

RESOLUTION NO. 23-01
OF THE BOARD OF DIRECTORS OF THE BORREGO SPRINGS WATERMASTER
TO ESTABLISH GUIDELINES FOR THE TECHNICAL ADVISORY COMMITTEE PROCESS

WHEREAS, a Stipulated Judgment (Judgment) was entered in the Superior Court of California on April 8, 2021 that determined and adjudicated all groundwater rights in the Borrego Springs Subbasin (Subbasin) and established the Borrego Springs Watermaster (Watermaster) to administer and enforce the provisions of the Judgment including its Physical Solution.

WHEREAS, Section IV.G. of the Judgment establishes a Technical Advisory Committee (TAC) to advise the Watermaster on technical matters, defines the process for selection of TAC members, and defines the TAC's duties and responsibilities.

WHEREAS, Section I.A.58. of the Judgment defines the TAC as: *"The advisory body established pursuant to Section IV.G(l) of this Judgment to study technical aspects of the Basin and to issue recommendations to Watermaster based on such technical study for the purpose of achieving Sustainable Groundwater Management in the Basin in an effective and efficient manner, consistent with the rights and obligations of the Parties established by this Judgment."*

WHEREAS, there are several sections in the Judgment that provide information as to the TAC meeting frequency and the technical matters on which the TAC is expected to provide recommendations or input to the Board, including Sections II.E, III.B; III.F; III.I.5; IV.E.7; IV.G; and VI.B.2.

WHEREAS, Article III of the Watermaster Rules & Regulations provides additional definitions and information regarding the TAC.

WHEREAS, the Watermaster Board has identified that the role of the Watermaster Technical Consultant in the TAC process is not well defined and that supplemental guidelines are appropriate to clarify expectations of the participants in the TAC process via Board resolution.

NOW, THEREFORE, be it resolved by the Board of Directors of the Borrego Springs Watermaster, that:

1. The Board of Directors hereby establishes guidelines governing the TAC membership and the roles and responsibilities of the Technical Consultant and TAC members, which are defined in the attached Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Borrego Springs Watermaster held on the 9th day of March 2023 by the following vote:

AYES: Duncan, Smith, Bilyk, Jorgensen, Bennett

NOES: None

ABSENT: None


David Duncan, Chairperson
Board of Directors


Shannon Smith, Secretary of the Board
ATTEST

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TAC Membership & Appointments

- The TAC is comprised of technical experts appointed by individual Parties with BPA rights or the County.
- The Watermaster Technical Consultant is not a member of the TAC and is a non-voting participant responsible for facilitation of the TAC members discussions.
- Appointed TAC members must meet the licensure requirements defined in Section IV.G.1 of the Judgment.
- New and replacement members may be appointed to the TAC by any Party with BPA rights or the County. To appoint a member, a Party or the County must notify Watermaster Staff and provide the name and qualifications of the appointed member. Qualifications should be provided in the form of a resume or CV that reference the appointee's CA licensure.
- Each Party and the County may have one vote represented on the TAC. A Party or the County may be represented by more than one technical expert at meetings (e.g., two experts employed by the same firm), however the experts must collaborate to provide a single set of comments on documents and a single vote when providing recommendations to the Board.
- Compensation of the TAC members is the responsibility of the appointing Party. TAC members serve without compensation or reimbursement of expenses by Watermaster.

Technical Consultant Role and Responsibilities

Role. The Technical Consultant is an independent advisor to the Watermaster Board that is responsible for facilitating the TAC.

Responsibilities. The specific responsibilities of the Technical Consultant in the TAC Process include:

- Coordinate with TAC members to schedule meetings at the frequency defined by the Board, and no less than twice per year. All meetings of the TAC must be open to the public and provide opportunity for public comment, as defined in Section IV.G.1 of the Judgment.
- Define draft meeting agendas for consideration and approval by the Board.
 - The timing of agenda topics should be scheduled to ensure the TAC will provide timely input and/or recommendations to the Board on specific topics defined by the Judgment and any other matter referred to the TAC by the Board.
 - Seek direction from the Board as to the scope of the TAC's role for each technical issue that is referred. The scope could include providing the Board (1) input or (2) a formal recommendation. A formal recommendation necessitates the development of a TAC Recommendation Report.
- Notice all meetings of the TAC to the Watermaster's distribution list via email and the Watermaster website.

