Senate Bill X7-7
2009 Water Conservation Bill

Urban Stakeholder Committee
DRAFT CHARTER
April 15, 2010

Background

Senate Bill X7-7 was enacted in November 2009 mandating water conservation, measurement, and reporting activities for urban and agricultural water suppliers. There are 14 actions in this legislation for which the Department of Water Resources (DWR) is assigned as the lead agency (see Attachment 1). These actions have been designated by DWR as "projects" for implementation of the legislation. The legislation directs DWR to:

- Consult with the: California Urban Water Conservation Council, Agricultural Water Management Council (AWMC), California Public Utilities Commission (CPUC), California Department of Public Health (CDPH), California Bay Delta Authority (CBDA) (or its successor agency), and State Water Resource Control Board (SWRCB) on various parts of the legislation.
- Develop regulation for commercial, industrial, and institutional (CII) process water.
- Develop regulation for agricultural water measurement.
- Update the Agricultural Efficient Water Management Practices (EWPMs).
- Convene a CII Task Force and develop alternative Best Management Practices for CII.
- Develop technical methodologies and criteria for urban water suppliers to set per capita baseline, target, and compliance water use.
- Develop a 4th water use target method that cumulatively could result in a statewide 20 percent reduction in urban per capita water use considering certain flexibilities.
- Report to the legislature by the end of 2016 and make recommendations on needed changes if the state is not "on track" to meet per capita targets.
- Promote implementation of regional water resources management practices.
- Propose new, or review and update existing statewide targets for regional water resources management practices, including recycled water, brackish groundwater desalination and infiltration, and direct use of urban stormwater runoff.

The legislation requires that DWR implement certain provisions of the law through public process. DWR has decided to meet this requirement through the following actions:

- Form an Urban Stakeholder Committee (USC).
- Form an Agriculture Stakeholder Committee (ASC).
- Hold public workshops.
- Post information on DWR Web site.
- Convene a CII Task Force with public process.

To ensure effective coordination between affected State and Federal agencies, DWR is also convening an Agency Team (AT) to provide general advice in the implementation of the SB

X7-7 requirements. DWR will seek input from the AT on draft materials being reviewed or produced by the USC.

Purpose of USC

The SB X7-7 requires that DWR carry out certain provisions of the law through a public process. DWR has formed the USC to seek technical and policy input from stakeholder representatives and the public as it plans and implements the requirements of the law. The USC is a part of DWR's public process. DWR will hold public workshops to engage the public and to allow further public participation. The USC will inform DWR as it implements the law. The USC is chartered to review technical material and documents, and to provide comments, data and supporting information to DWR's Project Management Team in implementing provisions of the SBX 7-7 requirements and as DWR prepares the legislatively mandated reports.

The USC will identify technical and policy issues and is expected to provide input regarding specific issues related to:

- urban water use calculation methodologies,
- a fourth urban water use target method,
- standardized reporting form for urban and agricultural water use, and
- regional water resources management practices.

In some cases DWR may seek USC recommendations on specific issues or items.

Scope of USC

The USC will be convened to work on the following projects:

Project U3 (Urban Technical Methodologies) directs DWR to develop technical methodologies for calculating base daily per capita water use, baseline CII water use, compliance daily per capita water use, gross water use, service area population, indoor residential water use, and landscape area water use and criteria for compliance year adjustments for the consistent implementation of urban water conservation pursuant to the 2009 Water Conservation Act.

Project Start Date: January 1, 2010 *Project End Date: October 1, 2010*

Project U4 (Urban Water Use Target Method) directs DWR to develop an urban per capita target method through a public process, by December 31, 2010, that if adopted statewide cumulatively would result in 20% reduction in daily per capita water use by December 31, 2020

Project Start Date: January 1, 2010 *Project End Date: December 31, 2010*

In addition to the focused projects above, the USC and the ASC will also have an opportunity to provide input in the following projects:
In Project B1 (Standard Water Use Reporting Form) DWR, in consultation with CBDA, DPH, and CPUC, and SWRCB will develop a single standardized water use reporting form to meet the water use information needs of each agency,

Project Start Date: January 1, 2010 *Project End Date: TBD (target 2011)*

In Project B2 DWR, in consultation with SWRCB will promote the implemention of regional water resources management practices through increased incentives and removal of barriers.

