

Oroville Dam Citizens Advisory Commission Charter

(Last revised 10/11/19)

This draft charter will be discussed at the commission's first meeting in September 2019. At that meeting, commissioners will confirm the charter and make any final refinements. The intent is for commissioners to vote on, approve, and sign a final charter at their second meeting later in 2019.

A. Purpose

This charter sets forth the roles, responsibilities and terms of engagement for the Oroville Dam Citizens Advisory Commission. This charter draws from and is consistent with requirements articulated in Senate Bill 955 (2018, Nielsen) and current statute Part 3 (commencing with Section 6600) to Division 3 of the Water Code.

The Citizens Advisory Commission Charter will provide stakeholders with the opportunity to gather regularly to discuss maintenance, findings, reports, and upcoming actions, and to conduct other communications regarding operations, maintenance, and public safety activities at the Oroville Dam complex.

This charter contains the following sections:

- Background
- Funding
- Commission Membership
- Terms
- Commission and Commissioner Responsibilities
- Cooperation from the California State Agencies
- Commission Meetings
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 - Order and Conduct
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B. Background

In February 2017, following a series of historic rain events, a crack in the primary spillway precipitated public discussions on proper response should Oroville Dam collapse or the emergency spillway fail. Due to the damage to the spillway and subsequent public safety declarations, nearly 200,000 residents near Oroville Dam evacuated their homes to safer ground.

Now, having repaired the main spillway and the adjacent emergency spillway, the state of California is assessing the future needs of the 50-year-old complex and the many appurtenances required for the functioning of the State Water Project.

Existing law requires the California Department of Water Resources to supervise the maintenance and operation of dams and reservoirs in California as necessary to safeguard life and property. Under existing law, the Department of Water Resources operates the State Water Project, composed of the state water facilities, including the Oroville Dam.

In 2018, Senate Bill 955 was signed into law establishing an independent entity, the Citizens Advisory Commission, or “commission”, within the California Natural Resources Agency, related to the Oroville Dam or “dam”, including its appurtenant structures, the Feather River Fish Hatchery, and the Oroville-Thermalito Complex. Senate Bill 955 provided many of the details regarding the purpose and intended functioning of the commission. These details are spelled out in the sections below.

The Oroville Dam Citizens Advisory Commission is modeled on the successful and collaborative Sacramento River Forum, which continues to promote and coordinate restoration activities along the Sacramento River and originally evolved from 1986 State of California legislation SB 1086 (Nielsen). Similar to the Sacramento River Forum, the current effort is intended to be cooperative in nature and designed to ensure that multiple stakeholder perspectives and interests are informing decision-making at Oroville Dam.

While the Citizens Advisory Commission is an independent entity and will operate based on its own unique goals and the directions set forth in the law, the commission is not functioning in a vacuum. For instance, the Oroville Dam Safety Comprehensive Needs Assessment (CNA) is evaluating options for increasing long-term infrastructural and operational resilience of the Oroville facilities. Two organizing bodies participate and offer feedback in that process: Independent Review Board (IRB) and a community-based Ad Hoc Group (AHG), the latter of which has some overlap regarding member representation on the Oroville Dam Citizens Advisory Commission. The Citizens Advisory Commission will coordinate with these and other advisory bodies, including the Oroville Recreation Advisory Committee (ORAC), as needed to meet its objectives.

C. Funding

The commission is being run through the California Natural Resources Agency. The commission may, as directed by the legislation, receive in-kind assistance or funds, or both, from public and private sources. These funds are available to the commission upon appropriation by the Legislature.

D. Commission Membership

The commission shall consist of all of the following persons as members:

- The Secretary of the California Natural Resources Agency or their designee, who shall be the Chairperson.
- The Director of the Department of Water Resources or their designee.
- The Director of the Department of Parks and Recreation or their designee.
- The Director of the Office of Emergency Services or their designee.
- The Commander of the Department of the California Highway Patrol field division that services the County of Butte or their designee.
- The member of the California State Senate representing the City of Oroville or their designee.
- The member of the California State Assembly representing the City of Oroville or their designee.
- The Chairperson may request the participation of other state agencies if particular expertise or input is warranted.
- Two members appointed by the City Council of the City of Oroville.
- Three members appointed by the Board of Supervisors of the County of Butte.
- Two members appointed by the Board of Supervisors of the County of Sutter.
- Two members appointed by the Board of Supervisors of the County of Yuba.
- One county deputy sheriff appointed by the Sheriff of Butte County.
- One county deputy sheriff appointed by the Sheriff of Sutter County.
- One county deputy sheriff appointed by the Sheriff of Yuba County.

Members representing city or county perspectives will be selected to reflect the interests of the communities they represent. The members of the commission representing city or county interests will select a vice-chairperson by a majority vote.

E. Terms

The term of office of all commission members shall be three years, except those who are members of the Legislature representing the City of Oroville, who shall serve for the duration of their term in office. Removal or replacement of a Commissioner is up to the discretion of the appointing authority consistent with their own rules and policies.

