



## **Joint Public Workshop & Regional Advisory Committee (RAC) Meeting #39**

October 3, 2012  
9:00 a.m. – 12:00 p.m.  
San Diego County Water Authority Board Room  
4677 Overland Ave., San Diego CA 92123

### **Notes**

#### **Attendance**

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##### **RAC Members**

Kathleen Flannery, County of San Diego (Chair)  
Albert Lau, Padre Dam Municipal Water District (and alternate, Arne Sandvik)  
Cari Dale, City of Oceanside (and alternate, Mo Lahsaie)  
Casey Anderson, Farm Bureau San Diego County  
Cathy Pieroni for Marsi Steirer, City of San Diego  
Dennis Bowling, Floodplain Management Association (and alternate, Iovanka Todt)  
Jack Simes, United States Bureau of Reclamation  
Katie Levy, San Diego Association of Governments  
Kirk Ammerman, City of Chula Vista  
Linda Flournoy, Planning and Engineering for Sustainability  
Lisa Skutecki, Industrial Environmental Association  
Mike Thornton, San Elijo Joint Powers Authority  
Mo Lahsaie, City of Oceanside  
Rob Hutsel, San Diego River Park Foundation  
Rob Roy, La Jolla Band of Luiseno Indians  
Ron Mosher, Sweetwater Authority  
Toby Roy for Ken Weinberg, San Diego County Water Authority  
Travis Pritchard, San Diego CoastKeeper

##### **RWMG Staff**

Cathy Pieroni, City of San Diego  
Sheri McPherson, County of San Diego  
Mark Stadler, San Diego County Water Authority

**Interested Parties to the RAC**

Anthony Chadwick, City of San Diego  
Bob Kennedy, Otay Water District/Metro JPA  
Crystal Mohr, RMC Water and Environment  
Deena Raver, County of San Diego  
Jack Simes, United States Bureau of Reclamation  
Joey Randall, Olivenhain Municipal Water District  
Keith Spencer, United States Marine Corps  
Kelly Craig, San Diego Zoological Society  
Leslie Cleveland, United States Bureau of Reclamation  
Lewis Michaelson, Katz and Associates  
Ligeia Heagy, City of Vista  
Michael Welch, Independent Consultant  
Rosalyn Prickett, RMC Water and Environment  
Taryn Dunbar, City of Solana Beach  
Terrell Breaux, City of San Diego

**Welcome and Introductions**

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Ms. Kathleen Flannery (chair), County of San Diego, welcomed everyone to the meeting. Ms. Flannery welcomed a new representative to the group, Katie Levy, who will represent the San Diego Association of Governments. Introductions were made around the room.

**DWR Update**

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No representatives from the California Department of Water Resources (DWR) were in attendance at the meeting. Rosalyn Prickett provided an update to the group, noting that DWR has announced that the final Proposal Solicitation Packages (PSPs) for Proposition 84 and Proposition 1E will be delayed until November. DWR has indicated that this schedule shift will not change the final application due date for Proposition 84 grant applications; applications for Proposition 84 are still anticipated to be due in March 2013.

**Grant Administration**

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**Proposition 50 Implementation Grant Status**

Mr. Mark Stadler, San Diego County Water Authority (CWA), explained that CWA recently submitted two amendment requests to DWR, and are processing two more requests. Two projects have recently been completed, and have also finished their final project walk-through assessments with DWR. CWA met with DWR on September 11<sup>th</sup> to discuss grant administration issues, and will work with DWR to update invoicing and supporting documentation requirements to streamline the grant administration process. There will be an LPS invoice training session on October 4<sup>th</sup> to discuss new invoicing requirements.

### **Proposition 84 Implementation Grant Status**

Mr. Stadler also explained that CWA received a Proposition 84 Implementation Grant contract from DWR on September 12<sup>th</sup> for CWA approval. However, on September 21<sup>st</sup>, DWR recommended further changes to the previous contract. As such, this contract is still on hold pending further discussions with DWR to resolve outstanding issues.

