

January 2015

DRAFT CHARTER

Regional Monitoring Program for Water Quality in San Francisco Bay

Purpose, Organization and Governance

1.0 Introduction and Background

1.1 Purpose

This Charter describes the purpose and function of the Regional Monitoring Program for Water Quality in San Francisco Bay (RMP). Established in 1993, the RMP is a collaborative effort between the San Francisco Estuary Institute, the California Regional Water Quality Control Board, San Francisco Bay Region, and the regulated discharger community.

1.2 Definitions

RMP or “the Program” means the Regional Monitoring Program for Water Quality in San Francisco Bay;

The “Regional Board” means Regional Water Quality Control Board, San Francisco Bay Region;

USEPA mean the U.S. Environmental Protection Agency, Region IX

SFEI or “the Institute” means San Francisco Estuary Institute;

“Participants” means organizations that contribute to the RMP to satisfy a permit condition, the Regional Board, USEPA, and SFEI (see Appendix A);

“Participant Groups” means groups of similar types of Participants such as publicly owned treatment works (POTWs), dredgers, stormwater agencies, refineries & industrial dischargers, cooling water dischargers, and the individual regulatory agencies; and

“Representative” means a person who represents a particular Participant Group on a committee.

“Interested Parties” means organizations or individuals who have expressed an interest in the Program, such as non-governmental organizations, state agencies, federal agencies, and businesses, but are not Participants as defined above.

Commented [P1]: One issue that comes up throughout the document is: Who should be on the “Interested Parties” list and how should this list be used to notify non-Participants of meetings and decisions?

“Interested Parties” should be defined here rather than editing the dozens of references throughout the document.

2.0 Guiding Principles of the Regional Monitoring Program

STEERING COMMITTEE REVIEW NOTE: THESE PRINCIPLES HAVE GENERALLY BEEN DISTILLED FROM PROGRAM DOCUMENTS AND ASSESSMENT INTERVIEWS.

The overarching goal of the RMP is to collect data and communicate information about water quality in San Francisco Bay in support of management decisions. The RMP was created in 1993 through Regional Board Resolution No. 92-043 that directed the Executive Officer to implement a Regional Monitoring Plan in collaboration with permitted dischargers pursuant to California Water Code, Sections 13267, 13383, 13268, and 13385. The goal was to replace individual receiving water monitoring requirements for dischargers with a comprehensive Regional Monitoring Program.

The Program is guided by a Memorandum of Understanding (MOU) between the Regional Board and SFEI, first approved in 1996 and amended at various times since (see Appendix C of this Charter). Section VIII of the MOU states the roles and responsibilities of the Regional Board and SFEI in the implementation of the Program. Participating dischargers pay fees to the Program to comply with discharge permit requirements. The cost allocation schedule for Participants is described in Appendix B. The RMP provides an open forum for a wide range of Participant Groups and other Interested Parties to discuss contaminant issues, prioritize science needs, and monitor potential impacts of discharges on the Bay.

In support of the overarching goal described above, the following guiding principles define the intentions and expectations of RMP Participants. Implementation of the RMP will:

- Develop sound scientific information on water quality in the Bay;
- Prioritize funding decisions through collaborative discussions;
- Conduct decision-making in a transparent manner that consistently represents the diversity of RMP Participant interests;
- Utilize external science advisors for guidance and peer review;
- Maintain and make publicly available the data collected by the Program;
- Enhance public awareness and support by regularly communicating the status and trends of water quality in the Bay; and
- Coordinate with other monitoring and scientific studies in the Bay-Delta region to ensure efficiency.

3.0 Regional Monitoring Program Governance Structure

The RMP governance structure is comprised of a Steering Committee, Technical Review Committee and Workgroups. In addition, Strategy Teams are created to focus on specific program interests. SFEI serves as the Implementing Entity for the RMP. Figure 1 illustrates the RMP structure. The following sections describe the functions, roles, membership, and decision-making protocols of the various committees, workgroups, and teams in the RMP governance structure.

3.1 *Steering Committee*

The Steering Committee is a formal stakeholder body, structured to represent all of the RMP Participant Groups.

3.1.1 *Steering Committee Role*

The Steering Committee is the decision-making body for the RMP. All recommendations and information from various groups in the RMP governance structure ultimately flow to the Steering Committee to support its decision-making. Steering Committee meetings are held quarterly and in person. Meetings are open to the public. Notice is provided to non-members through an Interested Parties mailing list. The agenda packet is posted on the RMP website no less than one week before the meeting. SFEI staff attend meetings to share information, but do not participate in decision-making. Decisions are made by designated Representatives only (see sections 3.1.2 and 3.4).

The primary tasks of the Steering Committee include:

- Provide a management perspective that guides the direction of the RMP;
- Consider and decide whether to approve Technical Review Committee recommendations;
- Approve an annual workplan and budget;
- Allocate funds for key program areas and special studies;
- Track overall progress of the RMP;
- Review RMP operations and peer review processes to ensure optimal performance; and
- Address other administrative, strategic planning and “big picture” issues as needed.

3.1.2 Steering Committee Representatives and Commitment

The Steering Committee should include a Representative from each of the following Participant Groups:

- Small Municipal POTWs
- Medium Municipal POTWs
- Large Municipal POTWs
- Stormwater agencies
- Regional Water Board
- Petroleum Refineries
- Industrial Dischargers
- Dredgers
- US Army Corps of Engineers
- Cooling Water Dischargers

Each Participant Group selects their representative in a manner of their own choosing.

