

MEETING SUMMARY | Southern Sierra IRWMP Planning Committee

April 12, 2012

Provost and Pritchard Consulting, Visalia, 9 am to 2 pm

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Action Items

1. **BOBBY KAMANSKY ASAP** to email all members project manager updates.
2. **JOHN SHELTON WHEN AVAILABLE** to provide State Wildlife Action Plan meeting dates, and locations.
3. **DORIAN ASAP** to provide an example of a work group charge.
4. **ALL MEMBERS by May 10** to bring statement of representation on appropriate letterhead, if needed.
5. **DORIAN by May 10** to email the revised Governance Policies and Procedures document.
6. **BOBBY KAMANSKY ASAP** to check the signed MOU for primary and secondary representatives.
7. **DORIAN by May 10** to follow-up with Carole Clum.
8. **CHRIS STEWART ASAP** to follow up with Inyo National Forest to sign the MOU.
9. **ALL MEMBERS ASAP** to read the submitted grant application.

Welcome and Introductions

Mr. Bobby Kamansky, Southern Sierra Integrated Regional Watershed Management Plan (SSIRWMP) Project Manager, welcomed and introduced participants to the meeting. Mr. Dorian Fougères, Center for Collaborative Policy (CCP) Facilitator, reviewed the ground rules, the agenda, and important discussion topics.

Group Updates

The group reviewed the February 24 meeting summary notes, and adopted it for the public record. Mr. Bobby Kamansky stated that he would email a copy of the Project Manager Updates handout to the members.

ACTION ITEM – **BOBBY KAMANSKY ASAP** to email all members the Project Manager Updates.

Mr. Kamansky summarized the Manager Updates handout, and presented the topics:

- Mr. Kamansky addressed the landowner in-stream flow rights. He stated that many landowners have pre 1914 water rights, and wanted to speak with Mr. Dick Moss about the process of utilizing the rights. Ms. Soapy Mulholland, Ms. Julie Allen, Mr. Moss, and Mr. John Shelton volunteered to help Mr. Kamansky with this topic.
- Mr. Kamansky sent the Fresno Metropolitan Control District the groups Memorandum of Understanding (MOU), and anticipated that they will sign the document. Ms. Carole Combs sent a copy of the Tulare Basin Wildlife partners signed MOU. Tulare County RCD signed the MOU, and there is a copy on record.
- The Statewide Flood Management Planning Program (SFMP) sent out surveys, and MWH Americas was working on behalf of the DWR. He forwarded project information regarding flood control and green retention basins to Jim May and the Fresno Metropolitan Flood District. This piece has previously addressed project interests and concerns by identifying multiple benefits. The group noted that Mr. Kamansky and Mr. Moss would follow this topic for future updates.
- The DWR and Association of California Water Agencies (ACWA) groundwater study listed has the potential to provide information for proper groundwater mapping in Tulare County. It will identify fractured rock, and the groundwater reliance in the area. Isabella Basin was the only groundwater source identified in the map, and there are four to five more potential groundwater locations unidentified. This topic was part of the grant application, and the identification of other groundwater resources would be beneficial for current and future applications. It was noted that Mr. Steve Haze has done mapping in the San Joaquin watershed area, and Mr. Kamansky will contact him. Luke (DWR), Kathy McLaughlin, and Steve Haze (not present) expressed interest in following this piece.
- Mr. Kamansky expressed that members should attend other conferences, specifically noting the Governor's Office of Planning and Research Climate Change Conference. The date and location was listed in the handout.
- Sierra Water Workgroup developed a website, and some members have participated with the group. A conference call was scheduled with other workgroups involved with the website, such as Sierra Nevada Workgroup.
- A California Water Plan Resource Management Strategies Workshop on May 3 will be about groundwater graphics. It would be advantageous to have a member attend. Ms. Allen, Mr. Kamansky, and Mr. Haze were interested in tracking this event.
- The members announced various updates:
 - Water Technologies conference scheduled for May 2-3, 2012, and located in Fresno and Parlier. Dr. Thomas Harter, UC Davis, is a key speaker.
 - Science Symposium on Climate Change for next January, February, or March. The first planning meeting is on Friday April 20, 2012 from 9-11 am at the Ash Mountain Center, Sequoia and Kings Canyon National Park. Contact Koren Nydick, koren_nydick@nps.gov, for further information.

- The Department of Fish and Game is updating the State Wildlife Action Plan, which involves stakeholders and CCP. The group can receive updates, and attend general public meetings through their website.
 - **ACTION ITEM – JOHN SHELTON ASAP** to provide State Wildlife Action Plan meeting dates and locations.

