

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

City of Ridgecrest, Indian Wells Valley Water District, Inyo County, Kern County, San Bernardino County

BOARD OF DIRECTORS MEETING MINUTES

Thursday, January 16, 2020; 10:00 a.m.

IWVGA Members Present:

Chairman Mick Gleason, Kern County	Don Zdeba, IWVGA General Manager
John Vallejo, Inyo County	Phillip Hall, Legal Counsel
Ron Kicinski, IWVWD	Steve Johnson, Stetson Engineers
Scott Hayman, City of Ridgecrest	Commander Peter Benson, US Navy, DoD Liaison
Thomas Bickauskas, Bureau of Land Management	April Nordenstrom, Clerk of the Board
Bob Page, San Bernardino County	

Meeting recording and public comment letters submitted are made available at:

<https://iwvga.org/iwvga-meetings/>

1. CALL TO ORDER:

The meeting is called to order by Chairman Gleason at 10:02 a.m.

2. PUBLIC COMMENTS ON CLOSED SESSION:

None.

Chairman Gleason calls the meeting into Closed Session at 10:02 a.m.

3. CLOSED SESSION:

- CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION (Government Code Section 54956.9(d)(2)(e)(1)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Directors on the advice of legal counsel, based on: Facts and circumstances that might result in litigation against the IWVGA but which are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

4. OPEN SESSION:

Meeting was reconvened into Open Session at 11:00 a.m.

a. Report on Closed Session:

Phillip Hall reported that no action was taken which would require disclosure under the Brown Act.

b. The Pledge of Allegiance is led by Peggy Breeden.

c. April Nordenstrom calls the following roll call:

Director Vallejo	Present
Director Kicinski	Present
Chairman Gleason	Present
Director Page	Present
Vice Chair Hayman	Present

5. PUBLIC COMMENTS:

The Board hears public comments from Judie Decker and Camille Anderson.

6. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting December 19, 2019
- b. Approve Expenditures
 - i. \$65,929.11 - Stetson Engineers
 - ii. \$216.00 - Annual IWVGA Website Renewal and \$60.00 Domain name renewal (iwvga.net, iwvga.org, iwvga.com) – Squarespace, Reimbursable to IWVWD

Motion made by Ron Kicinski and seconded by Scott Hayman to approve Minutes of Board Meeting December 19, 2019, and the following expenditures in the amount of \$65,929.11 to Stetson Engineers, \$216.00 to Squarespace. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

7. PUBLIC HEARING PURSUANT TO WATER CODE SECTION 10728.4 TO CONSIDER ADOPTION OF THE INDIAN WELLS VALLEY GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP):

Jeff Helsley provides a PowerPoint Presentation to give a framework of the timeline, comments, received and changes made to the final GSP (presentation made available on the IWVGA website).

Jim Markman, Special Counsel, reads a legal statement in response to public comments received (statement made available on the IWVGA Website). Markman further comments on the observation of the IWVGA seeking state funding for any costs associated with the GSP, due to this being a mandated process. Markman rebuts this idea by stating the Joint Powers Agreement (JPA) was formed by the local agencies as an exercise of their own rights to solve our water challenges internally. Without the JPA, responsibility for compliance with SGMA legislation would have been ceded to the Department of Water Resources.

The Board hears public comment from Gene Schneider, Shirley Kirkpatrick, Elisabeth Esposito, Sophia Merk, Tom Mulvihill, Don Decker, West Katzenstein, Pat Ferris, Derek Hoffman, Camille Anderson, Chuck Griffin, Judie Decker, Mike Neel, Renee Westa-Lusk, and Mallory Boyd.

Chairman Gleason calls for a recess at 12:29.

Meeting is reconvened at 12:45.

Director Kicinski thanks the public for their comments and expresses the importance of reaching sustainability in the valley. He further explains that this GSP is a framework and will be amended when necessary, given results of new studies and projects performed during the implementation process. Kicinski shares his appreciation for all the work that has been done and will be done in the future.

Director Page thanks Board, staff and public. He states the importance of adopting the GSP and acknowledges there is a difficult road still ahead. Page further encourages those who have been participating in this process to continue doing so. Page emphasizes that reaching a sustainable yield for a basin in our degree of overdraft, is a great accomplishment. He acknowledges costs will increase, but by having a number to live within we are ensuring water for our future.

Director Vallejo shares the same sentiments of gratitude for all involved during this process. Vallejo further reads a statement on behalf of Inyo County to express the reason for the intended “no” vote on adopting the GSP (statement made available on the IWVGA website).

Thomas Bickauskas conveys the Bureau of Land Management’s desire to support decisions made by the Board in any way they can and assist with permits as needed.

Commander Peter Benson expresses gratitude for having the opportunity to be involved with this process and is eager to continue participating in the future.

Vice Chair Hayman thanks all who have been involved. Hayman states that providing quality water to the constituents of this valley is of the utmost importance. He further expresses his optimistic viewpoint that this Basin will accomplish the hard work that lies ahead in order to achieve sustainability.

Chairman Gleason states he has created a list of priorities that he would like achieved this year, such as GSP approval, redefining the organization to adapt to future changes, augmentation fees, administrative fees, enforcement, and independence. Gleason states he looks forward to continued participation from Board, staff and public.

Motion made by Bob Page and seconded by Ron Kicinski to approve Resolution 01-20 to adopt the Groundwater Sustainability Plan. In addition, a finding was made to indicate the preparation and adoption of the Plan as being statutorily exempt from further CEQA review pursuant to water code §10728.6.

