

Indian Wells Valley Groundwater Basin

GSA-Eligible Agencies Group

Meeting Summary Notes | March 18, 2016 | 10:00AM-12:20 PM (Via Telecom)

MEETING ACTION ITEMS

Name	Task	Timeframe
GSA Eligible Agencies	Attorneys to finalize JPA as legal agreement for GSA	March 31/ April 7
GSA Eligible Agencies	Provide any comments on Mar 3 rd meeting summary by Tuesday – will go final	March 22
GSA Eligible Agencies	Come to next telecom prepared to discuss final JPA in detail	April 7
GSA Eligible Agencies	Review Questions for GSA-Eligible Agencies for GSA Formation	April 7
Kern County	Post Feb 19 meeting summary as final and post Mar 3 meeting summary as draft	March 18
Kern County	Continue revising and refining preliminary costs-budget estimate	March 31/ April 7

ATTENDEES

GSA-Eligible Agency Representative Participants:

- *Bureau of Land Management*
 - Robert Pawalek, Supervising Hydrologist
- *City of Ridgecrest*
 - Peggy Breeden, Mayor
 - Dennis Speers, City Manager
 - Keith LeMieux, Outside Counsel
- *Indian Wells Valley Water District (IWWVD)*
 - Peter Brown, Board member
 - Chuck Griffin, Board Member
 - Jim Worth, Counsel
 - Renee Morquecho, Chief Engineer
 - Don Zdeba, General Manager
- *Inyo County*
 - Bob Harrington, Water Resources Director
- *Naval Weapons Air Station*
 - Lieutenant Foley (first name?)
 - Mike Stoner, title?
 - Tim Fox, Community Plans & Liaison Officer
 - Katherine Ostapak, Counsel
 - Marykay Faryan, Counsel
- *Kern County*
 - Leigh Ann Cook, Chief of Staff

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- Mick Gleason, County Supervisor
- Phil Hall, County Counsel
- Tony Rossmann, Outside Counsel
- Roger Moore, Outside Counsel
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- *San Bernardino County*
 - Bob Page, Principal Management Analyst

Supporting Staff:

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

GSP DRAFT REGULATIONS

- Need comments from any GSA-eligible agencies to Kern County by Wednesday March 23rd –
- Kern Co. will send to DWR on Monday, March 28
- Navy will comment separately and provide comments to group
- San Bernardino will also provide its comments to the group

APPROVAL OF MEETING SUMMARY NOTES

- March 3 post today as draft – comments to Alan by March 22
- February 19 post today as final

SGMA UPDATE

Statewide Hydrologic Conditions

- El Nino still at work, but not as strong as hoped for so far with a dry February
- Drought softening in north state and although there are still many reservoirs with less than normal volumes, reservoirs predicted to be full with spring melt
- Starting out with a Miracle March
- Talk of lifting conservation mandates at least in areas where lots of rain has fallen
- Concern and discussion about a lot of water going out to sea being wasted
- Discussed Legislative and Policy Update (attached)
 - 69 GSAs have submitted formation notification however 49 have GSA boundary overlap rendering them currently unacceptable
 - GSP Regulations – public meetings – March 21, 22, 24, and 25
 - SWRCB is holding series of public meetings on GW grant under Prop 1 March 21 – San Luis Obispo

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March 25 – Sacramento

- March 29-30 GRA Sustainable GW Funding and Legislative Symposiums
- SB1317 Wolk – Conditional Use Permit/Groundwater Extraction Facility - would require a city or county overlying a basin designated as a high- or medium-priority basin to establish a process for the issuance of conditional use permits for the development of a groundwater extraction facility – Wolk staff looking for a sponsor – bill likely to die, but watch this bill closely

