

MINUTES
CHINO BASIN WATERMASTER
ANNUAL APPROPRIATIVE POOL COMMITTEE MEETING
January 12, 2023

The Annual 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 January 12, 2023.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER

Chris Diggs, Chair	City of Pomona
Chris Berch, Vice-Chair	Jurupa Community Services District
Eduardo Espinoza	Cucamonga Valley Water District
Ron Craig	City of Chino Hills
Courtney Jones	City of Ontario
Josh Swift	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
Cris Fealy	Nicholson Family Trust

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM

Dave Crosley	City of Ontario
Braden Yu	City of Upland
John Lopez	Santa Ana River Water Company
Braden Yu	West End Consolidated Water Company

WATERMASTER BOARD MEMBERS PRESENT ON ZOOM

Mike Gardner	Western Municipal Water District
Manny Martinez	Monte Vista 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.
Alexandria Moore	Executive Assistant I/Board Clerk
Ruby Favela	Administrative Analyst
Adaisel Rosales	Administrative Assistant
David Huynh	Senior Field Operations Specialist
Alonso Jurado	Senior Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

Andy Malone	West Yost
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WATERMASTER CONSULTANTS PRESENT ON ZOOM

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

OTHERS PRESENT AT WATERMASTER

Melissa Cansino	City of Pomona
Amanda Coker	Cucamonga Valley Water District

Jiwon Seung
Bryan Smith

Cucamonga Valley Water District
Jurupa Community Services District

OTHERS PRESENT ON ZOOM

Natalie Avila
Eunice Ulloa
Nicole deMoet
Tarren Alicia Torres
Shawnda Grady
Ben Lewis
Kevin O'Toole
Brian Lee
Anthony Alberti
Tariq Awan
Leon Kazandjian
Jimmy Medrano
Marilyn Levin
David De Jesus
Mathew Litchfield
Nicole deMoet
Joshua Aguilar
Mallory Gandara

City of Chino
City of Chino
City of Upland
Egoscue Law Group, Inc.
Ellison, Schneider, & Harris, LLP
Golden State Water Company
Orange County Water District
San Antonio Water Company
San Gabriel Valley Water Company
State of California – CIM
State of California – CIM
State of California – CIM
State of California – DOJ
Three Valleys Municipal Water District
Three Valleys Municipal Water District
West End Consolidated Water Company
Western Municipal Water District
Western Municipal Water District

CALL TO ORDER

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

ROLL CALL

(0:00:07) Ms. Moore conducted the roll call and announced that a quorum was present.

AGENDA – ADDITIONS/REORDER

None

I. ANNUAL ELECTIONS (ACTION)

- A. Elect the Secretary, Treasurer, and Assistant Secretaries and Treasurers as may be appropriate. *The 2023 Chair and Vice-Chair seats were voted on by the Appropriative Pool Committee on December 8, 2022.*

Chair	<u>Chris Diggs</u>
Vice-Chair	<u>Chris Berch</u>
Secretary/Treasurer	<u>Watermaster General Manager</u>

(0:03:02)

Motion by Chair Chris Diggs, seconded by Mr. Cris Fealy, and by unanimous roll call vote as attached to these minutes.

Moved to approve the Watermaster General Manager as the 2023 Secretary/Treasurer of the Appropriative Pool Committee.

B. Calendar Year 2023 Appropriative Pool Minor Representatives to the 2023 Advisory Committee

Elect two Minor Representatives to the Calendar Year 2023 Advisory Committee. According to the Appropriative Pool Pooling Plan, each major Appropriator is entitled to one representative on the Advisory Committee. The minor Appropriators shall elect two representatives to serve on the

Advisory Committee. The minor producers for 2023 are: BlueTriton Brands, Inc., CalMat Co., City of Fontana, City of Norco, County of San Bernardino, Golden State Water Company, Marygold Mutual Water Company, Monte Vista Irrigation Company, NCL Co., LLC, Niagara Bottling Company, Nicholson Family Trust, San Antonio Water Company, Santa Ana River Water Company, West End Consolidated Water Company, and West Valley Water District.

