

Water Supply Advisory Committee

Meeting April 30 – May 2, 2014

Seymour Marine Discovery Center

Meeting Summary

Use and Meaning of the Meeting Summary:

The Summaries of the Water Supply Advisory Committee are intended to be general summaries of key issues raised and discussed by participants at meetings. The presentation of issues or items discussed is not designed to be totally comprehensive, or reflect the breadth or depth of discussions. However, it is intended to capture the gist of conversations and conclusions.

Where a consensus or other agreement was reached, it will be so noted. Where ideas or comments are from only one or several participants, or where a brainstormed list is presented the content of which was not agreed to by all group members, the recorders will to the best of their abilities note these qualifiers.

An early draft of this summary is sent to Committee Members so that they may provide comments to the facilitators and permit the preparation of a more reliable Presentation Draft for review at the Committee's next meeting. If the Members' comments conflict with each other the facilitators do their best to resolve the conflict in the Presentation Draft. When Members raise comments about the meeting Summaries, or make other suggestions or comments following meetings that propose changes that are more than "corrections" to the Summaries, the facilitators add these in a section at the end of the meeting Summary captioned "Post Script".

This meeting consisted of three consecutive daily sessions each lasting three hours. Here is a list of the members of the Committee followed by a list of absences and late arrivals.

Peter Beckmann, Doug Engfer, David Green Baskin, Suzanne Holt, Dana Jacobson, Charlie Keutmann, Rick Longinotti, Sarah Mansergh, Mark Mesiti-Miller, Greg Pepping, Mike Rotkin, Sid Slatter, Erica Stanojevic, David Stearns.

Greg Pepping was unable to attend any of the sessions, David Green Baskin was unable to attend the first session, Mark Mesiti-Miller was unable to attend the second session. Late arrivals in the second session were Erica Stanojevic and David Stearns and in the third session were David Stearns and Dana Jacobson.

First Session, Wednesday April 30

Delivery of the Charge

Mayor Lynn Robinson began the meeting by describing the Committee's charge from the City Council:

- Develop water supply strategy recommendations for consideration by the Council
- Use fact-based processes to reach these recommendations
- Achieve specific milestones as part of its work plan
- Provide recommendations that ensure a water supply that is
 - Safe
 - Adequate
 - Reliable
 - Environmentally sustainable
- Take account of future water demand and of
- Threats to future supply

The Brown Act

City Attorney John Barisone explained the purpose of the Brown Act and ways the Members can comply with it:

- Public must be able to observe the Committee discuss all the topics on its agenda
- Committee must be able to comment on any aspect of the Committee's charge during Oral Communication
- Any time there is a quorum of Members present discussing any aspect of the Committee's charge it's a meeting. So:

- It must be in public
- It must have a posted agenda
- Serial meetings can be created by allowing messages to pass among Members:
 - Don't use email for discussions among Members
 - Be cautious about side-bar communication that can become a daisy-chain serial meeting in violation of Brown

When asked about conflicts of interest John explained:

- Members can't enter into contracts with the City
- Members mustn't participate in Committee decisions that can produce foreseeable financial benefit to them personally

Public Comment

- Regarding Committee membership: the Committee should include regulators
- Committee needs to start thinking about water rights issue early on
- Committee should be ready to horse-trade
- Early public comment at critical points; consider open houses
- In dealing with the public, go beyond isolated constituency groups—get people to communicate across group boundaries
- Make more frequent milestones so can start with early implementation
- We can't hear what the Members say
- There needs to be more publicity about all these water issues to ensure many levels of public participation
- Always allow public comment before the Committee makes big decisions. In response to this comment Members agreed that they would allow public comment before any decision that they considered to be a big decision and that this would be included in their Charter.

- When a meeting is divided into multiple sessions each session should start with public comment so that anyone who missed an earlier session has a chance to speak. In response to this comment Members agreed to include this in their Charter.
- Electronic communication from the public would be nice on the Committee's website.

