

**SPECIAL MEETING OF THE**  
Seaside Groundwater Basin Watermaster  
*November 15, 2006*

**MINUTES**

**I. CALL TO ORDER**

Chairman Rubio called the meeting to order at 1:30 p.m. in the Seaside Community Center at Soper Field, 220 Coe Avenue, Seaside.

**II. ROLL CALL**

City of Seaside – Mayor Ralph Rubio, Chairman  
Laguna Seca Subarea Landowner – Bob Costa, Vice Chairman  
Monterey Peninsula Water Management District (“MPWMD”) – Director Judi Lehman (alternate for Director Michelle Knight, Secretary)  
City of Monterey – Mayor Dan Albert, Treasurer  
City of Sand City – Mayor David Pendergrass  
California American Water Co. (“Cal-Am”) – Steve Leonard  
City of Del Rey Oaks – Mayor Joseph Russell  
Monterey County/Monterey County Water Resources Agency (“MCWRA”) – Curtis Weeks (alternate for Jerry Smith, District 4 Supervisor)

**Absent** – Coastal Subarea Landowner – Paul Bruno

**III. PUBLIC PARTICIPATION/ORAL COMMUNICATIONS**

There were no comments from the public.

**IV. SPECIAL MEETING BUSINESS**

**1. Approve Petition to Court**

Mr. Russ McGlothlin, Law Firm of Hatch and Parent, representing the City of Seaside, stated that the draft petition to be submitted to the Court by the Watermaster is presented to the Board for finalization. A concurrently filed pleading to be submitted by California American Water and the City of Seaside regarding clarification of the replenishment assessment formula will not be brought before the Watermaster Board due to it being a matter of legal interpretation of the judgment by the Court proprietary to Cal-Am and the City of Seaside and not a matter of implementation of the judgment which is governed by the Watermaster. A 30-day period will be allowed for public comment after the filing of the concurrent Cal-Am/City of Seaside petition prior to the hearing date set by the court. The Court’s interpretation of the concurrently filed pleading does affect the Watermaster inasmuch as a placeholder is noted in section 6.5.1 of the Watermaster Rules and Regulations until clarification of the method of calculating the Over-Production Replenishment Assessment is given by the Court.

There were no questions or comments from the public.

***Moved by Director Weeks, seconded by Director Costa, and unanimously carried, to approve the Petition to Court regarding the update of the Watermaster activities and proposed amendments to the decision.***

**2. Approve Revisions to the Seaside Basin Monitoring and Management Program (“BMMP”)**

Mr. McGlothlin stated the amendment clarifies BMMP wording to make it consistent with the wording of the adopted Planning and Monitoring Budget Operating Assessment by stating that the program provides up to six additional “sentinel” monitoring wells may be constructed with the funds made available, and that the priority in which the monitoring well installations are constructed will be determined by the Technical Committee. Mr. Joe Oliver, MPWMD, noted that monitoring wells indicated in the amendment should be correctly termed “well sites.”

***Moved by Director Leonard, seconded by Director Weeks, and unanimously carried, to approve revisions to the Seaside Basin Monitoring and Management Program regarding the installation of the new monitoring wells, with references to “monitoring wells” being reworded to “monitoring well sites.”***

**3. Approve Revisions to the BMMP Implementation Schedule**

Mr. Oliver requested that revisions be made to the Implementation Schedule Task – Creation of Consolidated Basic Groundwater Resource Database – to update the completion timeline to better reflect reality.

	<u>Start</u>	<u>Finish</u>
1. Develop database RFP	9/30/06	12/29/06
2. Review Proposals, select consultant	1/2/07	3/31/07
3. Develop and approve database format	2/1/07	4/30/07
4. Populate database (historical data from all sources)	3/1/07	4/30/07
5. Populate database (current monitoring data)	3/1/07	5/31/07
6. Prepare database documentation report	4/1/07	6/30/07

***Moved by Director Leonard, seconded by Mayor Albert, and unanimously carried, to approve revisions to the Seaside Basin Monitoring and Management Program Implementation Schedule, with noted changes.***

**4. Approve Amendments to Rules and Regulations**

The Board received and reviewed the “red-line” version of the proposed amendments to the Rules and Regulations of the Seaside Groundwater Basin Watermaster.

