

Chapter 3

Governance, Stakeholder Involvement, and Outreach

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Chapter 3. Governance, Stakeholder Involvement, and Outreach

This chapter provides discussion of:

- The jurisdictional authorities for the agencies comprising the Regional Water Management Group (RWMG).
- The Water Forum and RWMG Charter that defines the IRWM governance during the development of the Imperial IRWMP.
- The organizational structure, decision process and plan adoption process of the IRWM program.
- The approach for stakeholder involvement and public outreach.

Governance and stakeholder involvement during implementation of the IRWMP and related projects are discussed in Chapter 13.

3.1 JURISDICTIONAL AUTHORITIES

The legislation and the CDWR standards defines a RWMG as a group that includes three or more local agencies, at least two of which have statutory authority over water supply or management, as well as those other persons necessary for the development and implementation of the IRWMP. This section describes Imperial Region agency water management powers and authorities that satisfy the requirements for a RWMG.

3.1.1 Imperial Irrigation District

Imperial Irrigation District (IID) is an irrigation district organized under the California Irrigation District Law, codified at §§ 20500 et seq. of the California Water Code (CWC). IID has a longstanding right to divert Colorado River water, and holds legal title to all its water and water rights in trust for landowners within the IID service area. IID delivers untreated Colorado River water in its service area for irrigation purposes as well as MCI and environmental.¹ By a decisive vote on October 14, 1911, the people of the Imperial Valley organized the IID that became effective by a resolution of the Board of Supervisors of Imperial County on October 24, 1911. IID is governed by a five-member Board of Directors. While elected by a vote of all qualified voters, each member represents a separate geographical division of IID. Directors serve a renewable four-year term. Critical functions of IID are:

- Diversion and delivery of untreated Colorado River water through operation and maintenance of an extensive canal system and related facilities
- Construction and maintenance of the agricultural drainage system
- Generation and distribution of electricity

¹ CWC §§ 20529 and 22437; *Bryant v. Yellen*, 447 U.S. 352, 371 (1980), fn.23

IID provides the water distribution and drainage within its service area. IID cannot deliver water outside of its water service area and permitted place of use. The few residents and business in the Imperial Region area that are outside of the IID water service area rely on groundwater. Surface water, under IID's senior water rights to the Colorado River water² and contract with the federal government,³ is delivered through an extensive canal system. IID delivers only untreated, non-potable surface water for agricultural, domestic, and environmental uses in its 500,000-acre water service area.

IID has constructed a network of over 1450 miles of agricultural drains. Agricultural drainage water and runoff from urban areas is collected in the surface drain system and is conveyed via the New River and Alamo River, to the Salton Sea.

IID Energy provides electric power to more than 145,000 customers in the Imperial Valley and parts of Riverside and San Diego counties. The sixth largest electric utility in California, IID Energy controls more than 1,100 megawatts of power derived from a diverse resource portfolio that includes its own generation, and long- and short-term power purchases. IID is a consumer-owned utility that works to efficiently and effectively meet its customers' demands at the best possible rates. This is accomplished by producing 30 percent of the area's power supply locally using efficient, low-cost hydroelectric facilities, steam generation facilities, and natural gas turbines.

As a water wholesaler and water management agency, IID consults with the County and the Cities when making land use decisions and determinations as to the adequacy of existing water supplies, and when the land use agencies need to make findings to commit water to new development. IID provides comments on environmental documents prepared pursuant to the California Environmental Quality Act (CEQA) and on land use and development proposals regarding impacts to IID facilities and current water users.

3.1.2 Imperial County

Imperial County is an agency with statutory authority for water management. The County manages groundwater and has a Groundwater Management Ordinance.^{4,5} The County has the power and authority to regulate land use, develop general plans, establish zoning, and review and approve new development proposals in unincorporated areas acting as the CEQA lead agency. Imperial County is also the lead for floodplain management through the Flood Management Plan (FMP; Imperial County, 2007), General Plan, and County ordinance. The FMP documents flood history; identifies known flood problem

² The California State Water Resources Control Board issued Water Rights Permit No. 7643 in January 1950 to divert up to 10,000 cfs year-round; limiting IID diversion under its federal contract to 3,850,000 acre-feet per annum. IID also holds pre-1914 water rights.

