

RESOLUTION 89-1

RESOLUTION OF THE CHINO BASIN WATERMASTER, SAN
BERNARDINO COUNTY, CALIFORNIA, ESTABLISHING A
ZERO BASE APPROPRIATIONS LIMIT FOR FISCAL YEAR
1989/90

WHEREAS, on January 27, 1978, the Chino Basin Watermaster was appointed by the Superior Court of the State of California for the County of San Bernardino to administer and enforce the provisions of Judgment Number 164327; and

WHEREAS, the Watermaster may be considered a local government required under Article XIII B of the State of California Constitution to annually establish an appropriations limit for the following fiscal year; and

WHEREAS, a uniform guideline for the implementation of Article XIII B of the California Constitution (October 1980) has been drawn up by the League of California Cities' Gann Task Force and the assumptions included therein have been used in determining the applicability of said article to the Watermaster activities.

NOW, THEREFORE, the Chino Basin Watermaster does hereby RESOLVE AND DETERMINE as follows:

Section 1. Declaration. That this Watermaster does hereby declare:

a. Under Judgment Number 164327, Administrative Assessments are to be levied on all water producers to cover the costs of administering this program.

b. Under said Judgment, Water Replenishment Assessments are to be levied upon all water producers who pump water in excess of their adjudicated rights to water within the underlying Chino Basin to cover the cost of replacing that amount of water over-produced in the prior fiscal year.

c. Such Assessments are levied only on parties pumping water from the Chino hydrologic basin.

d. Those parties assessed receive direct benefits from maintaining the water levels within the underlying water basin.

e. All revenues of the 1978-1979 Base Year consisted of said Assessments, interest earned thereon and upon funds held in appropriated reserves resulting from prior year Assessments, and grants in aid from other local agencies. Exhibit "A" attached hereto.

f. All revenues received that exceeded the cost of administration and groundwater replenishment are either returned to the pumpers or retained in the Watermaster accounts for carrying out the Watermaster purposes.

Section 2. Findings and Determinations. That, based upon the above declaration, this Watermaster does hereby find and determine:

a. The Chino Basin Watermaster had no appropriations subject to limitation during the 1978-1979 Base Year.

b. The Chino Basin Watermaster is an enterprise operation and as such is not subject to appropriations limitation under Article XIII B of the California Constitution.

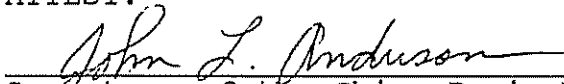
Section 3. Filing. That the Secretary is hereby authorized and directed to file a certified copy of this resolution with the Board of Directors of Chino Basin Municipal Water District for inclusion in the public notice procedures for that local government.

ADOPTED this 5th day of April, 1989.



Chairman of the Chino Basin Watermaster
and of the Board of Directors thereof.

ATTEST:



Secretary of the Chino Basin Watermaster
and of the Board of Directors thereof.

EXHIBIT "A"

1978-1979 BASE YEAR
APPROPRIATIONS SUBJECT TO LIMITATION
UNDER ARTICLE XIII B STATE OF CALIFORNIA CONSTITUTION

REVENUE SOURCE	PROCEEDS OF TAX	NON-PROCEEDS OF TAX
Property Tax	\$ -0-	
Interest Income	-0-	\$ 40,942
Assessment Revenue - Judgment No. 164327		757,143
Grants-in-Aid (Midge Study)		4,000
Total Revenues	-0-	\$802,085

"Appropriations Subject to Limitation": None

Exhibit "A"

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, John L. Anderson, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution being Number 89-1, was adopted at a regular meeting of said Watermater by the following vote:

AYES: Directors French, Borba, Anderson, Girard and Dunihue

NOES: None

ABSENT: None


Secretary

APPROPRIATIVE POOL COMMITTEE
RESOLUTION 89-1

RESOLUTION OF THE APPROPRIATIVE POOL COMMITTEE
SETTING FORTH A PROCEDURE AND ACCEPTING THE
OFFER OF ASSISTANCE FROM THE ATTORNEY GENERAL
OF THE STATE OF CALIFORNIA TO USE ITS GOOD
OFFICES TO ENSURE COMPLIANCE WITH THOSE TERMS
OF THE CHINO BASIN ADJUDICATION JUDGMENT AND
WATERMASTER RULES AND REGULATIONS REQUIRING
INSTALLATION, MAINTENANCE, AND REPAIR OR
REPLACEMENT OF WATER MEASURING DEVICES

WHEREAS, the Judgment entered in Chino Basin M.W.D. v. City of Chino, et al., San Bernardino Superior Court No. 164327, and the Chino Basin Watermaster Rules and Regulations promulgated thereunder require the installation of water measuring devices and maintenance of such devices in good working order by all parties to the Judgment except those exempted therefrom as "minimal producers"; and

