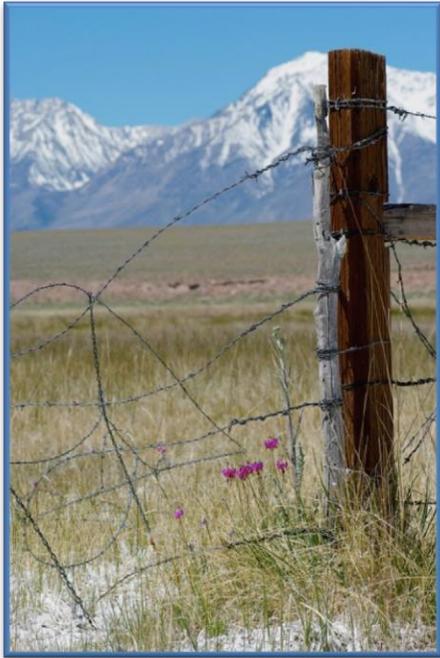


Chapter 5: Governance



Introduction

The Inyo-Mono Regional Water Management Group (RWMG) has operated successfully for more than six years as a collaborative, consensus-based organization. The initial governance structure, described below, was put into place with the first Memorandum of Understanding (MOU) in 2008 and still exists today. The Inyo-Mono RWMG continues to be committed to transparent, open, and collaborative regional water planning for eastern California and wants to see continued financial and technical resources brought to the region.

Governance Structure

A MOU sets out the governance structure of the Inyo-Mono IRWM Program. The RWMG acts as the primary forum for MOU signatories (also known as RWMG “Members”) and other participants to meet and discuss issues relevant to IRWM Plan development and implementation. All decisions about the Inyo-Mono IRWM Program are made by the RWMG. The RWMG is the final approval body for the IRWM Plan components, including, but not limited to, goals and objectives, project prioritization, funding proposals to finance and implement the Plan, hiring and overseeing management of consultants and staff, and approving any revisions to the MOU or the Plan itself. RWMG Members that have signed the MOU are affirming their commitment to the success of the Inyo-Mono IRWM Program, including: ensuring long-term ecosystem health of the area watersheds; protecting water supply and water quality; involvement of local communities, especially disadvantaged communities; building institutional and human capacity; protection, preservation, and restoration of natural resources of the Inyo-Mono region; and open communication and collaboration. There is no financial requirement to participate in the RWMG either as a Member or an interested party.

Initially, the Inyo-Mono RWMG met about once per month, and now meets once every two or three months, usually in Bishop or Mammoth Lakes, which are the two most geographically central communities in the region. *RWMG meetings are always open to the public and are posted in local media outlets, on the Inyo-Mono website, and through County Board agendas, in compliance with the Ralph M. Brown Act.* Throughout much of the pre-planning phase, RWMG meetings were facilitated by a qualified contracted facilitator from the Center for Collaborative Policy. Due to the State budget freeze in December, 2008, the Inyo-Mono RWMG was no longer able to employ the services of the facilitator, and Program Office staff began facilitating RWMG and Administrative Committee meetings.

Under the November 15, 2010, MOU (described in next section), an Administrative Committee replaced what was the Coordinating Committee during the pre-planning governance structure. The Administrative Committee is made up of six RWMG Members. The primary roles of the Administrative Committee are to provide advice and guidance to the Program Office and to help guide the decisions and process of the RWMG. The Administrative Committee helps to review materials to be presented at RWMG meetings, including agendas and other documents. A new role of the Administrative Committee is to help resolve conflict within the RWMG – for example, when consensus cannot be reached on a particular decision item. The Administrative Committee may also play a role in developing substantive proposals, policies, and recommendations at the request and subject to approval of the RWMG, but the Administrative Committee has no decision-making authority. All RWMG Members have the opportunity to serve on the Administrative Committee on a rotating basis. Three Administrative Committee seats will rotate each year to new members, and three will remain for another year to provide consistency between years. At the time of the writing of this Plan, the members of the Administrative Committee were: Mammoth Community Water District, Indian Wells Valley Water District, Big Pine Paiute Tribe, Bridgeport Indian Colony, Sierra Club, and Mono County Resource Conservation District.

