



**March 4, 2002**

**To: Members, Ad-Hoc Work Group on Urban Certification**  
**From: Bennett Brooks and Eric Poncelet, CONCUR**  
**Re: Key Outcomes: February 28, 2002, Meeting**

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Thank you for participating in the first meeting of the Ad-Hoc Work Group on Urban Certification, held February 28, 2002, in Sacramento. Below please find a brief discussion summary.

**I. Participants:**

The following stakeholders and agency representatives attended the Work Group meeting: Mary Lou Cotton, Rich Plecker, Doug Wallace, Chris Dundon, Joe Berg, Bill Jacoby, Kirk Brewer, Richard Harris, Mike Hollis, Hossein Ashktorab, Julie Maclay, Walt Pettit, Ed Osann, Roberta Borgonovo, Dana Haasz, Fran Spivy-Weber, Lynn Barris, Tom Howard, Mary Ann Dickinson, Luana Kiger, Marsha Prillwitz, Greg Smith, Carmen Harms, Lucille Billingsley and Meena Westford. Also in attendance were the following facilitation team members: WUE Program Manager Tom Gohring, and Bennett Brooks and Amy LeBlanc, both of CONCUR, Inc.

**II. Meeting Materials:**

The following meeting materials were provided at the meeting as handouts:

- Agenda
- Discussion Notes
- Draft Proposed Purpose
- Draft Proposed Ground Rules
- CONCUR stakeholder interview summary
- Overview of CUWCC MOU Structure and Certification-Related Work
- List of Key Issues to Resolve
- Draft Proposed Schedule and Milestones for Developing Urban Certification Framework
- Draft Proposed Table of Contents

All materials are to be updated, based on the discussions, and posted on the CALFED web page.

### **III. Key Outcomes:**

The meeting – the first of the Ad Hoc Work Group – focused primarily on issues related to the Work Group’s purpose, approach, work plan and schedule. In covering these topics, the discussion focused on and highlighted several key themes. These are:

- **Work Group Focus.** Discussions focused on clarifying the primary intent of the Work Group’s deliberations: to assist the Program Manager in determining what a certification framework should look like, *not* when it should be implemented. T. Gohring did note that he may seek participants’ input on implementation-related issues, such as the factors CALFED decision-makers should take into account when considering implementation. But he emphasized that it is the responsibility of the Bay-Delta Public Advisory Committee and the CALFED Policy Group –not the Ad Hoc Work Group – to address and resolve issues related to Program-wide balancing and implementation considerations.
- **Timeline.** Much of the discussion focused on the suggested timeframe for deliberations related to an urban certification framework. Specifically, several participants from environmental organizations recommended a more ambitious schedule in order to: 1) assist the WUE Program Manager in meeting relevant ROD commitments; and, 2) ensure adequate time for review by CALFED stakeholder and agency decision-making bodies. After a lengthy discussion, participants agreed to a more aggressive and ambitious meeting schedule – strive to develop an Agreement-in-Principle by mid-April and a final, more detailed approach by the end of May 2002 – but acknowledged the following:
  - A compressed meeting schedule may impact some participants’ ability to fully and timely vet ideas within their organizations.
  - A narrower timeframe may impinge upon the group’s ability to benefit from technical discussions taking place within the California Urban Water Conservation Council (Council’s) but not expected to conclude by May.
  - The facilitation team will need to develop materials that synthesize past discussions – both issues and options – and highlight areas of emerging agreement.
  - CALFED review bodies may ask for additional deliberations that extend the group’s discussions beyond the timeframe outlined in the Ground Rules.

Based on these considerations, participants agreed to closely track progress and flag emerging concerns, as necessary. The updated schedule is included in both the revised Ground Rules and the revised Timeline discussed below.

- **Certification framework level of detail.** Participants discussed the look and feel of a final certification framework, focusing in particular on the appropriate level of detail necessary to incorporate in a staff-driven proposal. T. Gohring suggested that there is no “correct” level of detail. Rather, he said, the appropriate level of detail will likely be driven by: (1) what can be accomplished in the time allowed; (2) what

can be resolved given the remaining technical uncertainties; (3) what is better deferred to the post-legislative, regulatory drafting process; and (4) what is necessary to build a broadly supported framework among the affected stakeholders. To ensure the discussions remain on track, participants called on the facilitation team to ensure that discussions do not get mired in any one topic for too long.

Specific suggested changes to the documents under review are noted in the section below and reflected in the attached revised materials.

***CONCUR Stakeholder Interview Summary:***

B. Brooks reviewed the key findings and preliminary recommendations developed based on CONCUR's interviews with nearly two dozen stakeholders. A copy of the report can be found on CALFED's web page.

