

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, October 13, 2022, 4:30 p.m.

I. Opening Procedures

- A. Chair Duncan called the meeting to order at 4:30 PM
- B. Chair Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams, Executive Director (ED) called roll and confirmed that all five members of the Board were present. The following individuals were present at the meeting:

Directors Present	Chair Dave Duncan – Borrego Water District (BWD)
	Vice Chair* Shannon Smith – Recreational Sector
	Tyler Bilyk, Board Alternate – Agricultural Sector
	Martha Deichler, Board Alternate – Community Representative
	Jim Bennett – County of San Diego
Watermaster Staff Present	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Lauren Salberg, Staff Scientist, West Yost
Others Present	Anita Regmi, DWR
	Diane Johnson, BWD Board Member
	Geoff Poole, General Manager, BWD
	Jim Dax
	Leanne Crow, Board Alternate – County of San Diego
	Michele Staples, Jackson Tidus, representing AAWARE
	Tammy Baker, BWD Board Member
	Travis Huxman
	Trey Driscoll, Intera, representing BWD

**Vice Chair Smith also serves as the Secretary and Treasurer of the Board*

Following roll call, Chair Duncan inquired about Director Bilyk’s potential appointment as the primary representative of the Agricultural Sector. ED Adams reported that Director Bilyk is still the Alternate for Mike Seley, but will assume the role of primary Director once any actions needed to formalize this change are taken (if any).

D. Approval of Agenda.

Motion: Motioned by Director Deichler, seconded by Director Smith to approve the agenda with the modification to advance Agenda Item V.G to the top of the agenda. *Motion carried unanimously by voice vote (5-0-0).*

V.G *Consideration of Approval to Record Watermaster Meetings and Post to Website.* ED Adams gave a brief overview of the agenda item, which was requested by the Board for inclusion on the agenda. Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments. The key points of discussion included:

- ED Adams confirmed there would be no costs associated with posting and saving the recordings of the Watermaster Board meetings to the Watermaster website.
- Chair Duncan noted that since the Watermaster Board is not a public agency, the recordings can be kept for a retention period of the Board's discretion. Chair Duncan suggested a one-year retention period.

Motion: Motioned by Director Bennett, seconded by Director Deichler, to record Watermaster Board meetings and retain the recordings for one-year. *Motion carried unanimously (5-0-0).*

- II. Election of Board Officers.** ED Adams explained that officers need to be elected annually at the start of the Water Year. Current officers from WY 2022 are Directors Duncan (Chair) and Smith (Vice Chair, Secretary, Treasurer).

Motion: Motioned by Director Deichler, seconded by Director Bennett, to keep the same slate of Board Officers from WY 2022 in WY 2023. *Motion carried unanimously by roll call vote (5-0-0).*

III. Public Correspondence

- A. Correspondence Received. ED Adams referenced the correspondence included in the agenda package.
- B. Public Comments. Chair Duncan called for public comments. The following public comments were made:
 - Diane Johnson addressed the Board on the topic of the budget and schedule for redetermining the sustainable yield of the Borrego Springs Subbasin.

- IV. Consent Calendar.** Chair Duncan called for any discussion or public comment on the Consent Calendar items included in the October 13, 2022 agenda package. There were no comments or Board discussion.

Motion: Motioned by Director Deichler, seconded by Director Bilyk to approve the Consent Calendar. *Motion carried unanimously by roll-call vote (5-0-0).*

V. Items for Board Consideration and Possible Action

- A. *Prop 68 DWR Grant Update (Adams).* ED Adams provided a summary on the status of the Prop 68 DWR grant, noting that the DWR has submitted to the BWD/DWR Agreement to DWR legal counsel for final approval. The next steps are to finalize and approve the Watermaster/BWD Subgrantee Agreement. A Special Board meeting may be scheduled in late October to consider approval of the Subgrantee Agreement and other associated actions, including (1) extension of the professional services agreement with West Yost to formalize payment terms and (2) potential amendment of the WY 2023 Budget. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

No Board action was taken.

- B. *Process and Schedule to Complete WY 2022 Annual Report.* ED Adams provided an overview of and the process and schedule for completing the WY 2022 Annual Report in compliance with the new Court-defined filing deadline of February 1, 2023. She highlighted the potential timeline

challenges that exist with the new filing deadline. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Jim Dax, Tammy Baker, and Diane Johnson.

The key points of discussion included:

- Concerns about the timeline to complete the Annual Report.
- Some Board members would like more time to respond to verbal and written comments on the draft Annual Report, noting that the proposed schedule does not provide ample time for review of Staff's response to comments.
- Options for alternative due dates.
- The process for requesting an extension of the due date from the Court. Mr. Markman stated that because the February 1 filing deadline is specified in the Judgment, the Board should amend the Judgment to permanently change the deadline if the schedule will be an issue every year.
- Concerns about the costs associated with a deadline extension, including the potential for higher consultant costs associated with an extended time period to complete the report and the potential legal cost associated with amending the Judgment to permanently change the Annual Report due date.

