

MONTECITO GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY AGENCY TECHNICAL 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 Technical Advisory Committee (TAC) 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 TAC at its discretion based on its efficacy.

2. Purpose

2.1 The purpose of the TAC is to provide local knowledge and insight, and to advise and make recommendations to the Agency Board of Directors concerning technical aspects of the development and implementation of a Groundwater Sustainability Plan (GSP). [Water Code §10727.2] Advice and recommendations of the TAC may include and relate to, but are not limited to, the following: Development, adoption or amendment of the GSP; Sustainability goals and objectives; Monitoring programs; Annual work plans and reports; Modeling scenarios; Projects and management actions to achieve sustainability; Review of technical data, memorandums, reports and/or studies; and other topics as directed by the Agency Board of Directors.

3. Roles 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 of Directors commits to the value of the TAC and will consider TAC recommendations when making its policy decisions throughout the SGMA implementation process. In addition to Agency staff and consultants, a minimum of one member of the Agency Board of Directors will attend and participate in all TAC meetings.

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

3.2 Technical Advisory Committee (TAC)

3.2.1 The role of the TAC is to incorporate technical review and expertise 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 TAC is advisory only. The TAC 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 TAC recommendations when making its policy decisions, but is not required to implement or utilize any specific TAC recommendation. Any adoption or implementation of any TAC 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 TAC with any discrete task requested by the Agency Board of Directors. In addition, staff will ensure the TAC 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 TAC 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 TAC with or without cause.

4.2 TAC members may reside within or outside the limits of DWR Basin 3049.

4.3 To be considered for appointment, interested members will be required to submit an application, curriculum vitae, resume and/or statement of qualifications demonstrating pertinent background, education and/or experience relating to the technical issue(s) to be considered by the TAC. TAC members shall have an extensive background in hydrology, hydrogeology, geology, engineering and/or similar discipline and have specific knowledge and experience working within the Basin. The information requested, and any analysis of that information required in order to determine appropriate qualifications, will be in the sole discretion of the Agency Board of Directors and/or designated Agency staff.

4.4 The number of individuals appointed to the TAC is at the sole discretion of the Agency Board of Directors and is determined initially to be three (3). All efforts will be made to create a balanced TAC representative of the appropriate and relevant technical expertise necessary to complete its work.

4.5 A vacancy will be recognized for any TAC member who is no longer able or willing to serve in this role. In addition, a vacancy will be recognized for any TAC member who (1) resigns; (2) has unexcused absences from more than three of the scheduled TAC 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; and/or (5) violates the Ralph M. Brown Act. 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 TAC 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 TAC 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 TAC 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 TAC as to the availability of its members.

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

6.4 The Agency Board of Directors will designate a Chair for the TAC which shall be a member of the Agency Board. The TAC Chair will serve as the facilitator and will remain impartial toward the content of the issues under discussion. The TAC Chair will work with all the parties to ensure the process is credible, fair, and effective. The TAC Chair may be required to: chair meetings of the TAC; 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 TAC shall comply with those requirements.

6.6 The Agency Board Secretary shall prepare minutes of all TAC meetings, maintain a list of all active TAC 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 TAC will provide written recommendations on subjects that the Agency assigns to the TAC.

7.2 The TAC will be a consensus-seeking body. The TAC 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 TAC will outline the areas of agreement and disagreement, providing an explanation to inform the Board’s decision-making. Then, the TAC will forward this summary via the Agency staff to the Agency Board of Directors. The position of each TAC member on the points of consensus or summary will be noted in the TAC’s records.

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

8. Communication and Media

8.1 Agency staff will serve as primary contacts for all communication, outreach and media.

8.2 TAC members reserve freedom to express their own opinions in their individual capacities to media representatives, but not the opinions of others including the TAC, individual TAC 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 TAC, unless specifically authorized by the TAC 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 TAC as needed, authorized and directed by the Agency Board of Directors.

10. Amendment

10.1 This Charter generally describes the work of the TAC. 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 TAC, with respect to any work performed as a member of the TAC, must avoid conflicts of interest and act in the best interests of the Agency, and not in the service of personal interests. TAC 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, TAC 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 TAC member determines that member holds a financial interest in any contract entered into, or to be entered into by the Agency, the TAC 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 TAC.

12. Compensation

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

13. Term

13.1 The existence of the TAC and any work performed by the TAC 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.