³ In 1932, IID entered into a contract with the Secretary of the Interior to receive entitlement to 3.85 MAF of water minus priorities one (PVID) and two (Yuma Project) – as in the 1931 California Seven-Party Agreement. IID's federal entitlement has two components: 1) the Present Perfected Right to 2.6 MAF, and 2) the remaining contract portion, between the PPR and the maximum amount under the 1932 Contract and the Seven Party Agreement – both grounded in state law prior appropriations, as limited by the QSA /Transfer Agreements.

⁴ Revised May 11, 2004, and amended August 3, 2004.

⁵ Draft IRWMP comment noted that Imperial County has not implemented its groundwater management ordinance since it was adopted.

areas; establishes goals, objectives, policies, and implementation programs to reduce flooding and flood-related hazards; and ensures that natural functions of the floodplains are protected.

3.1.3 Imperial Region Cities

Imperial Region Cities and developed areas include Brawley, El Centro, Imperial, Westmorland, Calipatria, Niland, Seeley, Heber, Calexico, NAF El Centro, and Holtville. The Cities and the County have authority over land use. They adopt General Plans and zoning to guide land use, prepare Urban Water Management Plans (UWMPs) to guide water use and conservation of their available water supplies, and act in such matters as lead agency pursuant to CEQA. The Cities operate drinking water treatment and wastewater treatment plants, or contract for these services. The Cities also have stormwater management responsibilities within their city boundary.

3.2 WATER FORUM AND REGIONAL WATER MANAGEMENT GROUP CHARTER

The Region Acceptance Process document includes a proposed governance structure and decision process for developing an IRWMP. The proposed governance structure, decision making process, and CDWR standards for governance were explained at the April 2010 Imperial IRWMP kick-off meeting. The concepts were further reviewed when the Water Forum was convened in June 2010. In addition, the Governance and Charter Work Group was established to develop a formal charter to guide and direct Water Forum operations and deliberations. The Governance and Charter Work Group met over the summer of 2010 to draft the Water Forum and Regional Water Management Group Charter (Charter) that was presented to the Water Forum for adoption in September 2010. The adopted Charter is included as Appendix A1. The purpose of the Charter is to guide the interactions among the stakeholders during development of the Imperial IRWMP. It defines:

- Program organization
- Program operation
- Administrative oversight and technical support
- Decision-making process
- Development, endorsement, and adoption of the IRWMP
- Values and principles
- Ground rules for meetings

The Water Forum decided that the Charter should be reviewed and adopted by the member agencies and organizations. A draft resolution was prepared for members to present to their organizations for action. The resolution adopts the Charter and the IRWMP Goals and Objectives. Once adopted, the member agency appoints a representative to the Water Forum and states the agency's intention to review the Draft IRWMP.

3.3 PROGRAM ORGANIZATIONAL STRUCTURE

The Charter defines the Regional Water Management Group (RWMG) organizational structure (Figure 3-1), and functional relationships of the organizational units. The Charter defines the purpose of the organizational units, their membership, and their roles and responsibilities. These are summarized below.

3.3.1 Water Forum

The purpose of the Water Forum is to enable stakeholder involvement, coordination, and input during development of the IRWMP; thereby representing their group's interests, providing for two-way communications, building consensus, and making decisions. Membership is open to all public agencies and organized stakeholder groups. Representatives and alternates are designated by their agency group. Water Forum membership includes broad representation and diversity of perspectives. Members are incorporated into the Water Forum by indicating their support for the IRWMP planning process through a resolution approved by their governing body, and members can participate regardless of ability to contribute financially to IRWMP development. Interested parties (persons) that are not part of an organized stakeholder group can also participate in Water Forum meetings and work groups and provide input when seeking consensus, but are not able to vote.

