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OCTOBER 14, 2019 STAFF DRAFT  
Proposed Amendment to the  
Santa Monica Bay Restoration Commission  
**Memorandum of Understanding**  
As Amended ~~June 19, 2014~~ [adoption date of the MOU] by  
Governing Board Resolution ~~14-0719-XX~~

~~[Approved by the Bay Watershed Council 5/7/03, including amendments from 7/31/03 and 12/15/05 based on revisions as recommended by review by Office of Chief Counsel 10/12/03, and Governing Board amendments made 12/15/05, 10/18/07, 4/16/09, 10/20/11, 12/15/11, 4/19/12, 2/21/13, & 2/20/14]~~

## **I. INTRODUCTION**

The Santa Monica Bay Restoration Commission (Commission) was established by an act of the California Legislature (Senate Bill 1381, Kuehl) in 2002 to monitor, assess, coordinate, and advise the activities of state programs and oversee funding that affects the beneficial uses, restoration and enhancement of Santa Monica Bay and its watersheds. The Commission is a non-regulatory, locally based state entity whose functions, governance and membership are set forth in this Memorandum of Understanding (MOU). It is the intent of the Legislature that the Commission shall independently execute its duties and that the Commission's membership shall include federal, state, and local public agency officials, and employees and representatives of other stakeholder interests.

### **Background**

~~In 1988, the State of California and the United States Environmental Protection Agency (USEPA) established the Santa Monica Bay Restoration Project (SMBRP) as a National Estuary Program (NEP) under the provisions of Section 320 of the federal Clean Water Act. The NEP is designed to promote collaborative watershed-based partnerships in order to develop and implement a comprehensive conservation and management plan that addresses the range of environmental problems facing the estuary, while recognizing and balancing the needs of the local community.~~

~~The SMBRP was the NEP for Santa Monica Bay and was one of 28 such programs that were established nationwide.~~

~~A comprehensive Santa Monica Bay Restoration Plan (Restoration Plan) was finalized and approved by the State of California and the USEPA in 1995.~~

~~Following that, the SMBRP oversaw implementation of the Restoration Plan as carried out by the various partner agencies and sought and secured funding for many important initiatives that have furthered the goal of Bay restoration. Implementation of the Restoration Plan is a primary mission of the Commission.~~

~~One of the most significant actions achieved by the SMBRP was to conduct a landmark epidemiological study to answer questions regarding human health risks associated with swimming at urban-runoff contaminated beaches. The Santa Monica Bay "epidemiological study" ultimately led to new laws and regulatory standards that have improved water quality monitoring and reduced potential health risks at beaches throughout California and the United States., and laid the groundwork for the recent "Clean Beaches Initiative".~~

### **Legislative History**

~~Senate Bill 57 (Hayden), Statutes 2000, Chapter 983, signed by Governor Davis on September 29, 2000, created within the State Water Resources Control Board the Santa Monica Bay Restoration Project. SB 57 required that the Secretary for Environmental Protection, in consultation with the Secretary of the Resources Agency and the SMBRP, make recommendations for measures to coordinate state policies to restore Santa Monica Bay. Enactment of legislation and development of a non-regulatory, locally based state entity to facilitate coordination of state programs on behalf of Santa Monica Bay was recommended.~~

~~SB 1381 (Kuehl), Statutes 2002, Chapter 598, followed upon SB 57 and the recommendations of the report to the Legislature, and renamed the SMBRP as the Santa Monica Bay Restoration Commission (codified at Cal. Pub. Res. Code §§ 30988-30988.3). Although SB 1381 requires the State Water Resources Control Board to **provide administrative services to the Commission**, the Commission possesses independent authority to execute the duties required by SB 1381. SB 1381 calls for development of a Memorandum of Understanding that ensures the coordination of state programs affecting Santa Monica Bay and that delineates the authority of the Commission and its governance structure with respect to the implementation of those state programs and prescribes the Commission's membership.~~

The purpose of this ~~Memorandum of Understanding~~[MOU](#) is to set forth the agreement among the Secretary for [the California Environmental Protection Agency \(CalEPA\)](#), the Secretary of the [California Natural Resources Agency](#), and the Chairperson of the ~~former Bay Watershed Council~~[Commission](#), pursuant to the provisions of California Public Resources Code section 30988.2(b)(1): [to establish and implement an effective and efficient governance structure to ensure the success of the Santa Monica Bay National Estuary Program \(NEP\). Since the formation of the Santa Monica Bay NEP in 1988, the Santa Monica Bay Restoration Project, followed by the Commission, have used an iterative process to establish and meet the goals and objectives of the Santa Monica Bay NEP. A clear, efficient, and effective governance structure is a key element of a](#)

successful NEP. Pursuant to the requirement of California Public Resources Code (sections 30988-30988.3), the original MOU was adopted and signed in 2003 by the Secretary for Environmental Protection, the Secretary for Natural

Resources, and the Santa Monica Bay Watershed Council Chair. This MOU outlines the Commission's: mission and goal statements, authorities, functions, organizational structure and governance, reporting, and conflict of interest and disclosure policy; how the Santa Monica Bay governance structure is aligned with the NEP governance structure; and the agreement among the Secretary for Environmental Protection, the Secretary for Natural Resources, and the Chairperson of the Commission.

## **II. MISSION, GOAL, OBJECTIVES, AUTHORITIES, AND PURPOSES/FUNCTIONS**

### **Mission Statement**

The Commission's mission is to restore and enhance the Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, mitigate the effects of climate change and sea level rise, and protect ~~the~~ Santa Monica Bay's benefits and values.

### **Goal**

The goal of the Commission is to accelerate the pace, extent, and effectiveness of Santa Monica Bay restoration through implementation and financing of actions that improve water quality, conserve and rehabilitate natural resources, mitigate impacts of climate change and sea level rise, and protect the health of ~~the~~ Santa Monica Bay's recreational users and wildlife.

### **Objectives**

The Commission will achieve its goal by prioritizing in its educational, monitoring, and bond proceeds expenditure decisions, proposals, or projects designed to achieve Bay restoration objectives that include, but are not limited to, the following:

1. ↗ The reduction or elimination of pollution from ~~storm-water~~ stormwater (including urban runoff) and point and nonpoint (including on-site wastewater disposal) sources.
2. ↗ The reduction or prevention of the threat of oil and sewage spills and leaks.
3. ↗ The reduction and prevention of beach erosion.
4. ↗ The reduction and prevention of threats to public health from pollution.
5. ↗ The prevention of and protection against loss of wetlands, coastal and riparian habitats, and Santa Monica Bay's natural and living resources, and restoration of these resources where they have already been degraded.
6. ↗ Effective enforcement of applicable environmental laws.
7. ↗ Public education and warnings of any dangers related to consuming contaminated seafood.
8. ↗ Increased public education concerning the Santa Monica Bay in collaboration with universities and grades K-12 schools.
9. ↗ Assuring that ocean resources are accessible to all Californians regardless of socioeconomic status, and are preserved and enhanced for future generations.

The Commission may, ~~from time to time~~, establish additional goals and

objectives and priorities for ~~expenditure decisions~~expenditures, proposals, or projects through an amendment to this MOU. These goals and objectives shall be consistent with the ~~goals of the Restoration~~objective statement in statute and the Santa Monica Bay NEP's Conservation and Management Plan (CCMP).