Review Revised 2012 Work Plan

Mr. Dorian Fougères reviewed the 2012 Work Plan handout with the members. He discussed that the May 10, 2012 meeting would be designated for the grantee selection process. It was stated that interested organizations should submit materials by April 30, 2012, and the information will be distributed to the group shortly thereafter. Mr. Fougères stated that if there is no selection made in May then a decision must be made during the June 14, 2012 meeting. By July, a final consensus for the grantee is required. Also in July, the work plan and budget will be reviewed. In March 2013, round two implementation grants are due. Mr. Fougères suggested that the group have a public outreach meeting in the fall. It can give the Collaborative an opportunity to have a public announcement regarding the group's intent, and "kick off" their work, if a planning grant is received. The members had comments on the 2012 Work Plan:

- Consider the schedule in respect to the DWR contract. It was noted that there would be no technical discussions until the fall, and the members wanted to work with available resources. A final contract would likely not be complete until January 2012. Ms. Michelle Dooley, DWR, noted that the governance issues should be addressed first in the Work Plan, but she also stated that public outreach in the fall was also important. The group affirmed that Mr. Fougères' contract was discussed when creating the 2012 Work Plan schedule.
- Review the grant application, and understand the thought process. There was concern about revisiting the grantee selection because the application was written in sync with the Sequoias Riverlands Trust (SRT). It was clarified that in September 2010 the group agreed that it could revisit the grantee if desired.
- Regarding implementation grants, it was stated that utilizing all interested organizations and gathering ideas for the future project list was important. The group recognized the value of involving different counties. Mr. Moss stated that the implementation grant application process required a lot of work, and that the Fresno Metropolitan Flood Control District has a project list ready for implementation.
- In regards to the Request for Proposal (RFP) for the grantee selection, Ms. Allen stated that she had concerns with the clarity of information. She asked about the composition of the grantee committee's members and the evaluation process, which was further discussed in the Grantee Revisitation Process Memo. Mr. Fougères noted this would be discussed later in the day.
- Consider the importance of teamwork and time management. The group felt that the planning grant application came together at the last minute, and should avoid future rushed deadlines.

Refinements to Governance Policies and Procedures

Mr. Fougères reviewed the Governance handout with the members, and discussed each section of the document:

- **Key Terms**
 - The members had no comments for this section, and were satisfied with the statements.
- **Roles and Responsibilities**
 - Mr. Fougères explained the section contained stock language, and the group had no further comments.
- **Membership Requirements**
 - It was stated that each member must have clear representation and has to be recorded on file with a signed MOU. A member can represent more than one group, but proper documentation needs to be provided, for example, a representation statement on the organizations letterhead. Mr. Fougères reviewed option one and two in the handout with the members. They had comments on the membership requirements:
 - In regards to limitations on representation, Mr. Shelton stated that when the group needs consensus, it is important to note the primary representative for an organization. The group mentioned the importance of an alternate representative that could attend meetings and make decisions when the primary is absent.
 - Consider a sign in sheet that includes both primary and secondary representatives.
 - An organization must submit a new statement if they choose to change their representative.
 - Include interested parties because existing members want to welcome participants without many restrictions such as an association fee. Some members noted that option one clearly states that all participants are welcome. Mr. Fougères noted he would move the sentence that invited public participation to the beginning of whichever option was chosen, to make this clearer and immediately obvious.
 - Mr. Shelton preferred the option of having at-large regional representative of a region, and he stated the potential to have more individuals from a region involved in attending and participating in meeting discussions. Other members noted that it would be exceptionally difficult to decide who the at-large representative would be without someone feeling excluded, and it would also be hard to justify limiting the number of at-large representatives, particularly given the large geographic area of the project and large number of remote communities.
 - Ms. Allen stated that option one was simplest because everyone does represent the public's interest. Mr. Shelton agreed to live with option one

knowing that the language will be revised to encourage public participation.

- Ms. Kathy Wood McLaughlin asked about the length of the MOU and if it could be revised. The MOU can be revised at any time, and is a living document.
- **Work Group Designations**
 - The group felt that this area was adequate.
 - **ACTION ITEM: DORIAN ASAP** to provide an example of a work group charge.
 - In regards to the facilitator position, Mr. Shelton suggested making facilitator plural, which would allow the group to obtain more than one impartial person to facilitate future meetings.
- **Media Protocol**
 - Mr. Fougères reviewed the additions in protocol specifically noting individual behaviors and the group as a whole. The members followed with comments:
 - Ms. Allen asked about the group agreeing on a statement, which then is presented to the media. To clarify, it was suggested to remove the last sentence in the section. Mr. Fougères agreed to make this revision.
 - Suggest designating one person to release media statements. The project manager should be the first point of contact. The group agreed.
 - In regards to press releases, Mr. Shelton suggested that the group compose press releases and a communication education plan. The group agreed that designing a communication plan should be a near-term priority; Mr. Fougères noted this was identified on the work plan.
- **Meeting Attendance**
 - Decisions are made with people who are present. The group stated that advance notification should be sent to members when a decision is made. Mr. Michael Tharp suggested that a protocol be instated for notifying members of decisions. The protocol would start by emailing a notification to the members, and if there is no response, then the members are called with a verbal notification. The group agreed that a two-week notice is sufficient. They noted that in order to be eligible to participate in decisions, members must attend a majority of the meetings within that year or since the signing of the MOU, as written in the proposed refinement language.
- **Joint Fact Finding**
 - Mr. Fougères reviewed the joint fact finding process with the members. Mr. Shelton suggested that adding a statement, which indicates a transparent and open process. The group was satisfied with adopting the joint fact finding process.

