

CITY OF MADERA

COMMUNITY DEVELOPMENT DEPARTMENT

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Date: March 7, 2018

To: Mayor Medellin & Members of the City Council

From: Dave Merchen, Community Development Director

RE: Late Distribution For Item E-3 – Revised Draft Subbasin Coordination Committee Charter

Item E-3 on the March 7, 2018 City Council/Groundwater Sustainability Agency Agenda includes review and comment on a proposed Madera Subbasin Coordination Committee Charter. Subsequent to the preparation of the agenda package, a revised charter was delivered to GSAs incorporating early comments from various Subbasin GSA staff members. A redlined version of the revised agreement, along with a clean version of agreement, are attached for your review. Changes that may be of interest include the following:

- Allowance for a GSA to appoint a CAO, City Manager, Executive Director, or General Manager to sit on Coordination Committee in lieu of an Elected Member.
- Call out for the establishment of a Coordination Committee Secretary from its membership or from individual GSA staff to provide support to the Coordination Committee.
- Clarification that New Stone Water District would attend meetings for information sharing but would not hold a “seat” on the Coordination Committee. Thus, the Committee would include only 12 seats, including 1 board member and 1 technical expert from each of the six participating GSAs.

Please let me know if you have any questions.

Madera Subbasin Groundwater Sustainability Agencies

Madera Subbasin Coordination Committee Charter

Draft 1/26/2.16.2018

Coordination Committee Charge

The purpose of the Madera Subbasin Coordination Committee (“Coordination Committee”) is to advise the Madera Subbasin Groundwater Sustainability Agencies’ (“GSAs” or “Agencies”) Boards of Directors and decision-makers (collectively “Boards”) on groundwater sustainability plan (GSP) development, implementation, and public engagement consistent with the Agencies’ respective policies. The intent of the Coordination Committee is to provide a forum for GSAs to share perspectives and participate in review and discussion of elements for GSP development. The Coordination Committee will identify areas of agreement, issues requiring more ~~in-depth~~in-depth GSA discussion or consideration, and make recommendations that the GSA Boards will consider in their decision-making.

The Coordination Committee may review or provide recommendations to the Boards on the following groundwater-related issues:

- Development, adoption, or amendment of the groundwater sustainability plan (GSP)
- Sustainability goals and objectives
- Technical and reporting standards, including best management practices, data management and reporting
- Monitoring programs
- Annual work plans and reports (including mandatory 5-year milestone reports)
- Modeling scenarios
- Inter-basin coordination activities
- Project and management actions to achieve sustainability
- Grant funding proposals
- Community outreach and engagement
- Local regulations to implement SGMA
- Fee proposals
- General Coordination in response to GSA inquiries

The Coordination Committee will not make recommendations to be involved in any individual Agencies’ about their budgets or day-to-day operations, such as personnel staffing or contracting.

Open Process, and Conflicts of Interest

All meetings of the Coordination Committee shall be open to the public. The Coordination Committee will announce meetings on the respective Agencies’ websites~~web sites~~ and through regular communication channels.

The Coordination Committee shall adopt a schedule and location for regular meetings, and meeting agendas shall be posted consistent with SGMA and Brown Act requirements.

All Coordination Committee meetings shall provide for public comment consistent with the Brown Act, including non-agenda public comment and public comment on individual agenda items. Public comment will generally be limited to 3 minutes, but the time may be adjusted based upon meeting circumstances. Special and emergency meetings need not provide for non-agenda public comment, but such comment may be allowed in the Coordination Committee’s discretion.

Members of the Coordination Committee are subject to all applicable conflict of interest laws including Government Code section 1090 and the California Political Reform Act.

Ad Hoc Workgroups

The Coordination Committee may form ad hoc or temporary workgroups as needed for limited purposes. Workgroups shall consist of less than a quorum of the GSA Board members or legislative bodies, or they shall fall under the advisory group guidelines. A workgroup is intended as an ad hoc group. It is not a standing group with designated participants. The workgroup shall be formed for limited purposes (e.g. reviewing specifically technical components of the GSP development) on an as needed basis.

The Coordination Committee will review and assess any recommendations made by workgroups along with stakeholder input prior to sharing any recommendations with the GSA Boards for consideration in their decision-making. This does not forestall recommendations or stakeholder input being shared directly with GSAs.