### **Authorities of the Commission**

~~The Commission is authorized in statute to:~~

Public Resources Code sections 30988 through 30988.3 pertain to the Santa Monica Bay Restoration Commission. Pursuant to Public Resources Code section 30988.2, subdivision (c), the Commission may do all of the following:

1. •Request and receive federal, state, local, and private funds from any source and ~~to~~ expend those moneys for the restoration and enhancement of Santa Monica Bay and its watershed.
2. •Award and administer grants for the benefit and enhancement of ~~the~~Santa Monica Bay and its watershed.
3. •Enter into contracts and joint powers authority agreements, as necessary, to carry out the purposes of the Commission.
4. •~~Tomonitor~~Monitor, assess, and coordinate activities among federal, state, and local agencies, and where appropriate, private firms, to restore and enhance Santa Monica Bay and its watershed.

### **Functions of the Commission**

The Commission shall carry out any or all of the following functions within its authority in order to achieve its mission, goal, and ~~goals~~objectives:

1. Serve as Management Conference of the Santa Monica Bay National Estuary Program defined under Section 320 of the Clean Water Act (Attachment A).
2. Oversee effective implementation of the Santa Monica Bay CCMP.
3. ~~1.~~ Promote participation by local governments, specials ~~district~~districts, ~~and~~ and members of the public who are essential to implementation of Santa Monica Bay watershed protection efforts.
4. ~~2.~~ Promote collaboration and partnerships among stakeholders.
5. ~~3.~~ Provide technical and financial support for the implementation of Santa Monica Bay restoration projects.
6. ~~4.~~ Provide an open and neutral forum for inter-agency ~~and~~ and inter-organizational discussion and consensus building.
7. ~~5.~~ Promote sound science that advances the implementation of the Santa Monica Bay restoration policiesCCMP.
8. ~~6.~~ Serve as an information clearinghouse for Santa Monica Bay issues that affect the beneficial uses, restoration, and enhancement of Santa Monica Bay and its watershed.
9. ~~7.~~ Negotiate and oversee agreements, grants, and contracts. This includes identifying a host entity, entering into an agreement with a host

entity, and providing oversight and direction to the host entity to ensure effective implementation of the Santa Monica Bay CCMP.

#### ~~8. Draft watershed~~

- ~~10.~~ 10. Consult with and advise state programs, policies ~~in order to build consensus on,~~ or funding that affect the beneficial uses, restoration, and enhancement of the Santa Monica Bay ~~issues and its watershed.~~
- ~~11.~~ 9. Facilitate inter-agency/ and inter-organizational efforts to improve the Santa Monica Bay's water quality, mitigation of the impacts of climate change and sea level rise, and restoration of its natural ~~(especially wetland)~~ and living resources, including opportunities to leverage funding.
- ~~12.~~ 10. Provide information to policy-makers and the general public on issues involving Santa Monica Bay through public outreach and involvement programs.
- ~~13.~~ 11. Assist member organizations individually and collectively by providing coordination, advice, public education, and leadership in the management and protection of the Santa Monica Bay and its resources.
- ~~14.~~ 12. Use and promote an integrated, multi-disciplinary approach to Santa Monica Bay management.
- ~~15.~~ 13. Coordinate and host periodic conferences ~~on and relating,~~ workshops, or seminars related to the state ~~of the and management of,~~ Santa Monica Bay and ~~topics related to Bay management~~ its resources.

### ~~III.~~ III. ORGANIZATION AND STRUCTURE

~~The Commission was established by an act of the California Legislature in 2002 to monitor, assess, coordinate and advise the activities of state programs and oversee funding that affects the beneficial uses, restoration and enhancement of Santa Monica Bay and its watersheds.~~

The Commission is a non-regulatory, locally-based state organization whose functions and governance are prescribed in this ~~Memorandum of Understanding (MOU) between the Secretary of the California Environmental Protection Agency, the Secretary of the California Resources Agency and the Chairperson of the former Bay Watershed Council!~~ MOU. The structure of the Commission is composed of the Governing Board, ~~the Watershed Advisory Council,~~ and a Executive Committee, Technical Advisory Committee, and Santa Monica Bay Stakeholders. The administrative functions of the Commission are supported by State Water Board staff.

~~The Commission membership includes~~

The Commission's structure is consistent with guidance from the US EPA on typical NEP Management Conference organizational structure, which may include: (1) elected and appointed policymaking officials from all governmental levels; (2) environmental managers from federal, state, regional, and local agencies; (3) local scientific and academic communities; (4) private citizens; and (5) representatives from public and user interest groups—business, industry, community, and environmental. The Commission's membership meets the EPA guidance, and the organizational structure of the Commission provide integrated opportunities for the Santa Monica Bay Stakeholders to engage in the activities of the Santa Monica Bay NEP in a manner that promotes collaborative decision-making and reflects citizen concerns. The Commission's Governing Board also selects a NEP Host Entity to receive the annual federal CWA Section 320 NEP grant to implement the CCMP. The components of the Management Conference for the Santa Monica Bay NEP, including the NEP parallel, members, member terms, roles and function, meetings and quorum, are described in detail below.

## Governing Board

The Governing Board is comprised of federal, state, and local public agency officials, staff, and representatives of other stakeholder interests-

### **A. Governing Board**

~~The Governing Board that collectively make up a non-regulatory board that is the key decision-making authority of the Commission. The Governing Board is responsible for establishing policies and priorities for the Commission regarding the Santa Monica Bay and its watersheds, and conducting any necessary planning activities in accordance with the Commission's purposes~~ serves as the Policy Committee within the Management Conference for the Santa Monica Bay NEP.

## Governing Board NEP Parallel: Policy Committee.

**Governing Board Members.** The Governing Board consists of thirty-~~five~~six (3536) members. ~~The Governing Board consists of~~ twenty-seven (27) voting members and ~~eight~~nine (89) non-voting members. ~~(ATTACHMENT A Governing Board Members are ex-officio, appointed, or elected as indicated in Attachment B.)~~ Each Governing Board member may designate up to two (2) alternates to serve in his or her absence.

~~**Chairperson and Other Officers of the Governing Board.** The members of the Governing Board shall elect a Chairperson from among the board members, who will preside over all Commission Board meetings and work~~

~~closely with the staff of the Commission to convene Board meetings and prepare Board agendas and reports.~~

~~The Governing Board shall also elect vice chairpersons and other officers, as determined to be necessary, from among the board members. The terms of all officers shall be one (1) year. Officers may serve consecutive terms.~~

~~**Term of Voting Members.** The term of each voting member shall be two (2) years. Any vacancy shall be filled within ninety (90) days of its occurrence by the appointing body. No person shall continue as a member of the board if he or she ceases to hold the office or ceases to be employed by the organization that qualifies that person to be appointed as a member of the board. Voting members may serve consecutive terms.~~

~~**Quorum.** A quorum shall consist of a majority of the voting members of the Governing Board. Any action of the Governing Board shall be taken by a majority vote of the voting members present.~~

~~**Meetings.** Meetings of the Governing Board, consisting of at least a majority of the voting members, shall be held at least four times each year, and shall be held in accordance with the Bagley-Keene Open Meetings Act (commencing with Government Code Section 11120).~~

~~**Roles and Functions.** The Governing Board shall carry out the objectives of the Commission as stated in this Memorandum and any subsequent amendments, and direct the Commission staff and advisory committees to assist in implementing these objectives. The Governing Board may delegate the day-to-day functions of the Commission to an Executive Director, who, with appropriate guidance from the Governing Board, may further delegate other functions of the Commission.~~

