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County of San Bernardino
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JEANNE ZOUR
County Clerk - West District

6 Attorneys for Chino Basin Watermaster

FEE EXEMPT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

10

11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendants.

CASE NO. RCV 51010

SUPPLEMENT TO MOTION
CONCERNING WATERMASTER
COMPENSATION AND DECLARATION
OF TRACI STEWART

Hearing Date: March 2, 1999
Time: 10:00 a.m.
Dept.: RC-H

Specially assigned to the Honorable
Judge J. Michael Gunn

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PRELIMINARY

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On January 21, 1999, the court continued the hearing on the Watermaster's Motion to Amend the Judgment Concerning Watermaster Compensation to give the Watermaster the opportunity to file supplemental documents. The documents were to be filed before February 17, 1999. The continued hearing will be held on March 2, 1999, at the hour of 10:00 a.m. or as soon thereafter as the matter may be heard.

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The Watermaster and the Joint Watermaster Committees have authorized the following supplemental filing.

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AMENDMENT TO JUDGMENT

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Paragraph 18 of the Judgment now deals with three different subjects: (1) upon

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1 recommendation of the Advisory Committee, the Watermaster may make rules for the
2 conduct of Watermaster affairs; paragraph 18 describes (2) a rule relating to Watermaster
3 compensation and (3) Watermaster expense reimbursement. Watermaster proposes to
4 amend paragraph 18, deal with these three subjects in three sub-paragraphs as follows:

5 "18. Rules and Regulations

6 (a) Upon recommendation by the Advisory Committee, Watermaster shall
7 make and adopt, after public hearing, appropriate rules and regulations for conduct
8 of Watermaster affairs, including, meeting schedules and procedures, and
9 compensation of members of Watermaster at not to exceed \$25 per member per
10 meeting, or \$300 per member per year, whichever is less, plus reasonable
11 expenses related to activities within the Basin. Thereafter, Watermaster may amend
12 said the rules from time to time upon recommendation, or with approval of the
13 Advisory Committee after hearing noticed to all active parties. A copy of said the
14 rules and regulations, and of any amendments thereof, shall be mailed to each
15 active party.

16 (b) ~~Under the rules, Watermaster members shall be paid up to \$125 for~~
17 ~~each day's attendance at meetings at the direction of the board, not to exceed eight~~
18 ~~meetings in each month. Compensation shall not be paid for junkets or attendance~~
19 ~~at conferences, seminars, or retreats at locations other than Watermaster~~
20 ~~headquarters. Members shall not be compensated for more than one meeting each~~
21 ~~day.~~

22 (c) ~~Under the rules, Watermaster members may be reimbursed for~~
23 ~~reasonable and necessary travel, meals, lodging and registration expenses incurred~~
24 ~~on Watermaster business. Mileage shall not be paid for travel to or from~~
25 ~~Watermaster meetings unless the individual must travel more than 50 miles per~~
26 ~~month. The Watermaster's budget shall include an appropriation for expense~~
27 ~~reimbursement. The Watermaster shall file a report on the expense reimbursement~~
28 ~~with the court as part of the Annual Report. The Report shall disclose total expense~~

1 reimbursements and single expenditures for items of \$125.00 or more."

2 **NUNC PRO TUNC**

3 On September 9, 1998, the court indicated it wished to consider the matter of
4 Watermaster compensation as part of a noticed motion. At that time, the court indicated it
5 would welcome a request to amend the Judgment nunc pro tunc. As a result, Watermaster
6 board members have been compensated at the above rate. The order should be nunc pro
7 tunc with regard to Watermaster board compensation.

8 Under the existing Paragraph 18 of the Judgment, Watermaster may adopt
9 "reasonable" rules on expense reimbursement. The current rules allow Watermaster
10 board members to be paid for travel to and from Watermaster meetings. The above
11 proposal does not allow mileage for travel to and from Watermaster board meetings unless
12 the mileage exceeds 50 miles in a month, but is otherwise consistent practice. The order
13 should not be nunc pro tunc as to expense reimbursement.

14 **CONCLUSION**

15 Watermaster respectfully requests the court to approve the amendment to
16 paragraph 18 of the Judgment as set forth above.

17
18 Dated: February 11, 1999

LEMIEUX & O'NEILL

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20 Wayne K. Lemieux
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CHINO BASIN MUNICIPAL WATER DISTRICT V. CITY OF CHINO et al.
CASE NO. RCV 51010

PROOF OF SERVICE

I, Michelle Lauffer, declare:

1. I am over the age of 18 and not a party to this action. My business address is Chino Basin Watermaster, 8632 Archibald Avenue, Suite 109, Rancho Cucamonga, California 91730.

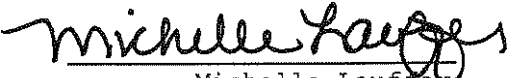
2. On today's date, I served the documents identified below by placing a true and correct copy of same in sealed envelopes addressed to each of the addresses shown on the attached mailing lists.

**SUPPLEMENT TO MOTION CONCERNING WATERMASTER COMPENSATION AND
DECLARATION OF TRACI STEWART**

3. I then placed said envelopes for collection, processing and mailing by Chino Basin Watermaster personnel with the United States Postal Service on today's date, following Chino Basin Watermaster's ordinary business practices. Pursuant to these practices, with which I am familiar, postcards are deposited in the ordinary course of business with the United States Postal Service on the same date they are collected and processed, with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 16, 1999, at Rancho Cucamonga,
California.


Michelle Lauffer



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