Dialog-Maps

At various times during the meeting, the Members and the public were invited to add to the Dialog Maps that were prepared on the basis of the Assessment. The electronic version of the Maps was updated to reflect these additions and alterations and the updated version is now available to view at <http://www.ppcollab.com/dialog>

Committee Charter

The Committee reached agreement on various aspects of the charter using a draft outline. The outline, including all agreed parts of the Charter, is attached at Appendix 1. In the Appendix, the agreed sections are highlighted in yellow. All agreements on the Charter were reached by a Sense of the Meeting. In the Appendix no distinction is made between items agreed in the first session of the meeting or in the discussions about the Charter that took place in the second session.

Second Session, Thursday May 1

Dialog Maps

Before the start of the session, the public and Members added to the Dialog Maps.

Committee Charter

The Committee continued to develop its charter. The agreed parts of the Charter are in Appendix 1.

Website Subcommittee

The Committee agreed to create a Website Subcommittee:

- It will last four months
- It won't follow the requirements of the Brown Act
- Sarah and David S volunteered for the subcommittee
- It will select material for the Committee's website that gives a balanced presentation of the Committee's work and identifies where the Committee has been and where it is going.

Public Comment

Halfway through the session the Committee listened to public comment:

- Put everything possible on the website. Include material like the letter from the Mayor etc.
- The public is still unable to hear what the Committee members are saying. Better acoustics or amplification will be important in other venues.
- For future Committee meetings have more publicity. The community deserves to be part of this. These meetings should focus on participation by the public.

Committee Charter

The Committee resumed work on the Charter for the rest of the session.

Third Session, Friday May 2

Meeting Schedule

The Committee agreed to the following meeting schedule:

- Thursday May 29 (evening) and Friday May 30 (afternoon) with a field trip on Saturday May 31.
- Thursday June 26 (evening) and Friday June 27 (afternoon)
- Thursday July 31 (evening) and Friday August 1 (afternoon)

Charter Subcommittee

The Committee agreed to create a subcommittee to continue work on the Charter and to bring recommendations to the Committee's next meeting:

- The Subcommittee will last two months
- It won't follow the requirements of the Brown Act
- Erica, Mike and David B volunteered for the subcommittee

Problem Statement

The Committee agreed not to discuss the Problem Statement at this stage recognizing that the best time to develop this statement will depend upon the approach that the Committee adopts for its work Plan (Option A or option B).

Public Comment

- Consultant Selection needs to be transparent
- When discussing sustainability, be sure to talk about short-term sustainability (~ 5 years) and long term (on the order of 80 years)
- Our water policies need to reflect that economic vitality and our natural systems are inter-dependent
- We can't hear what the Committee Members are saying.

Work Plan

The Committee agreed by a 'sense of the meeting' to adopt 'Option B,' which is better suited to complex issues.

Interests for Selecting Experts

In the discussion about selecting experts, the committee agreed by a sense of the meeting that they would like the City to begin work on the development of a peer review panel.

Much of the discussion concerned the question of whether to proceed with the Stratus contract or ask the City to initiate a new contracting process. Carie will be sending you some reflections about that discussion by separate e-mail. For now, if the Committee were to provide feedback to the Council that Stratus should provide support to the committee, the possible conditions are that such a decision must be explained well to the public, continuing on with Stratus after recon can only happen with Committee approval and that other restrictions

should be applied (for instance, Stratus and Fiske would be the only contractors employed during recon). However, these strands of thought have not been fully described nor have they been deliberated.

Oral Communication

During discussions about the selection of experts the Committee listened to Oral Communication from the public.

- Like the idea of using local consultants as experts
- Have talked with Gary Fiske and he seemed very good. Whatever model is used it will have to expand on the original Confluence model, and must ensure that it remains transparent. Gary should be asked to reduce his model to a spreadsheet format so we can all read it.
- It is right for a citizen's committee to influence the selection of consultants who will work with them. So this discussion by the Committee is the right path. It will not be helpful in the long run if the public perceives this Committee as having accepted the City's chosen consultant. Making the selection may take longer, but the one-year time-limit is not unchangeable.
- We need to be open to a consultant who has previously advocated for desal as long as they have also, on other occasions, advocated other strategies. We need a consultant with an ability to consider a mix of strategies.

