

# **APPENDIX B**

## *GSA Formation and Interagency Agreement Documentation*

- B1:** Advisory Committee Bylaws
- B2:** Notice of Intent to Develop a Groundwater Sustainability Plan
- B3:** GSA Notification (Amended)
- B4:** Signed Memorandum of Understanding
- B5:** County of San Diego Notice of Election to Become a Groundwater Sustainability Agency
- B6:** Borrego Water District Notice of Election to Serve as Groundwater Sustainability Agency



**APPENDIX B1**  
*Advisory Committee Bylaws*





**BORREGO VALLEY  
GROUNDWATER SUSTAINABILITY PLAN  
ADVISORY COMMITTEE  
BY-LAWS**



**Adopted and approved at the June 29, 2017 Borrego Valley GSP Advisory Committee Meeting:**

**Article 1      PURPOSE AND FORMATION of the ADVISORY COMMITTEE**

**Section A** – On September 20, 2016, the Board of Directors of the Borrego Water District (District) approved a Memorandum of Understanding (MOU) between the County of San Diego (County) and the District, which memorialized each agency’s role and responsibilities for developing a Groundwater Sustainability Plan (GSP) for the Borrego Valley Groundwater Basin (Borrego Basin). On October 19, 2016, the Board of Supervisors of the County also approved the MOU, thereby establishing a multiple-agency Groundwater Sustainability Agency (GSA) responsible for developing and implementing a GSP for the Borrego Basin. The MOU establishes a Core Team comprised of County and District staff tasked with coordinating the activities of the Borrego Basin GSP Advisory Committee (AC).

**Section B** – In consideration of the interests of all beneficial uses and users of groundwater in the basin, stakeholder engagement and education of both stakeholders and the general public will be conducted in part via the deliberations of the AC pursuant to California Water Code Section 10723.2. The purpose of the AC is to provide input to aid in the development of the planning and policy recommendations contained in the GSP. As information supporting the GSP is prepared by the GSA, these items will be brought before the AC for discussion, analysis, and recommendations.

**Section C** – The AC is a non-partisan, non-sectarian, non-profit advisory organization. The AC is not empowered by ordinance, establishing authority, or policy to render a binding decision of any kind.

**Section D** – The AC is advisory to the Core Team. The Core Team will develop a GSP that meets the requirements of SGMA and is acceptable to the District and to the County. The GSP shall include, but not be limited to, groundwater use enforcement measures, a detailed breakdown of each GSA Party’s responsibilities for Plan implementation, anticipated costs of implementing the Plan, and cost recovery mechanisms, if necessary.

## **Article 2 MEMBERSHIP AND TERM OF OFFICE**

**Section A** – The AC shall consist of individuals with backgrounds in developing, deliberating, planning, and/or advocating for sustainable use of groundwater in the Borrego Basin, under the requirements of SGMA.

**Section B** – The AC is limited to nine (9) members as established in the MOU. Potential representatives shall be nominated by the following six (6) Stakeholder Organizations and shall be apportioned as follows:

- (1) Four members nominated by the Borrego Water Coalition and filling the following representative roles- 1 agricultural member; 1 recreation member; 1 independent pumper; 1 at large member,
- (2) One member nominated by the Borrego Springs Community Sponsor Group,
- (3) One member nominated by the Borrego Valley Stewardship Council,
- (4) One member nominated by the Borrego Water District Board of Directors who is not an employee or elected official –to represent ratepayers/property owners,
- (5) One member nominated by the County of San Diego who is not an employee or elected official –to represent the Farm Bureau, and
- (6) One member nominated by the California State Parks, Colorado Desert Region – to represent the Anza-Borrego Desert State Park.

Each person nominated to the AC by the above Stakeholder Organizations must be endorsed by the Board of Directors of the District and the Director of Planning & Development Services (PDS) of the County before serving on the AC. Substitution of an alternate for an endorsed AC Member is not permitted. Only endorsed Members may serve on the AC.

**Section C** – Each AC Member shall serve a term, which shall run concurrently with the development and completion of the GSP.

**Section D** - A vacancy shall be recognized for any AC Member who: (1) dies; (2) resigns; (3) has unexcused absences from more than three of the scheduled AC meetings within a single calendar year; (4) misses three meetings in a row; (5) regularly fails to abide by the discussion covenants of the AC; (6) violates the Ralph M. Brown Act; or (7) fails to exercise the purpose and authority of the AC as

described in Article 1 above. The AC shall notify the Core Team if a position is deemed vacant pursuant to items 1-4 above, or if the AC recommends the removal of a member as related to items 5-7 above. If a vacancy occurs, the Stakeholder Organization may nominate another AC member appointee for that position that must then be endorsed by the District Board and County Director of PDS. The new appointee member shall serve through the development and completion of the GSP.

