Delta Independent Science Board
Operating Guidelines

Scope and Purpose

The Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) establishes the framework to achieve the coequal goals of providing a more reliable water supply to California as well as restoring and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects the unique cultural, recreational, natural resource, and agricultural values of the Delta. The Delta Reform Act also created the Delta Stewardship Council (Council) which consists of seven members with diverse expertise providing a broad statewide perspective. The Chairperson of the Delta Protection Commission is a permanent member of the Council. The Council is tasked with:

- Developing a Delta Plan to guide state and local actions in the Delta in a manner that furthers the coequal goals;
- Developing performance measures for the assessment and tracking of progress and changes to the health of the Delta ecosystem, fisheries, and water supply reliability;
- Determining, on appeal, if a state or local agency's project in the Delta ("covered action") is consistent with the Delta Plan; and
- Determining, on appeal, whether the Bay-Delta Conservation Plan (BDCP) meets statutory criteria in the Delta Reform Act for inclusion in the Delta Plan.

The Delta Science Program, also established in the Delta Reform Act, has a mission to provide the best possible unbiased scientific information to inform water and environmental decision making in the Delta. This is done through funding research, synthesizing and communicating scientific information, promoting independent scientific peer review and coordinating with state and federal agencies to promote science-based adaptive management. Information provided through the Delta Science Program's independent review of program accomplishments is critical to the success of the Council.

The Delta Reform Act states that "The Delta Independent Science Board shall provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews of each of those programs that shall be scheduled to ensure that all Delta scientific research, monitoring, and assessment programs are reviewed at least once every four years." (WB 85280 (a)(3)) "Members of the Delta Independent Science Board shall be nationally or internationally prominent scientists with appropriate expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta." (WB 85280 (a)(2))

The Delta ISB's recommendations must reflect high scientific and technical standards, and the widest possible representation of knowledge, disciplines and trends of thought. The Delta ISB provides autonomous information directly to the Council. As stated in the Charge from the Delta Stewardship Council to the Delta Independent Science Board (Attachment A), the Delta ISB is an independent body and will, at all times, exercise its independent judgment.

The general responsibilities of the Delta ISB are outlined in the Charge from the Council (Attachment A) and include:

- Provide oversight of scientific research, monitoring, and assessment programs in the Delta
- Submit to the Council a report on the results of each review
- Review the draft environmental impact report (EIR) for BDCP
- Recommend a Lead Scientist to be appointed by the Council
- Understand the technical underpinnings of Delta programs and plans
- Regularly evaluate the science agenda for the Delta
- Review the balance and credibility of scientific analyses and syntheses
- Identify emerging issues and significant interconnections among Delta programs

Membership

As stated in the Delta Reform Act, "The Delta Independent Science Board shall consist of no more than 10 members appointed by the council. The term of office for members of the Delta Independent Science Board shall be five years. A member may serve no more than two terms." (WB 85280 (a)(1)) "The members shall not be directly affiliated with a program or agency subject to the review activities of the Delta Independent Science Board." (WB 85280 (a)(2))

During the nomination and selection process, the Lead Scientist will consult with other government departments and agencies, scientific and research organizations, professional societies, and non-governmental organizations, as well as the Delta ISB and its Chair during meetings or via direct contacts, in developing a list of potential candidates for new members of the Delta ISB. The members of the Delta ISB should be carefully selected to ensure provision of the diverse range of expertise required to fulfill its responsibilities.

In accordance with the Delta Reform Act, the initial members were appointed effective September 1, 2010, with terms of office extending through August 31, 2015. A member may resign prior to the end of the five-year term of office. In this circumstance, the Lead Scientist will develop a list of potential candidates to fill the vacancy, as described in the previous paragraph. The term of office for the new member will be five years from the date of the appointment. Members completing one term of office may request reappointment for an additional five-year term. No member may serve for more than two terms, consecutive or otherwise.

