

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING
October 13, 2022

The Appropriative Pool committee meeting was held at the Watermaster offices located at 9641 San Bernardino Road, Rancho Cucamonga, CA, and via Zoom (conference call and web meeting) on October 13, 2022.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER

Eduardo Espinoza, Chair	Cucamonga Valley Water District
Chris Diggs, Vice-Chair	City of Pomona
Courtney Jones	City of Ontario
Josh Swift	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Chris Berch	Jurupa Community Services District
Cris Fealy	Nicholson Family Trust
Brian Lee	San Antonio Water Company

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM

Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Braden Yu	City of Upland
Ben Lewis	Golden State Water Company
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
Braden Yu	West End Consolidated Water Company

WATERMASTER BOARD MEMBERS PRESENT ON ZOOM

Pete Hall	Agricultural Pool – State of CA
James Curatalo	Appropriative Pool – Minor Representative
Bob Kuhn	Three Valleys Municipal Water District
Mike Gardner	Western Municipal Water District

WATERMASTER STAFF PRESENT

Peter Kavounas	General Manager
Joe Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
Anna Nelson	Director of Administration
Justin Nakano	Water Resources Technical Manager
Frank Yoo	Data Services and Judgment Reporting Mgr.
Janine Wilson	Senior Accountant
Denise Morales	Executive Assistant II/Board Clerk
Ruby Favela	Administrative Assistant
Alex Moore	Administrative Assistant
David Huynh	Senior Field Operations Specialist
Alonso Jurado	Senior Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

Andy Malone	West Yost
-------------	-----------

WATERMASTER CONSULTANTS PRESENT ON ZOOM

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Samantha Adams	West Yost

OTHERS PRESENT AT WATERMASTER

Amanda Coker
Jiwon Seung
Bryan Smith

Cucamonga Valley Water District
Cucamonga Valley Water District
Jurupa Community Services District

OTHERS PRESENT ON ZOOM

Christopher Quach
Nicole deMoet
Mark Gibboney
Eric Grubb
Rob Hills
Randall Reed
Tarren Alicia Torres
Shawnda Grady
Shivaji Deshmukh
Kevin O'Toole
Nicole deMoet
Joshua Aguilar

City of Ontario
City of Upland
Cucamonga Valley Water District
Cucamonga Valley Water District
Cucamonga Valley Water District
Cucamonga Valley Water District
Egoscue Law Group, Inc
Ellison Schneider Harris & Donlan LLP.
Inland Empire Utilities Agency
Orange County Water District
West End Consolidated Water Company
Western Municipal Water District

CALL TO ORDER

Chair Espinoza called the Appropriative Pool committee meeting to order at 9:00 a.m.

ROLL CALL

(0:00:20) Ms. Morales conducted the roll call and announced that a quorum was present.

AGENDA - ADDITIONS/REORDER

I. CONSENT CALENDAR

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 Committee Meeting held on September 8, 2022
2. Minutes of the Appropriative Pool Committee Special Meeting held on September 15, 2022
3. Minutes of the Appropriative Pool Committee Special Meeting held on September 29, 2022

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of August 2022
2. Watermaster VISA Check Detail for the month of August 2022
3. Combining Schedule for the Period July 1, 2022 through August 31, 2022
4. Treasurer's Report of Financial Affairs for the Period August 1, 2022 through August 31, 2022
5. Budget vs. Actual Report for the Period July 1, 2022 through August 31, 2022
6. Cash Disbursements for September 2022 (Information Only)

C. APPLICATION: RECHARGE – JURUPA COMMUNITY SERVICES DISTRICT

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve Jurupa Community Services District's Application for Recharge and direct Watermaster staff to account for this recharge.

D. APPLICATION: LOCAL STORAGE AGREEMENTS – APPROPRIATIVE POOL

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve the Application for Local Storage Agreements as presented.

(0:03:15)

Motion by Mr. Cris Fealy, seconded by Mr. Josh Swift, and passed unanimously.

Moved to approve the Consent Calendar as presented

II. BUSINESS ITEMS

A. IEUA/JCSD/CBWM COST SHARING AGREEMENT OF BASIN PLAN AMENDMENT ENVIRONMENTAL REVIEW

Recommend to the Advisory Committee to approve the cost sharing agreement as presented.

(0:03:57) Mr. Kavounas gave a report. A discussion ensued.

(0:13:48)

Motion by Mr. Brian Lee, seconded by Vice-Chair Diggs, and passed by majority roll call vote as attached to these minutes.

Moved to approve Business Item II.A. as presented

III. REPORTS/UPDATES

A. LEGAL COUNSEL

1. San Bernardino County Superior Court Emergency Order
2. October 14, 2022 Hearing
3. November 3, 2022 Hearing
4. Governor's Executive Order N-7-22
5. Kaiser Permanente Lawsuit
6. Rules and Regulations Update

(0:17:32) Mr. Herrema gave a report.

B. ENGINEER

1. Safe Yield Court Order Implementation
2. Ground-Level Monitoring Committee
3. FY 2021/22 Annual Streamflow Monitoring Report
4. Annual Plume Status Reports

(0:22:21) Mr. Malone gave a report.

C. CHIEF FINANCIAL OFFICER

None

D. GENERAL MANAGER

1. 2020 OBMP
2. Water Activity Reports
3. Assessment Package
4. Funding Opportunities
5. SNMP Presentation
6. Workshop IV
7. Supplemental Water Tracking Flowchart
8. Other

(0:28:24) Mr. Kavounas reported on Item 1 stating that the project description was nearly complete and that it would be distributed next week with a workshop to follow in early November.

