

Borrego Springs Interim Watermaster  
Special Board Meeting  
September 24, 2020 @ 4:30 p.m.

**Due to COVID-19 Meeting Available by Remote Access Only\***

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/669298349>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

**Access Code: 669-298-349**

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/669298349>

**AGENDA**

*Items with supporting documents in the Board Package are denoted with a page number.*

**I. OPENING PROCEDURES**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda

**II. PUBLIC CORRESPONDANCE**

- A. Correspondence Received
- B. Public Comments (may be limited to 3 min per person)

**III. CONSENT CALENDAR**

- A. Approval of Minutes
  - i. Special Meeting – September 10 2020.....**Page 3**

**IV. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION**

- A. Consideration of Approval of Updated Agreement with Borrego Water District to Perform Water Meter Reading Services for Watermaster.....**Page 8**  
**Recommendation:** Approve the Updated *Agreement for Water Meter Reading Services* with Borrego Water District.
- B. Consideration of Adoption of a Resolution to Establish a Bank Account to Support Implementation of the Settlement Agreement.....**Page 15**  
**Recommendation:** Approve Resolution 20-06.

- C. Formation of the Watermaster Technical Advisory Committee.....Page 18  
**Recommendation:** Discuss and provide direction to staff.

**V. REPORTS AND UPDATES**

- A. Executive Director Report – *verbal*
  - i. Meter verification, accuracy testing, and initial meter read status update
  - ii. Data Transfer to initiate HydroDaVE database
- B. Legal Counsel Report – *verbal*
- C. Chairperson’s Report –*verbal*
- D. Status of Stipulated Judgment – Steve Anderson, BBK *verbal*

**VI. BOARD MEMBER COMMENTS**

**VII. NEXT MEETINGS OF THE BORREGO SPRINGS WATERMASTER**

- A. Regular Board – Thursday, October 8, 2020 4:30 pm
  - i. Potential Agenda Items:
    - 1. Meter Verification Progress and Meter Reading Update
    - 2. Watermaster Banking
    - 3. HydroDaVE Database
    - 4. Following Standards Verification for Conversion of Water Credits to BPA

**VIII. ADJORNMENT**

**MINUTES**  
**BORREGO SPRINGS INTERIM WATERMASTER SPECIAL BOARD MEETING**  
**Conducted Virtually via GoToMeeting**  
**Thursday, September 10, 2020, 4:30 p.m.**

**I. Opening Procedures**

- A. Samantha Adams (Executive Director) called meeting to order at 4:35 p.m.
- B. Director Smith led the meeting participants in the Pledge of Allegiance.
- C. Ms. Adams called roll and confirmed that all members of the Board were present. The following individuals were present at the meeting:

<b>Directors Present</b>	Dave Duncan – Borrego Water District
	Mike Seley – Agricultural Sector
	Shannon Smith – Recreational Sector
	Martha Deichler (Alternate) – Community Rep.
	Leanne Crow (Alternate) – County of San Diego
<b>Watermaster Staff Present</b>	James M. Markman , Watermaster Legal Counsel
	Samantha Adams , Watermaster Executive Director (WEI)
	Kristan Culbert – Staff Scientist, WEI
<b>Others Present</b>	Michele Staples, Jackson Tidus
	Dick Troy
	Lyle Brecht, BWD Board Member
	Rebecca Falk
	Cathy Milkey, Rams Hill
	Rich Pinel, Roadrunner Club and Springs RV and Golf Resort
	Geoff Poole, BWD General Manager
	Anita Regme, DWR
	David Garmon
	Steve Anderson, BBK
	Timothy Ross, DWR
	Mark Stevens
	Trey Driscoll
	Diane Johnson , BWD Board member

- D. Approval of Agenda.

