

**Borrego Springs Interim Watermaster Board
Special Meeting
July 30, 2020 @ 4:30 p.m.
OPEN SESSION ITEMS TO BE HEARD AT 5:30
Borrego Water District: 806 Palm Canyon Drive
Borrego Springs, CA 92004**

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- I. OPENING PROCEDURES**
- A. Call to Order:
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Approval of Agenda
 - E. Approval of Minutes -None
 - F. Comments from the Public & Requests for Future Agenda Items (may be limited to 3 min)
 - 1. Rebecca Falk Re: Consultant Selection Process (2-3)
 - G. Comments from Directors
 - H. Correspondence Received from the Public: None
- II. CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT:** Appointment of Watermaster Technical Consultant / Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957
- III. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION (WILL NOT BE HEARD PRIOR TO 5:30 pm)**
- A. Selection of Executive Director/Technical Consultant – G Poole, VERBAL
 - B. Meter Reading and Related Issues – S Smith (4-5)
 - C. Letter from BWD re: No Unresolved Deficiencies on Previously Fallowed Lands – G Poole (6-7)
 - D. Continuation of Watermaster Administrative Support by BWD Staff thru August 2020 – G Poole (8)
- IV. STAFF REPORT**
- A. Financial Reports: None
 - B. Water Use Reports: None
 - C. Executive Directors Report: None
- V. CLOSING PROCEDURE:** The next Board Meeting is scheduled for August 13, 2020 at Borrego Water District 806 Palm Canyon Dr, Borrego Springs, CA 92004

AGENDA: July 30, 2020 All Documents for public review on file with the Watermaster temporarily located at 806 Palm Canyon Drive, Borrego Springs CA 92004
Any public record provided to a majority of the Board of Directors less than 72 hours prior to the meeting, regarding any item on the open session portion of this agenda, is available for public inspection during normal business hours at the Office of the Board Secretary, located at 806 Palm Canyon Drive, Borrego Springs CA 92004. The Borrego Springs Watermaster complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole at (760) 767 – 5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility. If you challenge any action of the Board of Directors in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Directors (c/o the Board Secretary) at, or prior to, the public hearing.

BORREGO SPRINGS BASIN WATERMASTER
BOARD OF DIRECTORS MEETING
JULY 30, 2020
AGENDA ITEM – PUBLIC COMMENT

July 28, 2020

TO: Board of Directors
FROM: Geoffrey Poole
SUBJECT: Comments from Rebecca Falk

RECOMMENDED ACTION:

The following comments were received from Rebecca Falk

ITEM EXPLANATION:

Rebecca Falk submitted the following comments.

July 16, 2020

Dear Watermaster Board Directors:

Quoting from the May 14, 2020 published WMB agenda packet, item II.B.

"In addition, most public agencies, including The County of SD, does not (sic) publish anything until after the selection is made. The County's only public facing documentation during a typical RFQ process is the RFQ. After internal review the County publicly posts a notice of intent to award...once the protest period ends...begin negotiating with the chosen consultant...once a contract is awarded, everything is public." (Ellipses are not mine but are in the original.)

Just a note to say that my request today and earlier to have some information about the choice of Counsel and Tech Consultant/ED, if only the individual's name being considered for the final hire--prior to the hire--was not unreasonable according to what was presented by Geoff and written or approved by Steve Anderson at the May 14th WMB meeting above. This WMB is being less open than the standard given in this quote as it is not providing any period of time for public comment after a firm/individual has been chosen, prior to a contract being signed. I heard an expression at a meeting of NGO's recently that they had learned to move at the speed of trust, that is, not to rush things in a way that undermined trust.

I wish I had found this quote from the May 14th agenda packet prior to the meeting this evening, but am sending it now that I have found it and hope you will consider it. I do understand your sense of urgency with these hires. I still urge you to consider the speed of trust.

I would also like to know what is included in "everything" that is made public by the County once a contract is awarded. The contract itself? The application only? Other? Can you find out and consider being at least as transparent as the standard cited in the item above?

Sincerely,

*Rebecca Falk
Member of the Public, Borrego Springs*

On a related note, Rebecca and I have recently spoken about the letters between the two of us from this past June. In summary, neither one of us intended to make any disparaging/hurtful comments in any way towards each other. We both apologized if that was the case and are continuing to talk productively as needed on BWD and Watermaster issues.

NEXT STEPS

TBD

FISCAL IMPACT

N/A

ATTACHMENTS

1. None

BORREGO SPRINGS BASIN WATERMASTER
BOARD OF DIRECTORS MEETING
JULY 30, 2020
AGENDA ITEM III.B

July 30, 2020

TO: Board of Directors

FROM: Geoffrey Poole

SUBJECT: Meter Reading Schedule and Related Issues– S Smith

RECOMMENDED ACTION:

Receive Report and Direct Staff as Deemed Appropriate.

ITEM EXPLANATION:

Director Smith requested this item be placed on the Agenda as the First Water Year draws near.