Chair, Chair-elect, and Past-Chair Positions

During the first quarter of 2013, Delta ISB members will elect a Chair and a Chair-elect from among the membership, each of whom will serve for two years in that capacity, beginning on or before June 1, 2013. Duties of the Chair are as follows:

- Acting as a spokesperson for the Delta ISB
- Presiding over Delta ISB meetings
- Coordinating with the Lead Scientist and Delta Science Program staff to prepare agendas for Delta ISB meetings
- Assigning Delta ISB members as lead persons for specific tasks or to serve on Delta ISB subcommittees
- Coordinating with the Lead Scientist and Delta Science Program staff after meetings to approve meeting summaries for distribution
- Transmitting formal Delta ISB communications to the Council or other entities/individuals

Following their terms, the Chair-elect will become the Chair, and the Chair will become the past-Chair. Beginning in 2015, and every other year thereafter, Delta ISB members will elect a Chair-elect during the first quarter. Terms shall begin on or before June 1 following each election.

The Chair-elect and/or other Board members shall assist the Chair in performing these duties. In the Chair's absence, the Chair-elect will assume the Chair's duties. If the Chair-elect is also absent, the past-Chair will assume the Chair's duties.

The incoming Chair may identify one or more primary issues to focus on during his/her term, and the past-Chair is encouraged to continue to lead on one or more of the primary issues that s/he managed while Chair.

There is an expectation that an ISB officer will represent the ISB at meetings of the Delta Stewardship Council. Thus it is desirable that among the three positions of Chair, Chair-elect, and past-Chair, at least one position should be filled by a Board member from northern California, to facilitate Delta ISB representation at, and reporting to, meetings of the Delta Stewardship Council. However, an ISB member-at-large may also represent the ISB at meetings of the Delta Stewardship Council.

Staff support for all activities of the Chair, Chair-elect, past-Chair, and Delta ISB members shall be provided by Delta Science Program staff.

Reporting Relationship

The Delta ISB members are approved by and report to the Council.

Operations

Issues can be nominated for Delta ISB consideration by the Council, the Lead Scientist, the Chair of the Delta ISB, and members of the Delta ISB. In addition, state and federal legislative bodies and agencies, stakeholder groups, and other standing boards or review panels may request consideration of scientific issues by the Delta ISB by requesting such assistance through the Council, the Lead Scientist or the Delta ISB Chair. All such requests received by any one of these three will be shared with the other two. The Council Chair and Delta ISB Chair will discuss the requests, in conjunction with the Lead Scientist and other

Delta Science Program staff if desired, and will make recommendations to the Delta ISB and the Council. The final decisions about which scientific issues to consider will be made by the Delta ISB in consultation with the Council.

The Delta ISB may constitute specialized panels or subcommittees as necessary to carry out its responsibilities.

Meetings

The Delta ISB shall conduct its business through meetings and correspondence as appropriate, in accordance with the Bagley-Keene Open Meeting Act and the provisions listed in this document.

The Delta ISB shall meet, in person, at least twice per year with at least a quorum present (a quorum being at least six of the ten members of the board). The meeting agenda shall permit time for Delta ISB members to disclose important activities and contacts.

Opportunity for public comment will be provided after each item on the agenda for specific comments to that item and a general comment period at the end of each day, as stipulated by the Bagley-Keene Open Meeting Act. When there are many public comments and meeting time is limited, the Chair may adopt rules or time limitations so that all interested persons may be heard within the agenda parameters.

Relationship with Lead Scientist and Delta Science Program Staff

The Delta ISB shall be supported by the Lead Scientist, Delta Science Program staff, and other program and agency staff and consultants as appropriate. Working with Delta Science Program staff, the Lead Scientist shall provide strategic advice and support to the Board, oversee preparation of the agenda for each meeting in consultation with the Chair; and coordinate the preparation of materials for the meetings as well as meeting summaries.

Delta Science Program staff will support the functions of the Delta ISB. Representatives of the Delta Science Program shall provide briefings on scientific issues and describe how these issues affect the Council's decisions. They shall serve as a resource for the Delta ISB members and be available to answer questions about relevant Delta Science Programs activities.

While the Lead Scientist and the staff of the Delta Science Program provide support to the Delta ISB, the ISB is independent of the Lead Scientist and Delta Science Program.

