

REGULAR MEETING
Seaside Groundwater Basin Watermaster
December 3, 2008

MINUTES

I. CALL TO ORDER

Chairman Rubio called the meeting to order at 2:04 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
Coastal Subarea Landowner – Director Paul Bruno, Vice Chair
Monterey Peninsula Water Management District (“MPWMD”) – Director Judi Lehman, Secretary
City of Del Rey Oaks – Mayor Joseph Russell, Treasurer
Laguna Seca Subarea Landowner – Gary Cursio (Alternate)
California American Water (“CAW”) – Director Tom Bunosky
City of Monterey – Les Turnbeaugh (Alternate)
City of Sand City – Mayor David Pendergrass

Absent:

Monterey County/Monterey County Water Resources Agency (“MCWRA”) – Supervisor David Potter

III. APPROVAL OF MINUTES

Moved by Director Lehman, seconded by Director Bruno, and unanimously carried to approve the minutes of the Regular Board meeting held November 5, 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. Consider approval of Summary of Payments made in November 2008 totaling \$37,758.74
- B. Consider current year Financial Reports – through November 30, 2008

Moved by Director Bunosky, seconded by Director Turnbeaugh, and unanimously carried, to approve items A and B of the consent calendar.

VII. ORAL PRESENTATION – None.

VIII. OLD BUSINESS

- A. The board reviewed the submitted revised draft Memorandum of Understanding (“MOU”) between Watermaster and California American Water (“CAW”) for conditions of credit

against Replenishment Assessment fees. Director Cursio questioned why the CAW obligation to replenish the Basin would cease if and once the threat of seawater intrusion was eliminated by heightened groundwater levels in the future even if the amount replenished was at a lesser amount than over pumped by CAW in the past. Director Bunosky stated that further replenishment beyond the determination of a healthy Basin would flow out of the area and would not be of any environmental or community benefit. He and Attorney Don Freeman stated the paragraph was intended to delineate the process for CAW to petition the Court to rule on physical solution being achieved and allowing suspension of further replenishment by CAW; Director Bunosky was not adverse to removing the last sentence in item 4 under Agreement in the MOU.

Moved by Director Cursio and seconded by Mayor Russell to delete the last sentence of item 4 of the Agreement section of the Memorandum of Understanding between Seaside Basin Watermaster and California American Water.

Roll Call Vote:	Director Lehman	Yes	Weight:	2
	Mayor Pendergrass	No	Weight:	1
	Mayor Russell	Yes	Weight:	1
	Director Bruno	No	Weight:	0.5
	Director Turnbeaugh	No	Weight:	1
	Director Cursio	Yes	Weight:	0.5
	Director Bunosky	No	Weight:	3
	Mayor Rubio	No	Weight:	2

Weighted Vote: Ayes: 3.5 Noes: 7.5 Absent: 2

Motion failed.

Attorney Freeman stated that it was his understanding that Attorney Eric Robinson had requested to delete item 2 (b) iii under Agreement of the MOU. Director Bunosky stated that CAW had proposed to omit that language. The paragraph would allow CAW to purchase future replenishment water at the per-acre-foot unit cost calculated for the relevant water year when the Replenishment Assessment credit was given CAW instead of at the future calculated cost if higher.

Moved by Director Bruno, seconded by Mayor Pendergrass, and carried to approve the Memorandum of Understanding between Seaside Basin Watermaster and California American Water with paragraph 2 (b) iii deleted. Mayor Russell opposed, objecting to the amount of the credit and its application toward CAW expenses for the Moss Landing project.

- B.** The board reviewed the submitted contract amendments for fiscal year 2008 for HydroMetrics LLC and RBF Consulting. Director Turnbeaugh noted that the Watermaster Technical Advisory Committee went over each amendment in detail and recommended approval of both.

Moved by Director Turnbeaugh, seconded by Director Bunosky, and unanimously carried to approve the contract amendment for HydroMetrics in the amount of \$13,532.00, and for RBF Consulting for \$3,124.00.

IX. NEW BUSINESS

- A. Technical Program Manager Robert Jaques reviewed the submitted transmittal regarding contracts to let for fiscal year 2009. Chair Rubio requested for clarity that the name of the professional be stated in the Request for Services within the contracts with each agency for 2009, instead of just using the term "Professional."

Moved by Director Turnbeaugh, seconded by Director Bunosky, and unanimously carried to approve with clarification as to the professional in the RFS of each: two contracts with Monterey Peninsula Water Management District for \$110,600 and \$5,760 for work on Seaside Basin Monitoring and Management Program; one contract with Monterey County Water Resources Agency for \$13,455 for continued work on Seaside Groundwater Basin Management and Monitoring Program; one contract with HydroMetrics for \$78,920 to finish the Basin Management Action Plan and the Seawater Intrusion Response Plan, provide the Seawater Intrusion Analysis Report for 2009, and to provide general hydrogeologic consulting services as needed; and one contract with Martin Feeney for \$6,000 for initial monitoring well assistance work.

- B. CEO Evans requested that the item regarding the Declaration regarding the unavailability of artificial replenishment water for Water Year 2009 and pumping limits be pulled for recalculation to take into consideration the 10% ramp-down in pumping in the current water year; the item would be presented at the January 7, 2009 board meeting.

X. INFORMATIONAL REPORTS (No Action Required)

- A. Timeline Schedule of Milestone Dates (Critical date monitoring)
B. Technical Advisory Committee ("TAC") minutes of October 29 and November 12, 2008
C. Court filing regarding transferability of APA rights in perpetuity
There were no questions or comments.

XI. DIRECTOR'S REPORTS

There were no reports from directors.

XII. EXECUTIVE OFFICER COMMENTS

CEO Evans reported the next TAC meeting is on December 10, 2008. There is a Court hearing scheduled for December 12, 2008 at 1:30 p.m. at Monterey County Courthouse. The 2009 Watermaster regular meeting dates are reserved to be held at the current location of the MRWPCA board room at 2:00 p.m.

XIII. NEXT MEETING DATE – Regular Meeting to be held on January 7, 2009 , at the Monterey Regional Water Pollution Control Agency (MRWPCA) Board meeting room at 5 Harris Court, Building "D" on Ryan Ranch in Monterey at 2:00 p.m.

- XIV. There being no further business, Chairman Rubio adjourned the meeting at 2:36 p.m.