

**SEASIDE GROUNDWATER BASIN WATERMASTER  
REGULAR MEETING OF THE BOARD OF DIRECTORS**

**AGENDA**

**Wednesday, March 1, 2023 – 2:00pm**

**IN-PERSON**

**Monterey One Water Board Room**

**5 Harris Court, Building “D”, Ryan Ranch, Monterey, California**

**Watermaster Board**

Coastal Subarea Landowner – Director Paul Bruno

City of Seaside – Mayor Ian Oglesby

California American Water – Director Christopher Cook

City of Sand City – Mayor Mary Ann Carbone

Monterey Peninsula Water Management District – Director George Riley

Laguna Seca Subarea Landowner – Director John Gaglioti

City of Monterey – Councilmember Kim Barber

City of Del Rey Oaks – TBD

Monterey County/Monterey County Water Resources Agency – Supervisor Wendy Root Askew, District 4

**I. CALL TO ORDER**

**II. ROLL CALL**

**III.** Schedule of Watermaster Board Member Representative and Alternate appointments for 2023 and Board and TAC schedule of meetings for 2023 (informational only – no action required) ..... 3

**IV. ELECTION AND APPOINTMENT OF OFFICERS FOR CALENDAR YEARS 2023 AND 2024**

- A. Chairperson - (Must be member of the Board of Directors) – Currently Director Bruno
- B. Vice Chairperson - (Must be member of the Board of Directors) – Currently Vacant
- C. Secretary - (Need not be a member of the Board of Directors) – Currently Admin. Officer Paxton
- D. Treasurer - (Need not be a member of the Board of Directors) – Currently Director Gaglioti

**V. PUBLIC COMMUNICATIONS**

Oral communications are on each meeting agenda in order to provide members of the public an opportunity to address the Watermaster on matters within its jurisdiction. Matters not appearing on the agenda will not receive action at this meeting but may be referred to the Watermaster Administrator or may be set for a future meeting. Presentations will be limited to three minutes or as otherwise established by the Watermaster. In order that the speaker may be identified in the minutes of the meeting, it is helpful if speakers use the microphone and state their names.

**VI. REVIEW OF AGENDA**

A vote may be taken to add to the agenda an item that arose after the 72-hour posting deadline pursuant to the requirements of Government Code Section 54954.2(b). (A 2/3-majority vote is required).

**VII. CONSENT CALENDAR**

- A. Minutes of Regular Board meeting held December 7, 2022 ..... 5
- B. Summary of Payments made November through December 2022 totaling **\$59,946.26** ..... 9
- C. Summary of Payments made January 2023 totaling **\$45,486.97**..... 12

D. Fiscal Year 2022 Financial Reports through December 31, 2022 .....	13
E. Consider Approving Montgomery & Associates RFS No. 2023-03 to Install a Replacement Monitoring Well for Monitoring Well FO-9 Shallow .....	19
F. Approve Revision to Watermaster Rules and Regulations Changing Watermaster Committees to Advisory Committee Status .....	21
<b>VIII. ORAL PRESENTATION – None</b>	
<b>IX. OLD BUSINESS</b>	
A. Discussion/Consider Approving Cost-Sharing Agreement for Installing a Replacement Monitoring Well for Monitoring Well FO-9 Shallow .....	25
B. Discussion/Consider a Funding Mechanism to Ensure Basin Replenishment .....	31
<b>X. NEW BUSINESS</b>	
A. Discuss scheduling a new member orientation study session.....	33
<b>XI. INFORMATIONAL REPORTS (No Action Required)</b>	
A. Watermaster Report of Production of the Seaside Basin through 1st Quarter Water Year 2023 (October 1, 2022 – December 31, 2022)	
B. Security National Guarantee (SNG) Water Rights Split in Coastal Subarea (dated 11/22/22 received by Watermaster 12/08/22) and Tanam Corporation Notice of Continuation of Security Interest in SNG’s Water Rights (08/26/22)	
<b>XII. DIRECTOR’S REPORTS</b>	
<b>XIII. STAFF COMMENTS</b>	
<b>XIV. NEXT REGULAR MEETING DATE</b>	
<b>A. Consider cancelling the April 5, 2023 meeting</b>	
<b>B. Next meeting Wednesday, May 3, 2023 - 2:00 P.M.</b>	
<b>XV. ADJOURNMENT</b>	

This agenda was forwarded via e-mail to the City Clerks of Seaside, Monterey, Sand City and Del Rey Oaks; the Clerk of the Monterey Board of Supervisors, the Clerk to the Monterey Peninsula Water Management District; the Clerk at the Monterey County Water Resources Agency, Monterey One Water and the California American Water Company for posting on or before February 23, 2023 per the Ralph M. Brown Act, Government Code Section 54954.2(a).

*If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.*

**SEASIDE GROUNDWATER BASIN WATERMASTER  
Board Member and Alternate Appointments  
Calendar Years 2023-2024**

**ITEM III.  
March 1, 2023**

<b>MEMBER PARTY</b>	<b>MEMBER</b>	<b>ALTERNATE</b>
California American Water	Director Christopher Cook	Tim O'Halloran
City of Del Rey Oaks	TBD	TBD
City of Monterey	Council Member Kim Barber	Mayor Tyller Williamson
City of Sand City	Mayor Mary Ann Carbone	City Manager Vibeke Norgaard
City of Seaside	Mayor Ian Oglesby	Mayor Pro Tem David R. Pacheco
County of Monterey (MCWRA)	Supervisor Wendy Askew	Supervisor Mary Adams
MPWMD	Director George Riley	Director Alvin Edwards
Coastal Sub Area Landowner	Director Paul Bruno	N/A
Laguna Seca Sub Area Landowner	Director John Gaglioti	N/A

*Updated 2/22/23*

**SEASIDE GROUNDWATER BASIN  
WATERMASTER**

**2023  
SCHEDULE OF REGULAR MEETINGS**

	<u><b>BOARD</b></u>	<u><b>TAC</b></u>
<b>JANUARY</b>	<b>4</b>	<b>11</b>
<b>FEBRUARY</b>	<b>1</b>	<b>8</b>
<b>MARCH</b>	<b>1</b>	<b>8</b>
<b>APRIL</b>	<b>5</b>	<b>12</b>
<b>MAY</b>	<b>3</b>	<b>10</b>
<b>JUNE</b>	<b>7</b>	<b>14</b>
<b>JULY</b>	<b>5</b>	<b>12</b>
<b>AUGUST</b>	<b>2</b>	<b>9</b>
<b>SEPTEMBER</b>	<b>6</b>	<b>13</b>
<b>OCTOBER</b>	<b>4</b>	<b>NONE</b>
<b>NOVEMBER</b>	<b>1</b>	<b>8</b>
<b>DECEMBER</b>	<b>6</b>	<b>13</b>

**SEASIDE GROUNDWATER BASIN WATERMASTER  
REGULAR MEETING MINUTES  
Wednesday, December 7, 2022 In-Person  
Monterey One Water Board Room  
5 Harris Court, Building “D”, Ryan Ranch, Monterey, California**

**I. CALL TO ORDER** – Director Bruno called the meeting to order at 2:00pm

**II. ROLL CALL**

Coastal Subarea Landowner – Director Paul Bruno – Chair

City of Seaside – Mayor Ian Oglesby

City of Sand City – Vibeke Norgaard, Alternate

California American Water (CAW) – Director Christopher Cook

Monterey Peninsula Water Management District (MPWMD) – Director George Riley

City of Del Rey Oaks – Council Member John Gaglioti

Monterey County/Monterey County Water Resources Agency – Supervisor Wendy Root Askew

**Absent:** City of Monterey – Mayor Clyde Roberson – Vice Chair

Laguna Seca Subarea Landowner – Director Wesley Leith

**Others Present:**

Robert Jaques, Watermaster Technical Program Manager (TPM)

Laura Paxton, Watermaster Administrative Officer (AO)

Alvin Edwards, Chair, MPWMD Board of Directors

Jonathan Lear, MPWMD

Tim O’Halloran, CAW

Roberta Greathouse, City of Seaside

**III. PUBLIC COMMUNICATIONS** – There were no public communications.

**IV. REVIEW OF AGENDA** – There were no requested changes to the agenda.

**V. ORAL PRESENTATION** – None

**VI. CONSENT CALENDAR**

**A.** Minutes of Regular Board meeting held October 5, 2022

**B.** Board and TAC schedule of meetings for 2023

**C.** Summary of Payments made September through October 2022 totaling **\$30,365.20**

**D.** Fiscal Year 2022 Financial Reports through October 31, 2022

**E.** Professional Service Contracts for Fiscal Year 2023:

1. Two Contracts with Montgomery & Associates, Inc. — one for \$22,744 for providing ongoing and as-requested general hydrogeologic consulting services during the year and the second for \$27,176 to prepare the Seawater Intrusion Analysis Report (SIAR) for 2023
2. Two Contracts with Martin Feeney— one for \$11,013.30 to perform induction logging of the Sentinel Wells in 2023 and one for \$4,000 to provide on-call/as-requested hydrogeologic consulting services