JOINT POWERS AGREEMENT (JPA) UPDATE

Status of Formal Support for Each Agency

- BLM, Navy,
 - Confirm working with solicitor to ensure that standards appropriate – as an Associate member in ex officio capacity -
- Inyokern CSD
 - Thursday March 10, Board Members were scheduled to vote to join GSA under JPA
 - Representative was not available on the call to confirm the vote
- San Bernardino
 - Nothing has changed so far
 - Supervisor had meeting with Searles on March 10th
 - Supervisors of this region for Kern and Inyo will schedule a meeting
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 - Earliest proposal could be presented to the SB Board early April
- Kern County
 - County approved GSA under JPA under resolution
 - All Kern County GSA members are to be electeds
- City of Ridgecrest
 - Has not taken any action - waiting for attorney to make recommendations
 - City is ok with either elected or non-elected representatives. – but if not required that members are elected, allows more flexibility
 - Once JPA language is approved City attorney will bring to Council for approval
- Indian Wells Valley Water District
 - –IWVWD Board approved a resolution for a JPA whose members consist of electeds of GSA eligible agencies in Kern County on March 14th
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RCD Letter to Join as GSA Board

- Key component of GSA
- Appointed Board members, and not elected so not voting
 - Used to be elected but went to be appointed to save money – however may go back to electeds
- Favor being on GSP Development Committee
- Kind of like the Mutuals – no regulatory authority
- District opinion should not be a voting member of GSA

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- Inyo and San Bernardino County have not received letter but feel this is a Kern County and will go along with Kern and others

GSP DEVELOPMENT COMMITTEE CONCEPT UPDATE

- Agreement that GSP Development Committee Concept was to be generic
- IWVWD Board Chair lifted up concept paper and asked to adopt
 - Procedural issue – it was a mistake
- Kern County very disappointed and dismayed
 - Group spent a lot of time discussing and several negotiation sessions among attorneys
 - Everyone agreed to make this generic, not name specific members
 - The results of the IWVWD action was reported in the newspapers and specific members were included as part of the GSP Development Committee
 - Jim Worth – District's position has always been that are major stakeholders be represented – Meadowbrook presented proposal
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 - Kern County suggested that this group should not discuss further the GSP Development Committee concept until after JPA is formed – the City agreed
 - District concerned that this will force mutual water companies (MWCs) to take some action
 - Kern – all these separate dialogues confuse the public -- need to form JPA and then work out committees
 - District – need to form JPA – committees just a concept –
 - Had alternate language in attorney's group and had a date and response expected by March 10th and never received one – process has become diminished because of lack of responsiveness of MWC attorneys, and then taking another route with language
 - City – can we move forward without District resolution being disavowed? – however, have concerns that public will perceive this is a back room deal
 - Kern County agrees that no decisions have been made and will be made once JPA formed
 - Navy – once JPA formed, come up with committees including TAC
 - District – agree and have qualified technical people on TAC
 - San Bernardino – all good but would like to know Kern County's approach to dealing with any litigation that ensues – SB county counsel would like to know how Kern County will be protected from any litigation
 - City – don't see likely litigation
 - Legislation that passed last year points a judge to stay any adjudication as long as GSA formation and/or GSP development is progressing

GSA FUNDING & FINANCE

- Kern County has supported this effort and now time to start transitioning to member agencies support
- Kern proposes an entry fee be \$100K per voting member of GSA

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- District agrees with this
 - San Bernardino – asked if subsequent fees could be used to reimburse initial seed money
 - District – should be able to charge fees/assessments before GSP adopted
 - City – at \$100K per voting member – how many voting members are there?
 - Kern, District, Inyo, City – not sure about San Bernardino - Inyokern unlikely to have that kind of resources
 - Kern - No expectations of timelines for initial contribution, but \$100K good starting point for seed money
 - District – have budget item already in their finance plan – needs to be front loaded and have the grant – don't see a problem with recovering some money
 - City – understand need for finances – but needs to be discussed and approved by City Council
 - San Bernardino – will want to have some finance info in JPA agreement – at minimum initial financing plan needs to be in the agreement – will need to present to SB Board
 - Inyo – echoes what SB County has said – considering Inyo's role in basin, thinks Inyo Board will not approve \$100K – considering Inyo's role would look to a different financial arrangement – and also to have conceptual finance plan in JPA
 - Prop 218 – filed brief – decision end of year probably not going to happen
 - District – can see Inyokern can't pay, District and Kern could pay a little more – and City?
 - City – would have to have knowledge and input
 - District - San Bernardino county has an interested stake with Searles –
 - San Bernardino – would have to discuss with CAO and others to find out
- All will need to take back to their boards –
- San Bernardino – will need to have initial financing plan to go to Board
 - Kern County – JPA has escape hatch if GSA member does not like finance plan passed on an annual basis
 - District the only one that can support their share in this with rate changes and going into rate study right now, which should be done sometime late this year – willing to go to Board and ask how much seed money to help fund this initial effort

