

# **Integrated Regional Water Management Disadvantaged Community Involvement Program Tulare-Kern Funding Area Program Charter**

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## **Background and Introduction**

The following is a written description of the shared vision of the participants in the initial framing and development of a proposal for the Tulare-Kern Funding Area (“TKFA”) California Department of Water Resources (“DWR”) Disadvantaged Community Involvement Program for the purpose of ensuring involvement of disadvantaged communities, economically distressed areas (“EDAs”), or underrepresented communities (hereinafter collectively referred to as “DACs”) in IRWM planning efforts (hereinafter “Program”). This charter will be used to guide future refinement and implementation of the proposed scope of work.

## **Program Purpose, Goals and Outcomes of the Tulare Kern Funding Area Project Advisory Committee (PAC)**

Water Code §79745 requires DWR to expend not less than 10 percent (\$51 million) of the Proposition 1, Chapter 7 funds authorized for the Integrated Regional Water Management (“IRWM”) Grant Program (“Program”), for these activities. The California Water Code-defined TKFA for which the Parties are affiliated, has been allocated \$3.4 million in non-competitive grant funding under this program. The state objectives for this program include:

1. Work collaboratively to involve DACs, community-based organizations, and stakeholders in IRWM Planning efforts to ensure balanced access and opportunity for participation in the IRWM planning process;
2. Increase the understanding, and where necessary, identify the water management needs of DACs on a Funding Area basis; and
3. Develop strategies and long-term solutions that appropriately address the identified DAC water management needs.

Further, the Parties have agreed to promote the state objectives through the Program by:

1. Conducting a Needs Assessment of DACs in the TKFA;
2. Supporting Project Development so that DAC projects are ready for Proposition 1 funding;
3. Promoting ongoing DAC participation in IRWM planning and implementation efforts.

The County of Tulare is the lead agency which includes being the responsible fiscal agent in managing grant funds, reporting to DWR, and contracting for services to complete the tasks described in the Program Agreement.

To facilitate this, the TKFA has formed a Project Advisory Committee (PAC) to provide a key role in Program guidance and decision making, consistent with the Parties expressed program goals and objectives.

Project Goals are further enumerated in the Meeting Framework and action plan that shall be updated by the Project Manager, with member input as feasible.

## **PAC Membership Criterial and Roles**

Awarding of grant funds to a single agency on behalf of such a large region presents a particular challenge in how best to develop an effective mechanism for inclusive and equitable stakeholder planning and oversight. To address this significant need, the Parties supported the establishment of the (PAC) to participate in the implementation of the scope of work, budget, and schedule as provided for in the Proposal. The following is the PAC makeup:

- One Member selected by each IRWM (7)
- One DAC Member selected by each IRWM region (7)
- One Tribe Member (1)
- Alternates for each PAC member (15). See the PAC Roster for specific member details.

Membership of the PAC was determined by each of the seven TKFA IRWMs regions: Kaweah River Basin IRWM, Kern County IRWM, Kings Basin Water Authority, Poso Creek IRWM, Southern Sierra Regional Water Management Group, Tule River Basin IRWM, and Westside-San Joaquin IRWM (collectively the IRWMs).

Individual members for each of the IRWMs may be amended at the discretion of the individual IRWMs. Criteria to be a member of the PAC includes representing a TKFA IRWM, having key responsibilities, approach discussions collaboratively, and/or having a specific history with the issues. Additional proposed criteria are as follows:

- Each IRWM should ensure consistent participation; members should attend each meeting and actively participate.
- In the event that a member cannot attend a meeting, the members should notify the facilitator and make arrangements to be briefed before the next meeting.
- As meeting time is limited, time will not be spent to revisit past decisions or discussions for the sole benefit of members who missed previous discussions. It is the member's and member organization's responsibility to stay updated and informed.
- High level meeting summaries will be available from the facilitation staff to assist in capturing key information from the meetings.

### **Filling DAC Member Seats**

The extent that an IRWM fails to select a DAC member to sit on the PAC, the remaining PAC members may select a DAC member from within the IRWM area to sit on the PAC. This DAC member shall sit on the PAC until the IRWM may fill that position with a DAC member that fits the above member criteria. Action to fill an IRWM DAC member seat shall be noticed to the IRWM at least 30 days in advance of the meeting to select the replacement DAC member.

