

REGULAR MEETING
Seaside Groundwater Basin Watermaster
November 3, 2010

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, Chair

City of Del Rey Oaks – Mayor Jerry Edelen

California American Water (“CAW”) – Director Craig Anthony

Monterey Peninsula Water Management District (“MPWMD”) – Director Judi Lehman, Secretary

Laguna Seca Subarea Landowner – Bob Costa

City of Monterey – Mayor Charles “Chuck” Della Sala

City of Sand City – Mayor David Pendergrass

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

Absent: Coastal Subarea Landowner – Director Paul Bruno, Vice Chair

III. APPROVAL OF MINUTES

Moved by Director Lehman, seconded by Mayor Edelen, and unanimously carried, to approve the minutes of the Watermaster Special Meeting held September 22, 2010.

IV. PUBLIC PARTICIPATION/ORAL COMMUNICATIONS

There were no questions or comments from the public.

VI. CONSENT CALENDAR

A. Approval of Summary for Payments made during September and October, 2010 totaling \$49,283.40

B. Fiscal Year Financial Reports through October 31, 2010

C. Approval of the following Professional Service Contracts for Fiscal Year 2011

- 1) Two Contracts with MPWMD - one for \$81,010 covering normal M&MP tasks as in preceding years and the second for \$4,140 for continuing monitoring and other work on the Seaside Groundwater Basin Management and Monitoring Program (M&MP)
- 2) Two Contracts with HydroMetrics Water Resources, Inc.—one for \$22,020 to prepare the Seawater Intrusion Analysis Report (SIAR) for 2011 and the second for \$12,000 providing ongoing and as requested general hydrogeologic consulting services during the year.

Moved by Mayor Edelen, seconded by Director Costa, and unanimously carried, to approve the consent calendar as presented.

VII. ORAL PRESENTATION

There were no oral presentations.

VIII. OLD BUSINESS – None.

IX. NEW BUSINESS

A. COMMITTEE REPORTS

1. TECHNICAL ADVISORY COMMITTEE (“TAC”)

a) Consider Approving the Seawater Intrusion Analysis Report (SIAR) for FY 2010.

The Executive Summary was provided in the agenda packet for today’s meeting and the complete SIAR could be found on the Watermaster website at www.seasidebasinwatermaster.org. CEO Evans summarized the report findings stating that it had been determined that seawater intrusion could occur however none had to-date been observed. Technical Program Manager Robert Jaques stated that the SIAR was prepared each year to determine the health of the Basin with specific focus on whether there was any indication of seawater intrusion occurring or threatening to occur.

Moved by Director Lehman, seconded by Mayor Della Sala, and unanimously carried, to approve the Seawater Intrusion Analysis Report for Fiscal Year 2010.

b) Discussion/Consider approving a request to redefine a “quorum” and voting requirements for TAC meetings.

Mr. Jaques provided the TAC’s recommendation to the Board to 1) approve the language revisions to its Rules and Regulations to redefine a quorum and voting requirements for TAC meetings and 2) determine whether or not to continue having a Public Member on the TAC, and if having a Public Member is to be continued, to name a replacement for Mr. Fischer, who was recently deceased. CEO Evans provided the Board written alternate language developed by California American Water legal counsel regarding the quorum requirement. Counsel Freeman stressed the need to follow the Brown Act interpreted to require a quorum based on a fixed number of committee members, a number that the Board could revise when desired. Mr. George Riley, Citizens for Public Water, addressed the board. He felt that the primary issue hindering the advancement of the Regional Water Project was fair representation of the public interest. He urged the Board to retain a public member on the TAC to enrich discussion, provide a level of transparency to the public in technical Watermaster issues, and aid in obtaining a quorum. Mr. Riley also stressed that the TAC should be comprised of members genuinely interested in the technical issues who attend meetings willingly. Mayor Pendergrass felt that a public member could potentially harbor a political agenda outside of the best interests of the Basin and could disrupt the committee’s progress. Each board member concurred to strive to get their respective representative to attend all TAC meetings.

Moved by Supervisor Potter, seconded by Mayor Edelen, and carried, with Mayor Pendergrass voting no, to approve the public member position remaining on the TAC with full voting membership.

