

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, February 21, 2019; 10:00 a.m.

IWVGA Members Present:

Chairman Ron Kicinski, IWVWD	Don Zdeba, IWVGA General Manager
John Vallejo, Inyo County	Keith Lemieux, Legal Counsel
Mick Gleason, Kern County	Stephen Johnson, IWVGA Water Resources Manager
Commander Peter Benson, US Navy	Lauren Duffy, Clerk of the Board
Scott Hayman, City of Ridgecrest	Ryan Klausch, Bureau of Land Management

Attending Via Teleconference is Director Luther Snoke of San Bernardino and Jim Worth, Legal Counsel.

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 10:03 a.m.

2. PUBLIC COMMENTS ON CLOSED SESSION:

Nick Panzer submits a comment letter which is available online.

With no further public comment made, Chairman Kicinski calls the meeting into Closed Session at 10:05 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 11:00 a.m.:

The meeting is reconvened into Open Session at 11:01 a.m.

- The Pledge of Allegiance is led by Skip Gorman.

Lauren Duffy calls the following roll call:

Director Vallejo	Present
Director Hayman	Present
Chairman Kicinski	Present
Director Snoke	*Via Teleconference
Vice Chair Gleason	Present

5. PRESENTATIONS:**a. Inyo-Mono Integrated Regional Water Management (IRWM)**

Description: Holly Alpert to provide a presentation on the group's achievements and how it may provide assistance to the IWVGA going forward.

Presentation available online. Ms. Alpert will continue further discussions with staff to see how the IRWM group may be of assistance and alleviate some of the workload Stetson Engineers currently has. Jeff Helsley will be in contact with Ms. Alpert with regards to possibly passing off the Proposition Grant work.

The Board hears public comments from Renee Westa-Lusk, Judie Decker, and Sophia Merk.

6. PUBLIC COMMENTS:

West Katzenstein asks if the work on an allocation plan being done by Jim Markman, Special Counsel, would become the Groundwater Sustainability Plan (GSP), or would it be offered as an alternate for the IWVGA allowing comments and possible modifications.

7. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting January 15, 2019
- b. Approve Expenditures
 - i. \$4,146.43 – RWG Law
 - ii. \$11,407.73, \$25,250.20, \$23,789.91, and \$6,245.08 – DRI
 - iii. \$97,279.95 – Stetson Engineers

Director Vallejo requests item #7b be pulled for further discussion. Staff directed to modify the POAM to reflect corresponding numbers with Stetson Engineers invoices.

Motion made by Mick Gleason and seconded by Scott Hayman to approve Minutes of Board Meeting on January 15, 2019, and the following expenditures: \$4,146.43 to RWG Law, \$11,407.73, \$25,250.20, \$23,789.91, and \$6,245.08 to DRI, and \$97,279.95 to Stetson Engineers. Motion carries unanimously by the following roll call vote:

Director Vallejo	Aye
Director Hayman	Aye
Chairman Kicinski	Aye
Director Snoke	Aye
Vice Chair Gleason	Aye

8. PRESENTATION OF DRI GROUNDWATER BASIN MODEL:

Jean Moran, Stetson Engineers, provides a "Groundwater 101" using the DRI model. Presentation available online.

The Board hears public comments from Judie Decker, Stan Rajtora, Elaine Mead, and David Saint-Amand.

9. FINANCIAL UPDATE AND REVIEW:

Don Zdeba provides the Board with the Financial Update.

Director Snoke questions what will happen during the period which the cash balance significantly goes negative; how will that period be bridged until Grant reimbursement is

received? Steve Johnson comments that in the past, Stetson Engineers has worked with the IWVGA to defer payments for a certain amount of time.

10. APPROVAL OF 2019 IWVGA BUDGET:

Alan Christensen provides an overview on a revised IWVGA budget for 2019.

The Board suggests revisions and by consensus directs staff to create a more in-depth budget. IWVGA staff will conference with staff of Indian Wells Valley Water District (IWVWD) and Kern County to compile a more detailed IWVGA 2019 Budget and present it at the March meeting for approval.

Board hears public comments from Sophia Merk, Joshua Nugent, Derek Hoffman, Judie Decker, and West Katzenstein.

11. REPORT ON ACTIONS TAKEN TO NOTIFY/OBTAIN NON-COMPLIANT PUMPERS WELL REGISTRATION FORM AND DELINQUENT PUMP FEES – REQUEST BOARD TO AUTHORIZE LEGAL COUNSEL TO PURSUE LEAGL ACTION AGAINST NON-COMPLIANT PUMPERS:

Jim Worth, Legal Counsel, comments at the January 17th IWVGA meeting, the Board directed staff to send final notice letters to non-compliant pumpers. Heather Steele, Stetson Engineers, expects to have the address list of non-compliant pumpers sent to Mr. Worth by early next week. Due to additional information being needed, the letters have yet to be sent, staff predicts the letters will be sent by the following week. The letter allows pumpers an additional thirty (30) days to register their wells. Staff is seeking Board authorization to commence the process of pursuing legal remedies against non-compliant pumpers after the letter is sent and the thirty-day allowance is up.

The Board hears public comments from Derek Hoffman, Patricia Farris, Sophia Merk, and Don Decker.