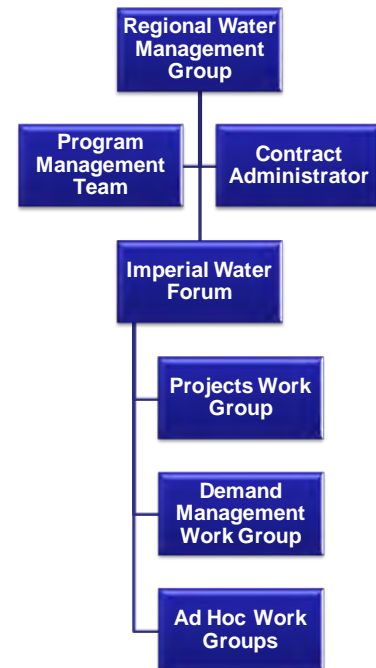


Figure 3-1. RWMG Organizational Structure

3.3.2 Regional Water Management Group

The purpose of the RWMG is to engage elected officials and leaders from stakeholder groups, resolve conflicts, build political support, and achieve a unified front for implementing regional water projects. The role and responsibility of the RWMG is to act as the final arbiter of decisions where necessary. .

Membership on the RWMG consists of nine members:

Five (5) elected representatives of the Imperial Region land use and water management agencies, as follows:

- One (1) member from the IID Board of Directors
- One (1) member of the Imperial County Board of Supervisors
- Three (3) elected City Council members of Cities participating in the Water Forum, two of which must be designated as disadvantaged communities

Four (4) additional members are selected as follows:

- IID Water Conservation Advisory Board (WCAB) selects one (1) member to represent agricultural users
- Imperial Valley Economic Development Corporation (IVEDC) selects one (1) person to represent industrial/business users
- Local Agency Formation Commission (LAFCO) coordinates selection of one (1) special district (water-related) member
- Community organizations coordinate the selection of one (1) community-based or environmental justice member
- To take action, RWMG meetings require attendance of seven of nine (7 of 9) RWMG members.

3.3.3 Program Management Team (PMT)

The PMT provides oversight and coordination of the IRWMP process. The PMT includes senior staff of IID and the County, a representative of one of the Cities (City of Imperial), the consulting team program manager, the facilitator, and the IID project manager. The roles and responsibilities of the PMT includes scheduling Water Forum and RWMG meetings, directing tasks, setting milestones and reviewing progress, providing agency staff resources, forming work groups, sponsoring workshops, managing internal and external IRWMP communications, and ensuring that CDWR IRWMP requirements are met.

3.3.4 Work Groups and Workshops

The purpose of work groups is to coordinate technical resources, agency staff, and stakeholders in addressing specific topics or assignments, and to provide draft findings and recommendations to the Water Forum. When the PMT forms a work group, all Water Forum members and interested parties are given an opportunity to participate or invite others to participate. Work groups and their activities include:

- ***Charter Work Group.*** Draft of the Water Forum and RWMG Charter.
- ***Policy Work Group.*** Address topics, problems, and conflicts, and develop draft goals and objectives.
- ***Projects Work Group.*** Review water supply resources management strategies, develop project concepts, provide input to the consulting team, draft findings, draft project review and evaluation criteria, and review project evaluation and ranking results.
- ***Demand Management Work Group.*** Review agricultural and MCI demand management strategies; provide input to consulting team; develop draft findings; and develop program and project concepts.

A number of workshops were convened to engage Water Forum members, agency staff, and other persons from the community who had relevant expertise. Some of the workshops served an outreach function to inform stakeholders and other organizations; other workshops were single events designed to obtain data, identify issues and opportunities related to the subject, review draft findings on resource

management strategies, and/or to provide advice to the PMT and Water Forum. Water Forum-sponsored workshops are listed in Table 3-1.

