

California Water Quality Monitoring Council

Governance



This document is intended to record information relevant to the governance of the California Water Quality Monitoring Council. It will be amended and updated by the Monitoring Council as necessary and appropriate, and as additional governance issues arise.

A. Background and Responsibility

California [Senate Bill 1070 \(Kehoe, 2006\)](#) required that the California Environmental Protection Agency (Cal/EPA) and the California Natural Resources Agency enter into a [Memorandum of Understanding \(MOU\)](#) establishing the [California Water Quality Monitoring Council](#). The legislation and MOU task the Monitoring Council with developing recommendations for a comprehensive monitoring program strategy to improve the efficiency and effectiveness of water quality and associated ecosystem monitoring and assessment activities in California through coordination among organizations both inside and outside state government. The legislation and MOU also call for monitoring and assessment information to be made available to decision makers and the public via the Internet.

The scope of monitoring considered by the Monitoring Council is called out in the legislation as water quality and associated ecosystem health. Consequently, the MOU discusses healthy ecosystems, water quality, wildlife populations, and habitat. This led the Monitoring Council to define its scope to include surface waters (streams, rivers, lakes, wetlands, and the coastal zone) along with their related ecosystems, wildlife populations and habitats, as well as groundwater.

Actions of the Monitoring Council are advisory to the Secretaries of Cal/EPA and the Natural Resources Agency, who can implement those recommendations through their departments, boards, commissions, and conservancies. The Monitoring Council's authority consists of its ability to set examples, offer persuasive recommendations, and encourage member agencies and organizations to participate. The Monitoring Council does not have authority to set standards.

B. Membership

Members of the Monitoring Council are appointed by the Secretaries of Cal/EPA and the Natural Resources Agency to represent upper-level staff from participating entities with major roles as generators or users of water quality and related ecosystem monitoring data. The Monitoring Council currently consists of ten Members, each representing one of the following entities or interests. Each Monitoring Council Member has specified entities that they respectively represent for the purpose of vetting potential replacement Members, which are shown below each Member category.

- a) California Environmental Protection Agency (Co-Chair)
 - State Water Resources Control Board and Regional Water Quality Control Boards
- b) California Natural Resources Agency (Co-Chair)
 - California Natural Resources Agency and organizations within that agency

- c) California ~~Department of Public Health~~Division of Drinking Water
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- d) Regulated Community – Stormwater
 - California Stormwater Quality Association
- e) Regulated Community - Publicly Owned Treatment Works
 - Tri-TAC; California Association of Sanitation Agencies
- f) Agriculture
 - California Farm Water Coalition
- g) Citizen Monitoring Groups
 - Klamath Basin Monitoring Program
- h) The Public
 - Individual Waterkeepers; Natural Resources Defense Council; Heal the Bay; Southern California Watershed Alliance
- i) Scientific Community
 - University of California
- j) Water Supply
 - Association of California Water Agencies; State Water Contractors; California Urban Water Agencies; Central Valley Project Water Association

Each Council Member may designate an Alternate to act for the Member when the Member is not able to attend a meeting, or otherwise perform Member duties. The current list of Members and Alternates is displayed on the [Monitoring Council's website](#).

Neither the term of the Monitoring Council nor of its Members is specified in legislation or in the MOU. However, the Monitoring Council has determined that their continued efforts will be needed to ensure consistent, long-term progress in meeting the goals of CA SB 1070. As such, the Monitoring Council will have a long-term role to oversee implementation of its comprehensive strategy.

Upon resignation of an existing Monitoring Council Member, a new Member is selected and approved as follows:

- 1) Nomination by Water Board staff or Council Member(s) with input from represented entities;
- 2) Vetting with represented entities by staff and/or outgoing Council Member;
- 3) Selection of the replacement Member by the Monitoring Council Co-Chairs;
- 4) Notification of the selection to the Agency Secretaries along with background information; and
- 5) Confirmation of the new Member's status upon concurrence by or lack of response from the Agency Secretaries within 30 days.

