

# INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

## BOARD OF DIRECTORS

### MINUTES

Ridgecrest City Hall  
100 W California Ave  
Ridgecrest, CA 93555

Thursday May 18, 2017, 10:00 a.m.

#### **CALL TO ORDER:**

The meeting was called to order by Chairperson Gleason at 10:01 a.m.

#### **ROLL CALL:**

Commander Brian Longbottom, Department of the Navy  
Ryan Klausch, Bureau of Land Management  
Bob Page, San Bernardino County  
Peter Brown, Indian Wells Valley Water District  
Chairperson Mick Gleason, Kern County  
Mayor Peggy Breeden, City of Ridgecrest  
Matt Kingsley, Inyo County

#### **Also Present:**

Lauren Duffy, IWVGA Clerk  
Alan Christensen, IWVGA Acting General Manager, Kern County  
Phill Hall, IWVGA Counsel  
Keith Lemieux, IWVGA Counsel  
Dale Schafer, DWR Facilitator

#### **PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Tim Parker followed by a moment of silence.

#### **PUBLIC COMMENTS:**

Sophia Merk provided the Board documents with regards to the ongoing water releases from the L.A. Aqueduct by LADWP into the Indian Wells Valley basin.

Don Decker, representing the Domestic Well Owners Association Administrative Committee, submitted a letter which has been attached to the end of these minutes. The Domestic Well Owners Association Administrative Committee (DWOA AC) requests a total of four seats on the Policy Advisory Committee (PAC).

Joshua Nugent, on behalf of Mojave Pistachio and Nugent Farms, thanked the Board for the Workshop which was held the evening of April 26<sup>th</sup>. Mr. Nugent commented that everyone

received a little of everything that was asked for in the Bylaw revisions. Mr. Nugent hopes in the future when big issues are addressed that they may also be done in a similar public fashion as the Workshop.

**SPECIAL PRESENTATIONS:**

None.

**CONSENT CALENDAR:**

**a) Approve Minutes of Board Meeting and Workshop of April 26, 2017**

Motion was made by Peter Brown and seconded by Peggy Breeden to approve the April 26, 2017 Minutes. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page  
Nays: None.)

**APPROVE ARTICLE 5 OF IWVGA BYLAWS:**

Alan Christensen provided the Board with a redlined/strikeout version of Article 5 of the Bylaws.

Phill Hall explained that slight differences were made to the version of Article 5 which was provided in the Agenda Packet. The differences included the following:

- Section 5.6, first paragraph, an extra "s" was added to "assist" it previously read "assit".
- Section 5.10, number (5) was changed to now read "pursue the PAC's purpose and goals and support GSP development and where legally appropriate implementation."
- Section 5.11, shall now read "The Board hereby establishes a standing committee named the Technical Advisory Committee (TAC) which will assist the Water Resources Manager in the preparation of the GSP and will work collaboratively with other committees of the Board."

Vice-chair Breeden asked if only the Water Resource Manager (WRM) would be able to set the agenda for the Technical Advisory Committee (TAC). Mr. Hall explained that the Water Resource Manager will set the agenda because he/she will be the one bringing the issues to the committee for comment as he/she works through the Groundwater Sustainability Plan (GSP). The TAC members do not have the option to put items on the agenda, however, if there is something that should be on the agenda which the WRM is refusing to add, then the members may approach the Board with the item.

Peter Brown commented that he would like the Kern County Water Agency (KCWA) to be mentioned in the Bylaws and accepted to sit on the TAC. Alan Christensen commented that because the TAC meetings are public, the KCWA is welcomed to attend. No further participation was considered. Mr. Brown clarified that the KCWA would like to be a member of the TAC. Mr. Hall commented that in this stage it isn't necessary to specifically name the KCWA as a member on the TAC because in the Bylaws, Section 5.12, it is written that the Board members may also appoint members to the TAC that are not affiliated with any PAC member, meaning Mr. Brown could appoint the KCWA to the TAC.

