

**FINAL**

**Bay Area IRWMP Coordinating Committee**

Agreements and Action Items from January 26, 2009 Meeting

**1. Roll Call—Appointed FA representatives present**

<b>WS-WQ</b>	<b>WW-RW</b>	<b>FP-SW</b>	<b>Watershed</b>	<b>Other</b>
Jean Gardner, CCWD; Molly Petrick, SFPUC	Brian Campbell, EBMUD	Terri Fashing, Marin County FC&SW; Brian Mendenhall, SCVWD	Harry Seraydarian, NBWA; Melanie Denninger, SCC; Dale Hopkins, RWQCB	Paul Helliker, Chair, MMWD

**Others present:**

Mitch Avalon, CCCFCD  
Jack Betourne (Napa FCWD)  
Tracy Clay (Marin County FC&SW)  
Thomasin Grim (MMWD)  
Carlos Porrata (Tomales Bay)  
Carol Mahoney (Zone 7 Water)  
Brian Mendenhall (SCVWD)  
Carl Morrison (Morrison Assoc/SCWA, Z7, SCC)  
Joanne Siew (RMC)  
Jayne Strommer (DDSD)  
Rick Thomasser (Napa County)  
Renee Webber (SCWA/NBWRA)

**2. Report on RAP work progress (Information/Discussion led by PnP)**

- Thomasin Grim reported that the PnP subcommittee members are currently working on developing the Draft RAP application. PnP member teams have been assigned to prepare drafts of the RAP application sections. The assignments are listed in the meeting notes from the January 5, 2009 PnP meeting.
- An outline summarizing the RAP Application guidelines was prepared by Carl Morrison and Thomasin, and was circulated for approval by the CC.

**3. Approve/finalize draft RAP guidelines comment letter to DWR (Action Item, led by CC)**

- Carl prepared a draft response letter to DWR summarizing comments from the CC on the draft RAP guidelines. The letter was circulated to the CC for review and was approved, with minor changes.
- Melanie Denninger suggested for Comment No. 4 in the draft letter to be removed, with consensus from the CC.
- Jean Gardner noted that CCWD has also submitted a separate comment letter to DWR. One of the comments in CCWD's letter was for the emphasis on governance to be more explicit and identifiable in the guidelines.

**Action Items:**

- 1) Thomasin to update and finalize letter with Paul's signature for submittal to DWR.

**4. Formally identify a 'submitting entity' for the RAP application (Action Item, led by CC)**

- Paul Helliker volunteered MMWD to be the submitting entity for the RAP application and the CC agreed by consensus.

**5. Approve RAP application outline (Action Item, led by CC)**

- It was noted from Norm Shopay's review of the outline that Item 3b. should be rephrased as follows, "List of **all** agencies **in the region** with statutory authority over water supply or water management, describe the basis or nature of that authority, indicated that the list of agencies represents the majority of water management agencies in the region".
- Brian Mendenhall suggested for the RAP list of agencies to be broken down by sub-region as well. The CC noted that this was a great suggestion.
- Thomasin indicated that the outline will also be modified subject to the updated Final RAP Guidelines.
- The CC approved by consensus the RAP application outline, developed based on draft RAP guidelines.

**6. Review "outline" and flow chart items for Local Project Selection Process Description (Discussion, led by CC/PnP)**

- The Draft LPSP description and flow chart were developed by the PnP subcommittee and Harry presented a summary of the proposed process to the CC.
- Thomasin and Harry noted that the RAP could be used as an opportunity to describe the Bay Area subregional approach to the State.
- It was mentioned that the Sacramento Region was working on adopting a similar funding allocation approach, primarily based on ratios of Population vs. Area vs. No. of Entities; a key difference being that each subregion would have a separate IRWMP

General Comments

- Mitch Avalon led the discussion on the Local Project Selection Process Description. He commented that the 11-step selection process seemed quite lengthy and was concerned that it might get more complicated as projects are being put through the process.
- Harry Seraydarian noted that the previous project selection approach in Prop 50 generated more competition among agencies. The objective of developing the LPSP was to develop a screening/selection process that is consistent with the State's approach, and to pre-designate allocations to regional and subregional projects.
- Thomasin commented that moving towards a geographic allocation by subregions presents an opportunity to bring in agencies or organizations that have not participated in the IRWMP previously, but may have better projects to submit.
- It was mentioned by several CC members that coordination for some other areas in the Bay Area might be more challenging for various reasons, for instance, the absence of organizations with broad representations like a watershed association; subregions might prefer to define their own approach for prioritizing and selecting projects; and many of the existing subregions do not conduct regular stakeholder meetings.

North Bay Coordination Efforts

- Harry indicated that the North Bay Watershed Association (NBWA) will be taking the lead on coordinating the project selection process for the North Bay subregion, building on the work that has been done by the Stormwater/Flood Protection and Watershed Functional Areas. A North Bay Regional Project Identification Meeting is scheduled for February 10<sup>th</sup>, 2009. Participants to the meeting will include Sonoma, Napa, Marin, and Solano County representatives..

Defining Regional/Subregional Projects

- Harry emphasized that agencies should be evaluating their projects in terms of their level of 'integration' and developing ways to make them more regionally integrated, but that they should not only be focused on drought and DAC-related projects. Melanie agreed that DWR wants to see the projects flow from objectives, and not based solely on funding-cycle focus areas.
- Melanie added that the Functional Areas should be cognizant of developing multi-purpose projects from the start.
- Harry noted that based on findings from an NBWA-funded study on how to develop more multi-purpose projects, it could be beneficial for the Bay Area to develop its own policy on integrated projects and submit it to the State.

