

WATERMASTER ADVISORY COMMITTEE

RULES AND REGULATIONS

ARTICLE 1

GENERAL PROVISIONS

1.01 Title/Code. This document shall be known and may be referred to as the “Watermaster Advisory Committee Rules and Regulations” adopted pursuant to Judgment entered in Chino Basin Municipal Water district v. City of Chino, et al., S. B. Sup. Ct. No. 164327, on January 27, 1978. To provide convenience in operating under the Judgment certain procedural matters contained therein have been set forth in these rules and regulations, however, should a conflict arise between the Judgment and these rules and regulations the language of the Judgment shall in all cases prevail. Designations hereinafter to “See Judgment” shall refer to verbatim quotations from the Judgment; whereas “Based on Judgment” shall refer to a paraphrase of the Judgment language.

1.02 Definitions. Unless otherwise expressly indicated or compelled by their context, words, phrases, and references appearing herein shall have the same meanings as set forth in the Judgment, including the additional definitions as follows:

- (a) Committee(s) – Any of the Pool Committees or the Watermaster Advisory Committee as the context may compel.

(b) Judgment – The judgment entered in Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino Superior Court No. 164327.

(c) Overlying (Agricultural) Pool – The pool consisting of the State of California and all overlying producers who produce water for other than industrial or commercial purposes.

(d) Overlying (Non-agricultural) Pool – The pool consisting of overlying producers who produce water for industrial or commercial purposes or who, at the request of Watermaster and with the consent of the Watermaster Advisory Committee, take substitute water in lieu of producing such ground water.

(e) Appropriative Pool – The pool consisting of owners of appropriative rights, as defined under the Judgment, and any person who produces water for other than overlying use.

1.03 Membership. This committee shall be composed of not to exceed ten (10) voting representatives from each pool, and such alternates as shall be designated by the respective Pool Committees. WMWD, PVMWD and SBVMWD shall each be entitled to one non-voting representative on the committee. [Based on Judgment, pages 17-18, Section 32.]

1.04 Term and Vacancy. Members from any Pool Committee, shall serve for the term, and vacancies shall be filled, as specified in the respective pooling plan and rules adopted pursuant thereto. Members of the Committee

shall serve at the will of their respective Pool Committee. [Based on Judgment, page 18, Section 33.]

1.05 Powers and Duties. This committee has the duty to study, and the power to recommend, review and act upon all discretionary determinations made by Watermaster. [Based on Judgment, page 21, Section 38(b).]

ARTICLE 2

PROCEDURES

2.01 Principal Office. The principal office of Watermaster Advisory Committee shall be the Chino Basin Municipal Water District business office, located at 8555 Archibald Avenue, Cucamonga, California 91730; telephone number (714) 987-1712, or at such other location or locations as may be designated from time to time by amendment to these rules and regulations.

2.02 Records. The records of the Committee shall be open to inspection and maintained at the Watermaster's office. [Based on Judgment, page 20, Section 37(d).] Copies of such records may be obtained upon payment of the duplication costs thereof.

2.03 Regular Meeting. The Committee shall meet from time to time throughout the year at Watermaster office, unless otherwise determined by Committee resolution, in order to transact the business of the Committee and to make such recommendations as may be necessary to properly advise Watermaster.

2.04 Special Meetings. Special meetings may be

called at any time by the Chairperson or by any three (3) member of the Committee.

[Based on Judgment, page20, Section 37(c).]

2.05 Adjournment. Any meeting may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted forthwith on or near the door of the place where the meeting was held. [See Judgment, pages 20-21, Section 37(e).]

2.06 Public Meetings. All meetings, whether regular or special, shall be open to the public.

2.07 Notice. Notices of all regular and special meetings as well as any other notices required by the Judgment therein, shall be given in writing to all Active Parties and each person who has requested notice in writing, and shall specify the time and place of the meeting and the business to be transacted thereat.

Delivery of notice shall be deemed made on the date personally given or within 96 hours of deposit thereof in the United States mail, first class, postage prepaid, addressed to the designee and at the address in the latest designated filed by such person.

2.08 Quorum. A majority of the voting power of the Committee shall constitute a quorum for the transaction of its affairs. [Based on Judgment, page18, Section 35.]

2.09 Voting Procedures. The voting power attributable

to each Pool Committee shall be allocated among its representatives as provided in the respective pooling plans, rules, and actions of such Pool Committee adopted pursuant thereto. The voting power on the Committee shall be one hundred (100) votes allocated among the three Pools in proportion to the total assessments paid to Watermaster during the preceding year; provided, that the minimum voting power of each pool shall never be less than:

- (a) Overlying (Agricultural) Pool 20
- (b) Overlying (Non-Agricultural) Pool 5
- (c) Appropriative Pool 20

In the event any Pool is reduced to its minimum vote, the remaining votes shall be allocated between the remaining Pools on the basis of assessments paid to Watermaster by each such remaining pool during the preceding year. The method of exercise of each Pool's voting power on the Committee shall be as determined by the respective Pool Committees. [Based on Judgment, page18, Section 34.]

All actions may be adopted by voice vote, but upon demand of any member, the roll shall be called and the ayes and noes recorded in the minutes of the proceedings.

2.10 Agenda. Any person requesting that a matter be considered for action by the Committee, shall request such action in writing delivered to the secretary thereof at least fourteen (14) days prior to said meeting. The priorities of business shall be as stated in the agenda for a particular meeting, subject, however, to matters of business

which may arise on an urgency basis, and require the immediate attention and action of Watermaster.

2.11 Minutes. The secretary (or in the absence thereof) any person so designated at said meeting) shall prepare and subscribe the minutes of each meeting and make available a copy thereof to all Active Parties and each person who has filed a request for copies of all minutes or notices in writing. The minutes shall constitute notice of all actions therein reported. [Based on Judgment, page20, Section 37(d).] Unless a reading of the minutes of a meeting is ordered by a majority vote of the Committee minutes may be approved without reading.

2.12 Rules of Order. Except as may be provided herein, the procedures for the conduct of any meeting shall be governed by the latest revised edition of Roberts' Rules of Order. However, such rules, adopted to expedite the transaction of the business in an orderly fashion, are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction or invalidate any action taken at a meeting that is otherwise held in conformity with law.

2.13 Compensation. Members of the Committee may by resolution, allow themselves compensation for attendance at meetings, regular or special, in an amount not to exceed twenty-five (\$25.00) dollars per meeting, to a maximum of three hundred (\$300.00) dollars per year, together with reasonable expenses related to the respective activities

thereof, subject to applicable provisions of law. [Based on Judgment, page19, Section 36.]

2.14 Officers. At the first meeting, each year the members of the Committee shall elect one of their number to serve as Chairperson and another of their number to serve as Vice Chairperson. They shall also select a secretary or assistant secretaries as may be appropriate, any of whom may, but need not be members of the Committee, each to hold their respective offices subject to the vote of the majority voting power of the Committee. [Based on Judgment, page19, Section 37(a).]

The Chairperson shall preside over all meetings of the Committee. In the event of the Chairperson's absence, inability, or disability, those duties shall be performed by the Vice Chairperson. In the event of the Vice Chairperson's absence, inability, or disability as well, such duties shall be performed by one of their number so appointed, by majority vote, as temporary Chairperson for that meeting. The secretary shall prepare and maintain minutes of the meetings of the Committee and forwarding the originals for filing with Watermaster within ten (10) days of each meeting.

2.15 Amendment. These rules and regulations may be amended from time to time by majority vote of the voting power in attendance at any Watermaster Advisory Committee meeting.