3. One Contract with Todd Groundwater—for \$4,000 to provide on-call/as-needed hydrogeologic consulting services
  4. One Contract with MPWMD—for \$64,297 to perform monitoring and other work on the Seaside Groundwater Basin Monitoring and Management Program (M&MP) for 2023
- F. Water Year 2023 Declaration of Unavailability of Artificial Replenishment Water (Water Year 2023 Production Allocations and Basin Storage Allocations attached)
- G. Seawater Intrusion Analysis Report for 2022. The Executive Summary is included in the Board agenda packet. The complete SIAR is posted on the Watermaster website at <https://www.seasidebasinwatermaster.org/Other/2022%20SIAR%20Final%2011-19-22.pdf> and <https://www.seasidebasinwatermaster.org/Other/2022%20SIAR%20Appendices%2011-8-22.pdf>

***It was moved by Director Riley, seconded by Council Member Gaglioti, and unanimously carried 7-0 to approve the consent calendar as presented.***

Director Riley thanked staff for the hard work that goes into presenting the consent items.

## VII. NEW BUSINESS

- A. Discuss/Consider Approving Water Year 2022 Watermaster Annual Report.  
Director Riley asked that board discussion be scheduled related to the reference on page 80 that the 3000AF Natural Safe Yield may be too high and if there is an alternative yield being considered. In regards to page 86 where it states *long-term actions will include... continued current management actions*, might there be further action taken by Watermaster? Director Riley requested that the references be elevated to discussion of more proactive measures by Watermaster. Director Bruno appreciated the historical information included in the report. He noted the reference on page 18 of the Annual Report that MPWMD Board of Directors approved a resolution that would cite MPWMD's authority to approve or deny CAW's plan to introduce desalination plant water into the ground water supply and inquired of Director Riley to expand on the reasoning for the resolution. Director Riley responded that the MPWMD board has a substantial investment in the Pure Water Monterey & Expansion Projects and felt injecting water from these projects was the best choice cost-wise and environmentally, and so the board formalized policy to oppose a competing project.

***It was moved by Council Member Gaglioti, seconded by Mayor Oglesby, and unanimously carried 7-0 to approve the Water Year 2022 Watermaster Annual Report as presented.***

- B. Discuss/Consider Policy on Watermaster Voting Positions and Weighted Voting  
Ms. Paxton gave highlights from the transmittal.

***It was moved by Director Cook and seconded by Council Member Gaglioti to accept the staff recommended amendment to the Watermaster Rules and Regulations.***

Mayor Oglesby pointed out that the recommended wording has the request for a weighted roll call vote being made prior to a motion; the request should be allowed after the motion and prior to the vote.

*A friendly amendment was then made by Director Cook and seconded by Council Member Gaglioti, with the motion unanimously carried 7-0 to set policy on Watermaster voting positions and weighted voting by modifying section 3.1.1. of the Watermaster Rules and Regulations to read: Any Member may request a weighted roll call vote for any question or motion considered by the Watermaster Board, with voting positions of each vote called out by the clerk of the board. The request for a weighted roll call vote must be made after any question or motion considered by the Watermaster Board and prior to the vote being taken, and the ayes and noes, with voting positions of each, thereon recorded in the minutes of the meeting.*

**VIII. OLD BUSINESS – None**

**IX. INFORMATIONAL REPORTS (No Action Required)**

- A. Technical Advisory Committee (TAC) draft meeting minutes November 16, 2022
- B. Watermaster report of production of the Seaside Basin through Water Year 2022 (October 1, 2021 – September 30, 2022)
- C. Replenishment Fund Assessment calculations and 2022 Standard Producer Assessments
- D. Watermaster correspondence to California Coastal Commission dated October 14, 2022
- E. CAW Technical Memorandum dated November 1, 2022 by consultant WSC in response to MPWMD correspondence to Watermaster dated September 29, 2022
- F. Watermaster correspondence to California Department of Water Resources dated October 17, 2022
- G. Director Riley email correspondence to Chair Bruno dated November 15, 2022

Director Riley apologized to Director Bruno for calling him out on his presentation to the Coastal Commission stating he misapplied the rules of presentation.

**H. Director Riley strategic issues special meeting request**

Chair Bruno intends to discuss scheduling a new member orientation session at a future board meeting once new board representatives are appointed.

**X. DIRECTOR'S REPORTS – Council Member Gaglioti expressed his enjoyment of being on the Watermaster board and TAC. He announced that Laguna Seca Subarea Landowners approached him asking that he be the Watermaster board representative beginning in 2023 replacing Director Leith, and he accepted.**

Director Riley requested a Watermaster logo be developed, and the website be freshened.

Director Bruno will host a Watermaster Christmas party at his home on December 15<sup>th</sup> at 6:00 p.m.

**XI. STAFF COMMENTS – There are no items of urgency for the January 2023 meeting; it most likely will be cancelled.**

**XII. CLOSED SESSION**

- A. A closed session was convened at 2:58 p.m. regarding a Personnel Matter: Evaluation of Legal Counsel. The board reconvened open session at 3:26 p.m. There were no issues during closed session that required subsequent board action in open session.

**XIII. NEXT REGULAR MEETING DATE – January 4, 2023 - 2:00 p.m.**

**XIV. ADJOURNMENT – There being no further business, the meeting was adjourned at 2:51 p.m.**





									<b>ITEM VII.B.</b>
<b>SEASIDE GROUNDWATER BASIN WATERMASTER</b>									<b>3/1/23</b>
TO:	Board of Directors								
FROM:	Laura Paxton, AO								
DATE:	March 1, 2023								
SUBJECT:	Summary of Payments made from November through December 2022								
<b>RECOMMENDATIONS:</b>									
Consider approving payment of bills submitted and authorized to be paid November - December 2022									
<b>Summary of Payments Made November 2022</b>									
<b>Paxton Associates</b> (Administrative Officer (AO))						44.5	3D model	1,335.00	
October 26 through November 25, 2022						50.5	AO	5,555.00	
								<b>\$ 6,890.00</b>	
Responded to telephone inquiries, e-mail, and other correspondence as needed regarding the Seaside Basin; review Jaques invoice; process invoices to Seaside; prepare/notice 2023 budgets; review 3D model; prepare/distribute RA assessment invoices; gather data for 2022 Annual Report to Court; prepare for in-person board meetings at M1W; confer with Jaques about various issues; collect/follow up/post production and level reporting; complete 10/5 board mtg minutes; research weighted voting; prepare/distribute board appointment notices; assist with WM holiday party invitations. Routinely picked up mail from PO Box; reconciled accounts to the City of Seaside Watermaster accounts; prepared financial reports; processed invoices; reviewed and posted items to web site.									
<b>Robert Jaques</b> (Technical Program Manager)									
November 1 through November 30, 2022						43		<b>\$ 6,450.00</b>	
Responded to emails, telephone inquiries, and other correspondence on a variety of Watermaster issues; prepare 2022 Annual Report; attend 9/21 PWM quality/ops mtg; finish and send out M&A RFS No. 2022-05; meet w/Patel at Seaside Golf Course to examine potential FO-9 replacement well sites; draft MOA for cost sharing of FO-9 replacement well w/ MPWMD and MCWD; draft MOA for cost-sharing of water level and water quality data collection w/ MCWD; review/edit Final 2022 SIAR & post Final SIAR to WM website; lengthy telecon w/ J. Lucido re: his questions about replenishment water needs and CAW's 700 AFY overpumping payback plan; work on revising M&A Prof. Services Agreement; discuss Watermaster issues w/ L. Paxton; review/approve L. Paxton invoice									
<b>Montgomery &amp; Associates</b> (Technical Consultant)						1.0	\$220/hr	220.00	
October 1 through October 31, 2022						3.5	\$198/hr	693.00	
RFS 2022-01, General Hydrogeologic Consulting								<b>\$ 913.00</b>	
Review 2023 RFS and respond to B. Jaques; add Oct 11 version of DWR AEM flight lines to map and email to B. Jaques; prepare revised Travel Time presentation for Board Meeting; and attend and present Sea Water Intrusion travel time study results at Board Meeting.									