***Work Group Purpose Statement:***

Participants reviewed and discussed the draft proposed Purpose Statement, noting the importance of the Work Group's deliberations in helping CALFED meet ROD commitments. Meeting participants broadly supported the approach outlined in the document, while offering the following revisions:

- Better articulate the linkage to the Council's ongoing efforts related to certification.
- Clarify that it is the responsibility of the Bay-Delta Public Advisory Committee and the CALFED Policy Group – not the Urban Certification Ad Hoc Work Group – to address balancing issues related to implementation timing.

A final proposed Purpose Statement, updated to include these suggestions, is attached.

***Ground Rules:***

Participants reviewed and discussed the draft Ground Rules proposed by CONCUR to guide the Work Group's deliberations. Participants suggested the following revisions to the proposed Ground Rules:

- Revise the mission statement to ensure it is consistent with the language and commitments included in the CALFED Record of Decision.
- Broaden participation to include stakeholders interested and willing to commit the time necessary to participate in the Work Group. Based on this suggestion, representatives from both Santa Clara Valley Water District and Municipal Water District of Orange County are to be included as formal members of the Work Group. In recommending this approach, participants acknowledged that:
  - Further additions to the Work Group should be considered on a case-by-case basis, and,
  - Issues related to balance and size will be considered, as necessary, when and if other entities seek to participate.

- Revise schedule-related language to reflect the Work Group's decision to pursue a more aggressive timeline. Specific changes include: (1) striving to complete an Agreement-in-Principle by mid-April; and, (2) striving to complete a more comprehensive framework by the end of May.

Participants also highlighted several other key points in the discussion, including:

- Stressing the value of in-person participation for full Work Group meeting, but acknowledging that occasional teleconference participation may be unavoidable. Participants further agreed that drafting teams will generally meet via teleconference.
- Emphasizing the importance of briefing colleagues – both laterally and vertically – on ideas under discussion and then raising their suggestions and/or concerns for the Work Group's considerations. While participants acknowledged the need for informed deliberations, several water suppliers stressed the difficulty of briefing and speaking for the full complement of water suppliers.
- Making clear that non-Work Group participants attending the meetings are invited to both track *and* offer comments on items under discussion.

A final set of proposed Ground Rules, updated to include these suggestions, is attached.

#### **Key Issues:**

Meeting participants broadly agreed with the draft proposed List of Key Issues and saw the outline as a helpful tool for structuring future deliberations. Participants offered only one concrete suggestion for revising the list:

- Make clear the distinction between funding necessary to undertake conservation actions (WUE loans and grants) and funding necessary to implement an urban certification process

A final proposed List of Key Issues, updated to include these suggestions, is attached.

#### **Timeline/Milestones:**

Like the Ground Rules discussion, participants suggested revisions to make the proposed timeline consistent with the more aggressive schedule discussed by the Work Group. Specifically, participants suggested shifting the deadline for a final staff-driven work product to May from July. A final proposed Timeline, updated to include these suggestions, is attached.

#### **IV. Next Steps:**

Based on the discussions, participants agreed to a series of next steps intended to facilitate the Work Group's deliberations and support the aggressive timeline noted above. Specific next steps are outlined below.

**Meeting Schedule:**

Given participants' interest in forwarding a suggested framework to CALFED's formal decision-making bodies, the Work Group agreed to the following proposed meeting schedule:

<u>Date</u>	<u>Time</u>	<u>Meeting Type</u>	<u>Location</u>
Thursday, March 21	11 a.m. – 4 p.m.	In-person	Sacramento
Thursday, April 11	9:30 a.m. – 4 p.m.	In-person	Sacramento
Tuesday, April 30	9:30 a.m. – 4 p.m.	In-person	Los Angeles
Thursday, May 30	9:30 a.m. – 4 p.m.	In-person	Sacramento

Information on specific locations, agendas and teleconference call-in numbers are to be distributed at a later date.

**Drafting Team Meeting:**

Participants agreed to hold a drafting team meeting – via teleconference – on Monday, March 11, from 1-4 p.m., to review the proposed key issues list and begin reviewing options for addressing the various topics. Drafting Team participants are: Hossein Ashktorab, Mary Lou Cotton, Doug Wallace, Ed Osann, Roberta Borgonovo and Mary Ann Dickinson. The facilitation team also will participate.

To support the group's deliberations, the facilitation team will prepare in advance a matrix organizing the following information: (1) issues, (2) options, (3) areas of emerging/apparent agreement, (4) considerations, (5) information needs; and, (6) potential to resolve issues by May.

**Other:**

In addition to the items outlined above, the Work Group agreed to the following next steps:

- Update and post materials under discussion on the CALFED web page.
- Arrange a briefing with the California Public Utilities Commission (CPUC) to explain the Work Group's focus and consider strategies for involving the CPUC in relevant discussions.

**Attachments:**

Final Purpose Statement  
Final Ground Rules  
Final Timeline  
Final List of Key Issues