

MONTECITO GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY AGENCY STAKEHOLDER ADVISORY COMMITTEE CHARTER

1. Background

1.1 The Sustainable Groundwater Management Act (“SGMA”) requires all groundwater basins designated as high and medium priority to be sustainably managed by a Groundwater Sustainability Agency (“GSA”) by 2040. On July 24, 2018 Montecito Water District adopted Resolution 2169 giving notice to the California Department of Water Resources (“DWR”) of its intention to become the GSA pursuant to SGMA for the Montecito Groundwater Basin (“Basin”) designated as DWR Basin 3049. In November 2018 the DWR declared Montecito Water District as the exclusive GSA for the Basin.

1.2 On April 29, 2019 the Montecito Groundwater Basin Groundwater Sustainability Agency (“Agency”) adopted “Resolution No. 1 – Founding Resolution of the Board of Directors of the Montecito Groundwater Basin Groundwater Sustainability Agency Including the Adoption of Governance Bylaws”. Section 5.2 of the Bylaws authorizes the Agency Board of Directors to create non-legislative advisory committees for the purpose of making recommendations to the Board on the activities of the Agency. This Stakeholder Advisory Committee (SAC) Charter is made in accordance with those Bylaws, and in the event of any inconsistency between this Charter and the Bylaws, the Bylaws shall control. It is the intent of the Agency Board of Directors to form and conduct a SAC at its discretion based on its efficacy.

2. Purpose

2.1 The purpose of the SAC is to provide local knowledge and insight, and to advise and make recommendations to the Agency Board of Directors concerning non-technical aspects of the development and implementation of a Groundwater Sustainability Plan (GSP) that considers the interests of all beneficial users of groundwater in the Basin. [Water Code 10723.2]. Advice and recommendations of the SAC may include and relate to, but are not limited to, the following: Development, adoption or amendment of the GSP; Sustainability goals and objectives; Inter-basin coordination activities; Projects and management actions to achieve sustainability; Community outreach; Engagement and education of stakeholders and the general public; Fee proposals; and other topics as directed by the Agency Board of Directors. The intent of the Committee is to provide community perspective and inclusive participation in the Agency.

3. Role and Responsibilities

3.1 Agency Board of Directors

3.1.1 The Agency Board of Directors is a five-member Board, established for and granted powers to oversee compliance with the SGMA for the Basin, including the development and implementation of a GSP. The decision-making responsibilities are vested in the Agency Board of Directors. The Board commits to the value of the SAC and will consider SAC recommendations when

making its policy decisions. In addition to Agency staff and consultants, a minimum of one member of the Agency Board of Directors will attend and participate in all SAC meetings.

3.1.2 The Agency Board of Directors will designate a Chair for the SAC. Refer to Section 6.4.

3.2 Stakeholder Advisory Committee (SAC)

3.2.1 The role of the SAC is to incorporate community and stakeholder interests into consensus recommendations on SGMA implementation in the Basin for the Agency Board of Directors to consider in its decision-making process.

3.2.2 The role of the SAC is advisory only. The SAC is not empowered by the Agency establishing authority, ordinance, resolution or policy to take final action, or make a final decision, on behalf of the agency on any matter and/or to authorize or direct the use of Agency funds.

3.2.3 The Agency Board of Directors will consider SAC recommendations when making its policy decisions, but is not required to implement or utilize any specific SAC recommendation. Any adoption or implementation of any SAC recommendations by the Agency will be performed by, and within the sole consideration and discretion of, the Agency Board.

3.3 Agency Staff

3.3.1 Agency staff will serve to assist the SAC with any discrete task requested by the Agency Board of Directors. In addition, staff will ensure the SAC complies with the Brown Act by assisting with agenda preparation and posting, meeting minutes, and reserving meeting space, as necessary.

4. Eligibility and Membership

4.1 SAC membership shall be conferred by appointment and shall be at the sole discretion of the Agency Board of Directors. The Agency Board of Directors shall also have the sole discretion to admonish or remove any appointed member or members of the SAC with or without cause.

4.2 SAC members must either own real property within the limits of DWR Basin 3049 or be the agent of an owner of real property located within the limits of DWR Basin 3049 with authority to act on the behalf of the owner. The term "agent" as used herein is as defined by California Civil Code 2295 and/or 2297 or similar laws of other jurisdictions.

4.3 SAC members represent the diverse interests of the beneficial uses and users of groundwater in the Basin. The criteria for SAC membership include, but are not limited to, the following: Serving as a strong effective advocate; Working collaboratively with others; Committing time needed for ongoing discussions; and Collectively reflecting the diversity of interests in the Basin.

4.4 To be considered for appointment, interested members of the public that meet the criteria for SAC membership will be required to submit an application demonstrating the nature of their interest in the Basin [Water Code 10723.2]. DWR guidelines were used as appropriate to ensure SAC membership represents the diversity of stakeholders in the Basin. Categories of Interests deemed appropriate for appointment to the SAC include, but are not limited to, the following: General Public, Land Use, Private Users, Agriculture Users, Environmental, and Small Community Water Systems. The information requested, and any analysis of that information required in order to determine that an applicant may represent the interests of a group of Basin stakeholders, will be in the sole discretion of the Agency Board of Directors and/or designated Agency staff. The number of individuals appointed to the SAC is at the sole discretion of the Agency Board of Directors and is determined initially to be seven (7). All efforts will be made to create a balanced SAC representative of the interests of beneficial uses and users of groundwater in the Basin, including well and non-well owners.