Mr. Fougères asked the group if they wanted organizations to resign a new MOU, or document that there were amendments made. The group had concerns over the time it would take to have the organization resign the MOU; therefore amending the current MOU and formally adopting it in a Planning Committee/Regional Water Management Group meeting, after

noticing this decision, would be sufficient. Mr. Kamansky said that he would review the signed MOU's, and see if they list primary and secondary representatives. By May 10, 2012, the members also agreed to bring in a statement on their represented organization's letterhead, if their signed MOU did not already identify a primary and alternate representative. Mr. Fougères noted that he would notify Carole Clum of the proposed refinement, given that she was currently not representing an organization.

ACTION ITEM – **ALL MEMBERS *by May 10*** to bring statement of representation on appropriate letterhead, if needed.

ACTION ITEM – **BOBBY KAMANSKY *ASAP*** to check the signed MOU for primary and secondary representatives.

ACTION ITEM – **DORIAN *ASAP*** to email the revised Governance Policies and Procedures document.

ACTION ITEM – **DORIAN *by May 10*** to follow-up with Carole Clum.

Grantee Revisitation Process, Part 1: Proposed Process

Mr. Fougères reviewed the proposed Grantee Revisitation Process jandout with the members, specifically noting deadlines. He stated that there should be a revision made to number five, and should include the statement that the work group members who provide an initial review and ranking of applicants should not be affiliated with any applicant. The group had no further questions about the process timeline.

Mr. Fougères asked the members to look at the official Planning Committee members list. The members had comments about the list:

- The group noted that the Inyo National Forest would be interested in signing the MOU.

ACTION ITEM – **CHRIS STEWART *ASAP*** to follow up with Inyo National Forest regarding signing the MOU.

The group discussed the issue of members representing more than one organization. For seeking consensus, each organization must be in consensus. The group stated that it is important for those members to represent the groups and not personal interests, which relies heavily on personal integrity. It was unclear how this issue would be handled in cases where less than 100% decision-making was involved – would each organization represented by a single individual get a vote? The group agreed that the organization applying for a position should be excluded from voting, and the individual not be in the room during deliberations. However, it was not clear whether the other non-applicant organizations represented by the individual should have a vote.

Mr. Fougères recommended moving ahead with items 1 and 2 in following language, and continuing to think about the best way to address the multiple representation issue (item 3). He would bring revised proposed language back to the next meeting.

1. All decision-makers have to have signed the MOU.
2. If you are an individual representing an applicant organization, you are not part of the decision making section, and are not in the room during that discussion.
3. If you are representative of an applicant organization and also represent other organizations, #2 applies, and the other organization can send their alternatives to participate on their behalf.

The members had comments on the suggested changes:

- The group agreed with revision number two.
- It was suggested to send the alternates if any conflicts should arise with the primary representative.
- Other organizations have conflict of interest policies, and Ms. Mulholland suggested that the group might want to adopt that type of policy.
- There was concern with alternates voting on decisions, because they would not have been part of the entire process over preceding months, and not understand the choices that had been made or all the information that had been presented. At minimum, it was noted that the primary representatives should regularly update their alternates about the group's progress.
- Suggest that if a member has multiple representations, they should not vote. Mr. Shelton stated that it might work for the grantee selection, but not allowing members with multiple representations a vote for future decisions would be impractical.
- The group agreed to go ahead with the proposed revisions, as well as to address the multiple representations issue later.

Mr. Fougères discussed the clarifications on page two of the handout. He advised the group to strike Clarification 3 because members must be present to vote, but suggested to replace it with the protocol previously recommended by Mr. Sharp, which includes an email notification followed by phone call. The group was in agreement with the suggested revision.

Ms. Allen asked about the runoff process. She suggested that in the case of a tie for second place, there should be a runoff and a revote between the top two candidates. Mr. Fougères agreed that if there were a tie, plurality voting could be used to then select who among the tied candidates would be selected (two or more organizations might tie). Ms. Mulholland stated that voting must be in agreement with the group's bylaws. Mr. Shelton suggested that after the voting is completed, the group should have final consensus on the appointed grantee.