Commented [DN1]: Circumstances could arise when “recommendations” and “stakeholder input” are shared with the Boards prior to the Coordination Committee reviewing.

Term

This Coordination Committee is intended to serve as the coordinating body for the Madera Subbasin GSAs through development of the Madera Subbasin GSP(s). On or before October 2019, the Coordination Committee will evaluate the effectiveness of the Coordination Committee for coordination purposes and determine whether to form an alternate group or revise the Coordination Committee Charter. Unless the GSAs chose otherwise, the Coordination Committee shall remain active throughout the coordination of Madera Subbasin GSAs for GSP development and implementation.

Coordination Committee Representation

The Coordination Committee shall consist of two (2) members to represent each of the six coordinating GSA member agencies in the Madera Subbasin: Madera County Subbasin GSA, City of Madera GSA, Madera Irrigation District GSA, Root Creek Water District GSA, Madera Water District GSA, and Gravelly Ford Water District GSA. New Stone GSA shall attend meetings retain a single seat attend meetings for information sharing only and Subbasin-wide coordination purposes for a total of thirteen-twelve (12-13) seats. Each Coordinating GSA Board shall designate two Committee representatives as follows:

Commented [DN2]: Is the is the name for the County’s GSA?

- One member capable and authorized to speak on behalf of the GSA Board Bboard for coordination purposes. A GSA board member, CAO, City Manager, Executive Director, or General Manager is recommended to serve in this capacity to ensure better coordination between the committee and individual GSA Boards. Final, but determination of the committee memberGSA representative is at the discretion of the individual GSA BoardsGSAs.
- One member providing technical expertise or knowledge (when logistically possible).
- GSAs may appoint an alternate.

Commented [DN3]: It was MID’s understanding that New Stone is welcome to attend the meetings for information and coordination purposes, however they would not have a seat as they are not participating in the development of the GSP with the other agencies. It was also MID’s understanding that a separate MOU would be developed with New Stone.

Commented [DN4]: Do we want to require that this is a Board Member/elected official? If so, this section should be clarified.

Coordination Committee members must live or work within or represent an organization with a presence in the Madera Subbasin, identified by the Department of Water Resources current Bulletin 118. The GSA Boards will determine if alternates are necessary, and if so, the appointment process.

Coordination Committee members serve without compensation.

Member Roles and Responsibilities

GSA Board of Directors

GSA Board members commit to the value of the Coordination Committee and will consider Coordination Committee recommendations when making policy decisions for their GSA. It is recommended that each GSA shall designate one Board member, [CAO, City Manager, Executive Director, or General Manager](#) to sit on the Coordination Committee for these purposes. GSA Board members may also designate an alternate ~~member~~ [Board member, with equal authority](#), to sit on the Coordination Committee.

Coordination Committee Membership

The purpose of the Coordination Committee is to develop and refine recommendations for GSA consideration. Likewise, the Coordination Committee offers an opportunity to incorporate community and stakeholder interests into recommendations on SGMA implementation in [the Madera](#) Groundwater Basin for the GSA Boards to consider in their decision-making process.

Coordination Committee members represent the diverse interests of the GSAs and groundwater users. The criteria for Coordination Committee members are to:

- Serve as a strong effective advocate for GSAs and their beneficial users
- Work collaboratively with others
- Commit time needed for ongoing discussions
- Attend every meeting or appoint an alternate
- Collectively reflect diversity of interests
- Have the requisite content knowledge and/or capacity to contribute to discussions on behalf of GSAs.
- Reflect and present Coordination Committee discussions and recommendations to GSA Boards

Coordination Committee Chair

The Coordination Committee will appoint a ~~Chair~~ [Chair](#) and ~~Vice-Chair~~ [Vice-Chair](#). The ~~Chair~~ [Chair](#) for the Coordination Committee agrees to:

- Work with the Agencies' administrators to develop the agenda for all meetings.
- [Assist in framing issues so members are able to have a productive conversation and develop recommendations.](#)
- [Develop a summary of meeting agreements and discussions.](#)

As resources are available and until such time as a Coordination Committee Chair [is designated](#), the Madera Subbasin SGMA Facilitator shall perform the duties of the Chair and ~~Vice-Chair~~ [Vice-Chair](#).