Mr. David Laredo requested from CEO Dewey Evans that any email correspondence from him containing “red-line” edited documents be noted as requiring a color printer to correctly reproduce.

***Moved by Director Costa, seconded by Mayor Russell, and unanimously carried, to approve revisions to the Seaside Basin Watermaster Rules and Regulations.***

**5. Approve Increase in Consulting Contract**

There were no comments or questions from the public.

***Moved by Director Leonard, seconded by Mayor Albert, and unanimously carried, to approve an increase in Mr. Martin Feeney's consulting contract from \$13,600 to \$14,600 to offset the increased cost to Mr. Feeney for the required \$2,000,000 insurance coverage.***

**6. Operational Budgeted Amount for Groundwater Flow Modeling Costs**

Ms. Diana Ingersoll, Technical Committee Chair, advised the Board that a meeting is scheduled for November 28, 2006, with groundwater modeling facilitator Mr. Feeney and four consultants assisting with the Seaside Basin groundwater flow modeling: Mr. Foreman, Mr. Yates, Mr. Durbin, and Mr. Scalmanini. Approximately \$14,000 is anticipated in travel and meeting costs, and it is recommended that the estimated cost be budgeted within the Monitoring and Management Plan Budget Planning and Monitoring Budget Operating Assessment.

The Board received and reviewed correspondence dated November 14, 2006, from Mr. Eric N. Robinson, counsel for the Laguna Seca Alternative Producers, requesting the Board fund the participation of groundwater modeling expert Mr. John L. Fio in the upcoming meeting of groundwater modeling consultants on November 28, 2006.

***Moved by Director Weeks, seconded by Director Leonard, and unanimously carried, to approve establishing a budgeted amount of \$14,000 in the Monitoring and Management Plan Operational Budget to cover the anticipated travel and meeting costs associated with the four consultants assisting with the Seaside Basin groundwater flow modeling: Foreman, Yates, Durbin, and Scalmanini; the Technical Committee is to recommend at the next regular meeting whether the budgeted amount needs to be amended to cover the costs of Mr. Fio as an additional participant in the November 28<sup>th</sup> meeting.***

**7. Selection of Consultants to Manage and Implement the BMMP**

Ms. Ingersoll, Technical Committee Chair, recommended the Board accept as finalists to provide project management services and project implementation services the following two firms respectively:

- Monterey Peninsula Water Management District/Monterey County Water Resources Agency – Program Management
- RBF Consulting – Program Implementation

Upon Board approval of the selection of finalists, Ms. Ingersoll and Mr. Charles Kemp, Technical Committee members, would meet with the two agencies separately to determine a scope of work and determine the costs for each of the program services. Award of contracts would be brought before the Board at the December 6, 2006 regular Board meeting.

Chair Rubio inquired of Ms. Ingersoll as to program accountability: If MPWMD/MCWRA is the program manager and reports to the Technical Committee, and MPWMD/MCWRA representatives are seated on the Technical Committee, isn't the program management agency overseeing itself? Ms. Ingersoll stated that during the program manager selection process the MPWMD and MCWRA Technical Committee Representatives were "seated on the other side of the table," and it was her understanding that they would continue to do so throughout the duration of the program.

There were no comments or questions from the public.

***Moved by Director Leonard, seconded by Mayor Albert, and unanimously carried, with Directors Weeks and Lehman recusing, to approve the selection of the Monterey Peninsula Water Management District/Monterey County Water Resources Agency for Seaside Groundwater Basin Program management services and RBF Consulting for Seaside Groundwater Basin Program implementation services, and a meeting between Technical Committee members and each finalist to develop a scope of work and to determine costs for each program service.***

**7. REGULAR MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 6, 2006 1:30 P.M., SOPER FIELD, SEASIDE, CALIFORNIA**

**8. DIRECTOR'S REPORTS**

Mayor Albert brought to the Board's attention the fact that the Watermaster is on track and progressing in fine manner regarding the duties and responsibilities assigned to it as his service to the Board ends at the conclusion of this meeting. Chair Rubio commended Mayor Albert for his exemplary public service and professional manner, and wished him well in his retirement.

**9. ADJOURNMENT**

There being no further business, Chairman Rubio adjourned the meeting at 2:20 p.m.