

Lower Yolo Bypass Planning Forum
DRAFT Charter
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Section 1: Background and Purpose of Project

The Lower Yolo Bypass (Lower Bypass) is the most downstream portion of the Yolo Bypass (Bypass). The Bypass is a leveed 59,000 acre floodway located west of the lower Sacramento River and within Yolo and Solano Counties. The Bypass was built between 1917 and the mid 1930s to provide flood conveyance for the lower Sacramento River. It is a primary component of the Sacramento River Flood Control Project (FCP) and carries the cumulative high flows from several northern California waterways to the Sacramento-San Joaquin River Delta (Delta).

There is no legal definition of the Lower Bypass. For the purpose of this project, the Lower Bypass project area extends from the southern boundary of the Department of Fish and Game (DFG) Yolo Bypass Wildlife Area downstream to and including the City of Rio Vista. This includes a large area of privately and publicly owned lands including Liberty Island (Reclamation District [RD] 2093), Little Holland Tract, and Yolo Ranch. To the east, the project area includes RDs 999, 1667 (Prospect Island), and 501 (Ryer Island). To the west the project area includes RDs 2068, 2098, 536, 2084 (Egbert Tract) and Hastings Tract.

Liberty Island, Little Hastings Tract and Little Holland Tract have been flooded for over a decade. Prospect Island has flooded periodically. Areas on these and some other parcels are not actively managed. These flooded and non-flooded areas include conditions of rapidly growing wetland / riparian habitats. Flooding on some islands is believed by some adjacent landowners to cause subterranean passage of water that then ponds on adjacent properties. Conveyance capacity of the floodway is potentially impacted by existing vegetation conditions. Similarly, wave energy from open water conditions on these flooded islands has caused erosion damage on adjacent FCP and restricted height levees. ~~In some areas, islands have flooded and p~~Previous agricultural infrastructure is inundated ~~or impacted~~. Agricultural land management has been rendered infeasible in many locations. ~~Private~~Public and private landowners of these islands and lands adjacent to these islands have been impacted by these conditions. Diverse, largely unmanaged, recreational use occurs in the area (i.e., motorized and self propelled boating, angling, hunting, bird watching, etc.).

Typical habitats (terrestrial, riparian, and aquatic) associated with the Lower Bypass are cited routinely by specialists as offering ecological benefit and productivity to the Delta. Aquatic species decline (particularly pelagic organisms) in the Delta has prompted increased concern by advocacy groups, water contractors, and local, State, and Federal governments. Judicial decisions regarding State and Federal pump operations in the South Delta are related to these species impacts and have further heightened the need and interest for Delta habitat improvements. A range of public and private organizations have purchased, and are considering purchasing lands in the Lower Bypass as a means to expand tidal wetland habitats. Water quality is potentially degrading due to methylmercury and dissolved organic carbon production from wetlands and other physical conditions. Diverse recreationalists use the area for a variety of largely unmanaged purposes (i.e., motorized and self propelled boating, angling, hunting, bird watching, etc.).

The conflicting conditions described above have existed for many years. In 2004, the California State University Sacramento, Center for Collaborative Policy (CCP) was facilitating a Bypass watershed stakeholder process on behalf of the Yolo Basin Foundation (Foundation) through a grant from the CALFED Bay-Delta Program (CALFED). CCP and the Foundation approached CALFED with an idea to assess stakeholder conditions in the Lower Bypass to see if a stakeholder process would be feasible to address and potentially resolve the conflicts described above. In 2005, CCP completed the Lower Yolo Bypass Stakeholder Process Feasibility Assessment (<http://www.csus.edu/ccp/projects/recent.stm#loweryolobypass>). CCP recommended that a stakeholder process would be feasible and beneficial and that the Foundation and Delta Protection Commission (Commission) would be effective sponsors of such an effort due to their respective constituencies and responsibilities in the Bypass and Delta. DFG offered to fund this effort. Contracting was completed in mid-2008.

