

# INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

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

## BOARD OF DIRECTORS

### MINUTES

Thursday, January 17, 2019; 10:00 a.m.

#### IWVGA Members Present:

Chairman Ron Kicinski, IWVWD	Don Zdeba, IWVGA General Manager
John Vallejo, Inyo County	James Worth, Legal Counsel
Mick Gleason, Kern County	Stephen Johnson, IWVGA Water Resources Manager
John Kersey, US Navy	Lauren Duffy, Clerk of the Board
Scott Hayman, City of Ridgecrest	

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 Kicinski at 10:02 a.m.

#### 2. OPEN SESSION:

- a. The Pledge of Allegiance is led by Adam Bingham.

#### 3. PUBLIC COMMENTS:

Judie Decker extends an invitation to all for a landscape workshop sponsored by the Eastern Kern County Resource Conservation District (EKCRCD), which will be held on January 26<sup>th</sup>. Also, a presentation regarding small agriculture will be held on February 22<sup>nd</sup>. A workshop regarding the new California Irrigation Management Information System (CIMIS) station will be held sometime in February also.

Sophia Merk asks for a moment of silence for the federal workers affected by the government shutdown.

#### 4. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting November 15, 2018
- b. 2019 Meeting Dates – 3<sup>rd</sup> Thursday of every month
- c. Approve Expenditures
  - i. \$9,124.76 and \$4,562.28 – RWG Law
  - ii. \$14,850.16 – DRI
  - iii. \$93,793.00 and \$104,642.97 – Stetson Engineers
  - iv. \$3,000.00 – Brown Armstrong Accountancy Corp.
  - v. \$216.00 Annual IWVGA Website Renewal and \$60.00 Domain name renewal (iwva.net, iwvga.org, iwvga.com) – Squarespace, Reimbursable to IWVWD
- d. Financial Report
- e. Approval of Resolution No. 01-19: Appointing Judie Decker as PAC representative for Eastern Kern County Resource Conservation District (EKCRCD)

Chairman Kicinski states that the incorrect director's name representing the Water District is shown in the voting records for the November 15<sup>th</sup> meeting minutes on agenda items #7, 9, and 10.

Director Vallejo requests consent agenda item #4C – Expenditures, be removed for further discussion. Director Vallejo questions if the IWVGA is being charged for a model run referred to in the Technical Advisory Committee report as unusable.

The Board hears comments from Renee Westa-Lusk.

Alan Christensen, attending via teleconference, provides a brief report on the Financial Update. Don Zdeba adds that, going forward, the portion of the report regarding pumping fees will show the actual amounts on the spreadsheet and not estimates.

Motion made by Mick Gleason and seconded by John Vallejo to approve Minutes of Board Meeting November 15, 2018 to include Chairman Kicinski's edits, 2019 Meeting Dates, Financial Update, and Resolution No. 01-19. Motion carried unanimously. (Ayes: Hayman, Kicinski, Gleason, Vallejo. Nays: None. Absent: Snoke.)

With regard to Director Vallejo's earlier question regarding the unusable model run, Mr. Johnson clarifies that he does not believe that the IWVGA is being charged for the unusable run. Mr. Johnson further explains that the issues with the model run will be resolved prior to bringing it back to the Board.

Director Gleason suggests that at a future meeting the Board meet an hour early to solely discuss finances. The suggested segmented time would be part of the regular Board Meeting and open to the public.

Motion made by Mick Gleason and seconded by John Vallejo to approve the following expenditures: \$9,124.76 and \$4,562.28 to RWG Law, \$14,850.16 to DRI, \$93,793.00 and \$104,642.97 to Stetson Engineers, \$3,000.00 to Brown Armstrong Accountancy Corp, and \$216.00 and \$60.00 for annual IWVGA Website costs, reimbursable to IWVWD. Motion carried unanimously. (Ayes: Hayman, Kicinski, Gleason, Vallejo. Nays: None. Absent: Snoke.)

Chairman Kicinski announces agenda item #8 – Imported Water RFP/RFQ and Water Marketers Presentations will be moved up on the agenda and be discussed prior to agenda item #5.