Correspondence to the Delta ISB

Any person, group or organization may send a letter to the Delta ISB by addressing it to either the Delta ISB Chair, Delta Stewardship Council Chair or to the Lead Scientist or by delivering the letter during a public meeting. The Lead Scientist or his/her designee will assume responsibility for distribution of the formal correspondence to the Chair and Delta ISB members and for compliance with public record requirements. All correspondence will be posted on the Delta ISB website.

Reports

Following each meeting, staff shall write up a meeting summary to be approved by the Delta ISB Chair. Meeting records and relevant materials will be posted on the Delta ISB website.

- Draft reports or other documents prepared by Delta ISB members will need to be reviewed and approved by a majority of the full Delta ISB prior to formal transmittal to the Council, Lead Scientist or any other body.
- The Delta ISB will seek consensus among its members on all reports. Any dissenting opinions shall be incorporated into the reports.

The Delta ISB's products are to reflect its independent scientific judgment.

While Delta ISB reports may make recommendations about priorities for plans, proposals, projects or programs, these will not have the force of management decisions. Both the Council and staff will consider Delta ISB recommendations along with input from others in making decisions.

Conflict of Interest

The Delta ISB and its members shall abide by the Conflict of Interest Policy (see Attachment B) of the Delta Independent Science Board. As stated in the Delta Reform Act, Delta ISB members "shall not be directly affiliated with a program or agency subject to the review activities of the Delta Independent Science Board." Delta ISB members shall disclose any professional activities in which they are engaged that may be perceived as being related to any program or agency subject to the review activities of the Delta ISB. A listing of disclosed activities will be maintained and posted on the Delta Science Program website. Delta ISB members will update disclosure information as necessary at each Delta ISB meeting. Delta ISB members shall consult with the Lead Scientist, who may consult with Council legal counsel, if questions arise regarding a potential conflict of interest.

Amendments

These Operating Guidelines may be amended based upon a two-thirds (⅔) majority of Delta ISB members.

ATTACHMENT A

Delta Stewardship Council Charge to the Delta Independent Science Board
Approved by the Delta Stewardship Council on August 26, 2010

The Sacramento-San Joaquin Delta Reform Act of 2009 (Act) establishes the Independent Science Board (ISB), whose members are to be appointed by the Delta Stewardship Council (Council), which was also created by the Act as an independent agency of the State of California. The Act also creates the Delta Science Program and a lead scientist who report to the Council. Together the Delta ISB and Delta Science Program provide the scientific support and oversight the Council needs to make decisions based on sound science.

Purpose of the Delta ISB

The purpose of the Delta ISB is to review the application of science and the effectiveness of science practices throughout the Delta in accordance with the Act and as outlined in this Charge to the Delta ISB. The overall objective of Delta ISB oversight is to help make the science underlying Bay-Delta programs, the application of that science, and the technical aspects of those programs the best that they can be.

Independence of the Delta ISB

At all times, the Delta ISB will exercise its independent judgment. In pursuing this obligation, the ISB may seek advice from entities or individuals not part of the ISB. Its findings, comments, and reports will be transmitted directly to the Council, or to other entities identified in the Act as receiving these findings, comments and reports, and made public without editing or censorship by any person or entity.

Statutory obligations of the Delta ISB

The specific charge for the Delta ISB, including four (4) requirements set forth in the Act as well as additional tasks and responsibilities needed to fulfill statutory needs of the Delta Stewardship Council and the Delta Science Program, are as follows:

Requirements in the Act:

1. "The Delta Independent Science Board shall provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews of each of those programs that shall be scheduled to ensure that all Delta scientific research, monitoring, and assessment programs are reviewed at least once every four years." (WC 85280(a)(3))
2. "The Delta Independent Science Board shall submit to the Council a report on the results of each review, including recommendations for any changes in the programs reviewed by the board." (WC 85280(a)(4))