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The purpose of the Lower Yolo Bypass Planning Forum is to convene a set of representative stakeholders directly associated with the Lower Bypass. This group is intended to work in a collaborative manner to develop mutually supported, mutually beneficial management options for the Lower Bypass. This work will be coordinated with the efforts of the Delta Vision process, the Bay-Delta Conservation Plan (BDCP), the Central Valley Flood Protection Plan (CVFPP), the CALFED Bay-Delta Program, the North Bay Aqueduct Alternate Intake Project ~~planning effort~~, the Delta Conveyance study, and likely other efforts. This process is also expected to coordinate closely with, and provide opportunities for input from stakeholders throughout the Delta and the Sacramento River system. Recommendations made by the Planning Forum may have an affect in these other regions and their input is vital to the Planning Forum process. Stakeholders in these neighboring processes and areas will be invited to participate in many Planning Forum activities but they are not intended to become Planning Forum Members (defined in Section 2)

Section 2: Membership

No stakeholder group can be completely inclusive. Time, budget, and size considerations mandate that a stakeholder group must be a representative and manageable cross-section of interests rather than a comprehensive collection of all parties. Related public participation efforts can and will support a broader number of interested stakeholders to also be involved. The Planning Forum represents a comprehensive cross-section of directly affected landowner and advocacy stakeholders, and directly involved (through statute, guidance, and policy) government stakeholders. These stakeholders will be most directly affected by resource management decisions in the Lower Bypass. Table 1 describes Planning Forum Members (Members) and membership rationale. These Members have been invited to participate by DFG, the Commission and Foundation through neutral process design advice from CCP.

Table 1

Stakeholders	Rationale
RDs 999, 501, 536, 2068, 2098, 2084,	Private agricultural landowners in districts directly adjacent to the Lower Bypass and sharing adjacent FCP and restricted height levees.
Hastings Tract	Sole ownership island supporting agricultural production and upland bird species hunting. The island is adjacent to the Bypass geographically but it is protected by an FCP levee and is not part of the statutory Yolo Bypass flood facility.
Trust for Public Land	Primary landowner in RD 2093 (Liberty Island) which flooded in the mid-late 1990's due to levee breaches. Purchased in late 1990s with Federal funding; intended to be a part of the proposed US Fish and Wildlife Service (USFWS), North Delta National Wildlife Refuge. The Refuge was not approved and the island has been maintained in private ownership by the Trust for Public Land
Wildlands Inc.	Private landowner of upper northeast corner of Liberty Island. General corporate mission is to conduct for-profit restoration of habitats. Intending to create / restore their portion of Liberty Island into tidal wetland habitat
Westlands Water District (WWD)	Owner of Yolo Ranch, located immediately upstream of Liberty Island. Intending to create / restore tidal wetland habitat on half or more of their property.
Metropolitan Water District of Southern California	Partner with WWD on Yolo Ranch activities.
Mound Farms	Private land holding adjacent to Liberty Island and Yolo Ranch. Property is

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	managed for agriculture throughout the year, except during hunting season when part of it is flooded for privately managed freshwater wetlands and is used for waterfowl hunting by a family partnership.
DFG – Yolo Wildlife Area	Largest single landowner in the Bypass. Creates the upstream boundary of the proposed Lower Bypass Project Area. The Wildlife Area provides refugia for migratory waterfowl, which potentially impacts private hunting clubs and partnerships located between the Wildlife Area and Liberty Island / Yolo Ranch restoration areas.
DFG – Bay-Delta Program / Region 3	Lead implementing agency for the CALFED Ecosystem Restoration Program, State resource trustee and regulator for special status species and streambed alterations, signatory to the Delta Fisheries Agreement, State resource manager and regulator for game species and related recreation (e.g. angling, hunting) land manager in the Lower Bypass. Coordinator with Federal agencies responsible for Delta special status species protection (USFWS and National Marine Fisheries Service)
US Bureau of Reclamation (USBR)	Principal landowner of Prospect Island.
Port of Sacramento	Manager of the Deep Water Ship Channel which is part of the Bypass FCP. Minority landowner on Prospect Island.
Yolo Natural Heritage Program	Multi-jurisdiction Joint Powers Agency developing a Habitat Conservation Plan (HCP) and Natural Communities Conservation Plan (NCCP) for all of Yolo County focusing on terrestrial species
Solano County Water Agency	Beneficiaries of the North Bay Aqueduct. Managers of the Solano HCP
Solano County	Part of the Lower Bypass is located in unincorporated Solano County (excluding the City of Rio Vista). Solano County will play a role assessing local impacts of proposed projects and the consistency of proposed projects with other County conditions and policies. Representatives will also coordinate with emergency service providers that are often called on to respond to conditions in the Lower Bypass.
Yolo County	Part of the Lower Bypass is located in unincorporated Yolo County. Yolo County will play a role in assessing local impacts of proposed projects and the consistency of proposed projects with other County conditions and policies. Representatives will also coordinate with emergency service providers that are often called on to respond to conditions in the Lower Bypass.
City of Rio Vista	The City of Rio Vista is at the downstream end of the project area and is adjacent to Cache Slough, the river channel that the Lower Bypass flows to. It is an incorporated jurisdiction and is the only population center in the project area.
US Army Corps of Engineers	Landowner of Little Holland Tract, a flooded parcel east of Liberty Island. Also the Federal trustee for wetlands regulation and certification, and flood conveyance through the FCP
Central Valley Flood Protection Board / Department of Water Resources (DWR), Division of Flood Management	Regulator for any projects that might encroach on the FCP. Agency responsible for statewide flood management. Manager of the CVFPP process.
DWR – Division of	Coordinates the environmental mitigation, documentation, monitoring and

