

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

BOARD OF DIRECTORS MINUTES

**Ridgecrest City Hall
100 W California Ave
Ridgecrest, CA 93555
Thursday, July 20, 2017, 10:00 a.m.**

CALL TO ORDER:

The meeting was called to order by Chairperson Gleason at 10:09 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
Bob Harrington, Inyo County

Also Present:

Lauren Duffy, IWVGA Clerk
Alan Christensen, IWVGA Acting General Manager, Kern County
Phill Hall, IWVGA Counsel

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Jim Worth followed by a moment of silence.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:

None.

CONSENT CALENDAR:

- a) Approve Minutes of Board Meeting June 15, 2017**
- b) Resolution 03-17 Adopting Conflict of Interest Code Approved by FPPC**

Public comment:

None.

Board comment:

None.

Motion was made by Peter Brown and seconded by Peggy Breeden to approve Minutes of Board Meeting June 15, 2017 and Resolution No. 03-17 Adopting Conflict of Interest Code Approved by FPPC. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

APPROVE RESOLUTION APPOINTING RENEE WESTA-LUSK TO THE POLICY ADVISORY COMMITTEE (PAC):

Public comment:

None.

Board comment:

Vice-chair Breeden commented that she was contacted by someone else who wanted to know why they were not appointed. Ms. Breeden clarified that she did not take any action with regards to the person inquiring.

Bob Page asked that all those who applied for a seat on the Policy Advisory Committee (PAC) be included on the Interested Parties list so that they may continue participating in the group.

Chair Gleason asked that staff send an email to all parties that applied and were not appointed explaining why the Board chose the candidates that they did.

Motion was made by Bob Page and seconded by Peter Brown to approve Resolution No. 02-17 and directed staff to send an email of explanation to the applicants not appointed. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

APPROVE RESOLUTION APPOINTING MEMBERS TO THE TECHICAL ADVISORY COMMITTEE (TAC):

Alan Christensen read Resolution No. 04-17 Exhibit A stating the following changes:

- Large Agriculture – Eddy Teasdale
- Large Agriculture – ~~Anthony Brown~~ Wade Major
- Small Agriculture – Open
- Business Interests – Open
- Business Interests – Open
- Residential Customers of Public Water Agency – Open
- Residential Customers of Public Water Agency – Michael Powell
- Domestic Well Owners – Don Decker
- Domestic Well Owners – Open
- Eastern Kern County Resource Conservation District – Earl Wilson
- Wholesaler and Industrial User – Adam Bingham
- Indian Wells Valley Water District* - Renee Morquecho
- Department of the Navy* - Stephan Bork
- Bureau of Land Management* - Open

* Non-voting members.

It was at the request of Large Agriculture that Anthony Brown be replaced with Wade Major, due to Mr. Brown's requirements with aquilogic.

Joshua Nugent explained that due to Anthony Brown's busy schedule with aquilogic, he will still be involved, however it was requested that Wade Major replace Mr. Brown on the TAC.

Public comment:
None.

Board comment:
Peggy Breeden stated that it was asked that residents of the Indian Wells Valley Water Basin be TAC members, however Ms. Breeden clarified that there are members of the TAC which are not residents of the IWV Water Basin, but they are representatives of those residing in IWV Basin.

Motion was made by Peter Brown and seconded by Peggy Breeden to approve Resolution No. 04-17 and adopt the TAC members as shown in Exhibit A, with the correction that Wade Majors is now the representative for large agriculture. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

REPORT FROM POLICY ADVISORY COMMITTEE:

Donna Thomas provided the Board with the report from the Policy Advisory Committee.

PAC Meeting Report from July 20, 2017:

- The PAC recommends that the GSA add the Inyokern Community Services District as a disadvantaged community representative as a voting member and to allow the Inyokern CSD to make appointments to the TAC. Also, to allow the Trona disadvantaged community as a representative as a member on the PAC.
- Motion was made and approved by committee members to accept the offer of services of Eddy Teasdale, at no cost to the PAC, to assist with a list of grant opportunities for funding.
- A list of questions and clarifications were provided at the PAC meeting. (List has been attached to these meeting minutes)
- The PAC asked the GSA Board to allow the committee members to appoint alternates.
- The PAC requests two evening meetings in August, the 3rd and the 24th at 6:00 pm.