Mr. Kavounas mentioned the possibility of Mr. Scott Slater facilitating the Implementation Plan. Mr. Brian Lee stated that SAWCo would be interested in an outside facilitator. Mr. Kavounas reported on items 2 and 3. Item 4 was discussed and the Watermaster's website was shown to inform the Pool where the Funding Opportunities document is stored. He proceeded to report on Items 5 and 6, and mentioned the upcoming December 5, 2022 Board Workshop IV that will be held at the Frontier Project from mid-morning to early afternoon and that additional details will follow. For Item 7, he indicated that the supplemental water recharge flow chart is now final and stored on Watermaster's website for use. Under Item 8, he mentioned that staff will be submitting an item to the Board agenda regarding outsourcing of HR Functions. A discussion ensued.

IV. INFORMATION

1. Chino Airport and South Archibald Plumes Semi-Annual Status Reports
2. Annual Plume Status Reports

V. POOL MEMBER COMMENTS

VI. OTHER BUSINESS

VII. CONFIDENTIAL SESSION – POSSIBLE ACTION

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

Chair Espinoza called for a confidential session at 9:48 a.m. to discuss the following:

1. AP Administrative Matters

Confidential session concluded at 11:02 a.m. with the following reportable actions as provided by Pool Leadership:

1. Substitute motion

To send separate invoices for first invoice inclusive general legal and consultant, and second invoice appeal related activities.
Failed (16.462% yes)

2. First motion by Pomona, second by JCSD

Motion to approve AP legal services budget as delineated as follows:

\$125k for General Legal services

\$25k for consultant Tom Harder

\$25k for legal counsel associated with appeal \$75k for appellate counsel and to issue AP special assessment invoice for a total of \$250k Passed (60.401% yes)

ADJOURNMENT

Chair Espinoza adjourned the Appropriative Pool Committee meeting at 11:26 a.m.

Secretary: 

Approved: November 10, 2022

Attachment:

1. 20221013 Appropriative Pool Committee Meeting (Roll Call Vote for Business Item II.A.)
2. 20221013 Appropriative Pool Committee Meeting (Reportable Action from Confidential Session as provided by Pool Leadership)

ATTACHMENT 1

October 13, 2022 Appropriative Pool Committee Meeting Roll Call Vote Outcome

Member	Alternate	Business Item II.A.
BlueTriton Brands, Inc.		Absent
CalMat Co.		Absent
City of Chino		Abstain
City of Chino Hills		Yes
Cucamonga Valley Water District		Yes
Fontana Union Water Company		Yes
Fontana Water Company		Yes
City of Fontana		Absent
Golden State Water Company		Yes
Jurupa Community Services District		Yes
Marygold Mutual Water Company		Absent
Monte Vista Water District		Abstain
Monte Vista Irrigation Company		Abstain
NCL Co., LLC		Absent
Niagara Bottling Company		Absent
Nicholson Family Trust		Yes
City of Norco		Absent
City of Ontario		Abstain
City of Pomona		Yes
San Antonio Water Company		Yes
County of San Bernardino		Absent
Santa Ana River Water Company		Absent
City of Upland		Yes
West End Consolidated Water Co.		Yes

From: [Taya Victorino](#)
To: [Denise Morales](#)
Cc: [Anna Nelson](#)
Subject: AP Confidential Reportables
Date: Thursday, October 13, 2022 5:06:22 PM
Attachments: [image001.png](#)

Hi Denise,
Eduardo said he already sent reportable action but I wanted to make sure you had the attendees and time:

Appropriative Pool Confidential Meeting (9:56 to 11:02 AM)

Attendees:

1. Dave Crosley
2. Natalie Avila
3. Mark Gibboney
4. John Schatz
5. Shawnda Grady
6. Cris Fealy
7. Josh Swift
8. Chris Diggs
9. Eduardo Espinoza
10. Jiwon Seung
11. Chris Berch
12. Amanda Coker
13. Bryan Smith
14. Brian Lee
15. Courtney Jones
16. Jim Curatalo
17. Ben Lewis
18. Bill Schwartz
19. Chris Quach
20. Braden Yu
21. Eric Grubb
22. Jimmy Gutierrez
23. John Bosler
24. Justin Scott-Coe
25. Nicole deMoet
26. Ron Craig

Taya Victorino, CAP, OM, PM
Executive Assistant to the Board of Directors and AGM
(909) 987-2591



From: Eduardo Espinoza
To: Anna Nelson; Denise Morales; Joe Joswiak
Cc: Chris Diggs; John Schatz; Amanda Coker; Jiwon Seung; Peter Kavounas
Subject: 10/13 AP confidential reportable action
Date: Thursday, October 13, 2022 11:29:48 AM

Anna, Denise,

Below are a motion and substitute motion that the pool took action. Jiwon will reply with screenshots of the voting calculator.

Substitute motion

To send separate invoices for first invoice inclusive general legal and consultant, and second invoice appeal related activities.

Failed (16.462% yes)

First motion by Pomona, second by JCSD

Motion to approve AP legal services budget as delineated as follows:

\$125k for General Legal services

\$25k for consultant Tom Harder

\$25k for legal counsel associated with appeal

\$75k for appellate counsel

And to issue AP special assessment invoice for a total of \$250k

Passed (60.401% yes)

Instructions to Joe: Please issue invoices to AP. Please show line items as above in invoice. Let me or Chris Diggs know if you have any questions.

Thanks!

Eduardo Espinoza, PE
Assistant General Manager
Cucamonga Valley Water District
(909) 987-2591