations on SGMA implementation in the Salinas Valley Groundwater Basin for the Board to consider in its decision-making process.

Advisory Committee members represent the diverse interests of GSA-eligible agencies and groundwater users. The criteria for Advisory Committee members are to:

- Serve as a strong effective advocate
- Work collaboratively with others
- Commit time needed for ongoing discussions
- Collectively reflect diversity of interests
- Maintain Committee size to support focused deliberations

### Sub-Committees

The Advisory Committee may establish ad hoc sub-committees to come together periodically to manage a specific task. Sub-committees would develop options for the Advisory Committee to contemplate and refine before sharing with the Board. Sub-committees would be small and focused on a particular task. Participants could be, but do not need to be, members of the Advisory Committee, would have expertise related to the sub-committee's purpose, and would reflect a diversity of interests when possible. The Advisory Committee would define its scope and purpose.

An Engagement Sub-Committee could work with Agency staff and the facilitation team to develop and implement a communication and engagement plan. A Technical Sub-Committee could begin advising on development of the groundwater sustainability plan.

### Facilitator

The facilitator will remain impartial toward the content of the issues under discussion. The facilitator will work with all the parties to ensure the process is credible, fair, and effective.

The facilitator will:

- Chair meetings of the Advisory Committee.
- In consultation with the staff, formulate the agenda and desired outcomes for the sessions, including developing a meeting work plan.
- Identify and synthesize points of agreement and disagreement.
- Assist in building consensus among participants.
- Work with members to ensure process and participation agreements are followed.

- Assure a fair, effective, and credible process, but remain impartial with respect to the outcome of the deliberations.

If a Committee member has a concern about bias, neutrality or performance of the facilitator, s/he should raise the concern first with the facilitator and then the General Manager or Legal Counsel.

### Decision Making

To inform the Board's decision-making, the Advisory Committee will provide written recommendations on subjects that the Board assigns to the Advisory Committee. The recommendations will identify areas of agreement and disagreement.

The Advisory Committee will be consensus seeking. The Advisory Committee will strive to reach consensus on its recommendations. The definition of consensus spans the range from strong support to neutrality, to abstention, to "I can live with it," to "I will let this go forward." When unable to reach consensus on recommendations, the Advisory Committee will outline the areas of agreement and areas in which it does not agree, providing explanation to inform the Board's decision-making. Then, the Advisory Committee will forward this summary via the Agency staff to the Board. To comply with the Brown Act, the position of each Advisory Committee member on the points of consensus or summary will be noted in the Committee's records.

The Advisory Committee may request that one or more members present its recommendations to the Board, including areas of agreement and disagreement, consistent with Advisory Committee deliberations.

### Membership

The initial membership of the Advisory Committee has been established as of March 9, 2017, by the Agency Board of Directors to include the members of the Collaborative Working Group (see Appendix A) The intent of the Advisory Committee is to provide broad participation and advice to the Board. Board members may serve on the Advisory Committee, but will encourage others to participate in the Advisory Committee to maximize participation from different interests and voices as outlined below. (Note, the number of Board Members serving on the Advisory Committee must be less than a Board quorum.) To facilitate effective meetings and manage group size, ~~is no set limit on membership on the~~ Committee will not exceed 25 members. Each seat has a primary representative and an alternate.

The Advisory Committee will manage its membership and composition, and the Agency Board of Directors may make appointments from time-to-time after receiving Advisory Committee recommendations and corresponding applications from interested parties to serve on the Committee. Organizations that hold seats on the Advisory Committee select their representatives (primary and alternate), which the Advisory Committee recommends to the Board for appointment. When an organization's representative is no longer able to serve, the organization will recommend a new representative to the Advisory Committee. If the organization withdraws from the Advisory Committee, the Advisory Committee will identify another organization and corresponding representative to fill that interest-based seat and recommend the organization to the Board for appointment. If a stakeholder seat, not affiliated with an organization becomes vacant, the Advisory Committee will solicit applications for the seat and then make a recommendation for the stakeholder's replacement to the Board.

The Advisory Committee strives to include a range of interests in groundwater in the Salinas Valley and outlined in the Sustainability Groundwater Management Act. Advisory Committee members live in the Salinas Valley or represent organizations with a presence or agencies with jurisdiction in the Salinas Valley groundwater basin, including:

- All Groundwater Users
- Municipal Well Operators, Public Utilities Commission-Regulated Water Companies, and Private and Public Water Systems
- County and City Governments
- Planning Departments / Land Use
- Local Landowners
- Disadvantaged Communities
- Business and Agriculture
- Rural Residential Well Owners
- Environmental Uses
- Water Supply and Management Surface Water Users (if connection between surface and ground water)

The Advisory Committee, at this time, does not include representatives from:

- Tribes
- Federal Government

### Organization and Functions

The facilitator will convene each meeting as service as the “chair” of the meeting. The facilitator will preside over the conduct of Advisory Committee meetings in conformance with the posted agenda. A leader shall be chosen for any established sub-committees.

