

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

City of Ridgecrest, Kern County, Inyo County, San Bernardino County, Indian Wells Valley Water District

BOARD OF DIRECTORS

MINUTES

Thursday, November 15, 2018, 10:00 a.m.

IWVGA Members Present:

Chairperson Peggy Breeden, City of Ridgecrest	Mick Gleason, Kern County
Chuck Griffin, Indian Wells Valley Water District	Luther Snoke, San Bernardino County
Keith Lemieux, Legal Counsel	Ron Strand, IWVGA General Manager
Stephen Johnson, IWVGA Water Resources Manager	Commander Peter Benson
Bob Harrington, Inyo County	Lauren Duffy, IWVGA Board Clerk
Jim Markman, IWVGA Special Counsel	

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 Chairwoman Breeden at 10:00 a.m.

2. PUBLIC COMMENTS ON CLOSED SESSION:

None.

With no public comment made, Chairperson Breeden calls the meeting into Closed Session at 10:02 a.m.

3. CLOSED SESSION:

- CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION Significant exposure to litigation pursuant to § 54956.9(b): (One Case) 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:

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

The meeting is recalled to Open Session at 11:03 a.m.

- a. The Pledge of Allegiance is led by David Janiec.

5. PRESENTATION:

- a. SGMA update by State Water Resources Control Board Representatives (SWRCB): SWRCB representatives providing the presentation are Samuel Boland-Brien, Natalie Stork, and participating via teleconference is Nicole Kuenzi.

Presentation is available at www.IWVGA.org.

The Board hears comments from Judie Decker, Raj Jonnalagadda, Sophia Merk, West Katzenstein, and Donna Hocker.

Chuck Griffin asks if the State would still consider 4 users or less on a well, de-minimis. Samuel Bolan-Brien replies that the State doesn't have cause to weigh in on how the basin is defining their plan. Department of Water Resources (DWR), when reviewing the plans, will be focused on the outcome to ensure the milestones are being met within the five years.

Samuel Boland-Brien reviews the options the basin has if the State must step in due to no plan being developed. Mr. Bolan-Brien also reviews the consequences if the State must step in because the basin was non-compliant.

Due to Special Counsel Markman having to leave the meeting, Chairwoman Breeden allows him to provide his update prior to his departure.

Mr. Markman provides a report on the October 1, 2018 Pumping Allocation Meetings. The process which Mr. Markman is working on, with the Water Resources Manager (WRM), is implementing the allocation of pumping rights for the future to reach sustainability. Mr. Markman's goal is to develop a plan which is not worth fighting against with respect to any pumping concerns in the basin. From now until spring, he and the WRM will simultaneously gather the generation of data and draft an implementation plan that's structurally correct.

6. PUBLIC COMMENTS:

Judie Decker comments that the Eastern Kern County Resource Conservation District's (EKCRCD) California Irrigation Management Information System (CIMIS) station is up and running. Ms. Decker thanks the Navy for all of their help with this project.

Lee Knudtson, of WellIntel, introduces himself and states it is his goal to bring the IWVGA all of the relevant groundwater data it needs. Lee provided a presentation at the November 1st IWVGA TAC meeting and hopes to provide more information to the IWVGA Board at a future meeting.

Sophia Merk provides a comment letter which was read into the record at a previous meeting by Raymond Kelso. (Letter made available at www.IWVGA.org)

7. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting October 18, 2018
- b. Approve Expenditures
 - i. RWG Law - \$6240.00
 - ii. Stetson Engineers - \$74,772.49
- c. Financial Report

Chairwoman Breeden announces that three (3) invoices from Desert Research Institute (DRI) were received prior to the meeting and will be added to the consent agenda for approval.

The invoices are as follows:

- \$6,245.08
- \$23,789.91
- \$25,250.20

Motion made by Mick Gleason and seconded by Chuck Griffin to add the aforementioned invoices to the consent calendar for approval as the need arose subsequent to posting the agenda.

Motion carried unanimously. (Ayes: Breeden, Gleason, Griffin, Harrington, Snoke. Nays: None. Absent: None.)

Motion made by Bob Harrington and seconded by Mick Gleason to approve the Minutes of Board Meeting October 18, 2018, Expenditures in the amount of \$6,240 to RWG Law, \$74,772.49 to Stetson Engineers, the Financial Update, and DRI invoices in the amounts of: \$6,245.08, \$23,789.91, and \$25,250.20. Motion carried unanimously. (Ayes: Breeden, Gleason, Griffin, Harrington, Snoke. Nays: None. Absent: None.)

General Manager Ron Strand provides the financial report update.