#### Questions/Comments

- Are the Proposition 50 and Proposition 84 grant processes now being administered by the same people at DWR?
  - *No, these grants still have two separate contacts at DWR. However, DWR is attempting to align the processes, as CWA has suggested to them multiple times. The main goal is to resolve issues now so that the Proposition 84 grant administration process runs more smoothly and efficiently than the Proposition 50 grant process.*
- Is this a state-wide issue, or one that is unique to our region?
  - *From what we currently know, this is unique to the San Diego region. We have heard that DWR is committed to working with the IRWM regions to ensure that administration runs more smoothly.*
- Are these amendments to the Proposition 50 contract going to slow down final payments to projects that have been completed?
  - *Yes, the amendment is needed to formally close out projects, but this amendment will likely be completed soon (by November 2012).*

### **San Diego CoastKeeper – Project Completion Report**

Travis Pritchard, San Diego CoastKeeper, provided an overview of the San Diego Regional Pollution Prevention Project, a recently completed Proposition 50 project. Mr. Pritchard provided summary information about what was completed as part of the project, including training community members, collecting and analyzing approximately 1,220 water samples, performing rapid trash assessments, and bioassessments. Mr. Pritchard noted that due to the success of this program, data and information collected by San Diego CoastKeeper may be used to replicate this effort in other parts of the state.

#### Questions/Comments

- Is CoastKeeper still administering the school curriculum program (Project SWELL)?
  - *Yes, CoastKeeper is still administering Project SWELL, which trains teachers about how to teach water issues in school. Project SWELL was not part of the San Diego Regional Pollution Prevention Project.*
- The on-the-ground training of volunteers is excellent – this is a key way to get the community involved, and is exciting to see that it was successful!

## **San Diego IRWM Plan Update**

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### **Workgroup Reports**

Ms. Rosalyn Prickett, RMC Water and Environment, provided an overview to the group regarding the current status of the IRWM Plan Update. Ms. Prickett noted that there are six workgroups that will provide input directly into the IRWM Plan Update, and five of these workgroups are currently in the process of meeting. Each workgroup has a designated Chair, and each Chair will provide an overview to the RAC on the progress of each workgroup to date. These progress reports are provided below.

Mr. Joey Randall, Olivenhain Municipal Water District, provided an overview of the Priorities and Plan Metrics Workgroup. Mr. Randall noted that this group has met five times, and will meet one more time. An additional workgroup meeting was held on September 6<sup>th</sup> to prepare for the September 12<sup>th</sup> Strategic Integration Workshop. During the September 6<sup>th</sup> meeting, workgroup members reviewed all submitted project concepts, and discussed potential integration opportunities. The workgroup's findings were presented at the Strategic Integration Workshop. The workgroup's next meeting will be held on October 17<sup>th</sup>, and will focus on the project review and selection process.

Ms. Iovanka Todt, Floodplain Management Association, provided an overview of the Regulatory Workgroup. Ms. Todt noted that this group has met four times, and will meet one more time – likely in November or December. This group is focused on providing input to the IRWM Plan Update regarding opportunities for collaboration between the San Diego IRWM Program and the San Diego Regional Water Quality Control Board (Regional Board). The major outcomes of mutual interest between the San Diego IRWM Program and the Regional Board are: science-based Basin Plan water quality objectives, science-based 303(d) listing, and restoration and mitigation. The purpose of the workgroup is to identify aspects of the IRWM Program that can support these outcomes. Mr. Mo Lahsaie, Regulatory Workgroup Vice Chair, noted that while the original focus of the workgroup was to discuss interactions with the Regional Board, the focus has broadened to recognize other entities with which the IRWM Program could collaborate, including California Department of Fish and Game, Army Corps of Engineers, etc.

Ms. Sheri McPherson, County of San Diego, provided an overview of the Land Use Planning Workshop. Ms. McPherson noted that this group differs slightly from the other previously described groups in that it is a workshop rather than a workgroup. The first and second workshops have been held, and are now complete. The next step in this process is to revise the Policies and Recommendations document, and compile the Land Use Study for incorporation into the IRWM Plan Update.

Ms. Sheri McPherson also provided an overview of the Flood Management Workgroup, which held its first meeting on June 26<sup>th</sup>. She noted that the workgroup has been on hold since June, as the San Diego IRWM Region has been waiting to receive the Flood Futures data from DWR. DWR has recently released this data, and the second workshop will be scheduled shortly.

Ms. Linda Flournoy, Planning and Engineering for Sustainability, provided an overview of the Climate Change Workgroup, which held its first meeting on June 28<sup>th</sup>, its second meeting on July 26<sup>th</sup>, and its third meeting on August 23<sup>rd</sup>. During the third meeting the group focused on climate change adaptation and greenhouse gas mitigation strategies. The next step will be for the project

team to produce the Climate Change Study, and potentially hold a fourth and final workgroup meeting to discuss the draft Climate Change Study.