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1 2 3 4 5 6 7 8 9 10 11 12 13	Environmental Services	reporting responsibilities needed to operate and complete the State Water Project (including water quality) and support the implementation of the CALFED. Signatory to the Delta Fisheries Agreement
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32	North Delta Water Agency	Administrator of the 1981 settlement contract with DWR protecting water rights and supplies for historic North Delta water users. Collects a fee assessment from Agency customers.
33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50	Sacramento - Yolo Mosquito and Vector Control District / Solano County Mosquito Abatement District	Principal agencies responsible for vector control and management in the Lower Bypass. The districts engage with land managers to establish control options including best management practices.

2.1 - Addition of Members

During the course of its work, the Planning Forum may decide it is in the best interest of project outcomes to add members. If this occurs, the following is a general procedure to do so:

1. The Planning Forum will create a Membership Committee. The Membership Committee will include the Co-Sponsors and a representative cross-section of stakeholder types from the Planning Forum. All inquiries for membership expansion (either by an existing Member or an external party) will be directed to the Membership Committee.
2. Any Member or non-member may suggest the need for a new member and may suggest a stakeholder type, specific organization, and/or specific individual to be added. When suggesting the addition, the proposing party will provide a written rationale to the Membership Committee. The rationale will include, but not be limited to:
 - Reason for proposed addition,
 - Benefits to the project, and
 - Potential Implications / challenges to the project.

The Membership Committee will develop a recommendation to the Planning Forum for the proposed member(s) based on the following criteria:

- Does the proposed member occupy a niche not currently filled by the existing Planning Forum membership?
 - Can the proposed member show that they are reasonably and directly affected by the actions of the Planning Forum?
 - Is the proposed member willing to commit the resources and time necessary to be an active participant in all the Planning Forum's work?
 - Is the proposed member willing to accept existing Planning Forum recommendations with the understanding that previously agreed to items will not be revisited based on his or her interests?
3. The Planning Forum will discuss the proposal and recommendations from the Membership Committee and make a decision based on the decision-process described above.

2.2 - Replacement of Members

If a Member is no longer able to participate, said Member will notify the Planning Forum in writing of his/her

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1 resignation and will recommend a replacement member. Upon receipt of the resignation letter, the Planning
2 Forum will either accept the recommended replacement or suggest a different individual that is of the same type
3 of constituency leaving the Planning Forum. If the Planning Forum rejects the proposed replacement, they will
4 advertise, through the Commission's, Foundation's, and project website and associated email contact lists the
5 vacancy to be filled. Prospective members will be invited to make a proposal to the Membership Committee (as
6 described in Section 2.12). The Membership Committee will make a recommendation to the full Planning Forum
7 and the prospective member will make a brief presentation to the Planning Forum regarding their experience and
8 reasons for addition. After hearing presentations, the Planning Forum will determine the new member. The
9 Planning Forum facilitator will coordinate new member orientation after their selection (See Section 2.4).

10
11 2.3 - Member Succession

12
13 All Members should maintain a comprehensive record of their activities and personal work to be passed along to
14 a replacement, if necessary. The facilitation team will also do so.

