

REGULAR MEETING
Seaside Groundwater Basin Watermaster
October 1, 2008

MINUTES

I. CALL TO ORDER

Chairman Rubio called the meeting to order at 2:00 p.m. in the Monterey Regional Water Pollution Control Agency Boardroom at 5 Harris Court, Building D, Monterey.

II. ROLL CALL

City of Seaside – Mayor Ralph Rubio, Chairman
Laguna Seca Subarea Landowner – (Alternate) Gary Cursio
Monterey Peninsula Water Management District (“MPWMD”) – Director Judi Lehman, Secretary
California American Water (“CAW”) – Director Tom Bunosky
City of Del Rey Oaks – Mayor Joseph Russell, Treasurer
City of Monterey – Councilmember Frank Sollecito
City of Sand City – Mayor David Pendergrass
Coastal Subarea Landowner – Director Paul Bruno, Vice Chair
Monterey County/Monterey County Water Resources Agency (“MCWRA”) – (Alternate) Curtis Weeks

III. APPROVAL OF MINUTES

Moved by Director Bunosky, seconded by Mayor Russell and unanimously carried, to approve the Watermaster Regular Meeting minutes of September 9, 2008.

IV. REVIEW OF AGENDA

There were no changes to the agenda.

V. PUBLIC PARTICIPATION/ORAL COMMUNICATIONS

There were no questions or comments from the public.

VI. CONSENT CALENDAR

- A. Approval of Summary for Payments made from June through September 30, 2008 – \$56,171.50.
- B. Consider current year financial reports – Through September 30, 2008.

Moved by Director Weeks, seconded by Director Bruno, and unanimously carried, to approve the payment of bills and authorize the current fiscal year financial reports.

VII. ORAL PRESENTATION

The Board received and reviewed the staff report from Mr. Bob Jaques, Technical Project Manager, who introduced Derrick Williams of Hydrometrics, consultant to Watermaster Technical Advisory Committee (“TAC”) for development of the Basin Management Action Plan (“BMAP”) and the Seawater Intrusion Response Plan (“SIRP”), who gave a presentation on key issues and the status of the plans within the Basin Monitoring and Management Program to be

presented to the Board at its January 7, 2009 meeting. Mayor Pendergrass requested plans focus more on seawater intrusion prevention measures than on reactive measures when an intrusion event is triggered and noted that the City of Sand City had complete capture and re-percolation of runoff from the two City shopping center parking lots. Mr. Williams stated that he would review Sand City's storm water runoff project as it relates to the plans presented.

Mr. George Riley, Citizens for Public Water, addressed the board, inquiring as to whether the storage capacity of the Basin could be regarded as an asset, to which Director Weeks responded that the capacity is indeed an asset and is recognized as such in the Adjudication to remain in the hands of the public.

It was noted that the BMAP and SIRP public outreach would be achieved upon presentation of the final draft to the Watermaster board. Mr. Jaques stated that he would be requesting initial California Environmental Quality Act ("CEQA") review of the documents upon approval by the Board to determine whether responses triggered by events specified in the plans would be considered projects under CEQA or emergency actions exempt from CEQA.

President Rubio called for a special meeting to be held on October 23, 2008 at 8:00 a.m. at the MRWPCA Board room for further review of the BMAP and SIRP.

VIII. OLD BUSINESS

A. COMMITTEE REPORTS

1. BUDGET AND FINANCE COMMITTEE

a) Consider revisions to Watermaster Rules and Regulations Rule 11. The Board received and reviewed the proposed revisions to Rule 11 adding language to ensure compliance by well owners/operators under the Judgment in reporting well data to Watermaster. If the revision is adopted and Watermaster is given the authority to impose a monetary sanction, a motion should be filed seeking Judge Randall's approval of the revision in order to be consistent with the earlier representation to Judge Randall by attorney Nick Jacobs on behalf of Watermaster.

