

# INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

## BOARD OF DIRECTORS

### MINUTES

Ridgecrest City Hall  
100 W California Ave  
Ridgecrest, CA 93555

Thursday, August 17, 2017, 10:00 a.m.

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

The meeting was called to order by Chairperson Gleason at 9:59 a.m.

#### **ROLL CALL:**

Commander Brian Longbottom, Department of the Navy  
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:

Donna Thomas, IWVGA PAC Chairperson  
Don Zdeba, IWVGA TAC Facilitator  
Lauren Duffy, IWVGA Clerk  
Alan Christensen, IWVGA Acting General Manager, Kern County  
Phill Hall, IWVGA Counsel  
Jim Worth, IWVWD Counsel

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

The Pledge of Allegiance was led by Stephen Johnson followed by a moment of silence.

#### **PUBLIC COMMENTS:**

None.

The Board discussed the possibility of approaching the State Attorney General with concerns of the Brown Act, specifically the lack of time to discuss the agenda and other Board documents with each individual agency's Board prior to the mandated 72 hour meeting postings. Staff was tasked to add an item on the next IWVGA agenda to follow up with Kern County requesting opinion on Brown Act concerns from the Attorney General.

#### **SPECIAL PRESENTATIONS:**

None.

**CONSENT CALENDAR:**

- a) Approve Minutes of Board Meeting July 20, 2017
- b) Approve Resolution 05-17 to set meeting dates for the Policy Advisory Committee for 2017
- c) Approve Resolution 06-17 appointing members to the Technical Advisory Committee for 2017 – Wade Major as representative in the large agriculture category.

**Public comment:**

Derek Hoffman asked that his letter dated July 11, 2017, with regards to Grant Funding on behalf of Mr. Ed Imsand, be added to the July 20, 2017 IWVGA Minutes.

**Board comment:**

None.

Motion was made by Peter Brown and seconded by Peggy Breeden to approve Minutes of Board Meeting July 20, 2017, Resolution No. 05-17 to set meeting dates for the Policy Advisory Committee for 2017, and Resolution No. 06-17 appointing members to the Technical Advisory Committee for 2017. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

**REPORT FROM TECHNICAL ADVISORY COMMITTEE:**

Don Zdeba commented that he was asked to facilitate the initial IWVGA TAC meeting which took place on August 3, 2017. All 8 members that were appointed at the July 20, 2017 IWVGA meeting to the TAC did attend the meeting. Due to there still being vacant category seats on the TAC, it was decided that no officers (e.g. chairperson, vice-chair) would be elected at the first TAC meeting thereby allowing all members a fair chance to be elected.

Indian Wells Valley Water District's (IWVWD) legal counsel, Jim Worth, teleconferenced in on the meeting. Mr. Worth addressed the administrative issues on the agenda, such as an overview on the Brown Act, Form 700s, and the AB 1234 Ethics Training requirement.

Mr. Zdeba commented that he felt the focus needed to be grant funding for studies or tasks that can fill gaps in the requirements for a Groundwater Sustainability Plan that will be acceptable to the Department of Water Resources. The IWVGA TAC reviewed a list of potential studies and projects that could be submitted for grant funding. The list was developed a few years ago by the Indian Wells Valley Cooperative Groundwater Management Group's (IWVCGMG) TAC and recently updated. The list included projects that are currently underway or have been completed such as: the groundwater model recently updated by Desert Research Institute, the Brackish Feasibility Study, and the Recharge Study being conducted by the U.S. Geological Survey. The IWVGA TAC reprioritized the aforementioned list to include a new list of projects which grant funding could be used for. The reprioritized list is as follows:

- Importation of water.
- Establishing a database.
- Updating the existing groundwater model.
- Identification of data gaps.

As a result of the priority list, the IWVGA TAC also developed an action list:

- Research whether multiple projects could be included in a single grant application.
- Make the list developed by the IWVCGMG TAC available to the public.
- Update and simplify the priority list developed by the IWVCGMG TAC.