All Representatives work in partnership to fulfill their role on the Steering Committee. Representatives have no term limits and may continue to serve indefinitely with support of their Participant Group, unless removed as described in section 3.1.6.

Representatives are expected to read the agenda package and be prepared to discuss and act on recommendations from the Technical Review Committee as well as other issues related to the Steering Committee’s primary tasks. Representatives are also expected to keep their Participant Group, as well as Technical Review Committee Representatives for their same Participant Group, informed about Steering Committee activities, decisions, and outcomes, and bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at meetings. Conference calls and use of web-based conferencing tools afford an alternative method for Representative attendance at meetings.

3.1.3 Steering Committee Chair and Vice Chair

The diversity of tasks and decision-making that falls upon the Steering Committee necessitates effective agenda planning, facilitation, and Representative participation at any given meeting. To coordinate this process, the Steering Committee will select or reaffirm a Chair and Vice Chair, during the last meeting of the calendar year, using its decision-making procedures (see Section 3.4). The Chair and Vice Chair have no term limits and may continue to serve annual terms indefinitely with support of the Steering Committee.

Meeting agendas will be developed by SFEI staff in consultation with the Chair and Vice Chair of the Steering Committee. The Chair will facilitate each meeting. If the Chair is absent, the Vice Chair will facilitate the meeting. If both the Chair and Vice Chair are absent from a meeting without notice but there is a quorum, the Representatives present will select a temporary Chair for the meeting.

The Chair and Vice Chair are also responsible for maintaining consistent representation of RMP Participant Groups. This includes communication with existing Representatives to

Commented [P2]: Should the POTWs be segregated into 3 size categories? It would provide more flexibility to just have 3 representatives from POTWs regardless of their size.

Should Stormwater Agencies should have 2 seats on the SC? Stormwater Agencies have a cost allocation of 23.5% and have one seat. Dredgers have a cost allocation of 17.5% and have two seats (including USACE). Industrial discharges have a cost allocation of 11% and have two seats.

Should there be separate seats for both refineries and industrial dischargers? Refineries and industrial dischargers share a single cost allocation (11%).

promote regular participation in RMP activities, to address when participation is lacking, and to ensure Representatives remain interested in being involved with the Program.

3.1.4 *Steering Committee Alternates*

To ensure continuity and broad Participant Group attendance at Steering Committee meetings, Representatives are encouraged, but not required, to use Alternates on an as-needed basis. Alternates must be identified by the Representative to the RMP Manager and the Steering Committee Chair and Vice Chair in advance of a given meeting, be fully briefed by the Representative, and be able to represent the interests of the Participant Group during the meeting. Alternates are expected to be informed on RMP activities by the Representative on an ongoing basis and be fully prepared to discuss agenda items and participate in decision-making. No items addressed at previous meetings will be revisited to accommodate an Alternate.

3.1.5 *Steering Committee Representative Resignation and Replacement*

Representatives may resign from the Steering Committee at their choosing. If this occurs, the Participant Group will be notified and will be requested to select a new Representative for the Group. The Representative will use the following steps to resign:

1. Provide written resignation communication (e.g., letter, email) to the Steering Committee Chair, Vice Chair and RMP Manager at SFEI; and
2. Notify the Representative's Participant Group.

3.1.6 *Steering Committee Representative Removal (OPTIONAL)*

STEERING COMMITTEE REVIEW NOTE: A small minority of RMP Steering Committee members expressed concerns about the lack of consistent participation, at both the level of the Steering Committee and the Technical Review Committee, by other Members. Most others characterized the RMP as running smoothly. CCP recommends that while the RMP does not seem to need a 'member removal' provision at this time, it may be beneficial in the event that a situation arises in the future where a member needs to be or should be removed. CCP recognizes this is a challenging topic and we look forward to assisting the group to discuss the issue. This section can be removed if considered unnecessary or inappropriate. This comment and associated protocol may also apply to the Technical Review Committee.

Representatives are expected to uphold their commitments to actively participate in all Steering Committee meetings, review all materials in a timely and thoughtful manner, and be prepared to provide input and participate in Committee decision-making. If a Representative does not fulfill these commitments, he/she can be removed from the Steering Committee and be replaced by another person from the same Participant Group. If warranted, a Representative will be removed through the following steps:

1. The Steering Committee Chair will contact the Representative in question to better understand why he/she may not be fulfilling their commitments (as reflected in 3.1.2).

2. The Representative in question (and organization) will be allowed time (as determined by the Chair) to resolve his/her participation challenge and fulfill his/her commitments to the process.
3. If after the prescribed period of time, the Representative in question does not resolve his/her participation challenges, the Chair will provide a removal recommendation to the Steering Committee for discussion.
4. The Steering Committee will use its decision-making procedures outlined in section 3.4 to remove the Representative and/or organization and to start Representative replacement steps.

3.1.7 Steering Committee Representative Recruitment

At times, the Steering Committee Chair, Vice Chair, or SFEI staff may need to assist in the recruitment of Representatives, particularly in the event that a Participant Group does not select a Representative or for any other reason a Representative seat remains open. Under this scenario, the Chair, Vice Chair, and RMP Manager will seek out candidates who can represent the Participant Group and are familiar with the Program. If a potential candidate is found, the Chair, Vice Chair, or RMP Manager will present the candidate to the Participant Group. The Participants in this Group will decide whether or not this person will represent them on the Steering Committee.