Where to go from here?

- City – suggests attorneys get together to try to finalize JPA including initial finance plan
- Inyo and San Bernardino concur
- Navy and BLM will stay in touch but not weigh in on financials since they don't have a stake in the finances
- Kern County will coordinate the work to have the attorneys get together to finalize the JPA
- Re – In kind contributions - City looking into providing office space

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- Navy intends to be at the table – also looking at other federal funding possibilities - authorities to address studies etc

GSA VOTING

- Kern County
 - – Policy question worksheet - 11.04 Withdrawal notice issue – usually tied into budgeting –
 - Worksheet contains several sections, presumed non-controversial which would require a simple majority vote
 - Also several sections presumed open voting questions and discussion of weighted voting
- City – has issue with one member one vote – inequity and public perception problem that small majority of people in valley have disproportionate control
- Inyo – agrees that different members have different degree of involvement
- Kern County – analogies – UN Security Council – Approach could be
 - Big 2 - City and County who have land use powers – could have veto power
- District – if a Big 2, should be a Big 3 including District
- Kern County – Would be helpful to have some examples – but if we have a Big 3, could become immobile
- City – Majority of Big 3 have to agree on everything – and at least 2 of Big 3 need to vote on it, and then some items just simple majority not requiring Big 2/3
- District – but if not on Big 3, then need to look at financial equity – direction moving forward is fair, makes sense, don't see big difference on much of anything – helps build consensus
- City – Attorneys will work on voting for policy people to review
- Kern County – running out of time according to schedule – need to finalize the JPA – with current schedule still do not become GSA until October so running out of float
- City – confirming - Decisions of JPA will require majority vote – for a motion to pass must include 2 of 3 of following (City, District, Kern County) - requirement can be removed for any decisions
- Kern County – Hoping to have JPA done for public meeting
- San Bernardino – Section 4.01.2 question about powers that have to have more than a simple majority vote –
- Kern County – used County example for enabling Act – may affect some powers and County will review

TIMELINE

- March 31 – Supervisor Gleason cannot make this date – leave on calendar in case attorneys need it for discussions to finalize JPA
- April 7th next call – goal to have final JPA ready for GSA-eligible agency approval
- Agencies need to continue to think about what they will need to get boards/councils to support a resolution on JPA adoption

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- April 15, 5-7PM – City manager to confirm City Chambers are available
 - DWR and SWRCB SGMA Program Managers will attend and present – planning about 1 hour of meeting devoted to DWR and SWRCB
 - What questions and topics would GSA-eligible agencies like covered?
 - Hope to be able to provide overview of final JPA at the meeting
 - GSA-eligible agencies may wish to do a groundwater 101 presentation on dispelling myths
 - Issue of continuing misinformation being produced on social media – consider strategic approach to manage – in meantime, respond when necessary with caution as it sometimes causes more misinformation to be generated in rebuttal

MEETING HANDOUTS

- Meeting summary notes (draft) – March 3, 2016
- Voting IWV JPA Policy Question Worksheet – 2-25-16
- Preliminary GSA Budget
- Timeline and Milestones for GSA Formation – revised
- Local Agency Role in GSA Formation
- Kern County comments on Draft GSP Emergency Regulations

Next Meeting via Telecom – April 7, 2016 – 10AM -12:00PM

Next Planned In-Person Meeting – April 15, 2016 – 5-7PM