### **Article 3 DUTIES**

The AC shall have the following duties and responsibilities:

- (1) Serve as a resource to the Core Team on GSP development issues for the Borrego Basin;
- (2) Advise in the formation of the planning and policy recommendations to be included in the GSP. This may include reviewing technical materials and providing comment, data, and relevant local information to the GSA related to Plan development; assisting in communicating concepts and requirements to the stakeholder constituents that they represent; providing comments on materials and reports prepared; assisting the Core Team to anticipate short- and long-term future events that may impact groundwater sustainability, trends and conditions that will impact groundwater management;
- (3) Participate in AC and Core Team public decision-making meetings, expected to occur on an approximately quarterly basis or as needed during GSP development.

### **Article 4 STRUCTURE**

**Section A** – AC meetings will be facilitated by a facilitator from the California State University, Sacramento, Center for Collaborative Policy (“CCP”) or other such facilitator acceptable to the Core Team. The Facilitator shall convene the meeting, establish the existence of a quorum and oversee the meeting to insure the timely completion of the published agenda. If for any reason, the Facilitator cannot facilitate at a particular meeting, a Core Team member shall assume the facilitation responsibilities assigned above to the facilitator.

**Section B** – The Facilitator, in consultation with the AC, shall assign coordinating duties and/or specific tasks to subcommittees of the AC as necessary. The Facilitator will work with the Core Team to

determine a meeting schedule, develop meeting materials, coordinate communications to the AC in advance of meetings, and other similar organizational responsibilities.

**Section C** – The District shall assign staff to record the minutes of all AC meetings, maintain a list of all active representatives, handle committee correspondence, and keep records of actions as they occur at each meeting. It is the responsibility of the Core Team staff assigned to the AC to assure that posting of meeting notices in a publicly accessible place for 72 hours prior to an AC meeting, to keep a record of such posting, and to reproduce and distribute the AC notices and minutes of all meetings.

## **Article 5 ORGANIZATIONAL PROCEDURES**

**Section A** – Robert’s Rules of Order govern the operation of the AC in all cases not covered by these by-laws, the AC may formulate specific procedural rules of order to govern the conduct of its meetings.

**Section B** – Any voting is on the basis of one vote per AC member. No proxy or absentee voting is permitted.

**Section C** – All AC recommendations regarding the GSP shall be made by consensus. Consensus is achieved when AC participants indicate that they are at Levels 1-4 (not Levels 5 or 6) as described below. If after multiple attempts, the AC deems consensus improbable among the AC members on a particular matter, the issue will be returned to the Core Team without a recommendation.

Levels of consensus are as follows:

1. I can say an **unqualified ‘yes’** to the decision. I am satisfied that the decision is an expression of the wisdom of the group.
2. I find the decision **acceptable**. It is the best of the real options we have available to us.
3. I can **live with** the decision. However, I’m not enthusiastic about it.
4. I do not fully agree with the decision and need to register my view about it. However, I do not choose to block the decision and will **stand aside**. I am willing to support the decision because I trust the wisdom of the group.
5. We need to **do more work** before consensus can be achieved.



6. I do not agree with the decision and feel the need to **block** the decision being accepted as consensus.

**Section D** – AC meetings shall be held under the following discussion covenants:

- Focus on the future as much as possible.
- All perspectives are valued. You are not required to defend your perspective, but you are asked to share it and to provide supporting rationale.
- All ideas have value. If you believe another approach is better, offer it as a constructive alternative.
- Everyone will have an equal opportunity to participate.
- Everyone will be encouraged to talk.
- One person speaks at a time.
- No side conversations.
- View disagreements as problems to be solved rather than battles to be won.
- Avoid ascribing motives to or judging the actions of others. Please speak about your experiences, concerns, and suggestions. Treat each other with respect.
- Avoid right-wrong paradigms.
- When communicating outside of the AC, Members are asked to speak only for themselves when asked about AC progress unless there has been adoption of concepts or recommendations by the full body.

**Section E** – A majority of the AC members currently appointed shall constitute a quorum. A quorum is required for an Official Meeting to occur. No consensus vote of the AC shall be considered as reflecting an official recommendation by the AC unless a vote was taken at an Official Meeting.

**Section F** – All meetings of the AC and its subcommittees are open to the public to the extent required by the Ralph M. Brown Act. Meetings are to be held in accessible, public places in Borrego Springs, California. Notice of all AC meetings shall be posted in a publicly accessible place for a period of 72

hours prior to the meeting. A majority of the AC members shall not use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any AC-related business outside of a public meeting in violation of the Ralph M. Brown Act.

**Section G** –All members of the AC must abide by these by-laws. The County and District reserve the right to remove members that do not abide by the by-laws.

**Article 6      COMPENSATION**

Members of the AC shall serve without compensation.