3.2 Technical Review Committee

Similar to the Steering Committee, the Technical Review Committee is a formal stakeholder body, structured to represent the Program Participant Groups.

3.2.1 Technical Review Committee Role

The Technical Review Committee provides oversight of the technical content and quality of scientific investigations conducted for the RMP and serves as the critical link for recommendations that emanate from Workgroups and Strategy Teams and advance to the Steering Committee. Representatives are expected to possess either technical expertise or management experience on the topics under consideration by the RMP.

The Technical Review Committee reviews special study proposals developed by the various Workgroups and Strategy Teams. Following a review of proposal pros, cons, and costs, the Technical Review Committee makes recommendations to the Steering Committee on which proposals should be funded. The Technical Review Committee also provides oversight for Status & Trends monitoring, reviews reports from completed studies, and reviews RMP communication products to technical accuracy.

Technical Review Committee meetings are held quarterly and in-person. SFEI staff attends Technical Review Committee meetings to provide information but does not participate in decision-making. Meetings are open to the public. Notice is provided to non-members through an Interested Parties mailing list. The agenda packet is posted on the RMP website no less than one week before the meeting.

3.2.2 Technical Review Representatives and Commitment

REVIEW NOTE: This draft charter is proposing that TRC membership mirrors the Steering Committee structure. Five TRC Members currently represent three municipal POTW seats. The Steering Committee will have to ask these TRC Members who will represent the three seats.

The Technical Review Committee representation is the same as the Steering Committee plus U.S. Environmental Protection Agency. To ensure a formalized connection between the Steering Committee and Technical Review Committee, it is desirable (but not required) that one Technical Review Committee Representative also sits on the Steering Committee. The Technical Review Committee has Representatives from the following Participant Groups:

- Small Size Municipal POTWs
- Medium Size Municipal POTWs
- Large Size Municipal POTWs
- Stormwater agencies
- Regional Water Board
- US Environmental Protection Agency
- Refineries
- Industrial Dischargers
- Dredgers
- US Army Corps of Engineers
- Cooling Water Dischargers

All Representatives work in partnership with each other and SFEI to fulfill their role on the Technical Review Committee. Representatives have no term limits and may continue to serve indefinitely with support of their Participant Group, unless removed as described in section 3.2.6.

Continuity of attendance at Technical Review Committee meetings by a balanced and representative array of Participant Groups is critical to produce informed and equitable recommendations. Representatives are expected to read the agenda package and adequately prepare for meetings in order to discuss agenda items and make recommendations for Steering Committee consideration. Representatives are also expected to keep their respective Participant Groups, as well as Steering Committee Representatives for the same Participant Group, informed about Technical Review Committee activities, decisions, and outcomes, and bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at meetings. Conference calls and use of web-based conferencing tools afford an alternate method for Representative attendance at meetings.

3.2.3 Technical Review Committee Chair

The number and type of agenda items to be considered at each Technical Review Committee meeting requires thoughtful agenda planning, preparation of information, facilitation, and Representative participation. To coordinate this process, the Technical Review Committee will, during the last meeting of the calendar year, select or reaffirm a

Commented [P3]: The SC and TRC should discuss this recommendation and who might fill this role.

Commented [P4]: The comments regarding the number of seats on the SC also apply to the TRC representation.

Chair using its decision-making procedures (see Section 3.4). The Chair may continue to serve indefinitely with support of the Technical Review Committee.

Commented [P5]: Should the TRC have a vice chair also?

Meeting agendas are developed by SFEI staff in consultation with the Chair. The Chair will facilitate each meeting. If the Chair will be absent, he/she will appoint a temporary Chair in advance of the meeting to provide facilitation. If the Chair is absent from a meeting without notice but there is a quorum, the Representatives present will select a temporary Chair for the meeting.

As needed or appropriate, the Chair will attend Steering Committee meetings to explain the rationale behind recommended projects and/or studies and to answer questions.

3.2.4 Technical Review Committee Alternates

To ensure continuity and broad Participant Group attendance at Technical Review Committee meetings, Representatives are encouraged, but not required, to use Alternates on an as-needed basis. Alternates must be identified by the Representative to the RMP Manager and the Technical Review Committee Chair in advance of a given meeting, be fully briefed by the Representative, and be able to represent the interests of the Participant Group during the meeting. Alternates are expected to be informed on RMP activities by the Representative on an ongoing basis and be fully prepared to discuss agenda items and participate in decision-making. No items addressed at previous meetings will be revisited to accommodate an Alternate.

3.2.5 Technical Review Committee Representative Resignation and Replacement

Representatives may resign from the Technical Review Committee at their choosing. If this occurs, the Participant Group will be notified and will be requested to select a new Representative for the Group. The Representative will use the following steps to resign:

1. Provide written resignation communication (e.g., letter, email) to the Steering Committee Chair, Vice Chair TRC Chair, and RMP Manager at SFEI; and
2. Notify the Representative's Participant Group.