**IMPORTED WATER RFQ/RFP AND WATER MARKETERS PRESENTATIONS:**

All presentations made by water marketers are available online at [www.iwvga.org](http://www.iwvga.org)

**a. Board Direction to Staff on Next Steps:**

Director Gleason comments that an augmentation strategy is needed and suggests forming a committee to develop a general outline of said strategy.

The Board hears comments from Chuck Griffin, Renee Westa-Lusk, Raymond Kelso, Judie Decker, and West Katzenstein.

The Board directs Staff and the WRM to develop a committee to include the TAC and PAC chairs, staff, the WRM, and member(s) of the Board. The committee will develop a general outline of an augmentation strategy and present recommendations to the Board.

**b. Staff Team Recommendation, Board Ad-Hoc Recommendation, and other:**

Staff will report back to the Board at the Next IWVGA Board meeting with committee recommendations.

**5. WATER REOURCES MANAGER REPORT:**

**a. Report/Discussion on Plan of Action and Milestones (POAM):**

Heather Steele provides a report on the updated POAM. (Available at [www.IWVGA.org](http://www.IWVGA.org))

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

Ms. Steele provides an update on the Proposition 1 Grant status. The first invoice and progress report have been drafted and submitted to Department of Water Resources (DWR) for preliminary review on January 11, 2019. The first invoice and report covered a period of over one year and totaled around \$377,000 to be reimbursed by Proposition 1 funding. Some funding is retained until all completed reports are submitted. Staff is expecting around \$340,000 reimbursement for this invoice. Both the Invoice #1 and Progress Report #1 are to be submitted by January 24, 2019. It is unknown how long the reimbursement may take.

**c. Report on Pump fee Status/Schedule:**

Ms. Steele provides an update on the pump fee status. As of January 10, 2019, 46 accounts have registered and have been submitting payments. Staff has been going through a process to establish if there are more non-de-minimis users. The pump fee has produced \$132,462.52. Due to the season, many pumpers have reduced pumping. Another delinquent notice is due to be mailed in January.

**d. Well Monitoring:**

**i. Technical Support Services (TSS) Scope and Budget:**

Steve Johnson reports on the TSS scope and budget. At a past meeting the Board directed Staff to follow up on the TSS opportunity through DWR. A general application, which acts as a placeholder, was submitted to DWR. Another application listing specific projects will now need to be submitted to move forward. Staff is currently working on a well monitoring program with help from the Indian Wells Valley Water District (IWVWD) consultant, who is also completing the application on behalf of the IWVGA. Jean Moran, of Stetson Engineers, is assisting IWVWD with some of the technical aspects of the application. In order to move forward, the Board needs to approve the scope and budget for the TSS. Mr. Johnson reviews the scope and budget TSS support work with the Board.

The Board hears comments from Peter Brown.

Motion made by Mick Gleason and seconded by John Vallejo to approve expenditures associated with the TSS Scope and Budget agenda item. Motion carried unanimously. (Ayes: Hayman, Kicinski, Gleason, Vallejo. Nays: None. Absent: Snoke.)

**e. Navy/Coso Projects Priority List:**

Mr. Johnson reviews the draft letter regarding the critical projects to support development of groundwater sustainability plan (GSP) for the Indian Wells Valley basin; submittal of prioritized listing of projects with the Board. Staff asks for approval of sending the letter to the necessary parties of the Navy.

John Kersey comments that the Navy currently does not have any guidance on how to implement these funds, and until they have that guidance the Navy has no way of working on the priority list. Once they receive the guidance, the Navy will be more than happy to address the list.

The Board hears comments from Don Decker.

Motion made by Mick Gleason and seconded by John Vallejo to approve the sending of the letter and priority list. Motion carried unanimously. (Ayes: Hayman, Kicinski, Gleason, Vallejo. Nays: None. Absent: Snoke.)