SEASIDE GROUNDWATER BASIN WATERMASTER							ITEM VII.C.
							3/1/23
TO:	Board of Directors						
FROM:	Laura Paxton, AO						
DATE:	March 1, 2023						
SUBJECT:	Summary of Payments made January 2023						
<b>RECOMMENDATIONS:</b>							
Consider approving payment of bills submitted and authorized to be paid January 2023							
<b>Summary of Payments Made January 2023</b>							
<b>Chris Campbell, Baker Manock &amp; Jensen (WM Legal Counsel)</b>					1.3	\$300/hr	390.00
					Telephone & postage		3.90
December 1 through December 31, 2022							<b>\$ 393.90</b>
Review of the annual report and submit the annual report to the Court.							
<b>Paxton Associates (Administrative Officer (AO))</b>							
December 26 through January 25, 2022					34.5		<b>\$ 3,795.00</b>
Responded to telephone inquiries, e-mail, and other correspondence as needed regarding the Seaside Basin; review Jaques invoice; process invoices to Seaside; contract for WM collection & letters to 5 pumpers after determining MPWMD contract costs under contracts; confer with Jaques about various issues; collect/follow up/post production and level reporting; meet contractors re:website rebuild & related documents; prep transmittal for 1/30 BF meeting. Routinely picked up mail from PO Box; reconciled accounts to the City of Seaside Watermaster accounts; prepared financial reports; processed invoices; reviewed and posted items to web site.							
<b>Robert Jaques (Technical Program Manager)</b>							
January 1 through January 31, 2023					34.5		<b>\$ 5,175.00</b>
Responded to emails, telephone inquiries, and other correspondence on a variety of Watermaster issues; Zoom mtg. w/ M1W re: getting WL/WQ data from PWM for use in SIAR; review/comment on Draft FO-9 Replacement Well Bid Docs; review PowerPoint slides for P. Benito re: Flow Direction/Flow Velocity issues for 1/11/23 TAC meeting; finalize MPWMD/MCWD/WM agreement to share costs for replacement well FO-9 Shallow; cancel 1/11 TAC meeting due to storm; meet w/Marc Kelley, George Fontes, and Chris Bunn of Salinas Basin Water Alliance to answer their questions about Watermaster issues per request of P. Bruno; prepare City of Seaside FO-9 Replacement Well easement document; research and respond to CEQA Categorical Exemption questions from Seaside re: FO-9 Replacement Well ; research Central Coast Surveyors PSA for use in preparing legal description and plat map for FO-9 Replacement Well easement document; prepare Executive Summary of the Flow Velocity/Flow Direction Tech Memo per suggestion of C. Cook; meet D. Edson of Central Coast Surveyors @ FO-9 Replacement Well site; draft RFS for them to prepare legal description and plat map; SVBGSA Seawater Extraction Barrier Zoom workshop; prepare M&A RFS No. 2023-03discuss Watermaster issues w/ L. Paxton; review/approve L. Paxton invoice							
<b>Monterey Peninsula Water Management District</b>					196.0	136	26,656.00
April through December 2022 RFS 2022-01					Direct costs		9,089.07
					Admin Support		378.00
Database entry/maint; water level collection; WQ sample & datalogger collection; pump install FO-10 shallow							<b>\$ 36,123.07</b>
<b>Grand Total January 2023</b>							<b>\$ 45,486.97</b>

**Seaside Groundwater Basin Watermaster  
Budget vs. Actual Administrative Fund  
Fiscal Year (January 1 - December 31, 2022)  
Balance through December 31, 2022**

	<b>2022 Revised Adopted Budget May 4, 2022</b>	<b>Contract Amount</b>	<b>Year to Date Revenue / Expenses</b>
<b>Available Balances &amp; Assessments</b>			
Other Assessments	-		8,500.00
FY (Rollover)	34,500.00		55,111.67
Admin Assessments	65,500.00		65,500.00
<b>Available</b>	<b>100,000.00</b>		<b>129,111.67</b>
<b>Expenses</b>			
Contract Staff	55,000.00	55,000.00	53,943.00
Contract Staff MMP Related			4,250.00
PAC / 3D Basin Modeling	8,000.00	8,000.00 *	8,000.00
Legal Counsel	20,000.00	20,000.00	4,427.00
Legal Counsel MMP Related			4,250.00
Filing fees and postage			-
<b>Total Expenses</b>	<b>28,000.00</b>	<b>83,000.00</b>	<b>74,870.00</b>
<b>Total Available</b>	72,000.00		
<b>Dedicated Reserve</b>	25,000.00		17,000.00
<b>Net Available</b>	<b>47,000.00</b>		<b>37,241.67</b>

\*Transfer of \$3,000 from Admin Reserve to Contract Staff for Basin 3D modeling approved at 5/4/2022 board meeting

\*RFS 2022-03 with Montgomery & Associates for \$5,000 transferred from Admin Reserve to PAC draft presentation and Basin 3D modeling review approved at 5/4/2022 board meeting

\*\* Reimbursement from Mission Memorial Replenishment Assessment for Admin & Legal time to settle issue

**Seaside Groundwater Basin Watermaster**  
**Budget vs. Actual Monitoring & Management - Operations Fund**  
 Fiscal Year (January 1 - December 31, 2022)  
 Balance through December 31, 2022

	<u>2022 Adopted Budget</u>	<u>Contract Encumbrance</u>	<u>Year to Date Revenue/Expenses</u>
<b>Available Balances &amp; Assessments</b>			
Operations Fund Assessment	\$ 232,878.00	\$ -	\$ 232,878.00
Pass Through		-	3,342.00
FY 2021 Rollover	38,000.00	-	50,950.00
<b>Total Available</b>	<b>\$ 270,878.00</b>	<b>\$ -</b>	<b>\$ 287,170.00</b>
<b>Appropriations &amp; Expenses</b>			
<b>GENERAL</b>			
Technical Project Manager*	\$ 75,000.00	\$ 75,000.00	\$ 67,275.00
Contingency @ 10% (not including TPM )	17,807.00	-	
<b>Total General</b>	<b>\$ 92,807.00</b>	<b>\$ 75,000.00</b>	<b>\$ 67,275.00</b>
<b>CONSULTANTS (Montgomery; Web Site Database)</b>			
Program Administration	\$ 21,940.00	\$ 92,731.00	\$ 79,863.50
Production/Lvl/Qty Monitoring	2,400.00		
Basin Management	30,000.00		
Seawater Intrusion Analysis Report	26,290.00	26,290.00	19,307.50
<b>Total Consultants</b>	<b>\$ 80,630.00</b>	<b>\$ 119,021.00</b>	<b>\$ 99,171.00</b>
<b>MPWMD</b>			
Production/Lvl/Qty Monitoring	\$ 68,876.00	68,876.00	38,771.07
Pass Through 2021		-	9,180.00
Basin Management	-		-
Seawater Intrusion	-	-	-
Direct Costs	-	-	-
<b>Total MPWMD</b>	<b>\$ 68,876.00</b>	<b>\$ 68,876.00</b>	<b>\$ 47,951.07</b>
<b>CONTRACTOR (Martin Feeney)</b>			
Hydrogeologic Consulting Services	\$ 4,000.00	4,000.00	-
Production/Lvl/Qty Monitoring	20,565.00	20,565.00	18,892.63
	<b>\$ 24,565.00</b>	<b>\$ 24,565.00</b>	<b>\$ 18,892.63</b>
<b>CONTRACTOR (Todd Groundwater)</b>			
Hydrogeologic Consulting Services	<b>\$ 4,000.00</b>	<b>\$ 4,000.00</b>	-
<b>Total Appropriations &amp; Expenses</b>	<b>\$ 270,878.00</b>	<b>\$ 291,462.00</b>	<b>\$ 233,289.70</b>
<b>Total Available</b>	<b>-</b>		<b>53,880.30</b>

**Seaside Groundwater Basin Watermaster  
 Budget vs. Actual Monitoring and Management - Capital Fund  
 Fiscal Year (January 1 - December 31, 2022)  
 Balance through December 31, 2022**

