

ARTICLE 5 STANDING COMMITTEES

5.1 ESTABLISHMENT OF STANDING COMMITTEES. In accordance with Section 7.04 of the Agreement, the Board may from time to time establish standing committees for the purpose of making recommendations to the Board on the various activities of the Authority. The establishment of any standing committee and its general duties shall require a vote of the Board, and the activities of the standing committee shall be subject to the provisions of the Ralph M. Brown Act (California Government Code sections 54950, et seq.). Standing committees shall exist for the term specified in the action creating the committee and, the Board may dissolve a committee at any time through a vote of the Board.

5.2 CONDUCT OF STANDING COMMITTEES. All standing committee meetings shall be noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (California Government Code sections 54950, et seq.). Except as set forth below, the Board shall appoint the respective committee chairs in consultation with the committee members and the Board may further establish rules of conduct for said standing committees. The Board shall, in consultation with the committee members, establish a time and provide a place for regular meetings of any standing committee. The Board Chairperson may call a special meeting of a standing committee as the need arises. The Standing Committee's chairperson, vice chairperson, or three members may make the request to the Board for calling a special meeting. Standing committee meeting minutes shall be recorded and upon approval shall be distributed to the Board. Unless determined by General Counsel that a legal conflict, a public records exemption, or other privilege exists, standing committee members shall have access to and may inspect the records of the Authority, including, but not limited to, the accounting books and records and minutes of the proceedings of the Board and other committees of the Board, at any reasonable time. A designated representative of the committee member may make any inspection under this Section and the right of inspection includes the right to copy.

A quorum of a committee shall be a majority of the appointed committee members that hold a vote. As provided in the Brown Act, no meeting of a standing committee shall occur without the attendance of a quorum of its committee members. The affirmative vote of the majority of the members present at a standing committee meeting is necessary for the passage of any motion. The voting on all matters of standing committees, including minute orders, resolutions and ordinances, shall be reported on the minutes and accomplished in a manner that readily signifies the action taken and the vote or abstention on that action of each member present for the action. All rules of order for a standing committee not otherwise provided for in these Bylaws shall be determined, to the extent practicable, in accordance with "Robert's Rules of Order;" provided, however,

that no action shall be invalidated or its legality otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.” The Authority’s General Counsel shall resolve all questions of compliance with “Robert’s Rules of Order.”

5.3 STANDING COMMITTEE MEMBERSHIP. Standing committee appointments and removal shall be made at the Board’s discretion.

5.4 STANDING COMMITTEE DIRECTION. The Board shall assign tasks to its standing committees, the expected duration for completion of a particular task, and a summary of the resources, including staff or consultant support available to the standing committee in performing the task.

5.5 POLICY ADVISORY COMMITTEE. As authorized by California Water Code Section 10727.8, which provides that a “groundwater sustainability agency may appoint and consult with an advisory committee consisting of interested parties for the purposes of developing and implementing a groundwater sustainability plan,” the Board hereby establishes a standing committee named the Policy Advisory Committee (PAC). The PAC is the primary advisory body to the Board on all policy-related matters of the Board that are appropriate for the PAC input. The Board shall provide tasks to the PAC and the PAC shall report directly to the Board. As set forth Section 5.9, the PAC shall be provided an opportunity to advise the Board on the development of the Indian Wells Valley Groundwater Sustainability Plan (GSP) including all components that, in the aggregate, comprise the GSP, including but not limited to substantive components required of a GSP under California Water Code Division 6, Part 2.74, Chapters 6 and 8, and under California Code of Regulations, Title 23, Division 2, Chapter 1.5, Subchapter 2 (“GSP Elements.”), prior to the Board’s approval of each GSP Element. Upon adoption of the GSP, the PAC shall continue to meet regularly as provided by the Board and, where legally appropriate, advise the Board concerning the policy matters pertaining to the implementation of the GSP. In the event that the GSP is subject to modification, such modifications shall be made in accordance with these bylaws. The PAC shall not discuss or influence any enforcement aspects of GSP implementation, so as to avoid conflicts of interest and other legal limitations. Sections 5.3 through 5.13 shall be subject to annual review by the Board.