3.2.6 Technical Review Committee Representative Removal

Representatives are expected to uphold their commitments to actively participate in all Technical Review Committee meetings, review all agenda materials in a timely and thoughtful manner, and be prepared to forge recommendations for Steering Committee consideration. If a Representative does not fulfill these commitments, he/she can be removed from the Technical Review Committee and be replaced by another person from the Participant Group. The Technical Review Committee will follow the protocols outlined in section 3.1.6 and gain the concurrence of the Steering Committee to remove Representatives.

3.2.7 Technical Review Committee Representative Recruitment

At times, the Technical Review Committee Chair or SFEI staff may need to assist in the recruitment of Representatives, particularly in the event that a Participant Group does not

select a Representative or for any other reason a Representative seat remains open. If recruitment is necessary, the Technical Review Committee will follow the protocols outlined in section 3.1.7.

3.3 Workgroups and Strategy Teams

Various Workgroups and Strategy Teams report to the Technical Review Committee. The Workgroups and Strategy Teams serve as the basis of the “bottom up” planning process by meeting as needed to develop long-term RMP study plans that address high priority topics.

3.3.1 Role of Workgroups and Strategy Teams

Workgroups and Strategy Teams guide the planning and implementation of pilot and special studies. Specifically, the Workgroups and Strategy Teams make recommendations to the Technical Review Committee regarding research priorities and technical products of specific Program areas. Workgroups cover broad themes (e.g., Emerging Contaminants) whereas Strategy Teams focus on more specific topics (e.g., PCB Strategy). Workgroups also provide peer review for specific Program areas.

Workgroup and Strategy Team meetings are held as needed. Meetings are usually in person, but occasionally via teleconference. SFEI staff develops Workgroup and Strategy Team meeting agendas, prepares relevant materials, and facilitates the meetings. Meetings are open to the public and notice is provided to Interested Parties through an Interested Parties mailing list. The agenda packet is posted on the RMP website no less than one week before the meeting. Conference calls and use of web-based conferencing tools afford an alternative method for attendance.

As needed, Workgroup or Strategy Team Representatives may attend Technical Review Committee meetings to explain the rationale behind proposed projects and/or studies and to answer questions.

3.3.2 Workgroup and Strategy Team Representatives and Commitment

Workgroups consist of RMP Participant Group Representatives, invited scientists recognized as experts in their field (Science Advisors, see Section 3.3.3), SFEI staff, and Interested Parties. Strategy Teams consist of RMP Participant Group Representatives, local scientists, SFEI staff and Interested Parties.

Each RMP Participant Group may send Representatives at its own discretion based on interest in a particular Workgroup or Strategy Team topic. Workgroup and Strategy Teams Representatives are expected to keep their respective Participant Groups informed about potential studies and research topics in order to bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at in-person meetings. Representatives are not required to have Alternates.

Representatives who wish to resign will notify the RMP Manager via email. Participant groups are encouraged to self-select replacements for Representatives that resign.

Commented [P6]: Should this process be improved to get feedback from Participants on the agenda?

Commented [P7]: Although improving, management of workgroup meetings remains an issue. Often too much material made available to late before a meeting. Should the Charter provide expectations for effective workgroup and team meetings?

Commented [P8]: Should there be different sets of Interested Parties for different WGs?

3.3.3 Science Advisors

An important component of the RMP planning and implementation process is robust, peer-reviewed science. RMP Workgroups include invited scientists that serve as external peer reviewers (Science Advisors). Science Advisors are individuals who possess expertise on topics applicable to the RMP. Each RMP science advisor is paid an annual honorarium. Science advisors have no personal interest or conflict of interest with studies performed under the RMP. Science advisors are selected by SFEI in consultation with Steering Committee and Technical Review Committee Representatives that are knowledgeable in the subject area. The specific roles of science advisors include the following:

- Ensure objectivity and quality of RMP studies;
- Participate in Workgroup meetings and assist in the development of recommendations for pilot and special studies; and
- Provide input and peer review on workplans, progress of studies, and technical products.

3.3.4 Workgroup and Strategy Team Chairs

No Workgroup or Strategy Team has an elected Chair. The RMP Manager or Lead Scientist facilitates Workgroup and Strategy Team meetings. This arrangement allows the SFEI Senior Scientists with expertise in the topic area to focus on technical presentations and discussion during the course of the meeting, rather than facilitating the discussion.

Commented [P9]: Should WGs and Strategy Teams be able to elect a chair if they want? An Chair might help RMP staff with developing agendas and engaging other WG participants.

3.3.5 Nutrient Management Strategy

Studies carried out in support of the San Francisco Bay Nutrient Management Strategy (NMS) receive funding from the RMP, funds mandated by a Bay-wide nutrient permit¹, the Regional Board, and other entities. As laid out in its Charter, the NMS Steering Committee (NSC) provides oversight for all nutrient studies completed with these pooled funds.

Commented [P10]: This section is a proposal to clarify the roles of the RMP and the NMS related to nutrient special studies. Both the RMP SC and the NSC should review this text.

There are several connections between the RMP and the NSC. First, there should be at least one member of the NSC that also serves on the RMP Steering Committee. Second, the NMS Nutrient Technical Workgroup serves as the forum through which RMP stakeholders can provide technical input on NMS work products, funding priorities, or other issues being considered by the NSC. Finally, the RMP and NSC have a duty to monitor how RMP funds are spent for nutrient research.