[Coordination Committee Secretary](#)

[The Coordination Committee will appoint a secretary either from membership or from individual GSA staff to record meeting minutes, capturing agreements, areas of requiring additional discussion and matters for individual GSA review and discussion.](#)

Technical Experts (TE)

Among the Coordination ~~Committee~~ members are the Technical Experts (“TE”), ~~additionally~~ GSA may appoint Technical Experts from GSA Staff to participate in ~~Coordination Committee~~ and ~~Ad Hoc Workgroup~~ meetings as needed. These TE shall facilitate discussion among the GSAs on technical aspects or elements during the GSP development process, during implementation of the GSP, as well as on Agencies’ policies related to groundwater management and monitoring data. The TE shall assist the ~~GSP technical consultant retained by the Madera Subbasin GSAs for GSP development (hereinafter referred to as GSP Technical Consultant)~~ and facilitate incorporation of community input on technical components of GSP development. The TE may form ad hoc working groups to facilitate inter-GSA review and discussion of technical elements for the GSP during plan development as needed, as well as during implementation of management practices. The ad hoc TE workgroups may discuss GSP ~~Technical Consultant~~ recommendations and report out discussions to the full Coordination Committee.

The TE members represent the technical interests of the GSAs. The criteria for TE members are to:

- Serve as a technical and subject matter experts and advisors related to groundwater data and GSP development
- Understand SGMA and GSP requirements
- Work collaboratively with others
- Commit time needed for ongoing discussions

Member Terms

The initial Coordination Committee will include ~~12-13~~ seats with three-year terms ending in January 31, 2020. Following initial ~~Committee terms~~ appointment, all terms will be two years and end in December. If a vacancy occurs the GSAs will appoint a new individual to complete the term. GSAs may remove ~~Committee~~ members in their own discretion at any time.

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Madera Subbasin Roundtable Meeting Participation

The Madera Subbasin Public Engagement and Outreach Plan anticipates the incorporation of Public Round Tables or similar sessions for public discussion. These sessions shall be scheduled to coincide with Coordination Committee meetings and GSP planning meetings with the GSP Technical Consultant, as appropriate. One or more members of the Coordination Committee shall participate in every stakeholder roundtable meeting and report back to the Coordination Committee regarding perspectives shared and discussed during those roundtable meetings. This will facilitate incorporating Stakeholder input into recommendations put forth by the Coordination Committee to the GSA Boards.

Decision-Making

To inform GSA Boards’ decision-making, the Coordination Committee ~~Secretary~~ will provide ~~written~~ recommendations in reports that reflect the outcome of Committee discussions, including input received during roundtable meetings. Coordination Committee members shall prepare individual board reports, confirming areas of agreements and discussion through meeting notes and highlights. These individual board reports shall be consistent with the Committee written recommendation. The recommendation reports will identify areas of agreement and disagreement. The Committee may request that one or more Committee and TE members present its recommendations to the GSA Boards, including areas of agreement and disagreement, consistent with Committee deliberations. The GSA Boards will consider Coordination Committee recommendations when making decisions. If

Commented [DN5]: Who is going to be responsible for developing these?

any GSA ~~Board~~ does not agree with the recommendations of the Coordination Committee, ~~that Board~~ ~~that~~ ~~these Boards~~ shall state the reasons for its final decision(s) to facilitate discussion and revisions of recommendations by the Coordination Committee or through the ~~GSA Dispute Resolution~~ process ~~determined among the GSAs under separate agreement~~.

Commented [DN6]: Where is this defined?

The Coordination Committee will strive for consensus in all of its deliberations. Working toward consensus is a fundamental principle. Consensus means that all Committee members either fully support or can live with the recommendation or overall plans and believe that their GSAs and its constituents can as well. ~~Committee minutes shall reflect variations in consensus~~. The consensus must be feasible to receive GSA approval. In reaching consensus, some Committee members may strongly endorse a particular proposal while others may accept it as "workable." Others may be only able to "live with it." Still others may choose to "stand aside" by verbally noting a disagreement, yet allowing the group to reach a consensus without them if the decision does not affect them or compromise their interests. Any of these actions still constitutes consensus. When unable to reach consensus on recommendations, the Committee will outline the areas in which it does not agree, providing some explanation to inform GSA Boards' decision-making.