The Board also concurred that the voting member be a resident within the Basin boundaries. Mr. Jaques suggested contacting city managers, elected officials, mayors, etc. and posting the recruitment on websites and in newsletters. Boundary maps of the Basin would be provided to the Board when a candidate was recommended.

B. Discussion/Consider Adopting for Water Year 2011 a Declaration regarding the Availability of Artificial Replenishment Water

The Board received the 2011 Declaration of the availability of replenishment water and production limits. Also provided was the body of the 2010 Annual Report minus the attachments due to the full report being 198 pages. Mr. Jaques pointed out a correction on page 53: the administrative costs would be changed from \$90,000 to \$65,000. CEO Evans noted that the deadline for the filing of the 2010 Annual Report to court was November 15th; there simply was not enough time between the close of the water year on September 30th and the deadline of November 15th for filing the report to get it prepared in time, especially now that artificial replenishment water availability had to be articulated. Out of four other basins researched, the Seaside Basin had the shortest deadline requirement at 1.5 months for filing its report to court.

Director Anthony did not concur with staff that the 1,110.5 acre-feet of Aquifer Storage and Recovery (ASR) Program water pumped into the Basin was considered artificial replenishment. He stated that he could not approve the Annual Report if it included ASR water as replenishment to the Basin. Counsel Freeman suggested that both staff's interpretation and CAW's interpretation be presented to the judge. Director Anthony also noted that the Annual Report had not been posted to the web site as indicated in the body of the report provided. He would not be able to take action on the item when he had not seen the complete documentation. There was consensus that the public had not had time for sufficient review as well.

Moved by Supervisor Potter, seconded by Mayor Della Sala, and unanimously carried, to request from the court an extension to December 31, 2010 to file the 2010 Annual Report, and to defer the item to the December 1, 2010 board meeting when a finalized draft made available to the public would be presented.

C. Discussion/Consider Assessing Replenishment Assessments for WY 2010 Over Production

Darby Fuerst, General Manager, MPWMD, requested that staff ensure that CAW calculations of replenishment assessment included the 495 acre-feet of carry over from the previous water year. He noted that 115 acre-feet should remain from the original 495 to be carried over to the 2011 water year. He also requested that staff ensure that the 12 acre-feet that CAW supplied to the City of Seaside's municipal water system during the 2010 water year be adjusted out of CAW's production and applied to the City of Seaside's production.

Moved by Director Costa, seconded by Mayor Edelen, and unanimously carried, to approve the Replenishment Assessments for WY 2010 Over Production as presented with assurance that CAW carry over was accounted for and the City of Seaside assumed the 12 acre-feet in the calculations.

X. INFORMATIONAL REPORTS (No Action Required)

- A. Timeline Schedule of Milestone Dates (Critical date monitoring)
- B. Technical Advisory Committee (TAC) minutes of October 13, 2010
- C. Water Production Report for Fourth Quarter of Water Year 2010 (July 1st through September 30, 2010) and for the entire Water Year 2009-2010
- D. Groundwater Quality and Groundwater Level Report for Water Year 2010
- E. Annual Assessments Invoiced for FY 2011: Administration, and Monitoring and Management—Operations

XI. DIRECTORS' REPORTS – None

XII. EXECUTIVE OFFICER COMMENTS

The Technical Advisory Committee regular meeting of November 10, 2010 would be held at the MRWPCA boardroom at 1:30 p.m.

Staff would coordinate the submission of a filing to the court requesting an extension of the deadline for filing the 2010 Annual Report.

Proposed budgets for 2011 would be sent out to all parties by November 15, 2010.

A Memorandum of Understanding between four parties regarding reimbursement of water to Marina Coast Water District used by MPWMD in its ASR project would be presented at the December 1st meeting.

The revised draft 2010 Annual Report and 2011 Declaration and pumping limits would be presented at the December 1st meeting.

NEXT MEETING DATE – It was agreed that the next Regular Meeting would be held on Wednesday, December 1, 2010, 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.

XIII. There being no further business, Chairman Rubio adjourned the meeting at 3:35 p.m.