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- Record TAC meetings (held via video conference) and draft meeting minutes, including capturing the recommendations of each TAC member, for review and edit by the TAC members. TAC members will be given one week to provide comments on the draft meeting minutes.
- Report out all TAC discussions to the Board following each TAC meeting.
- Ensure that all email correspondence documenting input and recommendations include all TAC members so that all members are informed of the input/recommendations provided to the Technical Consultant. Should the Technical Consultant need to discuss and clarify input via phone call with any TAC member, the results of that call will be documented via email and distributed to the entire TAC membership.
- For technical issues which require formal TAC recommendations to the Watermaster Board, which necessitates preparation of a TAC Recommendation Report, the Technical Consultant will:
 - Provide the TAC with relevant technical information and recommendations to facilitate discussion by the TAC. Recommendations provided should cover a range of options to address the issue and reference the pros and cons of each potential option for discussion. Recommendations will be supported using "best available science, records, and data". Any relevant data should be presented to the TAC members and provided upon request.
 - Distribute relevant information to the TAC members about the requested recommendation topic not later than two weeks before a TAC meeting so TAC members have the background information needed to formulate recommendations for discussion at the TAC meeting.
 - Inform the TAC members of the opportunity to prepare either or both of the following supporting materials prior to a TAC meeting:
 - A memo or report documenting their analysis and recommendations for distribution to the TAC with the meeting agenda package.
 - Presentation slides documenting their analysis and recommendations for presentation at the TAC meeting.

Additionally inform the TAC members that all supplemental materials must be submitted to the Technical Consultant and all TAC members before or during a TAC meeting.

- Publish supporting meeting materials to the TAC and Watermaster distribution list not later than 72 hours before a TAC meeting.
- Facilitate TAC discussions through presentation of recommendations during TAC meetings and seeking input and discussion from each TAC member.
- Summarize the TAC recommendations into a draft TAC Recommendation Report based on discussion at TAC meetings and any follow up e-mail correspondence with the goal of facilitating consensus. The TAC recommendation report may not include

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any supplemental reports by any TAC member that have not been previously reviewed and discussed by the TAC.

- Circulate a draft of the TAC Recommendation Report for comment and input by all TAC members.
- Provide up to three weeks for TAC members to review the TAC Recommendation Report. The duration of the review period will be established by the Technical Consultant based on deadlines set by the Watermaster Board.
- Prepare a final draft of the TAC Recommendation Report, based on the comments received from the TAC, describing the TAC recommendation and document if consensus has been achieved among the TAC. If consensus cannot be achieved, the TAC Recommendation Report to the Watermaster shall clearly describe the differences in opinion and arguments for each opinion.
- Provide no less than one week for TAC members to review the final TAC Recommendation Report.
- Timely inform all TAC members when a TAC Recommendation Report will be presented to the Board so they may request to provide direct input and feedback during the Board agenda item.
- Publish its own independent Staff Report to the Board with the Technical Consultant's recommendation on the issue, including reference to the TAC Recommendation Report.
- Provide the Board with the TAC and Staff recommendations at least 72 hours prior to a meeting at which the Board intends to take action on the issue.
- Present the Technical Consultant and TAC recommendation to the Board. The presentation will clearly identify the Technical Consultant's recommendation and the TAC's recommendation.

- For technical issues that are referred to the TAC for input only:
 - Timely provide the TAC with relevant technical information to facilitate discussion by the TAC.
 - Publish supporting meeting materials not later than 72 hours before a TAC meeting to ensure members have the background information needed to formulate recommendations to the Board.
 - Facilitate TAC discussions through presentation of information and the Technical Consultant's recommendation during TAC meetings.
 - Circulate a draft of the subject technical report prepared by the Technical Consultant (Technical Memorandum, Technical Report, Staff Report, Presentation) for comment and input by all TAC members prior to submission of the report to the Watermaster Board.
 - For memorandum and reports of substantial length requiring TAC member input, provide up to three weeks for TAC members to review. The duration of

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the review period will be established by the Technical Consultant based on deadlines set by the Watermaster Board.

