

AC Minutes: March 6, 2017

The Committee asked Geoff Poole to distribute contact information for each Committee member to the Committee.

Item #2: Brown Act Training

Justin Crumley, San Diego County Deputy Counsel, presented an overview of the Ralph M. Brown Act, adopted in 1953. He referred to handouts and presented slides. The Brown Act provides for all government agency meetings to be open to the public and requires them to accept public input. Agendas must be posted at least 72 hours in advance of the meetings. Mr. Crumley went on to explain collective concurrence, meaning that to achieve a consensus outside a public meeting is prohibited. "Serial meetings," where one member contacts another, that member contacts a third, etc. until all are in agreement, are prohibited. Likewise, one member may not contact the members individually, one by one, on the same issue. Committee members may socialize and communicate, as long as they do not discuss Committee business. They may attend public conferences or community meetings, but again, do not discuss Committee business. Individual members may meet with their constituent groups to obtain feedback on Committee issues, then report back to the Committee at a public meeting. Two members may discuss Committee issues, but do not pass it on to others outside the meeting. An individual member may discuss anything with an individual outside the Committee, but then should report the conversation to the Committee at its next meeting. It is best not to attend one another's constituent meetings, even though some constituent groups overlap.

Mr. Crumley went on to address agenda topics, explaining that if an item is not on the agenda, it cannot be discussed or acted upon at the meeting. If a member of the public brings it up, there can be a brief discussion, then it should be included in a future agenda. The public may record or photograph meetings. Any documents received by the Committee are subject to the Public Records Act and available for public review. Mr. Poole and Ms. Wylie will prepare and post the Committee agendas and set up the meetings.

If a Committee member speaks to the press, it should be made clear that he/she is speaking for himself/herself, not on behalf of the Committee. There are civil and criminal penalties for violating the Brown Act. Since the Committee is an advisory group, it is not currently subject to the Fair Political Practices Commission (financial disclosure requirements), but that could change in the future. Committee members should not attend the Borrego Water Coalition meetings. Mr. Crumley recommended that members set up a separate email file for Committee-related messages, which are subject to the Public Records Act. Mr. Poole agreed to distribute copies of Mr. Crumley's slide presentation to the Committee members.

The Committee broke for lunch at 12:10 p.m. and reconvened at 12:40 p.m.

Item #3: Introduction to Collaborative Problem Solving and Consensus Decision Making

Ms. Wylie summarized a handout addressing collaborative problem solving and consensus decision making. She explained the difference between government, when public agencies have nearly sole discretion over entire fields of public policy, and governance, when public agencies, organizations and citizens are actively involved in shaping public policy. SGMA supports local control, or governance. Collaboration is a means of communication emphasizing the questions "why?" and "what do you need?", developing durable agreements and building relationships. It is based on "enlightened self-interest," meaning you understand the benefits of an outcome for yourself and also for others. Values include shared responsibility, full participation, inclusive solutions and mutual understanding.

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The principles of consensus decision making include proposing an alternative solution when you disagree with what is being considered. Ms. Wylie explained the difference between divergent thinking, or open discussion of alternatives and diverse points of view, and convergent thinking, or evaluation of alternatives and categories leading to a general conclusion. She summarized the components of interest-based interactions, which basically provide mutual respect for varying opinions during discussion, and listed the stages of collaborative process: Assess, organize, educate, negotiate and implement.

Member Lawrence pointed out that the Committee members are all working for the same goal, a sustainable basin. BWD President Hart added that concurrently, we want to preserve the Borrego community. Ms. Wylie concluded her presentation by emphasizing that consensus is important to achieve important, long-lasting results; deal with difficult issues; achieve stakeholder buy-in; empower Committee members and the community; and ultimately provide for sound, intelligent, sustainable decisions that meet or exceed the requirements of SGMA.

Item #4:

Draft Advisory Committee Bylaws

BWD Director Brecht explained that draft Committee bylaws were being presented today for information, and proposed changes will be discussed and considered for adoption at the next meeting. Two sections that cannot be modified are the purpose (to achieve the objective of the GSP, which is to bring the basin into sustainability without adverse effects on the community) and structure (determined by SGMA, DWR, the County and the Brown Act). Director Brecht summarized the provisions of the draft bylaws.

Member McGrory expressed concern regarding Article 4, which provides that at the start of each meeting, members shall determine who will chair the meeting or request BWD or County staff or the facilitator to do so. He felt that could make the Committee look less official to observers. Discussion followed. Alternatives included electing a permanent chair, asking Ms. Wylie to chair the meetings as facilitator, appointing a planning committee of two Committee members to work with Ms. Wylie on the agenda and organize the meetings, and asking Ms. Wylie to chair the meetings but providing the Committee affirms her chairmanship at the start of each session in case they want to change. Director Brecht pointed out that the Core Team will need to be involved in preparing the agenda. After further discussion, it was the consensus that Ms. Wylie will chair the meetings, but Article 4 will remain the same to provide flexibility for other options in the future.

Member Falk noted that she may have proposed changes to the list of covenants on page 5 of the draft bylaws. Ms. Crow agreed to send electronic copies of the draft bylaws to the Committee members to facilitate editing. Member Lawrence suggested including a provision that the Committee's recommendations should be based on fact. Ms. Wylie agreed to work with Ms. Crow to draft appropriate language.

Item #5:

General Public Comment

A question arose concerning Committee members' liability. Ms. Crow replied that the Board of Supervisors' policy indemnifies them as individuals. BWD Director Tatusko suggested that the Committee members review the Request for Proposal (RFP) for the GSP consultant. Mr. Poole agreed to let them know the appropriate website where the RFP is located.

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Item #6:

Next Steps and Closing Remarks

Ms. Wylie will work with Mr. Poole to schedule a date for the next Committee meeting. Monthly meetings are contemplated. There being no further business, the meeting was adjourned at 2:25 p.m.