

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, November 19, 2020; 10:00 a.m.

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

Attending via teleconference is Bob Page, John Vallejo, Steve Johnson, Commander Peter Benson, and Thomas Bickauskas.

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 10:01 a.m.

2. PUBLIC COMMENT ON CLOSED SESSION:

None.

Chairman Gleason calls the meeting into Closed Session at 10:04 a.m.

3. CLOSED SESSION:

- PUBLIC EMPLOYEE APPOINTMENT –
(Government Code Section 54957(b)(1)) - Title: General Manager
- CONFERENCE WITH REAL PROPERTY NEGOTIATORS –
(Government Code Section 54956.8) - Capitol Core Presentation on State Water Project Importation Purchase Options
- CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (Government Code Section 54956.9(c)) - Number of cases: (3)
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1)) - Name of case: Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater Authority, et. al.
- CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
(Government Code Section 54956.9(d)(1)) - Name of case: Mojave Pistachios, LLC, a California limited liability company, et.al. v. Indian Wells Valley Groundwater Authority, a California Joint Powers Authority, et. al.

Closed Session adjourned at 11:01 a.m.

4. OPEN SESSION:

Meeting was reconvened into open session at 11:04 a.m.

- a. Report on Closed Session:
Counsel Hall reports no action was taken that would require disclosure under the Brown Act.
- 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 public comment from Renee Westa-Lusk.

6. CONSENT AGENDA:

- a. Approve Minutes of Special Board Meeting October 2, 2020
- b. Approve Minutes of Board Meeting October 15, 2020
- c. Approve Minutes of Special Board Meeting October 29, 2020
- d. Approve Expenditures
 - i. \$21,195.00 – RWG Law
 - ii. \$117,924.36 – Stetson Engineers (September and October Invoices)
 - iii. \$1,900.00 – Brown Armstrong
 - iv. \$9,887.50 – Capitol Core Group (Reimbursement to IWVWD)
 - v. \$29,610.49 – California Rural Water Association (September and October Invoices)
 - vi. \$5,970.00 – WaterWise Consulting

Director Kicinski asks for item 6.d to be pulled for further discussion. Chairman Gleason approves.

Motion made by Ron Kicinski and seconded by Scott Hayman to approve Minutes of Board Meeting October 2, 2020, Minutes of Board Meeting October 15, 2020, and Minutes of Board Meeting October 29, 2020.

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

Motion made by Bob Page and seconded by Scott Hayman to approve the following expenditures in the amount of \$21,195.00 to RWG Law, \$117,924.36 to Stetson Engineers, \$1,900.00 to Brown Armstrong, \$9,887.50 to Capitol Core Group, \$29,610.49 to California Rural Water Association, and \$5,670.00 to WaterWise Consulting.

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. METER COMPLIANCE UPDATE AND STAFF RECOMMENDATION ON CHANGES TO THE POLICY AND AMENDMENT TO ORDINANCE 01-20 WITH FIRST READ OF

ORDINANCE 04-20:

Don Zdeba provides a staff report and Ordinance 04-20 (documents made available on the IWVGA website).

The Board hears public comment from Renee Westa-Lusk and Elisabeth Esposito.

Motion made by Scott Hayman and seconded by Bob Page to 1) Introduce Ordinance 04-20 by reading aloud its title, 2) Waive reading the entirety of the Ordinance and set the next regular meeting of this Board for the date of the Ordinances second reading and 3) Make a finding that the proposed Ordinance is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines section 15273 and Public Resources Code section 21080(b)(8) because it is for the establishment of operational rates and charges. Additionally, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment. Moreover, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment.

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

8. BOARD CONSIDERATION AND APPROVAL OF FUNDING AGREEMENT BETWEEN INDIAN WELLS VALLEY GROUNDWATER AUTHORITY AND INDIAN WELLS VALLEY WATER DISTRICT FOR BRACKISH WATER STUDY:

Don Zdeba provides a staff report and draft project outline for an aquifer test (documents made available on the IWVGA website).

The Board hears public comment from Scott O’Neil, Renee Westa-Lusk, Toni Pezzetti, Don Decker, Mallory Boyd and Chris Ellis.

Motion made by Ron Kicinski and seconded by Scott Hayman to approve funding agreement between the IWVGA and IWVWD for Brackish Water Study as well as exemption from the Replenishment Fee for the proposed aquifer test.

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

9. BOARD CONSIDERATION OF AMENDING ORDINANCE NO. 02-18 “ESTABLISHING GROUNDWATER EXTRACTION FEES AND THE RULES, REGULATIONS AND PROCEDURES FOR THEIR IMPOSITION” AND AUTHORIZE STAFF TO SET THE PUBLIC HEARING FOR DECEMBER 17, 2020:

Jim Worth provides a staff report and draft Ordinance 05-20 (documents made available on the IWVGA website). Worth announces the related Data Package will be posted to the IWVGA website on November 24 and sent to the local paper for publishing.

