

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING

February 11, 2021

The Appropriative Pool Committee meeting was held by GoToMeeting (conference call and web meeting) on February 11, 2021.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT

John Bosler, Chair	Cucamonga Valley Water District
Scott Burton, Vice-Chair	City of Ontario
Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Chris Diggs	City of Pomona
Steven Ledbetter for Rosemary Hoerning	City of Upland
Josh Swift	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Ben Lewis	Golden State Water Company
Chris Berch	Jurupa Community Services District
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
Cris Fealy	Nicholson Family Trust
Brian Lee	San Antonio Water Company
Todd Minten	Santa Ana River Water Company
Steven Ledbetter for Rosemary Hoerning	West End Consolidated Water Company

WATERMASTER BOARD MEMBERS PRESENT ON CALL

Bob Kuhn	Three Valleys Municipal Water District
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WATERMASTER STAFF PRESENT ON CALL

Peter Kavounas	General Manager
Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
Anna Nelson	Executive Services Director
Justin Nakano	Water Resources Technical Manager
Frank Yoo	Water Resources Senior Associate
Janine Wilson	Senior Accountant
Vanessa Aldaz	Administrative Assistant

WATERMASTER CONSULTANTS PRESENT ON CALL

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	West Yost
Carolina Sanchez	West Yost

OTHERS PRESENT ON CALL

Amanda Coker	City of Chino
Eunice Ulloa	City of Chino
Courtney Jones	City of Ontario
Braden Yu	City of Upland
Eduardo Espinoza	Cucamonga Valley Water District
Mark Gibboney	Cucamonga Valley Water District
Praseetha Krishnan	Cucamonga Valley Water District
Randall Reed	Cucamonga Valley Water District
Jiwon Seung	Cucamonga Valley Water District
Shawnda Grady	Ellison Schneider Harris & Donlan LLP
Joshua Aguilar	Inland Empire Utilities Agency

Christiana Daisy
Sylvie Lee
Cathleen Pieroni
Christina Valencia
Stephanie Reimer
Stephanie Reimer
Kevin O'Toole
David De Jesus
John Lopez
Pete Hall
Marilyn Levin
Ryan Shaw

Inland Empire Utilities Agency
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Monte Vista Irrigation Company
Monte Vista Water District
Orange County Water District
Three Valleys Municipal Water District
Santa Ana River Water Company
State of California – CIM
State of California - DOJ
Western Municipal Water District

CALL TO ORDER

Chair Bosler called the Appropriative Pool Committee meeting to order at 9:00 a.m.

ROLL CALL

(0:01:53) 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 Appropriative Pool Special Meeting held January 7, 2021
2. Minutes of the Appropriative Pool Meeting held January 14, 2021
3. Minutes of the Appropriative Pool Special Meeting held January 21, 2021

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of December 2020
2. Watermaster VISA Check Detail for the month of December 2020
3. Combining Schedule for the Period July 1, 2020 through December 31, 2020
4. Treasurer's Report of Financial Affairs for the Period December 1, 2020 through December 31, 2020
5. Budget vs. Actual Report for the Period July 1, 2020 through December 31, 2020
6. Cash Disbursements for January 2021 (Information Only)

(0:04:10)

*Motion by Mr. Scott Burton, seconded by Mr. Justin Scott-Coe, and by unanimous vote
Moved to approve the Consent Calendar as presented.*

II. **BUSINESS ITEMS**

A. **2013 RMPU PROJECTS FINANCING OPTIONS**

Recommend to Advisory Committee to recommend Watermaster Board approval of the preferred loan term.

(0:04:45) Mr. Joswiak introduced the item and Ms. Valencia who gave a presentation. A discussion ensued.

(0:26:31) A roll call vote was taken, and the results are attached to these minutes.

Motion by Mr. Chris Diggs, seconded by Mr. Justin Scott-Coe, and passed unanimously among those present

Moved to approve the 20-year loan term for 2013 RMPU Projects Financing Option.

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. March 26, 2021 Hearing
4. Kaiser Permanente Lawsuit

(0:30:56) Mr. Herrema gave a report.

B. **ENGINEER**

1. Local Storage Limitation Solution – Engineering Analysis Results
2. History of Basin Storage Estimates – Errata
3. 2023 RMPU Scope of Work
4. GLMC – CY 2021 Schedule
5. PBHSC – CY 2021 Schedule

(0:34:41) Mr. Malone gave a report. A discussion ensued.

C. **CHIEF FINANCIAL OFFICER**

1. Fiscal Year 2020/21 Mid-Year Review
2. Fiscal Year 2021/22 Budget Schedule

(1:11:49) Mr. Joswiak gave a report.

D. **GENERAL MANAGER**

1. Proposed Changes to the Chino Basin Peace Agreement (2000)
2. San Sevaine Project Recognition
3. Richard Anderson Overlying (Agricultural) Pool Intervention Request
4. Status of Overlying (Agricultural) Pool Expenses and Assessments and Appropriative Pool Members' Nonpayment
5. Discussion Regarding Possible Overlying (Agricultural) Pool Assessments
6. Other

(1:32:25) Mr. Kavounas gave a report and added that the rulemaking process for Evapotranspiration Adjustment Factor is ongoing and DWR is working with agencies on outdoor water demand. He indicated that this process may affect the next Safe Yield Recalculation of the Basin. Mr. Kavounas asked that each agency confirm that they have received their GIS data packet to review. A discussion ensued.

IV. POOL MEMBER COMMENTS

(1:40:14) Chair Bosler welcomed Braden Yu in his new capacity as Public Works Director/City Engineer for the City of Upland back to the Basin.

