

Santa Rosa Plain GSA Governance Staff Recommendations

Staff Recommendations on Governing Board

Staff recommend that the groundwater sustainability agency (GSA) be formed via a Joint Exercise of Powers Agreement.

The members of the agency would be:

- City of Cotati
- City of Rohnert Park
- City of Santa Rosa
- City of Sebastopol
- County of Sonoma
- Sonoma County Water Agency
- Sonoma Resource Conservation District
- Town of Windsor

Staff recommend that each member agency have one seat on the GSA board of directors, and that each member's governing body appoint its director.

Staff recommend that Public Utilities Commission-regulated and mutual water companies within the Santa Rosa Plain also have one seat on the GSA governing board. These entities will work together and elect a single representative to fill the designated seat.

Staff recommend that when a quorum is present, each member would have one vote, and a two-tiered voting system would be required for approvals. The first tier would be a simple majority, except for those issues that require a unanimous or super majority (two-thirds) vote. The second tier would require majorities in each of two voting "blocs." One bloc would include the 6 agencies with land use authority (cities and county) and 4 of those agencies would have to vote in favor. The other bloc would include the remaining 3 entities (SCWA, RCD, and PUC-Regulated / Mutual) and 2 of those agencies would have to vote in favor to approve the decision. The goal is to have a majority and a balance across interests.

Staff are still discussing the full list of issues that would require a supermajority, but they will include adoption and modification of the Groundwater Sustainability Plan, annual budget, regulations, fees, and acquisition of property. Any changes to the Joint Exercise of Powers Agreement would require a unanimous vote.

In the first 5 years, many of the issues that will come before the GSA governing board will involve important public policy considerations: the GSA will need to develop and adopt a new Groundwater Sustainability Plan; the GSA will need to decide important matters affecting groundwater management decades into the future; and the GSA will need to ensure that it has the capacity to successfully implement the new plan. Specific decisions could likely consider

regulations, such as well metering, groundwater extraction, and new well construction and measures needed to fund the GSA's work, such as fees, assessments, or taxes. The GSA's work and governing board decisions will almost certainly generate significant interest and even controversy among a range of community interests and the general public. Given the nature of these decisions, ensuring that GSA board members are well positioned to make decisions on issues of this nature is a critical question.

Given the nature of these decisions, staff generally feel that, at least initially, it is best if the board be made up of elected officials (i.e., city council or board of supervisors/directors members) and members of appointed boards (i.e. members of the Sonoma RCD Board of Directors). There is not consensus as to whether this should be specified in the Joint Exercise of Powers Agreement. Some staff feel that accountability is best achieved with a GSA governing board comprised of elected officials (i.e., city council or board of supervisors/directors members) and members of appointed boards (i.e., members of the Santa Rosa Board of Public Utilities and members of the Sonoma RCD Board of Directors). Other staff are reluctant to agree to an arrangement that limits a member agency governing body's discretion to appoint its representative to the GSA board, suggesting that the governing body should be able to appoint an elected official, a staff person, or other appointee of their choosing.

Recommendation on Advisory Body to GSA Governing Board

Charge

The purpose of the advisory body is to provide input and recommendations to the governing body of the Santa Rosa Plain GSA on groundwater sustainability plan development and implementation and GSA policies. The intent of the body is to provide community perspective and participation in the GSA.

The advisory body will review and/or provide recommendations to the GSA Board on groundwater-related issues that may include:

- Development, adoption or amendment of the GSP
- Sustainability goals and objectives
- Best management practices
- Monitoring programs
- Annual work plans and reports (including mandatory 5-year milestone reports)
- Modeling scenarios
- Inter-basin coordination activities
- Projects and management actions to achieve sustainability
- Community outreach
- Local regulations to implement SGMA
- Fee proposals
- General advisory

The advisory body will not be involved in GSA budgets or day-to-day operations, such as personnel staffing or contracting.