The Administrative Committee also appoints a new Chair and Vice-Chair every six months. These positions are used as primary contacts for the Program Office to review agendas and provide general guidance and advice on a more day-to-day basis. The Chair and/or Vice-Chair also call to order and adjourn Administrative Committee and RWMG meetings. *Administrative Committee meetings are also open to any stakeholder of the Inyo-Mono RWMG or the public and are publicly noticed according to the Brown Act.*

Ad-hoc working committees are formed and directed as needed by the RWMG to undertake work on specific topics or issues and provide input and recommendations to the Administrative Committee and/or RWMG. All results from working committees are reviewed by the RWMG. Ad-hoc working committees have no decision-making authority and are intended to undertake focused work on particular topics and to develop databases, recommendations, and/or queries for the Group to consider. Topics or issues for ad-hoc work groups include, but are not limited to, budget development and review, fundraising, community outreach, developing Plan objectives and resource management strategies, project development and proposal assistance, project ranking process, Plan implementation, and issue-specific research and analysis. *Any interested RWMG stakeholder or member of the public may be a part of a working committee.*

The Inyo-Mono IRWM Program Office handles day-to-day IRWM Program operations and also represents the RWMG in meetings with other local, state and regional organizations and agencies, other RWMGs, and the general public. Program Office staff oversees consulting contracts approved by the RWMG to assure appropriate and timely results and is responsible for project documentation and timely and accurate reporting to the RWMG, DWR, and other agencies as appropriate. Program Office staff also works closely with the fiscal agent of each grant to ensure accurate and timely payment and documentation of IRWM budget expenditures.

MOU and Decision-making

The Inyo-Mono IRWM process has been divided into phases, and these phases have corresponded to different MOUs. The initial, or pre-planning, phase of the Inyo-Mono IRWM Program utilized an initial MOU. This MOU laid out the general organizational structure and decision-making powers that have been used throughout the duration of the Inyo-Mono IRWM Program. It was agreed through this MOU that only MOU signatories could participate in the decision-making process, though all interested entities were welcome to attend and participate in RWMG meetings. Entities were invited to sign this MOU at any time; there was no deadline. Indeed, groups signed the pre-planning MOU up until the time that the next iteration of the MOU was being developed. The pre-planning MOU also provided background on the Inyo-Mono IRWM Program and described the consensus decision-making process. Eventually, 29 entities had signed the pre-planning MOU.

As the RWMG moved forward into the planning phase, several participants thought it important to revisit and make changes to the MOU. What resulted was an entirely new MOU (Appendix B) that sets forth the purpose of the RWMG, the structure of the RWMG and its decision-making processes, and other items related to staffing, fiscal agent, budget, meetings, and reporting. One major change was the implementation of a quorum requirement for meetings. At least 50% of the Members must be present at an RWMG meeting to convene the meeting and conduct business. The planning/implementation MOU became effective November 15, 2010, and will govern the planning and implementation phases of the Inyo-Mono IRWM Program. This MOU has subsequently been revised once, with the effective date of those revisions as September 1, 2011. Additional revisions or amendments will be made as they become necessary. Currently, there are 32 signatories to the planning/implementation MOU (Table 5-1).

Inyo-Mono RWMG decisions on policies and actions are made *by consensus* (meaning all must agree with the proposed decision item) at publicly-noticed meetings held in compliance with the Brown Act. RWMG Members must be present at a publicly-noticed meeting (either in person or via conference call) to participate in the decision-making process for an agenda item. Meeting agendas are developed well in advance to allow time for RWMG Member representatives to consult with their governing boards regarding agenda topics, action items, and decision items. In reaching a consensus decision, some Members may strongly endorse a particular proposal while others may accept it as “workable”. Others may only be able to “live with it”. Still others may choose to “stand aside” by verbally noting a disagreement, yet allowing the group to reach a consensus without them. Any of these actions constitutes consensus. If any RWMG Member opposes an action, the proposed action fails. It is expected that Members in opposition to a particular action will verbally state their concerns during the meeting at which the decision is being made. If no consensus is reached, the matter is turned over to the Administrative Committee so that it can work with the opposing entity(ies) in addressing their concerns and ideally, work to craft an acceptable decision item for the RWMG’s consideration.