3. “The department (of Water Resources) shall consult with the Council and the Delta Independent Science Board during the development of the BDCP (Bay-Delta Conservation Plan).…The Delta Independent Science Board shall review the (Bay Delta Conservation Plan) draft environmental impact report and submit its comments to the Council and the Department of Fish and Game.” (WC 85320(c))
4. “After consultation with the Delta Independent Science Board, the Council shall appoint a lead scientist for the Delta Science Program.” (WC 85280(b))

Additional Tasks and Responsibilities:

5. Understand the technical underpinnings of Delta programs and plans, including the Delta Interim Plan and the Delta Plan. As a group, the Delta ISB should attain and sustain an up-to-date understanding of the Council’s and other state and local agencies’ proposed actions and the state of the science applicable to those actions.
6. Regularly evaluate the science agenda for the Delta. Provide evaluation of the implementation of a strategic, balanced, and proactive science agenda across Delta programs. Evaluate technical priorities, adequacy of funding, peer review, use of outside experts, and the successes and weaknesses of investments in scientific knowledge. Evaluate progress on the development of an authoritative body of knowledge relevant to each Delta program’s goals and objectives. Help identify where important gaps in knowledge or the science effort might exist, with an emphasis on considering interconnections among various Delta programs.
7. Review balance and credibility of analyses and syntheses. Provide insights as to whether the analyses and syntheses of the state of the science being applied to specific issues under the purview of the Program are balanced and credible, including insights on how to improve such analyses and syntheses in general or in the case of specific issues.
8. Identify emerging issues and significant interconnections among Delta programs. Through program reviews, help to anticipate issues and identify areas of interconnection among programs that might otherwise be missed by more specialized boards and panels; suggest solutions, where needed, to interconnecting issues (e.g., technically-based actions, workshops, reviews, program collaborations, or new research).

The Delta ISB will review activities of science programs and projects for balance, rigor, and use of best available science. Like all technical expert bodies, the Delta ISB will not make policy decisions, but will provide the scientific foundation for such decisions to the Council and other agencies and organizations. The comments, advice and information from the Delta ISB is expected to increase scientific credibility, improve research clarity, advance the debate about Delta issues, and seek better connectivity between science, management, and policy.

ATTACHMENT B

Delta Independent Science Board Conflict of Interest Policy

At its June 24, 2010 meeting, the Council established, upon the nomination of the Lead Scientist, the Delta Independent Science Board (Delta ISB) comprised of 10 members.

Individual Delta ISB members are required to have national- or international-level stature in their fields of research. Also by design, membership in the Delta ISB includes individuals who conduct research directly related to the Bay-Delta system as well as individuals with experience in other systems and programs with no previous connection to the program. This balance between deep local knowledge and external perspectives is necessary for meeting the Delta Stewardship Council's needs.

Several questions have arisen with respect to the application of California's open meetings and conflict of interest laws to the Delta ISB. This policy is an attempt to address some of those questions.

Open Meetings Laws

California's Bagley-Keene Open Meetings Act applies to advisory bodies that are created by law. The Delta Reform Act provides for the creation of the Delta ISB. Thus meetings of the Delta ISB must be noticed at least 10 days in advance and held in public in compliance with the requirements of the Bagley-Keene Act. A "meeting" occurs when a quorum, or a majority, of the Delta ISB convenes, either serially or all together, in one place, to hear, discuss, or deliberate upon issues under the Delta ISB's jurisdiction.

The Act also applies to subcommittees of three or more members formed by the Delta ISB or by its chair, which are considered to be advisory committees to the Delta ISB. Larger subcommittees must meet the agenda and open session requirements of the Bagley-Keene Act. However, small advisory subcommittees of two members are not subject to the open meeting requirements, and may therefore meet and deliberate in private.

Conflict of Interest Laws

A. Political Reform Act

The California Political Reform Act prohibits public officials from making government decisions in which they have a financial interest. The disqualification provision of the Act hinges on the effect a decision will have on a public official's financial interests. When a decision is found to have the requisite effect, the official is disqualified from making, participating in the making, or using his or her official position to influence the making of that decision. (Gov. Code, section 87100.)

