

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, July 18, 2019; 10:00 a.m.

IWVGA Members Present:

Chairman Ron Kicinski, IWVWD	Don Zdeba, IWVGA General Manager
John Vallejo, Inyo County	James Worth, Legal Counsel
Mick Gleason, Kern County	Steve Johnson, Stetson Engineers
Scott Hayman, City of Ridgecrest	Commander Peter Benson, US Navy, DoD Liaison
Brian Ferwerda, Bureau of Land Management	Lauren Duffy, Clerk of the Board
Bob Page, San Bernardino 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 Kicinski at 9:59 a.m.

- a. The Pledge of Allegiance is led by Chairman Kicinski.
- b. Lauren Duffy calls the following roll call:

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

2. PUBLIC COMMENTS:

Sophia Merk comments the IWVGA still has not established a finance committee.

Pat Farris comments on a report published in 2011 by hydrogeologist James Jacobs with respect to seismic activity.

3. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting June 20, 2019
- b. Approval of Resolution No. 04-19: Appointing Camille Anderson as PAC representative for Searles Valley Minerals (SVM)
- c. Approve Expenditures
 - i. \$7,790.54 – RWG Law
 - ii. \$28,870.22 and \$483.94 – DRI
 - iii. \$99,947.96 – Stetson Engineers
 - iv. \$871.50 – City of Ridgecrest
 - v. \$27,939.84 – Capitol Core Group

Don Zdeba states that Staff is looking for pre-approval of invoices, pending the arrival of the 2nd reimbursement from the Proposition 1 Grant. Current funds will cover all invoices except the current one from Stetson in the amount of \$99,947.96 and the Stetson invoice approved last month in the amount of \$104,714.33. Staff expects the reimbursement in early August.

Motion made by Bob Page and seconded by Mick Gleason to approve Minutes of Board Meeting June 20, 2019, Resolution No. 04-19: Appointing Camille Anderson as PAC Representative for Searles Valley Minerals, and the following expenditures in the amount of \$7,790.54 to RWG Law, \$28,870.22 and \$483.94 to DRI, \$99,947.96 to Stetson Engineers, \$871.50 to City of Ridgecrest, \$27,939.84 to Capitol Core Group. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

4. BOARD REVIEW AND APPROVAL OF WELLNTEL INVOICE AND DISCUSSION ON HOW TO PROCEED:

Don Zdeba provides the Board with an overview of the staff report and Wellntel invoice included in the Board Packet.

The Board hears public comments from Don Decker, Judie Decker, and Skip Gorman.

Director Page asks if this agenda item, item #5, and #6 can be tabled until after the review of the IWVGA finances (agenda item #9). Board unanimously agrees to table this agenda item and move up agenda item #9 to discuss prior.

Item tabled and addressed after item #9.

Director Vallejo voices his concerns with approving to proceed with the Wellntel agreement.

Motion made by Mick Gleason and seconded by Scott Hayman to approve payment of the Wellntel invoice and to proceed with a one-year agreement of data collection. Motion carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page. Nays: None. Abstain: Vallejo.)

5. DISCUSSION AND BOARD DIRECTION TO STAFF ON SEVERELY DISADVANTAGED COMMUNITITES (SDAC) WATER AUDIT, LEAK DETECTION, AND REPAIR PROGRAM:

Mr. Zdeba provides an overview of the staff report with respect to item #5 and #6, SDAC Programs.

Heather Steele, of Stetson Engineers, adds that she has been in contact with Jennifer Wong, of Department of Water Resources (DWR), discussing the possibility of extending the deadline for the SDAC programs (currently March 2020). Ms. Wong stated that it is very likely an extension may be granted until the end of 2020. The final decision would need to be made by an authority one level above Ms. Wong; however, Staff will request the extension and report back to the Board at the August meeting.

Ms. Steele clarifies the IWVGA would pay for the costs of the programs through the selected vendors and then file for reimbursement through DWR, versus the participants paying and waiting for reimbursement.

The Board unanimously agrees to accept Staff's recommendation to address the cashflow issue, contact the possible vendors for each SDAC program to discuss revising the scope of work and payment schedule, and provide a report to the Board at the August meeting.

The Board hears public comments from Judie Decker and Sophia Merk.

6. DISCUSSION AND BOARD DIRECTION TO STAFF ON SEVERELY DISADVANTAGED COMMUNITIES (SDAC) RESIDENTIAL AND COMMERCIAL REBATE PROGRAM:

Board discusses agenda item and directs staff under agenda item #5.

7. BOARD DISCUSSION AND APPROVAL OF RESOLUTION NO. 05-19: CAPITOL CORE GROUP TO PROCESS AND SUBMIT APPLICATION FOR WATERSMART GRANT:

Jim Worth, legal counsel, reads the staff report included in the Board packet.

Director Page suggests “or his designee”, under section 3, to be removed from the Resolution, allowing only the General Manager to accept the grant.

Motion made by Bob Page and seconded by Mick Gleason to approve Resolution No. 05-19 with the aforementioned revisions. Motion unanimously carries by the following roll call vote:

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

Todd Tatum, of Capitol Core Group, confirms that time will be taken from tasks #1 and #3 from the original scope of work to allow for time to complete and submit application.

8. **WATER REOURCES MANAGER REPORT: - Item tabled and addressed after item #13**

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

An updated version of the POAM was not available. Mr. Helsley comments that he believes after today’s Closed Session, staff will be in a position to provide a revised schedule that doesn’t follow the POAM quite as strictly. Steve Johnson explains the large amount of time and costs associated with updating the POAM with comparison to the amount of time left to develop a Groundwater Sustainability Plan (GSP).

b. Report on Proposition 1 Grant Status:

Staff received payment for Invoice #1 on June 26, 2019. Draft Invoice #2 was submitted to DWR on June 13, 2019. Staff received minor comments on Monday, July 15th, which they will address and resubmit a revised draft invoice for approval. Staff anticipates submitting draft Invoice #3 in August; which will cover April 2019 through June 2019.

