

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

Wednesday, June 9, 2021; 10:00 a.m.

IWVGA Members Present:

Chairman Scott Hayman, City of Ridgecrest	Carol Thomas-Keefer, IWVGA General Manager
Phillip Peters, Kern County	Keith Lemieux, Legal Counsel
Stan Rajtora, IWVWD	Steve Johnson, Stetson Engineers
John Vallejo, Inyo County	Commander Peter Benson, US Navy, DoD Liaison
Tim Itnyre, San Bernardino County	April Keigwin, Clerk of the Board
Thomas Bickauskas, Bureau of Land Management	

Attending via teleconference is Tim Itnyre, John Vallejo, Carol Thomas-Keefer, 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 Hayman at 10:05 a.m.

2. PUBLIC COMMENT ON CLOSED SESSION:

None.

Chairman Hayman calls the meeting into Closed Session at 10:06 a.m.

3. CLOSED SESSION:

- CONFERENCE WITH REAL PROPERTY NEGOTIATIONS – (Government Code Section 54956.8) - Property: State Water Project Importation; Agency Negotiator: Capitol Core Group; Negotiating Parties: Various; Under Negotiation: Price and terms of payment.
- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(b)) - Number of cases: (2)
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9): IWVGA v. Frank Bellino (BCV-21-100415)
- 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 11:08 a.m.

4. OPEN SESSION:

Meeting reconvenes into Open Session at 11:02 a.m.

a. Report on Closed Session:

Counsel Lemieux reports the Board has given direction to Capitol Core Group to move forward with negotiations with potential import water supply partners. Lemieux states there is no reportable action in regard to the litigation items that would require disclosure under The Brown Act.

b. The Pledge of Allegiance is led by Chairman Hayman

c. April Keigwin calls the following roll call:

Chairman Hayman	Present
Vice Chair Rajtora	Present
Director Itnyre	Present
Director Peters	Present
Director Vallejo	Present

5. BOARD TO RECEIVE AND FILE PUBLIC CAPITOL CORE GROUP REPORT DISCUSSING IMPORT WATER PURCHASE NEGOTIATIONS:

Jeff Simonetti from Capitol Core Group provides presentation on import water purchase negotiations (documents made available on the IWVGA website).

The Board hears public comment from Norman Alexander, Shirley (full name not provided), Doug Morgan, and Tyler Montoya.

Before opening the Public Hearing, Vice Chair Rajtora excuses himself from both agenda items six and seven due to conflict of interest for the Indian Wells Valley Water District.

Counsel Lemieux states he has not advised Vice Chair Rajtora of any conflict nor does Counsel Lemieux agree there is in fact a conflict and this decision has been made solely by the Indian Wells Valley Water District.

6. PUBLIC HEARING AND POSSIBLE ORDER ON MOJAVE PISTACHIOS (AND THE NUGENT FAMILY TRUST) FOR FAILURE TO PROPERLY REPORT AND PAY REPLENISHMENT FEES:

Special Counsel James Markman provides staff report and resolution (documents made available on the IWVGA website).

Scott Slater, legal counsel of Mojave Pistachios, Anthony Brown from Aquilogic, and Joshua Nugent provide oppositional remarks on behalf Mojave Pistachios.

The Board hears public comment from Jeffrey Gibbons, Renee Westa-Lusk, Regina Trevlin, Claudia Ethun, Joshua Nugent, Chuck Griffin, Doreen Conaway-Baker, Don Decker, Elaine Mead, Mike Neel, Judie Decker, and Shirley Kirkpatrick.

Chairman Hayman calls for a recess at 1:04 pm.

Meeting reconvenes at 1:35 pm.

Motion is made by Phillip Peters and seconded by Scott Hayman to approve the order directing Mojave Pistachios to pay all outstanding Replenishment Fees along with penalties and interest or cease pumping.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Director Itnyre	Abstain
Director Peters	Aye
Director Vallejo	Aye

7. CONTINUANCE OF PUBLIC HEARING FOR SEARLES VALLEY MINERALS FOR FAILURE TO PROPERLY REPORT AND PAY REPLENISHMENT FEES (Does not include domestic water service provided through Searles Domestic Water):

Special Counsel James Markman provides staff report and resolution (documents made available on the IWVGA website).