### **Meeting Schedule, Notification, and Communication**

- The facilitator will communicate with the PAC regularly regarding meeting times, activities, and status.
- Meetings shall be scheduled consistent with Meeting framework unless notified otherwise by the facilitator.
- Agendas and/or other meeting materials will be distributed in advance, as appropriate.

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- The PAC will meet approximately five (5) times per year from April 2018 through January 2021. Additional working meetings with the PAC and project manager may be scheduled in 2018 on a monthly or bi-monthly basis to kick-off project work.
- Brief summary notes of facilitated meetings will be produced after each PAC meeting to capture the key highlights discussion items and/or feedback.

The PAC may work with the Project Team to schedule additional meetings, if deemed appropriate and mission critical to the project. The PAC acknowledges that these additional meetings may not include services of a neutral facilitator and will plan meeting agendas accordingly.

### **Observers and Interested Parties for PAC Meetings and Noticing**

- PAC meetings are open to the public. However, it is understood that the observers and members of the public are not attending as members of the PAC and therefore should allow the process to move forward as outlined in this charter.
- Observers and members of the public will be allowed designated times at PAC meetings to address topics, if desired.
  - Public comments shall be taken at each meeting. The facilitator shall determine time allotted for each public comment (with a minimum of 1-3 minutes per comment). The facilitator shall balance allowing as much time as feasible for public comment, while ensuring the PAC has sufficient time to develop project deliverables within the Project Framework.
- An 'Interested Parties' list will be compiled as the effort moves forward. This list will be referenced for future notices or updates to others.
- Meeting Agendas and information shall be posted at the [Tulare Basin Alliance website](https://tularelakebasin.com/alliance/index.cfm/) (<https://tularelakebasin.com/alliance/index.cfm/>) and at the Tulare County Board of Supervisors office.

### **Guiding Principles**

- Communication and collaboration allows for a better final product. All member Integrated Regional Water Management groups (IRWMs), individuals, and organizations have an important voice at the table.
- The PAC is intended to facilitate coordination and development of the Program activities, therefore meetings, discussions and activities shall be coordinated to ensure that the County of Tulare can comply with the fiscal and contractual responsibilities owed to DWR and complete tasks identified in the contract agreement,
- The Project schedule has been designed to be responsive to mutual desires for progress and to accommodate external deadlines.
- Education is the key to understanding; when a challenging issue appears, explanation is encouraged to the extent feasible to meet project milestones.
- All issues raised by members are valid and will be given due attention; respecting all perspectives is paramount. All members have a critical voice at the table, including those impacted by the program.
- All members will strive to move past previous disagreements and concentrate on a successful future state.

## Ground Rules

The PAC will utilize standing ground rules regarding meeting protocol and may modify them as appropriate. These ground rules will be strictly enforced by the facilitator.

a. Participants agree to:

- Listen and openly discuss issues with others who hold diverse views.
- View disagreements as problems to be solved rather than battles to be won.
- Not engage in stereotyping of other participants.
- Not ascribe motives or intentions of other participants.
- Respect the integrity and values of other participants. Keep commitments made.
- PAC members are encouraged to attend all meetings; consistency of involvement will assist the productivity of the discussions. Thus past discussions cannot be revisited due to failure of members to attend meetings.

b. During meetings the participants agree to (and will be enforced by the facilitator):

- Honor time—please do not repeat the same point multiple times, to respect the group's need to cover many issues efficiently.
- Use conversational courtesy (do not interrupt other members, even if you may disagree).
- Be aware of inappropriate body language—no 'eye rolling', smirking, shaking heads, etc. These do get noticed and can impact negatively the tone and effectiveness of a meeting.
- Appreciate humor but not engage in humor at the expense of others.
- Avoid editorials (please talk about your ideas and thoughts, rather than analyzing the motives of others or making other editorial comments).
- Reference Per the 'Gradients of Agreement' below, discussions will move forward with a goal of addressing issues transparently to create the best process possible.
- NEVER raise voice in anger, intimidation, bullying, or personal attack—this approach will not be tolerated and will result in an immediate cooling off period for the meeting and may result in adjournment.
- Use Technological Courtesy – silence cell phones and other electronic devices.

