



ACTION ITEM

Endorsement of the Council's Public Participation Plan

Summary: Staff will present the Public Participation Plan (Plan) and request endorsement from the Council. The Plan provides information on the Council's public engagement strategies and can be used as a guidance document for how stakeholders and the public can engage in the Council's work. The presented Plan incorporates input received from two public comment periods, a webinar, and an open house on the public drafts released in February and May 2020.

Request Action

Staff requests that the Council endorse the Public Participation Plan.

Background

As a state agency led by a board, public participation is fundamental to what the Council is and does. The Council encourages public participation through a range of venues, including monthly Council and Delta Independent Science Board (Delta ISB) meetings and the tri-annual Delta Plan Interagency Implementation Committee (DPIIC) meetings. The Council also regularly hosts public workshops, offers public comment periods on key documents, and engages in multiple stakeholder forums. The Plan is a guide for stakeholders and the public for participating in Council decision-making.

Outreach

During development of the Plan, staff undertook various public outreach activities to gather feedback on the Council's public participation efforts. This outreach included a survey distributed to the public and stakeholders in early 2019, direct outreach to groups such as the Delta Protection Advisory Committee, and analysis of past feedback on Council public engagement processes. Following release and presentation of the draft Plan to the Council in February 2020, the Council initiated a public comment period in March 2020, as well as an open house "roadshow" and webinar where the public provided comments in-person and virtually.

After reviewing input received on the draft Plan following the public review period, and given the COVID-19 crisis, Council staff released a revised draft Plan for additional 30-day public review and comment.

Outreach Takeaways

From the outreach and analysis undertaken to date, staff heard the following key points and used them as a basis for the development of the draft Plan:

- There is a desire to see the Council meet outside of the Sacramento area more often than it does currently;

- Find more ways to communicate whether (and how) input and public comments were, or were not, incorporated into final products or decisions and why;
- There is a need to expand awareness of the Council's role in the Delta and the implications of its decisions;
- There is a general lack of familiarity with the availability of information about the Council's deliberations online;
- Early outreach is preferred; and
- Continued engagement with underrepresented communities and Native American tribes is essential.

Following the release of the draft Plan, the Council also heard the following feedback and subsequently addressed these concerns as described below:

- The Plan needs to address how the Council will ensure effective public participation when in-person attendance becomes unsafe.
 - *The Plan was edited to address this by adding a new section detailing these strategies.*
- There needs to be increased clarity for who the point of contact is for public participation questions or concerns.
 - *The Plan was edited to make clear that the Office of Public Participation (newly named; formerly Meeting Services Unit) is the point of contact for all public participation related inquiries. Additional details were added to the Staff Assistance and Contact Information sections as needed.*
- The Council should conduct its public Council meetings in the legal Delta more often.
 - *The Plan was edited to make clear that the Council has will continue to strive to meet in the legal Delta more often than the legally required two times per year, and when appropriate in the context of the meeting's agenda. This includes meeting outside of the Sacramento area in general.*
- For advisory groups, the Council should also work with community-based organizations to identify potential members.
 - *The Plan was edited to make clear that the Council will reach out, when appropriate, to community based organizations for assistance in identifying potential members of advisory groups.*
- For Council meetings, the Council should explore the use of remote participation options for those that cannot attend meetings in person.
 - *The Plan was edited to include that when remote participation options are available for the Council's public meetings, the meeting's notice will detail how the public can participate remotely.*

The Public Participation Plan

The Plan (**Attachment 1**) is organized into four main sections: (1) a preface detailing the legal requirements guiding public participation; (2) overall details of the Council's current public participation program, including the outreach analysis described earlier; (3) in-depth description of the opportunities and strategies for public involvement in the Council's decision-making (including tribal engagement and outreach to disadvantaged communities); and (4) how the Council will evaluate and update the Plan in the future.

The Plan is not a "one size fits all" approach. Instead, it allows flexibility to develop a public participation process for each specific Council project, designed in a way that specifically considers the communities affected.

The Plan is guided by a set of foundations:

- Endeavoring, to the maximum extent feasible and where not already required by law, to communicate whether (and how) input and public comments were, or were not, incorporated into final products or decisions and why.
- Striving to understand how its decisions and work-products impact all affected communities by actively working to involve all interested parties.
- Ensuring, from start to finish, to the extent feasible, and where not already required by law, that the process and information necessary for public and stakeholder engagement on issues before the Council will be prompt, clear, and available to all.
- Evaluating the most current best practices in public engagement and work to continually innovate its public participation program to be accessible to a broad range of audiences.

Valuing and promoting accessibility, equity, inclusion, and diversity in the development and implementation of the Council's public engagement processes.

Public Participation During Emergencies

During declared emergencies, the Council and Delta ISB may need to adjust public participation processes or activities when it becomes unsafe for the Council office to remain open, and/or for meetings or other forums for public participation to occur in-person. This has become most clear with the current effort to reduce the community transmission of COVID-19.

When such extraordinary circumstances arise, the foundations of the Plan remain in place. Furthermore, during emergencies, the Council, Delta ISB, and DPIIC will:

- Consider public safety (including Federal, State, and local orders and/or guidelines), statutory or regulatory deadlines, and other considerations as required for each project or decision when deciding upon public review timelines and processes available for public participation. This could include creating remote participation options for meetings, extending the timeline for decision-making or public comment periods, or postponing decisions until safe in-person interaction is feasible.

- Communicate participation-related changes made in response to an emergency widely. This can be accomplished on the Council's webpage, through listserv and social media notices, on meeting notices, and/or at public meetings.

In the event that Bagley-Keene Act requirements relating to in-person meetings are waived or otherwise modified, the Council will make every effort to ensure that public participation opportunities include both the use of video-conferencing software, and telephonic access to enable remote participation for interested members of the public who may not have access to the internet.

Next Steps

If the Council endorses the Plan, Council staff will begin to implement the strategies of the Plan, including the addition to the Council's website of a Public Engagement page. This page will serve as a "one-stop-shop" for any interested member of the public to find out how to learn about and get involved in the Council's decision-making.

In addition, Council staff will provide an update on its public participation activities in the Annual Report produced by the Council each year.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1: Public Participation Plan

Contact

Brandon Chapin
Manager, Public Participation
Phone: (916) 445-4294