F. Commission and Commissioner Responsibilities

1. Each commissioner serves as a representative to the public for the purposes of providing public input to and receiving information from the dam operator.
2. The commission will act as a unified voice from the communities surrounding Oroville Dam to provide public feedback and advice on best practices to the dam operator.

3. The commission will publish a report at least once every three years that provides the following:
 - a. An overview of ongoing maintenance and improvements made at the dam and dam complex;
 - b. A register of communications received from State Agencies and other parties to the commission.
 - c. Notice of upcoming plans made by State Agencies for the dam and dam complex; and
 - d. An overview of flood management projects on the Feather River affecting public safety and flood risk reduction.
4. The commission may reasonably request, from the Department of Water Resources Division of Flood Management or the reclamation or flood management district with jurisdiction over the Feather River, or any combination of those entities, levee system visits, briefings, or information regarding Feather River levees and levee-related flood risk.
5. The commission is advisory only and has no authority to make regulations or rules to bind operations at the dam.
6. The commission shall have volunteers responsible for reviewing and approving commission meeting summaries.

If a vacancy occurs due to resignation, death, or absence from three consecutive meetings, the appointing power shall fill the vacancy following receipt of written notification that a vacancy has occurred.

G. Cooperation from California State Agencies

State Agencies shall do all of the following for the commission:

1. Provide onsite tours of the dam and its grounds. With appropriate and timely notice to Department of Water Resources, the commission shall have the power to visit the dam, its site, and site personnel in furtherance of the goals identified here. The power of visitation specified in this section shall not extend to a situation where institutional or structural security would be jeopardized.
2. Provide all information reasonably requested by the commission regarding the construction, rehabilitation or reconstruction, operation, maintenance, and management of the dam, including, but not limited to, and as permitted by law, any of the following:

- a. Asset management plans regarding facilities and equipment of the dam;
- b. Scheduled or anticipated repairs, restoration, or replacement of facilities or major equipment;
- c. Changes in flood management rules; and
- d. Provide updates of Feather River flood management activities, including site visits and briefings.

H. Commission Meetings

1. Process and Rules

The commission will begin meeting in fall 2019 and shall meet as necessary to carry out its responsibilities. It is anticipated that the commission will meet approximately quarterly.

Meetings of the commission shall be open to the public and held in accordance with the Bagley-Keene Open Meeting Act.

Meeting agendas will be shared with all commission members and posted online for public access prior to each meeting. Meeting summaries focused on key outcomes (see below) will also be produced and made available to the public on the project website.

2. Order and Conduct

- Meetings will be opened and closed by the chair or vice chair;
- Meetings will be conducted by the chair or vice chair with assistance from a professional meeting coordinator that will support communications, planning, meeting logistics and meeting summary; and
- Meetings shall be open to the public with opportunity for public comment at each meeting consistent with the Bagley-Keene Open Meeting Act.

3. Meeting Summaries

- The meeting coordinator will track action items identified at each meeting.
- The meeting coordinator will prepare summaries after each meeting that will be reviewed and agreed upon by the chair and vice chair before they are posted publicly. Meeting summaries will focus on capturing key outcomes, decisions, and next steps; they will not include a transcription of everything said at the meeting.

- Meeting summaries will be posted online for public access and will include:
 - Agenda and commission attendees
 - Questions and comments put forth by the commission
 - Responses to commission questions from previous meetings
 - Actions and decisions
 - Date and time for next meeting

4. Decorum

- All parties will be respectful in their comments and questions.
- Speakers shall be allowed to finish their statements without interruption.
- Order shall be maintained by the co-chairs to ensure the discussion remains respectful.
- If disagreements are expressed, the parties will focus their comments on issues, not individuals.
- Commission members who are contacted by the media will speak only on behalf of themselves or their group or constituency.

I. Public Comment

- There will be an opportunity for public comment at each meeting.

J. Signatories

Supervisor Gary Bradford, Board of Supervisors, Yuba County

Lieutenant Steve Collins, Butte County Sheriff

Supervisor Mat Conant, Board of Supervisors, Sutter County

Supervisor Bill Connelly, Board of Supervisors, Butte County

Secretary Wade Crowfoot, California Natural Resources Agency

Assistant Chief Steve Dowling, California Highway Patrol

Supervisor Dan Flores, Board of Supervisors, Sutter County

Assemblyman James Gallagher, California State Assembly

Director Mark Ghilarducci, California Office of Emergency Services

Supervisor Steve Lambert, Board of Supervisors, Butte County

Deputy Andre Licon, Sutter County Sheriff

Supervisor Doug Lofton Board of Supervisors, Yuba County

Director Lisa Mangat, California Department of Parks and Recreation

Lieutenant Joe Million, Yuba County Sheriff

Director Karla Nemeth, California Department of Water Resources

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Senator Jim Nielsen, California State Senate

Councilmember David Pittman, City of Oroville

Mayor Chuck Reynolds, City of Oroville

Genoa Widener, Board of Supervisors Appointee, Butte County