ITEM VI.D  
 3/1/23

	<b>2022 Adopted Budget</b>	<b>Contract Encumbrance</b>	<b>Year to Date Revenue / Expense</b>
<b>Available Balances and Assessments:</b>			
Monitoring & Management Fund - Capital	\$ 66,667		\$ 66,667
FY 2007-2014 Rollover to 2015	-		-
Transfer out to Operations Fund	-		-
<b>Subtotal</b>	<u>66,667</u>		<u>66,667</u>
<b>Appropriations &amp; Expenses:</b>			
<b>Professional Services</b>			
Project Management	-	-	-
<b>Subtotal</b>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Direct Costs</b>			
Well Drilling -	-	-	-
<b>Subtotal</b>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Total Appropriations and Expenses</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>Total Available</b>	<u><u>\$ 66,667.00</u></u>		<u><u>\$ 66,667.00</u></u>





Seaside Groundwater Basin Watermaster											VI.D
Replenishment Fund											3/1/23
Water Year 2022 (October 1 - September 30) / Fiscal Year (January 1 - December 31, 2022)											Page 1
Balance through December 31, 2022											
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
	WY 05/06	WY 06/07	WY 07/08	WY 08/09	WY 09/10	WY 10/11	WY 11/12	WY 12/13	WY 13/14	WY 14/15	WY 15/16
Assessment Water Year											
Unit Cost:	a \$ 1,132 / \$283	\$ 1,132 / \$283	\$ 2,485 / 621.25	\$ 3,040 / \$760	\$ 2,780 / \$695	\$ 2,780 / \$695	\$ 2,780 / \$695	\$ 2,780 / \$695	\$ 2,702/\$675.50	\$ 2,702/\$675.50	\$ 2,702/\$675.50
<b>Cal-Am Water Balance Forward</b>	b \$ -	\$ 1,641,004	\$ 4,226,710	\$ (2,871,690)	\$ (2,839,939)	\$ (3,822,219)	\$ (6,060,164)	\$ (8,735,671)	\$ (6,173,771)	\$ (3,102,221)	\$ (676,704)
Cal-Am Water Production (AF)	c 3,710.00	4,059.90	3,862.90	2,966.02	3,713.52	3,416.04	3,070.90	3,076.61	3,232.10	2,764.73	1,879.21
Cal-Am Water NSY Over-Production (AF)	d 1,862.69	2,266.32	2,092.16	1,241.27	1,479.47	1,146.71	820.48	856.42	1,032.77	782.17	-
Exceeding Natural Safe Yield Considering Alternative Producers	e \$ 2,106,652	\$ 2,565,471	\$ 5,199,014	\$ 3,773,464	\$ 4,112,933	\$ 3,187,854	\$ 2,280,943	\$ 2,380,842	\$ 2,790,539	\$ 2,113,414	\$ -
Operating Yield Overproduction Replenishment	f \$ -	\$ 20,235	\$ 8,511	\$ -	\$ -	\$ -	\$ 154,963	\$ 181,057	\$ 281,012	\$ 312,103	\$ -
<b>Total California American</b>	g \$ 2,106,652	\$ 2,585,706	\$ 5,207,525	\$ 3,773,464	\$ 4,112,933	\$ 3,187,854	\$ 2,435,907	\$ 2,561,899	\$ 3,071,550	\$ 2,425,516	
CAW Credit Against Assessment	h \$ (465,648)		\$ (12,305,924)	\$ (3,741,714)	\$ (5,095,213)	\$ (5,425,799)	\$ (5,111,413)				
<b>CAW Unpaid Balance</b>	i \$ 1,641,004	\$ 4,226,710	(2,871,690)	\$ (2,839,939)	\$ (3,822,219)	\$ (6,060,164)	\$ (8,735,671)	\$ (6,173,771)	\$ (3,102,221)	\$ (676,704)	\$ (676,704)
<b>City of Seaside Balance Forward</b>	j \$ -	\$ 243,294	\$ 426,165	\$ 1,024,272	\$ 1,619,973	\$ 891,509	\$ (110,014)	\$ (773,813)	\$ (1,575,876)	\$ (2,889,325)	\$ (3,346,548)
City of Seaside Municipal Production (AF)	k 332.00	287.70	294.20	293.44	282.87	240.68	233.72	257.73	223.64	185.01	195.16
City of Seaside NSY Over-Production (AF)	l 194.07	153.78	161.99	153.06	113.21	50.84	58.82	85.17	52.71	25.77	37.87
Exceeding Natural Safe Yield Considering Alternative Producers	m \$ 219,689	\$ 174,082	\$ 402,540	\$ 465,300	\$ 314,721	\$ 141,335	\$ 163,509	\$ 236,782	\$ 142,410	\$ 69,630	\$ 102,330
Operating Yield Overproduction Replenishment	n \$ 12,622	\$ 85	\$ 4,225	\$ 16,522	\$ 20,690	\$ -	\$ 1,689	\$ 27,007	\$ 3,222	\$ 38	\$ 11,959
<b>Total Municipal</b>	o \$ 232,310	\$ 174,167	\$ 406,764	\$ 481,823	\$ 335,412	\$ 141,335	\$ 165,198	\$ 263,788	\$ 145,631	\$ 69,667	\$ 114,290
<b>City of Seaside - Golf Courses (APA - 540 AFY)</b>											
Exceeding Natural Safe Yield - Alternative Producer	p \$ -	\$ -	\$ 131,705	\$ 69,701	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Yield Overproduction Replenishment	q \$ -	\$ -	\$ 32,926	\$ 17,427	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Golf Courses</b>	r \$ -	\$ -	\$ 164,631	\$ 87,128	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total City of Seaside*</b>	s \$ 232,310	\$ 174,167	\$ 571,395	\$ 568,951	\$ 335,412	\$ 141,335	\$ 165,198	\$ 263,788	\$ 145,631	\$ 69,667	\$ 114,290
City of Seaside Late Payment 5%	t \$ 10,984	\$ 8,704	\$ 26,712	\$ 26,750	\$ 15,737						
In-lieu Credit Against Assessment	u \$ -	\$ -	\$ -	\$ -	\$ (1,079,613)	\$ (1,142,858)	\$ (828,996)	\$ (1,065,852)	\$ (1,459,080)	\$ (526,890)	\$ (162)
<b>City of Seaside Unpaid Balance</b>	v \$ 243,294	\$ 426,165	\$ 1,024,272	\$ 1,619,973	\$ 891,509	\$ (110,014)	\$ (773,813)	\$ (1,575,876)	\$ (2,889,325)	\$ (3,346,548)	\$ (3,232,420)
<b>Mission Memorial Park</b>											
Mission Memorial Park Production (AF)	w		20.80	26.40	12.80	22.40	27.00	24.95	24.89	17.97	13.67
Mission Memorial Park NSY Over-Production (AF)	x	-	-	-	-	-	-	-	-	-	-
Exceeding Natural Safe Yield - Alternative Producer	y \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Yield Overproduction Replenishment	z \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Mission Memorial Park</b>	aa \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Replenishment Fund Balance</b>	bb \$ 1,884,298	\$ 4,652,874	\$ (1,847,417)	\$ (1,219,966)	\$ (2,930,710)	\$ (6,170,178)	\$ (9,509,483)	\$ (7,749,648)	\$ (5,991,546)	\$ (4,023,252)	\$ (3,909,125)
<b>Replenishment Fund Balance Forward</b>	cc \$ -	\$ 1,884,298	\$ 4,652,874	\$ (1,847,417)	\$ (1,219,966)	\$ (2,930,710)	\$ (6,170,178)	\$ (9,509,483)	\$ (7,749,648)	\$ (5,991,546)	\$ (4,023,252)
<b>Total Replenishment Assessments</b>	dd \$ 2,349,946	\$ 2,768,576	\$ 5,805,632	\$ 4,369,165	\$ 4,464,082	\$ 3,329,189	\$ 2,601,104	\$ 2,825,688	\$ 3,217,182	\$ 2,495,183	\$ 114,290
<b>Total Paid and/or Credited</b>	ee \$ (465,648)	\$ -	\$ (12,305,924)	\$ (3,741,714)	\$ (6,174,826)	\$ (6,568,657)	\$ (5,940,409)	\$ (1,065,852)	\$ (1,459,080)	\$ (526,890)	\$ (162)
<b>Grand Total Fund Balance</b>	ff \$ 1,884,298	\$ 4,652,874	\$ (1,847,417)	\$ (1,219,966)	\$ (2,930,710)	\$ (6,170,178)	\$ (9,509,483)	\$ (7,749,648)	\$ (5,991,546)	\$ (4,023,252)	\$ (3,909,125)
* 2010 = 319.55 AF golf course in-lieu replenishment and 68.8 AF 4-party agmt in-lieu replenishment											
2011 = 411.1 AF golf course in-lieu replenishment											
2012 = 298.2 AF golf course in-lieu replenishment											
2013 = 383.4 AF golf course in-lieu replenishment											
2014 = 552.4 AF golf course in-lieu capped at 540 AF											
2015 = 195.0 AF golf course in-lieu											
2016 = 00.06 AF golf course in-lieu											
2017 = 00.00 AF golf course in-lieu											