8. WATER RESOURCES MANAGER REPORT:

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

Heather Steele provides a report on the updated POAM. (Available at www.IWVGA.org)

b. Report on Submittal of Proposition 1 Grant Application Status:

Steve Johnson provides an update on the Proposition 1 Grant status. The first progress report is expected to be submitted in December to DWR.

c. Report on Pump fee Status/Schedule:

Mr. Johnson provides an update on the Pump Fee Status. 45 registered accounts as of November 12, 2018. 20 accounts have not registered, believed to be non-de-minimis based on criteria). October pumping reports were due November 10, 2018. Staff is currently reviewing and processing October payments. November pumping reports are due December 10, 2018.

d. Well monitoring:

Mr. Johnson provides an update on well monitoring.

The Board hears comments from Derek Hoffman.

9. APPROVAL OF GENERAL LIABILITY INSURANCE COVERAGES FOR IWVGA:

Alan Christensen states that joint public agencies, such as the IWVGA, need insurance for general liability and other purposes. Mr. Christensen presents two quotes:

- \$8,654.00 provided by JPRIMA (pooled coverage)
- \$15,344.00 provided by Glatfelter (straight insurance coverage)

Staff recommends the Board proceed with JPRIMA insurance, as it is cheaper, yet still an overall good way to go. Staff recommends the Board purchase all insurance coverage (i.e. property, commercial crime, etc.) The Board has the option to opt out of any of the coverages.

Motion made by Luther Snoke and seconded by Mick Gleason to approve General Liability Insurance Coverages for IWVGA through JPRIMA. Motion carried unanimously. (Ayes: Breeden, Gleason, Griffin, Harrington, Snoke. Nays: None. Absent: None.)

10. DRI MODELING FOR BRACKISH WATER GROUP:

- a. Discussion and Approval of Amendment to Agreement between IWVGA and Desert Research Institute:

- b. Discussion and Approval of Reimbursement Agreement between the IWVGA and the Indian Wells Valley Water District as a representative of the Brackish Water Group:

Keith Lemieux states that at a prior meeting the IWVGA Board approved to enter into an agreement with the Board of Regents of the Nevada System of Higher Education on behalf of the Desert Research Institute (DRI) for use of groundwater modeling that could be used to develop the Groundwater Sustainability Plan (GSP). The Brackish Water Group has approached IWVGA staff and expressed that they would benefit from evaluating the feasibility of extracting brackish groundwater and request that DRI perform additional work. One agreement is an amendment to the original agreement with DRI to include the additional work requested by the Brackish Water Group. The second is a reimbursement agreement between the IWVGA and the Brackish Water Group to be full reimbursed for the additional costs charged by DRI. The estimated additional cost is \$53,000 and the additional work is described in the agreement.

Motion made by Chuck Griffin and seconded by Mick Gleason to approve Amendment to Agreement between the IWVGA and DRI, and approve Reimbursement Agreement between the IWVGA and the Indian Wells Valley Water District as a representative of the Brackish Water Group. Motion carried unanimously. (Ayes: Breeden, Gleason, Griffin, Harrington, Snoke. Nays: None. Absent: None.)

11. REPORT FROM TECHNICAL ADVISORY COMMITTEE (TAC):

Adam Bingham, TAC chair, provides a report from the November 1, 2018 IWVGA TAC Meeting.

The Board hears comments from Derek Hoffman and Don Decker.

12. REPORT FROM POLICY ADVISORY COMMITTEE (PAC):

Donna Thomas, PAC chair, provides a report from the November 1, 2018 IWVGA PAC Meeting.

Ms. Thomas announces her resignation from the PAC, effective immediately. The EKCRCDC will appoint another representative for their agency. Ms. Thomas will continue in her place until another member is appointed. She also announces she will be on vacation from end of November until the end of December and will not be in attendance of the December PAC meeting.

Director Gleason, Director Harrington, and Chairwoman Breeden thank Ms. Thomas for her leadership and extensive help with the IWVGA PAC.

The Board hears comments from Judie Decker, West Katezenstein, Sophia Merk.

13. GENERAL MANAGER'S REPORT:

None.

14. CLOSING COMMENTS:

Commander Peter Benson provides a letter from the Navy. The letter states the Navy contracted DRI to develop a digital model of the IWV groundwater aquifer. The Navy supports the transfer of the basin model's maintenance, further development, and configuration management to the

IWVGA with a condition that the Navy shall be remain a participant of the model's configuration process. The letter is available at www.iwvga.org.

Mick Gleason asks staff to present the options for future IWVGA PAC and TAC meetings to be held in City Chambers so it may be recorded. Ricca Charlon comments that the venue would be available the first Thursday of the month between 1:00 p.m. and 8:00 p.m., however it may be a staffing issue with City IT to be present in the media room to record the meeting. Staff will research costs and availability and report back to the Board.

15. DATE AND TIME OF NEXT MEETING:

The next IWVGA Regular Board Meeting will be held on December 20, 2018; at 10:00 a.m.

Chairwoman Breeden asks staff if there is a need to hold a December meeting, so close to the holidays, or if it could be cancelled. Staff will research and report back to the Board.

16. ADJOURN:

With no further Board or Public comments, Chairwoman Breeden adjourns the meeting at 1:48 p.m.

Respectfully submitted,



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