

Delta Nutrients Policy Development Process

Draft Governance Principles and Ground Rules

1 September 2014

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has initiated a process to develop a nutrient management strategy that will define and guide the scientific research planning efforts and appropriate policy determinations for nutrient management in surface waters of the Sacramento-San Joaquin Delta. Staff envisions that, if needed, nutrient objectives (either narrative or numeric) and an implementation plan may be adopted as amendments to the Sacramento-San Joaquin Basin Plan.

The purpose of this document is to establish governance principles and ground rules for the stakeholder-based process, and, in particular, to assist in the functioning of the Stakeholder and Technical Advisory Group (STAG).

Governance Principles

It is agreed that the process will operate under a consensus seeking paradigm, based on principles of “consensus with accountability.” Consensus with accountability requires all participants to try to reach consensus while at all times supporting and expressing their self-interest. In the event a participant rejects a proposal, then that participant is expected to provide a counter proposal that attempts to achieve their interest and the interests of the other participants.

In seeking consensus on an interim or final recommendation, participants shall voice their opinions with specific proposals along the way, rather than waiting until a final recommendation has been developed. At all times, participants shall ensure that they are providing input to represent their prescribed role and constituency.

The following process will be available for use, as needed, to assist in resolution of difficult issues:

Straw Polls: Participants will use straw polls to assess the degree of preliminary support for an idea before it is submitted as a formal proposal for final consideration by the group. Participants may indicate only tentative approval for a preliminary proposal without fully committing to its support.

“Consensus Rule” for Draft and Final Decisions: The STAG will use the following three levels to indicate participant’s degree of support for any proposal being considered and to likewise determine the degree of consensus.

Thumbs Down: I do not support the proposal.

Thumbs Sideways: I am not enthusiastic about it, but I can live with the proposal.

Thumbs Up: I support the proposal

Abstention At times, a pending decision may be infeasible for a Participant to weigh in on. Certain participants may also consider themselves "Ex Officio" or similar and will consistently abstain.

The goal is for all Participants to be in the 'Thumbs Up', or Thumbs Sideways' levels of agreement. The Committee will be considered to have reached consensus on an item when there is a quorum of participants present, and all participants present are at Thumbs Up or Thumbs Sideways levels. For the purposes of the STAG, the "quorum" will be defined and memorialized. If any participant is at a 'Thumbs Down' level, that participant must provide a counter proposal that legitimately attempts to achieve their interest and the interests of the other participants. The STAG will then evaluate how best to proceed. Participants who abstain from particular proposals are encouraged to explain why abstention is in their best interest.

Important decisions to be made at a specific meeting will be publicly noticed in advance. The STAG will not revisit previously agreed on decisions or recommendations, unless new information is brought to light that would likely affect the outcome of the group's previous work.

Majority Rule Decision Method: Should consensus not be achievable, the STAG shall use a majority rule method to complete and memorialize a decision process (as described below). For all circumstances, decision-making will take place using the following criteria:

- **Administrative Decisions** – Administrative decisions are about the day-to-day activities of the Steering Committee (including but not limited to: logistics, meeting dates and times, agenda revisions, schedules, etc). All administrative decisions will be made on a simple majority vote. Administrative decisions will be made by the STAG using a simple majority of all Participants present (51 percent or more) at any given meeting.
- **Policy/Science/Resource Decisions** – Such decisions are made by the STAG using the above-described consensus rule after sufficient discussion and deliberation has been conducted. In the event consensus cannot be achieved, a final decision will be made by the Regional Board representative and the dissenting opinion may be documented by the participant(s) endorsing that opinion.

The STAG shall refer significant differences of scientific opinion to the Independent Science Review Panel. The ISRP shall provide objective input to clarify understanding of the issue. Such information will be used by the STAG in seeking to resolve significant differences of opinion.

STAG Operating Protocols: The STAG will be facilitated by a neutral third-party facilitator. Agendas are prepared by the facilitator (in consultation with the Regional Water Board and designated members of the STAG). The facilitator shall lead the STAG meetings and be responsible for adherence to the ground rules and governance principles. The facilitator shall also provide an attendance list and meeting notes for each STAG meeting.

Ground Rules

Participants in the process agree to embrace the following operating principles:

- The personal integrity, values and legitimacy of the interests of each participant will be respected by other participants. Everyone will participate; no one will dominate.
- All Participants will have opportunities to represent the interests of their participating organization in the development and implementation of Delta Nutrient policy.
- All interests will be considered in general deliberation and in decision-making procedures.
- Participants shall attend scheduled meetings regularly and in person (if possible) and shall take responsibility to be well informed on the issues under discussion.
- Every participant will communicate their respective interests and will disclose pertinent information on issues under consideration.
- Commitments will not be made lightly and will be kept. Delay will not be employed as a tactic to avoid an undesired result.
- All participants will have the authority necessary to represent their respective organizations in deliberations.
- All participants will inform their respective decision-making bodies in a timely manner of developments in the process.

It is also agreed that the parties to the process will endeavor to meet general communication protocols to enhance the transparency and effectiveness of the process. It is agreed that meeting announcements should be sent out at least 10 business days before any public meeting of the stakeholder group or subgroup(s). Meeting agendas should be sent out at least 5 business days before any public meeting. All participants will make a good faith effort to send out meeting materials at least 3 business days prior to any public meeting. Facilitators will distribute draft meeting summaries within two weeks after each meeting.