15
16 2.4 - New Member Orientation

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18 New Members, whether they are providing additional or replacement representation, will be provided with an
19 orientation to the Planning Forum process. The facilitator will provide new Members with an overview of the
20 process to date, as well as a binder of materials from past activities.

21
22 2.5 – Member Alternates.

23
24 Several Members will need an Alternate due to their respective busy schedules. Alternates will be identified by
25 each Member requiring one. When a Member must miss a meeting, they will notify the facilitator as soon as
26 feasible before a meeting and will coordinate the attendance of their Alternate. Members are encouraged to use
27 the same Alternate every time to ensure the highest degree of institutional memory about the process. The
28 facilitator will meet (in person or via telephone) with the Member and Alternate to ensure shared understanding of
29 the Member's perspectives about any items due for discussion at the pending meeting. The responsibilities of
30 Alternates are described below in Section 3.

31
32 2.6 – Member Attendance

33
34 Members have a very important responsibility representing the interests of similar stakeholders. The decisions to
35 be made by the Planning Forum will have far reaching impacts on the future and functions of the Lower Bypass.
36 It is essential that Members (and their Alternates when necessary) attend all Planning Forum meetings. Members
37 that miss and do not arrange an Alternate for any more than three Planning Forum meetings can be subject to
38 replacement by the Planning Forum. Members should strive to inform the facilitator within 5 days of a meeting that
39 they can not attend.

40
41 2.7 – Member Withdrawal

42
43 Any Member may withdraw from the Planning Forum at any time. Those withdrawing will be asked to
44 communicate to the Planning Forum the reasons for withdrawal and to maintain the integrity of the ground rules
45 and the process once they have left. Members that must withdraw are asked to provide as much advance notice
46 to the facilitator and Planning Forum as feasible.

47
48 **Section 3: Roles and Responsibilities**

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1 This section describes the expected roles of Planning Forum participants.

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5 3.1 – Planning Forum Members

6 Members represent the interests of stakeholders directly affected by conditions and decisions in the Lower
7 Bypass (i.e., RD members, agency staff and leadership, advocacy group constituents, etc.). Members are
8 expected to communicate with, and be informed by the types of people they represent. Members will be informed
9 by other interested parties through public comment periods at Planning Forum meetings, as well as through
10 periodic public participation events sponsored by the Commission and Foundation. Members are encouraged to
11 attend or have their Alternates attend all Planning Forum public participation events. Specific Members may be
12 assigned to particular public participation events based on their level of expertise regarding the topic(s) of the
13 event in question. Members are encouraged to also use other methods of communication with stakeholders and
14 will be supported in this effort whenever feasible by the facilitator, Commission, and Foundation. Additional
15 responsibilities of Members include:

- 16
- 17 • Identify, assess and review data needs and sources that are relevant and appropriate to Planning Forum
- 18 discussions and actions,
- 19 • Attend each Planning Forum meeting (including Subcommittees that they may voluntarily serve on),
- 20 • Attend each meeting prepared to discuss agenda items, and
- 21 • Represent the perspectives, concerns, and interests of similar organizations and/or constituencies
- 22 whenever possible.
- 23

24 3.2 – Planning Forum Alternates

25
26 Alternates will attend meetings as requested by the Member. Alternates will be informed by the Member and
27 facilitator in advance of a meeting on all aspects of the pending meeting. Alternates will participate on the
28 Member's behalf, work with other Members in reaching consensus on agenda items only, and participate on
29 behalf of the missing Member. Alternates and new members should not ask to be brought up to speed by the
30 Planning Forum during meetings on any agenda items (historical data/information). Background discussions
31 should happen before a meeting occurs and should be provided by the respective Member and/or the facilitator.

