



**SANTA MONICA BAY
RESTORATION COMMISSION**
MANAGEMENT CONFERENCE OF THE NATIONAL ESTUARY PROGRAM

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November 12, 2020

Agenda Item: 2.c.

To: Executive Committee, Santa Monica Bay Restoration Commission
From: Guangyu Wang, Chief Administrative Director
Re: **Consideration of Adoption of Subcommittee Guidelines**

Action Requested of the Executive Committee

Adopt the Executive Committee's Guidelines for the Establishment and Operation of Subcommittees (Subcommittee Guidelines).

Background

The Memorandum of Understanding (MOU) of the Santa Monica Bay Restoration Commission provides that the Executive Committee may "identify the need to establish subcommittees, establish subcommittees including the operational procedures and tasks for the subcommittees, appoint subcommittee members, and report on subcommittee outcomes as appropriate" (Section III.B.4.b of the MOU, page 9).¹

At its July 16, 2020 meeting, the Executive Committee directed staff to develop preliminary recommendations and solicit input from the Governing Board regarding the establishment and operation of subcommittees. At the September 17, 2020 Executive Committee meeting, staff presented additional recommendations based on the input provided by Governing Board members at the August 20, 2020 Governing Board meeting and via follow-up email. The Executive Committee then directed staff to develop guidance for the formation of subcommittee based on staff recommendations presented to date.

The proposed Subcommittee Guidelines provides a general framework for the formation of subcommittees by the Executive Committee, including considerations for identifying the need, establishment, membership appointment, and reporting on outcomes for subcommittees (Attachment 1).

¹ The MOU is available on the Commission's website at https://www.smbrc.ca.gov/about_us/docs/mou.pdf.



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

To allow the Executive Committee the flexibility to structure subcommittees based on the nature of the issue to be addressed, the details of each subcommittee, including the operational procedures, tasks, and membership, would be established at the onset of forming the subcommittee.

Attachments

Attachment 1 Draft Subcommittee Guidelines

- DRAFT -
Santa Monica Bay Restoration Commission
Executive Committee
Guidelines for the Establishment and Operation of Subcommittees

November 12, 2020

1. INTRODUCTION

The Memorandum of Understanding (MOU) of the Santa Monica Bay Restoration Commission (Commission) states that the Executive Committee is charged with overseeing the day-to-day activities of the Commission including by identifying the need to establish subcommittees, establishing subcommittees including the operational procedures and tasks for the subcommittees, appointing subcommittee members, and reporting on subcommittee outcomes as appropriate (Section III.B of the MOU, page 7).¹

The purpose of this document is to guide the Executive Committee's establishment of subcommittees, which serve as a mechanism for addressing targeted, high-priority issues of concern in the Santa Monica Bay watershed and furthering the Executive Committee's role in overseeing the day-to-day activities of the Commission. Only ad hoc subcommittees, or subcommittees formed for a limited period to address a specific need (hereafter subcommittee), should be formed and only one subcommittee should be formed at a time. The Executive Committee should only consider forming a subcommittee for issues relevant to the mission of the Commission and the Comprehensive Conservation and Management Plan (CCMP) of the Santa Monica Bay National Estuary Program (NEP), addressing the issue is not contingent on the completion of other processes, and if the purpose for forming the subcommittee cannot be achieved through another mechanism such as referral to a component of the Commission or to The Bay Foundation as the Host Entity of the Santa Monica Bay NEP.

As the nature of the issue to be addressed may vary, this document provides general guidance to allow the Executive Committee the flexibility to establish subcommittees and report on subcommittee outcomes in ways that achieve the subcommittees' intended goals. These guidelines were informed by input from members of the Commission including input provided at several public Commission meetings—the July 16, 2020 Executive Committee meeting, the August 20, 2020 Governing Board meeting, and the September 17, 2020 Executive Committee meeting.

¹ The MOU is available on the Commission's website at https://www.smbrc.ca.gov/about_us/docs/mou.pdf.

Following this Introduction, Section 2 of this document outlines considerations for identifying the need to establish a subcommittee and Section 3 briefly describes the establishment of subcommittees. Section 4 provides general guidelines for appointment of subcommittee membership. Section 5 briefly discusses the Executive Committee role in reporting on subcommittee outcomes.

2. IDENTIFICATION OF THE NEED FOR A SUBCOMMITTEE

The Executive Committee should consider the following factors when identifying the need for a subcommittee and prior to establishing the subcommittee:

- The nature and purpose of the issue to be addressed,
- Whether other mechanisms are available to address the issue, and
- Available staff resources.

These considerations are discussed below. Members of the Executive Committee could gather information and report back at an Executive Committee meeting to inform whether a subcommittee is needed. If a need is identified, the Executive Committee would schedule the establishment of the subcommittee for a subsequent Executive Committee meeting (see Section 3 for discussion of subcommittee establishment).

2.1 Nature and Purpose of the Issue

The Executive Committee should only consider the formation of a subcommittee to address an issue that is relevant to the mission of the Commission and the CCMP, has a targeted purpose and defined objectives, is as high a priority as other Commission priorities, and is not contingent on the completion of other processes, such as completion of a grant agreement or Environmental Impact Report.