The IWVGA TAC scheduled a tentative meeting for September 7, 2017 at 2:00 p.m., contingent on approval of the Board and role of the Water Resources Manager (WRM).

Public comment:

None.

Board comment:

Bob Page asked for staff to clarify to the public why the addition of Michelle Anderson from Kern County Water Agency (KCWA) to the TAC was recommended. Alan Christensen answered that KCWA would provide benefit to the TAC due to the knowledge and experience they have. Don Zdeba added that KCWA had been involved with the IWVCGMG since inception and offer valuable in-kind services with a vast knowledge of water in the basin.

Bob Page asked if it would be sufficient and compliant with Sustainable Groundwater Management Act (SGMA) law if the developed Groundwater Sustainability Plan (GSP) included on-going projects or do the projects need to be done prior to the final GSP. Chair Gleason answered the WRM will inform the TAC with necessary steps and actions to take so that the GSP is SGMA compliant.

Chair Gleason asked the timeframe of when the remaining six seats on the TAC would be filled. Phill Hall commented that if a Policy Advisory Committee (PAC) member did not recommend someone to sit on the TAC then it would just mean there would be one less TAC member. It was anticipated that the TAC would be smaller than the PAC. Chair Gleason directed staff to put together a report to include how the TAC is being populated.

Motion was made by Peggy Breeden and seconded by Bob Page to approve and file. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

#### **REPORT FROM POLICY ADVISORY COMMITTEE:**

Donna Thomas reported that IWVGA PAC approved a meeting list which included bi-monthly meetings for 2017 which was approved by the IWVGA Board on an earlier agenda item. The IWVGA PAC supports adding a member to represent the Inyokern Community Services District (ICSD). The PAC requested that an item be placed on the September 17<sup>th</sup> IWVGA Board agenda regarding allowing PAC members to have alternates. The report provided by Donna Thomas from the PAC meeting on August 3, 2017 is attached at the end of these minutes.

Public comment:

None.

Board comment:

Vice chair Breeden asked if there was any resolution with regards to Nick Panzer's report referring to 7,700 acre feet of recharge and that being where he would like to see the water usage

go to. Chairperson Thomas commented that due to time restraints, the items would be discussed fully at a following PAC meeting.

Chair Gleason asked that the PAC begin forwarding information with regards to the outreach program so that it can be set in motion versus waiting for all information to be received.

Phill Hall commented that the original idea of the PAC was that it would be more of a planning commission type which does not have alternates. In the original bylaws approved by the Board, the PAC was not allowed alternates.

Alan Christensen clarified that the request for alternates on the PAC was mentioned to him beforehand had been discussed. The Board can request to have this discussion again. Item and staff recommendation will be added to the September agenda.

Motion was made by Bob Page and seconded by Matt Kingsley to approve and file. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

**DISCUSSION/ACTION TO CONSIDER A REQUEST FROM THE INYOKERN COMMUNITY SERVICES DISTRICT TO APPOINT A MEMBER OF THAT DISTRICT TO THE IWVGA POLICY ADVISORY COMMITTEE:**

Alan Christensen commented that ICSD sent a letter requesting a seat on the PAC and for the item to be added to the August agenda. The ICSD is a key stakeholder within this basin. Staff recommended that the Board approve an additional seat on the PAC for the ICSD increasing the total number of seats to 14.

Tim Carroll, Director of the ICSD Board, commented that the ICSD knows the importance of the IWVGA and would like to commit to being involved in any constructive way possible. Mr. Carroll stated he would be the representative for the ICSD on the PAC and Shannon Bell as alternate, if the Board allows alternates.

**Public comment:**

Judie Decker commented that Phill Hall mentioned in a prior meeting the importance of disadvantaged communities being represented and felt that the Eastern Kern County Resource Conservation District (EKCRCD) should represent the disadvantaged communities. It was decided at the EKCRCD Board meeting that the ICSD should represent the disadvantaged communities.

