

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, August 15, 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
Thomas Bickauskas, 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 10:00 a.m.

2. PUBLIC COMMENTS ON CLOSED SESSION:

None.

With no public comments, Chairman Kicinski calls the meeting into Closed Session at 10:01 a.m.

3. 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.

4. OPEN SESSION:

Meeting was reconvened into Open Session at 10:57 a.m.

a. Report on Closed Session:

Jim Worth reported that no action was taken which would require disclosure under the Brown Act.

b. The Pledge of Allegiance is led by Lyle Fisher.

c. Lauren Duffy calls the following roll call:

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

Don Zdeba announced that Lauren Duffy, IWVGA Clerk of the Board, has accepted a new position at the Indian Wells Valley Water District and her replacement, April Nordenstrom, is introduced. April will be shadowing Lauren the remainder of this year and take over as Clerk beginning in January 2020.

Chairman Kicinski requested the following agenda item changes: first, to switch items #7 and #8, second, that items #10C and #14B take place before Public Comments. Board has no objections.

5. PUBLIC COMMENTS - Item tabled and addressed after item #14b and 10c

The Board heard public comments from; Lorry Wagner, Chuck Griffin, Judie Decker, Josh Nugent, Renee Westa-Lusk, Don Decker, Camille Anderson, Sarah Zegers, Larry Mead, Earl Wilson, Elaine Mead, Doreen Baker, and Derek Hoffman

6. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting July 18, 2019
- b. Approve Expenditures
 - i. \$2,839.00 – RWG LAW
 - ii. \$8,621.45 – DRI
 - iii. \$94,209.05 – Stetson Engineers
 - iv. \$830.00 – City of Ridgecrest (unbudgeted)
 - v. \$27,800.00 – Capitol Core Group

Motion made by Scott Hayman and seconded by Mick Gleason to approve Minutes of Board Meeting July 18, 2019, and the following expenditures in the amount of \$2,839.00 to RWG Law, \$8,621.45 to DRI, \$94,209.05 to Stetson Engineers, \$830.00 to City of Ridgecrest, \$27,800.00 to Capitol Core Group. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

7. BOARD REVIEW AND APPROVE RESOLUTION NO. 06-19 TO ADOPT FINAL WELL REGISTRATION FORM FOR ALL WELL OWNERS: - Item tabled and addressed after item #8

Motion made by Mick Gleason and seconded by Scott Hayman to approve Resolution No. 06-19 to adopt the final Well Registration form contingent of the following edits; Below general information the date indicates October 1st, 2018 but should be October 1st, 2019. Under the de minimis user box, there will be an added disclaimer to “stop here if you are a de minimis user”.

The Board heard public comments from Don Decker, Derek Hoffman, Nick Panzer, Judie Decker, and Phill Hall.

Motion unanimously carried by the following roll call vote:

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

8. SECOND READING AND ADOPTION, ORDINANCE 01-19, ESTABLISHING THE REGULATIONS AND PROCEDURES FOR THE REGISTRATION OF ALL OWNERS WITHIN THE INDIAN WELLS VALLEY GROUNDWATER BASIN:

Motion made by Mick Gleason and seconded by Scott Hayman to approve waiving the complete reading of the ordinance and to adopt off the title only. Motion unanimously carried by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

Director Page asked Jim Worth to confirm that the IWVGA has the legal authority to require well owners to register.

The board heard public comments from Don Decker and Sarah Zegers.

Motion made by Bob Page and seconded by Mick Gleason to adopt Ordinance No. 01-19. 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

9. DISCUSSION AND BOARD DIRECTION TO STAFF ON SEVERELY DISADVANTAGED COMMUNITIES (SDAC) PROGRAMS:

Jeff Helsley provided an update on the Water Audit, Leak Detection, and Repair Program and the Residential and Commercial Program for SDAC. The WaterWise Consulting Agreement term period will be amended to reflect an end date for 2020. It has also been suggested that there be a change of language regarding indemnification, in the California Rural Water Association Agreement (pending Jim Worth's review). Additionally, both consultants agreed to an added clause reflecting the approved 90-day period between invoice and payment. However, there will be a late fee added should payment surpass the allotted 90 days.

Motion made by Mick Gleason and seconded by Scott Hayman to proceed with both SDAC programs, contingent on proposed changes, and receiving an extension from the Department of Water Resources. Motions unanimously carry by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

Chairman Kicinski questioned how the billing processes will be handled. He also expressed his concerns for the cash flow issue.

10. WATER REOURCES MANAGER REPORT:

a. Report on Proposition 1 Grant Status:

Steve Johnson stated the second invoice that was submitted to DWR is still processing. Invoice #3 is being put together for submission; which will cover April 2019 through June 2019.

b. Report on Model Run 6.1 and 6.2:

Jeff Helsley gave an in-depth report on both Model Run scenarios that have been prepared by Desert Research Institute (DRI). Presentations made available in the board packet and on the IWVGA website.

c. Report on August PAC Meetings: **Item moved up to agenda item #6 for discussion.**

Steve Johnson provided a report on the following items:

➤ Transparency/Constructive Input:

Mr. Johnson commented on accusations of there being a lack of transparency. He stated that documents/presentations, concerning studies that have been conducted to aid in the Groundwater Sustainability Plan efforts have all been run by the Technical Advisory Committee (TAC) and made available to the public. In addition, sections of the drafted GSP, and the outlined GSP, have also been made available to both the Policy and Technical Advisory Committees. Mr. Johnson clarifies the attorney meetings were meant to be confidential, but Jim Markman provided note summaries of each meeting to

the PAC. Mr. Johnson asks attendees to send any and all constructive input that will aid in sustainability efforts.