**Motion:** Motioned by Director Smith, seconded by Director Duncan to approve the Agenda as included in the meeting package. *Motion carried unanimously (5-0-0).*

**II. Public Correspondence**

- A. Correspondence Received: Ms. Adams reported that two questions had been received via email from Tammy Baker. The questions and answers were:

Q: Where does Watermaster make available the list of names and titles of members and supporting staff and consultants?

A: This information will be made available on Watermaster’s website. The website is currently hosted by BWD and will transfer to a site managed by WEI in the coming months.

Q: Are the Technical Advisory Meetings public? If so, how can the public get notified?

A: The meetings are public, and will be noticed as such. The notices will be posted to Watermaster’s website and will be emailed to the distribution list.

- B. Public Comments. Ms. Adams called for public comments.
  - i. Garmon introduced himself to the Board and attendees.

**III. Consent Calendar**

The Consent Calendar for the Sept. 10, 2020 meeting included:

- A. Approval of Minutes for Special meetings on August 13, 2020 and August 27, 2020.  
Ms. Adams reported that a member of the public requested a name correction to the minutes (Diane Johnson, formerly Hydoski). Director Deichler reported that on August 13, Director Jorgensen was absent and that was not noted in the minutes.

**Motion:** Motioned by Director Deichler, second from Director Smith to approve the Consent Calendar with the noted corrections to the meeting minutes. *Motion carried unanimously (5-0-0).*

**IV. Items for Board Consideration and Possible Action**

- A. *Election of Chairperson and Vice-Chairperson of the Board of Directors.*  
James Markman (Legal Counsel), provided an overview of the memo in the Board package and called for motions for the positions of Chairperson and Vice-Chairperson. Director Deichler nominated Director Duncan for the position of Chairperson of the Borrego Springs Watermaster. Director Smith asked Director Duncan if he accepts the nomination and Director Duncan noted that yes, is experienced and ready to fill the role. Mr. Markman noted that a roll call vote would be appropriate for this and all other business items going forward.

**Motion:** Motioned by Director Deichler, second from Director Smith to name Director Duncan as Chairperson of the Borrego Springs Watermaster Board. *Motion carried unanimously by roll call vote (5-0-0).*

Director Duncan assumed leadership of the meeting and called for a nomination for Vice Chairperson.

**Motion:** Motioned by Director Crow, second from Director Deichler to name Director Smith as Vice Chairperson of the Borrego Springs Watermaster Board. *Motion carried unanimously by roll call vote (5-0-0).*

- B. *Consideration of Appointment of a Secretary and Treasurer.*  
Chairman Duncan referred to the detail of the memo in the Board package and inquired with the Directors if WEI should serve in the Secretary and Treasurer roles directly, or if there should be Board positions to oversee these roles. A discussion ensued about the options and how the

roles would function and it was decided that there should be Board positions as Secretary and Treasurer to oversee the administrative work by WEI. It was discussed if the roles of secretary and treasurer could be filled by one Director. Director Crow nominated Director Seeley to serve as the Secretary and Treasurer, however Director Seeley noted he was not able to take on the extra role at this time. Director Crow inquired if the Vice Chairperson, Secretary, and Treasurer could be performed all by the same Director. Mr. Markman noted this was allowable.

**Motion:** Motioned by Director Crow, second by Director Deichler to name Director Smith as Secretary and Treasurer of the Borrego Springs Watermaster Board. *Motion carried unanimously by roll call vote (5-0-0).*

C. *Consideration of Adoption of a Resolution Adopting Rules and Regulations, Setting the Location, Day and Hour for the Conduct of Regular Watermaster meetings, Providing for the Conduct of Virtual Meetings and Designating Officers Authorized to Enter Into Agreements on Behalf of Watermaster.*

Mr. Markman presented the information in the memo included with the Board package, noting the information that needs to be added to finalize the resolution, including the date and time of regular meetings. Director Crowe inquired if there would be a fee charged by the BWD for use of the Board room once in-person meetings resume. Staff was directed to confirm with BWD. Director Crow proposed that meetings could be held at the Borrego Springs Library. Director Duncan noted that the library would be able to hold meetings for free. Director Smith motioned to add to Resolution 20-04 hold the regular monthly meetings on the second Thursday of the month at 4:30 pm, it was seconded by Director Deichler. Following the motion, Director Duncan noted that additional special meetings may still be needed in the next few months as the Watermaster continues its formation activities. He opened the item for discussion.

