

MINUTES
CHINO BASIN WATERMASTER
AGRICULTURAL POOL COMMITTEE MEETING
November 10, 2021

The Agricultural Pool Committee meeting was held via Zoom (conference call and web meeting) on November 10, 2021.

AGRICULTURAL POOL COMMITTEE MEMBERS PRESENT ON CALL

Bob Feenstra, Chair	Dairy
Jeff Pierson, Vice-Chair	Crops
Ron LaBrucherie, Jr.	Crops
Henry DeHaan	Dairy
John Huitsing	Dairy
Steven Raughley	County of San Bernardino
Pete Hall	State of California – CIM
Jimmy Medrano	State of California – CIM
Carol Boyd	State of California – DOJ

WATERMASTER STAFF PRESENT ON CALL

Peter Kavounas	General Manager
Joe Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. and Planning Dir.
Anna Nelson	Executive Services Director
Frank Yoo	Data Services and Judgment Reporting Mgr.
Alonso Jurado	Sr. Field Operations Specialist
Ruby Favela	Administrative Assistant

WATERMASTER BOARD MEMBERS PRESENT ON CALL

Mike Gardner	Western Municipal Water District
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WATERMASTER CONSULTANTS PRESENT ON CALL

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Garrett Rapp	West Yost

OTHERS PRESENT ON CALL

Ruben Llamas	Crops
Gino Filippi	Crops
Paul Hofer	Crops
Tracy Egoscue	Egoscue Law Group, Inc.
Larry Cain	State of California – CIM
Marilyn Levin	State of California – DOJ
Richard Rees	Wood plc

CALL TO ORDER

Chair Feenstra called the Agricultural Pool Committee meeting to order at 1:30 p.m.

ROLL CALL

(0:01:34) Ms. Nelson conducted the roll call and announced that a quorum was present.

AGENDA – ADDITIONS/REORDER

None

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 Committee Meeting held on October 14, 2021
2. Minutes of the Agricultural Pool Committee Special Meeting held on October 29, 2021

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of September 2021
2. Watermaster VISA Check Detail for the month of September 2021
3. Combining Schedule for the Period July 1, 2021 through September 30, 2021
4. Treasurer's Report of Financial Affairs for the Period September 1, 2021 through September 30, 2021
5. Budget vs. Actual Report for the Period July 1, 2021 through September 30, 2021
6. Cash Disbursements for October 2021 (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. 2020/21 ANNUAL REPORT OF THE GROUND-LEVEL MONITORING COMMITTEE

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve the 2020/21 Annual Report of the Ground-Level Monitoring Committee, along with filing a copy with the Court.

(0:02:28) A roll call vote was taken.

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

Moved to approve the Consent Calendar, as presented.

II. BUSINESS ITEMS

A. FISCAL YEAR 2021/22 SCOPE AND BUDGET FOR THE SAFE YIELD RESET METHODOLOGY UPDATE (DISCUSSION ONLY)

(0:04:01) Mr. Kavounas introduced Mr. Rapp of West Yost, who gave a presentation. A discussion ensued.

B. FISCAL YEAR 2021/22 BUDGET AMENDMENT (FORM A-21-11-01)

Recommend to the Advisory Committee to approve the Fiscal Year 2021/22 Budget Amendment (Form A-21-11-01).

(0:21:25) Mr. Kavounas gave a report. The Pool provided no advice and took no action on this item.

C. DRY YEAR YIELD PROGRAM (DISCUSSION ONLY)

(0:24:03) Mr. Kavounas introduced Mr. Tellez Foster, who gave a report.

D. FISCAL YEAR 2021/22 ASSESSMENT PACKAGE

Review Fiscal Year 2021/22 Assessment Package as presented and offer advice to Watermaster.

(0:31:51) Mr. Tellez Foster gave a presentation on behalf of Mr. Yoo. The Pool did not take action on this item.

E. RESOLUTION TO LEVY REPLENISHMENT AND ADMINISTRATIVE ASSESSMENTS FOR FISCAL YEAR 2021/22

Review Resolution 2021-05 as presented and offer advice to Watermaster.

(0:49:24) Mr. Kavounas gave a report. The Pool did not take action on this item.

F. OLD BUSINESS

FINANCIAL REPORTS (FROM PRIOR MONTH'S AGENDA)

Receive and file as presented:

1. Cash Disbursements for the month of August 2021
2. Watermaster VISA Check Detail for the month of August 2021
3. Combining Schedule for the Period July 1, 2021 through August 31, 2021
4. Treasurer's Report of Financial Affairs for the Period August 1, 2021 through August 31, 2021
5. Budget vs. Actual Report for the Period July 1, 2021 through August 31, 2021

(0:50:05) Mr. Kavounas gave a report.

(0:51:12) A roll call vote was taken.

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

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

III. REPORTS/UPDATES

A. LEGAL COUNSEL

1. San Bernardino County Superior Court Emergency Order
2. November 5, 2021 Hearing
3. Rules & Regulations Update
4. Evergreen Storage Agreements
5. Kaiser Permanente Lawsuit

(0:53:18) Mr. Herrema gave a report. A discussion ensued.

