

**MCMULLIN AREA GROUNDWATER  
SUSTAINABILITY AGENCY  
ACCOUNTABILITY AND TRANSPARENCY POLICY**

**POLICY NO. 2020 - 02**

**DATE ADOPTED: June 3, 2020**

**1.0 Purpose**

The purpose of this Accountability and Transparency Policy (“Policy”) is to establish guidelines by which the McMullin Area Groundwater Sustainability Agency (“MAGSA”) commits itself to accountability and transparency to the public. Specifically, this Policy outlines general measures or affirmative steps MAGSA commits to take or implement to maintain public accountability and transparency. As a Groundwater Sustainability Agency (“GSA”) properly organized pursuant to the Sustainable Groundwater Management Act (“SGMA”) MAGSA is authorized to adopt rules, regulations, ordinances, and resolutions for purposes of fulfilling its obligations as a GSA. (Water Code § 10725.2(b).) MAGSA adopts this Policy pursuant to this authority.

**2.0 Scope**

This Policy applies to the conduct of MAGSA’s business pursuant to the SGMA, including but not limited to the implementation and enforcement of MAGSA’s GSP.

**3.0 Definitions**

- a. Accountability: The principle that the MAGSA will be responsible to its stakeholders for policies adopted, decisions made, and implementation authorized; including all actions or decisions to refrain from acting.
- b. Transparency: The principle that MAGSA actively solicits, encourages and supports robust stakeholder participation and openness in its decision-making process. Consistent therewith, transparency further means that MAGSA’s decision-making process will be open and clear to the public.

**4.0 Policy Statement**

Accountability, transparency and openness are necessary elements of leadership, effective government and continued enhancement of the public trust. It is MAGSA’s belief that these are best achieved through the adoption of a policy ensuring, to the maximum extent possible, that all activities and services are undertaken by MAGSA utilizing a process that is open and accessible to all of its stakeholders. In addition, whenever reasonably possible, MAGSA will engage its stakeholders throughout its decision-making process, which will be open, visible, and transparent to the public. MAGSA demonstrates its commitment to accountability and transparency by providing a framework of policies, procedures and practices that create sound governance and sustainability, and that are fully integrated into MAGSA’s organization and standards.

MAGSA acknowledges that it is tasked with providing responsible government to its stakeholders in an accountable and transparent manner by:

- a. Encouraging public access and participation to ensure that decision-making is responsive to the needs of the full spectrum of MAGSA's constituents and receptive to their varied opinions;
- b. Delivering the highest possible quality governance, management and services to MAGSA landowners; and
- c. Promoting the sensible and efficient use of public resources.

## **5.0 MAGSA's Values**

Through this Policy, MAGSA intends to emphasize its values and its intent to create open communication through teamwork and cooperation utilizing broad individual stakeholder involvement in committee and subcommittee membership. MAGSA commits to maintaining mutual respect and the highest level of integrity by and among its Board of Directors, General Manager, and other officers, employees, consultants, service providers and partners in dealing with each other and with all stakeholders.

## **6.0 General Policy Favoring Transparency**

MAGSA favors disclosure and transparency to promote accountability and public access to information and MAGSA's processes. It is MAGSA's intent through this Policy to implement an approach to information disclosure to the public pursuant to this Policy generally, and more specifically with respect to the following:

- a. *MAGSA Board Meetings*: All MAGSA Board of Director's meetings, with some limited exceptions consistent with the Brown Act, are open to the public. Meeting times and locations are provided to MASGA's email list, posted on its internet website (<https://www.mcmullinarea.org>), available by personal inquiry at its office location and also available upon written request. MAGSA's administrative staff will make best efforts to publish the date, time and location of MAGSA's public Board meetings at least three days in advance in accordance with applicable laws. In addition, MAGSA commits to:
  - i. Cause a copy of the agenda to be posted to its website and at its office, with email copies to all registered Interested Parties in advance of each Board of Directors meeting.
  - ii. Following subsequent Board of Directors meetings, post the final adopted versions of the Board meeting minutes, including a record of the votes of Board Members, to MAGSA's website. MAGSA's General Manager will make best efforts to post final adopted versions of the meeting minutes within a month of the Board meeting at which they were approved/received.