Table 3-1. IRWMP Workshops

Workshops	Date
City Managers Workshop	06/9/10
Imperial Valley Transportation Commission, Technical Advisory Committee Workshop	07/21/10
County/IID Groundwater Workshop	10/21/10
Energy Stakeholders Best Management Practices Workshop	01/20/11
Urban Water Management Plan UWMP Workshop (See Note 1)	02/09/11
Project Submittal Workshop - First Call for Projects	02/16/11
Energy Stakeholders Workshop	04/20/11
1. Improve Flood/Stormwater Management Workshop	05/17/11
Improving Water Quality Workshop	05/17/11
2. Ecosystems Enhancement & Water-related Recreation	06/15/11
3. Project Submittal Workshop – Second Call for Projects	07/20/11

Note. The UWMP workshop included CDWR Southern Region water conservation staff to explain state requirements and methods.

3.3.5 Contract Administration

IID retained the consulting team to support the Water Forum and development of the IRWMP. IID provided overall contract administration and program management. This includes issuing task orders to consultants, acting as liaison to the state, reviewing the consultant's work, managing project budget and schedule, and coordinating with agencies and other stakeholders.

IID was the submitting agency for the Proposition 84 Planning Grant and is acting as fiduciary agent during IRWMP development. IID has provided the up-front and local funding to match the state grants, convene the Water Forum, and initiate development of the Imperial IRWMP.⁶ On behalf of the Imperial Region, IID submitted the Region Acceptance Process Report (GEI 2009) to CDWR. CDWR subsequently accepted the Imperial Region boundaries, qualifying the region for planning grant funding for the Imperial Region. IID, in support of the Water Forum, prepared and submitted an application for a Proposition 84 IRWMP Planning Grant in October 2010. CDWR provided a notice of award for \$1 million in February 2011 and the IID/CDWR contract was approved in November 2011.

3.3.6 New Members

New members can be incorporated into the Water Forum by indicating their support for the IRWMP planning process through a resolution approved by their governing boards or equivalent.

The Water Forum and RWMG can incorporate new members on the RWMG by amending the Charter.

⁶ IID funding for developing the Draft IID Plan, convening the Water Forum and initiating the Imperial IRWMP were obtained through permit and impact fees paid by Ormat, Inc.

3.4 DECISION PROCESS AND PLAN ADOPTION

The Charter identifies the Water Forum's decision-making process. In all cases, the Water Forum seeks to make decisions by consensus. The representative or alternate of the organizations on the Water Forum receive cards to be used in making decisions on IRWMP issues. . In October 2010, the Water Forum clarified the decision-making process. The Water Forum determined that: 1) the RWMG would be convened once the IRWMP was ready to be adopted; 2) the composition of the RWMG would be revisited by the Water Forum prior to convening; 3) the Water Forum decision-making would continue to be through consensus as defined in the Charter, but that a simple majority vote by the stakeholders would be used when consensus could not be obtained; and 4) that cards for each member would be used during the decision-making process.

The Water Forum's decision-making process was used to adopt goals and objectives, the Charter, findings on strategies, project review and ranking criteria, project priorities, and will be used to endorse the IRWMP. This process will be followed in the future to define how to fund and sustain Water Forum and IRWMP activities, implement projects, update the IRWMP, and hire and manage staff or consultants.

The Charter defines the process for finalizing and adopting the IRWMP. The Water Forum will review the Draft IRWMP, initiate a public review process, and receive public and stakeholder comments in writing and at a public meeting. The Final IRWMP and response to comments will be prepared and sent to agencies represented on the Water Forum for adoption and/or endorsement. The IRWMP document will be final when IID and the County, as agencies with water management authority, and one public agency member of the RWMG adopt the IRWMP. Agencies seeking funding for projects in the IRWMP must adopt the IRWMP.

The Charter states that the Imperial IRWMP will not be a legally binding document, but rather a regional compact. The IRWMP is a living document requiring periodic update. Once an agency adopts the IRWMP, it agrees to participate in further collaboration and plan implementation.

3.5 STAKEHOLDER INVOLVEMENT AND PUBLIC OUTREACH

Imperial Region developed the IRWMP through a collaborative, multi-stakeholder process representative of diverse perspectives. Outreach efforts served to identify prospective participants. The previous discussion of governance documents the structure and decision processes that promoted access to, and collaboration with, people or agencies with diverse views. This section provides a description of how stakeholders, including Disadvantaged Communities (DACs), were identified and invited to participate.

