

# Indian Wells Valley Groundwater Basin

## GSA-Eligible Agencies Group

### Meeting Summary | January 14, 2016 | 10am-12pm (Via Telecom)

#### MEETING ACTION ITEMS

Name	Task	Timeframe
GSA Eligible Agencies	Review/provide input/approve General Principles for Developing GSA Governance Options	ASAP
GSA Eligible Agencies	Review and provide input/approve Seeking Consensus in Making Decisions	ASAP
GSA Eligible Agencies	Review and approve JPA as legal agreement for GSA	ASAP
Attorney Subcommittee	Discuss water rights in IWV Develop voting proposal for JPA Set up meetings with MWC attorneys	Prior to February 4
Staff	Distribute December 17, 2015 meeting summary and future meeting summaries more quickly	Soon
Staff	Facilitator will check in with San Bernardino County to see about participation in Attorney Subcommittee	Prior to February 4
Staff	Will send link to new DWR FAQs on GSA	Prior to February 4
Staff	Develop rough preliminary budget for new IWV GSA	Prior to February 4
Staff	Develop and distribute talking points on meeting venues	Prior to February 4
Staff	Distribute revised schedule for meetings	January 14

#### ATTENDEES

GSA-Eligible Agency Representative Participants:

##### Bureau of Land Management

Robert Pawelek, Planning Supervisor

##### City of Ridgecrest

Peggy, Breeden, Mayor

Denis Speers, City Manager

Wayne Lemieux, Outside Counsel

##### Inyokern Community Services District

Ron Farris, Director

##### Indian Wells Valley Water District

Peter Brown, Director

Chuck Griffin, Director

Don Zdeba, General Manager

Rene Morquecho, Chief Engineer

##### Inyo County

Matt Kingsley, County Supervisor

Bob Harrington, Water Resources Dir.

##### Naval Air Weapons Station

John O'Gara

Mike Stoner

##### Kern County

Mick Gleason, County Supervisor

Leigh Ann Cook, Chief of Staff

Teri Goldner, Chief Counsel

Phil Hall, County Counsel

Tony Rossmann, Outside Counsel

##### San Bernardino County

Bob Page, Principal Analyst

# **Indian Wells Valley Groundwater Basin**

## **GSA-Eligible Agencies Group**

### Supporting Staff

- Dale Schafer, DWR Facilitator
- Alan Christensen
- Tim Parker, Technical Consultant

### **I. DECEMBER 17, 2015 MEETING SUMMARY**

Still in draft form – will be distributed shortly and future meeting summaries will be distributed more quickly

### **II. PRINCIPLES FOR DEVELOPING GSA GOVERNANCE OPTIONS**

- City of Ridgecrest (City) and Kern County (Kern Co) will take to their boards this month
- Indian Wells Valley Water District (IWWVD) – consensus ok but did not vote on principles
- Inyokern Community Services District (IKCSD)– will discuss at tonight’s meeting
- San Bernardino County (SB Co) – has not taken yet – either Jan 26<sup>th</sup> or Feb 9<sup>th</sup>

### **III. JOINT POWERS AGREEMENT AND GSA MEMBERSHIP**

- City and IWWVD have approved the formation of a JPA
- Inyo County (Inyo Co)– adopted resolution approving the formation of a JPA at last Board of Supervisors meeting
- Inyo County – also approved a 45-day prohibition (which can be extended to two years) for any increase in Ag pumping in the Inyo County portion of the Indian Wells Valley (IWW) groundwater basin – Meadowbrook Dairy attended meeting and stated mutual water companies (MWCs) should be incorporated into JPA language and resolution – Inyo County Board said no
- San Bernardino County – has not taken anything to their board at this point – county legal counsel is analyzing issues to determine whether to join a JPA – overlying land falls into two categories (1) federal or IWWVD jurisdiction – so represented by somebody –Searles Valley Minerals (SVM) has expressed their desire to be on the GSA Board – City asked for all points to be covered in recommendation – legal analysis looking at representation at land owners – SVM requested to be part of the GSA as an appropriator
- Kern Co – will return to Board of Supervisors in two weeks with a resolution to support GSA with JPA whose members will consist entirely of public agencies and only elected, exclusively of Kern Co, SB Co, Inyo Co, City, IWWVD and IK CSD - also Navy to be included
- Kern County Water Agency – at this time, not interested in being on the GSA
- Bureau of Land Management (BLM) - interested in participating in an ex officio fashion like Navy

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- Navy commend and counsel engaged and interested to continue in a meaningful way
- Inyokern CSD (IK CSD) – will discuss again at Board meeting this evening – CSD looking at consolidation with IWVWD
- IWVWD noted that consolidation with CSD is not something IWVWD is currently considering