Since neither the Administrative Committee nor the RWMG has any regulatory authority, any decisions they make cannot regulate or force another entity against its will to take an action not in its interest or against its own regulations or policies. All decisions will be made and developed under the consensus rule. If consensus cannot be reached during the second

consideration by the RWMG, “avoided decisions” will be archived and may be reviewed at a later time in order to continue seeking solutions for difficult and important issues. This consensus process is designed to achieve the development of a single, collaborative water management portfolio that is prioritized based on the adopted objectives and resource management strategies of the Inyo-Mono RWMG. To date, the consensus process has been employed successfully by the RWMG. Decisions are considered carefully by the RWMG and worded such that they are agreeable to all Members. Some topics may require several meetings of discussion before they can be formed into a decision item. It is this careful consideration of decision items by the RWMG that has allowed the consensus process to succeed thus far.

Group Responsible for Development and Implementation of Phase II Plan

The Inyo-Mono RWMG is the entity responsible for the development and implementation of the Phase II Inyo-Mono IRWM Plan. Membership in the RWMG is defined by signing the planning/implementation Memorandum of Understanding, Revised Version #1. Any entity, regardless of type of organization (or as an individual), is eligible to sign the MOU provided it understands the responsibilities of being an RWMG Member. All Members have equal decision-making power through the consensus process, described above. At this time, Members are not required to make a financial contribution in order to participate in the IRWM Program. Therefore, any interested entity is welcome to become a Member of the RWMG regardless of its financial circumstances. Below, Table 5-1 lists the membership of the Inyo-Mono RWMG, current as of June 30, 2012, including those entities with statutory authority over water. A map is provided in Figure 5-1.

Table 5-1. Inyo-Mono Regional Water Management Group Members (i.e., MOU signatories) as of June 30, 2012.

RWMG Member Organization	Statutory Authority over Water
Amargosa Conservancy	
Big Pine Community Services District	X
Big Pine Paiute Tribe of the Owens Valley	X
Birchim Community Services District	X
Bishop Paiute Tribe	X
Bureau of Land Management – Bishop Office	X
Bridgeport Indian Colony	X
California Trout	
Central Sierra Resources Conservation & Development	
Crystal Crag Water & Development Association	X
Eastern Sierra Audubon	
Eastern Sierra Land Trust	
Eastern Sierra Unified School District	
Fort Independence Indian Reservation	X

Indian Wells Valley Cooperative Groundwater Management Group	
Indian Wells Valley Water District	X
Inyo County	X
June Lake Public Utilities District	X
Lone Pine Paiute-Shoshone Reservation	X
Mammoth Community Water District	X
Mojave Desert Mountain Resources Conservation & Development	
Mono County	X
Mono County Resource Conservation District	
Mono Lake Committee	
Owens Valley Committee	
Owens Valley Indian Water Commission	
Round Valley Joint Elementary School District	X
Sierra Club Range of Light Group	
Town of Mammoth Lakes	X
U.S. Forest Service/Inyo National Forest	X
Wheeler Crest Community Services District	X