The Coordination Committee relationship to Madera GSAs and the overarching ~~Madera~~ Subbasin decision-making structure is demonstrated in Diagram 1.

Consensus Process

In seeking consensus on an interim or final recommendation, ~~Coordination Committee~~ ~~Coordination~~ ~~Committee~~ members will voice their opinions with specific proposals along the way, rather than waiting until a final recommendation has been developed. At all times, ~~Committee~~ ~~Committee~~ members will ensure that they are providing input commensurate to their prescribed role and GSA. The basic consensus-seeking process is as follows:

- **Straw Polls:** ~~Committee~~ ~~Committee~~ members will use straw polls to assess the degree of preliminary support for an idea before the group submits it as a formal proposal for final consideration. Representatives may indicate only tentative approval for a preliminary proposal without fully committing to its support.
- **Draft and Final Recommendations:** A group will use the following three levels to indicate member's degree of approval and support for any proposal being considered and to determine the degree of consensus.
 - "Thumbs Down:"** - I do not agree with the proposal. I feel the need to block its adoption and propose an alternative. Examples; a representative believes they cannot get a consensus of his/her GSA decision-makers as proposed
 - "Thumbs Sideways:"** - I am not enthusiastic about it, but I can accept the proposal.
 - "Thumbs Up:"** - I think this proposal is the best choice of the options available to us.
 - "Abstention:"** - At times, a pending recommendation may be infeasible for a representative to weigh in on. For example, ~~this~~ could include but ~~is not be~~ limited to: a topic that has policy implications that GSA representative cannot be on record conflicting with, and therefore cannot offer a proposal or opinion; and other similar conditions.

The goal is for ~~Committee~~ ~~Committee~~ members to be in the 'Thumbs Up' level of agreement. This agreement must be consistent with what the ~~Committee~~ ~~Committee~~ members feel can be approved by their GSA boards. If any Coordination Committee member is at a 'Thumbs Down' level, that member ~~is encouraged to~~ ~~must~~ provide a counter proposal that legitimately attempts to achieve their interest and

the interests of the other [Committee](#) members. The [Coordination Committee](#) will then evaluate how best to proceed. Committee members that abstain from particular proposals are encouraged to explain why abstention is in their GSAs best interest as well as in the interest of achieving the [Madera](#) Subbasin goal to comply with SGMA within the requisite timeframes.

Process Agreements

To conduct a successful process, the parties agree to the procedures that the Coordination Committee will use as well as define individual behaviors or ground rules.

- ✓ **Everyone agrees to negotiate in good faith.** All participants agree to participate in decision making, to act in good faith in all aspects of this effort and to communicate their interests during meetings. Good faith also requires that parties not make commitments they do not intend to follow through with, and that parties act consistently in the meetings and in other forums where the issues under discussion in these meetings are also being discussed.
- ✓ **Everyone agrees to address the issues and concerns of the participants.** Everyone who is joining in the Coordination Committee is doing so because s/he has a stake in the issue at hand. For the process to be successful, all the parties agree to validate the issues and concerns of the other parties and strive to reach an agreement that takes all the issues under consideration. Disagreements will be viewed as problems to be solved, rather than battles to be won.
- ✓ **Everyone agrees to inform and seek input from their constituents about the outcome of the facilitated discussions.** To the extent possible, scheduling will allow for participants to inform and seek input from their constituents, scientific advisors, and others about discussions.
- ✓ **Everyone agrees that parties can meet with other organizational or interest group members.** Coordination Committee members may find it helpful to meet with other organizations or interest group members and to consult with constituents outside of the meeting so the member is better able to communicate community concerns on the issues at hand.
- ✓ **Everyone agrees to attend all the meetings to the extent possible or to appoint an alternate.** Continuity of the conversations and building trust are critical to the success of the Coordination Committee. Participants are encouraged to turn off cell phones and focus on the issue at hand. Agency staff or the facilitator will coordinate the meeting schedule. [Alternates are encouraged to attend Coordination Committee meetings as members of the public.](#)
- ✓ **Everyone agrees that decisions made at subsequent prior meetings will not be revisited due to the absence of a Committee member or appointed alternate.** It is critical to the success of the Coordination Committee as well as to the GSP process and timeline that recommendations are made in a timely manner. Therefore, decisions on recommendations will not be postponed or revisited due to absences during regularly scheduled Committee meetings.