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 Bosler called for a confidential session at 10:50 a.m. to discuss the following:

1. OBMP Update – Implementation Plan Agreement
2. Overlying (Agricultural) Pool Contest and Legal Expenses

(1:40:50) Confidential session concluded at 12:25 a.m. with the following reportable action:

(1:41:04)

Motion by Mr. Ron Craig, seconded by Mr. Chris Diggs, and by unanimous vote

Moved to increase FY 20-21 AP legal services budget in the amount of \$135,000 in conformance with procedural provisions of the Judgment addressing budgets.

(1:41:19) By consensus of AP members in attendance during the confidential session, the AP requests that Watermaster include on the February 18, 2021 Advisory Committee Meeting agenda discussion and possible action regarding Watermaster budget process and Advisory Committee role. AP legal counsel will transmit to Watermaster correspondence or documents prior to the Advisory Committee Meeting.

ADJOURNMENT

Chair Bosler adjourned the Appropriative Pool Committee meeting at 12:28 p.m.

Secretary: _____

Approved: _____ March 11, 2021

Attachments:

1. 20210211 Vote Outcome for Business Item II.A.
2. 20210211 Reportable Actions as provided by Pool Legal Counsel

**Attachment 1 to 20210211 Appropriative Pool Committee Minutes
BUSINESS ITEM II.A. - 2013 RMPU Projects Financing Options**



2021 APPROPRIATIVE POOL VOLUME VOTE
Assessment Year 2020-2021 (Production Year 2019-2020)

**QUORUM
MET?
YES**

Enter Y or N in Each Cell

Party	Present (Y/N)	Vote (Y/N)	Assigned	Reallocated	Avail Votes	Quorum	Total Yes
Arrowhead Mtn Spring Water Co	N	N	1.996	-1.996	0.000	0.000	0.000
CalMat Co. (Appropriative)	N	N	0.000	0.000	0.000	0.000	0.000
Chino Hills, City Of	Y	Y	29.331	1.458	30.789	29.331	30.789
Chino, City Of	Y	Y	52.490	2.610	55.100	52.490	55.100
Cucamonga Valley Water District	Y	Y	75.344	3.746	79.090	75.344	79.090
Fontana Union Water Company	Y	Y	58.285	2.898	61.183	58.285	61.183
Fontana Water Company	Y	Y	74.573	3.707	78.281	74.573	78.281
Fontana, City Of	N	N	0.000	0.000	0.000	0.000	0.000
Golden State Water Company	Y	Y	8.327	0.414	8.741	8.327	8.741
Jurupa Community Services District	Y	Y	106.336	5.287	111.623	106.336	111.623
Marygold Mutual Water Company	N	N	12.127	-12.127	0.000	0.000	0.000
Monte Vista Irrigation Company	Y	Y	6.170	0.307	6.477	6.170	6.477
Monte Vista Water District	Y	Y	90.955	4.522	95.477	90.955	95.477
NCL Co, LLC	N	N	0.000	0.000	0.000	0.000	0.000
Niagara Bottling, LLC	N	N	12.585	-12.585	0.000	0.000	0.000
Nicholson Family Trust	Y	Y	0.035	0.002	0.037	0.035	0.037
Norco, City Of	N	N	1.840	-1.840	0.000	0.000	0.000
Ontario, City Of	Y	Y	203.257	10.105	213.362	203.257	213.362
Pomona, City Of	Y	Y	177.723	8.836	186.559	177.723	186.559
San Antonio Water Company	Y	Y	18.134	0.902	19.035	18.134	19.035
San Bernardino, County of (Shooting Park)	N	N	0.054	-0.054	0.000	0.000	0.000
Santa Ana River Water Company	N	N	12.885	-12.885	0.000	0.000	0.000
Upland, City Of	Y	Y	43.038	2.140	45.178	43.038	45.178
West End Consolidated Water Co	Y	Y	8.640	0.430	9.070	8.640	9.070
West Valley Water District	N	N	5.875	-5.875	0.000	0.000	0.000
			1,000.000	0.000	1,000.000	952.639	1,000.000

CALCULATE QUORUM

CALCULATE VOTES

"YES" VOTES
100.000%

PASSED

RESET ALL

RESET VOTES

"NO" VOTES
0.000%

*Vote passed unanimously among those present.

Attachment 2 to 20210211 Appropriative Pool Committee Minutes

From: John Schatz <jschatz13@cox.net>

Sent: Friday, February 12, 2021 11:20 AM

To: Anna Nelson <atruongnelson@cbwm.org>; Peter Kavounas <PKavounas@cbwm.org>; Herrema, Brad <BHerrema@bhfs.com>

Cc: John Bosler <JohnB@cvwdwater.com>; Scott Burton <SBurton@ontarioca.gov>

Subject: Chino Basin; AP Meeting Reportable Action Confidential Session

Gentlemen:

February 11, 2021 Appropriative Pool meeting confidential session reportable action:

1. By consensus of AP members in attendance during the confidential session, the AP requests that Watermaster include on the February 18, 2021 Advisory Committee Meeting agenda discussion and possible action regarding Watermaster budget process and Advisory Committee role. AP legal counsel will transmit to Watermaster correspondence or documents prior to the Advisory Committee Meeting.
2. Ron Craig motioned and Chris Diggs seconded with motion carried unanimously to increase FY 20-21 AP legal services budget in the amount of \$135,000 in conformance with procedural provisions of the Judgment addressing budgets.

Thank You,

John