C. Meetings

[Meetings of the Monitoring Council](#) are normally held once every other month, alternating between Sacramento and Costa Mesa. Meetings of the Monitoring Council are open to the public and noticed in advance with prepared agendas, as required by the Bagley-Keene Open Meeting Act (Government Code §11120 *et seq*). The Open Meeting Act imposes three main duties on the Monitoring Council:

- 1) Give adequate notice of meetings to be held;
- 2) Provide an opportunity for public comment; and
- 3) Conduct such meetings in open session, except where a closed session is specifically authorized.

A “meeting” includes any congregation of a majority of Monitoring Council Members or Alternates (i.e., a minimum of six) at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Monitoring Council. As a general rule, all voting on items of business to be transacted will be done at a public meeting. Voting by proxy is not authorized. Items not included on the agenda will not be discussed at the meeting, even if no action is to be taken.

D. Decision Making Process

To date, the Monitoring Council has depended on an informally structured process for setting priorities and making decisions that depends on informal discussion and the emergence of consensus, largely without formal ground rules or decision criteria. Items requiring a vote will be decided by the concurrence of more than 50 percent of voting Members and Alternates present. Decisions are made in public, during formally noticed regular meetings, in order to maintain a transparent process that enables formal input, organizes technical efforts, and publicizes results and recommendations.

E. Strategy Implementation

The Monitoring Council will leverage existing monitoring, assessment and reporting programs to implement its vision through outreach, relationship building, and coordination with other state, federal, and local agencies involved in monitoring and assessment, augmented with contracting or other “for hire” activities as needed and as available resources permit. Equal participation from organizations within both Cal/EPA and the Natural Resources Agency are needed for the strategy to be successful. The Monitoring Council prefers to implement its decisions through collaboration among participating entities, but is willing to pursue more directed action as needed to break through institutional barriers and other constraints. Such directed action includes making recommendations to the Agency Secretaries for action by individual boards, departments, commissions and conservancies and proposing legislative solutions.

The Monitoring Council has agreed that the level of effort to implement its comprehensive monitoring program strategy will depend on available funding. Until additional funding has been identified and secured, the Monitoring Council will maintain its meeting schedule to maintain visibility, ensure ongoing efforts are as successful as possible, and work together to pursue additional funding.

F. Theme-Specific Workgroups

According to the Monitoring Council’s strategy, theme-specific workgroups are on the front lines of communication, coordination, and collaboration. Each workgroup is empowered by the Monitoring Council to address a specific theme in water quality or related ecosystem health, approaching problems from the users’ perspective to make data comparable and accessible to multiple audiences. A Monitoring Council workgroup is composed of experts representing a variety of agencies and entities, both within and outside state government, who are involved or have expertise in water quality and/or associated ecosystem monitoring and assessment that relates to a specific theme (e.g., the safety of eating fish from our waters).

Under Monitoring Council oversight, the workgroup uses their collective scientific interest and capacity to design, develop and maintain an Internet portal focused on their theme, thereby bringing monitoring and assessment information to the public in an easily understood manner. As a portal is developed, maintained and enhanced, the workgroup strives to concurrently review and enhance the associated monitoring and assessment efforts that underlie the portal, according to performance measures

developed by the Monitoring Council. This may include coordinating monitoring and assessment activities, discovering and breaking down existing barriers to information sharing, and enhancing the efficiency and effectiveness of monitoring, assessment, and reporting for their theme. Each workgroup seeks to achieve the level of standardization necessary to meet the needs of the information users, in a manner that achieves an appropriate balance between statewide consistency and regional flexibility.

Each workgroup periodically reports to the Monitoring Council, raising issues that cannot be internally resolved, that may cross multiple themes, or otherwise require Monitoring Council action. The Monitoring Council establishes common policies and guidelines for the workgroups and the monitoring programs they represent, and acts as a clearinghouse for standards, guidelines, and collaboration.