~~The Governing Board shall have the authority to carry out the Commission's statutory mission and implement this Memorandum of Understanding, and specifically has the authority, without limitation:~~

- ~~1) To approve budgets and expenditures of the Commission;~~
- ~~2) To authorize entering into legal agreements on behalf of the Commission, as necessary to fulfill the mission of the Commission;~~
- ~~3) To approve Commission work products, Restoration Plan amendments, and any other plans, products, or resolutions of the Commission;~~
- ~~4) To set priorities and provide final approval for educational, monitoring, and bond proceeds expenditure decisions, proposals, or projects designed to achieve Bay restoration; and~~

5) ~~To adopt a Conflict of Interest Code.~~

~~Membership on the Governing Board will not diminish the regulatory responsibilities or authority of any participating agency or organization.~~

~~Three (3) representatives of~~

~~For appointed Governing Board Members, the appropriate governing bodies or appointment authorities of Boards, Commissions, and~~ municipalities in the watershed shall ~~be appointed by the appropriate local Councils of Government, as cited in Attachment A~~ appoint representatives in accordance with their rules and standard procedures. The ~~Ex-Officio and Appointed members of the~~ Governing Board shall nominate and elect seven (7) additional entities from the ~~Watershed Advisory Council~~ following categories to serve on the Governing Board ~~as follows:~~

- Two (2) representatives of environmental/public interest organizations that operate entirely or partially within the Santa Monica Bay watershed that is/are in good standing pursuant to Internal Revenue Code section 501 (c)(3);
- Two representatives of the business community/economic interests in the watershed, one of which participates in the coastal tourism industry, that operate entirely or partially within the Santa Monica Bay watershed; and
- Three (3) at-large representatives ~~from the Watershed Advisory Council~~ who meet one of the following criteria:
  - A federal, state, or local agency active in the Santa Monica Bay watershed;
  - An incorporated city entirely or partially within the Santa Monica Bay watershed;
  - A county entirely or partially within the Santa Monica Bay watershed;
  - A for-profit business that operates entirely or partially within the Santa Monica Bay watershed
  - ~~A nonprofit organization that operates entirely or partially within the Santa Monica Bay watershed~~ that is in good standing pursuant to Internal Revenue Code section 501 (c)(3)

~~Entities eligible for one of the seven positions described above may be nominated by existing Governing Board members in good standing during a nomination period that will be established prior to the date of election.~~

No person or entity may serve in more than one position. Membership on the Governing Board will not diminish the regulatory responsibilities or authority of any participating agency or organization.

## **~~B. Watershed Advisory Council~~**

~~The Watershed Advisory Council is the broad stakeholder body of the Commission. The membership of the Watershed Advisory Council shall include all entities that meet the eligibility criteria below, as listed on Attachment B. All Governing Board members shall have the opportunity to participate in Watershed Advisory Council meetings and activities.~~

~~Additional entities that would like to become a member of the Watershed Advisory Council and that meet the eligibility criteria shall forward a letter of interest to the Governing Board with a resolution from the interested entity's governing body (board of directors, etc.) authorizing the entity to seek membership and designating the entity's representative to the Watershed Advisory Council. The Governing Board may, by majority vote at its next regularly scheduled meeting, consider election of the requesting entity to the Watershed Advisory Council.~~

~~Each Watershed Advisory Council member may designate up to two (2) alternates to serve in his or her absence.~~

~~The primary responsibility of the Watershed Advisory Council is to advise the Governing Board on Bay restoration priorities for funding, planning, project implementation, monitoring and further research. The Watershed Advisory Council is responsible for working with the Technical Advisory Committee to ensure that priorities are based on the best available science and are agreed upon, to the extent feasible, by the scientific, resource management, and water quality agencies.~~

~~The Chair of the Governing Board shall be the Chair of the Watershed Advisory Council.~~

~~**Meetings & Participation.** The Watershed Advisory Council shall meet at least once each year in a workshop format in order to advise the Governing Board regarding the implementation progress of the Bay Restoration Plan as it is updated, and on the program priorities of the Commission. In addition, Watershed Advisory Council members shall be provided the opportunity to participate in other workshops organized by the Commission in order to further carry out the provisions of the Bay Restoration Plan.~~

~~**Additional Roles and Functions.** The Watershed Advisory Council will support the functions of the Commission. Additional purposes shall be to:~~

- ~~1) Promote participation by local governments, special districts, and~~

- community groups who are essential to implementation of watershed protection efforts.
- ~~2) Promote collaboration and partnerships among stakeholders.~~
  - ~~3) Provide an open and neutral forum for inter-agency/inter-organizational and public discussion and consensus building.~~
  - ~~4) Assist member organizations individually and collectively by providing coordination, public education, and leadership in the management and protection of the Bay and its resources.~~
  - ~~5) Organize Work Groups to focus on priority issues of concern, and to achieve the objectives listed below.~~

~~Work Groups may be organized as necessary and will serve as the primary means for members of the Watershed Advisory Council to collaborate on issues of importance. Work Groups will be designed to:~~

- ~~□ Provide a structured forum for the exchange, coordination, and implementation of information, ideas, and projects.~~

The voting Governing Board members shall elect a Chairperson from among the voting Governing Board members, who will preside over all Commission Board meetings and work closely with the staff of the Commission to convene Board meetings and prepare Board agendas and reports. The voting Governing Board members shall also elect no more than eight Vice-chairpersons and other officers, as necessary, from among the voting Governing Board members. The Vice-chairs may act as chair in his or her absence.

**Governing Board Member Terms.** The term for elected Governing Board members shall be two (2) years. Elected Governing Board members may serve consecutive terms upon re-election. Governing Board members can nominate entities for election to the Governing Board during a nomination period that will be established prior to the date of election. The election of the Governing Board members shall be held during a regular Governing Board meeting by roll-call vote of voting members and the member term shall be effective immediately after election. In the event of a mid-term vacancy, the Governing Board shall elect a replacement to serve the remainder of the term.

The term for appointed or *ex-officio* Governing Board Members is ongoing. No person shall continue as a member of the board if he or she ceases to hold the office or ceases to be employed by the organization that qualifies that person to be appointed as a member of the board. Any vacancy should be filled expeditiously by the appointing body.

Governing Board members can nominate Chairs and Vice-chairs from existing Governing Board members during a nomination period that will be established

prior to the date of election. The election of the Chair and Vice-chairs shall be held during a regular Governing Board meeting by roll-call vote of voting members and the member term shall be effective immediately after election. In the event of a mid-term vacancy of the chair or Vice-chair, the Governing Board shall elect a replacement to serve the remainder of the term.

**Governing Board Roles and Functions.** The Governing Board is one of the key decision-making authorities of the Commission that is responsible for creating a long-term vision, setting program priorities, and providing oversight and direction to the Executive Committee, Commission staff, and the Host Entity to assist in implementing these objectives. The Governing Board is also responsible for soliciting input and considering recommendations from the Executive Committee, Commission staff, Host Entity, **Technical Advisory Committee,** and Santa Monica Bay Stakeholders.