Agenda for May's Meeting

- Committee member updates
- Discussion of materials resulting from last meeting (this summary, the official city Action Agenda and Carie's reflections on the consultant issue) and decision on what materials the Committee wants in future
- Calendar through 2014 [?] and question: can you do what you need to get done in 6 hours per month?
- Charter Subcommittee recommendations
- Website Subcommittee update
- Brief staff report about the Long Term Water Conservation Plan

- Selection of Experts: continued discussion
 - Presentation by Rosemary Menard regarding process for selecting Stratus to date. This report was originally requested by one of the Committee members and the facilitators have asked her to use the report as a way to also illustrate the contracting process. The objective is to help the Committee members understand what their most powerful areas of influence are (or aren't), what the City needs from them if they are to have input to contracting and to help them understand logical things that can be done to shorten the time for hiring consultants in the future.
 - Clarity about the peer review panel. What does the City need from the Committee in order to proceed?
 - Clarity about the criteria to be used in hiring consultants.
 - Decision about general contractor to be used during recon.
 - Agenda for June Meeting [this is an agenda item for the May meeting]
 - What part of the decision process would you like to start with (e.g. Supply/Demand, Alternatives, Criteria...)?
 - What education piece would you like to have? (Recommendation: risk, uncertainty, scenarios and sensitivity analysis)

APPENDIX 1

Draft Charter with Glossary

Items in this draft Charter that have been revised with the agreement of the Committee are highlighted in yellow

Glossary

Action only minutes: these are the minutes that show the actual decisions and forward actions.

Consensus: consent of all the parties. Consensus can include “standing aside,” in which one or more parties can say “I am not going to block this, but I am willing to let it go. However, I want my non-agreement to be noted.”

Decision space: The Decision Space is the range of options available to the members of the committee. The decision space may be constrained by the council, the law, budget limitations etc.

Ex officio: An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin, meaning literally "from the office", and the sense intended is "by right of office." That means that if the person leaves the office, the position on the committee is filled by the next person who occupies that office. Often, ex officio members sit at the table but don't vote. In the case of consensus, the ex officio member will support the Committee-members search for consensus but will not advocate for a particular option.

Sense of the Meeting: After discussing an issue, often at some length, there is a palpable feeling in the room that a wise and stable decision has been reached. There are no more wrinkles or reservations.

CHARTER

Article I. Purpose of Committee

The Committee’s purpose is to “explore, through an iterative, fact-based process, the City’s water profile, including supply, demand and future threats; analyze potential solutions to deliver a safe, adequate, reliable and environmentally sustainable water supply; and develop strategy recommendations for City Council consideration.”¹

Article II. Authority and Establishment of the Committee

The Committee was established by Santa Cruz City Council by resolution on November 26, 2013 and was sworn in and seated on April 30 2014. The Committee is subject to the Brown Act and all other applicable law. The Committee is established for 12 months from the time of the first meeting, with extensions allowed with Council approval.

Article III. Organization of the Committee

(a) Committee Composition

(i) The Committee starts work with the following fourteen members:

Peter Beckmann
Doug Engfer
David Green Baskin
Suzanne Holt
Dana Jacobson
Charlie Keutmann
Rick Longinotti
Sarah Mansergh
Mark Mesti-Miller
Greg Pepping
Mike Rotkin
Sid Slatter
Erica Stanojevic

¹ This language is from the Council. We consider it to be very close to a problem statement. The Council said that it is ok to propose amendments. If you choose Option B for your work plan, it is likely that you would refine this almost-problem statement at the end of Recon.

David Stearns

(b) Committee may add members

The Committee may propose to the Council the addition of Committee Members. The Committee will never recommend more than [number] members, nor will it allow the number of members to fall below [number] without recommending additions or replacements.

(c) Committee member withdrawal

Members may withdraw from the Committee at any time by [providing a letter of resignation to the Council, with copies to the other Members ... other]

(d) Director of the Water Department as ex-officio member

The Committee appointed the Director of the Water Department (or her designee) as a supporting Committee member. Her role is to support the Committee as they seek consensus, but not to advocate for any particular outcome. She will not vote.

