

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

The following is a straw proposal for a final program Charter. Language highlighted in yellow was taken directly (verbatim) from the original contract proposal documents, redlined changes were made to demonstrate transition from proposal to Program. Sample language is in italics and set off in text boxes.

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 (hereinafter “Parties”) 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 “~~Proposal~~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 Parties recognize that DWR requires a single agency with sufficient administrative, fiscal, and organizational capacity to submit a single Proposal on behalf of the entire TKFA.~~ The County of Tulare ~~has stepped forward to act as ais~~ 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 ProposalProgram Agreement.

Proposed Additional Language

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.

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. .

PAC Membership and Participation

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.

Proposed Additional Language

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.*

Sample Language

- *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.*
- *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.*

Observers and Interested Parties for PAC Meetings and Noticing

Sample Language

- *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.*
- *As feasible, observers and members of the public will be allowed designated times at PAC meetings to address topics, if desired.*
- *An 'Interested Parties' list may be compiled as the effort moves forward—especially after the public meetings occur. 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.*

Guiding Principles

Sample Language

- *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.*
- *All members will strive to move past previous disagreements and concentrate on a successful future state.*

Sample Language

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 on 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.*

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 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.

Proposed Language

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 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), a quorum of the PAC must be present. A simple majority constitutes a quorum.

The Gradients of Agreement Table:

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

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. One 'vote' will be allowed for each PAC member present at the meeting. Votes will be noticed as feasible in advance.*
- 2. 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.*

Project Support

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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

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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

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Facilitation support will be provided for this process by the California State University of Sacramento, Collaboration and Consensus 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 discussing information. These decisions or suggestions will be based on achieving the purpose, goals and desired outcomes described above.*
- *The facilitator will work to ensure balanced participation among the participants—both from those interests invited to participate in the effort, and during PAC meetings specifically.*
- *Any and all process concerns should be brought to the facilitator's attention, either in the moment or between meetings. Concerns raised regarding process can remain confidential.*
- *The facilitator will work to ensure balanced participation and a fair process for all parties. Members should feel comfortable approaching the facilitator and knowing that their conversations can remain 'off the record' if requested.*

Administrative Process Actions for the PAC

Sample Language

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.