Matt Kingsley asked for clarification on Section 5.2 with regards to quorum for standing committees. Was it intended that only a majority vote of the members present would be able to pass things? Mr. Lemieux clarified that this is a policy issue, however, what the PAC is primarily doing is providing advice. The PAC is not passing ordinances nor resolutions. Part of the reason for this decision on the quorum is that there would be no impediments to getting the Board answers and advice. If there's a minority that passes something because of circumstances and the rest of the committee is unhappy with that then will be weighted by the Board. Attendance will also be taken into consideration with recommendations.

Public comments:

Sophia Merk submitted a letter to the Board which will be attached to the minutes.

Dell Hledik hopes the Board considers the number of representatives for the Domestic Well Owners Association. Ms. Hledik asked why the Board did not appoint domestic well owners for the PAC as designated in Section 5.7. Ms. Hledik stated that as far as Domestic Well Owners and the Rural Area consumers, only Chair Gleason represents them.

Raymond Kelso asked the Board at the Workshop in April who represents him. Again, he asked the Board who represents the public. On April 26<sup>th</sup>, the IWVGA appointed representatives from Meadowbrook Farms and Mojave Pistachios to the IWVGA PAC. This assures that the two largest agricultural companies in the Indian Wells Valley and major pumpers in our critically overdraft Indian Wells Valley are two family owned business represented by lawyers on the PAC. Mr. Kelso continued that those companies have interests that are diametrically opposed to the 30,000+ residents of the Indian Wells Valley. Mr. Kelso stated that due to the Indian Wells Valley Water District (IWWVD) and the County of Kern having to answer to high authority at their own Board meetings, they may not have the public's best interest as a priority. Mr. Kelso urged the IWVGA and the IWWVD to revisit and revise the TAC and PAC membership categories to ensure fair and balanced input so all citizens have a meaningful voice and representation.

Renee Westa-Lusk asked the Board how would it be known who attends the PAC meetings. Ms. Westa-Lusk supports the Board putting two "representatives from residential customers of a public agency water suppliers" on the PAC.

Stan Rajtora commented on two issues: 1) the Board can remove committee members without any type of communication with the committees. Mr. Rajtora wants the public to be able to speak their minds without any threat or intimidation of being removed from the committees. 2) Transparency requires public meetings. Mr. Rajtora suggests the TAC and PAC meet a minimum of once a month.

Judie Decker clarified for Raymond Kelso and others, the PAC and TAC are advisory committees only. The decisions that will be made regarding future water supply will be made by the Board.

Derek Hoffinan thanked the Board and staff for the Workshop in April. Mr. Hoffinan suggested the following to the current changes of the proposed Article 5 of the Bylaws:

- Clarification that if the WRM is not going to be the chair of the TAC nor a member then the WRM should attend every TAC meeting.
- The TAC should have some input on the agenda of the committee meetings.
- Section 5.7, suggested it now should read “or a person that **regularly** relies on groundwater from the Indian Wells Valley Groundwater Basin **for their primary water supply.**”
- Section 5.7 “2 representatives from residential customers of a public agency water suppliers **that produces and serves water within the basin.**”

Donna Thomas suggested that an outreach be made to the Inyokern Community Service District which would represent a disadvantaged community.

West Katzenstein, DWOA, feels the KCWA should have full membership on the TAC.

Harold Manos asked if the agricultural companies would be held as accountable as the Board is holding the private well owners and Indian Wells Valley Water District. Mr. Manos asked if the Board would restrict the water which is used by the agricultural companies.

Board comments:

Peter Brown commented that the Water District’s job is to represent the ratepayers, as well as work in concert with everyone else in the IWV. Mr. Brown stated that profit and business are not bad things. He does not see the agricultural companies stripping this basin of water and leaving. Meadowbrook has been in the IWV for decades.

Matt Kingsley commented that Inyo County has domestic well users and Mr. Kingsley does not just represent Inyo County’s domestic users, but all domestic users. Mr. Kingsley added that he feels that every Board member recognizes their duties and it is not limited to just their constituencies, but to the groundwater basin. Mr. Kingsley commented that he wouldn’t take it lightly if a member recommended another member be removed from the PAC.

Bob Page thanked staff for accepting some of his recommendations from the workshop. Mr. Page stated that as a Board member he is looking for the PAC and TAC to advise the board and that advice would be coming from all beneficial users of the water in this basin. Mr. Page does not want the majority say to come from one interest, but from all interests.