Disagreements, either within a workgroup or between a workgroup and entities that have been identified as key sources of data or assessment tools, should be resolved using the following process, only as far as needed:

- a) Workgroup attempts to resolve;
- b) Workgroup raises unresolved issues to Monitoring Council;
- c) Monitoring Council deliberates and develops a recommendation; and
- d) Monitoring Council agency representative(s) brief Agency Secretary(ies) on the issue and its recommended solution(s).

Information on the theme-specific workgroups is available on the [Monitoring Council's website](#). See the Monitoring Council's [Guidelines for Workgroups and the Development of My Water Quality Theme-Based Internet Portals](#) for additional information on workgroup responsibilities.

G. Data Management Workgroup

The Monitoring Council has determined that a Data Management Workgroup is needed to develop a recommended strategy for water quality and related ecosystem data sharing and integration between state agencies and others. The scope of the strategy should include those information management, Internet, and GIS issues for which standardization is essential to the efficient delivery of information to the user. The Data Management Workgroup should focus on the infrastructure necessary to support the *My Water Quality* internet portals being developed by the theme-specific workgroups, should endeavor not to delay portal development, and should estimate the costs of its recommendations. To the extent practicable, the Data Management Workgroup should refrain from determining portal content. The Data Management Workgroup will be formed and operate in a manner similar to the theme-specific workgroups discussed above and will coordinate with the California Office of the State Chief Information Officer on statewide information technology standards. Due to the wide variety of data types involved, the Monitoring Council believes that the Natural Resources Agency should lead the Data Management Workgroup effort.

H. Staff to the Monitoring Council

CA SB 1070 calls for the Monitoring Council to be administered by the State Water Resources Control Board. The Monitoring Council has appointed an Executive Director from within the State Water Board's Office of Information Management and Analysis to represent the Monitoring Council to executive management of other governmental agencies, departments, non-governmental organizations and stakeholders and to develop policy recommendations to the Monitoring Council. The Monitoring Council has also appointed an Assistant Director from within the Natural Resources Agency to assist the Executive Director with conducting the day-to-day administration of the Monitoring Council. Duties include identifying and organizing issues, eliciting and developing points of view and alternative solutions, organizing theme-specific workgroups, assigning tasks to workgroups and contractors, elevating potential disputes to the Council or its Co-Chairs, facilitating Monitoring Council meetings,

managing the production of any Council products, and coordinating the development of website(s) and other materials for the Monitoring Council.

In addition to the above-listed tasks, the Monitoring Council hereby authorizes the Executive Director, with the support of the Assistant Director, to:

- a) Represent the Monitoring Council in meetings with managers and staff of state agencies identified in California Water Code Section 13181(a)(5)(B), as well as other state, federal and local governmental agencies, institutions of higher education, the regulated community, citizen monitoring groups, and other non-governmental organizations involved in the monitoring and/or assessment of the health of the state's waters; and
- b) Comment on proposed projects and programs related to implementation of the Monitoring Council's *A Comprehensive Monitoring Program Strategy for California*.

In exercising the authority in (a) and (b) above, the Executive Director and Assistant Director are directed, without restricting the authority specified, to bring the following matters to the attention of the members of the Monitoring Council at a regular public meeting or by other appropriate communication:

- 1) Matters of a unique or unusual nature;
- 2) Matters that appear to depart from the recommendations of the Council;
- 3) Matters involving significant policy questions;
- 4) Highly controversial matters;
- 5) Matters that involve a substantial risk of litigation;
- 6) Any matter that a Council Member requests to be brought to the attention of the Council; and
- 7) Any matter that, in the judgment of the Executive Director, should be brought to the attention of the Council.

Should the Executive Director be unsure as to whether direction from the entire Council is needed or should timing not permit obtaining direction from the entire Council, the Executive Director shall consult with the Council Co-Chairs as to whether the entire Council need be consulted prior to taking action.