All Committee meetings shall provide for public comment in conformance with the Brown Act, including non-agenda public comment and public comment on individual agenda items. Public Comment will generally be limited to 3 minutes, but the time may be adjusted based upon meeting circumstances. Special and Emergency meetings need not provide for non-agenda public comment, but such comment may be allowed in the Advisory Committee’s discretion.

### Process Agreements

To conduct a successful process, the parties agree to the procedures that the Committee will use as well as define individual behaviors or ground rules.

- ✓ **Everyone agrees to negotiate in good faith.** All participants agree to participate in decision making, to act in good faith in all aspects of this effort and to communicate their interests during meetings. Good faith also requires that parties not make commitments they do not intend to follow through with, and that parties act consistently in the meetings and in other forums where the issues under discussion in these meetings are also being discussed.
- ✓ **Everyone agrees to address the issues and concerns of the participants.** Everyone who is joining in the Advisory Committee is doing so because s/he has a stake in the issue at hand. For the process to be successful, all the parties agree to validate the issues and

concerns of the other parties and strive to reach an agreement that takes all the issues under consideration. Disagreements will be viewed as problems to be solved, rather than battles to be won.

- ✓ **Agreements stand even if representatives change.** If an organization changes its representatives, organizations commit to a thorough debriefing of new representatives including with the facilitator. New representatives agree to uphold previous agreements reached.
- ✓ **Everyone agrees to inform their leadership and constituents about the outcome of the facilitated discussions.** Meeting scheduling will allow for participants to inform and seek advice from their leadership, constituents, attorneys, and scientific advisors about the discussions and negotiated outcomes. Participants can express conditional support to an agreement, but will need to solicit input and support in their organization or interest group caucus before reaching final agreement.
- ✓ **Everyone agrees to attend all the meetings to the extent possible.** Continuity of the conversations and building trust are critical to the success of the Advisory Committee. Participants are encouraged to turn off cell phones and focus on the issue at hand. Every effort will be made to accommodate the schedule of the participants. GSA staff or the facilitator will coordinate the meeting schedule.
- ✓ **Everyone agrees that parties can meet with other organizational or interest group members.** Advisory Committee members may find it helpful to caucus or meet with other organizations or interest group members and to consult with constituents outside of the meeting or to talk privately with other meeting participants. Participants or the facilitator can request a caucus. Participants agree to use caucuses as a tool to move agreements forward and explore topics of concern. The facilitator may attend and consult with parties during caucus discussions.

## Participation Agreements

The facilitator and participants will work together to create a problem-solving environment and to implement these agreements to that aim.

### **Use Common Conversational Courtesy**

#### **All Ideas and Points of View Have Value**

All ideas have value in this setting. We are looking for innovative ideas. The goal is to achieve understanding. Simply listen, you do not have to agree. If you hear something you do not agree with or you think is "silly" or "wrong," please remember that the purpose of the forum is to share ideas.

#### **Be Honest, Fair, and as Candid as Possible**

Help others understand you and work to understand others.

#### **Avoid Editorials**

It will be tempting to analyze the motives of others or offer editorial comments. Please talk about *your own* ideas and thoughts. Avoid commenting on why you believe another participant thinks something.

**Honor Time and Be Concise**

People’s time is precious; treat it with respect.

**Think Innovatively and Welcome New Ideas**

Creative thinking and problem solving are essential to success. “Climb out of the box” and attempt to think about the problem in a new way.

**Invite Humor and Good Will**

**Be Comfortable**

Please feel help yourself to refreshments or take personal breaks. If you have other needs please inform the facilitator.

**Communication & Media**

Agency staff will serve as primary contacts for all communication, outreach and media. At the request of the Agency Board of Directors, or staff, the Advisory Committee may advise on outreach and community engagement.

Advisory Committee members reserve freedom to express their own opinions to media representatives, but not the opinions of others. The temptation to discuss someone else’s statements or position should be avoided. Participants can refer media inquiries to Committee members for individual comments.

If contacted by the press or an external party concerning the discussions, participants are asked to:

- Point out that they are not speaking on behalf of the Committee, unless specifically authorized by the Committee to do so.
- Present their views only and conscientiously refrain from expressing, characterizing, or judging the views of others.
- Avoid using the press as a vehicle for negotiation.

The facilitator will avoid speaking with the media.

**Amendments**

The Advisory Committee can recommend future changes to the charter and by-laws. The Board may amend the charter and by-laws when needed using its decision-making guidelines.