Public comment:
None.

Board comment:
Vice-chair Breeden asked how the Board goes about answering questions provided by the PAC. Phill Hall answered that if the PAC would like something added to the IWVGA Board Agenda, then the PAC would need to meet two weeks prior to the IWVGA Regular Board Meeting, otherwise any items discussed by the PAC and that need Board approval will have to wait until the following month for the item to be on the agenda.

Lorelei Oviatt urged the Board to allow the PAC to make their own agenda and meeting schedule dates.

Phill Hall commented that a regular meeting date for the PAC needs to be decided on by the Board. Mr. Hall added that a Special Meeting for the IWVGA Board could be called and held if needed.

Chair Gleason authorized the PAC to have Committee Meetings on the 3rd and 24th of August.

Bob Page asked that future PAC agenda items be better described so that they are easily understood.

Motion was made by Peter Brown and seconded by Bob Harrington to receive and file agenda item. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

DISCUSSION/ACTION TO PREPARE PROPOSITION 1 GRANT FUNDING APPLICATIONS:

Alan Christensen provided Prop. 1 Grant timelines (sheet has been attached to these meeting minutes.)

Public comment:

Paige Gosney, Gresham Savage on behalf of Meadowbrook, stated that Meadowbrook is in support of the Water Resources Manager (WRM) being the lead for preparing, coordinating, finalizing and submitting the grant fund applications. Mr. Gosney also asked that at least one member of the TAC be involved with the grant fund application process.

Judie Decker commented that the Board needs to figure out a way to develop a Groundwater Sustainability Plan (GSP) and the ultimate goal has to be outside water, not brackish, wastewater, nor potable water.

Board comment:

Bob Page clarified that even if a WRM is selected today that they won't be receiving payment until a contract is reviewed and approved by the IWVGA Board.

Chair Gleason commented that in order to develop a GSP it requires technical and scientific background and knowledge. Chair Gleason feels the TAC is best equipped to be involved in the development of the GSP.

After much deliberation with regards to a volunteer facilitating the first TAC meeting, Peter Brown volunteered Don Zdeba of the Indian Wells Valley Water District to facilitate the first meeting.

Motion was made by Peggy Breeden and seconded by Peter Brown to utilize the Indian Wells Valley Water District to facilitate the TAC and use the IWVCGMG TAC and the IWVGA TAC to proceed as expeditiously as possible. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

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

Alan Christensen stated that the POAM presented in the Board Packet is the same and no changes have been made. The POAM will be provided to the appointed WRM. Alan Christensen provided updates and deadlines met by the Board and PAC.

Public comment:

None.

Board comment:

Chair Gleason asked that the POAM online be fixed and legible. Staff agreed to fix the online POAM to allow public to view it easily and will send out the link for easier access.

APPROVE AGREEMENT WITH JAMES MARKMAN OF RICHARDS, WATSON & GERSHOM AS SPECIAL LEGAL COUNSEL:

Alan Christensen reported that a two member committee, consisting of Board members Bob Page and Vice-chair Breeden, screened applications for special legal counsel for IWVGA and narrowed it down to three applicants which were interviewed by the Board and the Board chose James Markman of Richards, Watson & Gershom (RWG).

Public comment:

Renee Westa-Lusk asked for clarification on “as needed basis” for the legal counsel.

Chair Gleason answered that it will be an “as needed” function meaning the Board will use Mr. Markman as needed, he will be paid hourly. Each Chair will provide legal counsel on the Board, when the chair rotates as will the legal counsel.

Board comment:

None.

Motion was made by Peter Brown and seconded by Bob Page to accept agreement with James Markman to serve as Special Counsel to the IWVGA. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

Bob Page asked for clarification – On the contract it states, “More specifically, the services to be performed by RWG shall be provided as directed by Authority’s Board of Directors, Chief Executive or General Counsel.” Mr. Page asked if the intent is to only have staff direct if they receive direction from the Board first. Mr. Hall answered yes, that is the intent at this stage.

GENERAL MANAGER’S REPORT:

Alan Christensen had nothing new to report.

CLOSING COMMENTS:

Board comment:

Commander Brian Longbottom asked that members who will be volunteered be made aware of it prior to the meeting.