The Act also requires public officials to file statements of economic interests, commonly referred to as "Form 700s" (Gov. Code sections 87302, 87500). Members of decision-

making boards are subject to this requirement, but a purely advisory board is typically not (unless and until it has a track record of having its recommendations adopted without significant change by another government agency). However, given the broad scope and importance of its statutory charge (e.g., to provide oversight of all scientific research, monitoring, and assessment programs that support adaptive management of the Delta; to consult during the development of the BDCP, and comment on the draft BDCP environmental impact report), the Council has decided that individuals serving on the Delta ISB shall be considered government officials for purposes of compliance with the California Political Reform Act, and are required to file Form 700s as a result of their participation on the Delta ISB. "Assuming Office" Form 700s shall be filed no later than 30 days after execution of a member's contract with the Council. Annual forms are due on April 1st of each year.

B. Common Law Conflict of Interest Rules.

Members of the Delta ISB are also bound by common law conflict of interest rules. A clear expression of the common law doctrine is found in *Noble v. City of Palo Alto* (1928) 89 Cal. App. 47, 51:

> A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence, and primarily for the benefit of the public.

If a situation arises where a common law conflict of interest exists as to a particular transaction, the official is disqualified from taking any part in the discussion and vote regarding the particular matter. The common law doctrine applies to *non-financial* as well as financial personal interests.

C. California Government Code Section 1090

Members of the Delta ISB are also considered public officers or employees for purposes of compliance with California Government Code section 1090, which prohibits a public officer or employee from making a contract in which he or she is financially interested. The prohibition applies to virtually all officers, employees, and multi-member bodies, whether elected or appointed, at both the state and local level. It also includes the members of advisory bodies if they participate in the making of a contract in their advisory function. *Any participation by an officer or employee in their public capacity in the process by which such a contract is developed, negotiated, and executed, including planning and priority-setting through a Proposal Solicitation Process (PSP) or otherwise, is a violation of section 1090.*

For decision-making boards, if a member of the board has a financial interest, unless it is defined as a “remote” interest or non-interest in Government Code sections 1091 or 1091.5, the entire board is precluded from acting on the contract. The Attorney General's Office has not applied this restriction to advisory bodies, like the Delta ISB. If a member of the Delta ISB has a financial interest in a proposed contract or grant, or a remote interest as defined in Government Code section 1091, the Delta ISB may still make recommendations regarding that contract or grant, so long as the interested member

discloses his or her interest, and disqualifies himself or herself from *any* involvement in or discussion of the contract. If a member of Delta ISB has a "non-interest" as defined in Government Code section 1091.5, he or she may participate in the discussions leading to a recommendation regarding a future contract.

Universities—remote vs. non-interests. The general rule, as stated above, is that a person having a non-interest as defined in Government Code Section 1091.5 may participate in discussions or recommendations leading to a future contract. Professors and other employees of public universities have a non-interest in contracts between a state agency and their public university, so long as the contract does not "directly involve" the professor's own department. (Government Code section 1091.5 (a)(9).) They must disclose their interests, but they are not precluded from participating in preliminary discussions or recommendations. In other words, if they do participate in the early stages of preparation of a proposal solicitation, other employees of their university, in other departments, will not be precluded from seeking and accepting grants in that solicitation process.

However, the rule is different for Delta ISB members who are employees of a private university. The university is considered a source of income to them, and they do not fit within the non-interests set out in Government Code section 1091.5. Financial interests in a private, non-profit university would be considered "remote" interests under Government Code section 1091 (b)(1). Such an interest would require a Delta ISB member to disqualify himself or herself from the shaping of future contracts with his or her university. If a Delta ISB member did participate, the state agency could not subsequently enter a contract with the private university for work recommended by the Delta ISB member.

The reason for the disqualification is that the private university is a source of income to the Delta ISB member, and the member thus has a financial interest in any contract with the university. If the ultimate contract were between the state agency and an individual who happened to work at the same university, or to a consulting firm of which he/she was a member, and the university itself did not receive any funds, the Delta ISB member would not have a financial interest in the contract (unless he/she had a financial interest in the individual or firm separate from his/her interest in the university).