➤ Water Resources Manager follow-up:

Early concepts of the extended period of “ramp down” have been deemed unacceptable by the Board. The expected impacts are potentially significant and are not fully known or understood. A key issue going forward is how substantial of a loss in groundwater storage is considered “significant and unreasonable”. Mr. Johnson stated that over drafting the basin will be detrimental to this community. Imported water will be part of their plan to reach sustainability, but where the water will come from is still an uncertainty.

➤ Brief Background/Update:

Steve Johnson gave an update on both the Technical Advisory Committee (TAC) and PAC Meetings. TAC went reasonably smooth, but the PAC received several questions from the Water Resources Manager. A follow-up PAC meeting was scheduled for August 7, 2019, which resulted in high volumes of comments, but no recommendations were made to the Board.

Vice Chair Gleason commended Stetson’s commitment to transparency. He further comments on the costs to mitigate secondary impact and claims that any import from the south is not practical, but importing water is critical to the community.

Chairman Kicinski commented on the cost of imported water being too expensive for the consumer, given the size of our community.

Director Vallejo stated that Inyo County is against importing water through the Los Angeles Department of Water and Power (LADWP) and adds the Board needs to explore other funding options, potentially including Navy funding, to facilitate the construction of a pipeline to deliver water from Antelope Valley East Kern.

Director Hayman expressed concerns for the potential changes in the quality of water the lower we get into the basin.

Mr. Bickauskas advised the Board to explore different solutions for potential dust issues that could possibly impact the air quality.

Board heard public comments from Elaine Mead, Don Decker, Renee Westa-Lusk, Earl Wilson, and Derek Hoffman.

11. UPDATE ON IWVGA FINANCES:

Don Zdeba provided an update on the monthly IWVGA finances. Report made available on the IWVGA website. Mr. Zdeba commented that monthly extraction fees for July are still coming in and will be added to the monthly report.

12. UPDATE ON OUTREACH EFFORTS:

Chairman Kicinski commented that he attended the Rotary Club of China Lake, where he discussed groundwater issues, as well as cleared up any misconceptions.

Vice Chair Gleason stated he supports any and all outreach efforts that were discussed at the PAC. He further stated that communication is a two-way street and we are relying on the citizens to do their part.

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

David Janiec, PAC Chair, gave an update on both the August 1st and August 7th PAC meetings. The Special PAC meeting was scheduled to allow constituents time to have their questions and/or concerns heard by the Board, regarding the Model Run Scenarios. Mr. Janiec encouraged all the Board members to watch the video of the August 7th meeting.

14. GENERAL MANAGER'S REPORT:

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

Mr. Zdeba stated the WaterSmart Grant was submitted and acknowledged by the Bureau of Reclamation. Stetson, CCG, and Staff have decided to pursue a grant for the full amount of \$400,000. Furthermore, due to July 31st deadline to submit the grant application, the Technical Memorandum was not ready by July 31st. It has since been completed and will be given to the Board in Closed Session.

b. CCG Presentation on progress to-date: **Item moved up to agenda item #5 for discussion.**

Jeff Simonetti and Todd Tatum gave a presentation on Imported Water Supplies, which further explains the Water Resources Technical Memorandum and Funding Sources Report that have already been reviewed by the Board. Presentation made available in the Board Packet and on the IWVGA website.

Chairman Kicinski questioned the costs for the Antelope Valley East Kern Project and Operation Maintenance.

15. CLOSING COMMENTS:

Mr. Bickauskas suggested the Board research new technologies that could provide better statistics on groundwater levels.

Director Vallejo re-emphasized the concern of Inyo County and its communities regarding the IWVGA's pursuit of importing water from the Owens Valley and encouraged the IWVGA Board to continue to pursue import opportunities that do not rely on water from the Owens Valley.

Chairman Kicinski thanked everyone for their time and efforts.

16. DATE AND TIME OF NEXT MEETING – September 19, 2019; 10:00 a.m.

With no further Board or Public comments, Chairman Kicinski recessed the meeting at 2:49 p.m. for a short break.

The meeting was reconvened into Closed Session at 2:55 p.m.

17. CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS
(Government Code Section 54956.8) IWVGA Negotiator: Capitol Core Group
Negotiating with: Representatives of Antelope Valley-East Kern Water Agency, Mojave Water Agency, County of Plumas and Tulare Lake Basin Water Storage District. Real Property: Miscellaneous Imported Water Supplies

The meeting was called back into Open Session at 3:36 p.m.

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

18. ADJOURN:

Chairman Kicinski adjourned the meeting at 3:37 p.m.

Respectfully submitted,

April Nordenstrom

Executive Secretary
Indian Wells Valley Water District