

California Water Quality Monitoring Council

Governance



This document is intended to record information relevant to the governance of the California Water Quality Monitoring Council. It will be amended and updated by the Monitoring Council as necessary and appropriate, and as additional governance issues arise.

A. Background and Responsibility

[California Water Code section 13181\(CWC Section 13181\)](#) requires the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (CNRA) to enter into a [Memorandum of Understanding \(MOU\)](#) establishing the [California Water Quality Monitoring Council](#). California law and the resulting MOU task the Monitoring Council with developing recommendations for a comprehensive monitoring program strategy to improve the efficiency and effectiveness of water quality and associated ecosystem monitoring and assessment activities in California through coordination among organizations both inside and outside state government. The legislation and MOU also call for implementation of a Public Information Program on water quality matters and to place, maintain and present information in a manner easily understandable by the general public and decision maker on its internet website that will serve all the state's water quality monitoring needs and address all the state's waters over time. .

The scope of monitoring considered by the Monitoring Council is called out in the legislation as water quality and associated ecosystem health. Consequently, the MOU discusses healthy ecosystems, water quality, wildlife populations, and habitat. This led the Monitoring Council to define its scope to include surface waters (streams, rivers, lakes, wetlands, and the coastal zone) along with their related ecosystems, wildlife populations and habitats, as well as groundwater.

Actions of the Monitoring Council are advisory to the Secretaries of CalEPA and the CNRA, who can implement those recommendations through their departments, boards, commissions, and conservancies. The Monitoring Council's authority consists of its ability to set examples, offer persuasive recommendations, and encourage member agencies and organizations to participate. The Monitoring Council does not have authority to set standards.

B. Membership

Members of the Monitoring Council are appointed by the Secretaries of CalEPA and the CNRA to represent upper-level staff from participating entities with major roles as generators or users of water quality and related ecosystem monitoring data. The Monitoring Council currently consists of Members representing one of the following sectors or interests.

- a) California Environmental Protection Agency (Co-Chair)
- b) California Natural Resources Agency (Co-Chair)
- c) California Drinking Water Program
- d) Public Health
- e) Regulated Community – Stormwater

- f) Regulated Community – Publicly Owned Treatment Works
- g) Agriculture
- h) Community Monitoring Groups
- i) The Public
- j) Scientific Community (non-academic)
- k) Scientific Community (academic)
- l) Water Supply

Each Council Member should designate an Alternate to act for the Member when the Member is not able to attend a meeting, or otherwise perform Member duties. The current list of Members and Alternates is displayed on the [Monitoring Council's website](#).

Neither the term of the Monitoring Council nor of its Members is specified in legislation or in the MOU. However, the Monitoring Council has determined that their continued efforts will be needed to ensure consistent, long-term progress in meeting the goals of CWC section 13181. As such, the Monitoring Council will have a long-term role to oversee implementation of its comprehensive strategy.

Upon resignation of an existing Monitoring Council Member, a new Member is selected and approved as follows:

- 1) Nomination by the Council Director, Council Co-Chairs, or Council Members with input from represented sectors;
- 2) Vetting with represented sectors by the Council Director and/or outgoing Council Member;
- 3) Selection of the replacement Member by the Monitoring Council Co-Chairs;
- 4) Notification of the selection to the Agency Secretaries along with background information; and
- 5) Confirmation of the new Member's status upon concurrence from the Agency Secretaries.

The nominated Council Member may serve in an interim capacity until final confirmation is provided by the Agency Secretaries.

C. Meetings

[Meetings of the Monitoring Council](#) are held quarterly. Meetings of the Monitoring Council are open to the public and noticed in advance with prepared agendas, as required by the Bagley-Keene Open Meeting Act (Government Code §11120 *et seq*). The Open Meeting Act imposes three main duties on the Monitoring Council:

- 1) Give adequate notice of meetings to be held;
- 2) Provide an opportunity for public comment; and
- 3) Conduct such meetings in open session, except where a closed session is specifically authorized.

A "meeting" includes any congregation of a majority of Monitoring Council Members or Alternates at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Monitoring Council. The Open Meeting Act does not prohibit a state body from holding a meeting by teleconference, in accordance with certain requirements. As a general rule, all voting on items of business to be transacted will be done at a public meeting. Voting by proxy is not authorized. Items not included on the agenda will not be discussed at the meeting, even if no action is to be taken.

D. Decision Making Process

To date, the Monitoring Council has depended on an informally structured process for setting priorities and making decisions that depends on informal discussion and the emergence of consensus, largely without formal ground rules or decision criteria. While the Monitoring Council seeks to make all decisions by striving for consensus, items requiring a vote will be decided by an affirmative vote of more than 50 percent of voting Members or Alternates present (no more than one vote will be counted for each represented sector or interest). Decisions are made in public, during formally noticed regular meetings, in order to maintain a transparent process that enables formal input, organizes technical efforts, and publicizes results and recommendations.

E. Strategy Implementation

The Monitoring Council will leverage existing monitoring, assessment and reporting programs to implement its vision through outreach, relationship building, and coordination with other state, federal, and local agencies involved in monitoring and assessment. Equal participation from organizations within both CalEPA and the CNRA are needed for the strategy to be successful. The Monitoring Council prefers to implement its decisions through collaboration among participating entities but is willing to pursue more directed action as needed to break through institutional barriers and other constraints. Such directed action includes making recommendations to the Agency Secretaries for action by individual boards, departments, commissions and conservancies and proposing legislative solutions.