Vice-chair Breeden responded to Raymond Kelso’s question of “who represents me?” stating that the whole Board does. Vice-chair Breeden commented that if the Board isn’t here for everyone in the valley then they are here for no one. Vice-chair Breeden concluded that there are changes that must be made to the Bylaws. The Bylaws will not be perfect, but the Bylaws will be reviewed in six months and at that time the things that need to be changed, added, or removed will be.

Chair Gleason is in support of the language stating that the WRM will attend every TAC meeting be added to the Bylaws. Chair Gleason stated that he ensures he has an understanding of all members who attended the PAC meetings, as well as detailed minutes from the meetings. Chair Gleason expressed favor of the language with regards to the quorum. Chair Gleason concluded that fairness will be a key factor in how the IWVGA moves forward.

Phill Hall read in changes that will be made to Article 5:

- Section 5.7 change "suppliers" to "supplier"
- Section 5.9 second to last paragraph, last line to read "with a detailed reasoning to support its determination"
- Section 5.13 add language that the WRM will attend every TAC meeting.

Motion was made by Bob Page and seconded by Peter Brown to approve Article 5 of the Bylaws with minor changes mentioned above by Phill Hall.

Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

Phill Hall clarified that a set meeting date was not written into the Bylaws due to the committees possibly having to meet more than just once a month.

#### **APPOINT INDIVIDUALS TO THE POLICY ADVISORY COMMITTEE:**

Alan Christensen presented the Board with the staff recommendation of Preliminary appointment of Members to the Policy Advisory Committee. Staff recommendation is as follows:

- Steve Godard - Wholesaler and Industrial User - Searles Valley Minerals
- Donna Thomas - Eastern Kern County RCD - EKCRCD
- Brian Longbottom - Department of the Navy - Navy (non-voting)
- Don Zdeba - Indian Wells Valley Water District - IWVWD (non-voting)
- Ryan Klausch - Bureau of Land Management - BLM (non-voting)
- Carol Wilson - Business Interests - Ridgecrest Association of Realtors

#### **Public comments:**

Dell Hledik asked why weren't Domestic Well Owners appointed and why the due date was extended until June 8<sup>th</sup>. Mr. Christensen explained that staff felt it was appropriate to have a deadline. With regards to Well Owners, staff did begin looking at applicants, however staff did not feel comfortable appointing members because they did not know the applicants that well.

#### **Board comments:**

Matt Kingsley commented that it seemed odd to appoint members to categories while the Board is still recruiting for those categories.

Bob Page agreed with Mr. Kingsley that he didn't feel comfortable making appointments to seats while still accepting applications for those seats and there is now a deadline of June 8<sup>th</sup>.

Motion was made by Bob Page and seconded by Matt Kingsley to appoint the following members to the PAC:

- Steve Godard - Wholesaler and Industrial User - Searles Valley Minerals
- Donna Thomas - Eastern Kern County RCD - EKCRCD
- Brian Longbottom - Department of the Navy - Navy (non-voting)
- Don Zdeba - Indian Wells Valley Water District - IWVWD (non-voting)
- Ryan Klausch - Bureau of Land Management - BLM (non-voting)

And allow more applications be received for business interests as well as other seats and setting the deadline at June 8<sup>th</sup>. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

It was agreed to move the above motion and then discuss forming a committee consisting of two Board members to review the applications and provide the Board with reports and recommendations prior to the appointment of the members to allow the Board to thoroughly review the recommendations.

Alan Christensen commented that with the deadline being June 8<sup>th</sup>, that doesn't allow much time for the Board to review all applications between then and posting of the agenda for the June 15<sup>th</sup> meeting.

Bob Page asked staff when they thought the PAC would begin meeting. Would they begin meeting after the WRM was hired? Mr. Christensen answered yes, it is recommended that the PAC would begin meeting after the WRM was appointed. At the next IWVGA meeting there will be information on the WRM. It would not be harmful for the PAC to meet and speak about when they would like to have meetings.

After much deliberation, the deadline to submit PAC applications was set at June 1<sup>st</sup>. The selected Board members for the committee to review applications for the PAC consists of Vice-chair Breeden and Chair Gleason.