Seaside Groundwater Basin Watermaster Replenishment Fund											
Water Year 2022 (October 1 - September 30) / Fiscal Year (January 1 - December 31, 2022)											
Balance through December 31, 2022											
	2017	2018	2019	2020	WY 2021	WY 2022	Totals WY 2006 Through 2022	Budget WY 2023	Projected Totals Through WY 2023		
Replenishment Fund	WY 16/17	WY 17/18	WY 18/19	WY 19/20	WY 20/21	WY 21/22	WY 22/23				
Assessment Water Year	\$2,872 / \$718	\$2,872 / \$718	\$2,872 / \$718	\$2,872 / \$718	\$2,947 / \$737	\$3,260 / \$815	\$3,461 / \$865				
Unit Cost:											
Cal-Am Water Balance Forward	b \$ (676,704)	\$ (491,747)	\$ (48,797,949)	\$ (47,979,852)	\$ (46,855,121)	\$ (46,855,121)	\$ (46,855,121)				
Cal-Am Water Production (AF)	c 2,029.51	2,229.45	2,120.22	2,245.88	1,664.04	1,648.71	47,689.74				
Cal-Am Water NSY Over-Production (AF)	d 64.40	374.65	284.85	334.21	-	-	14,638.57				
Exceeding Natural Safe Yield Considering Alternative Producers	e \$ 184,957	\$ 1,075,995	\$ 818,097	\$ 959,859	\$ -	\$ -	\$ 33,550,034	\$ 100,000	\$ 33,650,034		
Operating Yield Overproduction Replenishment	f			\$ 164,872	\$ -	\$ -	\$ 1,122,753	\$ 20,000	\$ 1,142,753		
Total California American	g \$ 184,957	\$ 1,075,995	\$ 818,097	\$ 1,124,731	\$ -	\$ -	\$ 34,672,786	\$ 120,000	\$ 34,792,786		
CAW Credit Against Assessment	h	\$ (49,382,196)	\$ -	\$ -	\$ -	\$ -	\$ (81,527,907)	\$ -	\$ (81,527,907)		
CAW Unpaid Balance	i \$ (491,747)	\$ (48,797,949)	\$ (47,979,852)	\$ (46,855,121)	\$ (46,855,121)	\$ (46,855,121)	\$ (46,855,121)	\$ (46,735,121)	\$ (46,735,121)		
City of Seaside Balance Forward	j \$ (3,232,420)	\$ (3,142,500)	\$ (3,022,249)	\$ (2,919,806)	\$ (2,802,831)	\$ (2,708,829)	\$ (2,661,184)				
City of Seaside Municipal Production (AF)	k 188.31	184.63	178.40	181.65	174.69	155.12	3,888.95				
City of Seaside NSY Over-Production (AF)	l 30.47	32.46	27.82	32.06	25.52	11.69	1,247.31				
Exceeding Natural Safe Yield Considering Alternative Producers	m \$ 87,512	\$ 93,225	\$ 79,893	\$ 92,089	\$ 75,197	\$ 38,116	\$ 2,898,358	\$ 100,000	\$ 2,998,358		
Operating Yield Overproduction Replenishment	n \$ 2,409	\$ 27,026	\$ 22,550	\$ 24,886	\$ 18,806	\$ 9,529	\$ 203,263	\$ 10,000	\$ 213,263		
Total Municipal	o \$ 89,920	\$ 120,251	\$ 102,443	\$ 116,975	\$ 94,002	\$ 47,645	\$ 3,101,621	\$ 110,000	\$ 3,211,621		
City of Seaside - Golf Courses (APA - 540 AFY)											
Exceeding Natural Safe Yield - Alternative Producer	p \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 201,406		\$ 201,406		
Operating Yield Overproduction Replenishment	q \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,353		\$ 50,353		
Total Golf Courses	r \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 251,759		\$ 251,759		
Total City of Seaside*	s \$ 89,920	\$ 120,251	\$ 102,443	\$ 116,975	\$ 94,002	\$ 47,645	\$ 3,353,380	\$ 110,000	\$ 3,463,380		
City of Seaside Late Payment 5%	t						\$ 88,887		\$ 88,887		
In-lieu Credit Against Assessment	u						\$ (6,103,451)		\$ (6,103,451)		
City of Seaside Unpaid Balance	v \$ (3,142,500)	\$ (3,022,249)	\$ (2,919,806)	\$ (2,802,831)	\$ (2,708,829)	\$ (2,661,184)	\$ (2,661,184)	\$ (2,551,184)	\$ (2,551,184)		
Mission Memorial Park (APA - 31 AFY)											
Mission Memorial Park Production (AF)	w 13.74	14.43	16.07	20.00	46.77	33.95	335.84				
Mission Memorial Park NSY Over-Production (AF)	x -	-	-	-	15.77	2.95	18.72				
Exceeding Natural Safe Yield - Alternative Producer	y \$ -	\$ -	\$ -	\$ -	\$ 46,488	\$ 9,608	\$ 56,096		\$ 56,096		
Operating Yield Overproduction Replenishment	z \$ -	\$ -	\$ -	\$ -	\$ 11,626	\$ 2,402	\$ 14,028		\$ 14,028		
Board Approved (5/4/22) Credit Against Assessment	aa \$ -	\$ -	\$ -	\$ -	\$ (33,114)	\$ -	\$ (33,114)		\$ (33,114)		
Mission Memorial Park Unpaid Balance	ao \$ -	\$ -	\$ -	\$ -	\$ 25,000.00	\$ 12,010	\$ 37,010	\$ -	\$ 37,010		
Total Replenishment Fund Balance	bb \$ (3,634,247)	\$ (51,820,198)	\$ (50,899,658)	\$ (49,657,952)	\$ (49,563,950)	\$ (49,516,305)	\$ (49,479,295)	\$ (49,286,305)	\$ (49,286,305)		
Replenishment Fund Balance Forward	cc \$ (3,909,125)	\$ (3,634,247)	\$ (51,820,198)	\$ (50,899,658)	\$ (49,657,952)	\$ (49,563,950)	\$ (49,504,295)				
Total Replenishment Assessments	dd \$ 274,877	\$ 1,196,246	\$ 920,540	\$ 1,241,706	\$ 119,002	\$ 59,655	\$ 38,152,063	\$ 230,000	\$ 38,382,063		
Total Paid and/or Credited	ee \$ -	\$ (49,382,196)	\$ -	\$ -	\$ (25,000)	\$ -	\$ (87,656,358)	\$ 12,010	\$ (87,644,348)		
Grand Total Fund Balance	ff \$ (3,634,247)	\$ (51,820,198)	\$ (50,899,658)	\$ (49,657,952)	\$ (49,563,950)	\$ (49,504,295)	\$ (49,504,295)	\$ (49,262,285)	\$ (49,262,285)		

TO: Board of Directors  
FROM: Robert S. Jaques, Technical Program Manager  
DATE: March 1, 2023  
SUBJECT: Discussion/Consider Approving Montgomery & Associates RFS No. 2023-03 to Install a Replacement Monitoring Well for Monitoring Well FO-9 Shallow

-----  
**RECOMMENDATIONS:**

It is recommended that the Board approve Montgomery & Associates RFS No. 2023-03, subject to subsequent approval by the TAC.

**BACKGROUND:**

As discussed in the 2021 and 2022 Watermaster Annual Reports, monitoring well FO-9 Shallow developed a leak in its casing and had to be destroyed to prevent cross-aquifer contamination. A Capital Project to start work on designing and installing a replacement well was included in the 2022 Monitoring & Management Program (M&MP) Capital Budget. Using money from the 2022 Capital Project budget, in 2022 the Watermaster issued a contract to its consultant, Montgomery & Associates (M&A), to perform the planning and design work for a replacement well. The approved 2023 M&MP Capital Budget included the cost to actually drill and install the well in 2023. Efforts have been underway since late 2022 and into early 2023 to develop a three-party cost-sharing agreement between MPWMD, the Watermaster, and MCWD for the costs to replace the well.

