

**Water Supply Advisory Committee**

**Meeting May 29 – May 30, 2014**

**Fellowship Hall, Peace United Church of Christ**

**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 Committee members, the co-facilitators will to the best of their abilities note these qualifiers. Where the co-facilitators believe that the insertion of additional information would be useful to the group they insert it in this summary and indicate that the insertion comes from them, rather than from the Committee.*

*An early draft of this summary is sent to Committee Members so that they may provide comments to the co-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 co-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".*

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This meeting consisted of two consecutive daily sessions each lasting three hours. Here is a list of the members of the Committee. All members attended both sessions of the meeting. The late arrivals are noted below.

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.

Late arrival in the first session was Sarah Mansergh and in the second session David Stearns.

## **First Session, Thursday May 29**

### **Public Comment**

- “Standing aside” allowed in the Charter but may be a form of abstention that violates Section 607 of the City Charter.

Facilitator’s note: according to the City Attorney there is no legal requirement for the “no abstention” provision of the City Charter to be extended to all City advisory bodies. Provided that the City Council adopts the Charter of the Committee including the provision for “standing aside” that provision will be allowable and will not violate the City Charter.

- What does “Recon” mean?
- The Committee should pay attention to the work that has already been done on the subject of the City’s water supply.
- The Committee’s meeting packets should be distributed to interested community members.
- Jerry Paul discussed the letter he had previously sent to the Committee.
- Bill Feberling discussed the letter he had previously sent to the Committee

### **Processes for selecting and managing consultants**

Heidi described the process followed by the City to select and manage consultants. She also described how this process was used to select Stratus Consulting. In answer to questions she described why Stratus was selected as the preferred candidate and explained the utility of the economic study that they were originally selected to perform.

Rosemary explained how a consultant such as Stratus can be managed. She explained the way that a scope of work is developed if a consultant has been selected using a Request for Qualifications, and how a contract such as this is closely managed on the basis of specific task orders.

### **Committee member updates**

Members provided the following news of significant communication between them and organizations with significant interest in the development of water policy in Santa Cruz:

The Chamber of Commerce has appointed a sub-committee of its Community Affairs Committee to support the work of the WSAC. Their particular interests are the economic impact of water policy and water system decisions both locally and regionally.

The Water Commission is moving forward with the master conservation plan and will organize workshops to encourage public participation in the process. The agenda on Monday night June 2 includes presentations explaining what fish need to thrive.

The County Land Trust has discovered that the water rights of the former Cemex property in Davenport were once offered for sale by Cemex to the Trust for Public Land for \$1.2M. TPL was not interested.

### **Materials resulting from last meeting**

By consensus the Committee approved the draft Action Agenda and Summary of the meeting of April 30-May2. They agreed that similar documents should be prepared for every meeting.

### **Calendar through April 2015**

The Committee reviewed the schedule of meeting dates through April 2015 and agreed to it by consensus.

The Committee considered whether the amount of time allowed for each session of the Committee is sufficient and reached a consensus agreement that the meetings should last longer and use the following schedule:

Meetings on Wednesday or Thursday: 5:00 p.m. – 9:30 p.m.

Meetings on Friday: 2:00 p.m. – 6:00 p.m.

### **Charter Subcommittee recommendations**

The Charter Subcommittee presented its recommended Charter to the Committee. The Committee reached consensus on changes to the provisions of Article I as recommended by the Subcommittee and on the removal of Article XI Managing Expert Input in its entirety. The Committee requested that the Charter be reviewed by the City Attorney before submission to the Council for its approval. The Charter, as amended, is attached to this summary.

Facilitator’s note: The attached Charter reflects the changes agreed to by the Committee but it has not yet been reviewed by the City Attorney.

### **Public Comment**

The Committee invited public comment about the proposed Charter.

- Better public access to the Committee’s meeting packet. Correspondence from the community to the Committee should also be posted.
- Expected public comment after each agenda item.