Minor Rep #1 Nicholson Family Trust

Minor Rep #2 West End Consolidated Water Co.

(0:07:30)

Mr. John Lopez nominated Nicholson Family Trust as Minor Representative 1 and Mr. Brian Lee nominated West End Consolidated Water Co. as Minor Representative 2 there being no dissent, the item passed unanimously.

Moved to approve the 2023 Minor Representatives to serve on the Advisory Committee as indicated above.

C. Calendar Year 2023 Appropriative Pool Member Appointed to Serve as Advisory Committee Officer

Appoint a designated representative to serve as an officer of the Advisory Committee during Calendar Year 2023. According to the rotation sequence established among the Pools, the Appropriative Pool appointee will be filling the position of Second Vice-Chair.

Appropriative Pool Officer (Second Vice-Chair) Appointment to the Advisory Committee:

Cris Fealy

(0:14:35)

Motion by Mr. Josh Swift, seconded by Mr. Chris Berch, there being no dissent, the item passed unanimously.

Moved to approve the 2023 Appropriative Pool Member appointed to serve as the Advisory Committee Officer as indicated above.

D. Calendar Year 2023 Appropriative Pool Representation on the Watermaster Board (Information Only)

According to the Board rotation schedule filed with the Court in 2000 and updated on November 17, 2015, the Appropriators listed below will have a seat on the Watermaster Board as follows:

For Calendar Year 2023 the Minor AP Representatives have appointed the following:

Member: Jim Curatalo

Alternate: Kati Parker

For Calendar Year 2023 the Monte Vista Water District has appointed the following:

Member: Manny Martinez

Alternate: G. Michael Milhiser

For Calendar Years 2023 and 2024 the City of Ontario has appointed the following:

Member: Scott Burton

Alternate: Debra Dorst-Porada

II. CONSENT CALENDAR

A. MINUTES

Approve as presented:

1. Minutes of the Appropriative Pool Committee Meeting held November 10, 2022
2. Minutes of the Appropriative Pool Committee Special Meeting held December 8, 2022

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of October 2022
2. Watermaster VISA Check Detail for the month of October 2022
3. Combining Schedule for the Period July 1, 2022 through October 31, 2022
4. Treasurer's Report of Financial Affairs for the Period October 1, 2022 through October 31, 2022
5. Budget vs. Actual Report for the Period July 1, 2022 through October 31, 2022
6. Cash Disbursements for the month of November 2022
7. Watermaster VISA Check Detail for the month of November 2022
8. Combining Schedule for the Period July 1, 2022 through November 30, 2022
9. Treasurer's Report of Financial Affairs for the Period November 1, 2022 through November 30, 2022
10. Budget vs. Actual Report for the Period July 1, 2022 through November 30, 2022
11. Cash Disbursements for December 2022 (Information Only)

C. CHINO BASIN WATERMASTER INVESTMENT POLICY

Recommend that the Advisory Committee recommends approval of Resolution 2023-01 – Resolution of the Chino Basin Watermaster, San Bernardino County, California, Re-Authorizing the Watermaster's Investment Policy.

D. LOCAL AGENCY INVESTMENT FUND

Recommend that the Advisory Committee recommends approval of Resolution 2023-02 – Resolution Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF).

E. CHINO BASIN WATERMASTER 45TH ANNUAL REPORT (FISCAL YEAR 2021/22)

Recommend to the Advisory Committee to recommend to the Watermaster Board to adopt the 45th Annual Report, along with filing a copy with the Court, subject to any necessary non-substantive changes.

F. WATER TRANSACTION – CITY OF UPLAND TO FONTANA WATER COMPANY

Provide advice and assistance to the Advisory Committee on the proposed transaction: The purchase of 10,000 acre-feet of water from City of Upland by Fontana Water Company. This purchase is made from City of Upland's Excess Carryover Account.