Commented [DN7]: Will alternates be allowed/encouraged to attend the meetings and participate as a member of the public?

Commented [DN8]: Prior?

Participation Agreements

The facilitator and participants, including the [Committee](#) members and the public shall be asked to follow these agreements.

Use Common Conversational Courtesy

All Ideas and Points of View Have Value

All ideas have value in this setting. We are looking for innovative ideas. The goal is to achieve understanding. Simply listen, you do not have to agree. If you hear something you do not agree with or you think is "silly" or "wrong," please remember that the purpose of the forum is to share ideas and perspectives.

Be Honest, Fair, and as Candid as Possible

Help others understand you and work to understand others.

Avoid Editorials

It will be tempting to analyze the motives of others or offer editorial comments. Please talk about *your own* ideas and thoughts. Avoid commenting on why you believe another participant thinks something.

Honor Time and Be Concise

Think Innovatively and Welcome New Ideas

Creative thinking and problem solving are essential to success. "Climb out of the box" and attempt to think about the problem in a new way.

Invite Humor and Good Will

Be Comfortable

Please feel help yourself to refreshments or take personal breaks. If you have other needs please inform the facilitator.

Communication

Media

Members are asked to speak only for their organization or themselves when asked by external parties, including the media, about the Coordination Committee's progress, unless there has been a formal adoption of a statement, concepts, or recommendations by the Coordination Committee. Members will refer media inquiries to the [GSA listserv and website administrators](#) and reserve freedom to express their own opinions to media representatives. Members should be careful to present only their own views and not those of other [Committee](#) members. The temptation to discuss someone else's statements or position should be avoided.

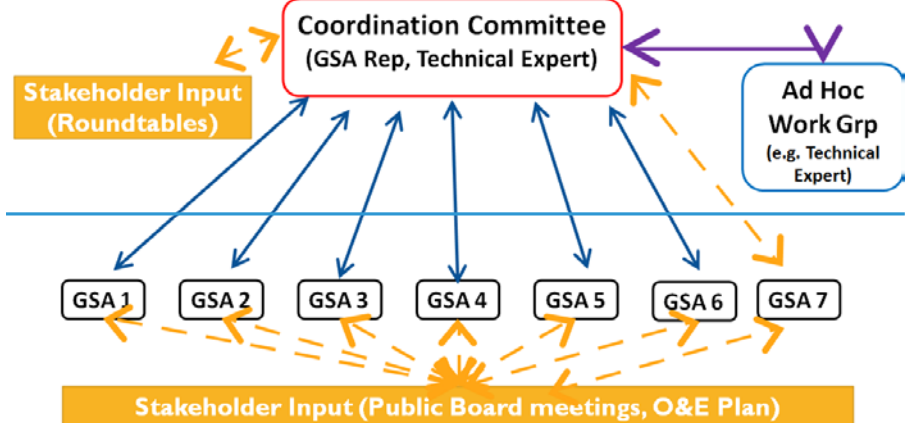
Commented [DN9]: ? Undefined

Amendments

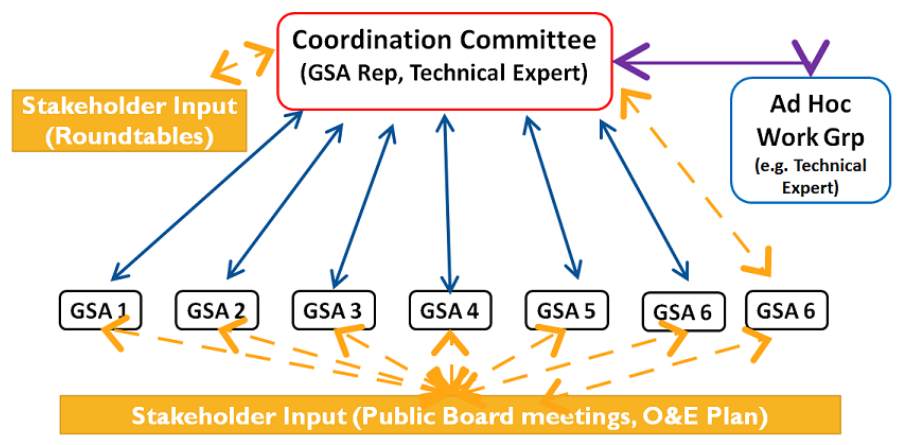
The Coordination Committee can recommend future changes to the charge. The GSA Boards may amend the charge when needed using its decision-making procedures.

