

# 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 20, 2020; 10:00 a.m. Adjourned in part to 10:00 am Friday, August 21, 2020

### 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 Bickaaskas, Bureau of Land Management	April Keigwin, Clerk of the Board
Bob Page, San Bernardino County	

Attending via teleconference is Bob Page, John Vallejo, Commander Peter Benson, and Thomas Bickaaskas.

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 10:02 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 10:55 a.m.

#### 4. OPEN SESSION:

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

- a. Report on Closed Session:  
Counsel Hall reports no action on item 1. In regard to item 2, legal staff has been directed to reach out to Searles Valley Minerals (SVM) concerning potential settlement negotiations.
- b. The Pledge of Allegiance is led by Scott Hayman
- c. April Keigwin 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 a presentation from Natalie Stork of State Water Resources Control Board (SWRCB) and Craig Altare of Department of Water Resources (DWR). Board hears public comments from James Markman of RWG Law, Renee Westa-Lusk, Elaine Mead, Camille Anderson, Joshua Nugent, Judie Decker, Kathy Brown, Eddy Teasdale, Jessica Weston.

**6. CONSENT AGENDA:**

- a. Approve Minutes of Board Meeting July 16, 2020
- b. Approve Expenditures
  - i. \$212,778.67 – Stetson Engineers (June and July Invoice)
  - ii. \$18,543.75 – Capitol Core Group
  - iii. \$475.00 – Association of California Water Agencies

Motion made by Scott Hayman and seconded by Ron Kicinski to approve Minutes of Board Meeting July 16, 2020 and the following expenditures in the amount of \$212,778.67 to Stetson Engineers, \$18,543.75 to Capitol Core Group (CCG) and \$475.00 to Association of California Water Agencies (ACWA).

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. AMENDMENT TO ADVANCED FUNDS AGREEMENT WITH INDIAN WELLS VALLEY WATER DISTRICT**

Don Zdeba provides a staff report and amended Advanced Funds Agreement (documents made available on the IWVGA website). Advanced funds provided by the Indian Wells Valley Water District (IWVWD) will be used to pay for tasks performed by CCG, that in the future will be paid through the Replenishment Fee.

Motion made by Scott Hayman and seconded by Ron Kicinski to approve the Second Amendment to the Advance Funds Agreement authorizing the District to pay those estimated costs cited in the staff report related to identifying funding infrastructure estimated at \$120,000. All monies paid by the District will be added to the \$500,000 advance and the “District will seek reimbursement and/or credit from future assessments, charges and/or fees imposed by the Authority”.

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 PUMPING VERIFICATION REPORTS:**

Steve Johnson and Jeff Helsley provide a staff report and Groundwater Pumping Verification Report (documents made available on the IWVGA website).

The Board hears public comment from Elisabeth Esposito and Eddy Teasdale.

Motion made by Ron Kicinski and seconded by Bob Page to receive, adopt, and file the final Groundwater Pumping Verification Report dated August 2020.

Motion carries by the following roll call vote.

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

**9. BOARD CONSIDERATION AND POSSIBLE APPROVAL OF VARIANCE REQUESTS TO ORDINANCE NO. 01-20 BY MEADOWBROOK DAIRY AND QUIST FARMS:**

Jeff Helsley provides a staff report for the following requests (document made available on the IWVGA website).

Motion made by Ron Kicinski and seconded by Scott Hayman to 1) Approve the request for variance submitted by Meadowbrook Dairy to continue using their existing flowmeters to the end of their useful life which will then be replaced with IWVGA approved flowmeters and 2) Approve the request for variance submitted by Quist Farms to continue using the submitted alternative flow quantities measuring approach on a temporary basis, given it is anticipated Quist Farms will be abandoning its agricultural production in the future.

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 12:57 p.m.

Meeting is reconvened at 1:05 p.m.

**10. PUBLIC HEARING FOR FRANK BELLINO FOR FAILURE TO REGISTER, REPORT AND PAY GROUNDWATER EXTRACTION FEES:**

Item continued to IWVGA Board Meeting scheduled for September 17.

**11. PUBLIC HEARING FOR PEARSONVILLE PARK FOR FAILURE TO REPORT AND PAY GROUNDWATER EXTRACTION FEES:**

Phillip Berry of Berry’s Well Service called in on behalf of Pearsonville Park. Mr. Berry expressed desire to work with IWVGA staff to settle all outstanding payments and fees.

Motion made by Bob Page and seconded by Ron Kicinski to continue the Public Hearing to the IWVGA Board Meeting on September 17, to ensure all outstanding payments and pumping information has been resolved.

