

Delta Nutrients Policy Development Process

Governance Principles and Ground Rules

~~529 July~~ November 2015

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). For purposes of formal decision making, the "STAG" refers to the designated representatives of the interest group categories defined in the Charter. For each STAG meeting, one representative (either the Primary or the Alternate) of each interest group category will be identified as the designated voting member in the event decisions are called for during the meeting using the mechanisms described below. While discussion during STAG meetings is open to all participants in the meeting, decisions will be made by the designated STAG representatives at each meeting.

For the purposes of the STAG, a "quorum" will be deemed to have been met if 50 percent of the STAG interest groups are present. The quorum will be established as the first order of business at each STAG meeting and will be considered to persist through the entire meeting, even if members leave the meeting. The quorum will only be used when a vote of the STAG members is required. The quorum and any decision made by the STAG via general consensus or majority rule will be memorialized in the meeting summary and the record of decision table.

Governance Principles

It is agreed that the process will operate under a consensus seeking paradigm, based on principles of "consensus with accountability." STAG participants will be responsible for expressing the core interests of their constituency, while at the same time working toward solutions that address multiple interests. Consensus with accountability requires that all designated STAG representatives try to reach consensus while at all times supporting and expressing their self-interest. For example, if In the event a representative has concerns with or rejects a proposal, they are n that STAG member is expected to suggest an alternative that attempts to bridge the gap among interests, provide a counter-proposal that attempts to achieve their interest and the interests of the other STAG members.

In seeking consensus on an interim or final recommendation, designated STAG representatives shall voice their opinions with specific proposals along the way, rather than waiting until a final

recommendation has been developed. At all times, STAG members shall ensure that they are providing input to represent their prescribed role and constituency.

In general, the STAG will make two types of decisions:

- **Administrative Decisions** – Administrative decisions are about the day-to-day activities of the STAG (including but not limited to: logistics, meeting dates and times, agenda revisions, schedules, etc.). However, the STAG’s Administrative Subcommittee (comprised of a small number of representatives approved by the STAG) is now making some of these administrative decisions between meetings. An update from the Administrative Subcommittee will be provided at each STAG meeting to brief members on decisions made.
- **Policy/Science/Resource Recommendations and Decisions** – The STAG will review, comment and provide recommendations on technical, policy and implementation issues, and documents. These include but ~~not~~ are not limited to charges, rosters, and work plans, and technical work products (e.g., white papers, knowledge gaps documents, research plans) produced by the Science Work Groups and Water Board staff. Once the drafting and review process is complete, and the Science Work Groups present their final products to the STAG, the STAG will make a decision whether to accept the product(s) as is or to provide additional comments that will be included as an appendix and labeled STAG input.

The following process will be available for use, as needed, to assist in making decisions and resolving difficult issues:

General Consensus: For simple issues, or issues for which there is little if any disagreement, the facilitator may ask for a general consensus. If no objections are voiced, the decision will be recorded as a consensus decision.

Straw Polls: Designated STAG representatives 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. The designated STAG representatives may indicate only tentative approval for a preliminary proposal without fully committing to its support. The results of straw polls will not be recorded in the meeting summary of the list of STAG decisions.

“Consensus Rule” for Draft and Final Decisions: The STAG will use the following four levels to indicate each designated representative’s degree of support for issues where discussion has revealed disagreement or for which the degree of agreement is not clear.

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 representative to weigh in on. Certain representatives may also consider themselves "Ex Officio" or similar and will abstain.*

The goal is for all designated representatives to be in the 'Thumbs Up', or Thumbs Sideways' levels of agreement. The STAG will be considered to have reached consensus on an item when there is a quorum of designated STAG representatives present, and all representatives present are at Thumbs Up or Thumbs Sideways levels. If any STAG representative is at a 'Thumbs Down' level, that representative must provide a counter proposal that legitimately attempts to achieve their interest and the interests of the other STAG members. The STAG will then evaluate how best to proceed. Representatives 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 after sufficient discussion and deliberation has been conducted.

Referral to Independent Science Review Panel: For contentious science-related issues where consensus cannot be reached and voting is closely split the STAG shall refer significant differences of scientific opinion to the Independent Science Review Panel (ISRP). 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.

If disagreements still cannot be resolved after input from the ISRP, Regional Board staff will present all sides of the controversy, including the ISRP's recommendation and the dissenting opinions documented by the STAG member(s) to the Regional Board. Staff reserves the right to make their own recommendation to the Board but would have to justify their recommendation. A final decision will be made by the Regional Board.

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 Board staff and the Administrative Subcommittee). 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.