### **Governance & Stakeholder Involvement Chapter**

Ms. Cathy Pieroni provided an overview of the purpose of this discussion, which was threefold: discuss the proposed approach to the Governance and Stakeholder Involvement Chapter for the IRWM Plan Update; discuss information to include within the Governance and Stakeholder Involvement Chapter; and confirm that the Chapter outline is complete.

Ms. Pieroni presented a list of identified San Diego IRWM stakeholders, and asked the group to provide any edits or additional input to Rosalyn Prickett ([rprickett@rmcwater.com](mailto:rprickett@rmcwater.com)).

### **Questions/Comments**

- It is not clear when we are talking about outreach what precisely we are talking about. Are we talking about outreach and education for internal purposes, or outreach to the larger community? Concern that many people in the Region still do not know about this effort.
  - *We are currently discussing outreach to the community. Any ideas on how to expand this outreach is appreciated.*
- Suggest doing more broad-based outreach such as notices in the newspaper. I became involved in this effort through a well-written newspaper column.
- DWR is being encouraged to write a separate tribal section that addresses water-related tribal needs, similar to the DAC section. It is concerning that DAC entities get their own grouping, while the tribal category is lumped in the “Other” category.
  - *The tribal group was included in the “other” category, because similar to other groups in that category such as land use, their issues cross multiple categories (water supply, water quality, natural resources/watersheds, etc.)*

### **Presentation of Draft RAC Charter**

Mr. Kirk Ammerman provided an overview of the Draft RAC Charter, which was developed by the Governance & Financing Workgroup with input from the RWMG. In general, the purpose of the charter is to formalize activities and rules that the group currently follows, and to add additional stipulations to make the process more transparent. The RAC packet included a proposed composition structure for the RAC, which Mr. Ammerman presented to the group. Furthermore, Mr. Ammerman presented key aspects of the proposed RAC Charter such as roles of the RAC, RAC member terms, and stipulations for how to replace members of the RAC. Mr. Ammerman noted that much of the process regarding RAC terms and replacing members is being implemented, because there have been several inquiries about how to get involved in the RAC and currently there is not a formal process for becoming a RAC member.

### **Questions/Comments**

- Because the RAC will now be implementing strict voting rules (super majority required for all financial matters), will the RAC also hold to strict quorum rules?
  - *Yes. A quorum will need to be present in order to carry out any formal votes.*

- Regarding the issue of personal gain, how is this being handled? Will all RAC members need to fill out formal disclosure forms?
  - *The personal gain issue will not be handled that formally. RAC members will be asked to disclose any personal financial gains on a voluntary basis.*
- Why are we so concerned with the issue of personal gain?
  - *The issue has been raised, because CWA legal counsel has advised the RWMG that the RAC must abide by Brown Act requirements. The issue here is simply that RAC members cannot partake in activities through which they could personally earn money.*
- I have some concern about the super majority voting rule. We originally had decided not to vote and work on a consensus-basis so that no one organization or group could dominate the RAC.
  - *That sensitivity still remains. You will notice that the RAC Charter is very specific with regards to consensus and voting. Consensus is still the preferred decision-making route. Voting will be required for financial matters for sake of formality; however, consensus on these votes is still the goal.*
- Can for-profit organizations have a seat on the RAC?
  - *The RAC Charter, as currently written, does not limit who is eligible to participate on the RAC.*
- The for-profit issue needs to be clarified in the RAC Charter. It needs to be clear where to draw the line. For example, can municipalities whose salaries would benefit from a decision be eligible for the Project Selection Workgroup?
  - *The issue is simply personal financial gain.*
- I am concerned about the current RAC Charter language. It suggests that RAC members would be required to abide by formal Fair Political Practices Commission (FPPC) requirements.
  - *The RAC will be incorporating FPPC stipulations by principle, not by their legal nature.*

### **Proposal for RAC Reorganization**

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Mr. Mark Stadler provided an overview of the proposed RAC reorganization. The proposed approach is as follows:

1. RWMG asks RAC members if they want to be eligible for a 2-year term (completed).
2. Half of existing RAC members (except RWMG/non-voting) selected at random to remain in place for next 2 years (proposed today).
3. Remaining RAC seats are open to a formal application process. Those selected through this process would serve for the next four years.

4. Selection would be made by a workgroup comprised of 8 continuing RAC members (3 RWMG members and 1 RAC member per caucus).
5. Half of the RAC member terms would expire every other year; Step 3 and Step 4 would repeat.