### **Recon Overview**

Carie led a discussion of the design of the Recon phase. This included discussion of the “Alts Fair” in which many members said they felt that July would be too soon to conduct the Alts Fair.

### **Public Comment**

The Committee invited public comment about the Recon overview.

- Soquel Creek Water District arranged something similar to the Alts Fair and got no actionable input.
- Less substantial input such as the Alts Fair should come after the Committee has considered more substantial information.
- Need to develop criteria before considering alternatives so that you can weigh them all against the same criteria.

### **Written Evaluation and Wrap Up**

Carie asked all participants (Committee members and members of the public) to complete evaluation forms and hand them in.

## **Second Session, Friday May 30**

### **Public Comment**

- Will there be a guest presentation today?
- Committee should be careful of the neutrality of contractors. The City seems to favor desalination over alternatives. Be wary of subcontracting to Kennedy Jenks because of their history. In the past, six of their consultants were members of CalDesal. CalDesal and Kennedy Jenks were significant funders of efforts to defeat Measure T “Voter Approval for the Marin Desalination Plant” that was defeated in November 2010.

### **Committee member updates**

Members asked for an opportunity to add to the member updates of the previous session:

- The owner of the former Cemex quarry near Liddell Creek is willing to lease the property to the city for water storage.
- The Water Commission will forward its meeting packets to Committee members if they are interested. All members said that they want to receive the packets.

## Criteria for Expert Selection

Committee members requested that the meeting attempt to pick up the discussion about consultant selection where it was left at the last meeting. Consequently there was no further discussion of criteria for expert selection.

## Technical Support Consultant

Carie facilitated a discussion about the selection of a technical support consultant for the committee. After substantial deliberation the Committee reached consensus, with Peter standing aside. He stood aside because Stratus was originally selected based on a Request for Qualifications for a consultant to provide an economic impact report. That selection process therefore excluded any consultants who do not include economic analysis in their primary portfolio, whereas the requirements for the Recon consultants are much broader than the economics of any alternatives. The terms of the consensus agreement were as follows:

The Committee will recommend to the Council that the City contract Stratus as its general contractor for technical support of the Committee during the Recon phase only (through approximately the end of November 2014).

The agreement included the following conditions:

- The Committee will be actively engaged with the City and contractor in a partnership approach:
  - Stratus will only engage subcontractors after discussion with the Committee.
  - Scoping and funding of tasks will be developed together
  - Refinement of the consultant task will occur iteratively and together
- The Committee will have an Independent Review Panel that will either be approved by the Council and funded by the City, or will be made up of volunteers.
- The Committee may request the termination of the Stratus contract at any time.
- The Stratus contract terminates at the end of Recon unless the Committee requests that they continue.

Before reaching this consensus the Committee agreed on the following provisions that were described as the “escape clause.”

- Starting in the August Committee meeting, the City and the Committee will initiate a contracting process for a general contractor. The intention is that the new consultant, if needed, would be in place after Recon is over (approximately December 2014).
- This contracting process will be suspended if the Committee agrees to continue with Stratus after Recon is over. (See above.)
- If the Committee does not agree to use Stratus after Recon, or, in the alternative, if the Committee decides at any time that they do not wish to continue to use Stratus, the City will proceed with the alternative contracting process.
- Anyone who is hired to provide technical assistance to the Committee shall reveal their trade organization relationships and lobbying practices relevant to WSAC projects.

### **Independent Review Panel**

Nicholas facilitated a discussion about the creation of an independent review panel (IRP). The Committee invited public comment, but no member of the public wanted to comment on this item.

