



STAFF REPORT

TO: Butte County Water Commission

FROM: Kristen Hard, Manager – Program Development
Water and Resource Conservation

SUBJECT: Recommendation of the Water Commission Sub-Committee on process of appointment to the Water Advisory Committee when multiple stakeholders express interest in representing one sub-inventory unit.

DATE: June 14, 2007

BACKGROUND

Chapter 33A of the Butte County Code states that the Board of Supervisors (Board) shall consider all candidates for the Water Advisory Committee (WAC) who meet the requirements of 1) residing, owning property or having their principle place of business within the sub-inventory unit, and 2) have been nominated by the citizens of the sub-inventory unit. WAC members shall be appointed by the Board according to Chapter 33A-4:

The WAC shall be an advisory committee comprised of area-specific members, with one member appointed from each defined sub-inventory unit within the Sacramento Valley Groundwater Basin portion of the county, and one each from the Foothill and Mountain inventory units, as defined in the 2001 Butte County Water Inventory/Analysis report. Additional at-large members shall be appointed, one from each incorporated municipality in the County: Chico, Oroville, Paradise, Gridley and Biggs, one from the agricultural community, one from the environmental community and one from each organized watershed group in the County. Only the representatives of the 16 sub-inventory units actually prepare a BMO.

The volunteers comprising the WAC are charged with representing stakeholders in their area of interest and developing the Basin Management Objectives (BMOs) for monitoring groundwater levels, groundwater quality and land subsidence. WAC representatives of each sub-inventory unit shall be solely responsible for the development of the BMO for their sub-inventory unit, however, staff is available to assist in any manner necessary to complete the BMO. These representatives also participate in reviewing and forwarding a collective BMO package to the Board each year. Annual BMOs need to be submitted by the WAC representatives to this Department no later than February 1 each year.

The WAC bylaws further define duties stating that the WAC shall meet a minimum of four times a year, but as many times as necessary to compile the annual BMOs. The recommendations for the collective BMO packet originate with the WAC, go to the Technical Advisory Committee (TAC) and Water Commission for review and support before being sent to the Board for approval and adoption. Representatives and stakeholders must prove that their established BMOs will not exceed or impact their neighboring sub-inventory unit BMOs. The calendar of important dates for the WAC, as well as the current list of appointed Representatives, is available on the Water and Resource Conservation website. Attendance at these calendared meetings is necessary, however with a notification prior, excused absences are allowed. Three missed meetings without prior notification to the Department are cause for removal by the Board.

DISCUSSION

In the past, the Water Commission has worked with staff to support and recommend to the Board those stakeholders who have submitted letters of interest, and proven sufficiently knowledgeable of the issues and responsibilities of the WAC. However, the issue of multiple parties wishing to serve as the Representative to the WAC for one sub-inventory unit has come before the commission several times since the beginning stages of forming the WAC. Minutes from the December 7, 2004 Water Commission meeting reflect that the Commission directed staff to contact each of the persons interested in filling the position, clearly inform them of the commitment and duties associated with the position, and request that they submit a letters of interest and stakeholder support to the Department of Water and Resource Conservation. Those letters would be brought forward to the Commission for further review, and at that time a decision would be made on whom to recommend to the Board of Supervisors for filling the position. If the Commission could not make a decision based on reviewing the letters of interest and staff input, a Sub-Committee would be formed to further interview the candidates.

This Sub-Committee and interview process has not yet been formalized, but at the May 1, 2007 Water Commission meeting staff was directed to compile a proposed process for the Commission to follow in the instances where multiple parties express interest in representing the same sub-inventory unit. Three Commissioners were designated to the Sub-Committee to review and forward the process to the full Commission.

RECOMMENDATION

The need for filling a WAC position begins with a letter of resignation from the outgoing WAC representative. The position vacancy is then posted for ten working days according to the Maddy Act by the Administration Office. Adopting a formal process by which the Water Commission can select one candidate from multiple interested candidates to recommend to the Board as a WAC representative for a sub-inventory unit will provide consistency and fairness. In order to streamline the process, the Sub-Committee recommends the following be considered.

- Staff will begin to notify stakeholders and appropriate contacts of the position vacancy. This usually generates sufficient interest to get one or more interested candidates.
- Staff will verify that an interested candidate is in fact eligible for the position according to Chapter 33A criteria of residing, owning property or working in the sub-inventory unit and having stakeholder support.
- Staff will request from all candidates letters of interest, expressed stakeholder support and some description of their historical knowledge of groundwater issues. If there is only one candidate interested in the position, staff will introduce the candidate to the Water Commission for their support to forward to the Board.
- Upon receipt of multiple letters of interest, staff will work with stakeholders in the sub-inventory unit to define the criteria necessary for a Representative of the sub-inventory unit, schedule interviews of the interested parties, and determine the best suited candidate.
- Staff will then bring forward the one candidate selected by the stakeholder group to the Water Commission for their support.
- If the stakeholders cannot forward one candidate, the Water Commission will then convene a Sub-Committee to interview the candidates and make a determination. This Sub-Committee will be comprised of three Commissioners; one appointed by the Supervisor representing that geographic area, one representing an overlapping or adjacent geographic area, and one designated at the discretion of the Chair of the Commission.
- The Sub-Committee will present their findings of support for one candidate to the full Commission, who will in turn make a recommendation to the Board of Supervisors.
- Staff will then take the recommendation forward to the Board of Supervisors. Following the decision of the Board, the candidate will be notified of their selection by the Clerk of the Board.

It should be noted that a Sub-Committee of the Water Commission will only be convened in those instances where the stakeholders are unable to reach a decision on one candidate to forward to the full Commission, or where the public requests an appeal of the process and/or candidate selected as the Representative.