A question was raised about the need for a local principal office since it was left out of the Resolution 20-04. Mr. Markman informed the Board that it would be necessary to update the Rules & Regulations to change the requirement to have a principal office in Borrego Springs. The principal office is where all the Watermaster documents must be kept and it is most logical for this to be the WEI office. The purpose of a local office would be a place for the public to be able to review Watermaster document. A local office could still be set up for this purpose if necessary to ensure access to information, and it would not have to have a copy of all Watermaster files; this would just require some process to make information available locally as needed. One of the settlement parties, Casa Del Zorro, had offered to the Board (in prior conversation) to provide space for a local office, if needed. After discussion, it was decided it is acceptable to name the WEI office as principal office, and the need for a local office would be explored further at a later meeting.

Director Duncan called for the motion to be restated and heard.

**Motion:** Motioned by Director Smith, seconded by Director Deichler to adopt Resolution 20-04 with the regular date and time and date of Board meetings as the second Thursday of the month at 4:30 pm. *Motion carried unanimously by roll call vote (5-0-0).*

**D. Meter Read Protocols and Documentation.**

Ms. Adams presented Resolution 20-05 detailing her recommendations for collecting Meter Read data collection protocols. A discussion followed:

- Michele Staples expressed concerns about collecting the GPS data as part of the meter reads as this could make it easier for well locations to become public information. The goal is to protect the pumping wells from tampering or other illegal activity. Mr. Markman clarified that WM is an agent of the court and information can be redacted if it causes harm. Rich Pinel was in agreement with Ms. Staples and recommended that her request be implemented.
- Board direction: amend the meter reads requirements to protect against release of GPS coordinates of pumping wells.

**Motion:** Motioned by Director Deichler, seconded by Director Smith to adopt Resolution No. 20-05. *Motion carried unanimously by roll call vote (5-0-0).*

**E. Consideration of Approval of Agreement with Borrego Water District to Perform Water Meter Reading Services for Watermaster.**

Mr. Markman provided an overview of the Agreement in the Board package. Director Duncan called for discussion. Steve Anderson of BBK, legal counsel to BWD, asked that the Chairman if he should abstain from voting on the agreement since it is with the BWD. The Chairman stated it was his intent to abstain from the vote. Director Crow asked for clarification on proposed costs for services described in the Agreement. Geoff Poole, BWD GM, clarified that the BWD intentionally provided a vague description of other costs to ensure flexibility as it was unknown what all the costs would be. Mr. Markman clarified that the costs were quoted by BWD and accepted in a prior Special Board meeting. He suggested that the Board should move forward if it wishes to start meter reading by October 1 and costs can carefully be reviewed with BWD afterwards.

**Motion:** Motioned by Director Smith, seconded by Director Crow to Approve the Agreement to Perform Water Meter Reading Services for Watermaster. *Motion passed with four ayes in a roll call vote (4-0-1). Director Duncan abstained from the vote.*

Following the vote, Rebecca Falk inquired about the Watermaster Entry Permits. A discussion ensued. Mr. Markman explained that the purpose of the permits are to protect property owners. Ms. Falk inquired if all meters will be in place by the meter reading event (October 1), and Ms. Adams clarified that this will be discussed in the Executive Director’s report.

**F. Watermaster Bank Account (Discussion).**

Ms. Adams informed the Board that WEI is capable to support the Watermaster in opening a bank account and providing accounting/financial services as is done for other WEI Watermaster clients. She noted that she is currently working with WEI’s CFO to figure out the logistics of opening the bank account and will report back at the next Special Board meeting.