To support the successful implementation of the mission, goals, and objectives in this MOU and the CCMP, the Governing Board can perform the following roles and functions including, but not limited to:

1. Guide, review, and evaluate the program;
2. Oversee development of and approve the CCMP, CCMP revisions or updates, Santa Monica Bay NEP annual work plans, and any other plans, products, or resolutions of the Commission;
3. Approve program and funding priorities, resource and funding allocations, budgets, expenditures, and the use of funds appropriated to, or received directly by the Commission for activities or projects;
4. Authorize Commission staff to enter into legal agreements on behalf of the Commission, as necessary;
5. Monitor, assess, coordinate, and advise all state programs that affect the beneficial uses, restoration, and enhancement of Santa Monica Bay and its watershed;
6. Select and enter into an agreement with a host entity and provide oversight and direction to the host entity;
7. •Encourage a cooperative approach in addressing issues of regional/and watershed significance;
  - ~~Develop recommendations for policies/action plans for adoption by the Governing Board (e.g. updates to the Restoration Plan).~~

~~Individual Work Groups shall be chaired by a Watershed Advisory Council member or their designee. A staff member or consultant may also be identified/ to support the activities of the Work Group.~~

~~**Watershed Advisory Council Eligibility Criteria.** Existing and potential Watershed Advisory Council members shall be deemed “eligible to serve on the Watershed Advisory Council” if they meet one of the following criteria:~~

- ~~☐ A federal, state, or local agency active within the Santa Monica Bay watershed~~
  - ~~☐ An incorporated city entirely or partially within the Santa Monica Bay watershed~~
  - ~~☐ A county entirely or partially within the Santa Monica Bay watershed~~
8. Inform the Santa Monica Bay Stakeholders about Commission activities and provide opportunities for public involvement;
  9. Encourage participation as a Santa Monica Bay Stakeholder;
  10. Amend the MOU by a majority of a quorum of voting members as necessary; and
  11. Adopt a Conflict of Interest Code.

**Governing Board Meetings.** The Governing Board shall endeavor to meet at least four times a year. The meetings will be held in accordance with the Bagley-Keene Open Meetings Act (commencing with Government Code Section 11120).

**Governing Board Quorum.** A quorum shall consist of a majority of the voting members of the Governing Board. An action is taken by the Governing Board if it is taken by a majority of a quorum of voting members.

### **Executive Committee**

The Executive Committee consists of nine members and is a subset of members of the Governing Board. The Executive Committee is charged with overseeing the work activities of the Commission such as regular communication with staff of the Commission and developing agendas for the Commission's regular Governing Board meetings.

### **Executive Committee NEP Parallel: Management Committee**

**Executive Committee Members.** Membership of the Executive Committee shall consist of the Chair and Vice-chairs of the Governing Board. The Executive Committee shall represent the signatory agencies of this MOU and reflect the diverse stakeholder interests represented on the Governing Board. The Chair of the Governing Board shall be the Chair of the Executive Committee.

**Executive Committee Member Terms.** The term of Executive Committee members shall be two (2) years. Executive Committee members may serve consecutive terms. The terms of the Chair and Vice-chairs of the Executive Committee shall take effect immediately upon their election by the Governing Board.

**Executive Committee Roles and Functions.** The Executive Committee is one

of the key decision-making authorities of the Commission that is responsible for the planning and implementation of the Commission's vision, mission, goal, objectives, and program priorities as well as providing direction to Commission staff and the Host Entity to assist in implementing these objectives. The Executive Committee is also responsible for soliciting input and considering recommendations from the Commission staff, Host Entity, Technical Advisory Committee, and Santa Monica Bay Stakeholders.

To support the successful implementation of the mission, goals, and objectives in this MOU and the CCMP, the Executive Committee will solicit and consider input from the Chief Administrative Director, Commission staff, the Host Entity, and Santa Monica Bay Stakeholders when performing its roles and functions. The Executive Committee is responsible for the following roles and functions including, but not limited to:

1. Act as a liaison to the Governing Board and facilitate clear communication with the other components of the Management Conference (e.g., Governing Board, Chief Administrative Director, Commission staff, and the Host Entity) to convey the Governing Board's direction;
2. Prepare agendas for the Commission's Governing Board meetings;
3. Provide oversight and direction to the Chief Administrative Director, Commission staff, and Host Entity as needed to develop and make recommendations to the Governing Board regarding:
  - a. The development of the CCMP, CCMP revisions or updates, Santa Monica Bay NEP annual work plans, and any other plans, products, or resolutions of the Commission;
  - b. Program and funding priorities, resource and funding allocations, budgets, expenditures, and the use of funds appropriated to, or received directly by the Commission for activities or projects;
  - c. Monitoring, assessing, coordinating with, and advising state programs that affect the beneficial uses, restoration, and enhancement of Santa Monica Bay and its watershed;
  - d. Development of legal agreements on behalf of the Commission;
  - e. Development of an agreement with a host entity
4. Identify the need for special committees, establishing special committees, and appointing members to these committees to address issues that may include, but are not limited to fundraising, habitat-specific restoration planning, and outreach; and
5. ~~A for-profit business that operates entirely or partially within the~~ Inform the Santa Monica Bay watershed stakeholders about Commission activities and provide opportunities for public involvement.
  - ~~□ A nonprofit organization that operates entirely or partially within the Santa Monica Bay watershed that is in good standing pursuant to Internal Revenue Code section 501(c)(3)~~

**Executive Committee Meetings.** The Executive Committee shall endeavor to meet at least four times a year in accordance with the Bagley-Keene Open Meetings Act (commencing with Government Code Section 11120), alternating those months with the meetings of the Governing Board. The Executive Committee shall also meet more often as directed by the Governing Board, and as requested by the Chief Administrative Director or two or more members of the Executive Committee.

**Executive Committee Quorum.** A quorum of the Executive Committee shall consist of a majority of its members. Any action of the Executive Committee shall be taken by a majority vote of the Executive Committee members.

### **Technical Advisory Committee (TAC)**

~~**Roles and Responsibilities.** The role of the TAC is to function as an unbiased - scientific panel. Rather than voting on each item, the TAC may provide brief reports with recommendations to the Governing Board along with justifications and any varying opinions within the TAC.~~

~~The responsibilities of the TAC are to develop and adopt a State of the Bay report every five years, and guide staff in coordinating the State of the Bay conference; recommend research and project implementation priorities to the Governing Board to achieve the SMBRC's goals and mission; report to the Governing Board on technical issues as requested by Governing Board members and develop white papers where appropriate; convene ad hoc committees, with members drawn from both within and outside the TAC, to provide guidance on specific issues; provide review and recommendations to the Governing Board on select project proposals that are technical in nature or have a strong technical component; and provide review and recommendations to the GB on select policies that are technical in nature or have a strong technical component and are being proposed for adoption by the Governing Board.~~

#### **TAC Membership.**

The Technical Advisory Committee serves as the scientific expertise to provide scientific information to and advise the Commission and Host Entity. The TAC is comprised of scientific experts who are knowledgeable about the state of the science in a variety of technical areas related to the Commission's mission, goals, and objectives in Santa Monica Bay and its watershed.