Guidelines for Delta ISB members

The following sets of guidelines apply these principles and others to specific activities members of the Delta ISB are likely to engage in as part of their Delta ISB service.

Representing Delta ISB

The Delta ISB as a body deliberates and provides feedback to the Council, as well as to the Delta Science Program and the Lead Scientist, on the science relative to preparation and implementation of the Delta Plan and other scientific research, monitoring, and assessment programs in the Delta. Delta ISB members should avoid situations where they speak for the Delta ISB unless specifically delegated to do so by the Delta ISB.

Open Meetings
Delta ISB meetings and deliberations will be held as a public meeting and public notice for these meetings will be distributed at least 10 days in advance. Once the agenda has been distributed, matters may not be added to the agenda (with certain exceptions specified in the Bagley-Keene Act), and the Delta ISB may not make recommendations on items not listed on the agenda.

The Delta ISB may form subcommittees of one or two people to work on an issue to prepare it for deliberation by the broader Delta ISB at a public meeting, and meetings of these small subcommittees are not required to be public. Subcommittees of three or more, formed by the Delta ISB or its Chair, will be considered advisory committees and will be subject to the open meetings requirements.

The Open Meeting Act contains a specific prohibition against so-called "serial meetings"- that is, a series of communications employed to develop concurrence as to actions to be taken by the Delta ISB, each of which involves less than a quorum, but which taken as a whole involves a majority of the Delta ISB members (Conversations that advance or clarify a member's understanding of an issue, facilitate an agreement, or compromise communications that contributes to the development of a concurrence of action to be taken.) Serial meeting issues arise most commonly in connection with **rotating staff briefings, telephone calls or email communications** among a quorum of board members.

For example, the Attorney General's (AG's) Office has previously opined that a majority of board members may not email each other to discuss current topics related to the board's jurisdiction <u>even if</u>; 1) the emails are also sent to the secretary and chairperson of the agency; 2) the emails are posted on the agency's Internet website; and 3) a printed version of each email is reported at the next public meeting of the board.

In a related context, the AG's Office has advised that staff may receive spontaneous input from board members on the agenda or on any other topic, but cautions that problems arise if there are systematic communications involving a quorum of the body acquiring information or engaging in debate, discussion, lobbying or any other aspect of the deliberative process, either among themselves or between board members and staff. If staff receives the same question on substantive matters to be addressed in an upcoming agenda from a quorum of the body, the AG's Office recommends that a memorandum be prepared by staff addressing these issues so that members of the body and the public will receive the same information.

Delta Science Program staff will maintain the public record and members of the public may view the record and make copies of specific documents. Meeting agendas, meeting summaries and background reading materials provided as a packet prior to the Delta ISB meeting will be posted on the Delta Science Program website. In addition, email correspondence from staff or other individuals to the entire Delta ISB will be considered

a public document and may be posted on the Delta ISB website and/or distributed to the public during the next Delta ISB meeting.

Teleconference Meetings
The Open Meeting Act allows for publicly-noticed teleconference meetings, so long as, among other requirements, each site where a member will be present is particularly identified on the meeting notice and accessible to members of the public, all proceedings are audible, and votes are taken by roll call. Teleconference meetings would permit, by way of example, comments by interested Delta ISB members on draft reports or other documents between regularly scheduled meetings, without requiring out-of-state members to travel to California.

Conflict of Interest
Disclosure: In addition to the need to file statements of economic interest (Form 700s) under the California Political Reform Act, the Delta Science Program has determined as a matter of policy that disclosure of an individual member's activities is an important element of managing the public perception of bias.

It is the responsibility of Delta ISB members to disclose any professional activities in which they are engaged, including service as an expert witness or advisor, that may be perceived as being related to any program or agency subject to the review activities of the Delta ISB, and it is the desire of the Delta ISB to construe this responsibility broadly (i.e. include funded and unfunded work, and disclosure when there is uncertainty about the relevance of work to the Council). Disclosures should be timely, for example before discussing a specific agenda item at a meeting.