## Decision-Making

The PAC will have advisory responsibility with respect to the key milestones listed above, where such recommendations are made by simple majority of the then present PAC members; however, PAC members will have the right to offer a minority opinion. Such recommendations where formal voting occurs will be recorded in writing, including any minority opinion(s). Tulare County, as Lead Agency and Fiscal Agent, will retain final decision-making authority where contractual obligations<sup>1</sup> are involved and will seek to inform and receive input from the PAC. Regular oversight and administration of the project activities and implementation thereof will be by the County.

The Parties acknowledge that activities contemplated herein will require the frequent interaction between them in order to optimize opportunities, maximize the mutual benefits to the TKFA and resolve issues that arise. The Parties pledge to work cooperatively and in good faith. The Parties support the PAC advising the County of Tulare. The County of Tulare, as Lead Agency and Fiscal Agent, will retain final decision making authority where contractual obligations are

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<sup>1</sup> Contractual Obligations shall be defined as agreements entered into by the County with relation to this program.

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involved and will endeavor, as appropriate, to inform and receive input from the PAC on such issues before decisions are made.

To inform Tulare County Board decision-making, the PAC will provide written recommendations in reports that reflect the outcome of PAC discussions. The recommendation reports will identify areas of agreement and disagreement. The PAC may request that one or more PAC members present its recommendations to the Board, including areas of agreement and disagreement, consistent with PAC deliberations. The Tulare County Board of Supervisors will consider PAC recommendations when making decisions. If the Board does not agree with the recommendations of the PAC, the Board shall state the reasons for its final decision.

The PAC will strive for consensus (agreement among all members) in all of its decision-making. Working toward consensus is a fundamental principle. Consensus means that all PAC members either fully support or can live with a recommendation. In reaching consensus, PAC members will follow under the gradients of agreement table (see below). Some PAC members may strongly endorse a particular proposal while others may accept it as "workable." Others may be only able to "live with it." Still others may choose to "stand aside" by verbally noting a disagreement, yet allowing all other members of the group to reach a consensus without them if the recommendation does not affect them or compromise their interests. Any of these actions constitutes consensus.

Any PAC member or members that disagree with a recommendation should provide an alternative that attempts to meet his/her interests while also meeting the interests of other members. The PAC will strive for consensus, but shall not limit itself to strict consensus if 100% agreement among all participants cannot be reached after all interests and options have been thoroughly identified, explored, and discussed. Less-than-consensus recommendation-making shall not be undertaken lightly. When unable to reach consensus on advice or recommendations, the PAC will outline the areas in which it does not agree, providing some explanation to inform Board decision-making. If the PAC members that disagree with a majority recommendation do not feel comfortable that the PAC members designated to present recommendations will adequately present the minority perspective to the Board, then they may select a representative to present that minority perspective to the Board.

In order to conduct business (e.g. make and advance a recommendation to the Board for final decision-making), a quorum of the PAC must be present. 7 PAC members, with majority representation from DAC members from each IRWM shall consist of a quorum. Matters where a recommendation or decision may be required by the PAC shall be noticed in advance in the posted agenda.

The Gradients of Agreement Table:

1	2	3	4	5	6
<b>Fully Endorse</b>	<b>Endorsement-Minor Issues</b>	<b>Agreement w/ Conditions</b>	<b>Stand Aside</b>	<b>Disagreement-Neutral</b>	<b>Full Block/Veto</b>
I strongly support the proposal	I generally like it, proceed with my support	I can support if some steps are taken now or in the future.	I don't really like this, but I don't want to hold up progress. Proceed.	I don't want to stop progress on the item, but I don't want to be held responsible for this.	I do not support and want to go on the record accordingly.

In the event that a key, intractable issue is unable to be satisfactorily addressed through consensus-seeking protocols outlined in this Charter, a 'vote' approach using the below system may be used in order to keep the effort moving forward and avoid stalemate, if appropriate:

1. Facilitator shall identify that Consensus cannot or has not been reached.
2. A PAC shall move for a vote, and another PAC member must second the vote.
3. One 'vote' will be allowed for each PAC member present at the meeting.
4. A majority of the members voting in favor shall move the item forward. Minority perspectives shall be recorded by the facilitator and presented for consideration by the Tulare County Board of Supervisors as discussed above.

