

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, March 19, 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	

Attending via teleconference is Bob Page, San Bernardino County and John Vallejo, Inyo 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 10:01 a.m.

2. OPEN SESSION:

- a. The Pledge of Allegiance is led by Vice Chair Hayman
- b. April Nordenstrom calls the following roll call:

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

3. PUBLIC COMMENT:

The Board hears public comment from Don Decker, Mike Neel and Judie Decker.

4. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting February 20, 2020
- b. Approve Minutes of Special Board Meeting March 13, 2020
- c. Approve Expenditures
 - i. \$7,302.50 - RWG Law
 - ii. \$83,384.06 - Stetson Engineers
 - iii. \$2,000.00 – Brown Armstrong
 - iv. \$3,925.00 – Capitol Core Group
 - v. \$9,993.00 – California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (JPRIMA)
 - vi. \$934.36 - The Daily Independent

Motion made by Ron Kicinski and seconded by Scott Hayman to approve Minutes of Board Meeting February 20, 2020, Minutes of Special Board Meeting March 13, 2020 and the following expenditures in the amount of \$7,302.50 to RWG Law, \$83,384.06 to Stetson Engineers, \$2,000.00 to Brown Armstrong, \$3,925.00 to Capitol Core Group, \$9,993.00 to California Association of Mutual Water Companies, and \$934.36 to the Daily Independent

Motion unanimously carries by the following roll call vote:

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

5. SECOND READING AND ADOPTION OF ORDINANCE 01-20 – REQUIRING THE INSTALLATION OF, USE OF, AND REPORTING ON METERING EQUIPMENT FOR GROUNDWATER EXTRACTION FACILITIES IN THE INDIAN WELLS VALLEY GROUNDWATER BASIN:

Phillip Hall provides a brief description and staff report on Ordinance 01-20 (documents made available on the IWVGA website). Hall notes there were no substantive changes made to the ordinance, and the typographical errors mentioned at the first reading have since been corrected.

Director Page acknowledges SGMA requirements for the installation of meters must be paid for by the owner of the well, but questions whether Ordinance 01-20 addresses fees for other requirements in an ongoing basis. Hall clarifies this ordinance does not set any fees but rather sets the floor for meter standards between well owner and flow meter tester. The Board will only get involved when there are discrepancies with the pumping data submitted.

Director Kicinski clarifies “Groundwater Extraction Facilities” is referring to Non de minimis extractors. He questions if there is a Non de minimis extractor part of a water system with De minimis extractors how would they meter. Hall stresses the Non de minimis usage must be reported, but it is up to the water systems discretion as to how that usage is reported.

Vice Chair Hayman questions if the GA requests a meter test and it proves the meter is reading efficiently, would the GA be responsible for the costs of that test. Hall states those situations can be discussed as they come. Hayman confirms that this ordinance does not affect De minimis pumps.

The Board hears public comment from Camille Anderson (Searles Valley Minerals), Larry Mead, Renee Westa-Lusk and Elaine Mead.

Motion made by Scott Hayman and seconded by Ron Kicinski to; 1) Make a finding that the proposed Ordinance is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines section 15273 and Public Resources Code section 21080(b)(8) because it is for the establishment of operational rates and charges. Additionally, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment. Moreover, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment, 2) Adopt Ordinance 01-20 by reading aloud its title.

Motion unanimously carries by the following roll call vote:

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

6. RESOLUTION 02-20 – ADOPTING GROUNDWATER WELL FLOWMETER STANDARDS FOR THE INDIAN WELLS VALLEY GROUNDWATER BASIN:

Phillip Hall provides a brief description and staff report on Resolution 02-20 (documents made available on the IWVGA website). Hall states the resolution was prepared by Stetson Engineers and sent to both the Policy Advisory Committee and the Technical Advisory Committee for review. Resolution 02-20

is subject to the same findings as Ordinance 01-20.

Director Kicinski confirms with Hall that the flowmeter standards were made into a resolution to allow nimble ability of adding and taking away information, requirements, or meter testing contractors.

Don Zdeba clarifies with Hall that the secondary meter requirement is for an hour meter. Hall states that situations may vary and would need to be approved through the Water Resources Manager, Steve Johnson.

The Board hears public comment from Eddy Teasdale and Searles Valley Minerals,

Motion made by Ron Kicinski and seconded by Scott Hayman to 1) Make a finding that the proposed Ordinance is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines section 15273 and Public Resources Code section 21080(b)(8) because it is for the establishment of operational rates and charges. Additionally, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment. Moreover, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment, 2) Adopt Resolution 02-20 by reading aloud its title. Motion unanimously carries by the following roll call vote:

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

7. AGREEMENT WITH PARCELQUEST FOR ASSESSORS DATA FROM SAN BERNARDINO COUNTY (SBC):

Don Zdeba provides a staff report on the agreement with ParcelQuest (documents made available on the IWVGA website). Zdeba states the information acquired from ParcelQuest will be used in preparing a Proposition 218 Report as part of the process for adding a new charge on the tax bill for parcels within the Indian Wells Valley Basin. The additional charge will account for the Administration Fee associated with implementation of the Groundwater Sustainability Plan (GSP). ParcelQuest has presented a "ParcelQuest Parcel Clipping License Agreement" for Board consideration and the cost of this service is \$1,800.00.