The members proposed removing the section listed as Clarification d-iii because there might be a member included in the tie process who has a conflict of interest. The group agreed to go forward with the written document, with the exception of revised language on less than 100% decision-making that involves individuals who represent more than one organization.

Grantee Revisitation Process, Part 2: Criteria

Mr. Fougères explained the Proposed Criteria and Information for Selecting the Grantee handout. He discussed that this document was based on the group's past decisions, and further explained the ranking system. He reviewed each criterion with the group. The members had comments on each criterion:

- **Criteria 1**
 - The group decided to exclude the statement in the parenthesis.
 - Suggested to refer to contracting more generally, with grants as one element; specific language could read, "including but not limited to."
 - Remove the value of the grants. The group did not want to pick values that limit people who have experience with smaller grants or contracts.
 - The criterion's goal is to describe the complexity of the grantee's experience.
 - Note that it would be best to show a diversity of contracts and grants.
- **Criteria 2**
 - The group discussed the possibility of a delay of payment to contractors, and the need for the applicant to be able to manage that situation.
 - The group listed many ways of handling a delay of payment, for example having it written into the contract that contractors are paid when the grantee is paid, or having the grantee cover the payments. Several members felt that most subcontractors understood that they would not be paid until the grantee was paid.
 - Mr. Haze stated that a grantee should have experience managing cash flows. In addition, he noted that a grantee should have knowledge in managing monthly costs and payments schedules.
 - Ms. Dooley stated that delay of payment is a risk that must be managed, and is usually stated in a modified clause within the grantee and the subcontractor's contracts. The group stated that people are paid when their agencies get paid, and awareness of this issue would cover the grantee's financial responsibility.
 - This criterion highlights the grantee applicant's ability to manage fiscal risk, and should be reworded as such.
 - Suggest that a grantee applicant displays a copy of their cash flow procedures.
 - Include gap funding in the contract.
 - It was agreed to adopt criteria two if it is reworded.
- **Criteria 3**
 - The group felt that the criteria was qualitative and lent value.
 - In regards to letters of recommendations, Ms. Mulholland noted that the letters focused on the contractors experience, but suggested that letters be written from the grantors.
 - It was stated that both letters of recommendation are beneficial in demonstrating consecutive re-contracting or re-granting.
 - It was suggested that re-contracting shows that an applicant was successful with the previous grants.
- **Criteria 4**

- In regards to the applicant, the group suggested that state and county audit ratings would demonstrate the grantee's accounting credentials.
- **Criteria 5**
 - The group felt that this criterion was sufficient.
- **Criteria 6**
 - The group stated that criterion six could be combined with criterion one. They stated that working with the state was beneficial, but so was experience with federal grants. At the same time, members noted that many state and agency contracts have different criteria for each grant or contract.
 - An applicant would benefit in displaying a diversity of grant or contract experience.

Members discussed the possibility of combining criteria, and Ms. Allen suggested combining criteria three and four. Mr. Fougères clarified how that criteria three and four focus on different pieces. Criteria three is more qualitative, and criteria four would require auditing information. It was noted that all public agencies have accounting transparency requirements, and similar requirements exist for non-profits. The group agreed to keep them separate.

Mr. Fougères briefly reviewed the criteria that were used in 2010 but deliberately not included here. This included the overhead cost percentage, which is specified in the planning grant application. Ms. Dooley confirmed that the contract between a grantee and DWR is based on the planning grant application.

AGREEMENT: The group agreed that no changes can be made to the amount allocated to overhead costs without explicit approval by the Planning Committee/Regional Water Management Group.

AGREEMENT: The group agreed to adopt criteria one through five, and combine criteria one and six, and the corresponding sources of information.

Ms. Wood McLaughlin stated that the group would benefit in reading the submitted grant application, and note the distinction between project director, project manager, and stakeholder coordinator roles.

ACTION ITEM: ALL MEMBERS ASAP to read the submitted grant application.

The group reviewed the timeline for providing information, assessing information, and making a group decision. All grantee applications must submit their information by close of business on April 30, 2012. Mr. Fougères will subsequently distribute all materials to the Planning Committee/RWMG, for transparency. Ms. Carole Combs volunteered to review the applicants. Nobody else volunteered for this role, and Mr. Fougères noted he would solicit additional volunteers from the larger group.

Attendees

1. Julie Allen (Telephone)
2. Pam Buford (Telephone)
3. Carole Combs (Telephone)
4. Michelle Dooley
5. Gavin Feiger (Telephone)
6. Dorian Fougères, CCP
7. Gabriella Golik, CCP
8. Steve Haze (Telephone)
9. Kurt Hupp
10. Bobby Kamansky
11. Luke
12. Dick Moss
13. Soapy Mulholland
14. Bob Puls
15. John Shelton
16. Chris Stewart
17. Michael Tharp
18. Kathy Wood McLaughlin
19. Kyle Wright, SNF (Telephone)