

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 21, 2021; 10:00 a.m.

IWVGA Members Present:

Chairman Scott Hayman, City of Ridgecrest	Ron Strand, IWVGA General Manager
Phillip Peters, Kern County	Keith Lemieux, Legal Counsel
Stan Rajtora, IWVWD	Steve Johnson, Stetson Engineers
John Vallejo, Inyo County	Commander Peter Benson, US Navy, DoD Liaison
Bob Page, San Bernardino County	April Keigwin, Clerk of the Board
Thomas Bickauskas, Bureau of Land Management	

Attending via teleconference is Bob Page, John Vallejo, Steve Johnson, Keith Lemieux, Commander Peter Benson, and Thomas Bickauskas.

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 Hayman at 10:11 a.m.

2. PUBLIC COMMENT ON CLOSED SESSION:

The Board hears public comment from Mike Neel.

Chairman Hayman calls the meeting into Closed Session at 10:14 a.m.

3. CLOSED SESSION:

- CONFERENCE WITH REAL PROPERTY NEGOTIATORS –
(Government Code Section 54956.8) - Capitol Core Presentation on State Water Project Importation Purchase Options
- CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (Government Code Section 54956.9(c)) - Number of cases: (3)
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1)) - Name of case: Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater Authority, et. al.
- CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
(Government Code Section 54956.9(d)(1)) - Name of case: Mojave Pistachios, LLC, a California limited liability company, et.al. v. Indian Wells Valley Groundwater Authority, a California Joint Powers Authority, et. al.

Closed Session adjourned at 11:02 a.m.

4. OPEN SESSION:

Meeting reconvenes into open session at 11:07 a.m.

a. Report on Closed Session:

Counsel Lemieux reports the Board met on the litigation items and no action was taken that would require disclosure under the Brown Act. Lemieux states Closed Session will reconvene after the meeting to discuss the Real Property Negotiators item.

b. The Pledge of Allegiance is led by Chairman Hayman

c. April Keigwin calls the following roll call:

Chairman Hayman	Present
Vice Chair Rajtora	Present
Director Page	Present
Director Peters	Present
Director Vallejo	Present

5. PUBLIC COMMENT:

The Board hears public comment from Burnell Blanchard, West Katzenstein, Don Decker, Mike Neel, Renee Westa-Lusk, and Judie Decker.

6. CONSENT AGENDA:

a. Approve Minutes of Board Meeting December 17, 2020

b. Approve Expenditures

- i. \$1,332.50 – RWG Law – (Extraction Fee)
- ii. \$223,704.39 – Stetson Engineers – (November & December) (Prop. 1 Grant)
- iii. \$23,181.25 – Capitol Core Group - (Reimbursement to IWVWD)
- iv. \$5,640.00 – WaterWise Consulting – (Prop. 1 Grant – SDAC)
- v. \$1,199.43 – Daily Independent – (Extraction Fee)
- vi. \$12,879.64 – California Rural Water Association – (Prop. 1 Grant – SDAC)

Motion made by Phillip Peters and seconded by Stan Rajtora to approve Minutes of Board Meeting December 17, 2020 and the following expenditures in the amount of \$1,332.50 to RWG Law, \$223,704.39 to Stetson Engineers, \$23,181.25 to Capitol Core Group, \$5,640.00 to WaterWise Consulting, \$1,199.43 to Daily Independent and \$12,879.64 to California Rural Water Association.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Page	Aye
Director Peters	Aye
Director Vallejo	Abstain

7. GROUNDWATER SUSTAINABILITY PLAN SECTION 5.3 – PROJECT NO. 2 IWVGA RECYCLED WATER PROGRAM:

Steve Johnson and Jeff Helsley provide a presentation of the proposed Recycled Water Program (presentation made available on the IWVGA website).

The Board hears public comment from Elisabeth Esposito, Renee Westa-Lusk, Mike Neel, Judie Decker, and Tom Browne.

Motion made by Bob Page and seconded by Phillip Peters to approve Project No. 2 - IWVGA Recycled Water Program.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Nay
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

8. BOARD DISCUSSION AND POTENTIAL APPROVAL OF 2021 PROPOSED MEETING DATES:

April Keigwin provides a calendar highlighting the proposed meeting dates of second Wednesday of every month (documents made available on the IWVGA website).

The Board hears public comment from Mike Neel.

Motion made by Phillip Peters and seconded by Bob Page to approve 2021 meeting dates for the second Wednesday of the month with a start time of 10:00 am.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

9. BOARD REVIEW AND APPROVAL OF 2021 IWVGA BUDGET:

Ty Staheli, IWVWD Chief Financial Officer, provides the 2021 IWVGA Budgets (documents made available on the IWVGA website).

The Board hears public comment from Tom Browne, and Elisabeth Esposito.

Motion made by Bob Page and seconded by Phillip Peters to approve the 2021 IWVGA Budget.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

10. BOARD TO RECEIVE AND FILE THE 2018 – 2019 FINANCIAL AUDIT:

Thomas Young, of Brown Armstrong, presents a Financial Audit Letter and Audit Report detailing the results of the 2018 and 2019 Financial Audit (documents made available on the IWVGA website).

The Board hears public comment from Elisabeth Esposito.

11. CAPITOL CORE GROUP 2019 -2020 AFTER ACTION REPORT:

Michael McKinney, Jeff Simonetti, and Todd Tatum, of Capitol Core Group present the After Action Report (documents made available on the IWVGA website).

The Board hears public comment from Tom Browne.

12. BOARD REVIEW AND APPROVAL OF CONTRACT EXTENSION WITH CAPITOL CORE GROUP:

Ron Strand provides a staff report and Amendment No. 4 extending the contract with Capitol Core Group (documents made available on the IWVGA website).

