

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, December 17, 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
David Saint-Amand, 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 10:04 a.m.

2. PUBLIC COMMENT ON CLOSED SESSION:

The Board hears public comment from Derek Hoffman.

Chairman Gleason calls the meeting into Closed Session at 10:07 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 10:58 a.m.

4. OPEN SESSION:

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

a. Report on Closed Session:

Counsel Hall reports contract negotiations will begin with Regional Government Services to assume the General Manager position. Keith Lemieux states the Authority has hired the Law Firm of Olivarez, Madruga, Lemieux, and O'Neill to pursue a claim against Frank Bellino for failure to comply with IWVGA regulations. No action was taken on items concerning existing litigation with Mojave Pistachios and Searles Valley Minerals that would require disclosure under the Brown Act. Counsel Hall further states Closed Session will resume Friday, December 18, 2020 at noon to further discuss existing litigations and Capitol Core Presentation.

b. The Pledge of Allegiance is led by David Saint-Amand

c. April Keigwin calls the following roll call:

Chairman Gleason	Present
Vice Chair Hayman	Present
Director Page	Present
Director Saint-Amand	Present
Director Vallejo	Present

5. PUBLIC COMMENT:

The Board hears public comment from Renee Westa-Lusk, Derek Hoffman, Josh Nugent, Mike Neel, Judie Decker, Burnell Blanchard, and Anita Imsand

6. CONSENT AGENDA:

a. Approve Minutes of Board Meeting November 19, 2020

b. Approve Expenditures

- i. \$24,811.91 – RWG Law (July, August, November) – (Extraction Fee)
- ii. \$90,413.55 – Stetson Engineers – (Prop. 1 Grant)
- iii. \$3,300.00 – Brown Armstrong (Extraction Fee)
- iv. \$21,506.25 – Capitol Core Group - (Reimbursement to IWVWD)
- v. \$5,845.00 – WaterWise Consulting – (Prop. 1 Grant – SDAC)
- vi. \$414.70 – Wellntel Inc. – (Extraction Fee)
- vii. \$414.16 – Daily Independent – (Extraction Fee)
- viii. \$12,795.74 – California Rural Water Association (October, November) – (Prop. 1 Grant – SDAC)

Don Zdeba states agenda item 6.b.ii will be pulled from the Consent Agenda for further review and brought back for approval at the January meeting.

The Board hears public comment from Josh Nugent.

Motion made by Scott Hayman and seconded by David Saint-Amand to approve Minutes of Board Meeting November 19, 2020 and the following expenditures in the amount of \$24,811.91 to RWG Law, \$3,300.00 to Brown Armstrong, \$21,506.25 to Capitol Core Group, \$5,845.00 to WaterWise Consulting, \$414.70 to Wellntel Inc., \$414.16 to Daily Independent and \$12,795.74 to California Rural Water Association.

Motion carries by the following roll call vote:

Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye
Director Saint-Amand	Aye
Director Vallejo	Abstain

7. BOARD REVIEW AND APPROVAL OF 2021 IWVGA BUDGET:

Ty Staheli, IWVWD Chief Financial Officer, provides the 2021 budgets (documents made available on the IWVGA website).

The Board hears public comment from Renee Westa-Lusk, Josh Nugent, Anita Imsand, and Elisabeth Esposito.

Motion made by David Saint-Amand and seconded by Bob Page to address the issues discussed by public and staff and bring the budget back for approval at the January meeting.

Motion carries by the following roll call vote:

Chairman Gleason	Aye
Vice Chair Hayman	Nay
Director Page	Aye
Director Saint-Amand	Aye
Director Vallejo	Aye

8. RECEIVE COMMENTS ON THE AUTHORITY’S GROUNDWATER SUSTAINABILITY PLAN FROM THE STATE WATER RESOURCES CONTROL BOARD AND CONSIDER PRELIMINARY RESPONSES TO THE SAME:

Steve Johnson and Jeff Helsley provide a presentation and preliminary response letter from Chairman Gleason (documents made available on the IWVGA website).

Motion made by Bob Page and seconded by Scott Hayman to send a preliminary response letter to State Water Resources Control Board.

Motion carries by the following roll call vote.

Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye
Director Saint-Amand	Aye
Director Vallejo	Aye

9. BOARD CONSIDERATION AND APPROVAL OF CONTRACT EXTENSION WITH CAPITOL CORE GROUP:

Don Zdeba provides a staff report and 2021 Work Plan (documents made available on the IWVGA website).

The Board hears public comment from Renee Westa-Lusk.

Motion made by Scott Hayman and seconded by David Saint-Amand to approve the contract extension with Capitol Core Group through January 2021.