WHEREAS, members of the Appropriative Pool will be the beneficiaries of all waters not produced by the members of the Overlying (Agricultural) Pool pursuant to the terms of the aforesaid Judgment and Rules and Regulations; and

WHEREAS, the members of said Pools, by and through their respective pool committees, have undertaken to work together to ensure compliance with the said terms of the said Judgment and Rules and Regulations; and

WHEREAS, it has been brought to the attention of the members of the Appropriative Pool that certain water measuring devices are not now in proper operation condition; and

WHEREAS, the State of California, by and through the Attorney General of the State of California, is a member of the Overlying (Agricultural) Pool and its Committee; and

WHEREAS, the matter of enforcement of compliance with the provisions of the said Judgment and Rules and Regulations relative to water measuring devices has been discussed in the said Pool Committees; and

WHEREAS, it is the desire of the Appropriative Pool to install a program which will provide for a systematic means of enforcement of rules and regulations regarding installation, maintenance and repair or replacement of water measuring devices; and

WHEREAS, the Attorney General of the State of California has offered the use of its good offices in an enforcement program regarding installation, maintenance, and repair or replacement of water measuring devices by members of the Overlying (Agricultural) Pool; and

WHEREAS, it is the desire of the Appropriative Pool Committee to accept the offer of services made by the Attorney General of the State of California, and incorporate the same into its program for enforcement of the requirements of the Judgment and Rules and Regulations relative to the installation, maintenance, and repair or replacement of water measuring devices,

NOW, THEREFORE, the Appropriative Pool Committee determines as follows:

1. It is the obligation of every member of the Appropriative Pool to report to the Chino Basin Watermaster Staff, any inoperative or malfunctioning water measuring device(s) of any party to the Judgment as soon as such information becomes known to such member.

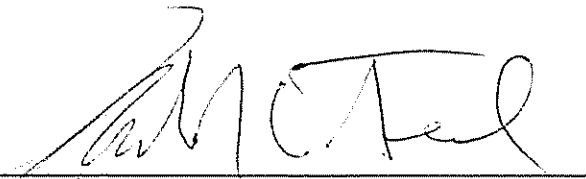
2. Watermaster Staff is directed to undertake an investigation into such report and, upon determining that a party is not in compliance with the requirements of the Judgment and Rules and Regulations relative to installation, maintenance, and repair or replacement of water measuring devices, request that such non-complying party take such steps as may be necessary to bring the water measuring device(s) into compliance with said requirements. Such request shall be sent by Watermaster Staff to any non-complying party via certified mail, return receipt requested.

3. In the event a non-complying party in the Overlying (Agricultural) Pool fails to take such steps as may be necessary to bring such party into compliance with the requirements of the Judgment and Rules and Regulations relative to water measuring devices within thirty (30) days of request for remedial action by Watermaster Staff, Watermaster Staff shall forward to the Office of the Attorney General of the State of California a copy of Watermaster Staff's letter to such non-complying party requesting that remedial action be taken, along with a report of Watermaster Staff showing failure of the non-complying party to take the proper remedial measures, and requesting the aid of the Attorney General of the State of California to seek voluntary compliance by such non-complying party with the applicable requirements of the Judgment and Watermaster Rules and Regulations.


4. Sixty (60) days after transmittal of the Watermaster Staff letter and report referenced in Paragraph 3 hereof to the Attorney

General of the State of California, Watermaster Staff shall investigate whether or not such non-complying party has made repairs pursuant to efforts made by the Attorney General of the State of California requesting voluntary compliance by such non-complying party. If Watermaster Staff determines that the non-complying party still has not taken the necessary steps to bring such party's water measuring device(s) into compliance with the requirements of the Judgment and Watermaster Rules and Regulations, Watermaster Staff is directed to report the same to the Advisory Committee at the Advisory Committee meeting next following such determination, along with a request of the Appropriative Pool that the Advisory Committee recommend to Watermaster that Watermaster Attorney be authorized to take such steps as may be necessary to compel compliance by such non-complying party.

ADOPTED this 11th day of May, 1989.


Chairman of the Appropriative
Pool Committee

ATTEST:


Secretary of the Appropriative
Pool Committee

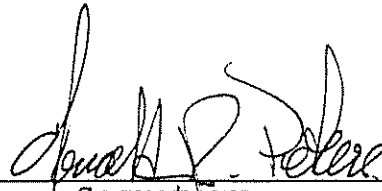
STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, Donald R. Peters, Secretary of the Appropriative Pool, DO HEREBY CERTIFY that the foregoing Resolution being Number 89-1, was adopted at a regular meeting of said Appropriative Pool by the following vote:

AYES: Messrs. Funk, Pace, Teal, Dilley, Skvarek, Smith, Ashcraft, Ray, Rodriguez, Andersen, and Rugge

NOES: None

ABSENT: Messrs. Wellington, Michael, Hamann, Thompson, Rose, and Downey



Secretary