G. WATER TRANSACTION – CITY OF CHINO TO CUCAMONGA VALLEY WATER DISTRICT

Provide advice and assistance to the Advisory Committee on the proposed transaction: The purchase of 7,500 acre-feet of water from City of Chino by Cucamonga Valley Water District. This purchase is made from City of Chino's Excess Carryover Account.

H. WATER TRANSACTION – CITY OF CHINO TO FONTANA WATER COMPANY

Provide advice and assistance to the Advisory Committee on the proposed transaction: The purchase of 10,000 acre-feet of water from City of Chino by Fontana Water Company. This purchase is made from City of Chino's Excess Carryover Account.

(0:15:54)

Motion by Mr. Ron Craig, seconded by Mr. Josh Swift, there being no dissent, the item passed unanimously.

Moved to approve the Consent Calendar as presented.

III. BUSINESS ITEMS

A. OPTIMUM BASIN MANAGEMENT PROGRAM (OBMP) PROJECT DESCRIPTION TRANSMITTAL

Provide advice and assistance.

(0:16:23) Mr. Kavounas introduced the item and invited Mr. Tellez Foster to give a report. A discussion ensued.

B. OPTIMUM BASIN MANAGEMENT PROGRAM (OBMP) IMPLEMENTATION PLAN UPDATE

Recommend to the Advisory Committee to recommend Watermaster Board approval of a purchase order for Mr. Ceppos' services.

(0:27:37) Mr. Kavounas gave a report. A discussion ensued. The Pool took the item into Confidential Session; the reportable action is shown below.

IV. REPORTS/UPDATES

A. LEGAL COUNSEL

1. November 18, 2022 Hearing
2. December 16, 2022 Hearing
3. Court of Appeal Case No. E079052
4. City of Ontario Notice of Appeal of November 3, 2022 Ruling
5. Kaiser Permanente Lawsuit
6. Rules and Regulations Update

(0:39:54) Mr. Herrema gave a report on the above items and also reported on a schedule hearing on January 20, 2023 to receive and file the Annual GLMC Report.

B. ENGINEER

1. Measurement and Reporting of Diversions for Water Year 2022
2. Ground-Level Monitoring Committee
3. Safe Yield Court Order Implementation
4. Ambient Water Quality

(0:47:15) Mr. Malone gave a report on items 1 and 2. Mr. Rapp gave a report on items 3 and 4. A discussion ensued.

C. CHIEF FINANCIAL OFFICER

1. FY 2022/23 Assessment Package Payments Status
2. Upcoming FY 2022/23 Mid-Year Review

(0:57:43) Mr. Joswiak gave a report.

D. GENERAL MANAGER

1. Exhibit "G" Physical Solution Transfers
2. Calendar Year 2023 Letters of CBWM Representation
3. Hearing Officer Panel
4. December 5, 2022 Board Workshop IV
5. 2022 Little Heart Warriors Fundraiser
6. Other

(1:00:35) Mr. Kavounas introduced Mr. Yoo to give a report on item 1, and Ms. Moore for item 2. He gave a report on item 3 indicating that staff will be recommending to the Board for the same five individuals as in 2022 to continue in 2023. Under item 4 he gave a recap of the December 5, 2022 Board Workshop and reminded the parties of the new Watermaster Orientation series beginning at

9:30 a.m. before every monthly Board meeting. Mr. Kavounas invited Ms. Moore to give an update on the 2022 Watermaster Annual Fundraiser (Little Heart Warriors), which was a huge success thanks to the Watermaster Stakeholders who supported. The \$10,000 goal was exceeded with a final tally of \$11,965 collected. With the recent storms, Mr. Kavounas announced that the Stormwater Recharge update will be brought to the Advisory Committee meeting.

