

CHINO BASIN WATERMASTER

Committees and Board Roles and Responsibilities

September 13, 2016





What is a Watermaster?

- Extension of the Court and administers the court decree.
- Special master with unique qualifications or subject matter expertise.
- May be imposed by judicial order *sua sponte* or by stipulation among parties with judicial consent and approval.
- Serves at the discretion of the Court in aid of implementing the physical solution.



Origin of Chino Basin Watermaster

- Watermaster was created by stipulation (contract), consented to and approved by the Court, subject to the Court's continuing jurisdiction.
- Initial Watermaster appointment was the Chino Basin Municipal Water District (CBMWD) – now IEUA.
- CBMWD was replaced by order of the Court on motion of the Advisory Committee.
- The nine member board was appointed to address a mix of pragmatic and public policy concerns and serves at the pleasure of the Court.



Characteristics of Watermaster

- Extension of the Court.
- Not a public agency; not subject to Brown Act or Public Records Act.
- Not subject to CEQA.
- Decree preempts conflicting local agency/city/county regulation and binds all parties regarding the subject matter (Chino Basin).
- Makes findings of fact and makes recommendations to the Court for the administration of the decree.



Shared Governance / Prescribed Powers

- Three Pools, the Advisory Committee and the Board share responsibility for administering the Judgment.
- The Nine-Member Board possesses the prescribed powers embodied in the decree and as provided by further stipulation and Court order.

Role of Pools

- Each of the three Pools have the right and opportunity to provide advice and counsel to the Advisory Committee and the Watermaster Board on Watermaster undertakings.
- Each member of each Pool has the right to request Watermaster action or review on matters within the subject matter jurisdiction of Watermaster.

Role of Advisory Committee

- To provide advice and counsel to the Board.
- To mandate certain actions by the Board where 80% or more of stakeholders are in agreement.
- To establish a budget.
- To represent the assessable production rights of the Basin in accordance with their relative stakes.



Role of the Board: Administer the Decree

- Pursuant to the Judgment, the Peace Agreement and its progeny, and continuing orders of the Court, the Nine-Member Board administers the decree and implements the physical solution.
- All of its actions and authorities are prescribed and limited by these same instruments.



Advisory Committee / Board Interface

- Advice and Counsel. In re prescribed actions, the Board must consider a recommendation from the Advisory Committee but unless there is an 80 percent or greater mandate from the Advisory Committee, the Board may elect to disregard the recommendation by providing notification and opportunity to be heard and supported by a written decision.
- Mandate. In the event of an 80 percent mandate, the Board must either: (a) approve; (b) return to the Advisory Committee for clarification or request for revision; or (c) challenge the decision before the judge.



1998 Court Order

- Origin & Content



Roles in re Particular Actions

Watermaster and Advisory Committee Respective Roles				
	I. Watermaster Board Duties and Powers	II. Watermaster Board Discretionary Function	III. Upon Advisory Committee Recommendation or Advice, or Pool Committee Requirement	IV. Other Watermaster Functions
Type of Actions	<p>Administer, Enforce & Implement the Judgment and Physical Solution.</p> <p>Examples:</p> <ul style="list-style-type: none"> Control and regulate storage Establish procedures and administer withdrawal and supplemental water replenishment <p>Steward the Basin's resources</p>	<p>Develop an Optimum Basin Management Program</p>	<p>Recommendation or advice on items like:</p> <ul style="list-style-type: none"> Adoption of rules and regulations; Acting jointly with other agencies of the United States or the State of California Adoption of administrative budget Levy and collect annual assessments <p>Required actions like:</p> <ul style="list-style-type: none"> Allocation of special project expenses 	<p>Normal Course of Business</p> <p>Examples:</p> <ul style="list-style-type: none"> Acquire facilities and equipment Employ or retain staff and consultants <p>Administering the Pools</p> <ul style="list-style-type: none"> Levy and collect annual assessments <p>Administering the Physical Solution</p> <p>Example:</p> <ul style="list-style-type: none"> Accomplish replenishment of overproduction
Pools and Advisory Committee Role	Advice and assistance	Advice and assistance	<p>Recommendation or Advice; approval required; OR</p> <p>Required Action; approval required</p>	Advice
Watermaster Board Role	Approval; must notify the Advisory Committee	Approval; must notify the Advisory Committee	<p>Watermaster must act consistently with an AC recommendation that has been approved by 80 or more votes, but has the right to bring the issue before the Court. In case an AC recommendation does not have the 80 vote mandate, Watermaster may take a different action after a public hearing followed by written findings and a decision.</p>	Approval; must notify the Advisory Committee



STAFF REPORT

DATE: May 12, 2016
TO: Pool Committee Members
SUBJECT: Proposed Fiscal Year 2016/17 Budget

SUMMARY

Issue: Proposed FY 2016/17 Budget.