**V. Reports and Updates.**

- A. Legal Counsel Report - *none*.

B. Executive Director Report

i. *Meter Verification Status*

- Ms. Adams gave an update on the status of collecting meter verification and accuracy tests. Letters from the Watermaster were issued on September 5 to all of the Settlement Parties. WEI has arranged with McCall's Meters to obtain a discount on the meter accuracy testing. The regular price is \$250 per well, the discounted price is \$225 per well if at least 4 wells are performed per day.
- Director Seley inquired if there is a list of pumpers that have already been contacted regarding meter verification, and offered assistance to Ms. Adams with locating and contacting pumpers.

**VI. Board Member Comments.**

- Director Crowe asked Mr. Anderson of BBK for an update on the status of the Judgment. Mr. Anderson reported that the Judgment had been continued to November 20<sup>th</sup>. Mr. Tim Ross from the DWR also reported that the DWR is fixing a misnomer on its website regarding the Stipulated Judgment.
- Director Duncan inquired with Mr. Ross of the status of the review of the alternative plan for the Borrego Springs Subbasin. Mr. Ross reported that the review is in progress along with the GSPs submitted by critically-overdrafted basins and no due date for a response is known at this time.

**VII. Upcoming Borrego Springs Watermaster Board Meetings.**

A Special Board Meeting will be held on Thursday, September 24, 2020, 4:30 pm. Potential agenda items will include:

- Meter Verification Progress and Meter Reading Updates
- Watermaster Banking Updates
- HydroDave Database
- Following standards verification for conversion of water credits to BPA

**VIII. Adjournment.** Director Duncan adjourned the Board meeting at 5:57 p.m.

**Interim Borrego Springs Watermaster  
Board of Directors Meeting  
September 24, 2020  
AGENDA ITEM IV.A**

**To:** Board of Directors  
**From:** Samantha Adams (WEI), Executive Director  
**Date:** September 23, 2020  
**Subject:** Consideration of Approval of Updated Agreement with Borrego Water District to Perform Water Meter Reading Services for Watermaster

---

<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Funds Budgeted
<input type="checkbox"/> Information Only	<input type="checkbox"/> Cost Estimate:	\$

---

**Recommended Action**

Approve the updated *Agreement for Water Meter Reading Services* (Agreement) with Borrego Water District (BWD).

Fiscal Impact: None. Pumpers bear the cost of reading meters.

**Background and Previous Actions by the Board**

At its September 10, 2020 meeting, the Watermaster Board approved the Agreement for submittal to the BWD Board of Directors. The Agreement was submitted to the BWD for approval on September 15, 2020.

**Updated Agreement for Water Meter Reading Services**

BWD informed Watermaster staff that their insurance agent requires that specific language regarding the insurance requirements of Entry Permit be added explicitly into the Agreement in order to issue the needed insurance certificates. To address this request, Section 6 of the *Agreement for Water Meter Reading Services* was modified as follows (~~strikeout is removed text~~; new text is underlined):

6. Watermaster Information for District

Watermaster shall provide District with updated Party contact information and well information as necessary for District to complete the tasks identified in this Agreement. In addition, Watermaster shall obtain an Entry Permit in form and content approved by the Settling Parties or prescribed in the Judgment so that District may physically access the sites in order to read meters on behalf of Watermaster. District shall not be obligated to conduct a meter reading at any site until an Entry Permit has been executed by Watermaster and the applicable landowner. ~~District shall provide and maintain the insurance specified in paragraph 7 of the Entry Permit (Exhibit 8 to the proposed Stipulated Judgment).~~ District shall, prior to any entry onto the Property, acquire and keep in full force and effect comprehensive liability insurance with a combined single limit coverage limit of not less than Two Million Dollars