**DISCUSSION:**

In August of 2022 M&A obtained a preliminary cost quote from Maggiora Brothers Drilling Inc. to install a replacement well. That quote had to be based on a number of assumptions, since the actual design of the well had not been prepared at that time. The quote was used for budgeting purposes. M&A has now designed the replacement well and has developed plans and specifications to have it installed. M&A has solicited new price quotes from two well drillers to install the replacement well. At the time of preparation of this Agenda Transmittal only one of the two quotes had been received, that from Maggiora Brothers Drilling Inc. Maggiora Brother’s updated price would slightly increase the cost for M&A to complete having the well installed. The attached RFS No. 2023-3 reflects the updated costs. The increase is approximately \$18K above the \$240K amount budgeted for Tasks 3 and 4 of this work in the 2023 M&MP Capital Outlay Budget. The \$240K figure was based in part on the August 2022 Maggiora Brothers preliminary quote. However, since it now appears that it will be possible to share in the costs of this work with MPWMD and MCWD (as discussed separately under an Action item on today’s agenda) the total cost to the Watermaster will likely fall well below the budgeted amount. If not, the increased amount can be funded through the Contingency line-item in the M&MP Operations Budget.

If the quote from the second well driller is lower than that received from Maggiora Brothers, and is fully responsive to the project’s requirements, then that driller would be selected and their lower prices would be used to reduce the costs to complete Tasks 3 and 4.

Normally, the TAC would be asked to approve this RFS before sending it to the Board for approval. However, some of the recently scheduled TAC meetings have needed to be postponed. In order to avoid further delaying this work, I am asking the Board to approve RFS No. 2023-03 at today’s meeting, with that approval being contingent upon the subsequent approval of the TAC at its March 8, 2023 meeting. This sequence of approvals will enable a Notice-to-Proceed to be issued to the selected drilling contractor as soon as possible.

**ATTACHMENT:** Montgomery & Associates RFS No. 2023-03



SEASIDE GROUNDWATER BASIN  
WATERMASTER

TO: Board of Directors

FROM: Robert S. Jaques, Technical Program Manager  
REVIEWED BY: Laura Paxton, Administrative Officer

DATE: March 1, 2023

SUBJECT: Consider Approving Revisions to the Watermaster's Rules and Regulations

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**RECOMMENDATIONS:** Approve the attached Proposed Revisions to the Rules and Regulations

**BACKGROUND:**

The Governor's proclaimed State of Emergency related to the Covid-19 health crisis came to an end on February 28, 2023. Therefore, the provision allowing legislative bodies to hold meetings using Zoom or some other form of videoconferencing also came to an end. Some new legislation has been developed that will provide bodies whose meetings are subject to the requirements of the Ralph M. Brown Act (California Government Code, Title 5, Division 2, Part 1, Chapter 9) (herein referred to simply as the "Brown Act") with the ability to enable members of those bodies to participate remotely in meetings under certain very limited and restrictive conditions.

The Brown Act applies to the meetings of "legislative bodies" of all "local agencies" in California, e.g., councils, boards, commissions and committees. "Local agencies" are defined in Section 54951 of the Brown Act as including all cities, counties, school districts, municipal corporations, special districts, and all other local public entities. Under the definitions contained in the Brown Act the Watermaster is not a "local agency" and therefore would not be subject to the requirements of the Brown Act.

However, the Adjudication Decision that created the Watermaster states, in paragraph III/L.3.h "Meeting Procedures. Watermaster shall designate the procedure for conducting meetings within its Rules and Regulations. Rules and regulations for conducting meetings shall conform to the procedures established for meetings of public agencies pursuant to the California Open Meetings Law ("Brown Act"), California Government Code section 54950 et seq., as it may be amended from time to time." Therefore, the Watermaster is required to hold its meetings in conformance with the requirements of the Brown Act.

**DISCUSSION:**

Section 54952 of the Brown Act defines "legislative bodies" to be:

- (a) The governing body of a local agency or any other local body created by state or federal statute.
- (b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. *However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.* (Emphasis added)

The Watermaster's Technical Advisory Committee (TAC) does not meet the definition of "a governing body" (that would be the Watermaster's Board of Directors). It is also not a committee that has a "quorum of the legislative body" (normally at most one or two members of the Board of Directors are members of the TAC). It is not a committee that has "continuing subject matter jurisdiction," since it is only an advisory committee to the Board of Directors. The TAC can only make recommendations on technical matters to the Board, which as the governing body is the party that can either accept, reject, or modify the TAC's recommendations and take action on them.

Thus, the Brown Act would not apply to the TAC, but for the fact that the Watermaster's Rules and Regulations, in Section 3.3 titled "Advisory Committees," has a subsection titled "Standing Committees" and the TAC is listed under that subsection.

While the Governor's State of Emergency was in effect, the TAC's meetings were held using Zoom. This approach was very successful in having a quorum to conduct TAC business by avoiding situations where TAC members could not attend in person due to other essential meetings being held in close time-proximity to the TAC meetings. Now, with reduced staffing in many agencies, with some staff members being allowed to work from home, and with potentially more frequent time-conflicts with other meetings that TAC members are required to attend, there will be an increased likelihood of having a lack of quorum to conduct TAC meetings.

In view of the success of using the Zoom meeting approach, it is recommended that the Board revise the language in Section 3.3 of its Rules and Regulations as follows:

1. The language in the opening paragraph of this Section currently reads: *"The Watermaster Board may establish such committees and subcommittees as it deems necessary to advise Watermaster Board on specific issues. Persons appointed to such committees or subcommittees need not be a Member. No more than five (5) Members or their Alternates shall sit on any individual committee or subcommittee. Each committee member shall be entitled to one (1) vote only."*

Revise this paragraph by adding this language: *"Meetings of these committees will be publicly noticed and members of the public will be able to participate in those meetings. None of these committees will have jurisdiction over the subject matter with which it deals. The committees may only provide recommendations to the Board. It is the Board that has the jurisdiction to take action on those recommendations."*

1. Delete subheading 3.3.1 in this Section titled "Standing Committees" which states "The Watermaster has established the following standing committees."
2. Renumber subsections 3.3.1.1 "Technical Advisory Committee" and 3.3.1.2 "Budget and Finance Committee" to be subsections 3.3.1 and 3.3.2 respectively, and add subsection 3.3.3 Public Awareness Committee.
3. Renumber subsection 3.3.2 to subsection 3.3.4, change the title to "Committee Meetings" and delete the instances of "standing" in the subsection.

With these language revisions, these committees would simply be advisory committees, not standing committees. This would exempt them from having to function under the requirements of the Brown Act, and would improve the ability of these committees to have a quorum present by enabling them to conduct meetings using the Zoom meeting approach. Their meetings would still be publicly noticed and members of the public would still be able to participate in those meetings.

**ATTACHMENT:** Current Watermaster Rules & Regulations and Proposed Revised Language in Section 3.3 of the Rules and Regulations

## CURRENT WATERMASTER RULES AND REGULATIONS RE: COMMITTEES

### 3.3 Advisory Committees

The Watermaster Board may establish such committees and subcommittees as it deems necessary to advise Watermaster Board on specific issues. Persons appointed to such committees or subcommittees need not be a Member. The Watermaster Board shall appoint the Chairperson of any such committee or subcommittee. No more than five (5) Members or their Alternates shall sit on any individual committee or subcommittee. Each committee member shall be entitled to one (1) vote only.

#### 3.3.1 Standing Committees

The Watermaster Board has established the following standing committees.

##### A. Technical Advisory Committee

The purpose of the Technical Advisory Committee is to advise the Watermaster Board regarding implementation of the physical solution, and to perform such specific tasks as the Watermaster assigns to the Technical Advisory Committee from time to time. The Technical Advisory Committee shall be made up of one committee member for each voting Member of the Board of Directors and one member of the Public duly voted on by the Board of Directors for a total of ten, (10) committee members. Committee members representing each Board voting member will be chosen by representatives from that Member entity. The individual voted on by the Board must reside within the boundaries of the Seaside Groundwater Basin and will serve for a two-year term and could be reappointed if the Board so decides. At its sole discretion the Board may remove and/or replace the Public member at any time. A minimum of 6 members shall be required to constitute a quorum of the Technical Advisory Committee.

##### B. Budget and Finance Committee

The purpose of the Budget and Finance Committee is to advise the Watermaster Board regarding the funding of implementation of the physical solution, including operations of the Watermaster.

#### 3.3.2 Meetings of Standing Committees

Meetings of any standing committee may be called by the Chair or Vice Chair of such committee. At least 72 hours before a regular meeting of a standing committee or at least 24 hours before a special meeting of a standing committee, the Secretary of the Watermaster, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting and deliver a copy of the agenda to the members of the committee and to Persons who have made a written request for copies of the agendas of the standing committee. The agenda shall otherwise conform with the content, posting and availability of requirements for agencies set forth in Rule 3.6.