Motion made by Mick Gleason and seconded by Scott Hayman to authorize staff to commence the process to pursue legal remedies against non-compliant pumpers and directs staff to review the outreach program. Motion carries unanimously by the following roll call vote:

Director Vallejo	Aye
Director Hayman	Aye
Chairman Kicinski	Aye
Director Snoke	Aye
Vice Chair Gleason	Aye

12. WATER REOURCES MANAGER REPORT:

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

Jeff Helsely provides a report on the updated POAM. Available online.

b. Report on Proposition 1 Grant Status:

The draft Proposition 1 invoice package was submitted to Department of Water Resources (DWR) for review. Initial comments received were addressed and the invoice package was resubmitted. Staff is currently waiting for additional comments or approval prior to the final invoice and progress report being submitted.

c. Report on Pump fee Status/Schedule:

There are currently 46 registered accounts. Registration forms were sent to newly identified non-de-minimis pumpers. \$196,000 received to date in pumping fees.

The Board hears public comments from Derek Hoffman, Judie Decker, and Renee Westa-Lusk.

d. Report and Request Board for Direction on Committee to Review Water Marketer Proposals and Water Supply Augmentation Panning:

Don Zdeba comments that an ad-hoc committee was formed, as directed by the Board, to review the received Water Marketer Proposals. The recommendation from the ad-hoc committee was that the proposal received from Capitol Core was the best fitting for the IWVGA's needs.

Steve Johnson reviews the staff report, included in the Board packet, with respect to review of the Water Marketing Consultant.

Director Vallejo comments staff was directed at the January Board meeting to develop a general outline of an augmentation strategy and provide the Board with a recommendation at the February meeting. Mr. Vallejo continues that, in terms of putting a plan into place, if the Board has the assumption that imported water is going to be the answer, then the Board needs to know what the overall augmentation strategy will be, prior to looking for import options. Mr. Vallejo adds Inyo County's concerns regarding importing water.

The Board hears public comments from Judie Decker.

Staff's recommendation is for the Board to direct the General Manager and Legal Counsel to work with Capitol Core to prepare the draft Consultant Agreement for approval and execution at the March meeting.

Motion made by Mick Gleason and seconded by Scott Hayman to approve staff's recommendation and directs staff to provide a draft Consultant Agreement for approval at the March meeting. Motion carries by the following roll call vote:

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

13. STAFF REPORT ON FUTURE TAC AND PAC MEETINGS BEING HELD AT CITY HALL:

Don Zdeba provides the Board with the costs associated with holding the TAC/PAC meetings at City Hall.

The Board agrees by consensus to direct Staff to include costs associated with TAC and PAC meetings being held at City Hall with the IWVGA 2019 Budget for approval at the March meeting.

14. BOARD QUESTIONS REGARDING POLICY ADVISORY COMMITTEE (PAC) AND TECHNICAL ADVISORY COMMITTEE (TAC) REPORTS:

Reports are available in Board packet and online.

The Board hears public comments from Nick Panzer.

15. GENERAL MANAGER'S REPORT:

a. Discussion and Board consideration of outreach postcard:

Don Zdeba presents a draft oversized informational postcard outlining details on the Sustainable Groundwater Management Act (SGMA), the IWVGA and affiliated Committees, where to find more information, and how to get involved. Mr. Zdeba notes that the Indian Wells Valley Water District (IWWVD) is willing to pay for the distribution of this postcard to all impacted assessor's parcel numbers (APNs) within Kern, Inyo, and San Bernardino counties.

The Board and public provide suggestions to the informational postcard.

Motion made by Mick Gleason and seconded by Scott Hayman to direct the general manager to revise postcard accordingly and distribute to staff for comments prior to distribution to all impacted APNs. Motion carries unanimously by the following roll call vote:

Director Vallejo	Aye
Director Hayman	Aye
Chairman Kicinski	Aye
Director Snoke	Aye
Vice Chair Gleason	Aye

16. CLOSING COMMENTS:

Commander Benson submits, for the record, a letter from the Navy outlining the number one encroachment issue for China Lake Naval Air Weapons Station, which is groundwater resources that have the potential to impact missions on or around China Lake. Letter is available online.

Vice-chair Gleason goes on record saying he disagrees with a comment made by Mr. Markman during a correspondence between Mr. Markman and Mr. Panzer. Mr. Panzer spoke of beneficial and reasonable use and a concept embedded in the California Water Code, to which Mr. Markman responded there was insufficient precedence and when that theory has been used before, it come without much success. Director Gleason believes that the IWV basin is so unique and there is substantial cause for an argument to be made that we must make decisions based on what is most reasonable and beneficial for this basin.

Chair Kicinski asks that regular updates on outreach efforts are provided at all future Board meetings, as well as updates on where the Board stands with the Severely Disadvantaged Communities (SDAC) issue.

17. DATE AND TIME OF NEXT MEETING:

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

With no further Board or Public comments, Chairman Kicinski recessed the meeting at 3:45 p.m. for a short break.

The meeting is reconvened into Closed Session at 3:50 p.m.

18. 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.

The meeting is reconvened into Open Session at 3:53 p.m. as the Board decided to hold off on further Closed Session discussion.

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

19. ADJOURN:

With no further Board or Public comments, Chairman Kicinski adjourns the meeting at 3:54 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lauren Duffy', is written over the printed name.

Lauren Duffy

Clerk of the Board of Directors
Indian Wells Valley Groundwater Authority