Motion: Motioned by Director Bennett, seconded by Director Deichler, to submit a motion to the Court to permanently extend the Annual Report filing deadline to April 1st to coincide with the DWR reporting deadline. *Motion carried by majority in a roll-call vote (3-2-0).* Directors Duncan, Deichler, and Bennett voted yes; Directors Smith and Bilyk voted no.

C. *Consideration of Approval to Contract with Lance, Soll & Lunghard, LLC to Perform the WY 2022 Annual Financial Audits.* ED Adams presented the quote by Lance, Soll & Lunghard, LLC to perform the financial audit for WY 2022. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- Lance, Soll & Lunghard, LLC costs are reasonable and consistent with industry for similar levels of service
- Although the proposed budget is \$185 greater than what was budgeted for this effort, the difference is not large enough to warrant looking for another firm to perform the audit.
- Chair Duncan reported that the BWD reported that its annual audit is performed for significantly less cost than proposed by LSL. In the future, it should be investigated if there are other firms that could perform the audit at a cost similar to that paid by BWD (upon confirmation of BWD auditor's level of service and cost).

Motion: Motioned by Vice Chair Smith, seconded by Director Deichler, to approve the \$8,425 cost to perform the financial audit and engage Lance, Soll & Lunghard, LLP to perform the work. *Motion carried unanimously by roll-call vote (5-0-0).*

D. *November 2022 Technical Advisory Committee Agenda* . Mr. Malone presented the proposed agenda for the upcoming TAC meeting on November 2, 2022. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Jim Dax.

The key points of discussion included:

- Once gaps in the groundwater monitoring network have been identified, Staff will develop recommendations to address the gaps.
- Gaps in the groundwater monitoring network refer, holistically, to geographic gaps, spatial gaps, depth-specific gaps, and gaps in the monitoring protocols and procedures that are part of the monitoring program.

Motion: Motioned by Director Deichler seconded by Vice Chair Smith, to approve the proposed agenda for the November 2, 2022 TAC meeting. *Motion carried unanimously by roll-call vote (5-0-0).*

E. *Participation in BWD Annual Town Hall Meeting November 15, 2022.* Chair Duncan provided background on the history of the BWD Town Hall, which is a forum that allows for BWD staff to meet with the public. ED Adams conveyed that the BWD has requested Watermaster Board members to participate in the upcoming Town Hall. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Diane Johnson.

The key points of discussion included:

- Clarification that any Board member is welcome to attend, but that Board Members should determine how to collectively represent the Board while in attendance.
- The Watermaster will be required to notice a Special Meeting if a quorum of members will plan to attend the Town Hall. The Special Meeting will have a simple agenda with no action items. The Chair will need to convene the meeting prior to participation in the Town Hall discussion.
- The meeting will be a hybrid meeting so those not able to be present can participate virtually.
- West Yost staff are available to participate virtually.
- Chair Duncan, Vice Chair Smith, Director Bennett, and Director Deichler indicated they plan to attend the Town Hall.

No Board action was taken.

F. *Review of Draft Water Year 2022 Water Rights Accounting.* ED Adams presented the draft water rights accounting for WY 2022. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Jim Dax.

The key points of discussion included:

- Water rights transfers completed by October 31st can be included in the water rights accounting calculation since the Judgement does not specifically set a deadline for transfers.

No Board action was taken.

VI. Reports.

- A. Legal Counsel Report. NONE
- B. Technical Consultant Report. Mr. Malone provided an update on the DWR agreement for Technical Support Services to fund the installation of a monitoring well. Mr. Malone reported that the DWR has reversed their position on the signatory party of the agreement and has recommended BWD execute the grant agreement. The agreement is in progress.
- C. Executive Director Reports. ED Adams provided an overview of the anticipated Watermaster activities for the next three months (refer to meeting presentation on Watermaster website).
- D. Chairperson’s Report. NONE

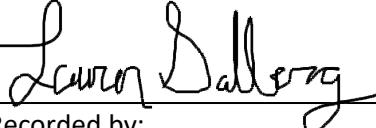
VII. Board Member Comments. Chair Duncan called for comments.

- A. Director Deichler provided updates on the Biological Restoration of Fallowed Lands project on behalf of Director Jorgensen. Director Deichler reported that Director Jorgensen had a positive experience joining technical staff from Land IQ and University of California Irvine staff on a recent site visit to help finalize the project scope of work that is being funded by the DWR grant, and that he would be happy to answer any questions about the project during a future Board meeting.

VIII. Next Meetings of the Borrego Springs Watermaster. Chair Duncan reviewed the meeting dates and potential agenda items for the next Board meetings listed in the agenda package.

IX. Adjournment

- A. Chair Duncan adjourned the meeting at 6:35 PM.



Recorded by:
Lauren Salberg, Staff Geologist (West Yost)



Attest:
Shannon Smith, Vice Chairperson, Secretary,
and Treasurer of the Board