

**MINUTES**  
**CHINO BASIN WATERMASTER**  
**NON-AGRICULTURAL POOL MEETING**

November 8, 2018

The Non-Agricultural Pool meeting was held at the offices of Chino Basin Watermaster and via conference call using the Chino Basin Watermaster conference call number on November 8, 2018.

**NON-AGRICULTURAL POOL MEMBERS PRESENT AT WATERMASTER**

Brian Geye, Chair	California Speedway Corporation
Andrew Silva for Bob Page	County of San Bernardino (Non-Ag)

**NON-AGRICULTURAL POOL MEMBERS PRESENT ON CALL**

Bob Bowcock, Vice-Chair	CalMat Co.
Ramsey Haddad	California Steel Industries

**WATERMASTER STAFF PRESENT AT WATERMASTER**

Peter Kavounas	General Manager
Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Senior Environmental Engineer
Anna Nelson	Executive Services Director/Board Clerk
Justin Nakano	Water Resources Senior Associate
Frank Yoo	Water Resources Senior Associate
Janine Wilson	Senior Accountant

**WATERMASTER CONSULTANTS PRESENT AT WATERMASTER**

Chris Guillen	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	Wildermuth Environmental, Inc.

**OTHERS PRESENT AT WATERMASTER**

Don Meyer	City of Ontario
Richard Rees	Wood plc

**NON-AGRICULTURAL POOL LEGAL COUNSEL PRESENT ON CALL**

Allen Hubsch	Loeb & Loeb, LLP
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**CALL TO ORDER**

Chair Geye called the Non-Agricultural Pool meeting to order at 11:03 a.m.

**ROLL CALL**

Ms. Nelson conducted the roll call.

**AGENDA – ADDITIONS/REORDER**

None

**I. BUSINESS ITEMS - ROUTINE**

**A. MINUTES**

Receive and file as presented:

1. Minutes of the Non-Agricultural Pool Meeting held October 11, 2018
2. Minutes of the Non-Agricultural Pool Special Meeting held October 25, 2018

(0:03:17)

*Motion by Mr. Andrew Silva, seconded by Mr. Ramsey Haddad. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to receive and file Business Item I.A. as presented.***

**B. FINANCIAL REPORTS**

Receive and file as presented:

1. Cash Disbursements for the month of September 2018
2. Watermaster VISA Check Detail for the month of September 2018
3. Combining Schedule for the Period July 1, 2018 through September 30, 2018
4. Treasurer's Report of Financial Affairs for the Period July 1, 2018 through September 30, 2018
5. Budget vs. Actual Report for the Period July 1, 2018 through September 30, 2018

(0:03:53)

*Motion by Mr. Andrew Silva, seconded by Mr. Ramsey Haddad. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to receive and file Business Item I.B. without approval as presented.***

**C. APPLICATION FOR RECHARGE**

Recommend Advisory Committee to recommend to the Watermaster Board to approve Fontana Water Company's Application for Recharge and direct Watermaster staff to account for this supplemental water recharged in Fontana Water Company's existing Local Supplemental Storage account.

(0:04:39)

*Motion by Mr. Andrew Silva, seconded by Mr. Ramsey Haddad. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to approve staff recommendation of Business Item I.C. and to direct the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate.***

(0:06:15) Vice-Chair Bowcock joined the meeting.

**II. BUSINESS ITEMS****A. FISCAL YEAR 2018/19 ASSESSMENT PACKAGE**

Recommend Advisory Committee approval of the Fiscal Year 2018/19 Assessment Package indicating the preferred version, including no credit for Stormwater New Yield, and postponing the assessment of Desalter Replenishment Obligation.

(0:06:39) Mr. Kavounas gave a brief report of Business Item II.A. A discussion ensued. Mr. Kavounas offered to have Mr. Yoo to give a presentation and the Pool declined.

(0:10:57)

*Motion by Mr. Ramsey Haddad, seconded by Mr. Andrew Silva. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to approve staff recommendation of Business Item II.A. using a single decimal point, and to direct the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate.***

**B. RESOLUTION TO LEVY REPLENISHMENT AND ADMINISTRATIVE ASSESSMENTS FOR FISCAL YEAR 2018/19**

Review Resolution 2018-05 as presented, and offer advice to Watermaster.

(0:11:22) Mr. Kavounas gave a report.

(0:12:14)

*Motion by Mr. Andrew Silva, seconded by Mr. Ramsey Haddad. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to approve staff recommendation of Business Item II.B., and to direct the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate.***

**C. CALENDAR YEAR 2019 OVERLYING (NON-AGRICULTURAL) POOL VOLUME VOTE**

Approve the Calendar Year 2019 Overlying (Non-Agricultural) Pool Volume Vote as presented subject to Advisory Committee and Board approval of the 2018/19 Assessment Package at the November 15, 2018 meetings.

(0:12:47) Mr. Kavounas gave a report. A discussion ensued.

