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# Chapter 16 Governance

## 16.0 Introduction

This chapter describes the structures and framework for governing the IRWM Program and Plan within the region, identifies the recruitment strategies used to diversify and balance access and opportunity to participate in Plan preparation and governance, describes how communication and collaboration are fostered with both the public and specific stakeholder groups, and discusses coordination with adjacent IRWM regions.

Additionally, the following section describes both the initial governance structure (known as the Management Group or MG) developed during preparation of the 2009 IRWMP document and process, and the refined governance structure (Regional Water Management Group or RWMG) developed for preparation of the Plan Update, as well as for ongoing Plan implementation.

## 16.1 2009 IRWMP: Governance, Adoption, and Implementation

### 16.1.1 Governance Structure Established During 2009 IRWMP

In March 2005, Yuba County Water Agency (YCWA) and other water interests in the county formed the Management Group (MG) to develop the Yuba County IRWMP. The MG was the collective body of the project proponents. The group was responsible for developing the IRWMP, including the project prioritization criteria, and applying the criteria to the projects in the region to rank and prioritize the projects. The group met monthly from 2006 to 2008.

Initial stakeholder outreach was accomplished largely through direct notification of key agencies (e.g., North Yuba Water District, Yuba County Resource Conservation District, and City of Wheatland). MG meetings were designed and conducted as public meetings and included posting the agenda for the meetings on the YCWA website in advance of the meetings. Interested parties and the public were invited to participate in the meetings, which focused on discussion of regional water management issues. The MG participating agencies also used these meetings to provide comments on development of the Plan.

In the early MG meetings, a list of stakeholders was developed, with the potential stakeholders for this planning process organized into three categories:

1. members of the Management Group;
2. regional stakeholders located in Yuba County; and
3. statewide stakeholders, including local, state, and federal agencies.

| <b>Table 16-1. Stakeholders in Management Group – 2009 IRWMP</b> |  |
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| <i>Regional Stakeholders include:</i>                            |  |
|  | Brophy Water District<br>Cordua Irrigation District<br>Dry Creek MWD<br>Hallwood Irrigation Company<br>Ramirez Water District<br>South Yuba Water District<br>North Yuba Water District<br>Wheatland Water District<br>City of Wheatland<br>Yuba County Resource Conservation District |
| <i>Conservation Districts include:</i>                           |  |
|  | Reclamation District 10<br>Reclamation District 817<br>Reclamation District 2103<br>California Water Service Company<br>South Yuba River Citizens League   |
| <i>Statewide Stakeholders include:</i>                           |  |
|  | Northern California Water Association<br>California Department of Water Resources<br>US Army Corps of Engineers  |

### **16.1.2 Process for Adoption of 2009 IRWMP**

On February 7, 2006, the MG held a public hearing to brief the community on IRWMP requirements, the proposed planning process, and opportunities for public involvement, and to discuss the intention to prepare the Yuba County IRWMP. At the end of the meeting, staff was directed to prepare a draft Yuba County IRWMP.

When the public draft of the IRWMP became available in January 2008, notice was provided in the Appeal-Democrat newspaper and on the YCWA website to inform the public about its availability. Written comments on the draft Plan were collected at the public hearing and accepted directly by YCWA until February 12, 2008. After the close of the comment period, the Yuba County IRWMP project team reviewed all the comments and the draft Yuba County IRWMP was updated to address the comments as needed.

A public hearing was held on February 26, 2008, for YCWA to receive further public comment on the final draft of the Plan and, acting as the lead agency, to adopt the Yuba County IRWMP. A notice was published regarding the hearing date, time, and agenda; summary of the Plan; and the means for obtaining copies. Once adopted by YCWA, the Plan was adopted by the boards of the other members of the MG.

### **16.1.3 Activities after Adoption of 2009 Plan**

The 2008 Yuba County IRWMP was adopted shortly before the “Great Recession” and its subsequent economic decline. The impacts of the recession were strongly felt across the region: staff was laid off, budgets were constrained, and already disadvantaged communities experienced a decline in capacity. As a result of this, and the fatigue engendered by a lengthy Plan development process, the MG began to meet less frequently and

with diminished attendance. The focus of the meetings was largely on deciding to apply for planning grant funds to update the Plan, preparing the Proposition 84 Planning Grant application, and discussing strategies for advancing the funding of projects.

## 16.2 Yuba County IRWMP Update 2015 Governance Process

The Yuba County IRWMP Update began in 2013, with the receipt of a Department of Water Resources (DWR) Proposition 84 IRWM Planning Grant. The goal of the effort was to bring the 2009 Plan into compliance with the 2012 DWR IRWM guidelines. YCWA acted as the applicant and grantee for this effort. The work effort was initiated with receipt of the commitment letter in February 2013.