**TAC NEP Parallel.** Scientific and Technical Advisory Committee.

**TAC Members.** The TAC consists of experts in coastal and watershed science who ~~are able to~~ provide scientific ~~opinions~~ information and recommendations on a broad range of subject areas to inform the Governing Board and the Host Entity on scientific issues related to the Santa Monica Bay. TAC members contribute the

latest technical input on issues, i.e. they have a working knowledge of the current scientific literature in their field and preferably are actively publishing. TAC members represent a range of scientific specialties, for example intertidal ecology, fisheries, physical oceanography, plankton, sea birds, sediments, wetlands, sandy shores, rocky reefs, pelagic ecology, freshwater and riparian systems, etc. They are drawn from a variety of sectors, e.g. academia, nonprofits, municipalities, or government agencies, but they function as ~~disinterested~~ non-biased, non-partisan scientific experts, not as representatives of their sectors. ~~Finally TAC members are able to work collaboratively to reach consensus on technical issues to present to the Governing Board.~~

~~Membership on the TAC is for a two-year term. The number of terms served by an individual are not limited but must be renewed. Once the TAC is established the TAC members will work with staff to nominate new (or existing) members, for approval by the Governing Board.~~ The members of the TAC will appoint a Chair, for a two-year term, who has a broad understanding of scientific issues in the Santa Monica Bay and can provide strong leadership and direction to the group. The members of the TAC will also appoint a Vice-chair to serve in the Chair's absence.

**TAC Member Terms.** TAC membership is for a two-year term. Members may serve consecutive terms upon reappointment. TAC members will work with the Chief Administrative Director to nominate existing members for reappointment, and to identify new TAC members, or to fill vacancies. The nominations for reappointment and new TAC members must be approved by a majority vote of the Governing Board.

**TAC Roles and Responsibilities.** The role of the TAC is to function as an unbiased, non-partisan scientific panel that provides technical expertise to support the mission, goals, and objectives of the Commission. The TAC members must work collaboratively to provide scientific information and recommendations on technical issues to present to the Governing Board. In the event the TAC members are not in consensus on an issue or recommendation, the TAC may provide the Governing Board a brief report with all of the TAC members' recommendations and justifications for the recommendations for the Governing Board to consider.

The responsibilities of the TAC are to:

1. Develop and adopt a State of the Bay report every five years and guide State Water Board and the Host Entity staff in coordinating the State of the Bay conference;
2. Identify the highest priority research and projects to achieve the Commission's goals and mission and make project recommendations to the Governing Board for funding as opportunities arise;
3. Report to the Governing Board or Host Entity on technical issues as

requested by Governing Board members and develop white papers where appropriate;

4. Convene *ad hoc* committees, with members drawn from both within and outside the TAC, to provide guidance on specific issues;
5. Review select project proposals that are technical in nature or have a strong technical component and provide recommendations to the Governing Board;
6. Review technical components of policies or policy issues identified by the Governing Board or Chief Administrative Director and make scientific recommendations to the Governing Board based on their assessment of the technical issues; and
7. Solicit input from and inform the Santa Monica Bay stakeholders about Commission activities and provide opportunities for public involvement.

**TAC Meetings.** The TAC shall meet at least once each year and more often as directed by the Governing Board, Executive Committee, or Chief Administrative Director. TAC Meetings shall be held in accordance with the Bagley-Keene Open Meetings Act (Government Code Section 11120, et seq.).

**No TAC Quorum.** A quorum does not apply to the TAC as it is not a decision-making body, but rather a governance component that provides scientific information and recommendations.

#### **D. Santa Monica Bay Stakeholders: Public Outreach and Involvement**

The Santa Monica Bay Stakeholders is the broad stakeholder body of the Commission that functions as a mechanism for interested parties to provide information, recommendations, and input to the Commission. Santa Monica Bay Stakeholders is open to any member or entity interested in the Commission's activities and shall provide the Commission with broad and diverse stakeholder perspectives throughout the watershed. Santa Monica Bay Stakeholders are encouraged to engage and provide recommendations at all stages of the Commission's decision-making process, including the implementation of the goal and objectives in this MOU and the CCMP.

**Santa Monica Bay Stakeholders NEP Parallel.** Citizens Advisory Committee.

**Santa Monica Bay Stakeholders Membership.** Santa Monica Bay Stakeholders group is inclusive and open to any members of the general public, entity, municipality, or organization who is interested in the Commission's activities in the Santa Monica Bay watershed. The Santa Monica Bay Stakeholders should include representation from a broad spectrum of stakeholders in the watershed including but not limited to; fishing interests, recreational users, environmental organizations, citizen councils, business and industry, or other interest groups that operate at least partially within the Santa Monica Bay watershed, as well as

the general public. Attachment C includes some of the current Santa Monica Bay Stakeholders.

**Santa Monica Bay Stakeholders Member Terms.** There is no term limit for participating stakeholders and stakeholders are encouraged to participate on an ongoing basis.

**Santa Monica Bay Stakeholders Roles and Functions.** The role of the Santa Monica Bay Stakeholders is to support and advise the Commission regarding restoration priorities for funding, planning, project implementation, monitoring and further research as well as the update and implementation of the CCMP and program priorities of the Commission. The Santa Monica Bay Stakeholders may carry out their supporting and advisory role by activities including, but not limited to:

1. Providing the Commission written and verbal comments, information, input, and constructive feedback on Commission work products and activities.
  - a. This engagement and communication should be on an ongoing basis, but also during meetings, workshops, conferences, forums, and other events organized by the Commission to promote information dissemination and exchange;
  - b. This includes providing comments on the development and implementation of the CCMP and the Commission's priorities.
2. Raising issues of public concern in the Santa Monica Bay watershed to the Commission and provide recommendations or actions the Commission could consider to address the issues;
3. Promoting participation by local governments, special districts, and community groups who are essential to implementation of watershed protection efforts;
4. Promoting collaboration and partnerships among stakeholders, including potential funding opportunities;
5. Assisting member organizations individually and collectively by providing coordination, public education, and leadership in the management and protection of the Santa Monica Bay and its resources with the goal of increasing awareness of issues within the Santa Monica Bay watershed; and
6. Organizing work groups to focus on priority issues of concern.

**Meetings and Participation.** Santa Monica Bay Stakeholders are encouraged to attend Commission meetings (e.g., Governing Board, Executive Committee, Technical Advisory Committee) and provide comments during public forum. A public workshop meeting shall be held at least once every year to disseminate information to the Santa Monica Bay Stakeholders on the activities of the Commission and the Santa Monica Bay NEP, to respond to public inquiry, and to solicit public input on the annual work plan priorities, the CCMP update and

revision, amendment of this MOU, and other functions of the Commission. The Workshop(s) may be held in conjunction with the Governing Board, Executive Committee, and/or Technical Advisory Committee meetings. The Workshop(s) shall be an open and neutral forum for public discussion and consensus building. The Workshop(s) shall be publicly noticed and chaired by the Governing Board Chair or Vice-Chair.

**No Santa Monica Bay Stakeholders Quorum.** A quorum of Santa Monica Bay Stakeholders does not apply to the public workshops since the Santa Monica Bay Stakeholders are not a decision-making body under the management conference, but rather a critical forum for the Santa Monica Bay Stakeholders to provide information and recommendations to inform the Commission's decision-making process.