Director Page suggests a slight change to the staff recommendation being that SBC has chosen to cover costs associated with the ParcelQuest service.

Motion is made by Ron Kicinski and seconded by Scott Hayman to approve the licensing agreement with ParcelQuest with the fee being paid by San Bernardino County.

Motion unanimously carries by the following roll call vote:

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

8. DISCUSSION ON INDEPENDENT IWVGA STAFF INCLUDING GENERAL MANAGER:

Don Zdeba requests Board direction so staff may begin developing an independent IWVGA staff structure.

Chairman Gleason stresses the need for an independent staff. He feels this avoids potential conflict with those currently providing in-kind services, and helps establish credibility and independence for the IWVGA.

Director Kicinski shares the same sentiments for establishing an independent IWVGA staff, however he acknowledges the cash flow problem. He notes the Board needs to proceed with caution in regard to how they form this staffing structure due to the strict guidelines placed on businesses in California. Kicinski suggests substantial legal review once a structure has been determined.

Vice Chair Hayman agrees with needing an independent staff, but shares concerns with cash flow and staffing issues.

Director Page expresses similar concerns with cash flow but agrees an independent staff is needed.

The Board hears public comment from Judie Decker, Renee Westa-Lusk and Larry Mead.

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 has been approved by Department of Water Resources (DWR) in the amount of \$186,199.70. Johnson states Invoice #4 has been drafted 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:
IWVGA awarded \$330,000 with \$300,000 of that immediately available. The remaining \$30,000 is subject to availability of funds.
- d. Groundwater Pumping Verification:
Groundwater Extraction Questionnaire was sent to Non de minimis pumpers, both registered and suspected within the Indian Wells Valley Basin. The questionnaire was to be submitted to the WRM by March 1, 2020. As of March 18, Stetson has received 30 responses.
- e. Groundwater Sustainability Plan (GSP) Annual Report:
First GSP Annual Report is due to DWR by April 1, 2020 and will cover water year 2018-2019. The contents of that report include progress towards GSP implementation and groundwater elevation, storage and supply data.

Director Kicinski questions why Invoice #4 is being submitted for much less comparable to other invoices. Johnson answers that only certain tasks are covered under this invoice.

10. 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 \$43,242.00 will cover the costs of most invoices listed under the Consent Agenda, the exception being the invoice from Stetson. Zdeba states that for the first time pumping fees collected for February are close to the amount forecasted, within about \$400.00. Majority of the grant money awarded through Invoice #3 will be used to pay back the Brackish Water Study Group, leaving a remainder of \$19,990.69.
- b. Report on IWVGA's Water Marketer (Capitol Core Group)
Zdeba summarizes the project update memorandum provided by CCG (documents made available on the IWVGA website). Zdeba reads an email sent from CCG stating the California Legislature has

recessed all Legislative Session Operations through April 10, 2020 due to the COVID-19 Pandemic. CCG will continue to communicate with Legislators and staff electronically, as well as other coalition members with Critical Infrastructure Projects to develop next steps for when legislature resumes.

- c. Well Registration Update
 - Non de minimis – 107
 - De minimis – 112

11. CLOSING COMMENTS :

Director Vallejo tells everyone to stay safe and hopes we come out of this quickly.

Director Page thanks staff for putting this meeting together.

Director Kicinski addresses a comment made earlier about the IWVWD not wanting imported water. Kicinski states the District has not ruled out that scenario but rather looking into all options. Kicinski thanks staff for creating a fluid meeting given the circumstances and further commends Chairman Gleason and City IT.

Phillip Hall thanks Ron Stand and City of Ridgecrest employees for helping with this meeting. Hall expresses disappointment in the lack of involvement from the community. He states well owners choosing to ignore the IWVGA are only hurting themselves in the long run.

Chairman Gleason thanks all for their efforts in putting together this meeting. Further extends thanks to the public for their patience during these unprecedented times.

12. DATE AND TIME OF NEXT MEETING – April 16, 2020; 10:00 a.m.

With no further Board or public comments, Chairman Gleason recessed the meeting at 12:12 p.m.

The meeting was reconvened into Closed Session at 12:27 p.m.

13. CLOSED SESSION:

- CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION (Government Code Sections 54956.9(e)(3) and (e)(5), Number of cases 3: Parties making threat: Meadowbrook Dairy *et al*, Mojave Pistachio *et al*, and Searles Valley Mineral *et al*.
- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code Sections 54956.9(d)(4)) Number of cases: 3 or more: Based on existing facts and circumstances, the Board of Directors, on the advice of legal counsel, is meeting to decide whether, and when, to initiate litigation for failure to properly provide well registration and reporting.

The meeting was called back into Open Session at 1:17 p.m.

No action was taken which would require disclosure under the Brown Act.

14. ADJOURN:

Chairman Gleason adjourned the meeting at 1:17 p.m.

Respectfully submitted,

April Nordenstrom



Clerk of the Board

Indian Wells Valley Groundwater Authority