#### Project Selection Process

- Mitch summarized the two project selection process 'models' that were discussed, namely the Local Project Selection Process model described by Harry, which would prescribe a consistent priority ranking system for all Bay Area projects under management of a broadly-represented Sub-Committee, and the other model which would be to develop and review projects at the Functional Area level and then integrate the selected projects. After some discussion the CC agreed the "models" were not in conflict and the concepts could be merged into one flow chart with the FAs providing input to the CC and sub-regions
- Harry agreed that he would relate this to the PnP subcommittee and would modify the LPSP outline and suggest the two flow charts be merged into one.

#### Project List

- Tracy queried on how the Project list would be moving forward.
- The CC agreed that it made sense not to update the project list before the Prop. 84 guidelines were released.
- Dale Hopkins questioned if there was a process to bring in new entities (e.g. Tomales Bay and Napa). Tomales Bay will be added in as an associated member of the NBWA Board, Napa is already an NBWA member and NBWA would include Solano in any north bay sub-region process
- In the meantime, Rick Thomasser indicated that Napa will be compiling their own project list since their projects are currently not in the Bay Area IRWMP and Napa wants to get its projects into the Bay Area IRWMP.

### **7. Reach Consensus on Subregional Funding Allocation (Action, led by CC/FA Reps)**

- Each Functional Area announced its preferences (in order of preference) but was unable to reach consensus.
  - FP - SW: F, E, K
  - WW - RW: G, D
  - WS - WQ: D
  - Watershed/Habitat: E, F, A
- After discussion with the CC, some options were taken out from voting because they had allocations below 20%.
- FA representatives were then asked to re-select their top 3 options out of the remaining 5 (B, C, D, E, and F) and to announce their preferences at the next CC meeting.

#### **Action Items:**

- 1) FA representatives to select top 3 options from the following 5 options (B, C, D, E, and F) and to announce preferences at next CC meeting.

### **8. Review Agreements/Action Items from 12/15/08 CC Meeting (Discussion, led by Chair)**

- a) **Alternative Non-Profit Organizations to manage grants for the Bay Area IRWMP**

With regards to identifying alternative non-profit organizations to manage grants for the Bay Area IRWMP, the CC discussed two alternatives: setting up a 501(c)(3) tax-exempt non-profit organization, or a Joint Powers Authority (JPA), whereby two or more public authorities can operate collectively. Paul indicated that Michele Pla had said that BACWA would be interested in being an administering agent in the future, as they are currently doing with the Bay Area's Prop 50 Implementation Grant. The CC also discussed liabilities associated with a 501(c)(3) – Carlos Porrata noted that the Tomales Bay Watershed Council went through this process during Prop. 50, and that the liability issues could be quite tricky because the 501(c)(3) organization would be responsible for the results of the grants to the State. To form a JPA, Carl noted that it would need to have assets to back it up. He expressed that starting a non-profit organization would be a non-starter for this reason. Melanie suggested that the topic be brought to the Roundtable of Regions conference call to seek input from other regions. The CC agreed that this was a good suggestion.

**b) Registration Process**

Carl Morrison shared his experience on the registration process involved in setting up a non-profit organization. He mentioned that it is a fairly simple and inexpensive process to register a non-profit entity through the Secretary of State website, and that the CC would be able to do it easily.

**c) Bridge Funding**

The bond-fund freeze is still ongoing, and Paul indicated that he is continuing with his efforts to obtain supplementary funding from the agencies to fund RMC's work. He suggested for a change in the invoice-payment formula in the 4-party agreement to eliminate the need to draw upon bond funds during the freeze, to which the CC agreed. Melanie noted that the timeframe to effect this change may take 2-3 months, so we still need the additional funding from water agencies.

**d) Updates from DWR RAP Public Meetings**

DWR staff is intending to continue forward with the RAP processes, but the Early Implementation (or Expedited Grant) process might be put on hold if bond funds are not available. DWR has indicated that it would prefer not to proceed with anything that agencies would have to spend resources on at this point, if State funds are not available. Paul and Carl had obtained apparently conflicting info about the RAP submittal deadline. Melanie asked for the CC to obtain further clarification from Tracie Billington/Norm Shopay on the due-date for the RAP submittal. Carlos requested for a summary email on current DWR RAP updates to be sent out to the Bay Area IRWMP mailing list.

**Updates:**

- 1) *Paul Helliker talked to Tracie Billington after the CC meeting and she said they had not decided on when they would ask RAP applications to be submitted, but it would likely be at least 2-3 months later than planned (probably May).*

**9. Adding Projects to the IRWMP (Discussion, led by Chair)**

**a) Website Updating**

Mitch Avalon updated the CC on behalf of Mark Boucher. He informed the CC that the contract between Zone 7 and the website development firm has expired, but the individual working on the website previously has started his own firm. Mark is coordinating with Zone 7 to prepare a new contract to enable the consultant to continue working on the website under his new firm. There is currently sufficient budget for the consultant to complete tasks based on the original scope. Mark is maintaining regular communication with the consultant and would be able to direct questions.

**b) Formation of Screening Committee**

**c) Process for Project Integration across Functional Areas when developing project lists for Prop 84 and 1E**

For Items 9b) and 9c) discussions, please refer to notes on Item 6.

**10. Announcements – None**

**11. Agenda Items and Details for the next IRWMP CC Meeting**

- Funding Allocation Approaches (Consensus Decision)
- Discuss Draft RAP application
- Other updates from PnP meeting on February 9, 2009
- Update on DWR RAP guidelines

The next CC meeting is scheduled for Monday, February 23, 2009, from 1:00 pm – 3:00 pm at the Elihu Harris State Building

**Attachments:**

None.