4.5 A vacancy will be recognized for any SAC member who is no longer able or willing to serve in this role. In addition, a vacancy will be recognized for any SAC member who (1) resigns; (2) has unexcused absences from more than three of the scheduled SAC meetings within a single calendar year; (3) misses three meetings in a row; (4) regularly fails to abide by the discussion covenants set forth in this Charter; (5) violates the Ralph M. Brown Act; and/or (6) no longer owns real property or represents an owner of real property located within the limits of DWR Basin 3049. Should a seat become vacant, the Agency will exercise the same process set forth in 4.3 above to fill the vacancy.

5. Communication and Process Principles

5.1 SAC members will be required to participate in accordance with the following communication and process principles:

- 5.1.1 Create a problem-solving environment.
- 5.1.2 Use common conversational courtesy.
- 5.1.3 All ideas and points of view have value.
- 5.1.4 Help others understand you and work to understand others.
- 5.1.5 Avoid editorials.
- 5.1.6 Honor time and be concise.
- 5.1.7 Think innovatively and welcome new ideas.
- 5.1.8 Focus on the future as much as possible.

5.1.9 All participants will have an equal opportunity to participate.

5.1.12 Avoid ascribing motives to, or judging the actions of, others.

5.1.13 Avoid right-wrong paradigms.

6. Meetings

6.1 Meetings of the SAC shall be open to the public and shall be conducted in compliance with the Ralph M. Brown Act, Government Code Section 54950 et seq (“Brown Act”).

6.2 Meetings of the SAC shall be held at a location within the limits of the Basin on date(s) and time(s) which the Agency Board of Directors may designate, with input from the SAC as to the availability of its members.

6.3 A quorum of the SAC shall consist of a majority of SAC members. In the absence of a quorum, no business may be transacted beyond the adjournment of a meeting by the remaining SAC members.

6.4 The Agency Board of Directors will designate a Chair for the SAC which shall be a member of the Agency Board. The SAC Chair will serve as the facilitator and will remain impartial toward the content of the issues under discussion. The SAC Chair will work with all the parties to ensure the process is credible, fair, and effective. The SAC Chair may be required to: chair meetings of the SAC; formulate the agenda for meetings; identify and synthesize points of agreement and disagreement; assist in building consensus among participants; work with members to ensure process and participation agreements are followed; and assure a fair, effective, and credible process.

6.5 To the extent the Brown Act and/or the Bylaws of the Agency contain additional limitations and/or requirements for public meetings that are not specifically enumerated above, the SAC shall comply with those requirements.

6.6 The Agency Board Secretary shall prepare minutes of all SAC meetings, maintain a list of all active SAC Members, handle committee correspondence, and keep records of activities as they occur at each meeting.

7. Recommendations

7.1 To inform the decision-making of the Agency Board of Directors, the SAC will provide written recommendations on subjects that the Agency assigns to the SAC.

7.2 The SAC will be a consensus-seeking body. The SAC will strive to reach consensus on its recommendations. The definition of consensus spans the range from strong support to neutrality, to

abstention, to “I can live with it,” to “I will let this go forward.” When unable to reach consensus on recommendations, the SAC will outline the areas of agreement and disagreement, providing explanation to inform the Board’s decision-making. Then, the SAC will forward this summary via the Agency staff to the Board of Directors. The position of each SAC member on the points of consensus or summary will be noted in the Committee’s records.

7.3 The SAC may request that one or more members present its recommendations to the Agency Board of Directors, including areas of agreement and disagreement, consistent with SAC deliberations.

8. Communication and Media

8.1 Agency staff will serve as primary contacts for all communication, outreach and media. At the request of the Agency Board of Directors, or staff, the SAC may advise on outreach and community engagement.

8.2 SAC members reserve freedom to express their own opinions in their individual capacities to media representatives, but not the opinions of others including the SAC, individual SAC members, Agency Board of Directors and staff. The temptation to discuss someone else’s statements or position should be avoided. Participants shall refer media inquiries to Agency staff.

8.3 If contacted by the press or an external party concerning the discussions, participants are required to: (1) state that they are not speaking on behalf of the SAC, unless specifically authorized by the SAC to do so; (2) present their individual views only and conscientiously refrain from expressing, characterizing, or judging the views of others including the SAC, individual SAC members, Agency Board of Directors and staff; and (3) avoid using the press as a vehicle for negotiation. Participants shall refer media inquiries to Agency staff.

9. Resources

9.1 The Agency will provide support for the SAC as needed, authorized and directed by the Agency Board of Directors.

10. Amendment

10.1 This charter generally describes the work of the SAC. Amendments, changes, revisions and supplements may be made to the charter and/or the scope of any specific task by the Agency Board of Directors in its sole discretion.

11. Conflict of Interest

11.1 All members of the SAC, with respect to any work performed as a member of the SAC, must avoid conflicts of interest and act in the best interests of the Agency, and not in the service of

personal interests. SAC members, as a non-legislative advisory body, are not public servants enumerated under Government Code 87200 and/or designated employees under the Agency Conflict of Interest Code. However, SAC members shall not be financially interested in any contract entered into by the Agency, which includes both direct and indirect interests. In the event that a SAC member determines that member holds a financial interest in any contract entered into, or to be entered into by the Agency, the SAC member shall disclose that interest to other TAC members and to the Agency Board of Directors. The Agency Board of Directors will evaluate the disclosure and may take appropriate action, including but not limited to disqualification of that member from consideration of particular issues, or dismissal of that member from the SAC.

12. Compensation

12.1 Members of the SAC shall serve without compensation, reimbursement, salary, stipend or any other remuneration. Members of the SAC shall not accept anything of value, from any individual and/or entity related to their service and/or work on the SAC.

13. Term

13.1 The existence of the SAC and any work performed by the SAC including the performance of any discrete task requested by the Agency, will continue until terminated by the Agency Board of Directors, in its sole discretion.