### 16.2.1 Governance Structure Revisited and Refined

Beginning with the first MG meeting, in June of 2013, the issue of decision-making in the context of Plan preparation and subsequent governance during Plan implementation was discussed. The following items were determined by the group (and reaffirmed at three subsequent meetings):

- The MG would become the Regional Water Management Group (RWMG), would act in a decision-making role for the duration of Plan preparation, and would be replaced by a new governance entity upon Plan adoption. (See **Figure 16-1**, Governance Structure.)
- Attendance at RWMG meetings during Plan preparation would be a determinant of ability to participate in formal decisions; participation in two out of three meetings was the minimum for eligibility to vote. No attendance limit was placed on participating in discussions and debate about Plan content or process.
- All decisions would be by consensus or, if consensus could not be reached, then by a 75 percent supermajority vote. (See **Figure 16-2**, Decision-making Process.)

The process for decision-making after adoption of the Plan was defined as follows:

- All attendees at any meeting may participate in the discussion as presented in the published agenda.
- All meetings will be noticed on the web and by mail (as requested).
- Eligibility to vote on any given issue or topic is limited to entities which have adopted the IRWMP and attended two out of the previous three meetings.
- Each entity will have a single vote.
- All decision meetings will focus on reaching consensus.
- If consensus cannot be reached then the group will refer the decision to a future meeting.
- At the future meeting, if the group is still unable to reach consensus, then the group may either:
  - (a) Vote with one vote per entity, and in order to vote must have attended two out of last three meetings. If no consensus can be reached then a formal vote can be called. A 75 percent supermajority is required for a vote to be considered as binding.

Or:

- (b) Refer the issue to a subsequent meeting.
- If no consensus can be reached after several meetings or if the requested vote does not result in a 75 percent supermajority, then the issue can either be referred to a future meeting or be tabled until such time as consensus is reached, or a 75 percent supermajority has been identified.

### ***16.2.2 Memorandum of Understanding***

The RWMG determined that, for the purposes of Plan adoption and implementation, the new governing body would need to be developed based on a Memorandum of Understanding (MOU). This MOU was developed and reviewed by the RWMG and is attached in **Appendix 16-1**. It covers such topics as representation, the decision-making process, formation of committees, formation of a management committee to coordinate the process between RWMG meetings, and budget development and oversight.