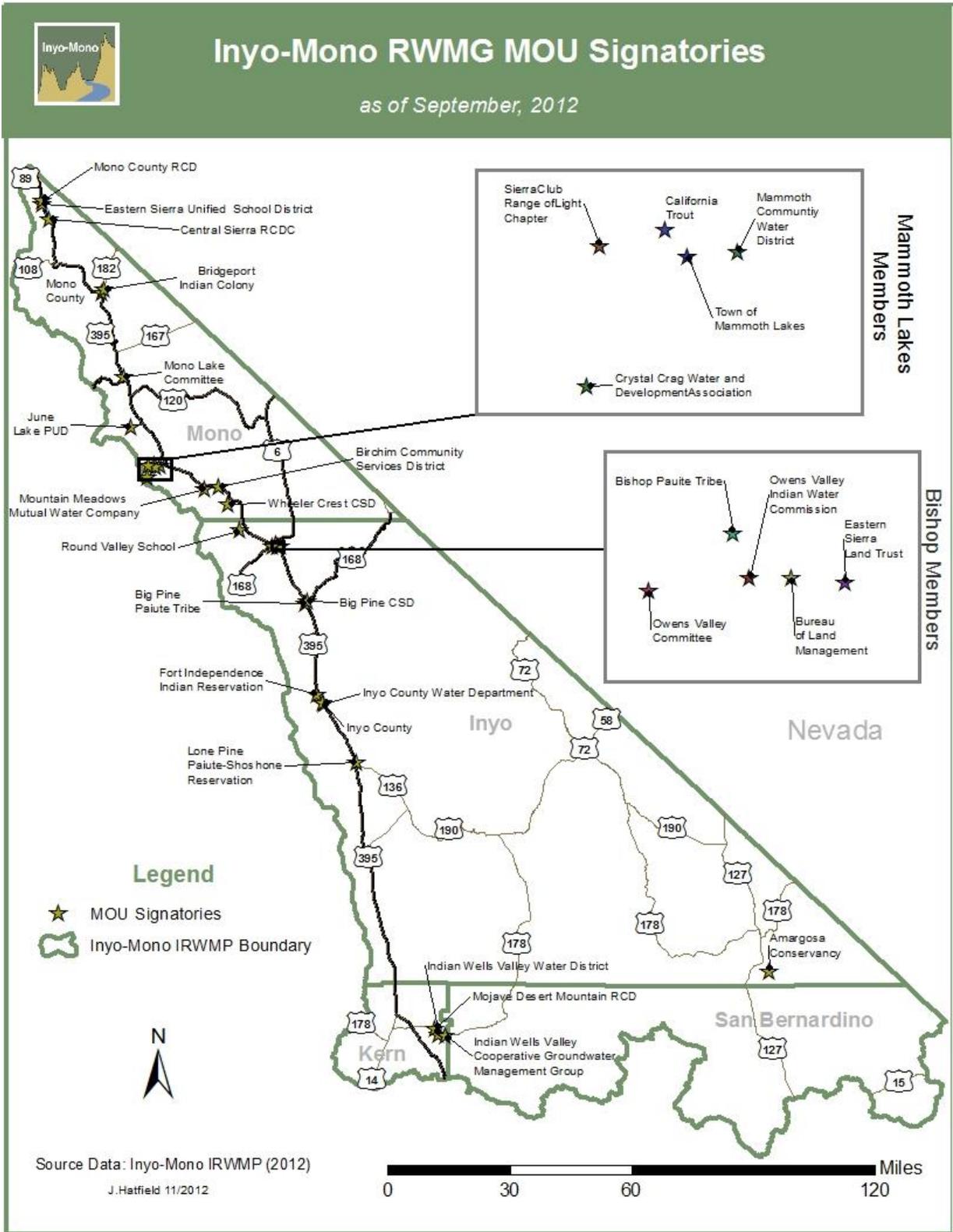


Figure 5-1: Map of Inyo-Mono MOU signatories as of September 2012

The IRWM Program Office staff, along with a few RWMG Members, was responsible for the

majority of the writing and revising of the Phase II Plan. Other RWMG participants provided specific information for inclusion in the Plan and also helped to review drafts.

Public Noticing of Phase II Plan Development

Inyo-Mono Program Office staff developed the following public notice statement for publication in area newspapers to provide notification of the development and adoption of the Phase II Plan, in accordance with §6066 of the Government Code.

NOTICE OF PREPARATION OF Inyo-Mono INTEGRATED REGIONAL WATER MANAGEMENT PLAN, PHASE II

July 24, 2012

The Inyo-Mono Regional Water Management Group (RWMG) intends to prepare a Phase II Integrated Regional Water Management Plan to be completed in September, 2012 and adopted by the RWMG in October, 2012. Any member of the public who wishes to provide input to the document may do so by contacting Holly Alpert, Program Manager, at holly@Inyo-Monowater.org by August 17, 2012. The Regional Water Management Group intends to adopt the Plan at its October, 2012, regular meeting. This meeting is open to the public. The date for this meeting will be posted at the Inyo-Mono IRWMP website, listed below. A draft of the complete Plan will be made available electronically at the website www.Inyo-Monowater.org and in hardcopy at the California Trout office in Mammoth Lakes (3399 Main St., Suite W5). Contact Holly Alpert with questions.

This public notice was published for two consecutive weeks in late July and early August, 2012, in the *Mammoth Times* and *The Sheet* (serving Mammoth Lakes and Mono County), and the *Inyo Register* (serving Bishop and Inyo County). These three newspapers are papers of public record for Mono County and Inyo County respectively. This public notice provided an opportunity for the public to provide input into the Phase II Plan as well as to be present during the adoption of the Plan (during which a public comment period was available).