#### **6. APPROVAL OF WELINTEL PROPOSAL FOR INDIAN WELLS VALLEY BASIN MONITORING:**

Lee Knudtson attended the November 1, 2018 TAC meeting and made a presentation on the well monitoring system that WelIntel offers. At the January 3, 2019 TAC meeting, Mr. Knudtson presented a proposal that WelIntel would like to offer the IWVGA, which would demonstrate their well monitoring program at no cost to the IWVGA. Mr. Knudtson provides a brief overview on WelIntel. The proposal includes a 60-day trial of 10 wells, which Mr. Knudtson would provide the equipment and installation with no charge up front. The IWVGA then has the option to opt out when the 60-day trial is over.

The Board hears comments from Don Decker, Renee Westa-Lusk, Judie Decker, Peter Brown, and West Katzenstein.

The 10 well locations are to be determined by staff and the WRM.

Motion made by Mick Gleason and seconded by John Vallejo to authorize the General Manager to sign the proposal and further authorization for the Water Resources Manager and staff to work with WelIntel to develop the details to implement the 60-day trial project and to report back to the Board after the trial for further recommendation and/or authorization. Motion carried unanimously. (Ayes: Hayman, Kicinski, Gleason, Vallejo. Nays: None. Absent: Snoke.)

#### **7. APPROVAL OF GENERAL LIABILITY INSURANCE COVERAGES FOR IWVGA:** Don Zdeba reads the memorandum regarding the General Liability Insurance for the IWVGA.

Motion made by John Vallejo and seconded by Mick Gleason to approve the Agreement to Become a Party to the Amended Joint Powers Agreement and authorize the Chair to sign the Agreement. Motion carried unanimously. (Ayes: Hayman, Kicinski, Gleason, Vallejo. Nays: None. Absent: Snoke.)

#### **8. IMPORTED WATER RFQ/RFP AND WATER MARKETERS PRESENTATIONS:** *Agenda item discussed earlier in the meeting.*

**9. REPORT FROM TECHNICAL ADVISORY COMMITTEE (TAC):**

Adam Bingham, TAC chair, provides a report from the December 6, 2018 and January 3, 2019 IWVGA TAC Meetings.

**10. REPORT FROM POLICY ADVISORY COMMITTEE (PAC):**

David Janiec, PAC chair, provides a report from the December 6, 2018 and January 3, 2019 IWVGA PAC Meetings.

**11. GENERAL MANAGER'S REPORT:**

Don Zdeba, on behalf of Lauren Duffy and himself, thanks Ron Strand and Ricca Charlon for assisting them with a smooth transition from the City of Ridgecrest as General Manager and staff to the IWVWD.

**12. CLOSING COMMENTS:**

Director Vallejo comments the he looks forward to finding the best solutions for well owners and water users in the basin. He further states that the IWVGA needs to put some thought into its communication strategy with the public regarding the potential to import water into the basin because that potential solution is far from a certainty.

Director Gleason asks if it's possible for all future PAC and TAC meetings to be held at City Hall and video recorded. Staff to present costs and availability at a future Board meeting. Director Gleason also asks for legal counsel to provide a report at the next Board meeting if alternates can attend Closed Sessions.

**13. DATE AND TIME OF NEXT MEETING:**

The next IWVGA Regular Board Meeting will be held on February 21, 2019; at 10:00 a.m.

With no further Board or Public comments, Chairman Kicinski recessed the meeting at 1:55 p.m. for 10 minutes.

The meeting reconvened into Closed Session at 2:07 p.m.

**14. CLOSED SESSION:**

- CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION (Government Code Section 54956.9(d)(2)(e)(1)) Number of cases: Two (2) 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.

The meeting is reconvened into Open Session at 2:58 p.m.

Attorney Worth states that the Board authorized IWVGA staff to send final Notice letters to pumpers that are not in compliance with the "pump fee" enacted by way or Ordinance 02-18 advising that the IWVGA will pursue all legal remedies available to enforce the pump fee.

No other action was taken that requires disclosure under the Brown Act.

**15. ADJOURN:**

With no further Board or Public comments, Chairman Kicinski adjourns the meeting at 3:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lauren Duffy', written in a cursive style.

Lauren Duffy  
Clerk of the Board of Directors  
Indian Wells Valley Groundwater Authority