For issues that have not been identified in the CCMP but have emerged since the CCMP was updated or for issues that do not yet have a targeted purpose or defined objectives, the Executive Committee should consider how to gather background information prior to formation of a subcommittee. For instance, the Executive Committee may decide it is appropriate to have an informational item on the issue at a future meeting, which could help inform whether a subcommittee is necessary and, if so, identify the purpose and objectives of the subcommittee.

2.2 Other Mechanisms

Subcommittees should only be considered if the purpose for its formation cannot be achieved through other mechanisms such as updates or presentations from individual members, or referring to a component of the Commission or The Bay Foundation as the Host Entity of the Santa Monica Bay NEP.

The Commission's diverse membership includes representatives from federal, state, and local public agencies and local municipalities, wastewater management agencies, environmental, business, and community interest groups, and legislative districts. Many of these representatives may be project leads, topic experts, or be able to identify other

individuals or entities that could provide additional information. The Executive Committee should consider whether updates or presentations from key experts or stakeholders would be a sufficient and appropriate mechanism for addressing the issue of concern.

Depending on the nature of the issue, the issue may be able to be addressed by the Commission's Governing Board, Executive Committee, Technical Advisory Committee (TAC), or The Bay Foundation as the Host Entity, as part of their regular roles and functions.

For example, during regularly scheduled Commission meetings, the Governing Board could address policy-related issues and the Executive Committee could discuss issues related to the planning and implementation of the Commission's vision, mission, goal, objectives, and program priorities.

As the component of the Commission that provides scientific information and recommendations, issues that are technical in nature could be referred to the TAC. However, the TAC consists of volunteer experts whose activities include developing and finalizing the State of the Bay Report, updating the Comprehensive Monitoring Program, and reviewing and evaluating project proposals and monitoring plans for State bond-funded projects recommended by the Commission. The TAC's limited resources and current work priorities should be acknowledged when considering referral of technical issues to the TAC.

As the Host Entity, The Bay Foundation supports the Santa Monica Bay NEP in part by implementing several projects that further the CCMP and coordinating NEP activities with existing efforts in the watershed. As such, The Bay Foundation may be able to assist in addressing issues of concern through their coordination and outreach efforts, and provide information during regular updates at Governing Board and Executive Committee meetings.

2.3 Staff Resources

The Executive Committee should consider the limited resources and current work priorities of staff prior to establishing a subcommittee. Ongoing work activities include preparing for, coordinating, and executing meetings and workshops of the Commission; managing memberships of the Commission's Governing Board, Executive Committee, and TAC; responding to requests for documents and other records; supporting the development and implementation of the Santa Monica Bay NEP Annual Work Plan; supporting implementation of the actions and priorities in the CCMP; and overseeing the implementation of State bond-funded projects. Given the considerable amount of staff resources required to provide administrative support for a subcommittee and staff's ongoing work activities, only one subcommittee should be established at a time.

3. ESTABLISHMENT OF A SUBCOMMITTEE

If the Executive Committee identifies a need for forming a subcommittee that meets the criteria outlined in Section 2, the Executive Committee would define the subcommittee's

specific purpose, objectives, scope of work, deliverables, timeline, operational procedures, and tasks and appoint the membership at the onset of establishing the subcommittee (see Section 4 for discussion of subcommittee membership). The establishment of the subcommittee and the details of its operation would be scheduled and occur during a publicly noticed meeting of the Executive Committee.

The specific details, including the operational procedures and tasks, would be developed on a case-by-case basis to preserve the Executive Committee's flexibility to structure the subcommittee in ways that are considered the most effective in meeting its objectives.

The subcommittee would not be a standing subcommittee, or operate in perpetuity, but have defined finite objectives and timelines. The subcommittee should exist for a specified term or until its purpose and objectives are achieved, whichever comes first, and the duration of the subcommittee should generally not exceed one year.

Subcommittees of three or more members would be subject to Bagley-Keene Open Meetings Act and, therefore, meetings of subcommittees would be publicly noticed and open to the public. To reduce the administrative burden on staff, whenever feasible, subcommittee meetings would be held at the end of Governing Board, Executive Committee, or other regularly scheduled and publicly noticed Commission meetings.

4. APPOINTMENT OF SUBCOMMITTEE MEMBERSHIP

Subcommittees would consist of at least three members. Only Governing Board members would be eligible for subcommittee membership, but could consult with non-members as needed in order to fill specific expertise gaps not represented on the Governing Board. Willing and able Governing Board members would volunteer to be members of a subcommittee. As discussed in Section 3, the specific responsibilities of the subcommittee members would be informed by the nature of the issue and determined upon the establishment of the subcommittee. However, while Commission staff provide administrative support for the subcommittee, the members of the subcommittee would be responsible for carrying out the subcommittee's tasks and developing the deliverables.

5. REPORTING ON SUBCOMMITTEE OUTCOMES

As the nature of the issue to be addressed may vary, the Executive Committee has the flexibility to report on subcommittee outcomes in ways that achieve the intended goals of the individual subcommittee. Mechanisms for reporting on subcommittee outcomes could be in the form of a memo or report, or presented as an informational item at an Executive Committee or Governing Board meeting.