Project Start Date: January 1, 2010 *Project End Date: TBD*

Goals of USC

- To review technical materials and provide comment, data, and relevant local information to DWR.
- To make recommendations to DWR, when such recommendations are sought by DWR.
- To assist in deploying concepts and requirements to the larger community.
- To provide comments on draft materials and draft reports prepared.

USC Membership

Executive Sponsor: Kamyar Guivetchi - Manager; DWR Division of Statewide Integrated Water Management

USC Co-Leads: Manucher Alemi - Chief; DWR Water Use and Efficiency Branch
Chris Brown – Executive Officer; CUWCC

The USC members were invited based the following criteria: policy and technical skills, geographic diversity, a balance between wholesale and retail water suppliers, agency size diversity, private and public water agencies, water associations, environmental advocacy and academics. Membership is to be as inclusive as feasible to ensure broad representation (see Attachment 2).

Recognizing that all USC members have other responsibilities, Members are encouraged to designate an alternate.

Roles and Responsibilities

DWR will:

1. Function as the host agency, convene all meetings, prepare meeting materials, and arrange logistics.
2. Provide technical and administrative staff support to the USC including development of publicity and materials, maintenance of a website, and other means.
3. Serve as a "clearinghouse" for information.
4. Develop text and format work products.
5. Serve as a peer and one of many voices during the meeting process.
6. Prepare the work plan and schedule for the overall USC process
7. Listen to and consider the USC comments, dialogue, and information on special local circumstances.
8. Use USC data, information, concerns, proposals and/or recommendations to inform the final products of the projects included in this charter, most notably those proposals and recommendations for which there is consensus and/or significant agreement among USC members.
9. Transmit findings as appropriate.
10. Reimburse Members for eligible travel expenses, subject to review and approval by DWR, for attending the USC meetings.

USC Members will:

1. Co-Leads will provide general guidance to the process including draft agenda development and review, review USC and DWR task progress, and presiding over USC meetings.
2. Provide honest perspectives, representing a broad scope of California interests impacted by the SBX7-7 implementation requirements.
3. Review and provide recommendations on policy and technical issues relevant to the projects in this charter.
4. (May) be asked to chair or attend smaller subcommittee meetings.
5. (May) develop content and text or provide other assistance to staff and facilitators.
6. Participate in USC meetings consistently.
7. Assist DWR to anticipate short- and long-term future events, trends and conditions that will impact and shape the requirements of SBX7-7.
8. Help identify, review, verify and critique data, assumptions, analysis and methods used by DWR to implement the requirements of the legislation.
9. Assist DWR to communicate to the broader public, as well as the individual constituencies and communities represented by each individual member, information about the process and products of the USC.
10. Seek consensus and agreement on proposals and/or recommendations to DWR.

Facilitators will:

1. Serve as professional neutrals and will be responsible to manage dialogue in meetings and oversee the provisions of this charter.
2. Design, implement and refine (as needed) a consensus-seeking process.
3. Facilitate USC meetings and subcommittee meetings as necessary.
4. Receive confidential input from USC members.
5. Ensure that all points of view held by USC members are heard and that the interests of each Member's constituencies are considered.
6. Act as professional neutrals in the relationship between the USC and DWR, and among the USC members.
7. Act as a professional neutral in terms of the outcome of the USC's work products. Whatever "options" or other pro-active initiatives are put forth by the facilitators will represent their best effort to reflect the discussions of the USC.
8. Provide assistance to members requesting help with communications.

Subcommittees

A. Purpose/Tasks

The USC may need to meet in smaller groups about a certain topic or issue. Such groups will be known as "subcommittees." Staff and facilitators as well as technical experts will provide assistance as feasible, warranted, and appropriate.

Subcommittees will be given specific tasks with identified work products and schedules for completion. Unless otherwise requested by the USC, following completion of the tasks, subcommittees shall disband.