The following steps aim to clarify the roles of the two programs when RMP funds are contributed to fund NMS studies:

1. Each year, RMP Participants set the approximate funding level for future, nutrient-related special studies.

¹ Funds originating from the Bay Area Clean Water Agencies

2. Following its own charter, the NSC determines the best use of the available RMP funds for studying nutrients in the Bay.
3. The NSC communicates the overall priorities and recommends nutrient projects with clearly defined deliverables to the RMP Technical Review Committee so that these studies can be included in the suite of special studies recommended to the RMP Steering Committee. If there are insufficient RMP funds available for all the nutrient studies, the RMP will request that the NSC modify the specific proposals to match the available funds.
4. Oversight of the RMP-funded nutrient studies will be the responsibility of the NSC. However, the RMP will receive progress reports prepared for the NSC, which will address both NMS and RMP reporting needs for deliverables. The RMP Steering Committee and Technical Review Committee Representatives will also be included on the mailing list when the deliverables are released for comments and when the deliverables are complete.

The NSC and the RMP Steering Committee may interact regarding nutrients for other reasons besides allocating RMP funds for nutrient-related studies. For example, the NSC may recommend changes to the RMP Status & Trends Monitoring Program. If the NSC has such recommendations, an item will be placed on the agenda for the Steering Committee or Technical Review Committee (whichever is more appropriate) for discussion at the next regularly scheduled meeting.

3.4 Decision-Making

In general, all RMP committees work towards consensus as a fundamental principle. The consensus-seeking decision method described in this section is most applicable, though not exclusive, to the RMP Steering Committee. Consensus is desirable, though not required, at the Technical Review Committee, Workgroups, and Strategy Teams. Varying levels of time and effort are expected to reach consensus with the highest degree of effort required by the Steering Committee.

3.4.1 Definition of Consensus

Consensus means that all Representatives on the committee support a decision or recommendation, and believe that a majority of their respective constituents do as well. In reaching consensus some Representatives may strongly endorse a particular decision or recommendation while others may accept it as “workable.” Others may only be able to “live with it.” Still others may choose to “stand aside” by verbally noting a disagreement yet allowing the group to reach consensus without them. Any of these actions still constitutes consensus.

3.4.2 Definition of a Quorum

A quorum is recommended, though not required, for Steering Committee and Technical Review Committee meetings to proceed. A quorum is a minimum of one-half of Steering

Committee Representatives or Technical Review Committee Representatives present at their respective meetings, or attending via teleconference (vacant seats do not count in the quorum calculation). If a quorum is not achieved, the Steering Committee or Technical Review Committee meetings proceed and preliminary decisions are made. Then, the procedures for making decisions between meetings (Section 3.4.5) are followed to propose the preliminary decision to the full committee and reach a formal decision.

3.4.3 Consensus-Seeking Decision Method

The RMP consensus decision method is based on the principle of “consensus with accountability.” Consensus with accountability requires all RMP Representatives to try to reach consensus, while at all times supporting and expressing their self-interest. In the event a Representative must reject a proposal, that Representative is expected to provide an amendment to the proposal or an alternative proposal that attempts to achieve their interest and interests of other Representatives.

At all times, Representatives will ensure they are providing input commensurate to their prescribed role and reflective of the constituency they represent. In general, all RMP committees, groups, and teams will explore agenda topics and attempt to reach consensus decisions or recommendations using the following steps:

- Facilitate open discussion and dialogue on key agenda items;
- Weigh pros and cons of proposals and/or recommendations being discussed;
- Give minority opinion due consideration; and
- Take time needed to get to consensus.

3.4.3.1 Steering Committee Decisions

For items requiring Steering Committee decisions, the item in question will be presented and discussed. After discussion is completed, any Steering Committee Representative may make a motion for a decision, followed by a second, followed by a poll of those in favor and not in favor. If there is consensus, or lack thereof, it is noted verbally at the meeting and memorialized in the meeting summary. Attendees who are not Representatives may participate in discussions, but do not weigh in on final decisions (see Section 3.4.6).

3.4.3.2 Technical Review Committee Decisions

For approval of administrative decisions (see Section 3.4.4), the Technical Review Committee may express consensus through a simple poll.

For substantive decisions (see Section 3.4.4), the item in question will be presented and discussed. After discussion is completed, consensus decisions or recommendations are made without a formal process or a vote. Members of the public attending the meeting can participate in discussions, but do not weigh in on decisions or recommendations (see Section 3.4.6).

Commented [P11]: TRC may disagree with this. However, my experience with advisory committee governance is that they should operate this way. Advisory committees should advise and executive committees should decide.

In the event that the Technical Review Committee cannot come to consensus on a recommendation or set of recommendations, majority and minority opinions will be noted verbally at the meeting and described in detail, with attribution of Representative viewpoints (see Section 3.5), in the meeting summary. The Technical Review Committee Chair will coordinate with the RMP Manager to ensure that the meeting summary adequately documents majority and minority viewpoints, and will utilize the meeting summary as the primary tool to communicate Technical Review Committee discussions to the Steering Committee.

3.4.3.2 Workgroup and Strategy Team Decisions

For approval of administrative decisions (see Section 3.4.4), the Workgroups and Strategy Teams may express consensus through a simple poll.

