

MINUTES
CHINO BASIN WATERMASTER
NON-AGRICULTURAL POOL COMMITTEE MEETING
November 9, 2023

The Non-Agricultural Pool Committee meeting was held at the Chino Basin Watermaster offices located at 9641 San Bernardino Road, Rancho Cucamonga, CA, and via Zoom (conference call and web meeting) on November 9, 2023.

NON-AGRICULTURAL POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER

Brian Geye, Chair California Speedway Corporation

NON-AGRICULTURAL POOL COMMITTEE MEMBERS PRESENT ON ZOOM

Alexis Mascarinas City of Ontario
Michael Adler Hamner Park Associates

WATERMASTER BOARD MEMBERS PRESENT ON ZOOM

Mike Gardner Western Municipal Water District

WATERMASTER STAFF PRESENT AT WATERMASTER

Edgar Tellez Foster Acting General Manager
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 Quintero Administrative Analyst
Rudy Nunez Office Specialist/Receptionist
Alonso Jurado Water Resources Associate
Jordan Garcia Senior Field Operations Specialist
Erik Vides Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

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

WATERMASTER CONSULTANTS PRESENT ON ZOOM

Scott Nelsen Eide Bailly, LLP

OTHERS PRESENT ON ZOOM

Peter Dopulos Egoscue Law Group, Inc.

NON-AGRICULTURAL POOL LEGAL COUNSEL PRESENT ON ZOOM

Allen Hubsch Law Office of Allen W. Hubsch

CALL TO ORDER

Chair Geye called the Non-Agricultural Pool Committee meeting to order at 11:00 a.m.

ROLL CALL

(00:00:24) Ms. Moore conducted the roll call.

AGENDA – ADDITIONS/REORDER

None

B. FISCAL YEAR 2023/24 ASSESSMENT PACKAGE

Review Fiscal Year 2023/24 Assessment Package as presented and offer advice to Watermaster.

(00:07:52) Mr. Yoo gave a presentation. A discussion ensued.

(00:14:14)

Motion by Ms. Mascarinas, seconded by Chair Geye. 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 necessary.

C. RESOLUTION 2023-07 TO LEVY REPLENISHMENT AND ADMINISTRATIVE ASSESSMENTS FOR FISCAL YEAR 2023/24, BASED ON PRODUCTION YEAR 2022/23

Review Resolution 2023-07 as presented and offer advice to Watermaster.

(00:15:06)

Motion by Ms. Mascarinas, seconded by Chair Geye. 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 necessary.

D. MEMBER STATUS CHANGES

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.

There were no changes to note.

III. REPORTS/UPDATES

A. WATERMASTER LEGAL COUNSEL

1. December 1, 2023 Court Hearing (OBMP Semi-Annual Status Report and 2023 Recharge Master Plan Update)
2. Court of Appeal Case No. E079052 (City of Chino, MVIC, MVWD, City of Ontario appeal re OAP Expenses and Attorney Fees)
3. Court of Appeal Consolidated Cases No. E080457 and E082127 (City of Ontario appeal re 2021-22 and 2022-23 Assessment Packages)
4. Court of Appeal Case No. E080533 (Cities of Chino, Ontario appeal re 2022-23 Watermaster budget expenses to support CEQA analysis)
5. Kaiser Permanente Lawsuit

(00:16:29) Mr. Herrema gave a report.

B. ENGINEER

1. Water Quality Committee
2. 2025 Safe Yield Reevaluation
3. Storage and Recovery Master Plan

(00:18:51) Ms. Weamer gave a report on item 1, Mr. Rapp gave a report on items 2 and 3.

C. GENERAL MANAGER

1. OBMPU CEQA Process
2. Annual Finding of Substantial Compliance with the Recharge Master Plan
3. December Meeting Schedule
4. Other

(00:23:06) Mr. Tellez Foster invited Mr. Nakano to give an update on RIPComm. Mr. Nakano indicated that the local land investigated for purchase to be used for recharge had already been sold. On November 6, 2023, Watermaster staff met with IEUA and County of San Bernardino and was asked by a Developer to build a parking lot above existing a recharge basin, Mr. Nakano is currently working with IEUA to submit feedback to developers. Mr. Tellez Foster reported that the Board requested the DYY extension be brought to the January 2024 operating committee for discussion.

IV. POOL MEMBER COMMENTS

(00:27:05) Chair Geye asked about the electronic newsletter that staff had begun recently sending out, and if it was an informational only item meant to be shared with staff/city officials and others that were not part of the Watermaster process giving a high-level overview of basin activities. Mr. Tellez Foster agreed that was the case and that it was not a form of notice to parties.

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.

The Pool convened into confidential session at 11:31 a.m. to discuss the following:

1. Non-Ag Budget Transfer
2. OBMPU CEQA Review
3. Exhibit G - Section 9 Transfer Rate

Confidential session concluded at 11:26 a.m. with the reportable actions as shown below:

1. *The Non-Ag Pool approved budget transfer of \$2,000 from account #8567 to account #8511.*
2. *Pool counsel will resubmit CEQA comments.*
3. *The Non-Ag Pool set the Exhibit G – Section 9 transfer rate at \$767.00/AF for the 2023-2024 transfer/sale cycle.*

ADJOURNMENT

Chair Geye adjourned the Non-Agricultural Pool Committee meeting at 12:14 p.m.

Secretary: _____



Approved: _____ January 11, 2024