3.5.1 RAP Objectives for Stakeholder Involvement

The Region Acceptance Process (RAP) helped establish objectives for stakeholder involvement:

- Promote the Imperial IRWMP as the mechanism for addressing water supply topics.
- Identify and address concerns of IID Directors, County Supervisors, City Councils, water customers, and other stakeholders.
- Demonstrate commitment to engage and inform customers, stakeholders, and the public.
- Create awareness and obtain consensus on solutions, including funding strategies.
- Reduce the potential for conflicts, manage expectations, and develop strategies to respond to identified topics and concerns.
- Seek coordination and advisory roles for state and federal agencies.

3.5.2 Develop and Maintain Stakeholder List

IID, with support from the County, developed a working list of stakeholders in the region to guide the outreach efforts. Additional stakeholders were identified and included during development of the Imperial IRWMP, and the list was maintained by IID as the process progressed. The list includes Interested Parties that are not members of an organized and representative stakeholder group, but wish to participate and track Water Forum activities, receive meeting notifications, and review work products.

3.5.3 Stakeholder Assessment

IID initially contacted stakeholders in writing to introduce the IRWMP and solicit input by participating in a stakeholder assessment interview. The stakeholder assessment was conducted by the Center for Collaborative Policy (CCP 2012) through meetings and conference calls held January through March 2010. By being directly contacted, the identified stakeholders were permitted to voice their interests, expectations, and concerns. The objectives of the assessment included:

- Identify issues of importance to stakeholders and interested parties that should be addressed in an Imperial IRWMP.
- Obtain information to further develop the scope of work for the IRWMP.
- Determine how stakeholders can work together to collaboratively prepare the IRWMP for the Imperial Region.
- Explore ways in which to improve relationships among stakeholders and interested parties in the Imperial region
- Encourage participation in the Imperial IRWMP process

All interviewees were in favor of the development of an IRWMP and in addition, all were in favor of their organizations participating in the development of an IRWMP.

- This was the only consensus response in the assessment.

3.5.4 Disadvantaged Communities Outreach and Needs Assessment

A DACs needs analysis was conducted early in the planning process (GEI 2011a). To identify disadvantaged communities, a contact list was developed for all cities, communities, and special districts located within the Region that provide domestic water service, wastewater collection, and/or

stormwater collection service (collectively - water systems). The Capital Improvement Plans, Master Plans, General Plans, and Service Area Plans of each community were sought and reviewed where available, to determine the state of their infrastructure and planning efforts. Information about their systems was compiled into an infrastructure matrix that was mailed in advance to the interview participants to obtain input. The information included in the infrastructure matrix consisted of the following:

- Stormwater
 - Land use policy
 - Design criteria
 - Flooding/system deficiencies
 - Capital improvement plans
- Wastewater
 - Existing and future plant size/treatment capacity, average flows, and level of treatment
 - Capital improvements planned for collection system and/or Waste Water Treatment Plant (WWTP), including plans for water recycling
 - Compliance requirements
- Potable Water
 - Current and future plant size/treatment capacity, average demand, raw and clear water storage capacity
 - Distribution system status/deficiencies, capital improvement plans and schedule for implementation
 - Disaster/emergency/shortage preparedness

A letter was sent to each community representative that included an explanation of the goals and objectives of the Imperial IRWMP and intent of the Water Forum to address the needs and interests of the DACs. Interviews were scheduled and conducted using a standardized questionnaire. In addition to the letter, an email with the agency-specific infrastructure matrix was sent to the engineering, planning, and/or public works contact for each community. The email explained the source of the data in the infrastructure matrix, and requested that the information within the matrix be corroborated or updated to reflect the current condition. The telephone interview was scheduled with each public agency's representatives to give them an opportunity to describe specific needs, list priority projects, and articulate issues or concerns with their water systems that were not addressed in the infrastructure matrix.