The substantive decisions made by Workgroups and Strategy Teams are recommendations to the Technical Review Committee regarding use of RMP funds for proposed pilot and special studies. Before these decisions are made, all the Principal Investigators of the proposed studies and anyone with a conflict of interest are asked to leave the meeting to allow for free discussion of the merits of the proposals. The RMP Manager, RMP Lead Scientist, and a RMP staff person will remain to facilitate, provide information, and take notes, respectively. After the Principal Investigators have left the meeting, Workgroup and Strategy Team recommendations are made by consensus if possible. In the event that consensus cannot be reached, majority and minority opinions will be noted verbally at the meeting and described in detail, without attribution, in the meeting summary. The RMP Manager will utilize the meeting summary as the primary tool to communicate Workgroup or Strategy Team recommendations to the Technical Review Committee.

Commented [P12]: What level of detail should be reported from the anonymous review session? The non-attributed details or a summary of the decision?

3.4.4 Steering Committee Voting Decision Method

In the absence of consensus, the Steering Committee with a quorum will vote on a motion. For administrative decisions (defined below), the motion will pass with if 50% or greater of the Representatives in attendance vote for it. For Substantive Decisions (defined below), the motion will pass if 67% or greater of the Representatives in attendance vote for it.

Commented [P13]: The supermajority percentage should be discussed by the SC.

- Administrative Decisions. Administrative decisions are about the day-to-day activities (including but not limited to logistics, meeting dates and times, agenda revisions, schedules, etc.).
- Substantive Decisions. Substantive decisions concern financial and programmatic issues (including but not limited to budgets, contracts, policies, changes to the Charter, removal of Representatives, etc.).

In the absence of consensus, all other committees, workgroups and teams will simply document majority and minority viewpoints, verbally at the meeting and in the subsequent meeting summary, rather than voting in order to make a decision or recommendation.

3.4.5 Decision-Making in Between Meetings

Decisions in between meetings for any committee, workgroup, or team will be made either by email or, if warranted, by conference call.

Commented [P14]: Should there be notice to Interested Parties for upcoming decisions between meetings? How should this be done?

For decisions by email, the RMP Manager will present the Representatives with a motion and use a poll to determine if there is consensus. If one half of the Representatives reply, there will be a quorum for the decision. If needed, the voting decision method from Section 3.4.4 will be used for the Steering Committee to take a formal vote on the motion. The number of Representatives that reply will be considered the number of attendees for calculating percentages of the vote.

Any Representative or the RMP Manager may request a conference call to make a decision between meetings. Decisions made by conference call would follow the same procedures as an in-person meeting. Criteria by which to forgo an email decision in favor of a conference call may include the following:

- Inability to make a decision via email;
- Complexity of topic or length of email; and
- Conference call request by a Representative or SFEI staff.

Decisions made in between meetings will be reported by the RMP Manager at the following meeting, and documented in the summary of that meeting.

Commented [P15]: Should we include possibility of reconsidering, with cause, decisions made between meetings at a subsequent meeting? Cause could be further analysis by a participant, critical input from a participant unavailable for an email poll or conference call, or consideration of significant public input. If reconsideration is allowed for these decisions, should ALL decisions (even those made during in-person meetings) have the opportunity to be reconsidered?

3.4.6 Decision-Making and Public Engagement

For major decisions by any RMP committee, workgroup, or team, public input is desirable and beneficial. If there is significant public input, all facilitators (e.g., Chairs, Vice Chairs, or temporary Chairs) will use the following basic approach to ensure effective discussion by the RMP group and appropriate feedback from the public.

- The meeting agenda with substantive decisions will be distributed to Interested Parties no less than one week in advance so that the RMP committee, workgroup, or team and public know such a decision is pending.
- The facilitator will move the committee, workgroup, or team into discussion about the decision topic and will begin with discussion by the Representatives only.
- When the committee, workgroup, or team Representatives have completed all the discussion they wish to have, the facilitator will open the floor for public comment. Public comment will then ensue.
- When all Representatives of the public that wish to speak have spoken, the facilitator will check with the committee, team, or workgroup Representatives to see if they have any questions of the public. If so, Representatives will engage with the appropriate members of the public to discuss an item related to the pending decision.
- When this/these discussions are complete, the facilitator will bring the attention of the committee, workgroup, or team back to their decision-task. The facilitator will clearly read the motion to ensure the committee, workgroup, or team knows what

Commented [P16]: What is the best way to reach all "Interested Parties"? Can the organizations representing Participants take on the duty of notifying their members? Should the RMP have one "Interested Parties" mailing list? Should there be different mailing lists for different topics/issues? Should we just rely on website postings?

Does the RMP need to broadcast notice of the meetings any more than it currently does?

they are considering. The committee, workgroup, or team will then conduct decision-making using the method described above.

3.5 Record Keeping

SFEI staff prepares summaries for all Steering Committee, Technical Review Committee, Workgroup, and Strategy Team meetings. As noted above, decisions, recommendations, and majority/minority viewpoints on substantive issues at any RMP meeting will be noted verbally at the meeting and subsequently memorialized in the appropriate summary. Any RMP Representatives holding a minority viewpoint will have the opportunity to coordinate with SFEI staff to ensure accurate representation of said viewpoint. In general, summaries will include the following:

- Attendees;
- Decisions or recommendations made;
- Action items;
- Pros, cons, and rationale behind proposals and decisions; and
- Documentation of majority/minority viewpoints on decisions or recommendations.

