

# 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, October 17; 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:

Board hears public comment from Tom Bunn, legal counsel for Searles Valley Minerals.

Chairman Kicinski calls the meeting into Closed Session at 10:03 a.m.

### 3. CLOSED SESSION:

- 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.

### 4. OPEN SESSION:

Meeting was reconvened into Open Session at 11:00 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 Mallory Boyd.

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

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

**5. PUBLIC COMMENTS**

The Board hears public comments from Lorry Wagner and Shirley Kirkpatrick.

**6. CONSENT AGENDA:**

- a. Approve Minutes of Board Meeting September 19, 2019
- b. Approve Expenditures
  - i. \$9,620.00 - RWG Law
  - ii. \$21,524.96 - DRI
  - iii. \$102,654.54 - Stetson Engineers
  - iv. \$498.00 - City of Ridgecrest (unbudgeted)
  - v. \$14,190.04 - Capitol Core Group
  - vi. \$1,063.98 - Packwrap Reimbursement to IWVWD
  - vii. \$30.00 - Daily Independent

Motion made by Scott Hayman and seconded by Bob Page to approve Minutes of Board Meeting September 19, 2019, and the following expenditures in the amount of \$9,620.00 to RWG Law, \$21,524.96 to DRI, \$102,654.54 to Stetson Engineers, \$498.00 to City of Ridgecrest, \$14,190.04 to Capitol Core Group, \$1,063.98 to Packwrap and \$30.00 to Daily Independent. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

Don Zdeba comments that the IWVGA has enough funds to pay all the current invoices. Zdeba asks the board for approval to pay the deferred Stetson invoices from previous months before paying the \$102,654.54 shown under the Consent Agenda. Zdeba also requests that agenda item #10 be discussed before agenda item #8. Chairman Kicinski approves.

**7. PROPOSITION 68**

Steve Johnson states that this item is an extension of the Prop. 1 Grant but includes funding for both the planning and implementation of the Groundwater Sustainability Plan (GSP). Johnson explains that with Board approval of Resolution 07-19, Stetson will be authorized to pursue Prop. 68 funding for the IWVGA.

Jeff Helsley provides a report on Prop 68. (see IWVGA Website for presentation). Helsley states the application is due November 1, 2019, and upon approval, IWVGA would see payment sometime in March 2020. There is approximately \$47,000,000 available through this grant for Groundwater Sustainability Agencies in California. Minimum grant approval payment would be \$200,000 and a maximum of \$2,000,000, however any money previously awarded through the Prop. 1 grant would be subtracted from the amount awarded by Prop. 68. There is generally a 25% minimum local share requirement, however as a result of Stetson's work documenting the disadvantaged communities in the basin, the IWVGA minimum match required is 15%. Grant funding through Prop 68. will cover various costs not originally covered by Prop. 1. Going forward, the major item needing funding through this grant will be the Shallow Well Mitigation Plan.

Director Vallejo asks Steve Johnson to describe the staff work being put into submitting the application as well as the expected costs. Vallejo further inquiries of the likelihood of IWVGA being approved. Johnson states that the Indian Wells Valley Water District and other staff will be providing in-kind services to help mitigate expenses, and Helsley projects an additional cost of \$20,000. Johnson feels the IWVGA is likely to be approved.

Motion made by Bob Page and Seconded by Mick Gleason to authorize Stetson Engineers to prepare and submit the application for the Prop. 68 Grant solicitation on behalf of the IWVGA. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

Board hears public comment from Renee Westa-Lusk.

Motion made by Bob Page and seconded by Mick Gleason to adopt Resolution No. 07-19. 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

## 8. BOARD REVIEW AND APPROVAL OF 2020 IWVGA BUDGET: Item tabled and addressed after item #10

Don Zdeba summarizes the three Pro-Forma scenarios presented in the Board Packet (presentations made available on the IWVGA Website). Zdeba states each scenario reflects a payment of \$646,000 from the Severely Disadvantaged Communities (SDAC) Grant, however the initial funding for the various SDAC programs would be paid by IWVGA until the grant is approved. A request for an extension was filed with Department of Water Resources (DWR), however approval has not been confirmed. Jim Worth emphasizes the same concern with cash flow. He states that there would still be an additional 60-75 days before the first invoice could be submitted, and based on past transactions with DWR, IWVGA could be waiting 2-3 months for the first reimbursement check to come through. Furthermore, Zdeba suggests closely monitoring Stetson and RWG Law to limit unnecessary expenses. He further advises slowing down Capitol Core Group and reprioritizing the tasks given, without jeopardizing their momentum.

