

REGULAR MEETING
Seaside Groundwater Basin Watermaster
April 18, 2007

MINUTES

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER

Chairman Rubio called the meeting to order at 1:34 p.m. in the Seaside Council Chambers at Seaside City Hall, 440 Harcourt Avenue, Seaside, California.

III. ROLL CALL

City of Seaside – Mayor Ralph Rubio, Chairman
Laguna Seca Subarea Landowner – Bob Costa, Vice Chairman
Monterey Peninsula Water Management District – Director Michelle Knight, Secretary
City of Monterey – Director Les Turnbeaugh (alternate)
City of Sand City – Mayor David Pendergrass
California American Water – Director Steve Leonard
City of Del Rey Oaks – Mayor Joseph Russell
Coastal Subarea Landowner – Paul Bruno
Monterey County/Monterey County Water Resources Agency – David Potter, District 5 Supervisor
(Replacing Supervisor Jerry Smith, District r Supervisor who is ill)

IV. APPROVAL OF MINUTES

Moved by Mayor Pendergrass, seconded by Director Turnbeaugh and unanimously carried, to approve the Watermaster March 7, 2007, Regular Meeting minutes. Supervisor Potter abstained from voting having not attended that meeting.

V. PUBLIC PARTICIPATION/ORAL COMMUNICATIONS

There were no questions or comments from the public.

VI. CONSENT CALENDAR

Contract Compensation—CEO	\$5,625.00
Reimbursable—General	2,082.83

Moved by Director Leonard, seconded by Director Costa, and unanimously carried, to approve the payment of March 2007 bills.

VII. OLD BUSINESS

A. COMMITTEE REPORTS

1. BUDGET/FINANCE COMMITTEE

- A) The Board received and reviewed the Staff Report regarding an adjustment to California American Water (“Cal-Am”) 2006 Water Year Replenishment Assessment of \$2,106,000.

Moved by Director Turnbeaugh, seconded by Director Costa, and unanimously carried, to approve a \$465,648 adjustment to 2006 Water Year Replenishment Assessment for California American Water based on its recharge of 411.35 acre feet of water into the Seaside groundwater basin during Water Year 2006.

- B) The Board received and reviewed the Staff Report regarding a Seaside Groundwater Basin Watermaster web site.

Moved by Director Costa, seconded by Director Turnbeaugh, and unanimously carried, to approve a Seaside Groundwater Basin Watermaster web site to make available to interested parties a library of public documents, a dynamic calendar of Board and committee meeting times and agendas, and a roster of Board members and staff with associated e-mail addresses.

- C) The Board received and reviewed the Staff Report regarding increasing financial assessments and modifying fiscal year 2007 budgets.

Moved by Director Turnbeaugh, seconded by Director Leonard, and unanimously carried, to approve additional assessments and budget increases in the amounts of \$27,150 for the Administrative Fund and \$300,000 for the Monitoring and Management – Operations Fund, as recommended by the Watermaster Budget/Finance Committee, to allow for increased levels of administrative tasks, to fund three pending contracts for Seaside Basin Monitoring and Management Program (“BMMP”) implementation, and to fund a part-time contractual position to manage and oversee the adopted BMMP contracts. Approval of an increased assessment and budget for the Monitoring and Management – Operations Fund is subject to approval of the three contracts and the technical project management position to be presented under section 2 below.

2. TECHNICAL COMMITTEE

A) Creation of a Technical Project Manager Position

The Board received and reviewed the Staff Report regarding creating and establishing a part-time technical project manager (“TPM”) position. Director Knight urged that specifications be developed for the TPM to deliver services within the budgeted 20 hours per week for the remaining administrative year.

Chair Rubio understood the BMMP project timeline to be the overlying template for time management and adherence to goals set forth for the TPM by the Board. The Technical Advisory Committee (“TAC”) had in mind appointing to the position someone local and perhaps retired, seeking initially 20 hours per week of work at \$100 per hour, increasing hours of work in the next fiscal year. It would be preferred to see if eligible candidates would be inclined to work from their own established offices. If not, then arrangements could be made by Watermaster to find appropriate office space for the new TPM appointee. Mr. David Laredo, Esq., cautioned that the wording of the job description specify that the position is contractual with Watermaster and is not an employee position. BMMP implementation contracts being presented in item B below are “not to exceed” contracts so that the appointed TPM can determine duties within each contract that can be taken over by the TPM. The TAC determined that the transfer of duties would equate to approximately \$75,000 from the three contracts, covering the 20 hours per week at \$100 per hour (\$64,000) anticipated cost for the TPM position for the remainder of the administrative year. No CEO duties would be transferred to the TPM. The \$64,000 estimated cost for the TPM does not include reimbursable expenses. Chair Rubio tasked the Budget/Finance Committee and the TAC with budgeting reimbursable expenses as best as possible at this point. Director Turnbeaugh clarified that the need for a TPM was determined by the TAC due to increasing contracts being let by Watermaster for BMMP implementation and the TAC being unable to meet frequently enough to oversee the progress of technical work being performed under the contracts. Director Leonard stated a Board-appointed TPM could meet the Board’s need of a technical repository of increasing knowledge to effectively manage BMMP projects with TPM oversight diminishing as infrastructure is completed and project processes are established. Chair Rubio reminded the Board that approval of the creation of the TPM position and the presented job description is all that is to be considered at this meeting. Chair Rubio requested legal counsel review the job description to ensure that it is contract driven. Chair Rubio specified that an RFP would be developed and presented to the Board to provide financial and logistical details of the position.

