

**SEASIDE GROUNDWATER BASIN WATERMASTER
REGULAR MEETING MINUTES
Wednesday, March 1, 2023 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 2:00p.m.

II. ROLL CALL

Coastal Subarea Landowner – Director Paul Bruno
Laguna Seca Subarea Landowner – Director Paul Bruno, Alternate
City of Seaside – Mayor Ian Oglesby
City of Sand City – Mayor Mary Ann Carbone
California American Water (CAW) – Director Tim O’Halloran, Alternate
Monterey Peninsula Water Management District (MPWMD) – Director Alvin Edwards, Alternate
City of Monterey – Council Member Kim Barber
City of Del Rey Oaks – Council Member Kim Shirley
Monterey County/Monterey County Water Resources Agency – Supervisor Wendy Root Askew

Absent: None

Others Present:

Robert Jaques, Watermaster Technical Program Manager (TPM)
Laura Paxton, Watermaster Administrative Officer (AO)
Jonathan Lear, MPWMD

III. Schedule of Watermaster Board Member Representative and Alternate appointments for 2023-2024 and Board and TAC schedule of meetings for 2023 (informational only – no action required)

IV. ELECTION AND APPOINTMENT OF OFFICERS FOR CALENDAR YEAR 2023

- A.** Chairperson - (Must be a 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

Director Bruno explained that himself and Director Riley each sent out emails to all Watermaster board members soliciting votes for Watermaster board chair. The emails stated their backgrounds relative to water issues on the Peninsula and their chairmanship platforms. Director Bruno felt such emails violate the Brown Act and asked the board to determine whether he and Director Riley are qualified to run for the office. Based on MPWMD legal counsel’s determination, Director Edwards felt there was no Brown Act violation due to the Watermaster board being court appointed. Mr. Jaques read from the Decision that: *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.* Director Edwards was concerned that there was no Watermaster legal representation at the meeting.

It was moved by Supervisor Askew, seconded by Mayor Carbone, and carried to continue with presidential chairmanship vote excluding the two members that could be perceived as having violated the Brown Act as a way to cure any violation that may have occurred.

Ms. Paxton read the following email she received from Director Gaglioti this day at 10:48a.m.: *I’m stuck in Phoenix with engine trouble - American Airlines. As such, I may not make the meeting today. Please*

have Paul sit as my alternate and vote for officers on my behalf, specifically chairman. I would like him to nominate Mary Ann Carbone for chairman for the following reasons. I don't believe the District or Cal-Am are non-biased parties, solely focused on the protection of the Basin. Both have competing interests for the future water purveyor for the region that taint their ability to head the direction of the board. Furthermore, I believe this is an opportunity to have a city represent the board as opposed to an agency or commercial organization. Mary Ann is well respected, an experienced executive in the community, and has the deep knowledge of the water situation/politics needed to head this board. Thank you in advance – John

Nominations were accepted from the floor: Mayor Carbone nominated by Director Gaglioti through Director Bruno, and Mayor Oglesby nominated by Director Edwards. There were no further indications of interest by any other board members in being nominated for board officer and nominations from the floor were closed.

It was moved by Supervisor Askew and seconded by Mayor Carbone to appoint Mayor Oglesby as Chair and Mayor Carbone as Vice Chair of the Watermaster Board of Directors. Supervisor Askew requested a weighted vote be taken.

Director O'Halloran – No (3 votes)

Director Paul Bruno & Alternate for Laguna Seca Subarea Landowner – Yes (½ and ½ vote)

Mayor Ian Oglesby – Yes (2 votes)

Mayor Mary Ann Carbone – Yes (1 vote)

Director Alvin Edwards – Yes (2 votes)

Council Member Kim Barber – Yes (1 vote)

Council Member Kim Shirley – Yes (1 vote)

Supervisor Wendy Root Askew – Yes (2 votes)

Ms. Paxton asked if there were any board members wanting to change their vote.

Director O'Halloran changed to an Aye vote.

Mayor Oglesby began to preside over the meeting at this point.

It was moved by Director Bruno and seconded by Director O'Halloran to appoint Ms. Paxton as Secretary and Director Gaglioti as Treasurer.

Director O'Halloran – Yes (3 votes)

Director Paul Bruno & Alternate for Laguna Seca Subarea Landowner – Yes (½ and ½ vote)

Mayor Ian Oglesby – Yes (2 votes)

Mayor Mary Ann Carbone – Yes (1 vote)

Director Alvin Edwards – Yes (2 votes)

Council Member Kim Barber – Yes (1 vote)

Council Member Kim Shirley – Yes (1 vote)

Supervisor Wendy Root Askew – Yes (2 votes)

V. PUBLIC COMMUNICATIONS – There were no public communications.

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

VII. CONSENT CALENDAR

- A. Minutes of Regular Board meeting held December 7, 2022
- B. Summary of Payments made November through December 2022 totaling \$59,946.26
- C. Summary of Payments made January 2023 totaling \$45,486.97
- D. Fiscal Year 2022 Financial Reports through December 31, 2022
- E. Consider Approving Montgomery & Associates RFS No. 2023-03 to Install a Replacement Monitoring Well for Monitoring Well FO-9 Shallow
- F. Approve Revision to Watermaster Rules and Regulations Changing Watermaster Committees to Advisory Committee Status

Supervisor Askew requested Item F be pulled from the consent calendar.