Membership

Composition of the advisory body is intended to represent the beneficial uses and users of groundwater identified in the Sustainable Groundwater Management Act. Advisory body members may not serve concurrently on the GSA governing board. Members must live or work within the Santa Rosa Plain Groundwater Basin or represent an organization with a presence in Santa Rosa Plain Groundwater Basin, identified by the Department of Water Resources current Bulletin 118. Membership is based on the interest group and member agency designations described below. There is not consensus on whether staff should be allowed to serve as the representative of GSA-eligible entities. Some agencies feel that staff would best represent the interests of their organization and would add technical expertise to the on the advisory body. Others feel that, as representation of community interests is a core function of the advisory body, it would be better for agencies to appoint members of their communities.

Each GSA-eligible agency will appoint a member to the advisory body, for a total of nine members appointed by:

1. Santa Rosa City Council
2. Windsor Town Council
3. Rohnert Park City Council
4. Cotati City Council
5. Sebastopol City Council
6. Board of Supervisors
7. SCWA Board of Directors
8. Sonoma RCD Board of Directors
9. Mutual / PUC-Regulated Water Companies

The GSA Governing Board will appoint interest-based members:

10. Environmental representative
11. Environmental representative
12. Rural residential well owner
13. Rural residential well owner
14. Business community representative
15. Agricultural interest (surface water or GW user)
16. Agricultural interest (surface water or GW user)
17. Graton Rancheria*
18. Gold Ridge RCD

*The Tribe, not the GSA, will appoint the Tribal representative. Should Lytton Rancheria choose to have a representative on the advisory body they also will select their representative.

The GSA governing board will appoint members to fill the interest-based seats. Interested individuals from the community or local organizations may apply to the GSA governing board, designating in the application the seat that the applicant would intend to fill. Some of the criteria that will be used to evaluate applications include:

- Entities and individuals within each interest group are encouraged to work together to recommend a single candidate to fill that interest's seat. The governing board will give strong consideration to appointing candidates that have the backing of multiple organizations or individuals within that interest group.
- Experience and familiarity with groundwater and its management.
- Experience working with diverse community-based groups.
- For one of the rural residential well owner representatives, the GSA board will give preference to appointees that can represent the interests of disadvantaged populations or interests that are otherwise under-represented on the advisory body.
- For agricultural representatives, preference will be given for diversity between surface and groundwater reliance for agricultural operations.

Application Timeline

The GSA governing board will establish a timeline and process for appointment of the initial advisory body following GSA formation. In subsequent years, applicants will submit an application and statement of interest for vacant seats to the GSA by October 1 of the year prior to the beginning of the term for that seat. The GSA will post applications on its web site. At-large appointments from GSA-eligible agencies will be due to the GSA governing board by November 15. The GSA governing board will appoint interest-based members at its December meeting. Terms will commence in January of the subsequent year.

Member Terms

The initial advisory body appointments will include seats with three-year terms (interest-based categories) and two-year terms (at-large). Following initial advisory body appointment, all member terms will be two years. Members are not term-limited; however, they must apply for each term. If a vacancy occurs for an interest-based seat before the end of the term, the GSA governing board will appoint a new member to complete the term. At-large vacancies shall be filled by the appointing agency.

The GSA governing board can remove an interest-based member by vote if member is not performing responsibilities. The GSA governing board will appoint alternates if the board deems alternate members necessary. If appointing alternates, the board will request that the appointing body also provide alternates for at-large members.

Decision Making and Governing Board Consideration

To inform GSA governing board decision-making, the advisory body will provide written recommendations in reports. The recommendations reports will identify areas of agreement and disagreement. The body will strive for consensus when possible, but reaching consensus is not necessary. Consensus means that everyone can at least "live with it." When unable to reach

consensus on recommendations, the advisory body will outline the areas in which it does not agree, providing some explanation to inform governing board decision-making.

The advisory body may request that one or more members present its recommendations to the GSA governing board, including areas of agreement and disagreement, consistent with the advisory body's deliberations.

Pursuant to GSA governing board direction, GSA staff will develop the annual work plan and schedule for advisory body meetings. The advisory body will adopt a charter and will appoint a chair and vice-chair.

The GSA governing board will consider advisory body recommendations when making decisions. If the governing board does not agree with the recommendations of the advisory body, the governing board shall state the reasons for its decision.

Public Process

All advisory body meetings are subject to the Brown Act and will be open to the public. The GSA will announce advisory body meetings on its web site and through its regular communication channels.