Diagram 1

Commented [DN10]: Under "Coordination Committee" shouldn't it have GSA Rep and TE only (not "staff").



MADERA SUBBASIN PROPOSAL



Madera Subbasin Groundwater Sustainability Agencies

Madera Subbasin Coordination Committee Charter

Draft 2.16.2018

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- One member capable and authorized to speak on behalf of the GSA Board for coordination purposes. A GSA board member, CAO, City Manager, Executive Director, or General Manager is recommended to serve in this capacity to ensure better coordination between the committee and individual GSA Boards. Final determination of the committee member is at the discretion of the individual GSA Boards.
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- Reflect and present Coordination Committee discussions and recommendations to GSA Boards

Coordination Committee Chair

The Coordination Committee will appoint a Chair and Vice-Chair. The Chair for the Coordination Committee agrees to:

- Work with the Agencies' administrators to develop the agenda for all meetings.
- Assist in framing issues so members are able to have a productive conversation and develop recommendations.
- Develop a summary of meeting agreements and discussions.

As resources are available and until such time as a Coordination Committee Chair is designated, the Madera Subbasin SGMA Facilitator shall perform the duties of the Chair and Vice-Chair.

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The Madera Subbasin Public Engagement and Outreach Plan anticipates the incorporation of Public Round Tables or similar sessions for public discussion. These sessions shall be scheduled to coincide with Coordination Committee meetings and GSP planning meetings with the GSP Technical Consultant, as appropriate. One or more members of the Coordination Committee shall participate in every stakeholder roundtable meeting and report back to the Coordination Committee regarding perspectives shared and discussed during those roundtable meetings. This will facilitate incorporating Stakeholder input into recommendations put forth by the Coordination Committee to the GSA Boards.

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To inform GSA Boards’ decision-making, the Coordination Committee Secretary will provide written recommendations in reports that reflect the outcome of Committee discussions, including input received during roundtable meetings. Coordination Committee members shall prepare individual board reports, confirming areas of agreements and discussion through meeting notes and highlights. These individual board reports shall be consistent with the Committee written recommendation. The recommendation reports will identify areas of agreement and disagreement. The Committee may request that one or more Committee and TE members present its recommendations to the GSA Boards, including areas of agreement and disagreement, consistent with Committee deliberations. The GSA Boards will consider Coordination Committee recommendations when making decisions. If any GSA Board does not agree with the recommendations of the Coordination Committee, that Board

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Process Agreements

To conduct a successful process, the parties agree to the procedures that the Coordination Committee will use as well as define individual behaviors or ground rules.

- ✓ **Everyone agrees to negotiate in good faith.** All participants agree to participate in decision making, to act in good faith in all aspects of this effort and to communicate their interests during meetings. Good faith also requires that parties not make commitments they do not intend to follow through with, and that parties act consistently in the meetings and in other forums where the issues under discussion in these meetings are also being discussed.
- ✓ **Everyone agrees to address the issues and concerns of the participants.** Everyone who is joining in the Coordination Committee is doing so because s/he has a stake in the issue at hand. For the process to be successful, all the parties agree to validate the issues and concerns of the other parties and strive to reach an agreement that takes all the issues under consideration. Disagreements will be viewed as problems to be solved, rather than battles to be won.
- ✓ **Everyone agrees to inform and seek input from their constituents about the outcome of the facilitated discussions.** To the extent possible, scheduling will allow for participants to inform and seek input from their constituents, scientific advisors, and others about discussions.
- ✓ **Everyone agrees that parties can meet with other organizational or interest group members.** Coordination Committee members may find it helpful to meet with other organizations or interest group members and to consult with constituents outside of the meeting so the member is better able to communicate community concerns on the issues at hand.
- ✓ **Everyone agrees to attend all the meetings to the extent possible or to appoint an alternate.** Continuity of the conversations and building trust are critical to the success of the Coordination Committee. Participants are encouraged to turn off cell phones and focus on the issue at hand. Agency staff or the facilitator will coordinate the meeting schedule. Alternates are encouraged to attend Coordination Committee meetings.
- ✓ **Everyone agrees that decisions made at prior meetings will not be revisited due to the absence of a Committee member or appointed alternate.** It is critical to the success of the Coordination Committee as well as to the GSP process and timeline that recommendations are made in a timely manner. Therefore, decisions on recommendations will not be postponed or revisited due to absences during regularly scheduled Committee meetings.