(\$2,000,000.00) covering bodily injury, personal injury, death and property damage liability per occurrence and in the aggregate, insuring the Property Owner and Watermaster against any and all liability with respect to or arising out of the entry or Activities. No policies issued on a "claims made" basis will be acceptable and no policies will have any deductible provision in excess of five percent (5%) of the total coverage maintained by the District. District shall also obtain and maintain all automobile and workers compensation insurance required by law with respect to the Activities. District shall provide the Property Owner and Watermaster with a certificate evidencing such coverage prior to Watermaster's entry onto the Property. All such liability insurance policies shall name the Watermaster and the Property Owner as an additional insured. All public liability, property damage, and other casualty policies shall be written as primary policies and any insurance carried by the additional insureds on such policies shall not be contributing with such policies. All policies of insurance under this Entry Permit shall be issued by reputable insurance companies with general policy holder's ratings of not less than A-, and which are qualified to do business in California.

The revised Agreement was approved by the BWD Board of Directors at its September 22, 2020 Board meeting.

Once approved by the Board, staff will work with the Board Secretary to execute the final agreement and direct BWD to perform the initial meter reading event between September 28, 2020 and September 30, 2020.

**Encl.**

Agreement for Water Meter Reading Services

Agreement for Water Meter Reading Services

1. Introduction

The Borrego Water District ("District") agrees to provide water meter reading services as described herein to the Borrego Springs Watermaster ("Watermaster").

Accurate measurement of groundwater extractions is essential for the successful management of groundwater in a distressed groundwater basin. Watermaster is the proposed arm of the Court in a pending adjudication that, among other functions, will be responsible for reading measuring devices installed on groundwater extraction wells in the Borrego Basin, Subbasin No. 7.024.01 designated in DWR Resolution No. 116 "(Basin") Watermaster already is performing management functions pursuant to a settlement agreement of certain water producers in the Basin referred to herein as "the Settling Parties". Under the settlement agreement and proposed Judgment, those Parties are required to meter their production and Watermaster desires to cause those meters to be read no later than October 1, 2020, the beginning of the Water Year defined in the settlement agreement and Judgment.

2. Location of Services

The services shall be performed at known well sites in the Basin utilized by the Settling Parties including those entities and individuals who may execute the settlement agreement after the effective date of this Agreement and at all metered production sites upon entry of Judgment or interim order in the pending adjudication which formally will establish Watermaster as a Court agent.

3. Contract Representatives

The Contract Representatives during the term of this Agreement are listed below and may be changed by written notice to the other Party.

<u>District</u>	<u>Watermaster</u>
Geoff Poole, General Manager	Samantha Adams, Executive Director
Borrego Water District	c/o Wildermuth Environmental, Inc.
806 Palm Canyon Drive	23692 Birtcher Drive
Borrego Springs, California 92004	Lake Forest, California 92630
Phone: 760-767-58061	Phone: 949-420-3030
Email: geoff@borregowd.org	Email: sadams@weewater.com

4. District Tasks and Responsibilities

- a. District shall contact Parties to schedule appointments for meter readings for meters requiring on site physical readings.
- b. District shall read all meters at intervals agreed to by the Parties, beginning with meters of Settling Parties and to include all meters required pursuant to any

interim order and the Judgment when entered by the Court. The meter readings shall be performed in accordance with the criteria stated on Exhibit 1 attached hereto.

- c. The Parties agree that District employees that conduct the meter reading or other activities described in this Agreement shall remain District employees and shall not be deemed to be Watermaster employees.

5. Deliverables

- a. On agreed upon intervals, District will provide Watermaster with the data collected from the meters in a medium and format acceptable to both Parties.
- b. On agreed upon intervals, District will send an invoice for payment to the Watermaster for services rendered during the previous interval. Each invoice will specify the number of hours of service provided by district in the previous interval and any District recoverable costs.