Plan Adoption Process

RWMG Members and participants were provided opportunity to review and comment on individual Plan chapters as they were being written in the spring and summer of 2012. Once a complete draft of the Plan was available in late September, 2012, RWMG Members were asked to take the Plan to their governing boards for approval. An RWMG meeting was scheduled for November, 2012, at which Plan adoption was agendaized as a decision item, pending any final discussion by Members. This subsequent version of the Phase II Plan was scheduled for adoption at an October 22, 2014, RWMG meeting. Because of the consensus decision-making process of the Group, a decision to adopt the Plan means that all RWMG Members have signed on.

Since, at this time, entities presenting projects for funding through Prop. 84 Implementation grants must be MOU signatories, by default all project proponents have adopted the Inyo-Mono IRWM Plan.

Public Involvement in Inyo-Mono RWMG

The governance structure and processes of the Inyo-Mono RWMG ensure opportunity for public participation and involvement in the development of the IRWM Plan and in other RWMG activities. *All meetings are open to the public, and members of the public may find information about the IRWM Program at any time by visiting the Inyo-Mono website, or by request. The inclusive nature of the RWMG, along with consensus-based decision-making and extensive outreach efforts on behalf of the RWMG, help to ensure that the Inyo-Mono IRWM Program will remain an open and transparent process into the future.*

Through more than six years of meetings and discussions, the RWMG has developed a process to ensure that RWMG Members' governing boards are provided with consistent and timely information about Inyo-Mono IRWM Program efforts and activities. RWMG meetings are scheduled so that governing boards with strict agenda requirements have opportunity to meet and discuss the upcoming meeting topics and provide guidance to representatives. Draft agendas are sent out via email for comment and additions by the RWMG, and final agendas, along with meeting location and call-in information, are provided to the RWMG at least one week ahead of the meeting. For most items that will require a decision on the part of the RWMG Members, the action item is put on the agenda for discussion at one RWMG meeting with the goal of recommending a decision item for the next meeting. This process provides RWMG Members opportunity to discuss the decision with their respective governing boards and receive guidance for decision-making at the next meeting.

The Program Office staff requests Members to RSVP for a meeting when the final agenda is sent out. This helps to ensure that the quorum requirement (50% of Members) will be reached on the day of the meeting, particularly since many Members travel long distances to attend meetings, and it is difficult to reschedule meetings.

Although operation of the RWMG under the IRWM Program is not technically subject to the Ralph M. Brown Act for ensuring opportunity for public participation in meetings, the Inyo-Mono RWMG decided by consensus in October 2010 to adopt a policy requiring the RWMG to abide by Brown Act rules. This includes publicly noticing meetings, holding meetings at locations compliant with the Americans with Disabilities Act (ADA), and posting locations of those Members calling into the meetings via the conference call option, who must post the agenda at their call-in locations and whose locations must also be ADA-accessible.

Access and Opportunity for Participation in Inyo-Mono IRWM Program

Inyo-Mono RWMG Members are involved in a variety of ways. At the most basic level, RWMG Members attend and participate in RWMG meetings. A subset of the RWMG sits on the Administrative Committee, which provides guidance to Program Office and helps to resolve disagreement within the RWMG. Staff relies on the members of the Administrative Committee, as well as other RWMG participants, to provide feedback and advice on day-to-day decisions and operations. RWMG participants also have opportunities to participate in working committees that perform specific tasks or functions, such as developing budgets for grant proposals, creating project review criteria, or assisting with writing assignments. Because of the large and remote nature of the Inyo-Mono region, many stakeholders mostly participate in

RWMG meetings by phone, or if they cannot participate at all, they stay informed about Inyo-Mono IRWM Program activities through the website, emails, or through contact with staff. Stakeholder involvement is actively sought and welcome at all levels.

For stakeholders that are not yet a part of the IRWM process, any member of the public is welcome to attend RWMG, Administrative Committee, and work group meetings. As discussed above, in 2010 the Inyo-Mono RWMG decided by consensus that it would abide by the Brown Act in convening and noticing its standing committee meetings. Stakeholders and other members of the public can find meeting information on the Inyo-Mono IRWM Program website as well as at several posted locations throughout the region. Furthermore, each RWMG meeting agenda is presented to the Board of Supervisors of both Inyo and Mono Counties and is part of the public record. Call-in locations are available and open to the public.

