



Sound Watershed Consulting
Creating Functional Water Environments



Organizational Primer

October 15, 2009

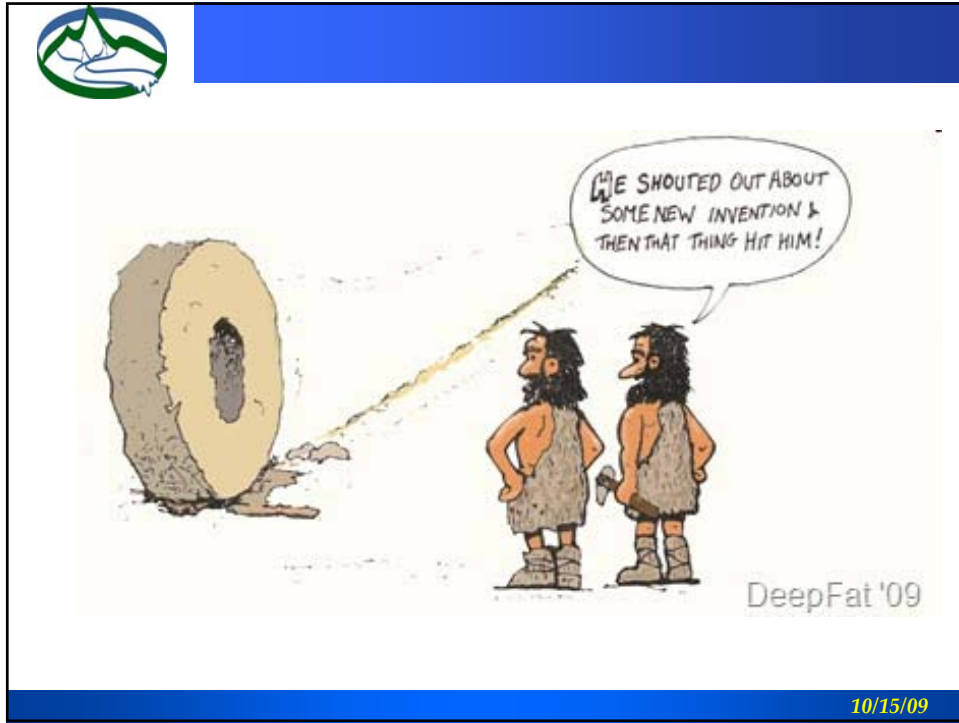


Intro


How should FOSC be organized?

There are plenty of examples of how collaborative, public/private stakeholder groups can work

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Pilarcitos Watershed


- Landowners
- Utilities
- Land Trusts
- Government
- Regulatory Agencies
- Enviro Groups
- Restoration Orgs



A map of the Pilarcitos Watershed showing various restoration projects marked with icons. The map includes labels for "Harrison Dam", "Pond 1", "Pond 2", "Pond 3", "Pond 4", "Pond 5", "Pond 6", "Pond 7", "Pond 8", "Pond 9", "Pond 10", "Pond 11", "Pond 12", "Pond 13", "Pond 14", "Pond 15", "Pond 16", "Pond 17", "Pond 18", "Pond 19", "Pond 20", "Pond 21", "Pond 22", "Pond 23", "Pond 24", "Pond 25", "Pond 26", "Pond 27", "Pond 28", "Pond 29", "Pond 30", "Pond 31", "Pond 32", "Pond 33", "Pond 34", "Pond 35", "Pond 36", "Pond 37", "Pond 38", "Pond 39", "Pond 40", "Pond 41", "Pond 42", "Pond 43", "Pond 44", "Pond 45", "Pond 46", "Pond 47", "Pond 48", "Pond 49", "Pond 50".

- 1 Pond Rehabilitation
- 2 Flow Releases
- 3 Reused Water
- 4 Remedial Action on Fish Passage Project at Historic Bridge
- 5 Remedial Action on Fish Passage Project
- 6 Modification of Barrier 1
- 7 Modification of Pond Operation and Channel Downstream
- 8 Maintenance at Barrier 3
- 9 Flashboard Dam and Apron Removal
- 10 Streamflow Improvements
- 11 Equestrian Bridge
- 12 Lagoon Restoration Feasibility Study
- 13 Dead Storage Access Feasibility Study

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ALL parties offered contributions and experienced benefits

<u>Contributions</u>	<u>Benefits</u>
<ul style="list-style-type: none"> • Access • Support • Funding • Expertise 	<ul style="list-style-type: none"> • Reduced regulatory urgency • Reduced costs • Greater net results • Improved Collaboration • Shared Risks • Public Funding...

