

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, April 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	

Attending via teleconference is Bob Page, John Vallejo, Steve Johnson, Phillip Hall, Commander Peter Benson, 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 Gleason at 10:00 a.m.

With no Public Comment, Chairman Gleason calls the meeting into Closed Session at 10:02 a.m.

2. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code Section 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.

3. 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 Don Zdeba

c. April Nordenstrom calls the following roll call:

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

4. PUBLIC COMMENT:

The Board hears public comment from Mike Neel and Camille Anderson.

5. CONSENT AGENDA:

a. Approve Minutes of Board Meeting March 19, 2020

b. Approve Expenditures

- i. \$5,359.55 - RWG Law
- ii. \$59,725.71 - Stetson Engineers

iii. \$7,787.50 – Capitol Core Group

Motion made by Ron Kicinski and seconded by Scott Hayman to approve Minutes of Board Meeting March 19, 2020 and the following expenditures in the amount of \$5,359.55 to RWG Law, \$59,725.71 to Stetson Engineers, \$7,787.50 to Capitol Core Group,

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. CONSIDERATION AND ADOPTION OF RESOLUTION 03-20 – REMOVAL OF MOJAVE PISTACHIO REPRESENTATIVES FROM THE POLICY ADVISORY COMMITTEE (PAC) AND THE TECHNICAL ADVISORY COMMITTEE (TAC) FOR FAILURE TO PAY THE GROUNDWATER EXTRACTION FEE SET FORTH IN ORDINANCE 02-18:

Phillip Hall provides a staff report explaining the decision to move forward with Resolution 03-20 (documents made available on the IWVGA website). Hall states that Mojave Pistachios (MP) did not pay the extraction fee for the months of August 2019 – current. Upon hearing of the resolution, MP has since made a payment, but interest and late fees are still outstanding.

Director Vallejo questions Joshua Nugent as to why MP failed to pay for those months and whether there was communication with the IWVGA staff as to their plan of paying at a later time. Nugent responds they had had minimal to no pumping in the prior months. Due to the extreme pumping changes from month to month they had decided that once they were back on a regular schedule, they would send in a lump sum of the amount owed. There was no exchange between GA staff and MP.

Phillip Hall rebuts Nugent's claim to minimal pumping, stating they extracted 322.44 AF in one month. The extraction fees for that one month totaled to \$9,673.20.

Director Kicinski does not agree with questioning their integrity in regard to pumping data submitted and how they chose to farm their crops. Kicinski states the punishment being given is severe and MP's participation in both the PAC and TAC is vital to the IWVGA and its processes. Kicinski worries that approval of Resolution 03-20 will send a bad message to the community.

Director Hayman states that MP made a conscious effort to not pay their extraction fees. He further states that payment was only made once threat of removal had been brought to their attention. Hayman states that the Board does not have the time to go chasing those who choose to not pay nor should they have too.

Chairman Gleason states the IWVGA is working within the laws set forth by the Sustainable Groundwater Management Act (SGMA). He explains that water extracted beyond our safe yield must be replenished through importation, which will fall on the larger pumpers. Gleason states that by not approving Resolution 03-20, the GA will have to give other pumpers the same pass and that simply cannot happen. He disagrees with Nugent's comments of MP being targeted.

Director Page states being a meaningful participant requires full participation. In addition to looking into all registered non de minimis pumpers submitting pumping information and payments, we need to ensure all information requested by the WRM has been submitted as well. Page questions if MP has submitted all documents; Hall responds they have not submitted the Groundwater Extraction Questionnaire that was due March 1, 2020.

The Board hears public comment from Mike Neel, Joshua Nugent, Renee Westa-Lusk and Mallory Boyd.

Motion made by Mick Gleason and seconded by Bob Page to approve Resolution 03-20 removing Mojave Pistachio Representatives from both the PAC and TAC for failure to pay the groundwater extraction fees.

Motion carries by the following roll call vote.

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

7. WATER RESOURCES MANAGER REPORT:

Steve Johnson provides updates on the following grants/programs; (presentations made available on the IWVGA website). Johnson identifies a list of key dates which can be found 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, covering the months of July 2019 – September 2019 has been submitted to DWR and is currently under review. Total payment after retention is \$90,978.92. Invoice #5, covering the months of October 2019 – December 2019 has been submitted to DWR and is currently under review. Total payment after retention is \$87,016.17.
- 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. DWR currently reviewing comments submitted by staff.
- 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 April 13, Stetson has received 32 responses. Those who did not submit the questionnaire will not receive a pumping report.
- e. Groundwater Sustainability Plan (GSP) Annual Report:
First GSP Annual Report was due to DWR by April 1, 2020, covering water year 2018-2019. Stetson requested a deadline extension to the end of April, which was approved by DWR. The contents of that report include progress towards GSP implementation and groundwater elevation, storage and supply data.

The Board hears public comment from Judie Decker, Renee Westa-Lusk and Tim Parker.

8. 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 \$39,837.00 will cover the costs of invoices listed under the Consent Agenda excluding Stetson. 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. Zdeba explains that due to the Coronavirus, grant funding may take longer to receive. He further states the once those grants are received, they will be used to pay the previously deferred Stetson invoices. Zdeba states they are looking into raising the pumping fee to cover costs of unbudgeted GSP tasks.

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 May 4, 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. Once the draft Groundwater Sustainability Report has been approved by the Board CCG will be present it to Assistant Secretary of the Navy Niemeyer and the Director of the office of Energy Installations and Environment. Briefings are also planned with Senator Feinstein, Representative McCarthy, Representative Cook, Captain Dale and Admiral Bolivar. DCIP lobbying will continue in the four main areas originally requested by the IWVGA.

c. Well Registration Update

Non de minimis – 117

De minimis – 115

Chairman Gleason expresses urgency in identifying a shovel ready project that is satisfactory to the Navy.

The Board hears public comment from Camille Anderson.

9. CLOSING COMMENTS :

Director Vallejo wishes everyone well.

Director Kicinski states that this was a good meeting with a spirited discussion. Kicinski clarifies with Johnson that the shovel ready project discussed is the AVEK project. Johnson states that a specific project has not been identified.

Vice Chair Hayman thanks Garry, City IT, for all his hard work into making these virtual meetings possible.

10. DATE AND TIME OF NEXT MEETING – May 21, 2020; 10:00 a.m.

11. ADJOURN:

Chairman Gleason adjourned the meeting at 12:50 p.m.

Respectfully submitted,

April Nordenstrom



Clerk of the Board

Indian Wells Valley Groundwater Authority