Motion carries by the following roll call vote:

Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye
Director Saint-Amand	Aye
Director Vallejo	Aye

10. SECOND READING AND ADOPTION OF ORDINANCE 04-20 – REQUIRING THE INSTALLATION OF, USE OF, AND REPORTING ON METERING EQUIPMENT FOR GROUNDWATER EXTRACTION FACILITIES IN THE INDIAN WELLS VALLEY GROUNDWATER BASIN:

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

The Board hears public comment from Renee Westa-Lusk.

Motion made by Bob Page and seconded by Scott Hayman to 1) 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, 2) Introduce the attached Ordinance by reading aloud its title and 3) Waive reading the entirety of the Ordinance and adopt.

Motion carries by the following roll call vote:

Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye
Director Saint-Amand	Aye
Director Vallejo	Aye

11. BOARD CONSIDERATION AND APPROVAL OF VARIANCE REQUEST PER ORDINANCE NO. 04-20 BY MOJAVE PISTACHIOS, PINON WATER CO-OP, OWENS PEAK WEST WATER CO-OP, DESERT SANDS WATER CO-OP AND SIMMONS FARM:

Don Zdeba provides a staff report detailing each variance request (document made available on the IWVGA website).

The Board hears public comment from Josh Nugent.

Motion made by David Saint-Amand and seconded by Scott Hayman to approve the requested variances for Simmons Farm, Pinon Water Co-op, Owens Peak West Water Co., and Desert Sand Water Co-op, as well as requests 2 (hour meter as secondary meter requirement) and 4 (extension of deadline for submitting meter testing results) from Mojave Pistachios and conditional approval of requests 1 and 3 pending further evaluation by the Water Resources Manager of the meter type and suggested alternate meter testers.

Motion carries by the following roll call vote:

Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Nay
Director Saint-Amand	Aye
Director Vallejo	Aye

12. PUBLIC HEARING AND BOARD CONSIDERATION TO ADOPT ORDINANCE 05-20 AMENDING ORDINANCE NO. 02-18 "ESTABLISHING GROUNDWATER EXTRACTION FEES AND THE RULES, REGULATIONS AND PROCEDURES FOR THEIR IMPOSITION":

Jim Worth provides staff report, Ordinance 05-20 and supporting Data Package (documents made available on the IWVGA website).

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

Motion made by Bob Page and seconded by Scott Hayman to 1) 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 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, 2) Adopt Ordinance No. 05-20 – Amending Ordinance No. 02-18 and 3) Authorize staff to do all things necessary to implement Ordinance No. 05-20 and the Revised Groundwater Extraction Fee.

Motion carries by the following roll call vote:

Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye
Director Saint-Amand	Aye
Director Vallejo	Aye

13. BOARD CONSIDERATION AND APPROVAL OF TECHNICAL SUPPORT SERVICES (TSS) AGREEMENT:

Steve Johnson provides a presentation (documents made available on the IWVGA website). Johnson explains the agreement is still in draft form and will not go for Board approval at this time.

14. WATER RESOURCES MANAGER REPORT:

Steve Johnson provides updates on the following grants/programs: Prop. 1 Grant Status, Prop. 68 Grant Status, New Prop 68 Funding, and Recycled Water Project (presentations made available on the IWVGA website).

15. 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).

16. CLOSING COMMENTS :

Chairman Gleason asserts he will urge the incoming Chairman to further conversations between IWVGA and Navy to establish a plan on funding and projects going forward. Gleason stresses that the IWVGA has come to a point where decisions must be made, and it is time to move ahead on plans to replenish this valley.

Vice Chair Hayman takes a moment to recognize the numerous accomplishments Chairman Gleason has achieved during his career. Hayman presents Chairman Gleason with an award and thanks him for his unwavering dedication to the IWVGA and the constituents in this Valley. He further expresses Chairman Gleason will be missed but hopes that he enjoys a well-earned retirement.

Chairman Gleason recesses meeting and sets a time to reconvene for 12:00 p.m. on December 18, 2020.

Chairman Gleason calls the meeting into open session at 12:00 p.m. on December 18, 2020.

Chairman Gleason calls the meeting into closed session at 12:00 p.m.

Chairman Gleason adjourns closed session at 1:35 p.m.

Chairman Gleason calls the meeting into open session at 1:35 p.m.

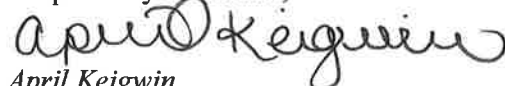
Counsel Hall reports no action was taken that would require disclosure under the Brown Act.

17. DATE OF NEXT MEETING – January 21, 2021

18. ADJOURN:

Chairman Gleason adjourns the meeting at 1:36 p.m. on December 18, 2020.

Respectfully submitted,



April Keigwin

Clerk of the Board

Indian Wells Valley Groundwater Authority