5.6 POLICY ADVISORY COMMITTEE MISSION AND OBJECTIVES. As required by California Water Code Section 10723.2, the Authority as a Groundwater Sustainability Agency must consider the interests of all beneficial uses and users of groundwater within the Basin. To assist the Authority with meeting this requirement, the objectives of the PAC are to: (1) provide all water users in the Basin with a meaningful voice and representation on policy matters of the Board associated with SGMA; (2) work

collaboratively for the benefit of the Basin as a whole; (3) provide input and recommendations to the Board, in collaboration with the Water Resources Manager, and other committees of the Board, in support of actions that facilitate bringing the Basin into compliance with SGMA; and (4) work in good faith to achieve consensus and make unified recommendations to develop a GSP, and for management actions to achieve groundwater sustainability in accordance with the requirements of SGMA.

5.7 POLICY ADVISORY COMMITTEE MEMBERSHIP. The Board shall appoint voting PAC members to the following constituent groups:

- 2 representatives from Large Agriculture
- 1 representative from Small Agriculture
- 2 representatives from Business Interests
- 2 representatives from Domestic Well Owners
- 2 representatives from residential customers of a public agency water supplier
- 1 representative from Eastern Kern County Resource Conservation District
- 1 representative from Wholesaler and Industrial User

At least one of the appointed voting PAC members shall, in addition to representing one of the above listed constituent groups, shall also represent Disadvantage Communities as defined by California Public Resources Code Section 75005(g), by residing or conducting business within a Disadvantaged Community or serving water to a Disadvantaged Community.

An individual may qualify as a Domestic Well Owner representative if they own a well used for residential purposes only, if they are part of a well sharing agreement, or if they are a shareholder/member of a mutual water company.

Individuals seeking appointment to a voting position on the PAC must be a citizen of the United States that is at least 18 years of age and either a registered voter, landowner, authorized representative of a landowner, or a person that relies on groundwater from the in Indian Wells Valley Groundwater Basin. Individuals seeking membership to a voting position on the PAC must submit an application which will be reviewed and acted upon by the Board. However, since the Eastern Kern County Resource Conservation District is a public agency, its Board will be allowed to submit a request for the appointment of an individual from their agency.

The Board shall also provide non-voting membership on the PAC for the following:

- 1 representative from the Indian Wells Valley Water District
- 1 representative from the Department of the Navy
- 1 representative from the Bureau of Land Management

Additionally, while not considered official members of the PAC and not holding any voting rights on matters before the PAC, one representative from Kern County Planning and Natural Resources Department shall be appointed to provide land use expertise.

The public entities and Departments set forth above may request the appointment of a PAC member representative that is a member of their Board or organization.

Having already conducted an application process and upon the proper and thorough review of the applications submitted, the Board has chosen the initial PAC membership set forth in Authority Resolution _____. Said Resolution may be amended in the future as the need arises to reflect changes in PAC membership.

5.8 POLICY ADVISORY COMMITTEE CHAIRPERSON AND VICE-CHAIRPERSON, AND MEMBERSHIP TERMS. The PAC shall appoint a PAC Chairperson and PAC Vice-chairperson in consultation with the Board. The non-voting members of the PAC and the Eastern Kern County Resource Conservation District may change their PAC member representatives without Board approval. All other changes in PAC membership shall require Board approval. Changes in individual PAC members should generally coincide with the annual membership review process. In the event that a PAC member needs to step down outside of this timeframe, the member should notify the PAC Chair (or, as warranted, the Vice-Chair) in writing of the need for change no less than two weeks prior to the next PAC meeting. If the member desires, they may provide a recommendation to the Board on replacement member to the PAC.

The initial term of PAC member representatives shall be until the GSP is completed and approved by DWR. Subsequent terms shall be two years, culminating at the end of a calendar year.