Recommendation: Recommend Advisory Committee approval of the proposed FY 2016/17 budget as presented.

Financial Impact: The FY 2016/17 proposed budget expenses are \$10,493,469 (excluding any Carryover Funds).

Future Consideration

Appropriative Pool: May 12, 2016; Review and recommend
Non-Agricultural Pool: May 12, 2016; Review and recommend
Agricultural Pool: May 12, 2016; Review and recommend
Advisory Committee: May 19, 2016; Approval
Watermaster Board: May 26, 2016; Approval (Advisory Committee Approval required)

ACTIONS:

May 12, 2016 – Appropriative Pool -
May 12, 2016 – Non-Agricultural Pool -
May 12, 2016 – Agricultural Pool -
May 19, 2016 – Advisory Committee -
May 26, 2016 – Watermaster Board -



STAFF REPORT

DATE: May 19, 2016
TO: Advisory Committee Members
SUBJECT: Proposed Fiscal Year 2016/17 Budget

SUMMARY

Issue: Proposed FY 2016/17 Budget.

Recommendation: Approve the Proposed FY 2016/17 Budget as presented.

Financial Impact: The FY 2016/17 Proposed Budget expenses are \$10,493,469 (excluding any Carryover Funds).

Future Consideration

Advisory Committee: May 19, 2016; Approval

Watermaster Board: May 26, 2016; Approval (Advisory Committee Approval required)

ACTIONS:

May 12, 2016 – Appropriative Pool – Unanimously approved the proposed budget of \$10,493,469; with a request that Wildermuth come back at the next Pool committee meeting following the court's action approving the Safe Yield Agreement to discuss more in-depth the scope of work with regards to the Assessment of Cultural Conditions.

May 12, 2016 – Non-Agricultural Pool - Unanimously approved recommendation as presented and directed the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate; with a request that Wildermuth come back at the next Pool committee meeting following the Court's action approving the Safe Yield Agreement to discuss more in-depth the scope of work with regards to the Assessment of Cultural Conditions.

May 12, 2016 – Agricultural Pool – Unanimously approved

May 19, 2016 – Advisory Committee -

May 26, 2016 – Watermaster Board -



STAFF REPORT

DATE: May 26, 2016
TO: Board Members
SUBJECT: Proposed Fiscal Year 2016/17 Budget

SUMMARY

Issue: Proposed FY 2016/17 Budget.

Recommendation: Adopt the Proposed FY 2016/17 Budget as presented.

Financial Impact: The FY 2016/17 Proposed Budget expenses are \$10,493,469 (excluding any Carryover Funds).

ACTIONS:

May 12, 2016 – Appropriative Pool – Unanimously approved the proposed budget of \$10,493,469; with a request that Wildermuth come back at the next Pool committee meeting following the court's action approving the Safe Yield Agreement to discuss more in-depth the scope of work with regards to the Assessment of Cultural Conditions.

May 12, 2016 – Non-Agricultural Pool - Unanimously approved recommendation as presented and directed the Pool representatives to support at the Advisory Committee and Watermaster Board meetings subject to changes which they deem appropriate; with a request that Wildermuth come back at the next Pool committee meeting following the Court's action approving the Safe Yield Agreement to discuss more in-depth the scope of work with regards to the Assessment of Cultural Conditions.

May 12, 2016 – Agricultural Pool – Unanimously approved

May 19, 2016 – Advisory Committee - Unanimously approved

May 26, 2016 – Watermaster Board - Unanimously adopted



Guidance Document Overview

- Judgment
- OBMP Implementation Plan
- Peace Agreement
- Peace II Agreement
- Resolution 2010-04



Conflicts of Interest

(Rules and Regulations, § 2.10)

- Watermaster is an interest based governance structure.
- “Expected and preferred” that interests participate in decisions.
- Watermaster Board and Advisory Committee members “shall vote” unless conflicted.
- Conflict = direct personal and financial interest.
 - Material effect on the member, the member’s immediate family, or other business, property, and commercial interests.
 - Only in the case of a unique, personal, discrete, and particular advantage from the outcome of a decision beyond that generally realized by any other person or the interests the member represents.



Broad Topics/Hypotheticals

- Storage
- Next Safe Yield Reset

Storage

- How is storage managed presently
- How would the 2015 SYRA change storage management?



Next Safe Yield Reset

- How would the next Safe Yield Reset be handled?
- How would the 2015 SYRA change the next Safe Yield Reset?

Committees and Board Roles and Responsibilities

Feedback on today's workshop