B. Formation

Subcommittees will generally be formed as a specific action during full USC meetings. When a subcommittee is formed, all USC Members will be given an opportunity to indicate their willingness to participate. All members who express their willingness will be invited to participate. In order to ensure an acceptable range of perspectives on the subcommittees, additional Members may be specifically invited to serve on the group by facilitators or the DWR staff.

Staff and facilitators will develop ways to accommodate the input of Members who have particular areas of expertise relevant to a given work group, or who express a particular need to have input into a subcommittee, but who are not serving on the subcommittee itself. Nonmembers may be requested to participate in subcommittees as appropriate resource people.

Meeting Schedule

The USC will meet no more often than monthly from April to December 2010, and thereafter if necessary. Meetings will vary by geographic location (Northern to Southern California); Web based participation options will be offered when appropriate for the work task. DWR intends to meet the public process requirements of certain provisions of the SB X 7-7 by forming the USC, making the USC meetings open to the public, announce the meeting agenda 10 days prior to the USC meetings, and hold public workshops for the broader public to review and comment on draft documents.

Attendance

Given the volume of information to be considered and the short time frame of the USC's work, regular attendance by the Member or his/her Alternate and timely review of work products is required. Alternates must be identified in advance, fully briefed and able to represent the Member and Members' constituents during decision making. Alternates are expected to be kept up to date on all USC activities by their Members and are expected to attend on behalf of a Member, fully prepared to discuss agenda items. No items addressed at previous meetings will be revisited to accommodate an Alternate.

Communication

When communicating outside of the USC, Members are asked to speak <u>only for themselves</u> when asked about USC progress unless there has been adoption of concepts or recommendations by the full body. Such concepts or recommendations may also be released along with statements of USC work agreed to by the full group. Suggested text for such statements may be developed by staff and facilitators or may be offered by a group member.

Meeting announcements and draft agendas will be sent out at least 10 days before each USC meeting and DWR will make a good faith effort to send out meeting materials at least 3 days prior to USC meetings. DWR will send out meeting summary notes within two weeks after each meeting.

Staff and facilitators will be available to provide presentations on the USC's work at meetings, conferences or other forums of the members. In addition, Members are strongly encouraged to provide or arrange presentations about the USC's work wherever feasible to increase awareness of the USC's process.

Press kits, a website and media releases will also be available.

Resources

DWR Staff
Manucher Alemi - Chief, DWR Water Use and Efficiency Branch; USC Co-lead
Tom Hawkins -Project Manager
Peter Brostrom -Project Work Team Lead
Rich Mills - SWRCB staff member and Project Work Team Lead
Other DWR staff (as needed)
DWR Consultants
Contact information: 916-651-7059, or wueurbanenews@water.ca.gov

CUWCC Staff
Chris Brown - Executive Officer, USC Co-lead

Facilitation Staff - California State University Sacramento, Center for Collaborative Policy
Dave Ceppos - Lead Facilitator.
Charlotte Chorneau - Facilitation support

Contact Information: 916-445-2079 or cchorneau@ccp.csus.edu

DWR or CSUS may substitute or provide additional staff as required. Members will receive notification of any changes.

Values and Principles

This is a consensus seeking, collaborative process. Participants agree to:

- Accept the USC purpose, scope and role.
- Establish a common factual base and vocabulary in order to address issues of common concern.
- Develop a thorough understanding, not only of their interests, but also the interests of the other parties at the table.
- Negotiate satisfactory and realistic agreements, which satisfy as many of the varied interests as possible.

It is understood that all the parties must continue to operate under their own guidelines and timetables. As such, some Members may need to take action related to those requirements that could have a negative impact on the discussions taking place. Even so members agree to work in good faith within the process.

While all parties are expected to act in good faith, it is expressly understood that no party is asked to waive any right or to forego any obligation related to water resource issues. To facilitate these values and principles, USC Members agree to the following:

- To the extent possible and without jeopardizing any legal rights or activities, any member of the USC who anticipates taking an action which will impact either the collaborative process or other parties engaged in the process, will disclose their action in advance (Such disclosure is not intended to restrict action but to inform other participants). Examples of such activities include introduction of legislation or legal action, staging of press conferences, or release of reports.

- In the interest of preserving working relationships within the collaborative process, such disclosure will be made at the earliest time practicable.