(0:18:01)

*Motion by Mr. Andrew Silva, seconded by Mr. Ramsey Haddad. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to approve staff recommendation of Business Item II.C., and to direct the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate.***

**D. WATERMASTER REAPPOINTMENT**

Recommend future Watermaster appointment to the Advisory Committee.

(0:18:27) Mr. Kavounas gave a report. A discussion ensued.

(0:24:15) The Pool announced that it will revisit Business Item II.D. after the Appropriative Pool takes action on this Item.

The Item was taken after Business Item II.F.

(0:28:06) Mr. Kavounas reported on the Appropriative Pool action taken in open session. A discussion ensued.

(0:30:03)

*Motion by Mr. Andrew Silva, seconded by Mr. Ramsey Haddad. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to recommend reappointing the Watermaster nine-member Board for a five-year term, and to direct the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate.***

**E. FISCAL YEAR 2017/18 ANNUAL REPORT OF THE GROUND-LEVEL MONITORING COMMITTEE**

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve the 2017/18 Annual Report of the Ground-Level Monitoring Committee, along with filing a copy with the Court.

(0:24:15) Mr. Malone gave a report.

(0:25:31)

*Motion by Mr. Andrew Silva, seconded by Mr. Ramsey Haddad. The Chair called for dissent and, none being noted, the motion was deemed passed by unanimous vote of those present.*

***Moved to approve staff recommendation of Business Item II.E., and to direct the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate.***

**F. SAFE YIELD RESET-RELATED AGREEMENT (DISCUSSION AND POTENTIAL ACTION)**

(0:25:50) Chair Geye commented. A discussion ensued.

(0:27:11) The Pool deferred the item to closed session.

(0:30:31) Mr. Kavounas reported on the Appropriative Pool action taken out of closed session. A discussion ensued regarding the Non-Agricultural Pool Pooling Plan.

**G. MEMBER STATUS CHANGES (For Discussion and Possible Action)**

1. Any proposed transfer of Safe Yield by a Member.
2. Any transfer of Safe Yield that has actually closed or been completed.
3. Any change in name or corporate identity of a Member (such as results from a merger or filing of a change of name certificate).
4. Any change in the name of a representative or alternate representative of a Member, or a change in e-mail address for either such person.
  - On October 19, 2018, Watermaster was notified that Ameron International Corporation's primary representative, Mr. Richard Zuniga, is no longer with the company. Watermaster counsel has reached out to Ameron's counsel, Mr. Matthew Robey, and staff will provide an update once a new representative has been identified.
  - On November 7, 2018 a TAMCO consultant, Mr. Garet Black of Commercial Metals Company, informed Watermaster that the US facilities of TAMCO have been acquired by Commercial Metals Company (CMC); the representatives have not changed. Ms. Giannina Espinoza (alternate representative) informed Watermaster that she has reached out to their corporate office and will advise Watermaster if there are any changes to the representatives. The email address for Mr. Jesse White (primary representative) is now [jesse.white@cmc.com](mailto:jesse.white@cmc.com) and for Ms. Giannina Espinoza (alternate representative) is now [giannina.espinoza@cmc.com](mailto:giannina.espinoza@cmc.com).

(0:32:44) Ms. Nelson gave an update on Business Item II.G.4. A discussion ensued.

**III. REPORTS/UPDATES**

**A. LEGAL COUNSEL REPORT**

1. December 28, 2018 Hearing

(0:35:19) Mr. Guillen gave a report. A discussion ensued.

**B. ENGINEER REPORT**

1. Salinity Management Update
2. Impact Analysis of Chino Airport Plume Remedy on Groundwater Levels

(0:46:31) Mr. Malone gave a report.

**C. CFO REPORT**

1. Fiscal Year 2018/19 Assessment Invoicing

(0:49:49) Mr. Joswiak gave a report.

**D. GM REPORT**

1. Exhibit "G" Physical Solution Transfer Rate Substitution
2. Amendment of Pooling Plan for the Overlying (Non-Agricultural) Pool
3. Annual Finding of Substantial Compliance with the Recharge Master Plan
4. Watermaster Board Meeting Frequency
5. 40<sup>th</sup> Judgment Anniversary Commemoration
6. December Meeting Schedule
7. Other

(0:50:49) Mr. Kavounas gave a report. A discussion ensued.

**IV. INFORMATION**

1. Cash Disbursements for October 2018
2. Recharge Investigations and Projects Committee (RIPCom)

**V. POOL MEMBER COMMENTS**

None

**VI. OTHER BUSINESS**

None

**VII. CONFIDENTIAL SESSION – POSSIBLE ACTION**

Chair Geye called for a confidential session at 12:08 p.m. to discuss Safe Yield Reset-Related Agreement, Exhibit "G", and Non-Agricultural Pool Pooling Plan Amendment & Court Filing. Confidential session concluded at 12:34 p.m. with no reportable action.

**ADJOURNMENT**

Chair Geye adjourned the Non-Agricultural Pool meeting at 12:35 p.m.

Secretary: \_\_\_\_\_

Approved: \_\_\_\_\_ January 10, 2019