

MINUTES
CHINO BASIN WATERMASTER
AGRICULTURAL POOL MEETING

November 12, 2020

The Agricultural Pool meeting was held by conference call only due to technical difficulties on November 12, 2020.

AGRICULTURAL POOL MEMBERS PRESENT ON CALL

Bob Feenstra, Chair	Dairy
Jeff Pierson, Vice-Chair	Crops
Geoffrey Vanden Heuvel	Dairy
Nathan deBoom	Dairy
Ron Pietersma	Dairy
Carol Boyd	State of California – CIM
Pete Hall	State of California – CIM
Ron LaBrucherie, Jr.	Crops
Henry DeHaan	Dairy
Bob Page	County of San Bernardino
John Huitsing	Dairy

WATERMASTER STAFF PRESENT AT WATERMASTER

Peter Kavounas	General Manager
Anna Nelson	Executive Services Director
Frank Yoo	Water Resources Senior Associate
Janine Wilson	Senior Accountant

WATERMASTER STAFF PRESENT ON CALL

Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. and Planning Dir.
Justin Nakano	Water Resources Technical Manager

WATERMASTER CONSULTANTS PRESENT ON CALL

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	Wildermuth Environmental, Inc.

OTHERS PRESENT ON CALL

Gino Filippi	Crops
Marilyn Levin	State of California – DOJ
Tracy Egoscue	Egoscue Law Group, Inc.
Richard Rees	Wood plc
Tamer Ahmed	State of California – CIM

CALL TO ORDER

Chair Feenstra called the Agricultural Pool meeting to order at 1:57 p.m.

ROLL CALL

(0:01:42) Ms. Nelson conducted the roll call and announced that a quorum was present.

AGENDA – ADDITIONS/REORDER

(0:03:33) Ms. Egoscue suggested that, due to the technical difficulties and lack of a video component to the meeting, the Agricultural Pool defer discussing Storage. The pool agreed.

I. CONSENT CALENDAR

Note: All matters listed under the Consent Calendar are considered to be routine and non-controversial and will be acted upon by one motion in the form listed below. There will be no separate discussion on these items prior to voting unless any members, staff, or the public requests specific items be discussed and/or removed from the Consent Calendar for separate action.

A. MINUTES

Approve as presented:

1. Minutes of the Agricultural Pool Meeting held on October 8, 2020

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of September 2020
2. Watermaster VISA Check Detail for the month of September 2020
3. Combining Schedule for the Period July 1, 2020 through September 30, 2020
4. Treasurer's Report of Financial Affairs for the Period September 1, 2020 through September 30, 2020
5. Budget vs. Actual Report for the Period July 1, 2020 through September 30, 2020
6. Cash Disbursements for October 2020 (Information Only)

C. ANNUAL FINDING OF SUBSTANTIAL COMPLIANCE WITH THE RECHARGE MASTER PLAN

Recommend to Advisory Committee to recommend to the Watermaster Board to adopt the finding that Watermaster is in substantial compliance with the Recharge Master Plan.

D. 2019/20 ANNUAL REPORT OF THE GROUND-LEVEL MONITORING COMMITTEE

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve the 2019/20 Annual Report of the Ground-Level Monitoring Committee, along with filing a copy with the Court.

(0:04:20) A motion was made by Mr. Vanden Heuvel and seconded by Mr. DeHaan to approve the Consent Calendar as presented.

(0:04:58) A roll call vote was taken.

Motion by Mr. Geoffrey Vanden Heuvel, seconded by Mr. Henry DeHaan, and by unanimous roll call vote as attached to these minutes

Moved to approve the Consent Calendar as presented.

II. BUSINESS ITEMS

A. FISCAL YEAR 2020/21 ASSESSMENT PACKAGE

Recommend Advisory Committee approval of the Fiscal Year 2020/21 Assessment Package as presented.

(0:06:43) Mr. Kavounas gave a report. A discussion ensued.

(0:17:13) A motion was made by Vice-Chair Pierson and seconded by Mr. LaBrucherie to approve Business Item II.A. as presented.

(0:17:47) A roll call vote was taken.

Motion by Vice-Chair Jeff Pierson, seconded by Mr. Ron LaBrucherie Jr., and by unanimous roll call vote as attached to these minutes

Moved to approve Business Item II.A. as presented.

B. RESOLUTION TO LEVY REPLENISHMENT AND ADMINISTRATIVE ASSESSMENTS FOR FISCAL YEAR 2020/21

Review Resolution 2020-07 as presented and offer advice to Watermaster.

(0:19:10) Mr. Kavounas gave a report.

C. FISCAL YEAR 2020/21 COST OF LIVING ADJUSTMENT

Offer advice to Watermaster.

(0:20:23) Mr. Kavounas gave a report.

D. OLD BUSINESS

- History of Basin Storage Estimates

(0:20:23) A GoTo server outage prevented presentations and video communication during the meeting. The Pool will be hearing this item at a future meeting when video and presentations are possible.