(e) [Chair and Co-Chair

The Committee may establish Committee members as Chair [and co-Chair]. Their primary responsibilities would be to provide a point of contact between meetings and to advise the facilitators.]

(f) Quorum

A meeting of the Committee will be considered to have sufficient members present for it to function if there are at least 10 members at the meeting.

Article IV. Roles and Communications

(a) Committee-City Council

- (i) The Committee appreciates if Council members would not speak or actively participate in Committee meetings unless input is specifically requested by the Committee.
- (ii) The Committee will communicate with the City Council by letter or written report which may be accompanied by an oral communication as authorized by the Committee.
- (iii) Reasons for the Committee to report to the Council include
 - 1) *It reaches predetermined Milestones*
 - 2) *It wishes to change its Charter*
 - 3) *It wishes to add new Members(s)*
 - 4) *Individual Committee Members may communicate personally with Council members, within the constraints of the Brown Act. Individual Committee Members who communicate personally with Council members will only do so on their own behalf. They will not represent the Committee.*

(b) Committee-Other Entities that Significantly Influence Water Policy

Members recognize that other entities in Santa Cruz such as [business and professional organizations, academic institutions, environmental organizations, other ...] have significant influence over the development of water policy in Santa Cruz. They also recognize that [trust, collaboration, other ...] among Members will be [fostered, supported, ...] by adopting an open communication policy with regard to these institutions. So Members will [keep the Committee up to date on communications between them and these institutions, other].

(c) Facilitators

- (i) Work for the Committee
 - The co-facilitators' primary responsibility is to the Committee and to the productive pursuit of its purpose. They:
 - 1) *Design, prepare for, facilitate and record the Committee's meetings*

- 2) *Liase on behalf of the Committee with City staff members and with technical experts*
- 3) *Work with Members to mediate resolutions to disputes that may arise and*
- 4) *Assist Members in their public outreach, as requested and within budget limitations.*

(ii) Facilitators shall not:

- 1) *Communicate with the media nor engage in discussions of this topic on social media [except as requested by the Committee ... other exceptions?]*
- 2) *Communicate with Council members [except as requested by the Committee ... other exceptions?]*

(d) Committee Member - Committee Members

- (i) Collaboration with an open outlook: Members will at all times keep to their commitment to the City that they will participate collaboratively and maintain an outlook that is open to new information and new outcomes.
- (ii) Members understand that in order to collaborate effectively in the Committee it will be important to communicate with stakeholder groups that they influence in ways that are consistent with the collaborative ideals of the Committee. [... encourage any stakeholder whom they influence to adopt similarly collaborative behavior during the months that the Committee is working... refrain from fomenting [political activity ... direct political action ... lobbying of Council members ... packing Council meetings ... other] [in the spirit of an open-minded approach to new information and all potential outcomes ... other ...]

(e) Committee-Public

- (i) Members are encouraged to fully engage with the public [and the media] to describe [their experience as Members of the Committee, the information that they have learned, any changes to their perspectives, ...other ...].
- (ii) Unless they have been appointed a spokesperson for a specific task, Members will always make it clear when they speak or write in

public that they speak for themselves, and not as a spokesperson for the Committee

- (iii) Members who are relied upon by any stakeholder groups as their representative on the committee will [identify those groups to the Committee, ... describe the nature of their relationship to those groups, ... other].
- (iv) Members recognize that [trust, collaboration, productivity other ...] among Members will be [fostered, supported, ...] by communicating with the stakeholder.
- (v) Members respect the time that their fellow-members have committed to the meetings of the Committee, and will make every effort, both before, during and after meetings, to ensure that any members of the public, who are members of stakeholder groups that they influence, will participate in meetings with the same collaborative spirit as the Members of the Committee, and will not disrupt the Committee's meetings and delay its work.