Director Page questions if the Pro-Forma Scenarios reflect slowing down CCG. Zdeba responds that it does not, but with board approval of reprioritizing CCG it will have a positive impact on the projected finances. Page further questions if the SDAC Programs could qualify for Community Development Block Grant Programs (CDBG), and if any of the member agencies that have received this type of funding, could their remaining balances be used for the time being? Phillip Hall confirms this may be a possibility, but needs to be investigated further.

Pac Chair Dave Janiec adds to the CCG discussion. He states that we need to stay ahead of other Groundwater Agencies competing for the Defense Community Infrastructure Programs (DCIP) in order to not fall of the radar.

Director Vallejo agrees that expenses need to be reduced, but questions if other Board members are against raising the pumping fee. Vallejo believes reducing expenses will not be enough to solve the financial issue. Kicinski states that raising the fee is a discussion that needs to be had. Vallejo recommends looking further into the fee structure.

Vice Chair Gleason commends CCG for all their hard work and feels we should continue their momentum on seeking funding options.

Chairman Kicinski further supports CCG momentum, and continuing staff as in-kind services. He recommends staff looking into cutting any unnecessary expenses.

Board hears public comment from Josh Nugent, Stan Rajtora, Judie Decker, Sarah Ziegers, Renee Westa-Lusk, Mike Neel, Lorry Wagner.

## 9. WATER REOURCES MANAGER REPORT:

### a. Report on Proposition 1 Grant Status:

Check for invoice #2 has been cut and sent out in the mail. Invoice #3 (Apr. 2019 – June 2019) is scheduled to go out by end of next week.

### b. Severely Disadvantaged Communities (SDAC) Programs Update: **Item moved up to agenda item #8 for discussion**

### c. Groundwater Sustainability Plan (GSP):

Draft GSP will be given to staff to review on Monday, October 21<sup>st</sup> for comment. Once staff review is complete, the GSP will be given to Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC) members before the November meetings. Johnson also states that it has been requested of him to attend both the PAC and TAC November Meetings.

Board hears public comment from Stan Rajtora, Nick Panzer, and Josh Nugent of Meadowbrook Dairy, who offers to give an additional \$5,000 this coming month to help pay for Stetson and Legal Counsel presence at the PAC and TAC Meetings.

**10. UPDATE ON IWVGA FINANCES: Item moved up to agenda item #8 for discussion**

Don Zdeba provides an update on finances (reports made available on the IWVGA Website). Zdeba states that after the invoices listed above are paid, the account balance is \$9,207.69. A check has been mailed in the amount of \$352,055.21, for the reimbursement of the second submittal for Prop. 1. This will be used to pay three of the previously deferred Stetson invoices totaling \$286,244.34. Combining the current account balance with the rest of the grant reimbursement, there is a total of \$75,018.56 remaining.

Director Page points out a discrepancy between the Financial Report and the Consent Agenda regarding the invoices from RWG Law.

Jim Worth states there needs to be a new motion to authorize approval of the payments made for RWG Law.

Motion made by Bob Page and seconded by Mick Gleason to authorize approval of payment for RWG Law based on the total given in the Financial Report. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

**11. UPDATE ON OUTREACH EFFORTS:**

Don Zdeba provides an update on the billboard, which will be up by October 28<sup>th</sup>.

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

Dave Janiec requests Stetson and Legal Counsel presence at the next PAC Meeting, to better answer the questions from the public. The Sustainable Yield Allocation Chart generated high volumes of comments and questions, mostly centered around the author of the documentation. Furthermore, many of those from the public shared a mutual concern as to why the Indian Wells Brewery was not part of the chart.

Eddy Teasdale shares similar concerns with the Sustainable Yield Allocation Chart and the short time frame for review of the GSP. He further expresses worry for the slow inflow of De Minimis Well Registration Forms. Teasdale shows support and enthusiasm in pursuing the Prop. 68 Grant.

Board hears public comment from Elaine Mead, Judie Decker, Sarah Ziegers, and Don Decker.

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

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

Don Zdeba states majority of CCG's report provided in the board packet summarizes the previous months work that was devoted to the Draft Strategic Funding Plan

- b. Well Registration Update:

Since the ordinance was passed, there have been 60 De Minimis and 2 Non-De Minimis.

**14. CLOSING COMMENTS:**

Director Page address a comment made earlier in the meeting and states that sending a bill to the State of California does not guarantee payment.

Chairman Kicinski expresses gratitude for the work done by both the PAC and TAC.

**15. DATE AND TIME OF NEXT MEETING – November 21, 2019; 10:00 a.m.**

**16. ADJOURN:**

Chairman Kicinski adjourned the meeting at 1:08 p.m.

Respectfully submitted,

*April Nordenstrom*

Executive Secretary  
Indian Wells Valley Water District