Pursuant to the proposed stipulation, the Watermaster is responsible for capturing and reporting the water pumping in the basin.

The proposed stipulation provides that pumpers are to install meters approved by the Watermaster that are capable of electronically transmitting the amount of Groundwater pumped and other data in real time on a schedule determined by the Watermaster. In the alternative, any Party can elect other meters as approved by Watermaster so long as the Watermaster physically reads the meters at cost of the Party and the Party executes the Entry Agreement as provided in Exhibit 8.

In preparation for the initial water meter readings on September 30, 2020, the Watermaster board has solicited responses from the Parties and understands that six (6) of the Parties have elected to utilize electronic transmission from meters in real time. The balance of the parties will have their meters read by the Watermaster.

Proposed Actions:

1. The Watermaster establishes September 30, 2020 as the initial meter reading date for the water year beginning October 1, 2020.
2. The Watermaster directs the distribution of Entry Agreements to all Parties who chose not to install meters capable of electronic transmission on all of the Parties wells.
3. The Watermaster directs the Executive Director, when appointed, to solicit additional proposals to provide water meter reading services to the Watermaster.
4. The Watermaster directs the Executive Director, when appointed, to consult with the Technical Advisor, when appointed, and convene the Technical Advisory Committee for purposes of establishing a recommendation for the rules and regulations regarding metering and data collection.
5. The Watermaster directs the Executive Director to place the recommendation on the agenda for the meeting following the Technical Advisory Committee meeting for action consideration by the Watermaster Board.

Reference to Proposed Stipulation:

“Meter Installation for the Purpose of Accurately Measuring Water Use. Parties holding BPA will install and maintain, at their own expense, meters approved by Watermaster that can electronically transmit a recording of the amount of Groundwater Pumped from the Basin and other data to the Watermaster in real time on a schedule as determined by the Watermaster. This meter program will result in cost savings by avoiding the need for the Watermaster to physically read, inspect and validate the accuracy of meters.

Alternatively, any Party holding BPA may elect to install and maintain, at its own expense, other meters approved by Watermaster on condition that: (i) the Watermaster physically read the meters on the schedule determined by the Watermaster and the Party pay all costs associated with the reading, accounting and reporting related to such meters; and (ii) the Party has executed an Entry Agreement as specified in Exhibit 8 for the purpose of allowing Watermaster access to the Party’s well.” (Stipulated Judgment Section VI.A)

Reference to the Rules and Regulations:

The Rules and Regulations attached to the Stipulated Judgment provide that “the Watermaster Technical Consultant shall propose, and the Watermaster Board shall adopt and maintain, rules and regulations regarding metering and data collection consistent with the provisions of the Judgment”. (Rules and Regulations section 4.2.4.)

NEXT STEPS/FISCAL IMPACT

TBD

BORREGO SPRINGS BASIN WATERMASTER
BOARD OF DIRECTORS MEETING
JULY 30, 2020
AGENDA ITEM III.C

July 28, 2020

TO: Board of Directors

FROM: Geoffrey Poole

SUBJECT: Letter from BWD re: No Unresolved Deficiencies on Previously Fallowed Lands– G Poole

RECOMMENDED ACTION:

Receive Letter from BWD

ITEM EXPLANATION:

At the July 16th Watermaster Board Meeting, a request was made by Director Smith for BWD to submit a letter confirming there were not Unresolved Deficiencies with any of the land associated with the BWD Water Credit program. The BWD approved the attached letter at its July 28th Board Meeting.

NEXT STEPS

TBD

FISCAL IMPACT

N/A

ATTACHMENTS

1. BWD Letter



July 28, 2020

Borrego Springs Subbasin Watermaster
806 Palm Canyon Drive
Borrego Springs, CA 92004

The Borrego Water District has received the request from the Watermaster Board and is confirming there are no unresolved deficiencies as of the date of its writing in the following performed pursuant to the BWD's policy in effect at the time the water credits were issued.

While BWD agrees that the following needed to establish water credits have been met as indicated above, it makes no representations about whether the real property or other condition of the property otherwise satisfies any legal federal, state, county or local requirements or standards.

Sincerely,

A handwritten signature in blue ink that reads "Geoff Poole".

Kathy Dice, President

(Signed by Geoff Poole, GM)

BORREGO SPRINGS BASIN WATERMASTER
BOARD OF DIRECTORS MEETING
JULY 30, 2020
AGENDA ITEM III.D

July 28, 2020

TO: Board of Directors

FROM: Geoffrey Poole

SUBJECT: Continuation of WaterMaster Administrative Support by BWD Staff thru August 2020 – G Poole

RECOMMENDED ACTION:

Receive Report

ITEM EXPLANATION:

The BWD Board wanted to inform the Watermaster it has authorized continuation of Administrative Support through August 2020, which is consistent with the planned schedule for selection of the Executive Director. If for some reason the ED selection is not made, BWD would consider a short term extension but that is not the preferred outcome.

NEXT STEPS

TBD

FISCAL IMPACT

N/A

ATTACHMENTS

1. None