Motion was made by Bob Page and seconded by Peter Brown to change the previously stated deadline to submit PAC applications to June 1<sup>st</sup>, form a committee to review applications for the PAC once all received, committee to consist of Vice-chair Breeden and Chair Gleason and to allow that committee enough time to review applications and provide recommendations by the June 15<sup>th</sup> regular IWVGA Board Meeting. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

#### **REPORT ON PLAN OF ACTION AND MILESTONES FOR A GROUNDWATER SUSTAINABILITY PLAN:**

Alan Christensen gave the report on the Plan of Action and Milestones (POAM) and provided the Board with a spreadsheet representing IWVGA Draft GSP Plan of Action and Milestones.

Bob Page asked for clarification that the PAC will not begin meeting until the WRM was hired. Alan Christensen replied that was correct.

Public comment:

Stan Rajtora stated that he feels the PAC should be involved with the selection of the WRM, but more importantly the TAC should have some input in the selection of the WRM. Mr. Rajtora suggests that the Board gets the TAC and PAC up and running as soon as possible.

Judie Decker asked if the PAC would not begin meeting until all seats are filled to which Chair Gleason commented that is correct. Ms. Decker also asked if a set of a criteria would be developed for evaluating the applicants.

Board comment:

Chair Gleason stated he wasn't satisfied with the POAM, stating it wasn't a satisfactory document of record. Chair Gleason asked for a full over-haul of the POAM, stating that it does not give the Board anything to take action on.

Commander Brian Longbottom stated that he was willing to help formulate dates and create a spreadsheet which will help the Board better understand the tasks that need to be done.

Motion was made by Vice-chair Peggy Breeden and seconded by Peter Brown to receive and file the POAM. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page  
Nays: None.)

#### **GENERAL MANAGER'S REPORT:**

Alan Christensen stated staff has received nine (9) proposals from firms and individuals who are qualified to serve as a WRM. Staff is identifying dates when they can begin evaluating those proposals. A screening process and interviews will take place, during which outside sources who are experts in this matter will help staff through the process. The remaining applicants will be presented to the Board.

Mr. Christensen commented in response to Harold Manos' comment that municipal water users will be pushed out due to agricultural users, stating that Department of Water Resources (DWR) will have to approve the Groundwater Sustainability Plan (GSP) provided by the IWVGA and that plan will have to get this basin to sustainability, meaning no one will be left out. The problem is big enough that if you eliminated all residential and Navy use of water in this valley, it still wouldn't solve the problem.

#### **CLOSING COMMENTS:**

Bob Page thanked Dale Schafer for facilitating the Workshop held last month and he also thanked the public for their input and attendance. Mr. Page suggests that if a future workshop is held that the Board gives the facilitator a specific goal and expected outcome.

Peter Brown reminded everyone that they aren't all going to agree on everything. Mr. Brown thanked Dale Schafer for facilitating the Workshop.

Chair Gleason reminded everyone that we are at the twenty five month mark. Things must get in motion and the selection process for the WRM needs full speed ahead.

Commander Brian Longbottom asked if possible to have the final Bylaws posted. Commander Longbottom reminded everyone what has been accomplished and asked them to build on the momentum.

Chair Gleason asked that at the next meeting the POAM be displayed on the screen so that the public may follow along.

**CLOSED SESSION:**

The meeting was reconvened in Closed Session at 11:57 a.m.

- a. PUBLIC EMPLOYEE APPOINTMENT - Title: Board Attorney (Government Code §54957(b)(1))

The meeting was recalled to Open Session at 1:06 p.m.

No action was taken that would require disclosure under the Brown Act.

**DATE AND TIME OF NEXT MEETING:**

The next IWVGA meeting will be held June 15, 2017, at 10:00 a.m., in the Council Chambers at Ridgecrest City Hall, 100 W. California Avenue.

**ADJOURN:**

Chairperson Gleason announced the meeting adjourned at 1:09 p.m.