In the DAC Needs Analysis Report, information gathered from each interview can be found, including the existing state of each of the systems as well as system notes, system concerns, common themes among communities and a list of priority projects (see Appendix E). The information is also summarized in the next chapter.

3.5.5 Coordination with State and Federal Agencies

The list of interested parties included the local legislative and congressional delegates, USBR, Lower Colorado River Region, U.S. Bureau of Land Management (USBLM) El Centro Office, CDWR, and Colorado River Regional Water Quality Control Board (RWQCB) representatives. The Water Forum sought participation of the state and federal agencies through the local offices. State and federal agencies were involved to the degree that their schedules and resources would allow. By virtue of the amount of federal land in the Region, the USBLM was consulted and participated in an advisory role when able. The USBR Lower Colorado River Region also was engaged with the Water Forum in an advisory capacity. Both agencies had representatives who attended a number of Water Forum meetings. Local agencies and personnel have relationships and established communications with local and regional representatives of the various state and federal agencies.

3.5.6 Public Information - Logo, Website, Brochures

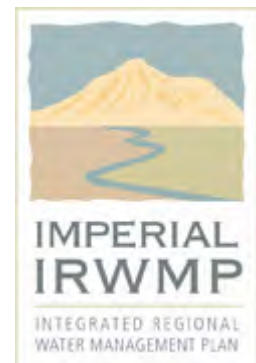
IID provided government affairs staff to coordinate outreach and public relations functions. The consultant team and IID staff developed presentations and briefing materials for use by Water Forum members at regularly scheduled stakeholder business meetings. IID periodically, on behalf of the Water Forum, provided public notice that Water Forum meetings would be held in local newspapers, inviting all members of the public to attend.

3.5.6.1 Imperial IRWMP Logo

An Imperial IRWMP logo was selected by the Water Forum. This logo was intended to create brand recognition for the IRWMP effort.

3.5.6.2 Website

The Water Forum used a variety of media in its public outreach efforts to publicize the IRWM process and encourage participation, including the development of the IRWMP web page (<<http://www.imperialirwmp.org/>>). The website (Figure 3-2) is maintained by IID and used to publish meeting announcements and notes, presentations, briefings, and draft and final technical work products, including the draft and final Imperial IRWMP. Water Forum meetings are recorded (video/audio) and are available to the public via the IRWMP website for those who could not attend. Contact information is posted on the website, stating the public may contact with comments, questions, and concerns. A meeting calendar is also included.



3.5.6.3 Brochures

Two brochures were prepared, one to address frequently asked questions and the other to provide a status report. Stakeholders on the Water Forum are encouraged to use their agencies' newsletters to publicize the Water Forum activity and IRWMP development.

3.5.7 Public Meetings–Kickoff, Water Forum, Work Groups and Workshops

Interested members of the public have provided input throughout the IRWMP process at regularly scheduled Water Forum and work group meetings. All Water Forum and work group meetings were open to the public.