6. Watermaster Information for District

Watermaster shall provide District with updated Party contact information and well information as necessary for District to complete the tasks identified in this Agreement. In addition, Watermaster shall obtain an Entry Permit in form and content approved by the Settling Parties or prescribed in the Judgment so that District may physically access the sites in order to read meters on behalf of Watermaster. District shall not be obligated to conduct a meter reading at any site until an Entry Permit has been executed by Watermaster and the applicable landowner. District shall, prior to any entry onto the Property, acquire and keep in full force and effect comprehensive liability insurance with a combined single limit coverage limit of not less than Two Million Dollars (\$2,000,000.00) covering bodily injury, personal injury, death and property damage liability per occurrence and in the aggregate, insuring the Property Owner and Watermaster against any and all liability with respect to or arising out of the entry or Activities. No policies issued on a "claims made" basis will be acceptable and no policies will have any deductible provision in excess of five percent (5%) of the total coverage maintained by the District. District shall also obtain and maintain all automobile and workers compensation insurance required by law with respect to the Activities. District shall provide the Property Owner and Watermaster with a certificate evidencing such coverage prior to Watermaster's entry onto the Property. All such liability insurance policies shall name the Watermaster and the Property Owner as an additional insured. All public liability, property damage, and other casualty policies shall be written as primary policies and any insurance carried by the additional insureds on such policies shall not be contributing with such policies. All policies of insurance under this Entry Permit shall be issued by reputable insurance companies with general policy holder's ratings of not less than A-, and which are qualified to do business in California.

7. Cost

District will provide the services specified herein at a rate of \$45.63 per hour including field work, scheduling and reporting. In addition, the District will be reimbursed for costs incurred including mileage costs. A 10% charge will be applied to the total invoice amount (labor plus costs).

8. Termination of Contract

Either party may terminate this Contract by giving at least a 60-day written notice to the other Party.

IN WITNESS WHEREAS, the parties have entered into this Agreement as of the date stated below for each such Party.

Borrego Springs Watermaster

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Borrego Water District

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**Exhibit 1**  
**Meter Read Protocols and Required Documentation**

The purpose of reading meters is to collect and document the information needed to calculate total groundwater pumping for the water year (or any other time period of interest) at each active pumping well of the BPA Parties. It is critical that the meters are read accurately and that the meter read is properly documented.

To ensure accuracy of the meter read, the following protocol must be followed by the meter reader at each well:

- Make a hand written note, or key punch into excel file using a tablet or device, of:
  - BPA Party name
  - Well address
  - The last four digits of the meter serial number (SN)
  - Date and time of meter read
  - The meter read
  - The meter read units
  - Any challenges with reading the meter (e.g. face broken/cracked, no access, etc.)
- Take a time-stamped photograph of:
  - The meter make, model, and serial number
  - The well meter face that clearly shows the meter read and units of measure

At the completion of the meter reading event:

- Name each photograph with the following file name:
  - Last 4 digits of SN\_Date\_MeterInfo (e.g. 9999\_20200930\_MeterInfo)
  - Last 4 digits of SN\_Date\_MeterRead (e.g. 9999\_20200930\_MeterRead)
- Scan and save any hand written notes with the following file name:
  - Date\_MeterReadNotes (e.g. 20200930\_MeterReadNotes)
- Send photographs and scan of hand written notes (or excel file of notes) to Watermaster Staff

Attachment A1 is the form that should be used for the handwritten or electronic field notes. It will be provided to the meter reader by Watermaster as an Excel file and a PDF file. After the first meter reading event, the form can be updated to pre-populate the well owner and serial number information.