To successfully manage administration of the Monitoring Council, coordinate the activities of a wide range of workgroups, and provide outreach and support to prospective participating organizations and partners, additional coordinators will be needed.

I. Subcommittees of the Monitoring Council

Subcommittees of the Monitoring Council may be formed as needed to address specific issues and to report their findings and recommendations to the Monitoring Council as a whole. A subcommittee of the Monitoring Council would be composed of selected Council Members who have expressed interest in a specific topic. Pursuant to the Open Meeting Act, Monitoring Council Members who are not members of the subcommittee may only attend subcommittee meeting as observers.

To date, the Monitoring Council has not developed formal subcommittees. General interest has been expressed in the future formation of subcommittees to address the following topics:

- Financing/Funding
- Outreach to New Organizations & Working with Existing Work Groups
- Data Management Standardization
- Data Reports

J. Relationship to Agency Secretaries

CA SB 1070 tasks the Monitoring Council with making specific recommendations to the Secretaries of Cal/EPA and the Natural Resources Agency, including recommendations for a comprehensive monitoring program strategy for California. Due to the Monitoring Council's lack of formal authority, responsibility to implement the strategy largely rests with the two Agency Secretaries and the organizations within their two agencies.

In its December 2008 initial recommendations report, the Monitoring Council requested that the Secretaries:

- 1) Endorse the Monitoring Council's vision and empower the Monitoring Council to guide its development;
- 2) Direct the boards, conservancies, commissions, departments, and offices within Cal/EPA and the Natural Resources Agency to support and participate in these efforts; and
- 3) Seek sufficient resources to ensure long-term sustainability.

During implementation of the comprehensive monitoring program strategy, the Monitoring Council will raise critical issues to the Agency Secretaries for resolution, as indicated above.

The legislation tasks the Cal/EPA Secretary, in consultation with the Secretary for Natural Resources, with conducting triennial audits of the effectiveness of the comprehensive monitoring program strategy, including the extent to which the strategy has been implemented, the effectiveness of the monitoring and assessment program and the Monitoring Council with regard to tracking improvements in water quality and evaluating the overall effectiveness of related state agency programs and of state and federally funded water quality improvement projects.

To aid in the development of these audits, the Monitoring Council has committed to provide the Agency Secretaries with annual progress reports. Following submission of these annual reports briefings will be conducted with the Agency Secretaries, patterned after those given by the Monitoring Council Coordinator and selected Monitoring Council Members in 2010.

K. Relationship to Citizen and Regional Monitoring Efforts

The main focus of the Monitoring Council's comprehensive monitoring program strategy is on monitoring, assessment and reporting efforts that have a statewide perspective. However, local and regional monitoring programs and those of citizen monitors play a crucial role. To foster dialogue with and between these programs, The Monitoring Council has partnered with the Water Boards' Surface Water Ambient Monitoring Program, Non-Point Source Program, and the U.S. Environmental Protection Agency to develop a series of voluntary monthly webinars (web-based seminars) to support monitoring community activities. The [Water Quality Monitoring Collaboration Network \(WQMCN\)](#) webinar series allows members of the monitoring community to network and exchange information and ideas on topic of interest. The webinar format, content, and topics of interest vary in response to input from participants. Sessions are planned to share technical and support tools for monitoring, assessment and reporting; to encourage discussion on common concerns like information management and program development; and to provide a forum for networking and collaboration. It is envisioned that the Collaboration Network will help support a state framework to coordinate consistent and scientifically defensible methods and strategies for improving water quality monitoring, assessment, and reporting.

L. Relationship to the National Water Quality Monitoring Council

Members of the California Water Quality Monitoring Council and the Monitoring Council's Executive Director and Assistant Director will participate, as resources permit, in the efforts of the [National Water Quality Monitoring Council](#), including attending national conferences and participating in the national

council's webinar series and workgroups. The goal is to learn from the success of other state and regional monitoring councils and to share lessons learned in California.