

Indian Wells Valley Groundwater Basin

GSA-Eligible Agencies Group

Meeting Summary Notes | February 11, 2016 | 2:00-4:30 PM (Via Telecom)

MEETING ACTION ITEMS

Name	Task	Timeframe
GSA Eligible Agencies	Review and approve JPA as legal agreement for GSA	Ongoing
GSA Eligible Agencies	Review and approve GSA-eligible agency elected officials as board members of GSA	Ongoing
GSA Eligible Agencies	Prepare for and attend February 19 In-Person Meeting at Ridgecrest City Hall Chambers	Ongoing and February 19
City Counsel	Paragraph describing the concept of GSA of elected Board with Committee(s) for input	February 17
Kern County	Revise JPA incorporating possible advisory committees structure and membership	February 18

ATTENDEES

GSA-Eligible Agency Representative Participants:

- *City of Ridgecrest*
 - Peggy Breeden, Mayor
 - Keith LeMieux, Outside Counsel
- *Inyokern Community Services District*
 - Ron Farris, Board Member
- *Indian Wells Valley Water District (IWWVD)*
 - Peter Brown, Board member
 - Chuck Griffin, Board member
 - Jim Worth, Counsel
 - Don Zdeba, General Manager
- *Inyo County*
 - Bob Harrington, Water Resources Director
 - Marshall Rudolph, Counsel
- *Naval Weapons Air Station*
 - Tim Fox, Community Plans & Liaison Officer
 - Marykay Faryan, Counsel
- *Kern County*
 - Leigh Ann Cook Chief of Staff
 - Mick Gleason, County Supervisor
 - Teri Goldner, Chief Counsel
 - Phil Hall, County Counsel
 - Craig Murphy, Division Chief
 - Tony Rossman, Outside Counsel

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Supporting Staff:

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

JOINT POWERS AGREEMENT (JPA), GROUNDWATER SUSTAINABILITY AGENCY (GSA) MEMBERSHIP, AND POSSIBLE COMMITTEES

- Agencies who have approved JPA as mechanism to form GSA
 - City of Ridgecrest (City)
 - County of Kern (Kern Co)
 - IWV Water District (IWVWD)
 - Inyo County (Inyo Co)
 - Navy – (as a non-voting associate member of the Board)
- Prefer GSA Board is made up only of elected officials
 - Kern Co. Board resolution requires GSA Board members in Kern Co. consist of only elected officials. Kern Co feels very strongly that only elected officials should be on the Board
 - IWVWD notes that it seems logical and recommends formation of JPA/GSA first, then set up committees
 - IWVWD counsel finds nothing legally that prohibits public agencies from designating someone other than an elected as long as not engaging in self-interest issues
 - IWVWD was considering appointing GM who has corporate knowledge and GM will follow the will of the IWVWD Board
 - This is a discussion to try to reach a consensus
 - City sees this more as a policy versus legal question – but makes recommendation to move forward with GSA Board of elected officials
- If mutual water companies (MWCs) are allowed on the GSA Board, there are legal and policy concerns and challenges
 - Mojave Pistachio and Meadowbrook Dairy (MWCs) not typical MWCs, they have no customers
 - Concern about MWCs in general being on a GSA – don't have the same powers and could dilute the powers of the Board
 - Government Code 1090 conflict of contract – serious violation – can be prosecuted – County protecting Board from being in that situation –
 - Land retirement program possible – but not if land owner on Board will cause Government Code 1090 conflict -
 - Also issues related to indemnification
 - Also policy types of issues of having someone on board who is not elected by and considers interests of public
 - MWCs initially said they wanted to be on GSA and be voting members and then non-voting - and how that relates to Brown Act
 - MWC's have gone back and forth on whether being on a Committee versus on the GSA Board

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- Inyo Co and San Bernardino Co (SB Co)
 - Curious how this will work with Inyo and SB Co
 - Searles Valley Minerals in SB Co and also provides water to the public (Trona, Argus) extracted and conveyed from Indian Wells Valley
 - How Searles is handled is up to SB Co where Searles is located
- If a private owner is appointed by a county to the GSA, that does not violate common powers
- It is legally possible for non-elected to be designated by elected official – real question is whether such an appointee who has a self-interest should be in a position to make decisions about fees or pumping
- There are also potential issues with Political Reform Act 87100
- Formation of a Groundwater Sustainability Plan (GSP) Development Committee
 - Jan 26 - MWCs lawyers came to Kern Co Board of Supervisors (BoS) and said that they were not happy with being relegated to an advisory committee – suggested calling it GSP development committee which was more acceptable
 - MWCs proposed different options including a committee that had more votes by the mutuals, Searles and a private pumper representative than the GSA representatives
 - This was not acceptable to Kern Co, so Kern Co drafted a 3rd version which allows meaningful participation by the MWCs and a private well owner representative
 - Domestic well owners – also want to be on board
- Kern Co - the group needs to move forward with JPA – Kern Co BoS can't continue being the only place to resolve GSA and Committee issues
- Kern Co – A JPA can appoint and dissolve advisory committees as it deems necessary to conduct business - See Section 2.2 Kern Resolution – Intent is to provide meaningful participation
- City would like to be able to say that the public will be able to participate – and can't say that if it is not in the draft JPA – would have to say public 'might' be able to participate
- County says this is as far they are going with the discussion with the MWCs - BoS has provided no direction to go any further
- City says it would like to have some committee description in JPA and be able to say that MWCs have agreed in concept with GSP Development Committee
- Some members of IWVWD board are trying to reach as much agreement as possible with MWCs on JPA and Committees
- **Agreement that JPA will add reference to include GSP Development Committee –**
- City will not be able to take this up at next Council meeting on Wednesday – need more time
- Inyo Co - these issues of involvement of the MWCs are really Kern County issues - Inyo Co will be comfortable with the outcome
- IWVWD suggests that we need to consider Searles Valley as there are IWVWD customers who work for Searles and live in IWV

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- IWVWD thinks they can take up resolution for GSA with elected officials at the next Board meeting
- City and Kern Co are on same page with GSA membership and MWCs on Committees
- To do list:
 - Timeline for resolutions, JPA agreement, GSA formation, forming committees, etc.
 - Allow MWCs a chance to voice opinion at in-person meeting
 - Need to have parameters of GSP development committee to discuss – Outline what it would look like – concept
- City suggested drafting a paragraph describing the concept of how this might work with GSA Board made of all elected from GSA-eligible agencies and a committee with input – City agreed to draft a paragraph to distribute to the group

All agreed that the next in person meeting will be on Feb 19th and include the following possible topics on the agenda:

- Approval of February 11, 2016 Meeting Notes
- Update on JPA as Legal Agreement for GSA
- GSA Membership
- Groundwater Sustainability Committees to address the interests of stakeholders in GSA decision-making on GSP preparation and implementation

Next In Person Meeting February 19, 2016 – 9:30AM-11:30AM
Ridgecrest City Hall Chambers

Next Meeting via Telecom – March 3, 2016 – 10AM -12:00PM