Mr. Johnson speaks in-depth on the multiple uncertainties of the groundwater supply and storage within the Indian Wells Valley basin. He further explains that for this valley to continue pumping the way it currently is, some form of supplemental imported water will be required. The timeline and availability of imported water also proves to be another uncertainty the IWVGA is faced with, which causes concern to staff and Board. He adds the importance of looking at the amount of basin storage available right now, based on technology they currently have, and conserve as much of that basin storage as possible while developing the GSP and going forward.

Mr. Johnson provides a detailed report on efforts made by staff at Stetson Engineers thus far and plans and goals going forward. Stetson is currently preparing for model run #6, which is refined model run #4, and results will hopefully be available for presentation at the next TAC meeting.

The Board hears public comments from Nick Panzer, Joshua Nugent, Renee Westa-Lusk, Camille Anderson, and Derek Hoffman.

9. **UPDATE ON IWVGA FINANCES: Item moved up to agenda item #4 for discussion.**

Mr. Zdeba provides an update on the monthly IWVGA finances.

William “Ty” Staheli, Chief Financial Officer (CFO) of Indian Wells Valley Water District (IWWVD), presents a Pro Forma for the IWVGA through June 2020. (Included in packet.)

The Board discusses when Kern County and the City of Ridgecrest expect to be reimbursed; as of now there is no definite repayment schedule.

The Board hears public comments from Don Decker, Judie Decker, Raymond Kelso, and Stan Rajtora.

10. ADOPT ORDINANCE NO. 01-19: MANDATORY WELL REGISTRATION – First Reading:
Jim Worth provides a brief history on prior well registration requirements implemented by the IWVGA.

This Ordinance would require all wells, including de-minimis, to be registered by October 1, 2019. Prior to the beginning of the meeting, Staff conversed with Derek Hoffman, legal counsel for Meadowbrook, and suggested to remove the phrase “private” from the entire Ordinance and Registration Form, to avoid ambiguity.

Mr. Worth further comments that Staff also suggests the following edits, under section 4, final sentence: “...the Authority’s ~~General Manager~~” to read “...the Authority’s Water Resources Manager” and adding some form of the following sentence to section 8: “Likewise, if you receive groundwater from a public purveyor, you do not need to register”.

A motion is needed which requires three parts: 1) The Board would make a finding that this action is exempt pursuant to CEQA of code sections referenced in the staff report, 2) Reading the full title of the Ordinance and introducing it, and 3) Waiving the reading of the Ordinance and schedule the second reading to take place at the August Board Meeting.

The Board hears public comments from Judie Decker, Elaine Mead, Skip Gorman, Don Decker, Pat Farris, Nick Panzer, and Sarah Zegers.

Motion made by Mick Gleason and seconded by Scott Hayman to make a finding that the proposed Ordinance is exempt from further environmental review pursuant to CEQA guidelines section 15378.(b).(5). as it involves administrative activity that will not result in direct or indirect changes in the environment, in addition it has been determined that this action has been exempt from environmental review pursuant to CEQA 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. and defer to Legal Counsel Jim Worth to introduce Ordinance 01-19 including aforementioned revisions and to waive reading the entire Ordinance No. 01-19 and set the second reading for August 15, 2019, at the Regular IWVGA Board Meeting. Motion carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

Jim Worth introduces, by reading aloud its title, Ordinance No. 01-19: Establishing the Regulations and Procedures for the Registration of All Owners and Users of Groundwater Extraction Facilities Within the Indian Wells Valley Groundwater Basin.

11. UPDATE ON OUTREACH EFFORTS:

Chairman Kicinski comments that he met at a morning session with the Chamber of Commerce and discussed groundwater issues, as well as cleared up misinformation.

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

The Board asks PAC and TAC chairs questions with respect to their reports included in the Board Packet.

David Janiec, PAC Chair, states the PAC requests guidance from the Board for future meetings and tasks.

13. GENERAL MANAGER'S REPORT:

a. Report on IWVGA's Water Marketer (Capitol Core Group)

Mr. Zdeba reads a summary of the project update memorandum provided by Capitol Core Group (CCG) and made available in the Board Packet, distributed to the Public and available online.

14. CLOSING COMMENTS:

Commander Benson provides an update on Section 313 funding from the National Defense Authorization Act (NDAA). It is currently at the secretariat level for consideration. He further comments that there is a possibility of three other projects coming to the basin to deal with energy, which include:

- Use of the Navy's solar array during an extensive power outage.
- Adding cybersecurity to their control systems for their utilities.
- Replacement of a 16" watermain as part of their production system.

Vice-chair Gleason thanked Mr. Johnson for his report and all of his and the staff's work. He further comments on transparency between the IWVGA and public.

Chairman Kicinski expresses his appreciation of the community and their actions following the recent earthquakes.

15. DATE AND TIME OF NEXT MEETING – August 15, 2019; 10:00 a.m.

With no further Board or Public comments, Chairman Kicinski recessed the meeting at 12:54 p.m. for a short break.

The meeting is reconvened into Closed Session at 1:03 p.m.

16. CLOSED SESSION:

- CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION (Government Code Section 54956.9(d)(2)(e)(1)) Number of cases: Two (2) 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 called back into Open Session.

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

17. ADJOURN:

Chairman Kicinski adjourns the meeting at 1:38 p.m.

Respectfully submitted,



Lauren Duffy
Clerk of the Board of Directors
Indian Wells Valley Groundwater Authority