It is expected that Technical Advisory Committee meeting summaries will have the most level of detail, including attribution of Representative viewpoints on proposed recommendations. Steering Committee meeting summaries may follow the same general approach but have significantly less detail than Technical Review Committee meeting summaries. Workgroup meeting summaries will be similar to those for the Technical Review Committee except that comments during the anonymous review session will not be attributed to individuals.

3.6 RMP Implementing Entity

SFEI is the Implementing Entity for the RMP. In this capacity SFEI largely plays a facilitative and operational role for a stakeholder-driven process that prioritizes key questions and associated scientific investigations. Operating in this context SFEI helps identify stakeholder information needs, develops scientific workplans that address these needs, and then implements these plans. SFEI is also the fiduciary agent for RMP stakeholder funds. The SFEI Board does not provide direct oversight of the RMP but does approve the yearly RMP Workplan.

3.6.1 SFEI Roles and Responsibilities

Specific SFEI staff roles and responsibilities include, but are not limited to, the following:

- Provide fiscal, contractual, and programmatic administration;
- Conduct or cause to be conducted long-term monitoring of the Bay and implement special studies based on Technical Review Committee recommendations and subsequent Steering Committee approval;
- Organize and staff meetings of the Steering and Technical Review Committees, Workgroups, and Strategy Teams;
 - Prepare and disseminate information packages, meeting agendas, and announcements to all committees, workgroups, teams, and Interested

Commented [P17]: Should this Charter contain detailed contracting procedures that SFEI must follow for selecting labs and consultants?

Are there any specific requirements that flow down from the State Contracting Manual?

Should this section contain policies such as maintaining \$200k in Undesignated Funds, protocols for allocating Undesignated Funds, etc?

- Parties no less than one week before meetings, and post materials on relevant Program web pages;
- Coordinate between-meeting decision-making (via email or teleconference) with all committees, workgroups, and teams on an as needed basis;
- Prepare and disseminate all committee, workgroup, and team meeting summaries and post on the RMP webpage and other venues as appropriate.
- Coordinate with other agencies or organizations which monitor the water quality of the San Francisco Bay;
- Report on progress in executing annual workplan on a quarterly basis;
- Produce an annual report which provides analysis and interpretation of the results of the Program;
- Make all data available for public review;
- Ensure that thorough technical review of reports are conducted, and that reports are made available to the public; and
- Organize an annual meeting of the Program Participants for the purpose of review of the Program results.

3.7 Program Review

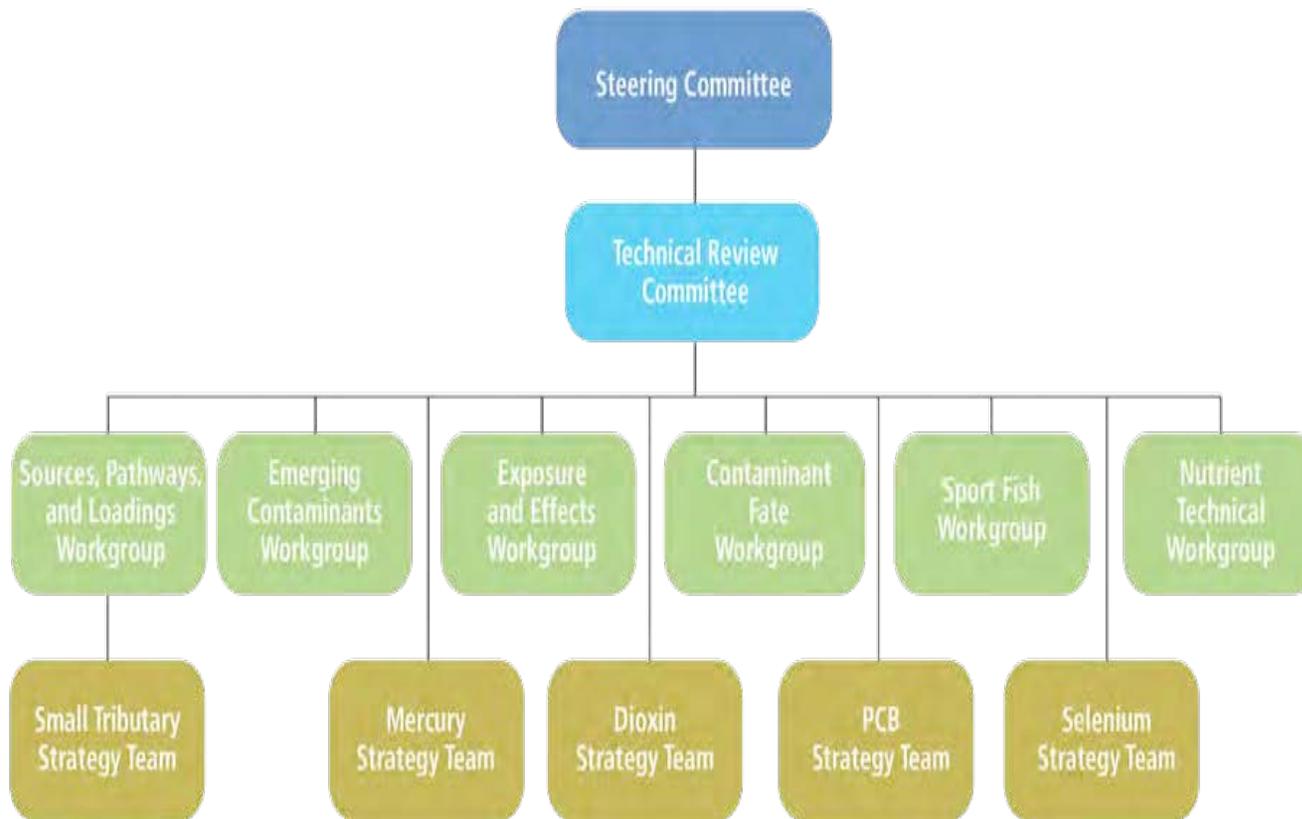
Periodically, with no fixed schedule, a Program Review of the RMP should be conducted. The Program Reviews are performed by experts in estuarine monitoring and management who are not associated with the RMP. The Steering Committee convenes these experts and provides them with a set of charge questions regarding how well the Program is achieving its mission. The specific charge questions for any given Program Review will depend on the priorities of the Steering Committee at the time. The reviewers report back to the Steering Committee with their findings.