The Monitoring Council has agreed that the level of effort to implement its comprehensive monitoring program strategy will depend on available funding. Until additional funding has been identified and secured, the Monitoring Council will maintain its meeting schedule to maintain visibility, ensure ongoing efforts are as successful as possible, and work together to pursue additional funding.

F. Theme-Specific Workgroups

Theme-specific workgroups are on the front lines of communication, coordination, and collaboration. Each workgroup is empowered by the Monitoring Council to address a specific theme in water quality or related ecosystem health, by approaching problems from the users' perspective to make data comparable and accessible to multiple audiences. A Monitoring Council workgroup is composed of experts representing a variety of agencies and entities, both within and outside state government, who are involved or have expertise in water quality and/or associated ecosystem monitoring and assessment that relates to a specific theme (e.g., the safety of eating fish from our waters).

Under Monitoring Council oversight, the workgroup uses their collective scientific interest and capacity to design, develop and maintain a set of resources focused on their theme, with the goal of bringing monitoring and assessment information to stakeholders in an easily understood manner. This may include coordinating monitoring and assessment activities, discovering and breaking down existing barriers to information sharing, and enhancing the efficiency and effectiveness of monitoring, assessment, and reporting for their theme. Each workgroup seeks to achieve the level of standardization necessary to meet the needs of the information users, in a manner that achieves an appropriate balance between statewide consistency and regional flexibility.

Each workgroup periodically reports to the Monitoring Council, raising issues that cannot be internally resolved, that may cross multiple themes, or otherwise require Monitoring Council action. The Monitoring Council establishes common policies and guidelines for the workgroups and the monitoring programs they represent, and acts as a clearinghouse for standards, guidelines, and collaboration.

Information on the theme-specific workgroups is available on the [Monitoring Council's website](#). See the Monitoring Council's [Guidelines for Workgroups and the Development of My Water Quality Theme-Based Internet Portals](#) for additional information on workgroup responsibilities.

G. Subcommittees of the Monitoring Council

Subcommittees of the Monitoring Council may be formed by the Director as needed to address specific issues and to report their findings and recommendations to the Monitoring Council as a whole. A subcommittee of the Monitoring Council would be composed primarily of selected Council Members who have expressed interest in a specific topic or issue. Pursuant to the Open Meeting Act, Monitoring Council Members who are not members of the subcommittee may only attend subcommittee meetings as observers.

H. Staff to the Monitoring Council

CWC Section 13181 calls for the Monitoring Council to be administered by the State Water Resources Control Board. The Monitoring Council has appointed a Director from within the State Water Board's Office of Information Management and Analysis to represent the Monitoring Council to executive management of other governmental agencies, departments, non-governmental organizations and stakeholders and to develop policy recommendations to the Monitoring Council.

The Monitoring Council hereby authorizes the Director to:

- a) Represent the Monitoring Council in meetings with managers and staff of state agencies identified in California Water Code Section 13181(a)(5)(B), as well as other state, federal and local governmental agencies, institutions of higher education, the regulated community, community monitoring groups, and other non-governmental organizations involved in the monitoring and/or assessment of the health of the state's waters; and
- b) Comment on proposed projects and programs related to the Monitoring Council and its workgroups.

The Director shall consult with the Council Co-Chairs regarding potentially controversial or unique matters prior to taking action.

I. Relationship to Agency Secretaries

CWC section 13181 tasks the Monitoring Council with making specific recommendations to the Secretaries of CalEPA and the CNRA, including recommendations for a comprehensive monitoring program strategy for California. Due to the Monitoring Council's lack of formal authority, responsibility to implement the strategy largely rests with the two Agency Secretaries and the organizations within their two agencies.

The legislation tasks the CalEPA Secretary, in consultation with the CNRA Secretary, with conducting triennial audits of the effectiveness of the comprehensive monitoring program strategy, including the extent to which the strategy has been implemented, the effectiveness of the monitoring and assessment program and the Monitoring Council with regard to tracking improvements in water quality and evaluating the overall effectiveness of related state agency programs and of state and federally funded water quality improvement projects.

Annual briefings will be conducted with the Agency Secretaries, by the Monitoring Council Director, Co-Chairs and selected Monitoring Council Members.

J. Relationship to Community and Regional Monitoring Efforts

Local and regional monitoring programs and those of community science monitors play a crucial role. To foster dialogue with and between these programs, The Monitoring Council has partnered with the Water Boards' Surface Water Ambient Monitoring Program, Non-Point Source Program, and the U.S. Environmental Protection Agency to create the [Water Quality Monitoring Collaboration Network \(WQMCN\)](#) which allows members of the monitoring community to network and exchange information and ideas on topics of interest. It is envisioned that the Collaboration Network will help support a state

framework to coordinate consistent and scientifically defensible methods and strategies for improving water quality monitoring, assessment, and reporting.

K. Relationship to the National Water Quality Monitoring Council

Members of the California Water Quality Monitoring Council and the Monitoring Council's Director will participate, as the member representing U.S. EPA Region 9 States and Territories, on the [National Water Quality Monitoring Council](#). Membership responsibilities include attending national conferences and participating in the national council's webinar series and workgroups. The goal is to learn from the success of other state and regional monitoring councils and to share lessons learned in California and promote the work of the workgroups.