III. REPORTS/UPDATES

A. LEGAL COUNSEL

1. San Bernardino County Superior Court Emergency Order
2. Motion of Appropriative Pool Member Agencies Re: Agricultural Pool Legal and Other Expenses
3. January 8, 2021 Hearing
4. Kaiser Lawsuit

(0:25:09) Mr. Herrema gave a report. A discussion ensued.

Mr. deBoom joined the meeting at 2:30 p.m.

B. ENGINEER

1. 2020 OBMP CEQA – Local Storage Limitation Solution

(0:31:40) Mr. Malone gave a report. A discussion ensued.

C. CHIEF FINANCIAL OFFICER

1. Fiscal Year 2020/21 Assessment Invoicing

(0:34:13) Mr. Joswiak gave a report. A discussion ensued.

D. GENERAL MANAGER

1. Status Report: OAP Contest
2. Holiday Meeting Schedule
3. Other

(0:38:24) Mr. Kavounas gave a report and added that the WEI contract will be assigned to West Yost and assured parties that the same staff will be working with Watermaster. A discussion ensued.

IV. POOL DISCUSSION

1. Chairman's Update
2. Pool Member Comments

None

V. OTHER BUSINESS

None

VI. CONFIDENTIAL SESSION - POSSIBLE ACTION

A Confidential Session may be held during the Pool Committee meeting for the purpose of discussion and possible action.

Chair Feenstra called for a confidential session at 3:03 p.m. to discuss the following:

1. Appropriative Pool Fees Motion
2. Appropriative Pool Peace Agreement Default
3. Storage Contest
4. Basin Model

Confidential session concluded at 3:52 p.m. with no reportable action.

*Due to technical difficulties, the meeting recording will not indicate the adjournment time.

ADJOURNMENT

Chair Feenstra adjourned the Agricultural Pool meeting at 3:52 p.m.

Secretary: _____

Approved: _____ February 11, 2021 _____

Attachments:

1. 20201112 Roll Call Vote Outcome for Consent Calendar
2. 20201112 Roll Call Vote Outcome for Business Item II.A.
3. 20201112 Email from Pool Legal Counsel Concluding the Meeting*

**Attachment 1 to 20201112 OAP Minutes
Consent Calendar Items I.A.- I.D.**

November 12, 2020 Agricultural Pool Meeting Roll Call Vote for
Consent Calendar Items I.A. - I.D.

Member	Alternate	I.A. - I.D.
Feenstra, Robert, Chair		yes
Pierson, Jeff, Vice-Chair*		
LaBrucherie, Jr., Ron		yes
Vanden Heuvel, Geoffrey		yes
deBoom, Nathan**		
DeHaan, Henry		yes
Pietersma, Ron		yes
Page, Bob		yes
Boyd, Carol		yes
Hall, Pete		yes
	OUTCOME:	Passed Unanimously

*Vice-Chair Pierson did not vote due to technical difficulties.

**Mr. deBoom arrived at 2:30pm and was absent during the vote.

**Attachment 2 to 20201112 OAP Minutes
Business Item II.A. Fiscal Year 2020/21 Assessment Package**

November 12, 2020 Agricultural Pool Meeting Roll Call Vote for
Business Item II.A. Fiscal Year 2020/21 Assessment Package

Member	Alternate	II.A.
Feenstra, Robert, Chair		yes
Pierson, Jeff, Vice-Chair		yes
LaBrucherie, Jr., Ron		yes
Vanden Heuvel, Geoffrey		yes
deBoom, Nathan*		
DeHaan, Henry		yes
Pietersma, Ron		yes
Page, Bob		yes
Boyd, Carol		yes
Hall, Pete		yes
	OUTCOME:	Passed Unanimously

*Mr. deBoom arrived at 2:30pm and was absent during the vote.

Attachment 3 to 20201112 Agricultural Pool Minutes

From: Tracy J. Egoscue <tracy@egoscuelaw.com>

Sent: Thursday, November 12, 2020 3:56 PM

To: Anna Nelson <atruongnelson@cbwm.org>

Cc: Herrema, Brad <BHherrema@bhfs.com>; Jeffrey L. Pierson (jpierson@intexcorp.com) <jpierson@intexcorp.com>; Bob Feenstra - AG Concepts, Inc. (bobfeenstra@gmail.com) <bobfeenstra@gmail.com>; Peter Kavounas <PKavounas@cbwm.org>; Tracy J. Egoscue <tracy@egoscuelaw.com>

Subject: Re: 11/12/20 Ag Pool Meeting (Phone Call Only)

Anna.

The closed session of the Ag Pool ended at 3:52 pm with no reportable action.

The Pool Chair thought it best that we not attempt to reconvene in light of the technical issues.

Thank you.

Tracy J. Egoscue, Esq.
Egoscue Law Group, Inc.
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562.981.4866 cell

tracy@egoscuelaw.com

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