Voting Members of the PAC are defined as the single IRWM and single DAC member designated for each IRWM, plus the single tribal member. Alternates are encouraged to attend all meetings, but shall not vote. In the event of a tie, the PAC shall be deemed to not come to a decision on a matter.

**Project Support**

The PAC activities shall be supported by the project team, consisting of a neutral facilitator, the County of Tulare (represented by Denise England), and the Project Manager (represented by Maija Madec of Provost and Pritchard). With guidance and support, as feasible from the PAC, the Project Team shall:

- Coordinate meeting logistics
- Post materials to the Project website
- Send materials to PAC members
- Maintain the "Interested Parties" List
- Develop meeting highlights
- Develop written recommendations from PAC to Tulare County Board of Supervisors
- Manage project milestones

The project facilitator shall advise on the process for coordination of these activities.

## **Role of the County of Tulare**

In connection with its role as the fiscal and administrative contracting agency with DWR, Tulare County is responsible for the following:

- Coordination with PAC
- Contract for Project Management (Provost & Pritchard)
  - Sub-consultant contracts to be determined
- Prepare Final Report to DWR
  - Summary of program activities' outcomes into the template provided by DWR
  - Coordinate with Sub-consultants to consolidate information
  - Circulate draft and receive revisions/comments
  - Generate Final Report for submission

## **Role of the Facilitator**

Facilitation support will be provided for this process by the California State University of Sacramento, Consensus and Collaboration Program, through a contract by DWR. The Facilitator shall:

- Serve as a professional neutral, advising on the Project process, facilitating meeting dialogues to achieve key decision points, and developing meeting notes for PAC meetings.
- The facilitator is not entering this process as a 'content' expert—they will participate as a 'process' expert only. Detailed policy issues and expertise will be brought into the process by the project manager and all parties from their interest and perspectives.

While the facilitator is content neutral and will not make judgments on information brought into the room, she is not process neutral, and will make decisions on appropriate times and ways for the parties to bring in information, and the best structure for discussion.

## **Administrative Process Actions for the PAC**

Administrative decisions (including but not limited to: logistics, meeting dates and times, agenda revisions, schedules, etc.) will be undertaken by the project team with input from the PAC.

## **Charter Ratification and Amendment**

The PAC shall ratify this Charter through the decision-making process outlined above. The PAC may amend this Charter by following the same decision process set forth above. Amendments may be proposed by the PAC members during or between meetings to the Project Team. The proposal will be agendaized for discussion and possible action at the next meeting, or through email and/or conference call communication if feasible and appropriate.

## **Term**

This Charter shall remain in effect through the term of the DACIP as defined by agreements between Tulare County and DWR.

**Tulare Kern Funding Area  
Integrated Regional Water Management (IRWM)  
Disadvantaged Community Involvement Program (DACIP)  
Project Advisory Committee (PAC)**

1. Agenda Formatting

- a. Agendas shall clearly demonstrate public comment opportunities, consistent with Brown Act.
- b. Opportunities for public comment, question and answer shall be delineated in the Agenda.
- c. Agenda shall identify where recommendations will be developed or actions will be taken.

2. Develop and Maintain a List of Interested Parties

A list of stakeholders interested in receiving information regarding the DACIP shall be maintained and updated regularly. Those attending DACIP meetings shall have an opportunity to sign up for interested parties list when checking in as attendees to meetings.

3. Timing of Notices

PAC shall comply with Brown Act requiring for 72 hours advance notice of meetings at a minimum. Project Team shall strive to provide materials and agendas in advance, aiming towards 1-2 weeks advance notice as feasible with Program Framework.

4. Location of Notices

PAC notices shall be:

1. Distributed on the Interested Parties listserv.
2. Posted at the Tulare County Board of Supervisors Office
3. Posted on the Tulare Basin Alliance Website:  
<https://tularelakebasin.com/alliance/index.cfm/tulare-kern-dac-involement/pac/>

5. Language Accessibility

PAC members recommend that meeting agendas and notices shall be posted in Spanish and English. Meeting materials required in Spanish or other languages shall also be translated.