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. WATER RESOURCES MANAGER REPORT:**

Steve Johnson provides updates on the following grants/programs: Prop. 1 Grant Status, Prop. 68 Grant Status, TDS Sampling and Testing Results, Isotopes Sampling and Testing Results and Schedule (presentations made available on the IWVGA website).

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

Don Zdeba provides updates on the following; Monthly Financial Report, Report on IWVGA's Water Marketer (Capitol Core Group), Severely Disadvantaged Communities (SDAC) Program, General Manager Recruitment, Delinquent Accounts, Meter Ordinance Compliance (Ordinance 01-20) and Well Registration Update (documents made available on the IWVGA website).

The Board hears public comment from Derek Hoffman.

**14. CLOSING COMMENTS :**

Commander Benson states there has been a change of command resulting in updated appointments for DOD Liaison representatives for the IWVGA, PAC, and TAC (full statement and DOD Liaison representative information made available on the IWVGA website).

Director Vallejo thanks the public for their continued participation with the Board. Vallejo expresses concern with IWVWD independently seeking alternate water outside of the IWVGA. He stresses the need for transparency between all entities while we work together in finding a solution.

Director Kicinski responds to Director Vallejo's request for transparency and encourages Vallejo to join the IWVWD's Board Meeting or Water Management Committee Meetings.

**15. ADJOURN MEETING TILL 10:00 a.m. FRIDAY, AUGUST 21, 2020**

Chairman Gleason adjourns the meeting at 1:48 p.m.

**FRIDAY, AUGUST 21, 2020 10:00 a.m.****16. OPEN SESSION:**

The meeting is called to order by Chairman Gleason at 10:03 a.m.

- a. Pledge of Allegiance is led by Steve Johnson
- b. April Keigwin calls the following roll call
  - c. Director Vallejo      Absent
  - d. Director Kicinski    Present
  - e. Chairman Gleason    Present
  - f. Director Page        Present
  - g. Vice Chair Hayman   Present

*Director Vallejo joins meeting at 10:50 a.m.*

**17. PUBLIC HEARING AND PROCEEDING ON AND BOARD'S CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE 03-20 ESTABLISHING A BASIN REPLENISHMENT FEE AND ADOPTION OF RELATED CEQA FINDINGS:**

Counsel Hall provides a staff report and supporting documents for the Engineers Report for the adoption of a Basin Replenishment Fee by way of Ordinance 03-20 (documents made available on the IWVGA website). Steve Johnson gives a presentation of current Groundwater levels taken from three monitoring wells (presentation made available on the IWVGA website).

The Board hears public comment from Eric Burnell, Dave Matthews, Josh Nugent, Ed Parasco, Anita Imsand, Richard Wagner, Derek Hoffman, Norman Alexander, Mike Neel, Renee Westa-Lusk, Doreen Baker, Eddy Teasdale, Judie Decker, David Janiec, Don Decker, Donna Hocker, Nick Panzer, Mallory Boyd, Elisabeth Esposito, West Katzenstein, Lindsey Stephens, and Regina Trevlin.

Chairman Gleason closes the Public Hearing and calls for a recess at 1:00 p.m. During this time, staff will count any protest letters submitted during the Public Hearing.

Meeting is reconvened at 1:45 p.m.

Counsel Hall states there has been a preliminary count, which determined there were not enough protest letters received. Item returns to Board for action.

Motion made by Scott Hayman and seconded by Bob Page to 1) Make finding that as set forth in the staff report the action is exempt from further CEQA review because the action is ministerial, does not include a discretionary act, is mandated by law and is provided statutory and categorical exemptions, and will not have a significant effect on the environment and 2) Adopt Ordinance NO. 03-20 setting the Basin Replenishment Fee.

Motion carries by the following roll call vote:

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

**18. PUBLIC HEARING AND BOARD CONSIDERATION AND ADOPTION OF RESOLUTION 05-20 REGARDING A TRANSIENT POOL AND FALLOWING PROGRAM AND ADOPTION OF RELATED CEQA FINDINGS:**

Counsel Hall provides a staff report and Report on Transient Pool and Fallowing Program (documents made available on the IWVGA website).

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

Motion made by Ron Kicinski and seconded by Scott Hayman to 1) Make findings that the action is exempt from further CEQA review because the action is ministerial, does not include a discretionary act, is mandated by law and is provided statutory and categorical exemptions, and will not have a significant effect on the environment and 2) Adopt Resolution 05-20 adopting The Transient Pool and Fallowing Program.

Motion carries by the following roll call vote:

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

**19. DATE AND TIME OF NEXT MEETING – September 17, 2020**

**20. ADJOURN:**

Chairman Gleason adjourns the meeting at 3:10 p.m.

Respectfully submitted,

*April Keigwin*



Clerk of the Board  
Indian Wells Valley Groundwater Authority