#### **E. The Santa Monica Bay NEP Host Entity**

The Commission serves as the Management Conference of the Santa Monica Bay NEP and is charged with overseeing the implementation of the CCMP. To ensure effective implementation of the CCMP, the Commission has the authority to select and enter into a memorandum of agreement with a Host Entity to administer the EPA assistance agreement that supports the activities and projects of the Santa Monica Bay NEP. The Santa Monica Bay NEP Host Entity receives the annual federal CWA Section 320 NEP grant on behalf of the Commission after determination by USEPA that the Host Entity meets the general administrative requirements for federal grants pursuant to 2 CFR Parts 200, and 1500, and comply with special provisions for NEPs included in 40 CFR 35.9000 et seq. Under the direction of the Commission and upon approval of the Commission's Governing Board, the roles and responsibilities of the Host Entity, as entered into the memorandum of agreement shall include, but are not limited to:

1. Develop and implement annual work plan of the Santa Monica Bay NEP;
2. Revise and update the CCMP;
3. Receive and manage the annual federal CWA Section 320 NEP grant;
4. Solicit and receive sources of grant funding for CCMP implementation;
5. Provide support to the Santa Monica Bay NEP Management Conference.

Upon concurrence and approval by the Governing Board, the Host Entity may provide a NEP director who is responsible for EPA grant management and daily operation of the Host Entity, and serves as liaison and representative of the Santa Monica Bay NEP.

The Bay Foundation (TBF), which was initially established by the Santa Monica Bay Restoration Project has served as the Host Entity since 2005. The Governing Board has the ability to assess the performance of the Host Entity to ensure

effective implementation of its CCMP on an ongoing basis and can decide at any time to select a new Host Entity for the Santa Monica Bay NEP. For example, the Governing Board could determine that the current Host Entity lacks the capacity to support the Santa Monica Bay NEP's administrative and/or financial needs and initiate a process to identify a new Host Entity. A description of the roles and responsibilities of the Commission and Host Entity are further defined and established in a Memorandum of Agreement.

## **F. Administration**

SB 1381 requires that the State Water Board provide administrative services to the Commission. Administrative Services provided by the State Water Board include a Chief Administrative Director, additional staff, and other administrative support functions.

**Chief Administrative Director and SMBRC staff.** Commencing with Public Resources Code section 30988.2, subdivision (a), a Chief Administrative Director position was established within the State Water Board to oversee administrative functions of the Commission and implement the directives of the Governing Board. The primary roles and functions of the Chief Administrative Director include but are not limited to:

1. Coordinate and execute the meetings and workshops of the Commission, and the Management Conference;
2. Manage memberships of the Governing Board and various committees;
3. Serve as a point of contact and liaison among the various components of the Management Conference;
4. Manage the retention of, and respond to requests for documents and other records;
5. Develop an annual work plan and report to the Governing Board work plan, implementation progress in collaboration with the Santa Monica Bay NEP Host Entity; and
6. Interact with USEPA and the Santa Monica Bay NEP Host Entity to ensure NEP program guidance and requirements are met.

The State Water Board is responsible for recruiting and determining the terms of the employment in accordance with the applicable state civil service rules and regulations. The State Water Board may also recruit additional staff, provide counsel service, loan to, or accept the loan of employees from other state agencies.

## **IV. IV. OPERATION**

Pursuant to Public Resources Code 30988.2, the Commission ~~is established within the State Water Resources Control Board (which provides administrative services/personnel support to the Commission) and the Commission shall~~ independently ~~executes~~execute its duties and authorities as authorized with

administrative services provided by the State Water Resources Control Board. Within the State Treasury, a Santa Monica Bay Restoration Account is created and monies in the account may be expended, upon appropriation by the Legislature, to support the activities of the Commission. At such time that funds are deposited in this account, semi-annual financial reports will be presented to the Governing Board ~~and to the Watershed Advisory Council~~ at a Governing Board meeting.

#### **V. V. PROGRESS REPORTS**

To ensure accountability and to allow for periodic evaluation of progress, the Commission will prepare Annual Reports that summarize the accomplishments of the Commission and its Governing Board, ~~Watershed Advisory Council~~ Executive Committee, and Technical Advisory Committee in meeting its objectives and implementing the ~~Restoration Plan~~ CCMP. These reports will be made public and given widespread distribution.

#### **VI. VI. CONFLICT OF INTEREST AND DISCLOSURE POLICY**

All members of the Governing Board are obliged to avoid any conflict of interest and must disclose to the Board any real or potential conflict of interest in any transaction or project under consideration by the Commission. In addition, members of the Governing Board are subject to the Political Reform Act (commencing with Government Code section 81000). The Governing Board shall maintain a conflict of interest code consistent with the Political Reform Act and designate appropriate positions that shall be subject to economic interest disclosures. Nothing in this section shall reduce the Commission or its members' obligations under federal or California law.

A conflict of interest may exist whenever a member of the Board (including a spouse, sibling, parent or child of a Board member) has a personal, material financial interest in a transaction or project under consideration by the Board.

If the Governing Board determines that a transaction or project involves a conflict of interest, whether real or apparent, by a member of the Board, the Board shall, at a minimum, require the Board member to abstain from voting on any such issue.

The Governing Board may approve of such a project or transaction if the Board makes specific findings that the transaction or project is (1) fair and benefits the objectives of the Commission; and (2) approved with the full knowledge of the economic benefit to the Board member involved in the conflict of interest.

#### **VII. VII. AGREEMENT**

- 1) The signatories to this Memorandum of Understanding will support the goals and objectives of the MOU upon signing of this MOU and the election and appointment of at least a quorum of members of the Governing Board.
- 2) The members of the Governing Board and all other participants of the Commission shall work together in a cooperative and collaborative manner. In cases of disputes over Commission projects, members shall engage in a good faith effort to resolve disagreements. (See ~~ATTACHMENT C~~ Attachment D)
- 3) Amendments to the MOU may be proposed to the Chairperson of the Governing Board at any time and shall become effective upon approval by a majority of the voting members of the Governing Board.
- 4) ~~Upon agreement from the Governing Board, other qualified agencies or organizations that meet the qualifying criteria in Section III.B. may be added to the Watershed Advisory Council without the need to amend this MOU.~~

This is a true and correct copy of the Memorandum of Understanding approved by the Governing Board of the Santa Monica Bay Restoration Commission on ~~June 19, 2014~~ [date proposed amendment to the MOU is approved], pursuant to Resolution ~~14-19-07XX~~.

  
 Micheál O'Leary, Chair

July 2, 2014  
 Date

~~(Note: Original MOU signed by Mary Nichols,~~

Signed:

\_\_\_\_\_  
 Secretary, California Environmental Protection Agency Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_  
Secretary, California Natural Resources Agency; ~~Winston Hickox, Secretary, California Environmental Protection Agency; and Jack Weiss, President~~

Date:

Chair, Santa Monica Bay Restoration Commission Governing Board

[Approved by the Bay Watershed Council → 5/7/03, including amendments from 7/31/03 and 12/15/05 based on revisions as recommended by review by Office of Chief Counsel 10/12/03, and Governing Board amendments made 12/15/05, 10/18/07, 4/16/09, 10/20/11, 12/15/11, 4/19/12, 2/21/13, 2/20/14, and 6/19/14]

ATTACHMENT A. United States Environmental Protection Agency's National Estuary Program Memo

ATTACHMENT B. Governing Board Members

~~ATTACHMENT B. Watershed Advisory Council Members~~

ATTACHMENT C. Santa Monica Bay Stakeholders

ATTACHMENT D. Dispute Resolution Procedures

**ATTACHMENT A:**  
**United States Environmental Protection Agency's**  
**National Estuary Program Memo**

**DRAFT**

TO: Chair, Santa Monica Bay Restoration Commission Governing Board

CC: EPA Region 9

DATE: 10/04/2019

RE: EPA Role in the Santa Monica Bay National Estuary Program (SMBNEP)

**Introduction**

The U.S. Environmental Protection Agency (EPA) is summarizing its role in the SMBNEP. The discussion below is necessarily a summary, although it does highlight the primary functions of EPA in the locally-driven National Estuary Program (NEP) partnership in the Santa Monica Bay.