32
33 3.3 – Planning Forum Facilitator

34
35 The facilitator will be a neutral advisor to the Planning Forum. He/she will:

- 36
- 37 • Facilitate each Planning Forum meeting,
- 38 • Prepare draft and final meeting agendas,
- 39 • Prepare draft and final meeting summaries,
- 40 • Work with Members, Alternates, Co-Sponsors, and interested public to address and resolve any issues,
- 41 • Assist in the development of Planning Forum correspondence and deliverables,
- 42 • Maintain the project record,
- 43 • Represent the Planning Forum in external presentations (when deemed appropriate by the Planning
- 44 Forum),
- 45 • Provide orientation to new Members, and
- 46 • Ensure the Planning Forum is considering all public viewpoints
- 47

48 3.4 – Co-Sponsors

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1 The Commission and Foundation will provide and support public participation opportunities. They will also ensure
2 that broader Delta and Yolo Bypass constituencies are being informed and served by the Planning Forum
3 process. They will assist in the coordination of Planning Forum events and will represent the Planning Forum in
4 external presentations (when deemed appropriate by the Planning Forum). They will play a specific role ensuring
5 that diverse recreation advocates are aware of and participating in public input formats for the Planning Forum.
6

7 3.5 - Technical Advisors
8

9 The Planning Forum may invite other individuals and consultants with special knowledge and expertise related to
10 the Lower Bypass to attend meetings to provide information and/or advice. Advisors will be encouraged to
11 participate in discussions but will not participate in the decision-making of the Planning Forum. Advisors will
12 participate in meetings only at the request of the facilitator and/or Member (as coordinated with the facilitator).
13

14 **Section 4: Decision Making**
15

16 The Planning Forum is a collaborative, consensus-seeking group; making decisions in a structured manner, as
17 informed by a broader community of regional and local stakeholders. The Planning Forum's decisions will take the
18 form of Lower Bypass management recommendations to other parties. The consensus decision rule is based on
19 principles of "consensus with accountability". Consensus with accountability requires all Members to try to reach
20 consensus while at all times supporting and expressing their self-interest. In the event a Member must reject a
21 proposal, that Member must provide a counter proposal that legitimately attempts to achieve their interest, and
22 the interests of the other Members. The Planning Forum will not vote and will not seek to identify numeric
23 "winners and losers" on key topics. Rather, the Planning Forum will seek mutually acceptable and beneficial
24 conclusions.
25

26 In seeking consensus on an interim or final recommendation, Members will voice their opinions with specific
27 proposals along the way, rather than waiting until a final recommendation has been developed. At all times,
28 Members will ensure that they are providing input on a decision commensurate to their prescribed role and
29 constituency regarding the Lower Bypass. The basic sequential decision process will be as follows:
30

31 Straw Polls: The Planning Forum will use straw polls to assess the degree of preliminary support for an idea,
32 before being submitted as a formal proposal for final consideration by the Planning Forum. Members may indicate
33 only tentative approval for a preliminary proposal without fully committing to its support.
34

35 Draft and Final Decisions: The Planning Forum will use the following three levels to indicate a Member's degree
36 of approval and support for any proposal or decision being considered and to determine the degree of consensus.
37

38	Thumbs Down:	I do not agree with the proposal. I feel the need to block its 39 adoption and propose an alternative.
40		
41	Thumbs Sideways:	I am not enthusiastic about it, but I can accept the proposal.
42		
43	Thumbs Up:	I think this proposal is the best choice of the options available 44 to us.
45		
46	Abstention	At times, a pending decision may be infeasible for a Member to weigh in 47 on. Examples could include but not be limited to: a topic that has 48 statutory implications that an agency representative can not be on record 49 conflicting with; a landowner representative can not get a consensus of 50

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his/her partners and therefore can not offer a proposal or opinion; and other similar conditions.

The goal is for all Members to be in the 'Thumbs Up', or Thumbs Sideways' levels of agreement. The Planning Forum will be considered to have reached consensus if all Members are at those two levels. If any Member is at a 'Thumbs Down' level, that Member must provide a counter proposal that legitimately attempts to achieve their interest and the interests of the other Members. The Planning Forum will stop and evaluate how best to proceed. Members that abstain from particular proposals are encouraged to explain why abstention is in their best interest.

In the event of disagreements, the Planning Forum, in consultation with the facilitator, will decide how best to move forward. For example, additional discussion may be needed to help understand unresolved concerns before proceeding further, or the group may benefit from working on creating additional options, or the question may be set aside and addressed again at a later time. Discussions to reach resolution may take place with the full Planning Forum or the facilitator may request smaller groups (such as committees, interest-based Caucuses, or individual Members) to draft proposal language during or between Planning Forum meetings.