It was moved by Director Bruno, seconded by Director O'Halloran, and unanimously carried to approve consent agenda items A through E.

- F. Approve Revision to Watermaster Rules and Regulations Changing Watermaster Committees to Advisory Committee Status

Mr. Jaques highlighted his transmittal detailing the basis and reason for the standing to advisory change request: Advisory committees cannot take any action and, if less than a quorum of board members are committee members which is the case for the Watermaster committees, are not required by the Brown Act to meet in person. Continuing to meet remotely helps ensure that a quorum will be present, especially at TAC meetings. The Decision does not speak to establishing committees; the formation of committees was promulgated in the Watermaster Rules and Regulations.

Supervisor Askew felt in regards to Item F that the change of Watermaster Technical Advisory and Budget and Finance Committees to advisory status to allow meetings to continue to be held remotely could be perceived as or actually be violating the Court order to follow the Brown Act. She recommended that, although in-person meetings are challenging for members that come from distances, committee meetings should be held in-person using the work-around that the Brown Act allows—to participate remotely if the member's off-site participation location is posted.

It was moved by Supervisor Askew and seconded by Director Edwards to not approve revision to the Watermaster Rules and Regulations changing Watermaster committees to advisory committee status, and that the standing committees meet in person per the Decision mandate to adhere to the Brown Act, and encourage committees to use traditional Brown Act remote attendance noticing requirements so that they can achieve quorum, being aware that there are Brown Act changes forthcoming regarding this issue.

Director Bruno made a friendly amendment to the motion: to approve the status of committees to advisory in the event the board has to take up the issue in the future if quorums are not met at in-person committee meetings.

It was moved by Supervisor Askew, seconded by Director Edwards, and unanimously carried to approve revision to the Watermaster Rules and Regulations changing

Watermaster committees to advisory committee status, and that advisory committees meet in person per the Decision mandate to adhere to the Brown Act, and encourage committees to use traditional Brown Act remote attendance noticing requirements so that they can achieve quorum knowing that there are Brown Act changes forthcoming regarding this issue.

VIII. ORAL PRESENTATION – None

IX. OLD BUSINESS

- A. Discussion/Consider Approving Montgomery & Associates RFS No. 2023-03 to Install a Replacement Monitoring Well for Monitoring Well FO-9 Shallow

Mr. Jaques highlighted his transmittal.

It was moved, and seconded by Supervisor Askew, and unanimously carried to approve Montgomery & Associates RFS No. 2023-03 to Install a Replacement Monitoring Well for Monitoring Well FO-9 Shallow, subject to subsequent approval by the TAC.

- B. Discussion/Consider a Funding Mechanism to Ensure Basin Replenishment.

Ms. Paxton highlighted her transmittal. Director O’Halloran suggested participants of past meetings on this subject meet again to develop a recommendation. Director Bruno reminded that a past meeting with MPWMD, Monterey One Water, and Watermaster found that, unlike Watermaster, MPWMD has taxing authority and could institute an assessment to purchase recharge water. Furthermore, a “drop charge” option was proposed whereby those parties storing water in the basin would leave behind a sustainability contribution based on a percentage of stored water extracted, a more feasible approach with the water already recharged and no funding needed. He supported another meeting being held. Supervisor Askew also supported another meeting on the subject to develop options for securing funding and to discuss in more detail the “drop charge” approach or other approaches outside of directly purchasing water. Directors Bruno, Cook, Riley, Gaglioti, and Shirley comprise the ad hoc committee.

There is ~~\$37,000~~ **28,510** available in the Replenishment Assessment Fund that could be used to contract for a funding study.

It was moved by Supervisor Askew, seconded by Mayor Carbone, and unanimously carried to convene an ad hoc meeting to scope out funding concepts including and beyond purchase of water to achieve recharge and consider contracting within the \$37,000 available for a recharge mechanism analysis.

X. NEW BUSINESS

- A. Discuss scheduling a new member orientation study session.
Directors Bruno, Barber, Shirley and Askew were supportive of an on-boarding session.

XI. INFORMATIONAL REPORTS (No Action Required)

- A. Watermaster report of production of the Seaside Basin through 1st Quarter Water Year 2023 (October 1, 2021 – 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)

XII. DIRECTOR'S REPORTS – Director Bruno reported 147 people attended the Watermaster Christmas party at his residence. He plans to have another party next year. Mayor Oglesby thanked Director Bruno for his graciousness to Watermaster and the community.

XIII. STAFF COMMENTS – There were no staff comments.

There was no closed session held.

XIV. NEXT REGULAR MEETING DATE

- A.** April 5, 2023 - 2:00 p.m. – cancelled
- B.** Next meeting Wednesday, May 3, 2023 – 2:00 p.m.

XV. ADJOURNMENT – There being no further business, the meeting was adjourned at 3:05 p.m.

Respectfully submitted by Laura Paxton, Board Secretary