(f) City Staff

City staff shall:

- (i) Support the Committee's work by ensuring that appropriate [how/who defines appropriate?] resources are made available to the Committee in a timely manner.
- (ii) Strive to be clear about the level of collaboration they understand to be appropriate in a given instance: Inform, Consult, Involve or Collaborate.
- (iii) Engage in the same level of collaborative engagement as specified for the Committee members. In particular

Article V. Work Plan

- (a) **The Committee will agree on a work plan. This will include an early agreement about the form of the work product.**
- (b) **Milestones**
- (i) At significant points in the completion of the work plan the Committee will prepare and submit to Council Milestone reports. It is initially anticipated that Milestone reports will be filed when the following achievements are reached²:
- 1) *Agreement on definitions and basic principles of problem, purpose, process, common timelines and work plan*
 - 2) *Achievement of an advanced understanding of the City's water supply profile, including historical and predicted hydrologic cycles, water production and delivery, regional concerns such as saltwater intrusion, climate change threats, demands, conservation and environmental and regulatory considerations.*
 - 3) *Agreement on clear criteria for what constitutes a viable water supply solution.*
 - 4) *Exploration of a broad array of potential solutions. and*
 - 5) *Development of recommendations for City Council consideration.*
- (ii) Any changes to these milestones agreed to by the Committee will be recommended to the Council for its approval.

Article VI. *Decision-making process.*

(a) **General Decision Process**

The Committee's decision-making processes will differ from the Council or City Commissions in that it is intended to reach consensus through a collaborative process. Therefore, the Committee will use this hierarchy of decision tools:

² These five Milestones were given to the Committee by the Council.

- (i) The preferred decision tool is for the Committee to arrive at a “sense of the meeting.” (See glossary)
- (ii) Consensus is highly desirable. (See glossary for ‘consensus’ and ‘standing aside.’)
- (iii) Informal voting may only be used to explore the decision space. (See glossary.)
- (iv) Formal voting may be used as a fall-back when consensus fails as long as there is consensus that a vote should take place. The voting shall be by a supermajority of 10.

Article VII. Subcommittees

When the Committee establishes a subcommittee it shall give them a clear charge, duration and a scope of responsibility as well as external communication parameters. The Committee may agree to form subcommittees to fulfill specific roles or to complete specific tasks during the time between the normal meetings of the Committee. These meetings may be facilitated if the budget allows.

(a) Standing Subcommittees

Standing Subcommittees are expected to last more than 6 months and are subject to the Brown Act.

(b) Temporary Subcommittees

Temporary Subcommittees last fewer than 6 months. These will not normally be subject to the public access provisions of the Brown Act. Therefore, provisions to be made for public access to such a subcommittee shall be determined by the Committee at the time the subcommittee is formed

Article VIII. Committee Dissolution:

(a) A [majority][more than half of the Committee Members] [super-majority of X votes] [supermajority of Y% of votes] may dissolve the Committee. However, when they do so, they must

- (i) [appoint a spokesperson to describe the dissolution to the Council and]
- (ii) [provide the spokesperson with guidance] and/or
- (iii) [prepare a report] about [the reasons for the dissolution] [a summary of areas of agreement and disagreement] [other]

(b) Committee Members agree that, to the extent possible, any Committee dissolution will "fail forward"--leave the City in a better condition than it was before. Examples of improved condition include:

- (i) [issues will be more clearly articulated,]
- (ii) [a common vocabulary developed] and
- (iii) [areas of agreement and disagreement clearly mapped out.]

Article IX. Meeting Procedures

(a) Committee Meetings will occur monthly, usually on [Wed evening] [Thursday evening] and [Friday afternoon], towards the end of each month. (The exact date will vary to accommodate Planning Commission meetings and Committee member schedules.)

- (i) [Committee members may miss no more than [3] meetings per year.³ If they miss more than [3] meetings per year, they [do] [may] forfeit their membership.]

³ <http://cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=3189>. These are guidelines.

- (ii) [Committee members who cannot attend should notify the facilitators in advance.]
- (iii) Do you want language about recusing for conflict of interest? Recusing tends to be less of an issue with consensus processes. You could ask people to declare conflicts of interest.

(b) The total meeting time usually will be __ hours, counting breaks. The meeting times are posted on the google calendar (url....)