Figure 16-1

# GOVERNANCE STRUCTURE

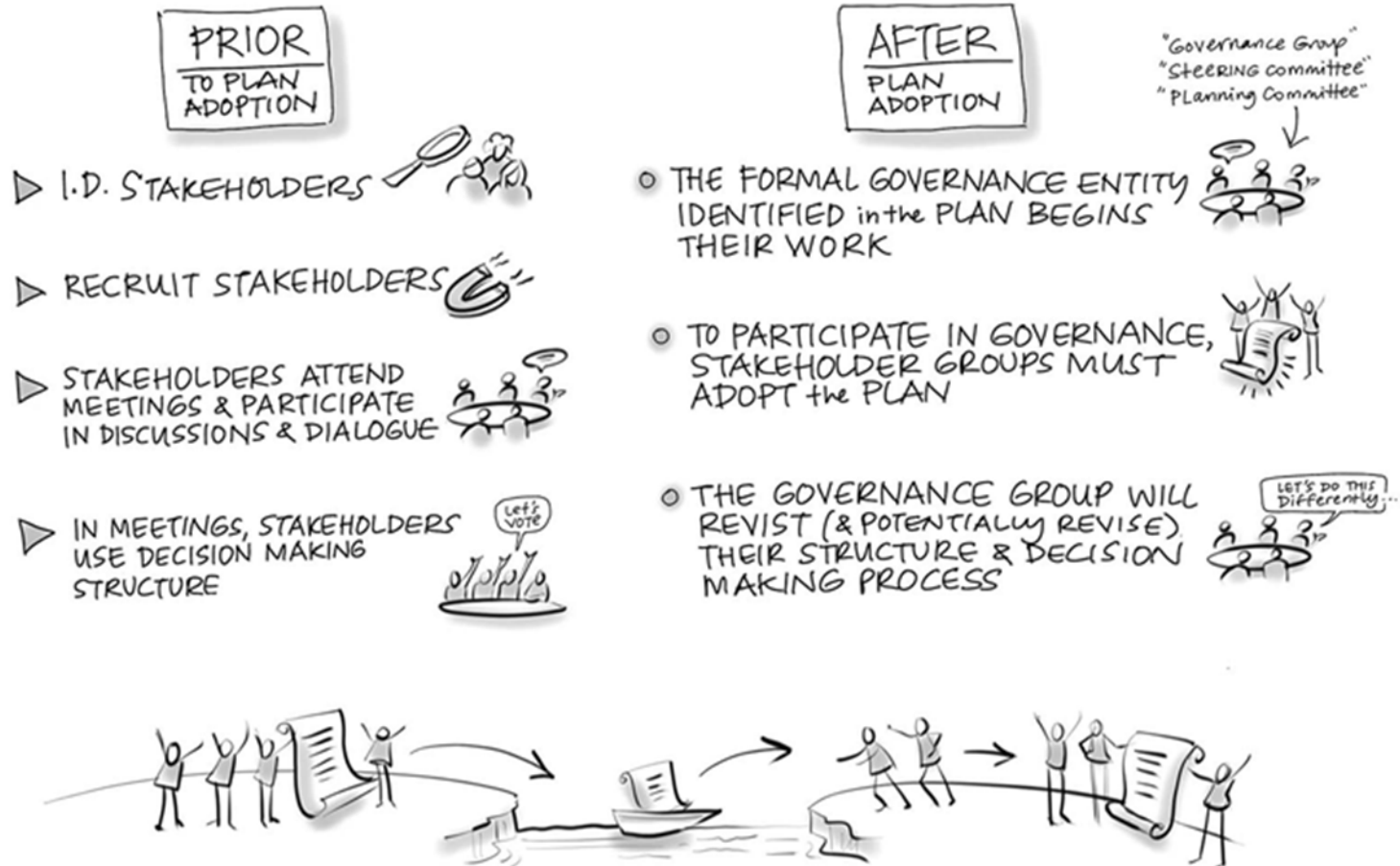
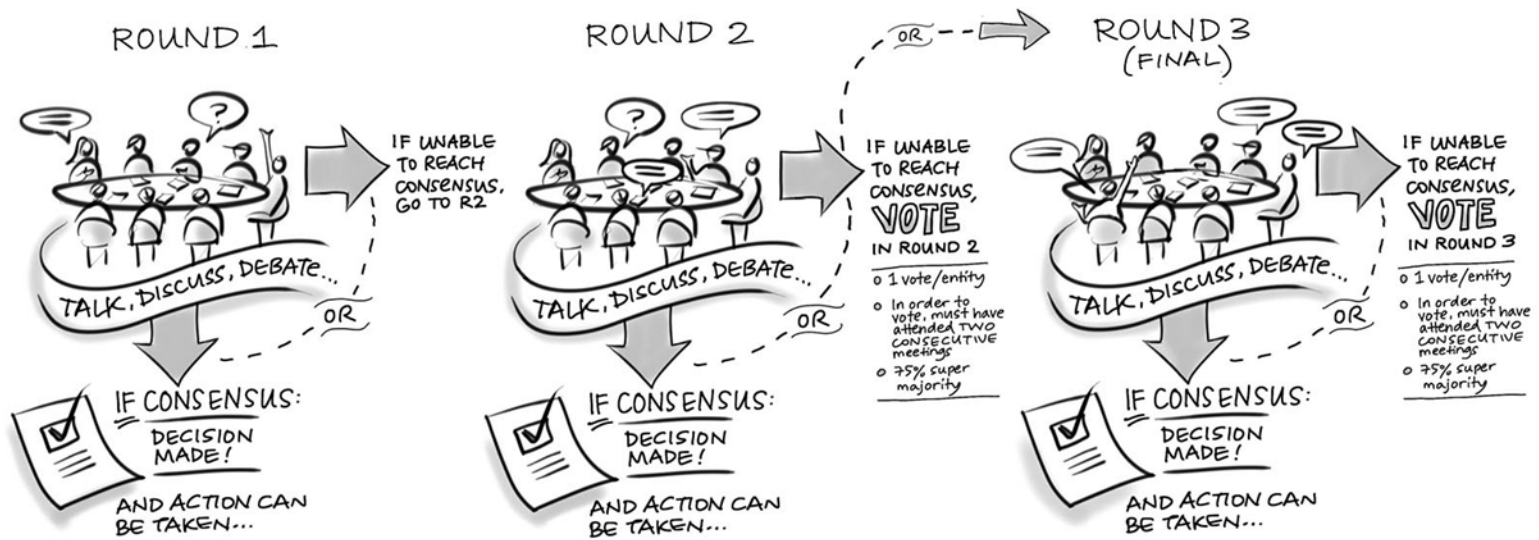


Figure 16-2

# DECISION-MAKING PROCESS



## 16.3 Process Used to Develop Objectives

See Chapter 12 *Goals, Objectives, Issues, and Conflicts* for a complete description of the development of goals and objectives for the Plan.