The Committee considered the list of criteria developed at the last meeting to guide the selection of a consultant and made some modifications to it so that it would be applicable for the selection of members of an IRP. This brief discussion produced the following list that was recognized as needing further development if it is to be useful:

Unbiased  
Skillful,  
Effective, efficient,  
Attentive, reliable,  
Available  
Has integrity, courage  
Uses "communicable" science; understandable and transparent  
Has insights into best practices  
Easy to contract with  
Able to draw on deep bench  
Serves the environment  
Familiarity with Santa Cruz

The Committee also discussed a paper drafted by Rosemary describing the formation of an IRP. The discussion considered the size of an IRP, the amount of remuneration necessary, the amount of effort expected from the IRP, whether to emphasize the qualities of academics or of consultants and how the Committee would participate in the

selection and contracting process. The discussion was cut short for lack of time. The Committee agreed by consensus that an IRP Subcommittee consisting of Rosemary, Sue, Mark, Sid and Rick will develop a proposal for an RFP or RFQ and a Council Staff Report to be presented to the Committee at its next meeting. The Subcommittee will continue to work closely with the City through the selection and contracting process. The Subcommittee expects to complete its task before the end of August and has a small enough size so that it will not be required to follow the public meeting requirements of the Brown Act.

### **Website Subcommittee update**

The Website Subcommittee reported briefly on their progress. The Committee discussed ways to use the website to receive correspondence directed to the Committee by the public, to show correspondence received and to record Committee responses.

The Committee agreed by consensus that Mike would be responsible for receiving all correspondence directed to the Committee, answering routine and procedural questions and forwarding more complex comments and questions to the full Committee in the monthly meeting package. Complex items that are received by Mike between the date of the meeting package and the meeting itself will be forwarded to Committee members individually as they are received.

Facilitator's note: The appointment of Mike to this task appears to satisfy the requirements of article IV(e)(ii) of the Charter so that Mike will be able to respond to correspondence as a spokesperson of the Committee, and not merely on his own behalf.

Nicholas drew attention to the need for the Committee to decide who will deliver the Committee's report to the Council at their meeting on Tuesday June 24. The Committee agreed to appoint Mike to this task.

Facilitator's note: This report appears to constitute the completion of the Committee's first "Milestone" specified by the Council which is to demonstrate "Agreement on definitions and basic principles of problem, purpose, process, common timelines and work plan."

### **Agenda for June and July meetings**

Nicholas facilitated a discussion of the agenda for the next two meetings. Members described their interests in including various topics during these meetings including:

- The need for a good background/history lesson
- Planning for the Alts Fair

- Setting up the Outreach Subcommittee
- A presentation from John Ricker
- A presentation on supply and demand – this would likely be of popular interest so should be held on Thursday evening
- Develop criteria for the selection of presenters

Facilitator's note: we ran out of time before we could conclude your discussion of this important topic. Below is an outline of the agenda for June as the Co-facilitators currently see it. We believe that this reflects your interests. This agenda will change – perhaps substantially. The times specified are very rough – inserted simply to give an idea of the dimensions of the discussion.

#### THURSDAY session

5:00 Housekeeping and Public Comment

Roll Call  
Public Comment  
Committee Member updates  
Agenda Review  
Summary and Action Item Approval  
Committee Work Plan / Gantt Chart

6:00 Stratus Team

Introduce Stratus Team  
Q&A

6:15 Model for decision making

Elements of a Decision (How scenarios, alts, criteria etc fit together)  
The Recon Workbook (or Report)  
The Multicriteria Model you may want to use

7:00 Selection of Presenters

Presenters  
The Glove (Criteria and specific needs)  
What fits the glove?

7:45 Website Subcommittee

Curated History

8:15 Outreach

Outreach (City presentation)  
Outreach subcommittee appointment  
Alts Fair Committee direction to Outreach Subcommittee (if this is in fact something you want to do)

8:45 Independent Review Panel

9:20 Wrap-up

9:30 Adjourn

FRIDAY session

2:00 Housekeeping and Public Comment

Roll Call  
Public Comment  
Committee reflections on the day before

2:15 Correspondence received from public

Rotkin presents on public submissions requiring Committee discussion

2:45 Major topics for discussion

Supply and Demand  
Scenarios  
More on Criteria

5:15 Planning future agendas

July and August agendas

5:40 Public Comment

5:55 Wrap Up

6:00 Adjourn

**Written Evaluation and Wrap Up**

Carie asked all participants (Committee members and members of the public) to complete evaluation forms and hand them in.