Program Reviews for the RMP were performed in 1997 and 2003.

4.0 Charter Revisions

The Steering Committee, as the primary decision-making body of the RMP, may amend this Charter by following the consensus decision method described in section 3.4 above. Charter amendments may be proposed by Steering Committee or Technical Review Committee Representatives, or SFEI staff, either during or between meetings. Any proposed amendments will be placed on the Steering Committee meeting agenda for discussion and possible action, or decided through email or conference call communication if feasible and appropriate.

Figure 1. Governance Structure of the Regional Monitoring Program



**Appendix A
RMP Participants**

POTW Dischargers

Burlingame Waste Water Treatment Plant
 Central Contra Costa Sanitary District
 Central Marin Sanitation Agency
 City of Benicia
 City of Calistoga
 City of Palo Alto
 City of Petaluma
 City of Pinole/Hercules
 City of Saint Helena
 City and County of San Francisco
 City of San Jose/Santa Clara
 City of San Mateo
 City of South San Francisco/San Bruno
 City of Sunnyvale
 Delta Diablo Sanitation District
 East Bay Dischargers Authority
 East Bay Municipal Utility District
 Fairfield-Suisun Sewer District
 Las Gallinas Valley Sanitation District
 Marin County Sanitary District #5, Tiburon
 Millbrae Waste Water Treatment Plant
 Mountain View Sanitary District
 Napa Sanitation District
 Novato Sanitation District
 Rodeo Sanitary District
 San Francisco International Airport
 Sausalito/Marin City Sanitation District
 Sonoma County Water Agency
 Silicon Valley Clean Water
 Town of Yountville
 Union Sanitary District
 Vallejo Sanitation & Flood Control District
 West County Agency

Cooling Water Dischargers

Pittsburg Power Plant

Regulatory Agencies

San Francisco Bay Regional Water Quality
 Control Board
 U.S. Environmental Protection Agency,
 Region IX

Industrial Dischargers

C & H Sugar Company
 Chevron Products Company
 Phillips 66
 Crockett Cogeneration
 Rhodia, Inc.
 Shell Martinez Refining Company
 Tesoro Golden Eagle Refinery
 USS - POSCO Industries
 Valero Refining Company

Dredgers

Alameda Point
 BAE Systems
 Chevron Richmond Long Wharf
 City of Benicia Marina
 Conoco Phillips (Tosco-Rodeo)
 Marin Yacht Club
 Marina Bay Yacht Harbor
 Marina Vista Homeowners Association
 Napa Yacht Club
 Port of Oakland
 Port of San Francisco
 San Francisco Marina
 San Rafael Yacht Harbor
 Sausalito Yacht Harbor
 U.S. Army Corps of Engineers
 Vallejo Ferry Terminal
 Valero Refining Co.

Stormwater

Alameda Countywide Clean Water Program
 Caltrans
 Napa Countywide Stormwater Pollution Prevention
 Program?
 Contra Costa Clean Water Program
 Fairfield-Suisun Urban Runoff Management Program
 Marin County Stormwater Pollution Prevention
 Program
 San Mateo Countywide Stormwater Pollution
 Prevention Program
 Santa Clara Valley Urban Runoff Pollution Prevention
 Program
 Vallejo Sanitation and Flood Control District

Commented [P18]: Is this name correct? Should CCSF be included?

Appendix B
Allocation of Costs for the Regional Monitoring Program

For at least the 10 years prior to 2014, the total cost of the Program has been set by the Steering Committee and divided up between the Participant Groups using the following percentages:

Participant Group	Percent of Total Program Cost
Publicly Owned Treatment Works	44%
Stormwater Agencies	23.5%
Dredgers	17.5%
Refineries and Industrial Dischargers	11%
Cooling Water Dischargers	4%

Each Participant Group uses a formula of its own choosing to divide up its cost allocation between the Participants in the Group.

The formula used by a Group must be flexible enough to account for Participants joining and leaving the Program. The formula for a Group may be changed by the Group at any time so long as the Group as a whole contributes the full cost allocation to the Program.

If all of the Participants in a Participant Group leave the Program, then the cost allocation for this Group will be divided between the remaining Groups in proportion to their previous allocations.

Commented [P19]: This proposal is relevant to what might happen when Cooling Water discharges cease and should be discussed by the SC.

APPENDIX C
RMP Memorandum of Understanding
(PDF to be added to approved version of charter)