## 16.4 Coordination with Adjacent IRWM Regions

At the April 2014 RWMG meeting, several stakeholders volunteered to outreach to the adjacent IRWM regions, including CABY, Upper Feather, North Sacramento Valley, and American River Basin (ARB). Scott Matyac of YCWA contacted the North Sacramento Valley Four County Group and ARB; Jim Brobeck of AquAlliance contacted North Sacramento Valley Four County Group; and Rachel Hutchinson of South Yuba River Citizens League approached CABY, the Upper Feather River Watershed, and the Mokelumne Amador Calaveras. The outcome of these meetings is presented in **Appendix 4-1** and discussed more fully in Chapter 4 *Coordination*.

## 16.5 Long-term Implementation

The RWMG will be replaced by a formal MOU-based governing body after adoption of the Plan by the current RWMG. Subsequent adoption by individual entities is a prerequisite to membership in the new governing body (name to be determined). This group will oversee all aspects of Plan implementation including pursuit of funding for projects, updating and revising the Plan, continuing to develop and advance new projects, and continued recruitment of and management of relations with regional stakeholders.

### 16.5.1 Interim and Formal Changes to the IRWMP

The RWMG will be responsible to both interim and formal changes to the Plan.

Interim changes are considered to be changes that are in response to stakeholder-driven revisions such as adding new projects, revising or refining goals or objectives in response to emerging events or changing trends, and inclusion of appendices developed in response to ongoing work efforts (e.g., data management or changes to the Data Management System/DMS, outreach to Tribal or Latino stakeholders, updates of the regional description or climate change chapters). These informal amendments or revisions will occur at the discretion of the RWMG and may be instigated by individual stakeholders or the RWMG itself. As part of the RWMG ongoing Plan assessment process described in Chapter 17 *Plan Performance and Monitoring*, the group will determine on an annual basis if any amendments or Plan revisions are required. If so, then the group will follow the specific revision/update processes identified by the group following Plan adoption.

Formal changes to the Plan are considered to be revisions or changes to the Plan occasioned by revisions to the IRWM/DWR Guidelines. Such formal amendments will likely occur every three to five years. Typically, DWR will issue new guidelines and also initiate an associated funding round to support updated activities and processes. It is assumed that any such formal Plan revision will be managed by the RWMG and implemented consistent with the relevant DWR process and guidelines.

### **16.5.2 Project Updates, Additions, and Funding**

An important aspect of the IRWM process is the continual development, refinement, implementation, and monitoring of projects. Following Plan adoption, it is assumed that the RWMG will contract for assistance in ongoing Plan refinement and project development.

This project development and tracking process is likely to include the following basic components and/or support: outreach to stakeholders to determine the status of their IRWMP projects on an annual basis; refinement of existing projects as required (with associated RWMG review and approval); identification of new projects by stakeholders with initial support for completion of the Project Application form and associated materials; developing options for project integration in response to project development and refinement (as well as external factors such as new funding priorities or emerging trends); monitoring the status of projects in terms of funding and implementation; and identifying opportunities for federal and state funding and supporting RWMG members and other regional stakeholders in refining and developing application materials. (Note: this activity may involve financial contributions by individual stakeholders or groups of stakeholders.) Some of these activities will result in amendments to the Plan within a discrete timeframe (such as development of new projects for Plan inclusion), while other activities may result in applications for funding which will not result in changes to the Plan until the project is completed.

The annual Plan review process will provide an opportunity to integrate project development activities into the Plan as appropriate.

## **16.6 Notice of Intent to Prepare an IRWMP**

Per the 2012 DWR IRWM Program Guidelines, Appendix C, Governance:

Public Notice Requirements: An RWMG proposing to prepare or update an IRWM Plan shall publish a Notice of Intent to prepare the Plan in accordance with Section 6066 of the Government Code. Upon the completion of the IRWM Plan, the RWMG shall publish a Notice of Intent to adopt the Plan in accordance with Section 6066 of the Government Code and shall adopt the Plan in a public meeting of the RWMG governing board (CWC Section 10543).

The required Notices of Intent were published twice in four different media papers which serve the local region.

The Appeal-Democrat which serves the Marysville area ran legal ads on November 11, 2013, and November 18, 2013.

Because of the overlap with the CABY region in the upper watershed, Notices of Intent were also placed in the three papers which serve the CABY area: The Mountain Democrat (Placerville, November 1, 2013, and November 18, 2013), The Auburn Journal (Auburn, October 31, 2013, and November 6, 2013) and The Union (Nevada City, October 31, 2013, and November 7, 2013).

Notices of Intent are provided in **Appendix 16-2**.