Fact-Finding
Delta ISB members may be requested or assigned by the Council, as part of a subcommittee or otherwise, to engage in various Delta Science Program activities or conduct limited research or investigations as part of the process of learning more about the management context and specific technical issues. However, such assignments will not be used as a means of circumventing the conditions under which Delta ISB members may engage directly in original work through directed action processes. Members' contracts may contain a limit on the amount that can be expended for these purposes.

Providing Expert Opinions and Analysis
One of the goals of the Delta Science Program is to bring scientific expertise into all areas of Delta research and planning by engaging experts in standard practices of the research community including peer review, information synthesis, and the development of new knowledge through inquiry and investigations. Individual experts, including members of the Delta ISB, may accept invitations from the Lead Scientist, Delta Science Program staff, and science programs within the Delta to serve in these capacities (paid or unpaid), so long as public contracts requirements are met, and so long as they have not in any way participated in a public capacity in recommending that the particular work be done.

Participation in Workshops
Individuals who serve on the Delta ISB may participate in public workshops and report on their past or ongoing work. Delta ISB members shall take care, however, not to participate in their public capacity in making recommendations for future work for which they themselves would seek funding, or in which they would have a financial interest.

As a way to permit participation by Delta ISB members in workshops, in order to allow them to share the results of their past or current research, while avoiding the conflict of interest consequences of making recommendations for future work/funding, the Delta Science Program should bifurcate its workshops into sessions involving reports on current work, current developments, etc. and separate sessions involving recommendations for future work. Those who wish to compete for future work, or who have financial interests in entities who may wish to compete, would not participate in the recommendation sessions.

Avoidance of Conflicts
In order to minimize or avoid conflicts of interest, the Delta ISB as a body will not be asked to provide advice to the Council or the Delta Science Program on specific elements within any request for proposals. The Delta ISB may, however, advise on peer review processes in general.

Peer Reviews
Individuals who serve on the Delta ISB and other standing Delta Science Boards may agree to conduct a peer review of an individual proposal, subject to the standard condition that reviewers should not have any financial or professional interest in the proposal. As with disclosure guidelines, individuals should construe financial and professional interests broadly. A potential reviewer should not review a proposal in which he/she would have a direct interest, or a remote interest as defined in Government Code section 1091. If the individual's interest would be considered a non-interest under Government Code section 1091.5, the individual could review the proposal. Because proposals by others in the same department are not considered non-interests, scientists in public universities should not review proposals by their own graduate students or others in their department, but are not precluded from reviewing proposals from parts of the university other than their own employing unit or department. As a matter of policy, a Delta ISB member may want to preclude reviewing any proposals from a reviewer's home university.

Calls for Proposals (PSPs, RFPs, IFBs, etc.)
Individuals who serve on the Delta ISB may serve as reviewers and advisors to the Delta Science Program and other Delta science programs on specific calls for proposals and as members of panels in the proposal selection process. These activities include reviewing implementation and Proposal Solicitation Package (PSP) documents, reviewing multiple proposals, and participating as members of technical synthesis and selection panels. While the Delta ISB as a body will not be asked to participate in these activities, individual board members who have elected to do so must disclose these activities in Delta ISB deliberations.

The Delta Science Program's grant proposal selection processes are generally comprised of four main steps. The first is preparing documents describing programmatic scientific priorities. The second is a mail review by at least three experts of each proposal received. The third step is a final review panel whose charge is to evaluate the high quality technical proposals, and to recommend the best proposals in the priority areas to the Council. The fourth step is approval by the Council.

Individual board members who elect to participate as advisers or reviewers in any specific calls for proposals are prohibited from submitting a proposal to the same process. Individuals who have advised a Delta Science Program in general terms on peer review and Request For Proposals (RFPs), for example by communicating the sequence and rationale used by the National Science Foundation, are not presumed to have participated in a specific PSP.

The general rule for avoiding conflict in the review of individual proposals in this process is that individuals should not review proposals in which they have a direct or remote financial interest and should disclose associations. To preserve the utmost independence and integrity of the Delta ISB, members are requested not to submit proposals to any Delta Science Program PSP or be recipients of Delta Science Program grants during their tenure.