Jeffrey Dunn, legal counsel for Searles Valley Minerals (SVM), Burnell Blanchard, Vice President of Operations, and Tim McBride, legal counsel for Searles Domestic Water Company (SDWC), provide oppositional remarks on behalf of SVM and SDWC.

The Board hears public comment from Priscilla Menenam, Jade Zimmerman, Regina Trevlin, and Mike Neel.

Motion made by Phillip Peters and seconded by Scott Hayman to approve the order directing Searles Valley Minerals to pay all outstanding Replenishment Fees on its commercial production, along with penalties and interest or cease pumping (does not include domestic water service provided through Searles Domestic Water). Motion carries by the following vote:

Chairman Hayman	Aye
Director Itnyre	Nay
Director Peters	Aye
Director Vallejo	Aye

Chairman Hayman calls for a recess at 4:09

Meeting reconvenes at 4:20

8. CONSENT AGENDA:

a. Approve Minutes of Board Meeting May 12, 2021

b. Approve Expenditures

**To view itemized invoices please visit <https://iwvga.org/iwvga-meetings>*

- i. \$63,435.63 – Stetson Engineers – (Replenishment Fee)
- ii. \$16,898.75 – Regional Government Services – (Extraction Fee / Replenishment Fee)
- iii. \$15,962.50 – Capitol Core Group – (Replenishment Fee)
- iv. \$750.00 – WaterWise Consulting – (Prop. 1 Grant – SDAC)

Vice Chair Rajtora asks to pull agenda item 8.b.i for further discussion.

Motion made by Phillip Peters and seconded by Scott Hayman to approve Minutes of Board Meeting May 12, 2021, and the following expenditures in the amount of \$16,898.75 to Regional Government Services, \$15,962.50 to Capitol Core Group, and \$750.00 to WaterWise Consulting.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Itnyre	Aye
Director Peters	Aye
Director Vallejo	Aye

Motion made by Stan Rajtora and seconded by Phillip Peters to approve agenda item 8.b.i – Stetson Invoice in the amount of \$63,435.63.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Aye
Director Itnyre	Aye

Director Peters Aye
Director Vallejo Aye

9. WATER RESOURCES MANAGER REPORT:

Steve Johnson, Joseph Montoya, Steve Reich and Heather Steele provide updates on the following grants/programs: Prop. 1 Grant Status, Prop. 68 Grant Status, Recycled Water Program, Navy/COSO Royalty Fund 2021 Project(s), GSP Planned Projects – Project No. 4 Shallow Well Impact Mitigation Program, GSP Planned Projects – Project No. 1 Surface Percolation Replenishment Update.

10. GENERAL MANAGER’S REPORT:

Carol Thomas-Keefer provides updates on the following: Monthly Financial Update, Report on IWVGA’s Water Marketer (Capitol Core Group), Severely Disadvantaged Communities (SDAC) Program, and Delinquent Accounts (documents made available on the IWVGA website).

The Board hears public comment from Nick Panzer.

11. PUBLIC COMMENT

The Board hears public comment from Judie Decker, Renee Westa-Lusk, and Jade Zimmerman.

12. CLOSING COMMENTS:

Vice Chair Rajtora asks for clarification on his questions regarding the annual report that he brought up at the last board meeting. Rajtora requests IWVGA resume to open meetings. He asks for an update on the Transient Pool and Fallowing Program at next month’s meeting as well as a priority list for critical projects. Rajtora would like to see staff begin working on the 2020 financial audit.

Director Vallejo would like to begin discussions on a pipeline project to serve SDWC. Vallejo further asks Steve Johnson to present the cost of importing non-treated water from AVEK. Vallejo commends the Board for getting through the tough day and recognizes the difficult decisions they are required to make but highlights the importance of moving forward to reach IWVGA’s ultimate goal of groundwater sustainability.

Director Itnyre reiterates Vallejo’s sentiments, and looks forward to further discussions on a pipeline project to serve SDWC.

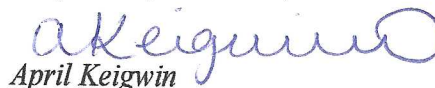
Chairman Hayman states that should California open back up on June 15 the Board will discuss the possibility of re-opening for physical attendance.

13. DATE OF NEXT MEETING – July 14, 2021

14. ADJOURN:

Chairman Hayman adjourns the meeting at 5:10 p.m. on June 9, 2021.

Respectfully submitted,



April Keigwin
Clerk of the Board

Indian Wells Valley Groundwater Authority