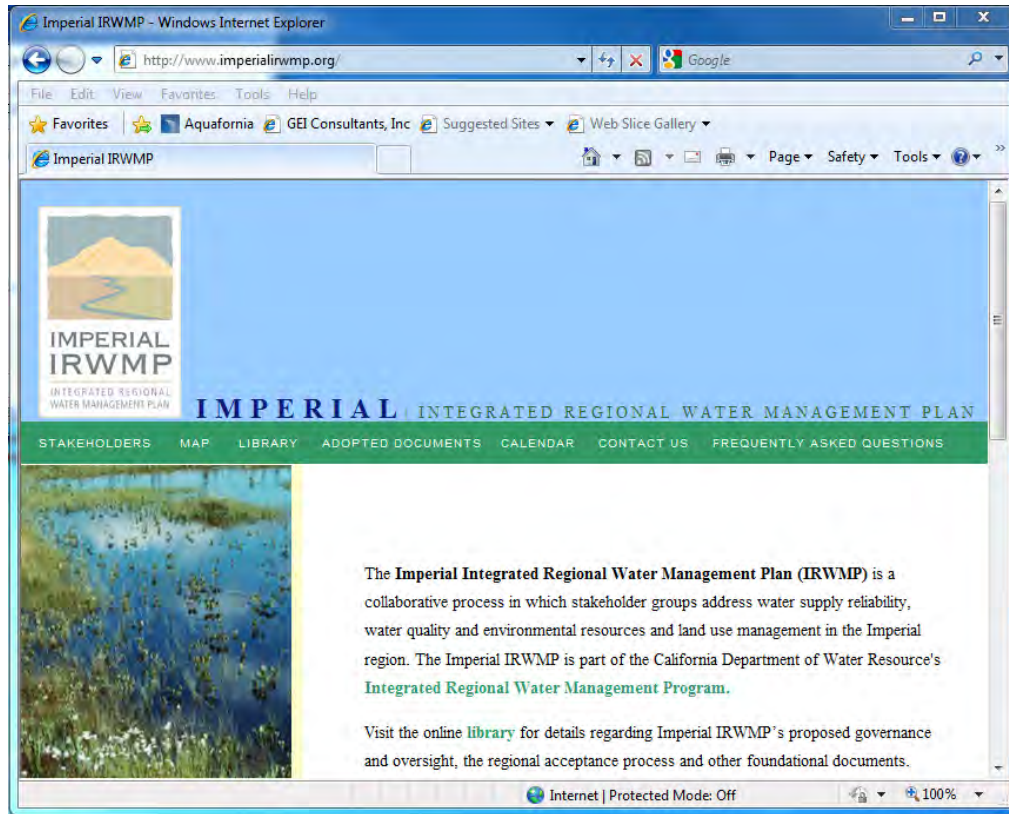


Figure 3-2. Imperial IRWMP Website

3.5.7.1 Imperial IRWMP Kick-off Meeting

A kick-off meeting was held in April 2010 to increase public awareness of the proposed Imperial IRWMP, solicit input from the community, and describe the planning process and anticipated outcome. Invitations to the April 2010 kick-off meeting were prepared to explain the IRWM process and Water Forum. The meeting was publicly noticed and a press release was distributed (Appendix A3). The kick-off presentation described the Imperial Region and proposed work plan, oversight, and governance. The consulting team, program manager, and facilitator addressed questions and solicited input.

3.5.7.2 Adoption of the Goals and Objectives and Charter by Stakeholders Agencies and Groups

Once the Water Forum adopted the Goals and Objectives and Charter, the representatives took these back to their organization for review and adoption. IID staff coordinated and scheduled the meetings

and provided staff when needed. A PowerPoint presentation was prepared for their use to explain the IRWMP Goals and Objectives and Charter. Seven (7) public agencies adopted a resolution that supports the Goals and Objectives and Charter, designates their representative, agrees to review the IRWMP, and considers adoption once the final draft is available (see Table 1-2, and Appendix A).

3.5.7.3 Public Meetings to Review Draft IRWMP, Water Forum Adoption of the IRWMP, and Agency Adoption of the Final IRWMP

The Public Review Draft of the IRWMP was posted on the IRWMP website for review and comment. The draft was also made available at local libraries and at IID Headquarters for review. On September 16, 2012, the Water Forum held a publicly noticed meeting to receive comments. A notice of intent to adopt was published in the local media. Both the Water Forum and public comments were used to prepare the Final IRWMP. During the review period, Water Forum representatives made presentations at their agencies' public meetings to discuss the draft. The Water Forum then held a meeting to review the responses and endorse the Final Draft IRWMP. This final draft was then sent to the stakeholder groups for final adoption.

3.5.8 Use of Existing Organizations and Communication Channels

In order for the Water Forum to fairly and comprehensively represent the cities, communities, and agencies of the Imperial Region, it incorporated public outreach through existing programs and communication channels. Members of the Water Forum relayed information to their elected bodies and groups for further input. Workshops included coordination with Imperial Valley Transportation Commission (IVTC), City Managers, and the Technical Advisory Committee of public works engineers. IVTC helped coordinate the Urban Water Management Plan workshop. Water Forum members were encouraged to keep their organizations informed about Imperial IRWMP activities.