#### **IV. The Group reviewed possible GSA board structures –**

- City asked how Advisory Committees could work with GSA -
- Kern Co - Advisory Committees could include major mutual and a smaller mutual – essentially charge them with drafting critical documents – provides that governing board could only change with super majority vote – like a planning commission - A variant would be to require that both Advisory and Board agree on GSP
- Kern Co - Sacramento Groundwater Authority (SGA) – governs north of Sacramento County (Sacto Co) – functions the way SGMA recommends – formed a JPA that includes cities and counties - but specifies membership of governing board includes certain private entities – large board 15 member – Sacto Co appoints one rep – city appoints rep from private pumpers – could structure so that these other private members have a seat on the board but public agencies have controlling vote – MWCS are truly representative of a large number of users –
- Need to look at Power and Functions of SGA JPA – no authority to regulate land use and is prohibited from extraction limiting – much less powerful JPA than SGMA allows–
- IWVWD Board agreed that the JPA should consist of public agencies whose elected have to be accountable for these decisions, but members were concerned about how the other major pumpers would be represented –
- Kern Co - if non-elected officials are included, an MOA would be probably be preferred – even though SGA is now presenting themselves as the GSA for that area not clear what their JPA will look like ?
- City - MWCs are being formed rapidly up and down the state – should not allow MWCs – it is a bad idea –
- City would like the whole thing to be inclusive – East Inyokern mutual had at least 83 connections – so responsible to somebody else other than their own interests – concern that Meadowbrook Dairy and Mojave Pistachio represent their own economic interests only
- City suggests keep as simple as possible at the start – only public officials
- Kern Co - Meadowbrook has been pursuing the GSA representation – counsel is reading law as MWC needs to participate – not sure bill was vetted by Legislature – GSA has discretion to exclude MWCs
- City – MWC cannot force their way in – one of notices has to involve public involvement – DWR can consider objections to GSA
- DWR has an advisory role and not decision-making role

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- IWVWD - wants all to participate –recommended an administrative JPA – can form a JPA and GSA – what DWR and everybody represents – if you include others cannot sue for powers - need to form GSA first then figure out rest – elected can be hired and fired by public
- IWVWD also discussed everybody should be included at some point - if MWCs are not included in the beginning, litigation could result – secondly will not have benefit of MWCs helping with solutions – if we exclude and just give advisory position concerned that water rights will be an issue –
- Attorneys will talk about water rights on a separate call –
- Inyo Co – urgent to form as quickly as possible with local agencies - from another perspective, concerned about having private interests on GSA
  - Also, formation of the GSA should not be based on threat of litigation – this should not be a basis for an action
  - As long as providing robust participation through public input and committees, should end up with solid GSA and solid GSP –
- Kern Co - Best way to address is to stick with public member model and let public respond – best way to proceed is by consensus
- Navy – how Navy can play as yet undefined – supports local agencies only on GSA board – and involving public committees
- BLM – echoes Navy – suggests inviting Tribal participation – Kern Co reached out to Tribal interests and sent letters of notification and there has been no response from Tribal interests
- Kern Co – JPA would be formed first and then develop Advisory role – DWR recently published a new Frequently Asked Questions (FAQs) and the link to FAQs will be sent to all telecom attendees

### **V. DECISION-MAKING AND FINANCE**

- Dale discussed the consensus-seeking in decision making principles – everyone agreed with the concept
- If consensus fails and that decision affects a particular area of interest, should be weighted that way –
- Kern Co - Voting has to go into JPA – it is in draft JPA – structured right now so it can be manipulated –
- City recommends keeping it simple and one vote for everything –
- Attorneys will get together and make recommendations
- City and IWVWD – one vote each agency with majority making decision works
- Kern Co – a hypothesis – a vote on having Walmart – one man one vote - say it is tied – and is a tiebreaker by someone who has no skin in the game - problem - not all issues blanket concern equally –
- Kern Co – look at JPA examples for voting options –
- City – can attorneys prepare a more inclusive draft JPA –
- Attorneys – will review water rights, voting options and draft JPA as a whole

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- IWVWD – Agencies should all agree to share funding in its entirety - Kern Co – all costs rising and county deficit rising
- Kern Co– Alan and Tim are working up a rough preliminary GSA budget – will bring back to the group next telecom

### **VI. CONSISTENCY IN MESSAGING THE PUBLIC**

- Messaging – should have consistent messaging by all GSA eligible agency members
- Example of Principles for GSA Governance – can use as talking points once everyone approves – same applies for Seeking Consensus in Decision-Making document
- Meeting venues and whether open or closed another issue – perhaps a few talking points could be developed for this issue?
- Are there other messaging issues?
- City responded that there is not enough room at IWVWD for the public to attend these GSA open meetings – City offers council facilities –

### **VII. PLANNING NEXT MEETINGS**

- Dale - With this call we have accomplished a lot - how do people feel about meetings without public versus open with the public?
- Kern Co - cannot underestimate the value of public meetings – would like to continue the way we are meeting – some private (closed) and some public (open) – also have lawyers hash out legal issues so we can focus on policy discussions
- City – need to allow for the fact that public agencies know when they need to have public meetings
- Meadowbrook specifically requested to participate in this call
- Kern Co – once GSA forms, all meetings public – likes idea of attorneys having separate closed meetings to discuss legal issues – also should meet with MWCs attorneys to share ideas with them as soon as possible – Kern Co will schedule
- Jan 21 –Indian Wells Valley Cooperative Groundwater Management Group (IWVCGMG) – report on today's meeting
- Feb 4 – GSA eligible agencies conference call –
- Feb 17 - GSA eligible agencies meeting - this does not work for the City- Wednesday nights are Council Meetings and the day is full with preparation
- Change open meetings to Fridays at 9:30 AM – next open public meeting on February 19
- Alan will send out a revised schedule with third Fridays for open meetings
- Kern Co– will contact all interested GSA-Eligible Agency attorneys and set up a call
- Navy will be involved as well
- Inyo Co also to be included
- BLM – not at this time –

## **Indian Wells Valley Groundwater Basin GSA-Eligible Agencies Group**

- Dale will check in with SB Co
- Kern Co Counsel will reach out to MWCs to set up a call with attorneys

**Next Meeting via Telecom – February 4, 2016 – 10am -12pm–**

**Next Open Meeting February 19, 2016 – 9:30am-11:30am – at Ridgecrest City  
Hall Chambers**