

Indian Wells Valley Groundwater Basin

GSA-Eligible Agencies Group

Meeting Summary Notes | February 19, 2016 | 9:30AM-12 PM

Ridgecrest City Hall, Council Chambers, 100 W California Avenue, Ridgecrest, CA

MEETING ACTION ITEMS

Name	Task	Timeframe
GSA Eligible Agencies	Review and approve JPA as legal agreement for GSA	Ongoing
GSA Eligible Agencies	Review February 11 Meeting Summary and provide any comments	February 26
Kern County	Revise JPA incorporating possible advisory committees structure and membership	March 3
Kern County	Continue revising JPA and working with GSA eligible agency attorneys	March 3
Kern County	Begin providing statewide SGMA update at future GSA-eligible agency meetings	March 3

ATTENDEES

GSA-Eligible Agency Representative Participants:

- *City of Ridgecrest*
 - Peggy Breeden, Mayor
 - Keith LeMieux, Outside Counsel
- *Indian Wells Valley Water District (IWWVD)*
 - Peter Brown, Board Member
 - Leroy Corlett, Board Member
 - Jim Worth, Counsel
 - Don Zdeba, General Manager
- *Inyo County*
 - Matt Kingsley, Supervisor
 - Bob Harrington, Water Resources Director
- *Naval Weapons Air Station*
 - Tim Fox, Community Plans & Liaison Officer
- *Kern County*
 - Leigh Ann Cook Chief of Staff
 - Mick Gleason, County Supervisor
 - Teri Goldner, Chief Counsel
 - Phil Hall, County Counsel
 - Tony Rossman, Outside Counsel
- *San Bernardino County*
 - Bob Page, Principal Management Analyst

Supporting Staff:

- Dale Schafer, DWR Facilitator
- Alan Christensen, Kern County

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- Tim Parker, Technical Consultant

MEETING INTRODUCTIONS

- The meeting began with an overview of the meeting agenda and ground rules by Dale Schafer.
- GSA eligible agency meeting representatives introduced themselves.

REVIEW OF MEETING SUMMARY NOTES

Meeting summary notes for February 11 were briefly discussed and GSA eligible agencies were given until February 26 for any comments on the Feb 11 meeting notes.

GSA MEMBERSHIP

The San Bernardino County Board of Supervisors has asked for additional analysis on whether or not to participate in the GSA.

JOINT POWERS AGREEMENT

- Inyokern Community Services District - we have not heard from them regarding whether they support a GPA for the legal mechanism for the GSA – Inyokern's board representative is sick today
- Bureau of Land Management - previously their representative asked to be treated like the Navy on the GSA - however BLM has not been actively involved and has not provided attorney review of the GPA being developed

"Meaningful Participation" - What does it mean?

- For the Navy it means a nonvoting membership on the board.
- For non-GSA eligible agencies, it means participation on a Groundwater Sustainability Plan (GSP) Development Committee.
- Kern County attorneys had discussions with attorneys for Inyo County, San Bernardino County, the city of Ridgecrest, Indian Wells Valley Water District (IWWVD), Meadowbrook Dairy, Mojave Pistachio, and Searles Valley Minerals. Attorneys are still trying to further define the term "meaningful participation".

Elected Representatives Only proposed for new IWV GSA Board

- Kern Co. proposed that elected representatives serve on the governing body of the GSA
- Mutual Water Companies and PUC regulated agencies could serve on a GSP Development Committee. The conceptual proposal was handed out at the meeting.
- The conceptual proposal provides for the role of the GSA Board in the GSP development process, the role of the GSP Development Committee and the GSP development process, and the makeup of the GSP Development Committee and subcommittees.

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- The conceptual proposal also provides for how the GSP will be presented to the GSA Board by the GSP Development Committee, and how the GSA may respond and take action to approve a GSP, as well as general governance principles.
- Kern County indicated that they thought the attorneys for Mojave Pistachio wanted more control this process.
- Kern County also pointed out that the proposed process allows all to participate, and considering these will all be Brown Act meetings, the general public will have plenty of opportunities to provide their input.
- Everybody should be treated fairly and have opportunities to participate.
- GSA eligible agencies discussed that some of them would like to see the conceptual description of the GSP Development Committee included as an integral part of the JPA, with more detailed description in a subsequent document, such as the bylaws and/or a charter.
- There was also some final discussion about defining what is meant by "meaningful participation."

GSA VOTING

- Kern County discussed voting for the governing body of the GSA, and that there are 16 different provisions that have been drafted.
- Some have vote-weighting based on finance.
- Many of the provisions are strictly one-to-one voting.
- Some require 100% to vote.
- The big blue binder handed out to the GSA eligible agencies at the first meeting includes examples from a number of existing JPAs.
- City of Ridgecrest would like the example of voting provisions from the different JPA examples.
- Indian Wells Valley water District does not see a problem with a one-to-one vote for the JPA.
- Vote weighting could also be based on consumption/use of water.
- Kern County noted that it was not ready to decide voting options yet.
- Kern County indicated for these meetings they would like the following: most recent data from Kern County water agency on groundwater levels; more info on state perspective and progress.
- Kern County met with DWR SGMA program manager David Gutierrez and heard some positive and some negative things from DWR.
- DWR agreed to attend our April in-person meeting which is positive. DWR has to approve the GSP - DWR has the power.
- The SGMA legislation gives locals the responsibility and the authority to manage
- The GSP has to meet DWR standards.
- DWR will strictly initiator? to the regulations on GSPs and groundwater sustainability.
- Kern County is managing the two sides of the county differently - Indian Wells Valley is not in concert with the west side of the county, the borders ?will be

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composed of farmers and public agencies, all making substantial contributions to the new GSA counties product that, different areas different ways to solve something different culture different waterways.