We believe that EPA's role can best be described as three separate, but related, activities.

- I. EPA convened the Management Conference required for the SMBNEP under Clean Water Act Section 320(a)(2) in 1988 and approved the initial Comprehensive Conservation and Management Plan (CCMP) in 1995.**

Since its inception in 1988, the structure of the SMBNEP has undergone several organizational changes. Notably, in 2002, the State of California organized the SMBNEP as the state agency Santa Monica Bay Restoration Commission (Commission).[1] The Commission's membership, committee structure, and decision-making processes are outlined in Santa Monica Bay Restoration Commission Memorandum of Understanding (Commission MOU), which was originally approved in 2003 by the Secretary of the California Resources Agency, the Secretary of the California Environmental Protection Agency, and the President of the Santa Monica Bay Watershed Council, and was most recently amended February 20, 2014.[2]

EPA's National Estuary Program provides flexibility for individual programs to organize themselves in ways that respond to local conditions: "...[(E)ach NEP is uniquely structured, organized, and governed by its partners....[EPA guidance documents are] not intended to be prescriptive." [3]

After the initial organization of the SMBNEP, EPA's primary roles include grant

oversight and technical/advisory assistance. Under the Commission MOU, the EPA's Regional Administrator or his/her delegate serves as a nonvoting, ex-officio member of the Commission's Governing Board. In addition, EPA reviews and approves revisions or updates of the CCMP as well as annual workplans.[4]

**II. EPA provides federal funding for SMBNEP operations and CCMP project implementation through an annual assistance agreement with the designated host entity.**

The Bay Foundation (Foundation) has been the "host entity" for the SMBNEP since 2006. For EPA purposes, the host entity "administers the EPA assistance agreement that supports the activities and projects of the NEP." [5] The relationship between the Commission and Foundation is established and described in the Memorandum of Agreement Between the Santa Monica Bay Restoration Commission and The Bay Foundation Regarding the Santa Monica Bay National Estuary Program, [6] first signed in 2012 and most recently amended June 15, 2017.

EPA's role in funding is described in its entirety in the annual assistance agreement between EPA and The Bay Foundation. These annual assistance agreements must meet the general administrative requirements for federal grants pursuant to 2 CFR Parts 200, and 1500, and must also comply with special provisions for NEPs included in 40 CFR 35.9000 *et seq.*

EPA's administration of the assistance agreements is managed by EPA's Region 9.

**III. EPA's National Office performs a Program Evaluation of the SMBNEP. This is a comprehensive program evaluation that is carried out by a special review team managed by EPA Headquarters. It occurs on a 5-year cycle, including one being performed in 2019.**

"The primary purpose of the Program Evaluation (PE) process is to help the U.S. Environmental Protection Agency (EPA) assess how the implementation of Comprehensive Conservation and Management Plans (CCMPs) by the 28 programs included in the National Estuary Program (NEP) are making adequate progress in achieving programmatic and environmental results. Documented progress enables continued funding under §320 of the Clean Water Act (CWA)."[7]

The Program Evaluation is a comprehensive process that involves, at a minimum, a 5-year progress report written by NEP staff, a site visit by the PE review team, and the development of an evaluation letter with a corresponding rating, summary of findings, and recommendations by the PE review team. More information about the review process is available at <https://www.epa.gov/nep/progress-evaluation-national-estuary-program>.

[1] [Cal.Pub.Resources Code Sections 30988\(d\), 30988.2.](#)

[2] [Available at https://www.smbrc.ca.gov/about\\_us/docs/mou.pdf.](https://www.smbrc.ca.gov/about_us/docs/mou.pdf)

[3] [Frequently Asked Questions on National Estuary Program \(NEP\) Governance \(FAQS\), EPA, February 19, 2015, at page 1. Available at https://www.smbrc.ca.gov/about\\_us/orientation/docs/usepa\\_nep\\_governance\\_faq.pdf.](#)

[4] [FY 2017-2019 Clean Water Act Section 320 National Estuary Funding Guidance, EPA, Updated April 7, 2017, at page 13.](#)

[5] [FAQS, at page 2.](#)

[6] [Available at https://www.smbrc.ca.gov/about\\_us/docs/moa.pdf.](https://www.smbrc.ca.gov/about_us/docs/moa.pdf)

[7] [National Estuary Program - Program Evaluation Guidance, EPA, August 3, 2016, at page 3. Available at https://www.epa.gov/sites/production/files/2015-09/documents/2011-final-nep-pe-guidance.pdf.](#)

## ATTACHMENT B

### Santa Monica Bay Restoration Commission Governing Board Members

Governing Board Seat	Status	Appointment/Election <u>Ex-officio, Appointed, or Elected</u>
<b><u>Voting Members</u></b>		
Secretary for Environmental Protection	Voting	<i>Ex-officio</i>
Secretary of the Resources Agency	Voting	<i>Ex-officio</i>
Regional Administrator, US EPA- Region 9	Non-voting	<i>Ex-officio</i>
Director, NOAA-NMFS Southwest Division	Non-voting	<i>Ex-officio</i>
Member, California Regional Water Quality Control Board – Los Angeles	Voting	Appointed by the <del>Los Angeles-</del> <del>Regional</del> <del>Board</del> Governor
Member, California Coastal Commission	Voting	Appointed by the <del>Commission</del> either by the Governor and California Legislature
Member, California State Coastal Conservancy	Voting	Appointed by the <del>Conservancy</del> Governor and California Legislature
Supervisor, County of Los Angeles (Districts 3 or 4)	Voting	Appointed by the Board of Supervisors
Mayor or Councilmember, City of Los Angeles (SM Bay watershed district)	Voting	Appointed by the Mayor, with approval of the City Council
Councilmember for District 11, City of Los Angeles	Voting	<i>Ex-officio</i>
Mayor or Councilmember, South Bay cities	Voting	Appointed by the Appropriate COG from the following eligible members of the <del>Watershed Advisory</del> <del>Council</del> Santa Monica Bay Stakeholders: El Segundo, Manhattan Beach, Hermosa Beach, Inglewood, Redondo Beach, Palos Verdes Estates, Rancho Palos Verdes, Rolling Hills

		Estates,
--	--	----------

		Rolling Hills, Torrance
Mayor or Councilmember, Malibu Creek watershed cities	Voting	Appointed by the Appropriate COG from the following eligible members of the <del>Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> : Agoura Hills, Calabasas, Malibu, Hidden Hills, Westlake Village
Mayor or Councilmember, Ballona Creek watershed cities	Voting	Appointed by the Appropriate COG from the following eligible members of the <del>Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> : Beverly Hills, Culver City, Santa Monica, West Hollywood
Public member, environmental/public interest	Voting	Elected by the Governing Board from among members of the <del>Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> pursuant to the criteria in Section III. <del>BA</del> . representing environmental/public interest organizations
<u>Public member, environmental/public interest</u>		<u>Elected by the Governing Board from among members of the Santa Monica Bay Stakeholders pursuant to the criteria in Section III. A. representing environmental/public interest organizations</u>
Public member, business/economic interest	Voting	Elected by the Governing Board from among members of the <del>Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> pursuant to the criteria in Section III. <del>BA</del> . representing business/economic interests
Public member, coastal tourism industry	Voting	Elected by the Governing Board from among members of the <del>Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> representing business/economic interests, pursuant to the <del>criteria</del> <a href="#">criteria</a> in Section III. <del>BA</del> . Member must participate in coastal tourism industry.