B. ENGINEER

1. Data Collection and Evaluation Workshop #1
2. Plan to Mitigate for Loss of Hydraulic Control
3. Responses to Storage Questions

(1:02:03) Mr. Rapp of West Yost gave a report on behalf of Mr. Malone. A discussion ensued.

C. CHIEF FINANCIAL OFFICER

1. Fiscal Year 2021/22 Assessment Invoicing

(1:06:57) Mr. Joswiak gave a report. A discussion ensued.

D. GENERAL MANAGER

1. Personnel and Compensation Items
2. Chino Basin Sustainability Report
3. Watermaster's Holiday Charity Event
4. December Meetings
5. Other

(1:23:07) Mr. Kavounas gave a report on Item 1 and responded to questions. Mr. Kavounas also gave a report on Item 2 and informed the Pool that Pool Members will be asked for their advice and assistance during the next regular meeting of the Pool on the topic of Basin stewardship efforts that are currently not being undertaken. Ms. Nelson reported on Items 3 and 4. Mr. Kavounas also added a report regarding grant funding opportunities and presented a slide showing a summary of grant and low interest loan opportunities supporting State water projects as of October 15, 2021. A discussion ensued.

IV. POOL DISCUSSION

1. Chairman's Update
2. Pool Member Comments

V. OTHER BUSINESS

VI. CONFIDENTIAL SESSION - POSSIBLE ACTION

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

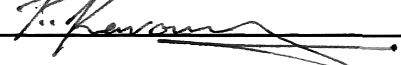
Chair Feenstra called for a Confidential Session at 3:25 p.m. to discuss Strategic Planning.

Confidential session concluded at 4:17 p.m. with the following reportable action as provided by Pool Counsel:

1. Motion Vice Chair Pierson, Second Henry DeHaan — The Agricultural Pool approves a budget of \$50,000 for meeting stipends for FY21/22.
2. Motion by Henry DeHaan, Second by Ron LaBrucherie — The Agricultural Pool directs counsel to file an appeal of Judge Reichert's November 5, 2021 decision denying the Agricultural Pool's July 26, 2021 Motion for Attorney's Fees.

ADJOURNMENT

The Agricultural Pool Committee meeting was adjourned via email as sent by Pool Counsel at 4:26 p.m.

Secretary: _____ 

Approved: _____ January 13, 2022

Attachments:

1. 20211110 Roll Call Vote Outcome for Consent Calendar and Business Item II.F. (Old Business)
2. 20211110 Reportable Action Following Confidential Session as provided by Pool Legal Counsel

Attachment 1 to 20211110 Agricultural Pool Committee Meeting Minutes

November 10, 2021 Agricultural Pool Committee Meeting Roll Call Vote Outcome for Consent Calendar and Business Item II.F.

Member	Alternate	Consent Calendar	Business Item II.F.
LaBrucherie, Jr., Ron		yes	yes
	Filippi, Gino		
Pierson, Jeff, Vice-Chair		yes	yes
deBoom, Nathan			
DeHaan, Henry		yes	yes
Huitsing, John		yes	yes
Vanden Heuvel, Geoffrey			
Raughley, Steven		yes	yes
Boyd, Carol		yes	yes
	Levin, Marilyn		
Hall, Pete		yes	yes
Medrano, Jimmy		yes	yes
Feenstra, Bob, Chair		yes	yes
		Passed Unanimously by those present	Passed Unanimously by those present
	OUTCOME:		

Attachment 2 to 20211110 OAP Minutes

From: [Tracy J. Egoscue](#)
To: [Anna Nelson](#); [Peter Kavounas](#); [Herrema, Brad](#)
Cc: [Bob Feenstra](#); [Jeff Pierson](#); [Tracy J. Egoscue](#)
Subject: Ag Pool Closed Session
Date: Wednesday, November 10, 2021 4:26:16 PM
Importance: High

The Ag Pool confidential session ended at 4:17pm with the following two reportable actions:

1. Motion Vice Chair Pierson, Second Henry DeHaan — The Agricultural Pool approves a budget of \$50,000 for meeting stipends for FY21/22.
2. Motion by Henry DeHaan, Second by Ron LaBrucherie — The Agricultural Pool directs counsel to file an appeal of Judge Reichert's November 5, 2021 decision denying the Agricultural Pool's July 26, 2021 Motion for Attorney's Fees.

Votes were as follows for both items:

Chair Feenstra 1. yes 2. yes
Vice Chair Pierson 1. yes 2. yes
Henry DeHaan 1. yes 2. yes
John Huitsing 1. yes 2. yes
Ron LaBrucherie 1. yes 2. yes
Steven Raughley 1. yes 2. yes
DAG Carol Boyd 1. yes 2. yes
Pete Hall 1. yes 2. yes
Jimmy Medrano 1. yes 2. yes

Both motions passed.

The Pool will not be reconvening.

Please let me know if you have any questions.

Tracy J. Egoscue, Esq.
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