

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:

Directors Present	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
Watermaster Staff Present	James M. Markman , Watermaster Legal Counsel
	Samantha Adams , Watermaster Executive Director (WEI)
	Kristan Culbert – Staff Scientist, WEI
Others Present	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 Seley to serve as the Secretary and Treasurer, however Director Seley 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 20th. 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.**

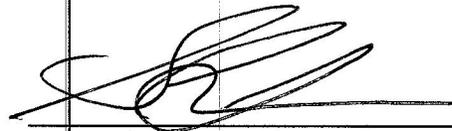
A Special Board Meeting will be held on Thursday, September 24, 2020, 4:30 pm. Potential agenda items will include:

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

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

Kristan Culbert

Recorded by: Kristan Culbert
Wildermuth Environmental, Inc.



Attest: Shannon Smith, Board Secretary