General Manager, Los Angeles County Sanitation Districts	Voting	Ex-officio
Director, Public Works Department, City of LA	Voting	Ex-officio
Director, County of Los Angeles, Department of Public Works	Voting	Ex-officio
At-large Member	Voting	Elected by the Governing Board from among members of <del>the Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> pursuant to the criteria in Section III. <del>BA</del> .
At-large Member	Voting	Elected by the Governing Board from among members of <del>the Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> pursuant to the criteria in Section III. <del>BA</del> .
At-large Member	Voting	Elected by the Governing Board from among members of <del>the Watershed Advisory Council</del> <a href="#">Santa Monica Bay Stakeholders</a> pursuant to the criteria in Section III. <del>BA</del> .
<del>State Senator, 26<sup>th</sup> District</del>	<del>Non-voting</del>	<del>Ex-officio</del>
<del>State Senator, 27<sup>th</sup> District</del>	<del>Non-voting</del>	<del>Ex-officio</del>
<del>State Assemblymember,</del>	<del>Non-voting</del>	<del>Ex-officio</del>
<del>State Assemblymember,</del>	<del>Non-voting</del>	<del>Ex-officio</del>
<del>State Assemblymember 66<sup>th</sup> District</del>	<del>Non-voting</del>	<del>Ex-officio</del>
Director, CA Department of Fish and Wildlife	Voting	Ex-officio
Director, CA Department of Parks and Recreation	Voting	Ex-officio
Director, Santa Monica Mountains Conservancy	Voting	Ex-officio
Director, Los Angeles County Dept. of Beaches and Harbors	Voting	Ex-officio

<u>Officer, Las Virgenes Municipal Water District</u>	<u>Ex-officio</u>	
Chief, Los Angeles County Fire Department, <del>Life-Guard</del> <u>LifeGuard</u> Division	Voting	Ex-officio
<u>Non-voting Members</u>		
<u>Regional Administrator, US EPA Region 9</u>	<u>Ex-officio</u>	
<u>Director, NOAA-NMFS Southwest Division</u>	<u>Ex-officio</u>	
<u>State Senator, 26th District</u>	<u>Ex-officio</u>	
<u>State Senator, 27th District</u>	<u>Ex-officio</u>	
<u>State Assemblymember, 50th District</u>	<u>Ex-officio</u>	
<u>State Assemblymember, 62nd District</u>	<u>Ex-officio</u>	
<u>State Assemblymember, 66th District</u>	<u>Ex-officio</u>	
Chair, Technical Advisory Committee	Non-voting	Ex-officio
President, Santa Monica Bay Restoration Foundation Board	Non-voting	Ex-officio

~~Watershed Advisory Council  
Members  
(\* also Governing Board Member)~~

**ATTACHMENT C**  
**The Santa Monica Bay Stakeholders**

The Santa Monica Bay Stakeholders is open to any and all interested parties active in the Santa Monica Bay watershed. Below is a list of some of the Santa Monica Bay Stakeholders (\* also Governing Board Member).

**Local Municipalities**

City of Agoura Hills †  
City of Beverly Hills  
City of Calabasas  
City of Culver City  
City of El Segundo  
City of Hermosa Beach  
City of Inglewood  
City of Los Angeles\*  
City of Malibu\*  
City of Manhattan Beach  
City of Palos Verdes Estates\*  
City of Rancho Palos Verdes  
City of Redondo Beach  
City of Rolling Hills  
City of Rolling Hills Estates  
City of Santa Monica  
City of Thousand Oaks  
City of Torrance  
City of West Hollywood  
City of Westlake Village  
LA County Supervisor, District 3\*  
LA County Supervisor, District 4

**Federal, State and Local Agencies (water quality, resources management, public health)**

US EPA Region 9\*  
NOAA-NMFS Southwest Division\*  
US Army Corps of Engineers National Park Service,  
State Water Resources Control Board\*  
CA Regional Water Quality Control Board - Los  
Angeles Region\*

CA Coastal Commission\*  
CA State Coastal Conservancy\*  
CA Dept. of Fish and Wild Life  
CA Dept. of Parks and Recreation\*  
Santa Monica Mountains Conservancy\*  
Resource Conservation District of SM Mtns.\*  
LA County Fire Department - Lifeguard Division\*  
LA County Department of Public Health Services  
LA County Dept. of Beaches and Harbors\*

### **Stormwater and Municipal Wastewater Management Agencies**

CalTrans, District 7  
County Sanitation Districts of LA County\* Las Virgenes Municipal Water District\* City  
of Los Angeles, Bureau of Sanitation\* City of Los Angeles, Bureau of Engineering  
County of Los Angeles, Dept. of Public Works\* West Basin Municipal Water District\*

**Utilities/Industry/Business**

Brash Industries  
Chevron Products Company\*  
City of Los Angeles, Dept. of Water and Power  
NRG - El Segundo Operations, Inc.

**Environmental Organizations/User Groups**

Ballona Lagoon Marine Preserve  
Ballona Creek Renaissance  
Ballona Ecosystem Education Project  
Ballona Wetlands Foundation  
Ballona Wetlands Land Trust  
Friends of Ballona Wetlands Heal the Bay\*  
League for Coastal Protection  
Los Angeles Rod and Reel  
Los Angeles Waterkeeper\*  
Malibu Surfing Association  
Marina Del Rey Anglers\*  
Natural Resources Defense Council  
Ocean Conservation Society  
Santa Monica Bay Audubon Society  
Sierra Club - Angeles Chapter  
Surfrider Foundation, South Bay Chapter

**Legislative Representatives**

Senior US Senator  
Junior US Senator  
US Representative, 30<sup>th</sup> District\* US Representative, 36<sup>th</sup> District\*  
State Senators, 26<sup>th</sup> & 27<sup>th</sup> Districts\*\*  
State Assemblymembers, 50<sup>th</sup>, 62<sup>nd</sup>, 66<sup>th</sup> Districts\*\*\*

**Other Members**

Chair, Technical Advisory Committee\*  
Chair, Malibu Creek Watershed Advisory  
Council

**ATTACHMENT [CD](#)**  
**Dispute Resolution Procedures**

In the event that consensus cannot be reached in the normal course of Commission proceedings, the parties agree to use the following dispute resolution process:

1. Commission staff meets with the dissenting party(ies) and attempts to resolve the issue(s). If a resolution is found, it will be brought before the board for review and possible approval. If no resolution is reached, then Level Two discussions are initiated.
2. Commission staff arrange for mediation. If an agreement is reached, it will be brought before the Governing Board for its consideration and possible approval. If agreement is not achieved, then Level Three is initiated.
3. The Governing Board Chairperson meets with the disputing parties and makes a recommendation for resolving the issues. This recommendation is brought before the
  - [a.](#) Governing Board for approval/disapproval. If agreement is not achieved, then Level Four is initiated.
4. Commission staff, in consultation with the Governing Board, shall arrange for arbitration.

Document comparison by Workshare 10.0 on Tuesday, October 15, 2019  
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