Moved by Director Bruno, seconded by Mayor Russell, and unanimously carried, to approve the revisions to the Watermaster Rules and Regulations Rule 11 as proposed with the addition to the last sentence of the added text, "and shall be limited to the actual costs incurred by Watermaster in obtaining the required data in accordance with the Court Adjudication and the Watermaster Rules and Regulations."

b) Consider revisions to Watermaster Rules and Regulations Section 3.5 Special Meetings. The Board received and reviewed the proposed revision to Watermaster Rules and Regulations Section 3.5 Special Meetings reducing the amount of prior notice of special meetings from 10 days to 3 days.

Moved by Mayor Russell, seconded by Director Lehman, and unanimously carried to approve the revisions to the Watermaster Rules and Regulations Section 3.5.2, as proposed.

- B.** Attorney Eric Robinson of Kronic, Moskovitz, Tiedemann, & Girard, on behalf of the Laguna Seca Alternative Producers (Pasadera Country Club, York School, Bishop, McIntosh & McIntosh, and Laguna Seca Resort), reviewed his submitted correspondence to Watermaster CEO, Dewey Evans dated September 19, 2008 regarding Laguna Seca Alternative Producer's request to be exempted from the 10% reduction in pumping effective January 1, 2009 if certain conditions exist per the Court Amended Decision asserting that the Southern Coastal and Laguna Seca subareas have protective groundwater elevations that prevent seawater intrusion. He informed the Board that technical documentation supporting the exception would be submitted to the Watermaster TAC by noon on Thursday, October 2, in time for the item to be added to the agenda for its October 8, 2008 meeting. He requested that the TAC be tasked with 1) determining the water levels of the subarea basins, 2) determining the depth of the base of the aquifer, and 3) using the Ghyben-Herzberg model tool to determine if there is enough protective groundwater elevation in the subareas to insure a positive offshore gradient.

Director Cursio directed the TAC to review the application documents provided by Mr. Robinson at its October 8, 2008 meeting and provide a recommendation to the Board at the October 23, 2008 special meeting.

IX. NEW BUSINESS

The Board received the submitted memorandum from Mr. Jaques regarding the Replenishment Assessment Unit Cost for Water Year 2008-09. Director Lehman requested that "cost per acre-foot" title be used for the unit cost for clarity. Director Pendergrass suggested that the TAC contact MRWPCA for more updated cost projections for the Groundwater Replenishment Project.

Moved by Director Bunosky, seconded by Director Sollecito, and unanimously carried to approve the Replenishment Assessment Unit Cost (Cost Per Acre-foot) for Water Year 2008-09 as presented.

X. INFORMATIONAL REPORTS (No Action Required)

- A.** Timeline schedule of Milestone dates (Critical date monitoring)
 - B.** Report of Groundwater Production for Quarter Ended 6/30/08
 - C.** Report of Groundwater Levels and Water Quality for the period ending 6/30/08
 - D.** Technical Advisory Committee (TAC) draft minutes of Sept. 10 and 22, 2008
- There were no questions or comments.

XI. DIRECTOR'S REPORTS

There were no reports from directors.

XII. EXECUTIVE OFFICER COMMENTS

The next Budget/Finance Committee meeting scheduled for October 7, 2008 at 9:00 a.m. in the City of Seaside conference room would address the CAW request for replenishment assessment credit. The ad hoc committee reviewing the City of Seaside in-lieu replenishment option to offset the Decision requirement of a 10% reduction in pumping effective January 1, 2009 if certain conditions exist is scheduled to meet October 7th also, at noon in the City of Seaside Council Chambers.

XIII. NEXT MEETING DATE – Special Meeting to be held on October 23, 2008 at the Monterey Regional Water Pollution Control Agency (MRWPCA) Board meeting room at 5 Harris Court, Building "D" on Ryan Ranch in Monterey at 8:00 A.M.

XIV. There being no further business, Chairman Rubio adjourned the meeting at 3:51 p.m.