- In those circumstances in which for whatever reason, advanced disclosure of an intended action is not possible, USC Members are asked to attempt to mitigate any negative consequences of an intended action by taking actions that could include but not be limited to: consultation with staff or facilitators, concurrent special notification to all interest groups, and/or side-bar conversation with other affected parties as soon as possible following an action, etc.

Decision Making

In some cases DWR may seek recommendations from the USC. This is a consensus seeking process. The USC will strive to reach consensus though it is not mandatory. When seeking consensus, the USC will consider a range of definitions for support in order to provide the most accurate picture of their collective viewpoint. The range of support will include:

Unqualified Support: Full agreement with all aspects of proposal

Strong Support for most aspects of proposal. No fundamental disagreements with any aspect of proposal.

General Support for all or most aspects of a proposal. No fundamental disagreement with key aspects of proposal. Includes having unanswered questions that need additional information or clarification.

Qualified Support: Significant disagreement with one or more aspects of proposal; however, can live with the proposal as packaged. (I.e. Overall, suggested proposal is better than leaving things as they are now). In this "not happy, but I'll live with it" option, parties will be asked to work on generating alternative options or language that address the concerns of all.

Fundamental Disagreement with key aspects of proposal. Not willing to support or live with the proposal as it stands. Parties with this opinion must suggest alternatives that move the proposal toward accommodating the interests of all.

To determine if the USC is moving in a particular direction, the facilitator will periodically ask for an informal "read" or "straw poll" of the group's perspective. Answers to this question are used for the purpose of developing the dialogue and not binding.

When there appears to be general agreement regarding a proposal, a more formal question may be asked of the USC to determine if they have reached consensus and can provide a final recommendation. If consensus has been reached, the decision of the group will be memorialized (e.g. through meeting summaries, reports, memos, etc.) and will take the form of a recommendation from the USC to DWR. DWR will give high priority to proposals and recommendations for which there is consensus and/or significant agreement among USC members.

If consensus is not possible, the USC in coordination with the DWR staff will decide if the topic / proposal warrants more discussion to try to reach consensus. Due to the expedited nature of the overall SBX7-7 program, prolonged discussions by the USC on a specific topic may not be feasible. Relative to DWR Role #8 (described above), DWR will retain final decision responsibility on whether the USC should continue to seek consensus or move on to other topics. If USC Members find that consensus is not feasible on a specific topic, the USC will prepare a summary (e.g. through meeting summaries, reports, memos, etc.) describing the full range of perspectives including minority opinions.

Regarding final recommendations, it is understood that some USC members may represent organizations and are unable to make final commitments without a concurrence of a board or other body. In this case, agreements will be considered tentative pending approval. Such confirmation does not need to return to the group unless it affects the recommendation.

The AT and USC are advisory committees and DWR will consider their comments and recommendations. Consistent with DWR role #8 above, DWR may accept or modify, or may not follow the recommendations of the USC and AT as it prepares documents or final products. Related to this, consensus seeking can be time consuming, therefore it will only be used for cases where DWR seeks a unified USC recommendation on a particular subject or item of discussion. Otherwise, DWR will benefit from the review comments, data, information exchange at USC meetings and will utilize the knowledge as it prepares its products.

Ground Rules

The USC will utilize standing ground rules regarding meeting protocol and may modify them as appropriate.

USC Members agree to:

- Listen and openly discuss issues with others who hold diverse views
- View disagreements as problems to be solved rather than battles to be won

- Not engage in stereotyping and personal attacks on other participants
- Not ascribe motives or intentions of other participants
- Respect the integrity and values of other participants
- Keep commitments once made

Several specific rules apply during meetings: The USC agrees to:

- Honor time
- Use conversational courtesy
- Follow 25-mile rule
  (This ground rule refers to pagers and phones. Electronic devices should be in the "silent" or "off" mode. If an individual receives a call, the call should be taken IF the caller would have driven 25 miles to deliver the message in person. In other words, phone business that causes you to leave the room should be urgent. If calls are not urgent you are asked to wait for breaks or meals to return calls)
- Appreciate humor but not engage in humor at the expense of others.

