

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, August 11, 2021; 10:00 a.m.

IWVGA Members Present:

Chairman Scott Hayman, City of Ridgecrest	Carol Thomas-Keefer, IWVGA General Manager
Zack Scrivner, 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

Attending via teleconference is Tim Itnyre, Zack Scrivner, John Vallejo, and Carol Thomas-Keefer.

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 10:14 a.m.

2. PUBLIC COMMENT ON CLOSED SESSION:

The Board hears public comment from Renee Westa-Lusk.

Chairman Hayman calls the meeting into Closed Session at 10:14 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 11:27 a.m.

4. OPEN SESSION:

Meeting reconvenes into Open Session at 11:34 a.m.

a. Report on Closed Session:

Counsel Lemieux reports litigation against Frank Bellino has been settled with the agreement that all delinquent fees and missing pumping data will be brought current. Both the Mojave Pistachios (MP) and Searles Valley Minerals (SVM) filings have been dismissed and any claims against the replenishment fee will not go forward. SVM and MP were granted a leave to amend their complaints to challenge something other than the replenishment fee. Inyokern CSD submitted a letter of intention to not pay the extraction fee. Board has unanimously authorized the Law Offices of Olivarez Madruga Lemieux and O’Neill to file an action against Inyokern CSD to collect money owed as well as an order directing them to pay the fee going forward.

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 Scrivner	Present
Director Vallejo	Present

5. PUBLIC COMMENT:

The Board hears public comment from Lyle Fisher, Mike Neel, Shirley Kirkpatrick, Judie Decker, and Renee Westa-Lusk.

6. CONSENT AGENDA:

a. Approve Minutes of Board Meeting July 14, 2021

b. Approve Letter to Mission Bank

c. Approve Expenditures

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

i. \$46,375.72 – Stetson Engineers

ii. \$18,876.25 – Regional Government Services

Vice Chair Rajtora asks to pull agenda item 6.c.i and 6.c.ii for further discussion.

Motion made by Stan Rajtora and seconded by Scott Hayman to approve Minutes of Board Meeting July 14, 2021 with amendment to Navy DOD Liaison representative present for the July meeting, and the letter to Mission Bank.

Motion carries by the following roll call vote:

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

Motion made by Stan Rajtora and seconded by Scott Hayman to approve agenda item 6.c.i – expenditure in the amount of \$46,375.72 to Stetson Engineers, and 6.c.ii – expenditure in the amount of \$18,876.25 to Regional Government Services.

Motion carries by the following roll call vote:

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

7. WATER RESOURCES MANAGER REPORT:

Steve Johnson, Joseph Montoya, Jeff Helsley, and Heather Steele provide updates on the following grants/programs:

- a. Grant Funding
 - i. Proposition 1
 - ii. Proposition 68
- b. GSP Implementation Projects/Management Action Updates
 - i. Recycled Water Program
 - ii. Project No. 1 – Surface Percolation Replenishment
 - iii. Project No. 4 – Shallow Well Impact Mitigation Program Update
- c. Other Projects
 - i. Navy/COSO Royalty Fund 2021 Project(s)
 - ii. IWVGA / Desert Resource Institute Basin Model Transfer – Configuration Management Plan Status Update

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

8. BOARD REVIEW AND APPROVAL OF ADDENDUM NO. 1 TO EXISTING CONSULTANT’S SERVICES AGREEMENT NO. 03-19 WITH CALIFORNIA RURAL WATER ASSOCIATION:

Carol Thomas-Keefer and Joseph Montoya present the agreement addendum (documents made available on the IWVGA website).

Motion made by Scott Hayman and seconded by Stan Rajtora to approve Addendum No. 1 to Agreement No. 03-19 with California Rural Water Association.

Motion carries by the following roll call vote:

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

9. BOARD DISCUSSION ON FINANCING THE REPLENISHMENT FEE:

Carol Thomas-Keefer presents a staff report and supporting documentation (documents made available on the IWVGA website).

The Board hears public comment from Mike Neel, Renee Westa-Lusk, and Ron Kicinski.

Motion made by John Vallejo and seconded by Scott Hayman to approve sending a letter requesting the Indian Wells Valley Water District (IWVWD) to add a Replenishment Fee Finance Discussion to the next IWVWD Board Meeting Agenda.

Motion carries by the following roll call vote:

Chairman Hayman	Aye
Vice Chair Rajtora	Abstain
Director Itnyre	Aye
Director Scrivner	Aye
Director Vallejo	Aye

Chairman Hayman calls for a recess at 1:23 p.m.

Meeting reconvenes at 1:45 p.m.

10. BOARD DISCUSSION AND DIRECTION ON REENGAGEMENT OF THE POLICY ADVISORY COMMITTEE (PAC) AND THE TECHNICAL ADVISORY COMMITTEE (TAC):

Carol Thomas-Keefer presents staff report for PAC and TAC reengagement (documents made available on the IWVGA website).

The Board hears public comment from Don Decker, Dave Janiec, Judie Decker, and Renee Westa-Lusk.

11. RESOLUTION NO. 06-21 AMENDMENT TO SECTIONS 5.4, 5.5, 5.7 AND 5.9 OF THE BYLAWS:
Counsel Lemieux presents the staff report and Resolution (documents made available on the IWVGA website).

Motion made by Stan Rajtora and seconded by Tim Itnyre to approve Resolution 06-21 adopting amendments to section 5.4, 5.5, 5.7 and 5.9 of the Bylaws with one edit to page 2 section 4 line 3 of the resolution correcting 5.9 to 5.5.

Motion carries by the following roll call vote:

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

12. GENERAL MANAGER’S REPORT:

Carol Thomas-Keefer provides updates on the following: Monthly Financial Update, Severely Disadvantaged Communities (SDAC) Program, and Past Due Accounts. Jeff Simonetti of Capitol Core Group provides a technical memorandum (documents made available on the IWVGA website).

The Board hears public comment from Don Decker, and Renee Westa-Lusk.

13. CLOSING COMMENTS:

Commander Peter Benson announces he is retiring as the Public Works Officer for the United States Navy. Commander Benjamin Turner will be assuming his position as Navy DOD Liaison for the IWVGA.

Vice Chair Rajtora thanks staff for putting together a plan to reengage the PAC and TAC. Rajtora thanks the public for attending the meeting.

Director Itnyre thanks Board and staff for their hard work put in to these meetings.

Chairman Hayman thanks Commander Benson for his time put in with both the Navy and the IWVGA and welcomes Commander Benjamin Turner. Hayman thanks Director Itnyre for participating in the town hall meeting held in Trona.

14. DATE OF NEXT MEETING – SEPTEMBER 8, 2021

15. ADJOURN:

Chairman Hayman adjourns the meeting at 3:00 p.m. on August 11, 2021.

Respectfully submitted,



April Keigwin
Clerk of the Board

Indian Wells Valley Groundwater Authority