

# 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, June 18, 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, 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.

#### 2. PUBLIC COMMENT ON CLOSED SESSION:

None.

Chairman Gleason calls the meeting into Closed Session at 10:02 a.m.

#### 3. 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.
- 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.

Closed Session adjourned at 10:53 a.m.

#### 4. OPEN SESSION:

Meeting was reconvened into open session at 11:00 a.m.

##### a. Report on Closed Session:

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

##### b. The Pledge of Allegiance is led by Director Kicinski

##### c. April Nordenstrom calls the following roll call:

Director Vallejo	Present
Director Kicinski	Present
Chairman Gleason	Present

Director Page	Present
Vice Chair Hayman	Present

**5. PUBLIC COMMENT:**

The Board hears public comments from Don Decker.

**6. CONSENT AGENDA:**

a. Approve Minutes of Board Meeting May 21, 2020

b. Approve Expenditures

- i. \$3,542.50 - RWG Law
- ii. \$113,815.49 - Stetson Engineers
- iii. \$9,412.50 - Capitol Core Group
- iv. \$14,000 – Packwrap Prop 218 Notice; Quote Received: \$10,705.24 17,000 Self-mailers

Don Zdeba asks the Board to approve up to \$20,000 to Packwrap rather than the \$14,000 shown.

Motion made by Ron Kicinski and seconded by Scott Hayman to approve Minutes of Board Meeting May 21, 2020 and the following expenditures in the amount of \$3,542.50 to RWG Law, \$113,815.49 to Stetson Engineers, \$9,412.50 to Capitol Core Group and up to \$20,000 to Packwrap for Prop 218 mailers.

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. BOARD CONSIDERATION AND APPROVAL OF LITIGATION TOLLING AGREEMENTS WITH MEADOWBROOK DAIRY, MOJAVE PISTACHIO, AND SEARLES VALLEY MINERALS:**

Motion made by Scott Hayman and seconded by Ron Kicinski to approve Tolling Agreements with Meadowbrook Dairy, Mojave Pistachios, and Searles Valley Minerals (SVM).

Motion carries by the following roll call vote.

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

**8. BOARD CONSIDERATION AND ADOPTION OF RESOLUTION 05-20 – ESTABLISHING A REPORTING POLICY FOR ALL NEW GROUNDWATER EXTRACTION WELLS IN THE BASIN:**

Counsel Hall provides a staff report for Resolution 05-20 (documents made available on the IWVGA website). Staff recommends sending Resolution 05-20 to the Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC) for further review. Board approves.

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

**9. BOARD CONSIDERATION AND INTRODUCTION OF ORDINANCE 02-20 AND SUPPORTING DATA PACKAGE AMENDING ORDINANCE 02-18 TO PROVIDE FOR A NEEDED INCREASE IN THE CURRENT GROUNDWATER EXTRACTION FEE DUE TO INCREASED STUDIES AND LITIGATION COSTS:**

Jim Worth provides a staff report for introduction of Ordinance 02-20 and supporting Data Package amending Ordinance 02-18 (documents made available on the IWVGA website). Initial staff recommendation was introduce Ordinance 02-20 and send it and Data Package to the PAC and TAC for further review.

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

After Board discussion, Motion on staff recommendation was made by John Vallejo and seconded by Bob Page. 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

**10. BOARD CONSIDERATION AND PRELIMINARY ADOPTION OF REPORT ON THE INDIAN WELLS VALLEY GROUNDWATER BASIN’S SUSTAINABLE YIELD OF 7,650 ACRE-FEET AND SETTING HEARING ON SAME FOR JULY BOARD MEETING:**

Counsel Hall provides a staff report and supporting documents for the Sustainable Yield Report (documents made available on the IWVGA website). Staff recommends preliminarily adoption of the Sustainable Yield Report for release to the public and Board committees for comment.

The Board hears public comment from Renee Westa-Lusk, Josh Nugent, Derek Hoffman, Elisabeth Esposito, Camille Anderson of SVM and Mike Sinnott.

Motion made by John Vallejo and seconded by Scott Hayman to preliminarily adopt the Report on the Indian Wells Valley Groundwater Basin’s Sustainable Yield of 7,650 Acre-Feet for release to the public and Board committees for comment and set hearing on same for July Board Meeting.

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

Chairman Gleason calls for a recess at 1:10 p.m.

Meeting is reconvened at 1:30 p.m.

**11. BOARD CONSIDERATION AND ADOPTION OF ENGINEER’S REPORT FOR THE ADOPTION OF A BASIN REPLENISHMENT FEE, AUTHORIZE THE MAILING OF NOTICES ON THE SAME AND SETTING HEARING FOR AUGUST BOARD MEETING:**

Counsel Hall provides a staff report and supporting documents for the Engineers Report for the adoption of a Basin Replenishment Fee (documents made available on the IWVGA website). Staff recommends sending the Engineers Report to the PAC and TAC for further review.

The Board hears public comment from Elisabeth Esposito, Camille Anderson of SVM, Derek Hoffman, Tom Mulvihill, Renee Westa-Lusk and Mike Sinnott

Motion made by Ron Kicinski and seconded by Scott Hayman to move forward with the Engineer’s Report, authorizing the mailing of notices and sending the Report to PAC and TAC for review.

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

**12. BOARD CONSIDERATION AND PRELIMINARY ADOPTION OF REPORT ON TRANSIENT POOL AND FALLOWING PROGRAM AND SETTING HEARING ON SAME FOR JULY BOARD MEETING:**

Counsel Hall provides a staff report for the Report on Transient Pool and Fallowing Program (documents made available on the IWVGA website). Staff recommends preliminarily adoption of the Report on Transient Pool and Fallowing Program for release to the public and Board committees for comment.

The Board hears public comment from Elisabeth Esposito, Josh Nugent, Derek Hoffman, Judie Decker and Renee Westa-Lusk.

Motion made by Ron Kicinski and seconded by Scott Hayman to preliminarily adopt the Report on Transient Pool and Fallowing Program for release to the public and Board committees for comment and set hearing on same for July Board Meeting.

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

**13. WATER RESOURCES MANAGER REPORT:**

Steve Johnson provides updates on the following grants/programs: Prop 1 Grant Status, Severely Disadvantaged Communities (SDAC) Program, Prop 68 Grant Status, Groundwater Pumping Verification Reports, Coso Royalty Funding, and Schedule (presentations made available on the IWVGA website).

Board and staff further discuss the grants/programs (video recording made available on the IWVGA website).

The Board hears public comment from David Janiec and Judie Decker.

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

Don Zdeba provides updates on the following; Monthly Financial Report, Report on IWVGA's Water Marketer (Capitol Core Group), General Manager Recruitment, Delinquent Accounts, and Well Registration Update (documents made available on the IWVGA website).

**15. CLOSING COMMENTS :**

April Nordenstrom reads public comment submitted by Derek Hoffman into the record.

Counsel Hall states for the record, Director Page left the meeting at 3:10 p.m.

Director Kicinski declares the board is going to do what is best for the Community and expresses the need of transparency when considering these types of fees. Kicinski hopes to resume in-person meetings in the near future.

Chairman Gleason asks Don Zdeba if Mojave Pistachios has settled their accounts; Zdeba confirms. Gleason asks Zdeba to send a letter inviting Mojave Pistachios to reapply for their positions on both the TAC and PAC.

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

**17. ADJOURN:**

Chairman Gleason adjourned the meeting at 3:40 p.m.

Respectfully submitted,

*April Nordenstrom*

A handwritten signature in cursive script, appearing to read "April Nordenstrom".

Clerk of the Board

Indian Wells Valley Groundwater Authority