Internal and External Communication

Communication between the Program Office and the RWMG, and among RWMG representatives, primarily occurs via email. Program Office staff uses email to send out meeting notices and agendas, documents, announcements, and other relevant material. The program website (www.inyo-monowater.org) is used as another primary tool for outreach and communication throughout the Inyo-Mono IRWM planning region. The website was overhauled in late 2011 and now provides more access to information than before. On this website, visitors can find topics such as introductory information about the Inyo-Mono IRWM Program, Member organizations, meeting summaries, a library of planning documents, and links to other IRWM Program websites. Documents being circulated to the RWMG are posted to the website. Internet access has improved over the six years of the Program's existence. Initially, it was evident that not everybody could easily access email and websites, so some communications, particularly notices of special events, were sent out in hardcopy to stakeholders. Notices of RWMG meetings and Administrative Committee meetings are still posted in several physical locations throughout the region as part of the Program's compliance with the Brown Act.

External communication of IRWM Program matters takes place primarily through the website and through local media sources. The three most widely-read local newspapers have each run several articles about various aspects of the Inyo-Mono IRWM Program, including interviews with Program Office staff and RWMG participants. There are several documented cases of these articles contributing to the involvement of new RWMG participants. One local newspaper in particular posts notices of upcoming meetings and other IRWM Program events in its calendar. All public notices regarding IRWM Program activities – the public notice for development of this Plan, for example – are published in the three regional newspapers. However, given the size and sparsely-distributed population of the region, Program representatives are always looking for ways to improve communication to potentially interested stakeholders and the public.

Long-term Implementation of the IRWM Plan

It is the intention of the Inyo-Mono RWMG to create an IRWM Plan with a time horizon that goes beyond DWR's current Proposition 84 IRWM Program. Indeed, language in the MOU was selected for the purpose of creating a body to address the region's water resources in a long-

term, collaborative manner, whether funding is acquired from DWR or from some other source. The collaborative, diverse, consensus-based governance structure is designed not only to develop a Plan, but to create a robust and adaptable RWMG that will create a single management portfolio to address regional water issues consistent with the objectives of the Inyo-Mono IRWM Plan. The Inyo-Mono RWMG has also allowed for the creation of a non-profit organization to be formed that will allow the Group to diversify its funding sources beyond Prop. 84 and help to ensure the long-term sustainability of the Inyo-Mono IRWM Program.

Coordination with Other IRWM Regions, State Agencies, and Federal Agencies

Through the 2009 Region Acceptance Process, the Inyo-Mono RWMG made contact with and met regularly with all neighboring and adjacent IRWM planning regions. These meetings were held to ensure consistency in IRWM planning region boundary designations and to set the stage for potential future interregional planning and implementation efforts (see Chapter 13). In addition, the Inyo-Mono RWMG sought guidance from several established IRWM groups in the development of its Round 1 Planning Grant application and Phase I Plan. Since that time, the Inyo-Mono Program Office has continued to collaborate with other IRWM regions on specific topics such as responding to preliminary grant recommendations and disadvantaged communities. The Inyo-Mono region has also begun to discuss access to implementation grant funding with the other IRWM regions in the Lahontan funding region. The intent of these conversations is to attempt to make the distribution of implementation funding as equitable as possible throughout the funding region. The firm commitment on the part of the RWMG to supporting multi-benefit projects and processes will ensure that these relationships with other IRWM groups continue.

Another way in which the Inyo-Mono RWMG has collaborated with other IRWM regions is through the Sierra Water Workgroup (SWWG). This informal alliance of IRWM regions in the



Sierra Nevada began in 2009 and developed a formal charter in 2011. The group meets periodically to discuss issues of regional importance or concern and to help raise the profile of issues specific to the Sierra Nevada in Sacramento. Since 2012, the SWWG has been holding annual summits, which provide opportunities for Sierra IRWM representatives to interact, share information, and discuss important and timely issues. Inyo-Mono IRWM Program Office staff and stakeholders have participated in the SWWG since its inception and usually participate in

the meetings via conference call. Similar to the SWWG, the Roundtable of Regions is a consortium of all IRWM regions in the State. This group meets via conference call regularly to

discuss issues of interest or concern to all IRWM regions and to provide input to DWR regarding the State's IRWM Program.