Moved by Director Leonard, seconded by Director Knight, and unanimously carried, to approve the creation of a Watermaster Technical Project Manager position and include in the finalized job description language that distinguishes the position as contractual with the Watermaster Board, and to set a ceiling of \$100 per hour for budgeting and contracting purposes.

B) RBF Contract for Phase I – Implementation of BMMP

The Board received and reviewed the Staff Report regarding award of contracts for Phase I – Implementation of the BMMP.

Sarah Hardgrave, RBF Consulting, submitted to the Board and reviewed contract changes being recommended by RBF: 1) Insert that RBF is a California Corporation, 2) page 2 section 4, addition of a sentence: *Use of such documents by the Watermaster for projects not subject to this agreement shall be at the Watermaster's risk solely without legal liability or exposure to the consultant*, and 4) insurance coverage additional verbiage. The Board concurred, and Mr. Paul Finley, RBF Vice President, agreed, to retaining 10% of each monthly RBF invoice and revising the contract under section B Method of Payment in that regard.

Moved by Director Leonard, seconded by Director Turnbeaugh, and unanimously carried, to award a contract to RBF Consulting for Phase I – Implementation of the Seaside Basin Monitoring and Management Program for a price not to exceed \$390,071, with revisions including: insertion that RBF is a California Corporation; addition of the sentence *Use of such documents by the Watermaster for projects not subject to this agreement shall be at the Watermaster's risk solely without legal liability or exposure to the consultant*; insurance coverage additional language; and 10% to be retained by the Board from each monthly RBF Consulting invoice until submission of the final work product. Exhibit A is to be in final form upon signature.

C) Monterey Peninsula Water Management District / Monterey County Water Resources Agency Contract for Phase I – Implementation of BMMP

Moved by Director Leonard, seconded by Director Turnbeaugh, and unanimously carried, for the Board to consider a motion on both items VII A 2 C and VII A 2 D together, and to award contracts to Monterey Peninsula Water Management District for Phase I – Implementation of the Seaside Basin Monitoring and Management Program for a price not to exceed \$76,080, and Monterey County Water Resources Agency for Phase I – Implementation of the Seaside Basin Monitoring and Management Program for a price not to exceed \$20,064, with a revision to each contract indicating 10% is to be retained by the Board from each monthly Monterey Peninsula Water Management District invoice and from each monthly Monterey County Water Resources Agency invoice until submission of the final work product.

VIII. NEW BUSINESS

A. Request for change to Watermaster Rules and Regulations

The Board received and reviewed the Staff Report regarding a request by the CEO for a change to Section 3.5.2 of the adopted Watermaster Rules and Regulations Special Meetings Called by the Watermaster Board to conform more to the Brown Act to allow

more flexibility in the meeting notice time. The request would change the current 10 days' notice of such a special meeting to 72 hours notice. Mr. Don Freeman, Esq., stated that the change, if approved today, would be subject to court approval prior to being instituted. Also, clarification needs to be made by the court whether email is an acceptable meeting notification method. The notice of a special meeting is to specify the exact purpose of the meeting and would effectively be the agenda, not necessarily with the attachments. Mr. Jim Heisinger, Esq., recommended 5 days' notice as an adequate notification timeframe.

Moved by Director Knight, seconded by Director Bruno, and unanimously carried, to amend Section 3.5.2 Special Meetings Called by Watermaster Board in the adopted Watermaster Rules and Regulations to conform more with the Brown Act and allow a reasonable meeting notice time of at least 5 days for Special Meetings that are not considered urgent and not less than 24 hours for Special Meetings considered urgent, and that the amendment be submitted for approval by the court at the next regularly scheduled court hearing date.

IX. STAFF INFORMATIONAL REPORTS

- A. Contract with RBF Consulting, \$35,000**
- B. Contract with MPWMD for quarterly well water testing, \$7,080**
- C. Quarterly Water Quality Report – MPWMD**
- D. Timeline schedule of milestone dates (Critical date monitoring)**
- E. Current Year Financial Reports – Through March 31, 2007**

The Board received the reports as informational. Director Knight requested, and Counsel Freeman concurred, that Financial Reports should be placed on the consent calendar and accepted by the Board at each meeting.

X. DIRECTOR'S REPORTS

Director Bruno noted that Saturday is Earth Day and Carmel River Watershed Conservancy will be participating at CSUMB. Anyone interested can contact Charlie Kemp, California American Water, for further information.

Chair Rubio requested directors to highlight any concerns related to the critical path timeline at the next meeting, or bring them to the attention of the CEO.

XI. EXECUTIVE OFFICER COMMENTS

CEO Evans gave an update on monitor well installation work being performed by Martin Feeney. Mr. Feeney, in conjunction with Denise Duffy, is currently conducting the first of two spring surveys to identify and map flora and fauna within the four well areas. The second spring survey will take place in early May. A project information initial study checklist is to be submitted to the California State Parks Department to obtain a right of entry permit, and Mr. Feeney is initiating contact with the California Coastal Commission within the next month.

CEO Evans will place on the May 2nd agenda an item for budget review and modification to take into consideration the actions taken by the Board today and to include the contract previously awarded to Martin Feeney for \$850,000.

The Watermaster web site will be up and operating by May 2nd, the agenda is now being presented in a new format, and a gavel and sound block will be present at the next meeting for use by the Chair.

XII. NEXT MEETING DATE – MAY 2, 2007, 1:30 P.M. SOPER FIELD COMMUNITY CENTER.

XIII. Chair Rubio called for a moment of silence for the victims of violence at Virginia Tech University. There being no further business, Chairman Rubio adjourned the meeting at 3:05 p.m.