All Members are provided a "go solo" clause. By example, in some cases, a compelling mandate for a Member may be inconsistent with the near-term goals / sentiments of another Member(s). In such cases, the individual Member may need to proceed with an approach, even if it is not the priority of the Planning Forum. In all cases, the proposing Member should show a good faith effort to reach a mutually acceptable conclusion but should that be unachievable, the Member must be afforded the right and responsibility to continue with a project absent Planning Forum consensus. This clause will not prohibit other Members from seeking to obstruct the proposal but merely reflects that a good faith effort has been made by all participants to collectively resolve an issue. Members will also have the right to revisit issues / decisions on the grounds of substantial new information becoming available during the Planning Forum's discussions. In such a situation, Members are encouraged to notify the facilitator in advance of a presentation / discussion of such new information so that the facilitator can adjust the meeting plan / agenda to accommodate these revisions.

4.1 - Absence When Decisions Are Made.

All resource planning and procedural decisions by the Planning Forum must be agendaized to provide all Members the opportunity to consider and be present for the decision process. The process should also allow for immediate decisions depending on the issue at hand. If a member cannot attend a Forum meeting where a key decision is planned, they are encouraged to communicate to the facilitator and their Alternate, their views (in writing) on any issues or pending decisions to be discussed. The facilitator or Alternate is responsible for expressing the Member's views to the Planning Forum.

4.2 – Conditional Approval

In some cases, the level of agreement for a Member may be dependent on approval by their supervisors, governing boards, or elected officials. In this case, the facilitator will ask for a conditional level of agreement with the acknowledgement that a final decision will not be reached until the issue at hand is approved by these outside parties. Members agree to work in good faith to discuss these issues in advance with their supervisors and determine their organization's level approval before the next Planning Forum meeting. In the case of organizations or elected bodies requiring the approval of a full board/commission/etc., Members will determine the appropriate level of agreement at their organization's next regularly scheduled meeting.

Section 5: Communications

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1 This section describes expectations about how Planning Forum Members will communicate.
2

3 5.1 - Internal Communication
4

5 5.1.1. Every Member is responsible for communicating their position on issues under consideration. It is
6 incumbent on each Member to state the interests of their organization or constituency. Voicing these
7 interests is essential to enable meaningful dialogue and full consideration of issues. After a decision is
8 made, no Member will work to undermine that decision
9

10 5.1.2. Members will freely exchange documents and other information that are not otherwise determined
11 to be privileged or confidential (such a determination is at the discretion of individual Members and/or
12 their organizations). information. Materials / products prepared by the Planning Forum are in various draft
13 formats (see Section 5.3) until they are finalized by the Planning Forum using its decision-making steps.
14 Materials provided to the Planning Forum will be considered draft unless otherwise noted. All draft
15 documents will be treated as interim materials and will never be characterized to represent final opinions
16 or conclusions of the Planning Forum or an individual Member(s).
17

18 5.2 – External Communication
19

20 5.2.1. Members are free to discuss the work of the Planning Forum with other stakeholders outside of
21 meetings and with members of other related planning efforts. Members should neither characterize the
22 positions and views of, nor should they ascribe motives or intentions to the statements or actions of other
23 Members. No Member will work to undermine the Planning Forum’s work or the interests of any Planning
24 Forum Members. Since membership on the Planning Forum is voluntary and since the Forum has no
25 binding or legal authority, there are limits to the types of consequences that can be brought to bear on a
26 Member that does not communicate in good faith. That said, all Planning Forum Members, guests of a
27 Forum event, and the Forum as a whole are afforded the opportunity to call into question any conduct of a
28 Member that is perceived to undermine the full group’s work. Should such a condition occur, Members
29 are encouraged to address the issue first with the facilitator and to allow the facilitator to address
30 conditions with other Member(s). Resolution of such conditions may come through a range of options
31 including but not limited to direct intervention by the facilitator with the Member in question, small group
32 discussions between affected Members, or discussions and resolutions in a full Planning Forum meeting.
33

34 5.2.2. Members and their Alternates serve as conduits for information exchange with their organizations /
35 constituencies and are encouraged to solicit input and participation. Constituents wanting to provide input
36 to the process are encouraged to channel their concerns and suggestions to specific Members who they
37 feel can represent these interests. To ensure that reasonable privacy of Members is protected, all
38 incoming external communications (email, postal mail, telephone message, etc) will be encouraged to be
39 provided to the facilitator with immediate distribution to the appropriate Member(s). Members are
40 encouraged but not required to inform the facilitator of any feedback they receive from internal and
41 external sources. Members may provide, but are not expected to provide, personal and/or professional
42 contact information to the public.
43