Open Process

- Meetings of the USC will be open to the public. Agendas will be sent out in advance of the meetings and posted on the DWR Water Use Efficiency web site, www.wateruseefficiency/sb7. At each meeting, the public will be given an opportunity to comment. This will be a facilitated process and occur at specified times on the agenda.
- Members of the public are expected to adhere to the same ground rules as USC members.

Other

The USC Charter describes the work of the group. Changes may be made to the Charter at the concurrence of the members and sponsors, utilizing the Charter decision-making process.

ATTACHMENT 1
Senate Bill X7-7
Water Use Efficiency Actions

URBAN CATEGORY

Project	Task	Deadline	Process
U1	DWR shall in conjunction with the CA Urban Water Conservation Council (CUWCC) convene a task force consisting of academic experts, urban retail water suppliers, environmental organizations, commercial, industrial, and institutional water users to develop alternative best management practices for commercial, industrial, & institutional (CII) water sector. (10608.43)	Task Force Convened by: April 1, 2010 Report to the legislature due by: April 1, 2012	Task Force
U3	DWR through a public process and in consultation with CUWCC shall develop technical methodologies and criteria for baseline daily per capita use, baseline commercial, industrial, and institutional water use, compliance daily per capita water use, gross water use, service area population, indoor residential water use and landscaped area water use and post on its website. ((10608.20(h)(1) through (h)(2)	October 1, 2010	Public Process
U4	DWR shall develop a method for calculating urban water use targets that identify per capita use targets that cumulatively result in a statewide 20% reduction and report to the Legislature by December 31, 2010 (and update by 2014). (10608.20(b)(4))	December 31, 2010	Public Process
U5	DWR shall adopt regulations for implementation of the SBX7-7 provisions related to process water, 10608.20(i)(1), (2)	No date specified	Rule making
U6	DWR shall review 2015 UWMPs and report to the Legislature on the progress toward achieving a 20% reduction in urban water use. (10608.42)	December 31, 2016	N/A

AGRICULTURAL CATEGORY

Project	Task	Deadline	Process
A1	DWR, in consultation with the Agricultural Water Management Council, stakeholders and academics, shall develop a methodology for quantifying the efficiency of agricultural water use and report to Legislature by 2011.(10608.64)	December 31, 2011	Public Process

A2	DWR will adopt a regulation providing a range of options for water measurements and volumetric pricing structures 10608.48(i) (1) & (2)	No date specified	Rule making
A3	DWR may update the EWMPs in consultation with AWMC, USBR and SWRCB. All EWMPs shall be adopted or revised only after public hearings.(10608.48(h))	No date specified	Public Process
A4	DWR shall submit a report to the Legislature on agricultural efficient water management practices that have been, or are planned to be implemented and provide data to be used in legislative hearings to determine the effectiveness of the practices. (10608.48(g))	December 31, 2013	N/A
A5	DWR shall prepare and submit to the Legislature on or before December 31, 2013, and thereafter in the years ending in six and one, a report summarizing the status of the AWMPs adopted. (10845)	December 31, 2013	N/A

BOTH (Urban and Ag) CATEGORY

Project	Task	Deadline	Process
B1	DWR, in consultation with CBDA, DPH and CPUC, and SWRCB, shall develop a single standardized water use reporting form (10608.52(a))	No date specified, but early 2011 is implied.	Public Process (ag & urban)
B2	DWR in consultation with the board shall promote implementation of regional water resources management practices through increased incentives and removal of barriers. (10608.50(a))	No date specified	Public Process
B3	DWR shall propose new statewide targets or review and update existing statewide targets for regional water resources management practices including but not limited to recycled water, brackish groundwater desalination and infiltration and direct use of urban stormwater runoff. Updated targets should be included in the California Water Plan. (10603.50(b))	January 1, 2011	
B4	DWR to revise grant/loan criteria to make urban and agricultural water suppliers ineligible for state funding unless they comply with the specific provisions of (10608.56). (10608.56 (a) and (b)).	AG: July 1, 2013 Urban: July 1, 2016	N/A

ATTACHMENT 2
USC Membership List

To be added when finalized**.**