## **Proposed Revised Language in Section 3.3 of the Rules and Regulations**

### 3.3 Advisory Committees

The Watermaster Board may establish such committees and subcommittees as it deems necessary to advise Watermaster Board on specific issues. Meetings of these committees will be publicly noticed and members of the public will be able to participate in those meetings. None of these committees will have jurisdiction over the subject matter with which it deals. The committees may only provide recommendations to the Board. It is the Board that has the jurisdiction to take action on those recommendations. Persons appointed to such committees or subcommittees need not be a Member. No more than five (5) Members or their Alternates shall sit on any individual committee or subcommittee. Each committee member shall be entitled to one (1) vote only.

#### 3.3.1 Technical Advisory Committee

The purpose of the Technical Advisory Committee is to advise the Watermaster Board regarding implementation of the physical solution, and to perform such specific tasks as the Watermaster assigns to the Technical Advisory Committee from time to time.

#### 3.3.2 Budget and Finance Committee

The purpose of the Budget and Finance Committee is to advise the Watermaster Board regarding the funding of implementation of the physical solution, including operations of the Watermaster.

#### 3.3.3 Public Awareness Committee

The purpose of the Public Awareness Committee is to advise the Watermaster Board regarding the development of a plan for presenting to public agencies and citizens the role of Watermaster and the critical depleted status of the Seaside Basin.

#### 3.3.4 Committee Meetings

Meetings of any committee may be called by the Chair or Vice Chair of such committee. At least 72 hours before a regular meeting of a committee or at least 24 hours before a special meeting of a committee, the Secretary of the Watermaster, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting and deliver a copy of the agenda to the members of the committee and to Persons who have made a written request for copies of the agendas of the committee. The agenda shall otherwise conform with the content, posting and availability of requirements for agencies set forth in Rule 3.6.



**SEASIDE GROUNDWATER BASIN  
WATERMASTER**

TO: Board of Directors

FROM: Robert S. Jaques, Technical Program Manager

DATE: March 1, 2023

SUBJECT: Discussion/Consider Approving Cost-Sharing Agreement for Installing a Replacement Monitoring Well for Monitoring Well FO-9 Shallow

-----  
**RECOMMENDATIONS:**

It is recommended that the Board approve the attached Cost-Sharing Agreement and authorize the Chairperson to execute the Agreement.

**BACKGROUND:**

As discussed in the 2021 and 2022 Watermaster Annual Reports, monitoring well FO-9 Shallow developed a leak in its casing and had to be destroyed to prevent cross-aquifer contamination. Capital Projects have been included in the 2022 and 2023 Monitoring & Management Program (M&MP) Capital Budgets to design and install a replacement well. Data that will be obtained from the replacement well will be useful to MPWMD and MCWD as well as the Watermaster. Efforts have been underway since late 2022 and into early 2023 to develop a three-party cost-sharing agreement between these entities for the costs to install the replacement well.

**DISCUSSION:**

The Consent item in today's Agenda packet for Montgomery & Associates' RFS No. 2023-03 provides a description of the work that is being undertaken to install the replacement well. Attached is a Memorandum of Agreement for the Watermaster, MPWMD, and MCWD to share in the costs of that work. The Agreement was negotiated with those entities and has been found acceptable to the staffs of each of them. MPWMD and MCWD staffs intend to present the Agreement to their respective Boards of Directors for approval later this March. If approved by all three entities, the Watermaster's share of the costs will be significantly reduced from the budgeted amount.

**ATTACHMENT:**

Memorandum of Agreement Between the Seaside Basin Watermaster, the Monterey Peninsula Water Management District, and the Marina Coast Water District to Share in the Costs of Installing a Groundwater Monitoring Well

# **MEMORANDUM OF AGREEMENT**

## **BETWEEN THE SEASIDE BASIN WATERMASTER THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AND THE MARINA COAST WATER DISTRICT TO SHARE IN THE COSTS OF INSTALLING A GROUNDWATER MONITORING WELL**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the SEASIDE BASIN WATERMASTER, hereinafter referred to as the "WATERMASTER", and the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, hereinafter referred to as the "DISTRICT", and the MARINA COAST WATER DISTRICT, hereinafter referred to as "MARINA COAST," as follows.

In this Agreement the terms "Party" and "Parties" refer to the WATERMASTER, the DISTRICT, and/or MARINA COAST, either individually or collectively.

### **RECITALS:**

- A. Under Case No. M66343, California Superior Court, Monterey County, on March 27, 2006 by entry of Judgment ("Judgment") the WATERMASTER was created. The purpose of the WATERMASTER is to assist the Court in the administration and enforcement of the provisions of the Judgment.
- B. As part of carrying out its duties and responsibilities under the Judgment, the WATERMASTER carries out a Monitoring and Management Program (M&MP). Under the M&MP groundwater level and groundwater quality data is collected from a network of monitoring and production wells.
- C. One of the monitoring wells, FO-9 Shallow, developed a casing leak and had to be destroyed. The Parties wish to install a new monitoring well to replace FO-9 Shallow.
- D. The Parties wish to enter into this Agreement to share in the cost of installing the replacement well.

### **Terms and Conditions**

In consideration of the mutual promises contained herein, the WATERMASTER, the DISTRICT, and MARINA COAST hereby agree to the following terms and conditions:

- A. Work to be performed.** The WATERMASTER will have its consultant, Montgomery & Associates, design and install the replacement monitoring well. The Scope of Work and the estimated costs to perform this work are described in Attachment 1 to this Agreement. The staff of each of the Parties to this Agreement will be invited to attend any key meetings and/or conference calls that are held between the WATERMASTER and its consultant as the work is being performed, in order to enable each of the Parties to stay abreast of the work, raise pertinent questions in a timely manner, and provide input as appropriate.

The Parties hereto understand, as stated in Attachment 1, that it is difficult for Montgomery & Associates to accurately estimate the costs to perform the work and that the costs listed in the table in Exhibit C in Attachment 1 are Montgomery & Associates' best estimates. In the event it is determined, during the course of the work, that the cost to complete the work will be greater than the total cost listed in that table, the Parties agree to meet and confer to reach agreement on a revised cost that will be shared as described in paragraph B, so that the work can be completed. Agreement on said revised cost shall not be binding on any Party unless and until that Party formalizes its agreement to the revised cost in writing to each of the other Parties.

- B. Costs of installing the replacement well to be shared.** The costs to be shared are the Total Costs shown in the bottom row of the table in Exhibit C of Attachment 1. These costs will be shared in the following percentages:

WATERMASTER share = 42.5% (estimated to be \$119,763.73)

DISTRICT share = 15% (estimated to be \$42,269.55)

MARINA COAST share = 42.5% (estimated to be \$119,763.72)

(In the event a revised cost is agreed to, as described in paragraph A, these dollar figures will change in accordance with paragraph A).

- C. Documents to be provided.** Once the Draft Technical Specifications are prepared under Task 2 as described in Attachment 1, the WATERMASTER will provide the DISTRICT and MARINA COAST each with one copy of the Draft Technical Specifications for their review and comment. After receipt of those comments, and any comments the WATERMASTER provides, the Final Technical Specifications will be prepared incorporating any appropriate revisions to address those comments. The DISTRICT and MARINA COAST will each be provided one copy of the Final Technical Specifications that will be used for the installation of the replacement well, and will also be provided one copy of the Well Installation Report referred to in Task 3 of Attachment 1, following completion of installation of the replacement well.

- D. Payment of costs and reimbursement to the WATERMASTER.** The WATERMASTER will make progress payments to Montgomery & Associates as it satisfactorily performs the work described in Attachment 1. After the satisfactory completion of the work, the WATERMASTER will provide to the DISTRICT and to MARINA COAST, copies of the payments it made to Montgomery & Associates. Within 30 days of receiving those documents, the DISTRICT and MARINA COAST will reimburse the WATERMASTER for their percentage shares of those costs, subject to the limits set forth in sections A and B..

**E. Term of Agreement.** The term of this Agreement shall commence on the date of its execution, and shall continue in effect until the WATERMASTER has been reimbursed as described in paragraph D, , except that paragraphs F, G, H, and I shall continue in effect until the replacement well is destroyed..

**F. Hold Harmless.** Under this Agreement each of the Parties does hereby agree to indemnify, defend, and hold each of other the Parties and their Board members, officers, employees, agents, and representatives harmless from and against any and all liability, claims, suits, actions, damages, and causes of action of any kind arising out of the performance of the work described in this Agreement.