44 5.2.3. The Planning Forum may be asked periodically to present descriptions of its work to outside parties
45 (i.e., BDCP, Delta Vision, CVFPP, local governments, local advocacy groups, etc.). If solicited to make
46 such a presentation, the Member(s) in question and/or the facilitator will contact the full Planning Forum
47 to inform them of the request and assess the appropriateness of such a presentation. If the Planning
48 Forum decides that such a presentation is appropriate, the Planning Forum, likely through email
49
50

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1 communications and/or telephone conference calls lead by the facilitator, will decide the appropriate
2 presenter and information to be provided.

3
4 5.3 - Information Publication

5
6 Materials will be prepared / provided on a regular basis to support the Planning Forum process. These include
7 the following materials and general schedules for development and distribution (subject to flexibility as agreed on
8 by the Forum).

9
10 5.3.1. Document Development. Documents being developed for and by the Planning Forum will follow a
11 general sequence of completion. All the following stages of a document will be dated to ensure that users
12 have the most current version

- 13
14 ○ **Informational** documents prepared for the Planning Forum will be initially distributed in DRAFT
15 format. These documents are for information purposes only. They may be subject to comments
16 and revisions by Members and will be finalized to FINAL stage at some point in the Forum
17 process.
- 18
19 ○ **Decision** documents prepared by the Planning Forum will be initially distributed in
20 PRELIMINARY DRAFT format. These documents will reflect ongoing work by the Forum and as
21 appropriate, will be revised to DRAFT status All DRAFT and PRELIMINARY DRAFT documents
22 are for discussion purposes only and are not to be widely circulated. Sensitivity of materials will
23 be at the discretion of the Member and/or stakeholder and/or facilitator providing them and will
24 be respected by recipients of said materials.
- 25
26 ○ DRAFT **decision** documents will be revised through Forum discussions. When a DRAFT
27 document reflects an appropriate level of completion by the Forum, it will be retitled as DRAFT
28 FINAL.
- 29
30 ○ All **decision** documents will remain in a DRAFT FINAL stage until they are ratified by the Forum
31 as completed, at which point a document will be retitled as FINAL.
- 32
33 ○ FINAL documents may be revised at the discretion of the Forum. Generally speaking, FINAL
34 documents should only be revised if new information is identified that makes the conclusions of
35 the Forum insufficient. FINAL documents that are revised will be titled REVISED FINAL.

36
37
38 5.3.2. Public notice of meetings will take place within 2 calendar weeks of a meeting and will be
39 communicated through the Working Group participant distribution list, and will be posted on the
40 Commission, Foundation and project websites.

41
42 5.3.3. Preliminary Planning Forum meeting agendas and non-confidential materials will be provided to the
43 Planning Forum at least 5 business days before each meeting. Agendas and non-confidential materials
44 will be posted on the Commission, Foundation and project websites at least 5 business days before each
45 meeting.

46
47 5.3.4. Meeting Action Items will be prepared by the facilitator and distributed to the Planning Forum within
48 3 business days following a meeting.

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1 5.3.5. Meeting summaries will be prepared by the facilitator within 7 business days following each
2 meeting. Summaries will identify the meeting participants, major issues discussed, decisions made, and
3 actions to be taken. Members will have 5 business days to review DRAFT summaries and provide
4 comments to the facilitator (and Planning Forum if desired). The facilitator will revise summaries and
5 send a DRAFT FINAL version to the Planning Forum and public distribution channels within 2 additional
6 business days. Any conflicts between two or more summary reviews will be resolved by the facilitator with
7 the Members in question. DRAFT FINAL Summaries will be reviewed at the next Planning Forum
8 meeting. The facilitator will call for any further ~~comments-revisions~~ by Members to ensure the correct
9 characterization of all Member comments. New comments will be addressed outside of the meeting
10 comments will be addressed individually by the facilitator and revisited in plenary at the next meeting. If
11 no comments are received, the Summary in question will be entered into the project record as a FINAL
12 document.