V. POOL MEMBER COMMENTS

None

VI. OTHER BUSINESS

None

VII. CONFIDENTIAL SESSION – POSSIBLE ACTION

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

The Pool went into Confidential Session at 10:09 a.m. to discuss the following:

1. Discussion relating to the Rules and Regulations update
2. Review and approve AG legal payments for Sept., Oct., Nov.
3. Discussion relating to OBMP IP
4. Legal Appeals Update
5. AP Business

Confidential Session concluded at 11:45 a.m. with the following reportable actions:

*Motion by Mr. Chris Berch, seconded by Mr. Josh Swift, and passed by majority 62.894 votes in favor.
Moved to approve the actions as shown below.*

1. The Pool moved to approve Ag Invoices for September through November
2. The Pool recommends deferring retaining Mr. Dave Ceppos for one month to allow the AP to better define the desired facilitation.

ADJOURNMENT

Chair Diggs adjourned the Annual Appropriative Pool Committee meeting at 11:49 a.m.

Secretary: _____



Approved: _____ February 9, 2023

Attachment:

1. 20230112 Appropriative Pool Committee Meeting (Roll Call Vote for Item I.A. Annual Elections)
2. 20230112 Appropriative Pool Committee Meeting (Reportable Action from Confidential Session as provided by Pool Leadership)

ATTACHMENT 1**January 12, 2023 Annual Appropriative Pool Committee Meeting Roll Call Vote Outcome**

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

ATTACHMENT 2

From: [Anna Nelson](#)
To: [Alexandria Moore](#)
Subject: FW: Reportable action from AP's Confidential Session this morning
Date: Tuesday, January 31, 2023 12:39:49 PM

From: Diggs, Chris <Chris.Diggs@pomonaca.gov>
Sent: Thursday, January 12, 2023 3:28 PM
To: Anna Nelson <atruongnelson@cbwm.org>
Subject: RE: Reportable action from AP's Confidential Session this morning

Can you remove the last word in 2 please, "outcome"?

From: Anna Nelson <atruongnelson@cbwm.org>
Sent: Thursday, January 12, 2023 3:25 PM
To: Diggs, Chris <Chris.Diggs@pomonaca.gov>; Cansino, Melissa <Melissa.Cansino@pomonaca.gov>
Cc: Chris Berch - Jurupa Community Services District (cberch@jcsd.us) <cberch@jcsd.us>; Bryan Smith <bsmith@jcsd.us>
Subject: RE: Reportable action from AP's Confidential Session this morning

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Hi Chris:

See #2 below as slightly modified and let me know if this is OK to use for today's action and minutes:

1. Pool moved to approve Ag Invoices for September through November
2. The Pool recommends deferring retaining Mr. Dave Ceppos for one month to allow the AP to better define the desired facilitation outcome.

Best,
Anna

From: Diggs, Chris <Chris.Diggs@pomonaca.gov>
Sent: Thursday, January 12, 2023 2:15 PM
To: Anna Nelson <atruongnelson@cbwm.org>; Cansino, Melissa <Melissa.Cansino@pomonaca.gov>
Cc: Chris Berch - Jurupa Community Services District (cberch@jcsd.us) <cberch@jcsd.us>; Bryan Smith <bsmith@jcsd.us>
Subject: RE: Reportable action from AP's Confidential Session this morning

Hi Anna, I hope I capture what was said/intended in item 2.

CD

From: Anna Nelson <atruongnelson@cbwm.org>

Sent: Thursday, January 12, 2023 1:26 PM

To: Diggs, Chris <Chris.Diggs@pomona.gov>; Cansino, Melissa <Melissa.Cansino@pomona.gov>

Cc: Chris Berch - Jurupa Community Services District (cberch@jcsd.us) <cberch@jcsd.us>; Bryan Smith <bsmith@jcsd.us>

Subject: Reportable action from AP's Confidential Session this morning

Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Hi Chris,

Here is the text I jotted down from the AP's reportable action you provided:

1. The Pool moved to approve Ag Invoices for September through November
2. The Pool moved to defer the Dave Ceppos facilitation efforts for one month to allow **the AP to meet to better to understanding what the Pool desires from facilitation**

Please edit what you'd like and return to me ASAP; we need to issue the AC packet and wrap up those staff reports this afternoon.

Thanks!

Anna

Anna Truong Nelson, CAP, OM, TA

Director of Administration

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