Notwithstanding any input from DISTRICT and/or MARINA COAST, the WATERMASTER shall have sole responsibility for the design, installation, operation, monitoring, repair, and any future replacement of the replacement monitoring well.

**G. Venue.** In the event that suit shall be brought by any Party to this Agreement, the Parties agree that venue shall be exclusively vested in the state courts of the County of Monterey, or, if brought in federal court, in the United States District Court handling matters arising in Monterey County. Further, the prevailing Party shall be entitled to reasonable attorney fees and costs.

**H. Sharing of Well Data; Operational Changes.** The WATERMASTER agrees to provide the other Parties with all monitoring data and other output information from the well and in a timely manner and to consult with the other Parties on any operational and other changes proposed to be made to the well.

**I. Notices.** Written notice shall be deemed to have been duly served if delivered in person or by mail to the individuals and at the addresses listed below:

A. WATERMASTER:            Technical Program Manager  
                                         Seaside Basin Watermaster  
                                         P.O. Box 51502  
                                         Pacific Grove, CA 93950

B. DISTRICT:                    General Manager  
                                         Monterey Peninsula Water Management District  
                                         5 Harris Court, Building G  
                                         Monterey, CA 93940

B. MARINA COAST:            General Manager  
                                         Marina Coast Water District  
                                         11 Reservation Road  
                                         Marina, CA 93933

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the dates shown below.

**WATERMASTER**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Name) Chair, Board of Directors

**DISTRICT**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
David Stoldt, General Manager

**MARINA COAST**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Remleh Scherzinger, General Manager

**ATTACHMENT 1**  
**Scope of Work and Cost**  
**to**  
**Design and Install the Replacement Monitoring Well**

Notes:

1. The Scope of Work in Exhibit A was taken from Montgomery & Associates' Proposal Letter Dated August 3, 2022
2. The well driller's cost quote dated 02/01/2023 is in Exhibit B.
3. The table showing the total estimated costs is in Exhibit C.

TO: Board of Directors

FROM: Laura Paxton, Administrative Officer

DATE: March 1, 2023

SUBJECT: Discussion/Consider a Funding Mechanism to Ensure Seaside Groundwater Basin Replenishment

**RECOMMENDATIONS:**

It is recommended that the Board consider whether to hire a consultant to help develop a long-term funding mechanism for obtaining water that may become available to replenish the Seaside Groundwater Basin (Basin).

**BACKGROUND:**

On July 20, 2021, Watermaster Technical Program Manager, Bob Jaques arranged a meeting with David Stoldt of Monterey Peninsula Water Management District (MPWMD), Mike McCullough of Monterey One Water (M1W), and Chris Cook of California American Water (CAW) to discuss the topic of recharging the Seaside Basin to achieve groundwater levels that would be protective against seawater intrusion. A question in the Discussion Paper provided by Mr. Jaques for the meeting asked: Does CAW, MPWMD, or M1W have any way of recouping replenishment costs from their rate payers? M1W and CAW felt they did not have that ability, but MPWMD felt doing so would be within their mission. Discussion included the complexities of MPWMD ratepayer assessments, how much replenishment water was needed, and potential supply sources.

A Watermaster Replenishment Ad Hoc Committee comprised of Directors Albert, Gaglioti, Bruno, Riley and Cook was held on October 20, 2021 to consider options for replenishment of the Seaside Groundwater Basin. At the end of discussions, meeting Facilitator Bruno requested Cook and Stoldt devise a funding mechanism to provide the Basin with replenishment water.

At the meeting held January 30, 2023 the Watermaster Budget and Finance Committee reviewed, the method of calculation of the Replenishment Assessment Unit Costs charged to producers if their respective production allocations are exceeded. There was consensus that the Replenishment Assessment Fund, though ostensibly created to fund purchase of replenishment water, is not practically able to do so due to standard producers being allowed credit for in-lieu replenishment or expenses incurred while seeking a long-term water supply, resulting in no actual cash being collected in the Replenishment Fund. The Committee recommended that the Board consider whether to develop a long-term replenishment funding mechanism that is unrelated to Replenishment Fund assessments.

**DISCUSSION:**

Director Riley has repeatedly expressed concern about the lack of a long-term plan to generate funding to buy replenishment water if it becomes available. The Board has been informed that the Basin is at serious risk of seawater intrusion, being critically below protective groundwater levels in many locations. The only guard against intrusion is to raise groundwater elevations to protective levels. Recent studies by the Watermaster on Basin replenishment needs found that between 1,000 and 3,600 acre-feet annually, dependent on weather patterns, future demand projections, the timing of future water supply projects, and the impacts of inter-basin flows between the Basin and adjacent subbasins.

**FISCAL IMPACT:**

There is currently a cash balance of \$37,010 in the Replenishment Assessment Fund available toward hiring a professional consultant to develop a long-term replenishment funding plan.

**ATTACHMENT:**

1. Discussion Paper for July 20, 2021 Water Replenishment meeting between Watermaster, MPWMD, M1W, and CAW with legal opinion

## **DISCUSSION PAPER FOR JULY 20, 2021 MEETING**

*Robert Jaques, Watermaster Technical Program Manager*

### ***Background***

A Zoom meeting was held on January 15, 2021 with representatives of the Watermaster (Bob Jaques), Monterey Peninsula Water Management District (Dave Stoldt), M1W (Mike McCullough), Cal Am (Chris Cook, Ian Crooks, Tim O'Halloran) to discuss the topic of recharging the Seaside Basin to achieve groundwater levels that would be protective against seawater intrusion. Topics discussed included:

- Recharge water would not be sold to users, it would be left in the Basin to benefit all users of the Basin and to help ensure the long-term beneficial use of the Basin. Similar to other water management and water resource protection activities that are already being performed and paid for by users, does Cal Am, MPWMD, or M1W have any way of recouping such costs from their rate payers? M1W and Cal Am felt they did not have that ability, but MPWMD felt doing so would be within their mission. Mr. Stoldt felt it would be a complicated matter to determine who should pay for the recharge water. He cautioned that his Board would first need to be in agreement that purchasing water to recharge the Basin would be an appropriate cost for which landowners within its jurisdictional area should pay.
- The Watermaster has already explored with the State their various grant and loan programs to see if there is any funding available through them to purchase water to recharge the Basin. The State responded that they do not have any funding programs to pay for the purchase of recharge water. Did the representatives have any suggestions on sources of money to pay the cost of producing the recharge water? No one was aware of any State or Federal funding programs that could help with the cost to purchase recharge water.

### ***Adjudication Decision (Judgement) Authorities and Obligations of the Watermaster Pertaining to Replenishment of the Seaside Basin***

The Legal Opinion on this was prepared by Chris Campbell, the Watermaster's recently hired legal counsel, and concluded in part that:

- The Watermaster has the authority and the obligation to prevent seawater intrusion into the Basin, and to manage the water supply of the Basin for the beneficial use of the public.
- The Watermaster must ensure that the Basin's ongoing viability [as a potable water supply source] is maintained.
- The Watermaster is to work collaboratively with other entities to complete the work required to achieve groundwater levels that protect the Basin against seawater intrusion.
- If the Court determines that the Watermaster is not carrying out its duties, the Court, may impose sanctions. Those could include fines, pumping moratoriums, or even the creation of a Special Master to take over management of the Basin.



**SEASIDE GROUNDWATER BASIN WATERMASTER**

TO: Board of Directors

FROM: Laura Paxton, Administrative Officer

DATE: March 1, 2023

SUBJECT: Scheduling of a Watermaster Board Member Orientation Study Session

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**RECOMMENDATIONS:** It is recommended that the Board consider scheduling a Watermaster board member orientation study session once the City of Del Rey Oaks appoints a representative.

**BACKGROUND:**

At the December 7, 2022 board meeting, Director Riley requested the board hold a study session on strategic issues so that newly appointed board members and others interested can benefit from the corporate knowledge of longstanding board members. Chair Bruno supported Director Riley's request and planned for the scheduling to be done once new board representatives were appointed.

**DISCUSSION:**

As of today, the City of Del Rey Oaks has not appointed a representative to the Watermaster Board of Directors. The City of Monterey has appointed Council Member Barber. Since the two cities have the two new board appointees with the most to gain from such a session, it is recommended to wait for the City of Del Rey Oaks to appoint before scheduling the study session.

**ATTACHMENT:** Director Riley memorandum of request for a Study Session on Strategic Issues submitted at the December 7, 2022 Watermaster Board meeting (Note: item C.1. in Director Riley's memorandum was addressed at the December 7, 2022 board meeting.)