13
14 5.3.6. Related data in support of Planning Forum efforts may be periodically available. All participants are
15 encouraged to contribute and share information that helps inform discussions and clarify questions of
16 fact. As appropriate, support materials that explain, interpret or analyze data or policies should also be
17 provided. Privileged information may be shared confidentially with the facilitator, if a stakeholder feels
18 uncertain about bringing information forward (see 5.3.1 above).

19
20 5.4 - Media.

21
22 While the Planning Forum is studying, discussing or evaluating issues, no Member will represent the Planning
23 Forum to the media except as mutually agreed. No statements prejudging outcomes will be made and no
24 communication to the media about Planning Forum activities / deliberations will be provided except under the
25 collective approval and development by the Planning Forum. At all times, Planning Forum members are expected
26 to work in good faith with fellow Members regarding deliberations and to not use Media to publicly influence
27 decisions.

28
29 5.5 – Legislation

30
31 During the Planning Forum process, any Member(s) may seek to establish local, State, and/or Federal regulations
32 and statutes that might affect physical and jurisdictional conditions in the Lower Bypass, and the work of the
33 Forum. To the extent that their self-interest is protected, all Members are encouraged to use the Planning Forum
34 as an early venue to discuss such efforts in a transparent and proactive way.

35
36 **Section 6: Ground Rules**

37
38 The personal integrity, values, and legitimacy of the interests of each Member and public participant will be
39 respected by other participants. The motivations and intentions of participants will not be criticized.

40
41 All Members, the facilitator, and public participants of a meeting agree to:

- 42
43 • Arrive promptly to all meetings, prepared for the meeting agenda
44 • Stay for the duration of the entire meeting,
45 • Turn cell phones to silent.
46 • Minimize actions that could be distracting to Members and Planning Forum discussions. Should meeting
47 participant behavior become distracting to Members, those individuals should speak with the facilitator to
48 intervene.

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- Participate in a problem-solving approach based on respectful and constructive dialogue, where the interests of all Members and public are considered in developing proposals and recommendations.
- Openly discuss issues with others who hold diverse views; acknowledge and seek clarification of others' perspectives; and verify assumptions when necessary.
- Assure that all participants are heard and that one person speaks at a time. Refrain from side conversations.
- Keep commitments once made.
- When appropriate, distinguish between personal vs. organizational perspectives (i.e. for an organization that a member represents).

6.1 - Conflict Management.

It is inevitable that during the Planning Forum's efforts, conflicts may arise either inside of, or external to the process and between Members, their organizations and/or constituents. In these conditions and when appropriate, the facilitator is responsible for working with the parties in conflict to ensure that said conflicts do not disrupt Planning Forum activities. Whether conflicts are external to or a part of Planning Forum activities, Members are expected to be true to their interests and work in good faith. Members should remain upfront and open about the conflict situation and should agree to continue the collaborative process to the extent possible.

6.2 - Participation and Observation by the Public.

All full Planning Forum meetings are open to the public and observers are welcome. All public participants are expected to abide by the Ground Rules described above. Periods for public comment will be scheduled into each meeting agenda. Public participants are encouraged to provide input to Members before or after the meetings, as well as during breaks, to ensure that all issues of concern to the public are considered in the Planning Forum's discussions.

6.3 – Items Outside of Planning Forum Responsibilities

In the course of the Planning Forum's work, items will be identified by Members and/or the public that are important to regional entities but that are outside the responsibilities of the Planning Forum and/or the individual Members represented on the Planning Forum. These topics will be recorded in meeting summaries and the facilitator and Planning Forum should collectively do everything feasible to direct these persons and topics to the most appropriate source(s) to be address.

6.4 - Amending Operating Rules

The Planning Forum may amend this Charter by following the same decision rule set forth above. Amendments may be proposed by the Members during or between meetings. The proposal will be agendized for discussion and possible action, using the consensus decision rule process, at the next meeting, or through email and/or conference call communication if feasible and appropriate.

Section 7: Planning Forum Sunset Clause

The Planning Forum is expected to complete all documents and recommendations by October 2009. The provisions of this Charter will expire in December, 2009. If Members agree additional time is needed to complete their recommendations, the facilitator will call for the approval of a new sunset date based on the decision making criteria in Section 4.

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