The Board hears public comment from Don Decker, Elisabeth Esposito, West Katzenstein, and Derek Hoffman.

Motion made by Ron Kicinski and seconded by Scott Hayman to 1) Authorize staff to set the public hearing on December 17, 2020 for consideration and adoption of Ordinance No. 05-20 – Amending Ordinance No. 02-18 “Establishing Groundwater Extraction Fees and the Rules, Regulations and Procedures for Their Imposition”, and 2) Authorize staff to make available to the public, the data upon which the proposed fee is based no later than 20 days prior to the public meeting and to do all things necessary to implement the proposed Groundwater Extraction Fee.

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

10. BOARD CONSIDERATION AND APPROVAL OF OPTION AGREEMENT FOR THE PURCHASE OF RECYCLED WATER FROM CITY OF RIDGECREST:

Counsel Hall provides a staff report and option agreement (documents made available on the IWVGA website).

The Board hears public comment from Renee Westa-Lusk, Elisabeth Esposito, Mike Neel, Tim Parker, Judie Decker, and Chuck Griffin.

Motion made by Scott Hayman and seconded by Bob Page to approve option agreement with the City of Ridgecrest.

Motion carries by the following roll call vote:

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

11. BOARD CONSIDERATION AND APPROVAL OF RESOLUTION 08-20 – ESTABLISHING A RECYCLED WATER PROGRAM:

Counsel Hall provides a staff report and Resolution 08-20 (documents made available on the IWVGA website).

The Board hears public comment from Elisabeth Esposito, Derek Hoffman, Mike Neel, Judie Decker, and Renee Westa-Lusk.

Motion made by Scott Hayman and seconded by Bob Page to approve Resolution 08-20 and make a finding the action is exempt from further CEQA review because it is provided statutorily and categorical exemptions, including that: the action is not a project under CEQA; the action will not have a significant effect on the environment; the action does not include a discretionary act subject to CEQA; the action is mandated by law; the action is for the operation of existing public facilities; and the action is for the establishment of operational rates and charges.

Motion carries by the following roll call vote:

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

12. BOARD CONSIDERATION AND DISCUSSION OF A POTENTIAL FALLOWING VALUATION AND POTENTIAL TRANSFER MARKET IN THE TRANSIENT POOL:

Counsel Hall provides a verbal update.

13. BOARD CONSIDERATION AND APPROVAL OF RESOLUTION 09-20 – SUBMITTING AN APPLICATION FOR NEW PROP 68 GRANT FUNDING:

Jeff Helsley provides a presentation, staff report and Resolution 09-20 (documents made available on the IWVGA website).

Motion made by Ron Kicinski and seconded by Scott Hayman to authorize Stetson Engineers to prepare the Proposition 68 Implementation grant application and adopt the attached Resolution No. 09-20.

Motion carries by the following roll call vote:

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

14. BOARD DISCUSSION AND VISION PLAN FOR 2035:

Steve Johnson clarifies misinformation regarding the IWVGA Shallow Well Mitigation Program.

15. WATER RESOURCES MANAGER REPORT:

Steve Johnson, Jean Moran, and Jenny Chapman provide 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 TSS Sampling. (presentations made available on the IWVGA website).

16. 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, Delinquent Accounts, and Well Registration Update (documents made available on the IWVGA website).

Commander Benson briefly updates the Coso/Navy Royalty Project. Energy Support Budget (ESB) submitted for the three shallow monitoring wells in Rose Valley was approved and will now enter the contract phase. Funds must be used before September 30, 2021.

The Board hears public comment from Josh Nugent.

17. CLOSING COMMENTS :

Director Vallejo thanks everyone for their participation.

Director Kicinski commends the Boards efforts but urges them to remain transparent. Kicinski states he has enjoyed discussions and thanks everyone.

Chairman Gleason recognizes Ron Kicinski for his commitment and contributions to this Agency.

Chairman Gleason adjourns for a recess at 3:26 p.m.

Chairman Gleason calls the meeting into closed session at 3:33 p.m.

Chairman Gleason adjourns closed session at 4:07 p.m.

Chairman Gleason calls the meeting into open session at 4:07 p.m.

Counsel Hall reports no action was taken that would require disclosure under the Brown Act.

18. DATE OF NEXT MEETING – December 17, 2020

19. ADJOURN:

Chairman Gleason adjourns the meeting at 4:08 p.m.

Respectfully submitted,

April Keigwin

A handwritten signature in black ink, appearing to read "April Keigwin". The signature is written in a cursive style with a large, looping initial "A".

Clerk of the Board

Indian Wells Valley Groundwater Authority