- Timely inform all TAC members when the subject technical issue will be presented to the Board so they may be present to provide public comment during the Board agenda item.
- Prepare and present a final draft of the subject technical report to the Board that demonstrates how TAC input was obtained and utilized.
 - For memorandum and reports of substantial length that require TAC member input, the report will include an appendix of Response to TAC Comments that documents the Technical Consultants response to the input of each TAC member.

TAC Members Role and Responsibilities

Role. To collaborate with all members of the TAC to formulate technical recommendations to the Board on the specific topics defined by the Judgment and any other matter referred to the TAC by the Board. The TAC members will endeavor to reach consensus with the goal of achieving Sustainable Groundwater Management in the Basin in an effective and efficient manner.

Responsibilities. The specific responsibilities of the TAC Members include:

- Attendance at TAC meetings. If a meeting cannot be attended, the TAC member should timely review the TAC meeting recording and provide its input to the TAC and Technical Consultant via email within one week of the circulation of draft meeting minutes.
- Active participation in TAC meetings, including reading supporting materials to enable effective discussion of topics referred to the TAC and communication of recommended actions.
- Timely review of all documents that summarize TAC discussions and recommendations. Reporting schedules established by the Board will not be delayed for non-timely responses without express consent of the Board.
 - Provide comments/edits on draft meeting minutes of TAC meetings to the Technical Consultant within one week of receiving the draft. Non-responses by TAC members will be noted in the minute's authorship line.
 - For issues which require formal TAC recommendations to the Watermaster Board, which necessitates preparation of a TAC Recommendation Report:
 - TAC Members may elect to prepare either or both of the following information items prior to a TAC meeting:
 - A memo or report documenting their analysis and recommendations for distribution to the TAC with the meeting agenda package.
 - Presentation slides documenting their analysis and recommendations for presentation at the TAC meeting.

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All supplemental materials must be submitted to the Technical Consultant and all TAC members before or during a TAC meeting.

- TAC Members will provide comments and edits to the draft TAC Recommendation Report prepared by the Technical Consultant by the defined deadline, which will be up to a three-week review period. Non-responses by TAC members will be noted in the final report and the TAC members vote will be characterized as “no response” (e.g., did not vote on the recommendation).
- If TAC member consensus cannot be achieved, each TAC member will carefully review and edit its non-consensus recommendation to the Board to ensure it accurately reflects the views of the TAC member.
- For any Party that is represented by more than one technical expert, the experts must collaborate to provide a single set of comments on documents and a single vote when providing recommendations to the Board.
- TAC Members will timely review the final draft of the TAC Recommendation Report prepared by the Technical Consultant to ensure all feedback on the draft report was accurately captured. TAC members will have a one-week review period.
- TAC members may attend Watermaster Board meetings to provide direct feedback to the Board on any TAC Recommendation Report. TAC members who wish to make a presentation to the Board of their recommendation documented in the TAC Recommendation Report recommendation must timely notify the Technical Consultant of the request. Timely notification constitutes one week in advance of the Board meeting at which the agenda item will be considered for action.
- For technical issues that require TAC input only,
 - Provide timely review of the Technical Consultant’s technical report (Technical Memorandum, Technical Report, Staff Memo, Presentation) on the subject issue.
 - For substantial memorandum and reports requiring input, up to three weeks will be provided to review the Technical Consultant’s technical report. The duration of the review period will be established by the Technical Consultant based on deadlines set by the Watermaster Board.
 - TAC members may attend Watermaster Board meetings to provide direct feedback to the Board on any technical issue referred to the TAC for input.
- Ensure that all email correspondence documenting TAC member input and recommendations include all TAC members so that all members are informed of the input/recommendations provided to the Technical Consultant. Should the TAC member need to discuss and clarify input via phone call with any TAC member or the Technical Consultant, the results of that call will be documented via email and distributed to the entire TAC membership and Technical Consultant.