<b>Well #</b>	<b>BPA Party Name</b>	<b>Well Address</b>	<b>Meter SN - Last 4 Digits</b>	<b>Read Date (M/D/Y)</b>	<b>Read Time (AM/PM)</b>	<b>Meter Read</b>	<b>Meter Read Units</b>	<b>Challenges With Reading Meter?</b>
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

Interim Borrego Springs Watermaster
Board of Directors Meeting
September 24, 2020
AGENDA ITEM IV.B

To: Board of Directors
From: Samantha Adams (WEI), Executive Director
Date: September 23, 2020
Subject: Consideration of Approval of a Resolution to Establish a Bank Account to Support Implementation of the Settlement Agreement

Form with checkboxes: For Action, Information Only, Fiscal Impact, Cost Estimate, Funds Budgeted, and a dollar sign.

Recommended Action

Approve Resolution 20-06 of the Interim Borrego Springs Watermaster to Establish a Bank Account to Support Implementation of the Settlement Agreement.

Fiscal Impact: None. The cost of the administrative services related to banking is included in the Watermaster budget.

Background and Previous Actions by the Board

Section 4.1 of the Settlement Agreement provides for the Settling Parties to fund the interim Watermaster budget attached as Exhibit E to the Settlement Agreement. At prior special meetings, the Board has discussed the need to open a bank account to collect invoices from the Settling Parties. This action was deferred until the Board of Directors had an Executive Director and Legal Counsel on staff.

Requirements for Opening a Bank Account

WEI currently provides technical and administrative services to the Six Basins Watermaster in Claremont, CA. In that capacity we provide accounting and financial services, including managing a bank account held in the name of the Six Basins Watermaster. Per the direction to investigate opening a bank account for the Borrego Springs Watermaster, WEI's CFO initiated the process with Union Bank.

The following information was requested to open the account:

- 1. Copies of the formation documents of the Watermaster. WEI provided Union Bank with the Settlement Agreement, which was deemed appropriate documentation of its existence as an entity.
2. Proof of request by the Board of Directors to open a bank account. Staff has prepared the attached Resolution 20-06 to establish a bank account and identify authorized signers on the account. Once Resolution 20-06 is approved and executed. This can be submitted to the Bank as proof of the request to open the account.

3. An Employee Identification Number (EIN). The Watermaster will need to apply for an EIN with the IRS as a non-profit (tax-exempt) entity. The application for the EIN will require the Watermaster to designate a “Responsible Party” to endorse the EIN application. This will require the Responsible Party’s to provide their Social Security Number on the application. Staff recommends that the current siting Chairperson serve as the Responsible Party to the EIN. The IRS provides a form (8882-B) to enable a change to the Responsible Party over time. Staff can file Form 8822-B each time there is a change to the Chairperson. To protect the Responsible Party, Legal Counsel will develop an indemnification form.

Staff recommends that the Board of Directors approve Resolution 20-06 of the Interim Borrego Springs Watermaster to Establish a Bank Account to Support Implementation of the Settlement Agreement. Resolution 20-06 provides:

- Direction to Watermaster Staff to apply for an EIN number as a non-profit entity
- Subject to the development of an indemnification form to protect the responsible party that is acceptable to the Chairperson, Executive Director, and Legal Counsel, assigns the current sitting Chairperson to sign the EIN application as the responsible party for the EIN and directs Watermaster staff to execute Form 8822-B each time a change in Chairperson of the Board of Directors occurs.
- Direction to Watermaster Staff to open a bank account upon receipt of the EIN
- Designates all five Board members and the Executive Director with signature authority

To finalize the opening of the bank account, all those with signature authority will need to go to the bank to execute signature cards.

**Encl.**

Resolution 20-06 of the Interim Borrego Springs Watermaster to Establish a Bank Account to Support Implementation of the Settlement Agreement

RESOLUTION NO 20-06 OF THE  
BOARD OF DIRECTORS OF THE INTERIM BORREGO SPRINGS WATERMASTER ESTABLISHING A BANK  
ACCOUNT TO SUPPORT IMPLEMENTATION OF THE SETTLEMENT AGREEMENT

WHEREAS, the Settlement Agreement, established an Interim Watermaster pending entry of the Stipulated Judgment by the Court.