(c) Facilitators will coordinate meeting materials,

- (i) including the agenda, presenters' powerpoints, and __
- (ii) and will ensure that these materials are [posted on the Committee website] [e-mailed] at least a week in advance, except in extraordinary circumstances.⁴

(iii) **With respect to notes (including action only minutes and a record of "standing aside" as defined in the glossary), they will be prepared** according to this example, where meeting A occurring in April and Meeting M occurring in May:

Example:	
April Meeting	April 30 th , May 1, May 2
Raw Notes	Distributed by May 9
Edits fr Committee	Sent to facilitators May 15

- 1) *Draft notes for meeting A will be prepared by the facilitators and [distributed to the Committee Members] [posted] within one week of that meeting.*
- 2) *Committee Members may send corrections within one week of receiving them (usually at the mid-point between meeting A and meeting M).*
- 3) *The revised notes will be included in the materials for the following meeting (meeting M) and will be amended and approved by the Committee during meeting M.*
- 4) *In the process of improving notes for meeting A and preparing for meeting M, the facilitators will elicit information from the*

⁴ The City will take care of Brown Act notification.

Committee members and synthesize it. In doing this, the facilitators prepare materials for Committee deliberations but they do not help the Committee Members engage prematurely in Committee deliberations.

- 5) *The meeting notes will include an ongoing record of attendance, including Committee Members and the public.*
- (iv) As well as approval of the previous meeting's notes, regular agenda items include
- 1) *developing the next meeting's agenda,*
 - 2) *[reports on Committee interactions with the public, council, city or commissions on Committee-related topics],*
 - 3) *[subcommittee reports],*
 - 4) *[updates from the Committee Members who are also commissioners regarding water-related commission activities][relevant to WSAC],*
 - 5) *[a regular briefing from the City's Water Department] and*
 - 6) *_____.*

(d) Involvement of the Public in Meetings

The facilitators are instructed to seek effective ways to involve the public for the initial meetings. Over time the Committee will take a more active role in choosing meeting designs that provide the most appropriate opportunities for public involvement for each particular meeting's intended accomplishments. The general design objectives are to balance the following criteria:⁵

⁵ These criteria come from the assessment.

- (i) [the public's satisfaction with their opportunity for input,]
- (ii) [maximizing the information content and salience of the public input,]
- (iii) [efficiency]
- (iv) [maximizing mutual learning opportunities] and
- (v) _____.

Article X. Public Outreach.

(a) Outreach

Committee will work closely with the City to [... develop comprehensive public outreach plan and recommendations for approval by the Committee ... respond to the requests of the City for participation in outreach activities ... develop materials representing the progress of the Committee for dissemination by the City ... other]

(b) Website

The Committee will have a website which will be funded by the City and designed by the website subcommittee [in collaboration with the City] and [with the approval of the Committee as a whole]⁶. [I don't know if you need to address ongoing content... suggest you not weigh that down with Committee mngt but rather let the subcommittee work that out with the City]

(c) Committee Members' other Meetings

It is anticipated that Committee Members will continue to participate in the meetings of the stakeholder groups in which they have played an active part in the past. [Committee members will keep the members of these stakeholder groups informed about the work of the Committee ... will provide the group members with insights into new information and potential new outcomes that have been identified by the Committee. Committee Members ... will report back to the Committee about the reactions of stakeholder groups to the work of the Committee ... other].

⁶ Seems pretty clear that the Committee won't be micromanaging the day-to-day website issues. Do you want to delegate big issue things to the subcommittee, rely on their monthly reports, keep some of the control yourselves?

(d) Committee member [obligation] to assist with outreach

The Committee recognizes that it bears a responsibility for the development of educational and outreach materials and it will [work with the City to create the necessary materials ... create the necessary materials and provide them to the City ... other].

Article XI. Managing Expert Input:

Hmmm, this should be interesting!

Article XII. Resolving Contention

(a) Committee members will use the collaborative approach expressed throughout this charter in resolving contention, for instance by inviting informal dialog with other Committee members.

(b) Once these methods have been exhausted, any Member may invoke the resolution provisions at any time, by notifying one of the facilitators. Once the resolution provision is invoked it must proceed promptly to resolution. The discussion will be facilitated.