5.9 POLICY ADVISORY COMMITTEE ROLES AND RESPONSIBILITIES. The PAC, in consultation with the Water Resources Manager, shall be tasked by the Board to develop non-binding proposals on policy matters pertaining to each GSP Element ("PAC Proposals"). The PAC shall strive for consensus in all of its decision-making, particularly when crafting PAC Proposals. If the PAC is unable to reach consensus, the range of opinions provided, including areas of agreement and disagreement, will be

documented in meeting summaries (“PAC Meeting Summaries”). PAC Proposals and PAC Meeting Summaries shall be submitted to the Water Resources Manager for initial review and comment. After considering all comments provided by the Water Resources Manager, and incorporating such comments to the extent deemed appropriate by the PAC, the PAC shall submit final PAC Proposals and any final PAC Meeting Summaries to the Board for consideration. If the PAC deems it inappropriate to include any comments or concerns of the Water Resources Manager, the PAC will provide the Board with a detailed reasoning to support its determination.

The Board shall consider all PAC Proposals and PAC Meeting Summaries, as well as any technical information and reports provided by the Water Resources Manager that are requested by the Board, and after such consideration, the Board shall make a final approval of each GSP Element and direct the Water Resources Manager to prepare the GSP Element in accordance with the Board’s approval.

- 5.10 PAC ATTENDANCE.** PAC member representatives must regularly attend all meetings of the PAC. PAC member representatives who regularly miss PAC meetings may be removed by the action of the Board. PAC member representatives agree to: (1) arrive at each meeting fully prepared to discuss the issues on the agenda, where such preparation includes reviewing meeting minutes, policy information, and draft documents distributed in advance of each PAC meeting; (2) present and represent the views of their constituent group on the issues being discussed and be willing to engage in respectful, constructive dialogue with other members of the PAC; (3) develop a problem-solving approach in which they consider the interests and viewpoints of all stakeholders in the Basin; (4) keep their constituent group informed about ongoing issues and actively seek their input; and (5) pursue the PAC’s purpose and goals and support GSP development and where legally appropriate implementation. An individual appointed by the Board shall prepare written minutes of all PAC meetings, which shall be available for public inspection once reviewed and approved by the PAC.
- 5.11 TECHNICAL ADVISORY COMMITTEE.** The Board hereby establishes a standing committee named the Technical Advisory Committee (TAC) which will assist the Water Resources Manager in the preparation of the GSP and will work collaboratively with other committees of the Board.
- 5.12 TECHNICAL ADVISORY COMMITTEE MEMBERSHIP.** The TAC shall be comprised of individuals representing PAC members, PAC membership categories and the interests of the Basin landowners and water users. Members of the TAC must have a formal education and experience in a groundwater related field and an understanding of the technical aspects of the Basin or similar groundwater basins in California. Each

member of the PAC may nominate one member of the TAC for review and possible approval by the Board. The Board may also appoint members to the TAC that are not affiliated with any PAC members to ensure proper stakeholder representation. The initial TAC membership shall be adopted by Authority Resolution. Said Resolution may be amended in the future as the need arises to reflect changes in appointment of TAC representatives consistent with these Bylaws. The initial term of membership for the TAC shall be until the GSP is completed and approved by DWR. Subsequent terms of membership shall be two years, culminating at the end of a calendar year. The TAC shall appoint a TAC Chairperson and a TAC Vice-Chairperson in consultation with the Water Resources Manager.

- 5.13 TECHNICAL ADVISORY COMMITTEE ROLES AND RESPONSIBILITIES.** As required by law and as directed by the Board, the Water Resources Manager shall be responsible for the preparation of each technical element of the GSP. The Water Resources Manager shall attend and set the agenda of each TAC meeting so that each technical element of the GSP is presented to the TAC, in draft, to afford the TAC a reasonable opportunity to review and conduct a thorough evaluation prior to finalization of that technical element. In the course of evaluating each draft technical element of the GSP, the TAC shall strive for consensus in preparing written recommendations to the Water Resources Manager (“TAC Proposals”). The TAC shall submit its TAC Proposals to the Water Resources Manager, as well as written summaries of the range of TAC comments reflecting any areas of disagreement for consideration in the final preparation of any GSP Element. If any TAC member disagrees with any proposed GSP element following discussion with the Water Resources manager, that member (or members) may submit a written analysis and objection to the Board no later than 72 hours before that GSP element is considered by the Board. In the event that the GSP is subject to modification, such modifications shall be made in accordance with these bylaws. The TAC shall not discuss or influence any enforcement aspects of GSP implementation, so as to avoid conflicts of interest and other legal limitations.