WHEREAS, the Settling Parties agreed to fund the interim Watermaster budget attached as Exhibit E to the Settlement Agreement.

WHEREAS, the Interim Borrego Springs Watermaster requires a bank account to invoice and collect payments from the Settling Parties to fund the budget.

WHEREAS, an Employee Identification Number (EIN), endorsed by an associated responsible party, must be obtained from the Internal Revenue Service in order to open a bank account.

NOW, THEREFORE, be it resolved by the Board of Directors of the Interim Borrego Springs Watermaster, that

1. The Board of Directors hereby directs Watermaster staff to apply for an EIN number as for the Borrego Springs Watermaster a non-profit entity.
2. Subject to the development of an indemnification form to protect the responsible party that is acceptable to the Chairperson, Executive Director, and Legal Counsel, the Board of Directors assigns the current sitting Chairperson to sign the EIN application as the responsible party for the EIN and directs Watermaster staff to execute Form 8822-B each time a change in Chairperson of the Board of Directors occurs.
3. The Board of Directors directs Watermaster staff to open a bank account upon receipt of the EIN.
4. The Board of Directors assigns check signing authority to all five Board members and the Executive Director.

**PASSED AND ADOPTED** at a special meeting of the Board of Directors of the Interim Borrego Springs Watermaster held on the 24th day of September 2020, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**

\_\_\_\_\_  
Chairperson  
Board of Directors

\_\_\_\_\_  
Secretary  
ATTEST

**Interim Borrego Springs Watermaster  
Board of Directors Meeting  
September 24, 2020  
AGENDA ITEM IV.C**

**To:** Board of Directors  
**From:** Samantha Adams (WEI), Executive Director  
**Date:** September 23, 2020  
**Subject:** Logistics for the Formation of the Watermaster Technical Advisory Committee

---

<input type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Funds Budgeted
<input checked="" type="checkbox"/> Information/Discussion	<input type="checkbox"/> Cost Estimate:	\$

---

**Background**

Section IV.G of the Judgment and Article III of the Rules & Regulations provides for the formation of a Technical Advisory Committee (TAC). The Judgment defines the TAC as (Section I.A.58):

*The advisory body established pursuant to Section IV.G(1) of this Judgment to study technical aspects of the Basin and to issue recommendations to Watermaster based on such technical study for the purpose of achieving Sustainable Groundwater Management in the Basin in an effective and efficient manner, consistent with the rights and obligations of the Parties established by this Judgment.*

The Judgment defines the duties and responsibilities as (Section IV.G.2):

*The Technical Advisory Committee’s responsibilities will include, without limitation, making recommendations based on best science and data collected regarding the Water Budget and the avoidance of Undesirable Result, determined by the TAC based on best available data, including without limitation information generated from BVHM model runs. Such assessment must consider all inflows and outflows from the Basin, including without limitation mountain front underflow and flux into the Borrego Springs Basin across the Coyote Creek fault and all other underflows, agricultural and recreational irrigation return flows; specific yield differences of the three aquifers(upper, middle and lower) within the different Management Areas of the Basin; and other matters approved by the Watermaster to improve upon initial assumptions regarding the Water Budget that will enable better Adaptive Management of the Basin.*

The types of activities within the subject matter expertise of the TAC on which recommendations are to be made to the Watermaster include:

- Determination of Sustainable Yield, including scope of work and budget for technical work (Section II.E; Section III.F)
- Evaluation of carryover (Section III.B)
- Evaluation of restrictions BPA transfers (Section III.I.5)
- Selection of Watermaster staff (Section IV.C)
- Water quality monitoring plans (Section VI.B)

Section IV.G.1 of the Judgment provides that membership in the TAC will be open to an expert hired by any Party holding BPA or the County. To participate as a TAC member, the expert must have specific licenses and professional backgrounds.

**Discussion**

The Board should discuss the timing and need for forming the TAC and direct staff to take next steps as appropriate based on the discussion.