Bob Harrington commented that Supervisor Matt Kingsley regrets not being able to attend.

Chair Gleason thanked the BLM and Ms. Quist for their help with the retention pools near Freeman Gulch. Mr. Gleason also thanked Dale Schafer for all of her hard work, it is very much appreciated.

CLOSED SESSION:

Motion made by Matt Kingsley to move the meeting to Closed Session at 11:40 a.m.

- a. PUBLIC EMPLOYEE APPOINTMENT - Title: Water Resources Manager (Government Code §54957(b)(1))
- b. PUBLIC EMPLOYEE APPOINTMENT – Title: Board Legal Counsel (Government Code §54957(b)(1))
- c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: General Manager (Government Code §54957(b)(1))

The meeting was recalled to Open Session.

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 August 17, 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 4:40 p.m.

Respectfully submitted,



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

Proposition 1 Grant Timelines

- Grant Projects Needs Assessment → WRM
- Solicitation Package Available to Agencies ➤ August 2017
- Applicant Workshops ➤ TBD (Sept. 2017)
- Grant Application Deadline ➤ October 2017
- Grant Funding Awards ➤ December 2017
- Continuous Filing Deadline ➤ Dec 2017 – Jan 2018
- Release of Funding Awards ➤ TBD (Spring 2018)

Notes from PAC meeting ~~6.29.2017~~ 7.20.17
Questions /Clarifications needed

- 1) Why does a PAC member need to submit Form 700? PAC is not a decision making board; is one step removed from decision making entity. Phill Hall stated PAC Form 700 is required by law.
- 2) Will the TAC members need to submit Form 700? TAC is two steps removed from decision making entity; there is a filter between (that is the Water Resources Manager). Phill Hall stated he is not sure.
- 3) Prop. 1 Application window opens soon. PAC members should provide project ideas. PAC members should provide in-kind contributions. How is this to be done? To whom is information submitted? What is the deadline?
Who or what group will be submitting the Prop. 1 application? Water Resources Manager, Kern County Planning Department; TAC??? Question whether PAC has the technical data to prepare the Prop. 1 application. We are not sure that the PAC will be the group writing/preparing the Prop. 1 application. Who will be the Prop. 1 applicant – who will sign the grant agreement if the grant is awarded?
Who will get the information from DAC Groups about their ideas for the Prop. 1 DAC proposal and their in-kind contributions? The Water Resources Manager should work closely with the DACs.
- 4) Discussion about DAC representation on the PAC. Can members be added at any time to PAC?
- 5) Comments that PAC members should have alternates. Phill Hall stated that it is a GA Board decision that there should be no PAC Alternates. No provision for alternates is set forth in the By-Laws. The PAC can bring the idea up to the Board.
- 6) How do PAC members get items on the PAC agenda? Go through Lorelei. Will Water Resources Manager and IWVGA Board be making the agendas?
- 7) What is the PAC's role regarding choice of the Water Resources Manager/ Does the PAC have any input or review role in the selection?
- 8) How are committees set up? Does the PAC have the authority to set up its own committees/subcommittees? Discussion of need for a Funding Work Group and an Outreach work Group.
- 9) Who sets the action items for the PAC – the GA Board, the Water Resources Manager, the PAC itself? Phill Hall said – a little of all the above. Some things may not be “appropriate” for PAC action or review. Pac should express PAC opinion on how you want Prop. 1 process to work. Alan Christensen is focused on that. Hall does not know the Prop. 1 process.

- 10) Who develops the GSP? Plan itself is developed in concept with TAC input and PAC input, but will be written by the Water Resources Manager. Pac will advise and have input on it as it is developed.
- 11) Need for a PAC "brainstorming" session to collect ideas. Need to submit ideas early in the process.
- 12) PAC member Ed Imsand offered services of Eddy Teasdale and Kennedy-Jenks to PAC to assist with lists of grant opportunities and deadlines.
- 13) Put together PAC proposals to submit to GSA Board. Put together lists of PAC in-kind contributions. Submit to Alan Christensen so that items can be on the GSA July 20, 2017 agenda.

Notes submitted by PAC Chair Donna Thomas after review of tape recording of the June 29, 2017 Meeting.

Donna Thomas