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Definition

Collaboration:

(n): A mutually beneficial, well-defined relationship established to achieve common goals

- Landowners
- Regulatory Agencies
- Funding Entities
- Public

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Why Collaborate

- Resolve A Shared Concern
- Reduce Power Struggles Between Organizations
- Leverage Resources
- Reduce Risk
- Increases Likelihood Of Achieving The Goal
- Gain Strong Community Support
- Creates Lasting Positive Working Relationships

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5 Criteria for Successful Collaboration

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5 Criteria for Successful Collaboration

1) Broad Stakeholder Participation

Always seeking the greatest participation of stakeholders will

- Increase availability of public funding
- Increase good-will
- Reduce risks of acrimonious endeavors
- Leverage resources
- Resolve Issues in Win-Win manner

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5 Criteria for Successful Collaboration

2) Independence of Control

- Anyone Can Play Anyone Can Walk
- Everyone is in control of their own participation
e.g. no individual or group can prevent others from moving toward a particular direction *within the collaboration process*

NOTE: this doesn't waive any rights of landowners, regulators, or the public to exercise their existing rights outside the collaborative process

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5 Criteria for Successful Collaboration

3) Transparency

- Promote trust through open communication and open access

- This doesn't prevent smaller subgroups from coordinating independently (landowners, regulators, environmental groups, others)

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5 Criteria for Successful Collaboration

4) Adherence to Organizational Principles

Develop a Charter (or MOU)* that includes **ALL stakeholders**, and which defines the:

- Purpose
- Principles
- Roles
- Dispute Mechanisms
- Etc

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5 Criteria for Successful Collaboration

5) **Fairness Doctrine**

- Focus on the Distribution of Contributions *and* Benefits

Seek a goal of equity, scaled to the resources available to each participant

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Concept of Collaborative POWER

The more power is shared, the greater the availability of resources

- Public funding
- General Good-will
- Better Results

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Typical Expressions of Failure

- Loss of goodwill/public acrimony
- Increased regulatory pressures
- Public Protests
- Litigation
- Bankruptcy



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Failure Risks

What are the typical causes of failure??

- Fear/Mistrust
- Power Seeking
- Hidden Agendas
- Violating Principles

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Some Common Charter Language

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Common Agreements

Good Faith

“Agreement is for the sole benefit of the Parties and shall not be construed as granting rights to or imposing obligations upon any other Party.”

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Common Agreements

Dispute Resolution

All parties retain their full and complete rights, including the right of withdrawal

“The Parties agree to seek resolution to any dispute within the collaborative whenever possible. However, nothing contained within the charter shall preclude any Party from seeking to resolve any dispute by other lawful means. The lawful resolution of such disputes does not preclude continued participation within the collaborative”

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Common Agreements

Open Participation -

- Participation is fully voluntary and open to the public.
- Any participant shall be permitted to call a meeting or promote an issue within the group
 - Participation on any issue (or project) shall be determined only by those willing to participate on that issue

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Common Agreements

Living Agreement

- subject to amendment upon the agreement of all signatories

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***Recommended
Principles for FOOSC***

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Recommend Principles for FOSC

Develop Agreement thru Balanced Committees

- Establish small working groups on key topics (committees)
- Empower working groups to make recommendations to broader stakeholder groups

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Recommend Principles for FOSC

Define a Collaborative Process for Scopes of Work

- Coordinate between contractors and FOSC
- Involve funders, landowners, and/or others
- Improve project efficiency & support

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Recommend Principles for FOSC

Landowner Review Privileges

- Given general concerns of landowners, ensure that they get an extra level of review

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Recommend Principles for FOSC

Executive Representation

Need single **contacts** to coordinate with outside entities regarding

- Contracting
- Pursuit of grants
- Facilitating among stakeholders
- Etc.

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Recommend Principles for FOSC

Develop Funding Alternatives

- Grants can be used for some tasks
- Additional funding source can provide
 - staff support
 - Monitoring & science studies
 - Maintenance Activities
 - General Overhead

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Recommendations for FOSC

Do not confuse the LEGAL & TAX requirements of a 501(c)3 entity for the OPERATIONAL PRINCIPLES of the organization

- Consider a 'weak board' model to avoid conflicts, maintain stakeholder collaboration, and encourage greater funding resources
- Strong board models tend to break collaborative processes

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