Respectfully submitted,



Lauren Duffy  
Clerk of the Board of Directors  
Indian Wells Valley Groundwater Authority



5/16/2017

To Chairman Gleason and GA Board Members

From IWV Domestic Well Owners Association Administrative Committee

**Subject:** request for two additional PAC seats to the domestic well owners in recognition of representation tasks already underway

**1) This letter is a plea to the GA Board for an equitable representation on the PAC for the domestic well owners and rural citizens of the IWV.** The domestic well owners have only two positions on the PAC, but more positions for other groups are being proposed including two new positions for IWVWD rate paying customers who are already being represented by the IWVWD, and the City and the County. **This is a very unbalanced allocation. This situation is compounded when the domestic well owner's typical tenuous water supply condition is taken into consideration. Our typical shallower wells make us the "coal mine canaries".**

**2) DWOA AC members have put a huge amount of effort into trying to provide accurate and fair representation for the IWV Domestic Well Owners. Our full task has really been to provide representation for the entire rural community in this Valley. We stepped up to this task because the rural community was being substantially ignored by all levels of government.**

**3) Recently, the issue of representation for disadvantaged communities has been brought up by Mr. Page from San Bernardino County. He was likely referring to San Bernardino County citizens, but the Kern and Inyo County disadvantaged rural communities deserve recognition also. We submit that an additional PAC seat would be an appropriate recognition of the important task of representing the rural community that we have already assumed.** One of our core DWOA AC members has, for years, been providing a free tax preparation service for disadvantaged and senior citizens (VITA, Volunteer Income Tax Assistance). Other members of the DWOA AC have long been engaged with disadvantaged IWV citizens even as Mr. Page is recommending suitable action.

**4) The DWOA Bylaws have always also specifically included domestic well owners who are members of one of the many co-op or mutual water systems in the IWV. Most of these co-op groups have been regularly receiving our update package. GA Board member Peggy Breeden has repeatedly offered the observation that there should be an additional seat for a co-op or mutual well owner. She apparently has not been aware that DWOA has long since stepped up to represent this very group. We respectfully request another PAC seat for this function. We are fully prepared and ready to accept such a seat.**

**5) We have now described two additional PAC seats in addition to the original two that were assigned to the domestic well owners. We are requesting a total of four seats. This is not a casual request and the DWOA administration has recently offered four extremely well qualified applicants for these seats.** The individuals involved have decades of water supply experience and have outstanding credentials for the intended positions. **The time and energy these individuals have spent has been offered entirely in the spirit of benefit to the entire IWV community.**

**6) We maintain our steadfast commitment to support of the GA Board and its critical mission of securing the future Valley water supply. As we always have, we encourage the GA Board to act responsibly in the best public interest and with a sense of urgency.**

Thanks to all GA Board members for your community support.  
Don Decker (signing for the DWOA Administrative Committee)

April 27, 2017

Indian Wells GSA  
In care of Indian Wells Valley Water District

Dear Board Members

Thank you for the opportunity to have the workshop meeting. Due to the poor microphone and the rush to get through, my voice was not heard last night.

I completely agree with the changes that were made by the audience last night (what I could hear) and concur with the document submitted as the Ridgecrest Panel.

The changes to the diagram with arrows need to be submitted, with edits from last night's workshop.

I disagree with Board Member Peter that stated he only heard that the structure of the PAC needs to be changed. Ms Oviatt needs to be on the PAC (as Kern County Environmental and Planning) as she understands many of the definitions, i.e. small, medium and large acreage. However, the comment that Doreen made about one well for many acres, needs to be better evaluated. For instance, I have five acres, no well and no IWV ready to serve at my house. I have only a stand up pipe that I drive to.

Due to some of the changes that were proposed last night (some vetted by a straw vote) and submitted by the Ridgecrest Panel, I believe it will have some impact on Section 3 and this needs to be changed for conformity. Please see previous edits.

I would also like to add with a special thanks to San Bernardino Representative Bob Page, and I previously had submitted it:

Disadvantage Communities and Tribes.

They are mandated by SIGMA. I also have one other category that needs to be vetted and added at the Board's discretion.

Domestic Rural Water Haulers. As a group, we are not mentioned, we are definitely in the minority, we use less per capita and we pay more per gallon of water.

Thank you for your acceptance of this letter.

Sophia Anne Merk (Sam)  
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Cc: Ridgecrest City Council