Motion carried by the following roll call vote:

Director Vallejo	Nay
Director Kicinski	Aye
Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye

8. PRESENTATION ON READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION (REPI) PROGRAM:

Don Zdeba provides a staff report suggesting the Board receive and file, as this may be a potential source of funding for future programs. John Kersey, Community Planning Liaison Officer, provides a presentation on the following program (presentation made available on the IWVGA website).

Dave Janiec states this is a no risk, no cost opportunity to team with others facing the same difficulties. He states this a flexible option that may provide a long-term method to address additional funding sources.

Director Kicinski questions what it takes to become a partner, and whether it's better to be involved with a larger group. Kersey states a letter will be sent to the existing affiliates to gain approval of the new addition, which could take up to six months. From there the region office will draft an amendment to the current Environmental Protection Agreement (EPA), which will then be sent out to the existing partners for signature. Kicinski confirms with Kersey that there is no expense to join and projects that mutually benefit multiple partners may result in cost sharing.

The Board hears public comment from Derek Hoffman.

9. WATER RESOURCES MANAGER REPORT:

Steve Johnson provides updates on the following grants/programs; (presentations made available on the IWVGA website)

a. **Report on Proposition 1 Grant Status:**

Invoice #3 was submitted November 21, and the progress report is currently being finalized. Johnson states invoice #4 is still in the drafting process and will cover July 2019 – September 2019.

b. **Severely Disadvantaged Communities (SDAC) Program:**

Tentatively approved for a one-year extension and consultants may be retained after Grant Agreement is both modified and approved. Johnson states they will update the Board once they hear back from the state.

c. **Proposition 68 Grant Status:**

Submitted November 14, 2019 with a predicted payout in March 2020. Grant funding request was \$753,900 and will cover various projects going forward, as well as some past costs.

10. GROUNDWATER SUSTAINABILITY REPORT – WATER RESILIENCY AND REQUEST FOR FUNDING CONSIDERATION NAVAL AIR WEAPONS STATION CHINA LAKE, CALIFORNIA:

Don Zdeba provides a staff report explaining Capitol Core Group's (CCG) purposes in drafting this Groundwater Sustainability Report. CCG has been in contact with the Assistant Secretary of the Navy discussing the need for a water infrastructure within the basin. CCG has requested a \$15M grant through the Defense Community Infrastructure Program (DCIP). Staff recommends the Board support CCG to continue advocating on behalf of the IWVGA to secure funding through the DCIP, with the understanding that payments for these services will be deferred until such time as the Authority has fees in place to cover these expenses.

Director Page questions why CCG has only requested \$15M for a project that will cost substantially more and asks if we should include what our true costs will be for obtaining supplemental water within the basin. Zdeba responds that we are applying with the given number to reserve our place in the queue. He further explains that this in an undefined project and as more knowledge of costs and funding programs become available, we can add to the grant amount requested.

Director Kicinski verifies that by pursuing this grant we would be forming a coalition of mutual support for water infrastructure. Kicinski expresses the importance of getting in line.

Vice Chair Hayman questions if there is a time restraint upon approval of the grant funding. Dave Janiec confirms that funding would come with a required completion date.

Director Vallejo requests that CCG submit the report upon removal of all references to projects involving Los Angeles Department of Water and Power (LADWP). Vallejo notes that under the last paragraph of the discussion section there is a statement claiming a previous \$15M request to the Governor and State Legislature should the IWVGA choose the LADWP Project, which he feels is misleading due to this not being a viable project to begin with. He further notes a technical issue regarding mention of SGMA being an unfunded mandate.

Thomas Bickauskas notes the considerable difference in pipeline length between the Antelope Valley East Kern (AVEK) and LADWP project, as well as the federal land affected. He shares support and optimism for the two funding sources brought to the Board during this meeting.

Motion made by John Vallejo and seconded by Bob Page to approve CCG's letter submission with the stipulation that any mention of potential partners for imported water be removed. Should an identified project be required, this will return to the Board for further discussion. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

The Board hears public comment from Judie Decker.

11. GENERAL MANAGER'S REPORT:

a. **Monthly Financial Report**

Don Zdeba provides a report on IWVGA finances (made available on the IWVGA website). The current account balance of \$83,900 will be used to pay the invoices listed under the Consent Agenda. The previously deferred Stetson invoice will again be held off. Zdeba clarifies a mix up that was made between grant money received for the Brackish Water Group that was deposited into the IWVGA account and used to pay previous invoices. Once the grant money meant for the IWVGA is received, a refund check will be given to the Brackish Water Group in the amount of \$163,784.56.

b. **Well Registration Update**

Non de minimis – 4
De minimis – 85

The Board hears public comment from Mike Neel and Renee Westa-Lusk.

12. CLOSING COMMENTS :

Director Kicinski once again thanks everyone for their continuous involvement during this process. Kicinski states this is a momentous day, we have a plan, but plenty of work still lies ahead.

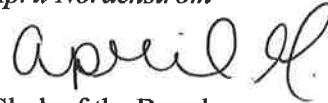
13. DATE AND TIME OF NEXT MEETING – February 20, 2020; 10:00 a.m.

14. ADJOURN:

Chairman Gleason adjourned the meeting at 2:17 p.m.

Respectfully submitted,

April Nordenstrom



Clerk of the Board
Indian Wells Valley Groundwater Authority