The Inyo-Mono RWMG has been regularly participating in meetings of the Central Nevada Regional Water Authority, a collaborative group comprised of stakeholders from central and northern Nevada, as well as Utah and three counties within California (including Inyo and Mono Counties), that meets regularly to discuss water issues of concern in Nevada and bordering states. Because the Inyo-Mono region shares a border with Nevada and includes common watersheds and groundwater basins, it is important to conduct outreach to Nevada stakeholders and understand their water concerns.

Both State and federal agencies are involved in the RWMG and regularly attend meetings. This includes California Department of Fish and Wildlife, U.S. Forest Service, U.S. Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. National Park Service, and U.S. Bureau of Reclamation. Each federal or State entity provides a unique perspective on managing land and water resources. Given that more than 90% of the Inyo-Mono region is comprised of public land, these government agencies are important partners in land and water planning.

The relationship between the Inyo-Mono RWMG and DWR has been vitally important in the development of the Inyo-Mono governance structure and planning process. DWR is able to provide useful information from other IRWM groups, along with its own perspective, to help guide the activities of the Inyo-Mono RWMG. Inyo-Mono RWMG Members and Program Office staff have made significant efforts over the life of the program to build a relationship with DWR and participate in most IRWM- and non-IRWM-related activities, such as process improvement workshops, IRWM guidelines and proposal solicitation package public comment periods, the IRWM Strategic Plan process, the California Water Plan Update process, and the DWR Climate Change Technical Advisory Group. It is because of this ongoing effort to maintain close ties with DWR that the RWMG is able to take advantage of many state-directed opportunities.

Integration of Stakeholders and Institutions

One of the most tangible, yet unquantifiable, benefits of the Inyo-Mono IRWM process to date has been the practice of gathering water-related stakeholders at meetings on an almost-monthly basis to discuss the structure and governance of the Group, the activities of its Members, and water issues of local or regional importance. Many of the organizations sitting at the table have historically been at odds over water issues. While it is not expected, nor intended, that the RWMG will solve all water-related conflicts in the region, many RWMG participants have acknowledged the advantages of increased communication and cooperation among adversaries and allies alike. The process has helped to educate stakeholders about each other's activities, priorities, and concerns. Smaller water districts have sought advice from larger water districts on technical issues. Less experienced communities benefit by learning from groups with more experience in water management, and in turn, RWMG stakeholders have begun to understand the difficulties of maintaining high-quality water resources and ensuring ecosystem protection in small, rural, and/or economically disadvantaged communities. During the RWMG's visioning exercise in early 2010, several RWMG participants expressed the desire that the IRWM planning process should help individual stakeholders overcome conflict and should allow the

group to speak with one voice and from common objectives.

Process Used to Establish Plan Objectives

See Chapter 7 for a discussion of the process used to establish Phase II Plan objectives.

Process for Updating or Amending the Inyo-Mono IRWM Plan

As with the Memorandum of Understanding, the Inyo-Mono RWMG will periodically review the Inyo-Mono IRWM Plan and provide opportunity to change and/or amend the Plan. For minor changes, including corrections and small wording changes, the Plan will be reviewed once every six months. During this semi-annual review period, there will also be opportunity to add, modify, or remove projects to/within/from the Plan. Proposed changes to Plan text or projects will be requested by a certain date. These changes will be discussed at a subsequent RWMG meeting. The Group Members will then make a recommendation to incorporate approved changes into the Plan, which will go before governing boards and come back to the RWMG for a consensus decision at a subsequent meeting. A similar process will be used for making amendments to the Plan, which will be considered on an as-needed basis.

The Inyo-Mono IRWM Plan will be reviewed for substantive changes and updates every two years. Expected substantive changes include updates regarding regional description details, water-related policies and plans in the region, climate change impacts and responses, changes to the project list and prioritization, and measuring progress of the Plan implementation, among others. All changes to the Plan, whether they are major or minor, will follow the same process of discussion and decision by the RWMG Members.