- b. MAGSA Committee and Subcommittee Meetings: MAGSA-controlled committees, subcommittees and any and all working groups are subject to the same transparency standards, unless topics are considered to be confidential in nature as defined by Chapter 8.0 of this Policy. MAGSA committees, subcommittees and working groups will make an effort to solicit stakeholder input and participation on policy issues through the use of email lists, in-person meetings, webinars and phone calls (as appropriate).

## 7.0 Additional MAGSA Commitments to Transparency and Accountability

Pursuant to this Policy, the principles of accountability and transparency shall apply equally to the political process and decision-making and to the administrative management of MAGSA, as follows:

- a. Financial Matters: MAGSA will be open, accountable and transparent to its stakeholders in its financial dealings as required by law and any other applicable rules, regulations or ordinances. Some examples of how MAGSA will provide such accountability and transparency, include, but are not limited to, the following:
  - i. Internal/external audits;
  - ii. Periodic reporting/statements;
  - iii. Filing of Form 700s;
  - iv. Long-term financial planning;
  - v. Asset management;
  - vi. Purchasing/procurement;
  - vii. Purchase and sale of land;
  - viii. Budget analysis and adoption; and
  - ix. Adoption and levy of fees and/or charges.
  
- b. Internal Governance: MAGSA's administrative practices ensure specific accountability on behalf of its employees, consultants, partners and Directors through the following initiatives:
  - i. MAGSA's Joint Powers Agreement (the McMullin Area Groundwater Sustainability Agency Joint Powers Agreement, dated January 31, 2017);
  - ii. MAGSA's Bylaws (McMullin Area Groundwater Sustainability Agency Board of Directors Bylaws, adopted December 5, 2018 and amended \_\_\_\_\_, 2020);
  - iii. General Manager performance evaluation process;
  - iv. Health and safety policies and procedures;
  - v. Hiring policies; and
  - vi. Responsibility for ensuring that administrative practices comply with all applicable laws, rules and regulations, including compliance with the Ralph M. Brown Act (Cal. Gov't Code §§ 54950 et seq.) and that MAGSA's

practices, policies, rules, regulations and procedures recognize a commitment to accountability and transparency.

- c. *Public Participation and Information Sharing*: MAGSA ensures that it is open and accountable to its stakeholder through implementation of the various processes outlined below. MAGSA's meetings will be open to the public when and as required by law, and members of the public will have an opportunity to make comments and address the Board at the public meetings. In addition, MAGSA has adopted policies that ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, direct mailers, webinars, newsletters, social media, etc. Some examples of adopted policies that promote transparency and accountability include, but are not limited to, MAGSA's:

- i. Bylaws;
- ii. Ethics Policy;
- iii. Joint Powers Authority Agreement;
- iv. GSP;
- v. Records Retention Policy;
- vi. Planning processes;
- vii. Public notice procedures; and
- viii. Adopted rules and regulations.

## **8.0 Exception: Confidential Information**

Notwithstanding MAGSA's general policy favoring disclosure and transparency, certain information must remain confidential. For purposes of this Policy, "confidential information" shall refer to:

- a. Information disclosed during the closed session portion of any Board of Directors meeting, including, without limitation, items concerning personnel matters, discussions with legal counsel regarding current or anticipated litigation, public security, labor negotiations, or real property negotiations;
- b. Certain financial information (excluding budget or fee information);
- c. Disciplinary actions taken;
- d. Information subject to other confidentiality obligations, such as arising under law, contract, or court order; and
- e. Protected private personal information and/or proprietary information obtained from private individuals and/or other private landowner entities within MAGSA's GSA boundaries for the purpose of enhanced parcel-specific groundwater management, direct water marketing transactions between landowners, or implementation and enforcement of MAGSA's GSP.

No Board Member, nor any of MAGSA's employees, consultants, service providers or partners, shall use, otherwise disseminate, or in any way disclose any private confidential information to anyone, under any circumstances, unless a full authorization and release has been procured from the affected private person or entity allowing for said disclosure.