Participation Agreements

The facilitator and participants, including the Committee members and the public shall be asked to follow these agreements.

Use Common Conversational Courtesy

All Ideas and Points of View Have Value

All ideas have value in this setting. We are looking for innovative ideas. The goal is to achieve understanding. Simply listen, you do not have to agree. If you hear something you do not agree with or you think is "silly" or "wrong," please remember that the purpose of the forum is to share ideas and perspectives.

Be Honest, Fair, and as Candid as Possible

Help others understand you and work to understand others.

Avoid Editorials

It will be tempting to analyze the motives of others or offer editorial comments. Please talk about *your own* ideas and thoughts. Avoid commenting on why you believe another participant thinks something.

Honor Time and Be Concise**Think Innovatively and Welcome New Ideas**

Creative thinking and problem solving are essential to success. "Climb out of the box" and attempt to think about the problem in a new way.

Invite Humor and Good Will**Be Comfortable**

Please feel help yourself to refreshments or take personal breaks. If you have other needs please inform the facilitator.

Communication

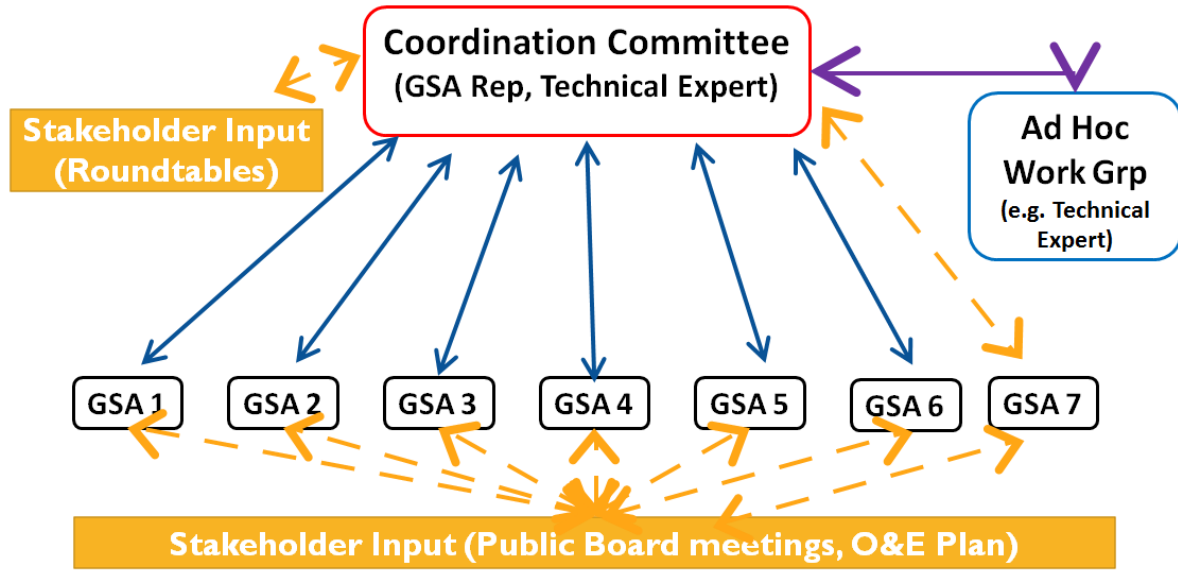
Media

Members are asked to speak only for their organization or themselves when asked by external parties, including the media, about the Coordination Committee's progress, unless there has been a formal adoption of a statement, concepts, or recommendations by the Coordination Committee. Members will refer media inquiries to the GSA listserv and website administrators and reserve freedom to express their own opinions to media representatives. Members should be careful to present only their own views and not those of other Committee members. The temptation to discuss someone else's statements or position should be avoided.

Amendments

The Coordination Committee can recommend future changes to the charge. The GSA Boards may amend the charge when needed using its decision-making procedures.

Diagram 1



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