Questions/Comments

- Alternate attendance does not count as an absence, correct?
  - Yes.
- Why would 50% of the RAC dissolve and 50% remain? It should be all or none.
  - *The workgroup decided that this was the best way to allow new members in while retaining continuity of existing RAC members.*
- Are there set criteria for RAC members? In other words, how will the workgroup be making their selection? Also, it would be good to have a reason to tell people why they were not asked to sit on the RAC.
  - *This is proposed as a fairly qualitative process –there are no formal criteria proposed at this time.*
- There should be an emphasis on a broad level of participation. Suggest advertising for open RAC seats very broadly – in the news media, etc.
- The RWMG should propose criteria for RAC member selection. There needs to be formal criteria to select RAC members.
- I am not comfortable with the workgroup process – think it would be best if this were a random process.
- As a counter-proposal: what if the only RAC seats that get filled are those who voluntarily dropped off? The randomness of this process is an issue – is there something wrong with the process that we need to fix?
  - *Nothing is wrong with the RAC – the only issue is that several entities have expressed interest in sitting on the RAC, and it would be good to create a formal process through which people can volunteer to participate on the RAC.*
- Having just one tribal seat is an issue. Tribal entities will not want other tribes speaking for or “representing” them – tribes have different interests.
- One reason why the workgroup process (to select the RAC) is necessary, is because some RAC members wear multiple hats. This is something to consider during the selection process.
- This process is admittedly imperfect – the workgroup had most of this discussion already; and this was determined to be the best alternative option. We need to consider all interests and try to compromise as best as possible.
- Concern about the criteria – people who are applying need to know the rules and the criteria that will be used.

- Why can't the RWMG just decide who is on the RAC?
  - *The RWMG does not want to do this – there needs to be more transparency in the RAC selection process.*

After the discussion regarding the pros and cons of RAC reorganization, a motion was called. The motion was: move forward with the proposed RAC composition – use this composition as the guideline for the RAC. There was a comment that, for the record the “other” category is too small. There was a vote, and this motion passed.

A second motion was then called. The motion was a vote on the following RAC reorganization approach: ½ of the RAC will remain and receive 2-year terms. The other ½ will be eligible to apply, along with other interested parties. All those selected for the remaining ½ seats will serve 4-year terms. Note that this motion is the proposed approach described previously, but with the exclusion of RAC member selection by a workgroup. There was a vote, and this motion passed.

A third motion was then called. The motion was for the proposed RAC selection process. The motion was: The RWMG will determine a set of criteria that will be used to select RAC members. The solicitation for RAC members will occur in December. The project selection workgroup will convene in January. The new RAC will convene in February. There was a vote, and this motion passed.

### **Proposition 84-Round 2 Implementation Grant Opportunity**

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Ms. Rosalyn Prickett, RMC Water and Environment, provided an overview to the group regarding Round 2 of Implementation Grant funding. Approximately \$10.3 million will be available for the San Diego Region in this round of grant funding.

The anticipated schedule for the SDIRWM Program regarding Round 2 of Implementation Grant funding is presented below. Highlights include:

- Call for Projects: all interested parties submit projects to the online project database from September 1-October 19.
- Project Selection Workgroup: review submitted projects in November.
- Regional Advisory Committee: will be asked to review and approve of the funding package at their December 3<sup>rd</sup> meeting.
- Prepare Grant Application: December 3<sup>rd</sup>-March 3<sup>rd</sup>.

#### Questions/Comments

- The restriction regarding the number of projects for the whole proposal is troublesome. Recommend having flexibility – perhaps have it be recommended that the total number of projects is 5-7, but that this is not mandatory.
- Agree that limiting the grant to 5-7 projects is difficult. This would be better as a guideline, not an absolute requirement.
- Concern that the total amount of points allocated to DAC projects is less. Why?



- *Actually, it was double-counted before. The new criteria do not include this double-counting.*

After the discussion regarding the pros and cons of the project selection criteria, a motion was called. The motion was: move forward with the proposed project selection process with the modification that it is recommended that the total package only includes 5-7 projects. There was a vote, and this motion passed.

### **Next Joint Public Workshop & RAC Meeting**

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The next joint public workshop and RAC meeting will be held on Wednesday December 5, 2012 from 9:00 a.m. to 12:00 p.m. at San Diego County Water Authority Board Room (4677 Overland Ave., San Diego, CA 92123).

RAC meetings to be held in 2012 are scheduled for the following dates:

- December 5, 2012.

### **Public Comments**

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Ms. Kathleen Flannery inquired if there were any public comments. No members of the public had comments.