- This side (east) of the Kern County is not considered disadvantaged.
- On the west side of Kern County, it appears that several GSA's will be formed.
- All of us are working towards the same thing - towards groundwater sustainability.
- Kern Co. made an offer to San Bernardino County and anyone else that wants to come out and visit and see what's happening on the west side.
- City of Ridgecrest sees timelines driven by the law, but wants to look at the situation here and move quicker if we can.
- IVWWD would like to get the JPA formed as quickly as possible. The water district perhaps should be leading this effort, but its Board members are very grateful that Kern County has stepped up to lead the effort to this point.
- IWVWD is considering a rate increase with fees for very specific purposes and would like to develop a targeted future cost and fees for the GSA – the district would like to see a budget developed identifying recurring costs and administrative costs on an annual basis so GSA eligible members can take those to their Board.
- Inyo County - although the amount of land in Inyo County is small compared to the other jurisdictions in the Indian Wells Valley, Inyo County still wants to represent their constituents living in Indian Wells Valley fairly.

STRESSED COUNTIES GRANT AWARD

- Kern County applied for and received a preliminary award for a \$500,000 grant from DWR.
- Assuming the preliminary award will be finalized, \$250,000 will come to the Indian Wells Valley with approximately \$90,000 going to the US Geological Survey for a recharge study, and the remaining \$160,000 going to support GSA formation and beginning GSP preparation.

GSP REGULATIONS

- DWR released the draft emergency regulations for GSPs yesterday.
- Public comments are due on March 25th.
- The draft regs are posted on the DWR SGMA website.

PUBLIC COMMENTS

- It's about the groundwater - recharge the groundwater, that's the solution - with water from the aqueduct from Inyo County - don't filibuster.
- Question regarding the GSA- are nonvoting members liable? The Navy has federal immunities - the Navy requested nonvoting - and what about ethics issues? Materials should go out to the GSA board several days in advance and they should be posted on the website.

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- This appearance of democracy by having elected representatives of the government - dual roles/dual responsibilities - people will not be able to remove them from the GSA - Inyo County and San Bernardino County should be represented based on land size - city of Ridgecrest is getting overly represented with the supervisor and the district - need to reconsider this idea of GSA eligible agency only representation on the new GSA.
- Mojave Pistachio (MP) thinks the agencies are about 90% in agreement on the GSP Development Committee proposal and overall is quite satisfied - MP originally proposed to add MP onto the board of the GSA – they have never had the intention to control the GSA - their main intention is to have full participation. They think there is flexibility in the alternative to have a seat on the GSP Development Committee to participate. MP anticipates that the Committee would represent the majority public interest- it is important to have broad representation on the GSP Development Committee - MP would like to propose a working group to finalize the terms of the GSP Development Committee. MP agrees with the conceptual description of the Committee in the JPA and detailed description in the bylaws – MP attorneys are open to working on membership and process descriptions – they want to have the opportunity to have a full voice - the end goal is to spend resources on problem solving.
- Kern County - it's a matter of presenting things to the GSA Board - land use analogy is that the GSP Development Committee is analogous to citizens advisory committees - they work well with other committees. There is a need to recognize certain members of the public that have made investments in time etc. A workgroup is not necessary to accomplish this.
- Some stakeholders agree 100% that a GSA eligible agency only board makeup is not what is needed in the valley– a GSA board should be elected by and for the people spending their lives here; their careers are here; their money is spent in this valley – they hope that when forming the GSA, agencies seriously look at creating a GSA that will be elected by all people that live in the valley. A problem with using GSA eligible agency elected representatives is that they will have to take everything back to their boards individually and will have very lengthy procedure to get anything done.
- Question – what is meant by “meaningful participation”?
- Answer - Does not call for a set of directly elected members, although it might be possible, but who will be responsible? Elections are costly. The legal opinion is that this is the most effective, efficient legally responsible mass? to sit on the GSA. It would be very difficult to do elections across county lines.
- Question - what if the members want to change or amend the JPA or bylaws?
- Answer - they would have to go back to all public agencies through the resolution adoption process and that would take six months - and each time you amend the GSA, you have to go back to DWR for approval. The GSP won't have to have majority vote, although it may want a weighted vote and for it to be unanimous.

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TIMELINE

- We are looking at continuing biweekly telecoms of the GSA-eligible agencies and the next in person meeting in April.
- We hope to complete the JPA in the next few months and will then go to a public hearing on the GSA formation.
- Process for GSA formation should be that:
 - JPA agreement agreed upon.
 - Individual GSA eligible agencies take the JPA to their board for resolution for signature.
 - One joint GSA eligible agency meeting in Ridgecrest for the public hearing to from the GSA.
 - Notify DWR and send necessary documents to DWR, including duly signed JPA and supporting documents including public participation.

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

Next Planned In-Person Meeting – April 2016 – Date to be Determined