The Board hears public comment from Renee Westa-Lusk, Dave Janiec, Don Decker, Judie Decker, and Tom Browne.

Motion made by Phillip Peters and seconded by Stan Rajtora to approve Amendment No. 4 extending the contract with Capitol Core Group.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

Chairman Hayman calls for a recess at 1:54 p.m.
 Meeting reconvenes at 2:15 p.m.

13. BOARD CONSIDERATION AND POSSIBLE APPROVAL OF VARIANCE REQUEST PER ORDINANCE NO. 04-20 BY CHINA LAKE ACRES AND NORTHEAST LELITER WATER CO-OP:
 Jeff Helsley provides a staff report detailing each variance request (document made available on the IWVGA website).

Motion made by Bob Page and seconded by Phillip Peters to approve a request for variance from the provisions of Articles 2 and 3 of Ordinance No. 04-20 for China Lake Acres Mutual Water Company and Northeast Leliter. Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Nay
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

14. BOARD CONSIDERATION AND APPROVAL OF ACCEPTANCE LETTER FOR PARTICIPATION IN TRANSIENT POOL PROGRAM:

Counsel Lemieux provides a staff report and Resolution 01-21 adopting an amended report on the Transient Pool and Fallowing Program (documents made available on the IWVGA website).

Motion is made by Bob Page and seconded by Phillip Peters to 1) Make findings that the action is exempt from further CEQA review because the action is ministerial, does not include a discretionary act, is mandated by law and is provided statutorily and categorical exemptions, and will not have a significant effect on the environment, and 2) Adopt Resolution 01-21 adopting an “Amended Report on Transient Pool and Fallowing Program.”

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Nay
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

15. BOARD CONSIDERATION AND APPROVAL OF AGREEMENT TO TOLL THE STATUTE OF LIMITATIONS FOR LITIGATION WITH MEADOWBROOK DAIRY REAL ESTATE, BIG HORN FIELDS, LLC, BROWN ROAD FIELDS, LLC, HIGHWAY 395 FIELDS, LLC, AND THE MEADOWBROOK MUTUAL WATER COMPANY:

Counsel Lemieux provides staff report, and Tolling Agreement (documents made available on the IWVGA website).

Motion made by Bob Page and seconded by Stan Rajtora to approve the Tolling Agreement with Meadowbrook Dairy Real Estate, Big Horn Fields, LLC, Brown Road Fields, LLC, Highway 395, LLC, and the Meadowbrook Mutual Water Company.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

16. BOARD CONSIDERATION AND APPROVAL OF TECHNICAL SUPPORT SERVICES (TSS) AGREEMENT:

Jean Moran provides TSS Agreement (document made available on the IWVGA website).

Motion made by Bob Page and seconded by Phillip Peters to approve the Technical Support Services Agreement between the California Department of Water Resources and IWVGA.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Page	Aye
Director Peters	Aye
Director Vallejo	Aye

17. WATER RESOURCES MANAGER REPORT:

Steve Johnson provides updates on the following grants/programs: Prop. 1 Grant Status, Prop. 68 Grant Status, New Prop 68 Funding, GSP Planned Project No. 4 Shallow Well Mitigation Program, and GSP Planned Project No. 1 Surface Percolation Replenishment and Pilot/Demonstration Project (presentations made available on the IWVGA website).

18. GENERAL MANAGER'S REPORT:

Ron Strand provides updates on the following: Monthly Financial Report, Severely Disadvantaged Communities (SDAC) Program, Delinquent Accounts, and Well Registration Update (documents made available on the IWVGA website).

19. CLOSING COMMENTS :

Director Page requests staff reach out to Tom Browne to answer his questions regarding water quality and IWVGA procedures and operations at a more appropriate time. Director Page further states that due to the appointment of Supervisor Paul Cook, this will likely be his last meeting. Page thanks Board and staff and states it has been a pleasure to work with everyone and he will miss being part of IWVGA.

Director Peters expresses gratitude for having the opportunity to be part of this Board. Peters thanks Page for his efforts and assistance in getting this Board off the ground.

Vice Chair Rajtora states it is an honor to be part of the IWVGA and represent the people of this Valley. Rajtora states he would like three items added to the next agenda; 1) Pumping report that reflects groundwater extraction within the basin, 2) Cumulative Fee Report from adoption of the \$105.00/AF Groundwater Extraction Fee to current, 3) Delay of the Replenishment Fee. Rajtora thanks Page for his insight.

Director Vallejo states the discussion of delaying the Replenishment Fee has been considered numerous times by the Board. He further states he would prefer the item be added based on Board decision and not at the request of one Director. Vallejo thanks Director Page for his efforts and states he has brought value to this Board in both presence and approach to Board business. He further states that Page will be missed on this Board and expresses well wishes for his future.

Chairman Hayman expresses no desire in seeing the Replenishment Fee return to the agenda for Board discussion. Hayman states the Board will miss Director Page and wishes him well on his future endeavors.

Chairman Hayman recesses meeting at 4:03 pm.

Chairman Hayman calls the meeting into closed session at 4:09 p.m.

Chairman Hayman adjourns closed session at 4:35 p.m.

Chairman Hayman calls the meeting into open session at 4:35 p.m.

Counsel Lemieux reports no action was taken that would require disclosure under the Brown Act.

20. DATE OF NEXT MEETING – February 10, 2021

21. ADJOURN:

Chairman Hayman adjourns the meeting at 4:36 p.m. on January 21, 2021.

Respectfully submitted,

A handwritten signature in cursive script that reads "April Keigwin".

April Keigwin

Clerk of the Board

Indian Wells Valley Groundwater Authority