**Board comment:**

Phill Hall clarified that he did not say the EKCRCD had to represent the disadvantaged communities, however that they were in a unique position to do so.

Bob Page asked if an additional seat for disadvantaged communities will be added, as previously discussed and recommended by the PAC at the July IWVGA meeting. Phill Hall answered that he wasn't sure if there were any more bubbles to fill in or how they would be filled in.

Donna Thomas commented that it was left up to Searles Valley Minerals to reach out to the Trona community and find out if a resident would be interested in a seat on the PAC representing disadvantaged communities.

Motion was made by Peter Brown and seconded by Bob Page to appoint the ICSD a seat on the PAC and directed staff to provide a resolution at the September meeting. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

**APPROVAL OF RETAINER AGREEMENT WITH MCMURTREY, HARTSOCK & WORTH TO SERVE AS IWVGA BOARD COUNSEL:**

Alan Christensen read the staff report with subject title "Appointment of McMurtrey, Hartsock & Worth as IWVGA Board General Counsel" which was made available in the IWVGA Board Packet for this meeting.

Public comment:  
None.

Board comment:

Bob Page asked staff if they had received the signed copies of waivers that were provided in the Board packet. Mr. Christensen said staff had not received them as of yet. James Worth commented that he had the signed copies with him today and will forward signed copies to the Board once he arrives back at his office.

Motion was made by Peter Brown and seconded by Peggy Breeden to approve retainer agreement between McMurtrey, Hartsock & Worth to serve on the IWVGA Board as counsel. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

**APPROVE AGREEMENT WITH STETSON ENGINEERING TO SERVE AS WATER RESOURCES MANAGER:**

The agreement between Stetson Engineering and IWVGA Board, as well as potential list of work tasks have been distributed via email to the interested parties list subsequent to the meeting.

Alan Christensen commented that staff recommends to approve the agreement with Stetson Engineering to serve as WRM to the Board.

Public comment:

Derek Hoffman commented on the urgency of Prop. 1 grant funding and asked the Board for clarity on the timeline for when the WRM will be officially tasked to prepare the Prop. 1 funding applications.

Mike Neel commented that the public needs to know the salary of the WRM and documentation needs to be provided.

Raymond Kelso asked how many attorneys the Board had. Chair Gleason answered that the process of the Board is that legal counsel will change with the chairmanship.

Board comment:

Alan Christensen commented that there is an hourly charge for services provided by Stetson Engineering. Also, the Board and public will receive every bill once it's paid to Stetson Engineering in the board packets.

Peter Brown asked for a list to include overall costs of projects, a not-to-exceed cost, and tasks.

Bob Page asked what the intent of staff was to manage the overall cost. Mr. Christensen commented that staff will meet with Stephen Johnson and Stetson Engineering staff to lay out and review budgets. Staff will report back to the Board over the next coming meetings with clear cost controls as well as an updated budget.

Commander Brian Longbottom asked if the contract had a guaranteed minimum. Mr. Christensen answered that the contract does not.

Vice chair Breeden commented that she thought the limit on the proposal was \$245,000.00 and stated she does not want to exceed that amount without speaking to her Council prior to approving an amount over. Mr. Hall commented that the board will not hit \$245,000 before they start receiving individual task orders.

Chair Gleason commented that choosing Stetson Engineering as the WRM was one of the hardest decisions he has had to make as a supervisor. Stetson Engineering's competition was amazing.

Motion was made by Matt Kingsley and seconded by Peter Brown to approve agreement with Stetson Engineering to serve as Water Resources Manager. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Page Nays: None.)

Stephen Johnson, President of Stetson Engineering, stated that 80-90% of what he works with is municipal agencies, municipal governments, and private water companies. Mr. Johnson thanked the Board for the opportunity and trust they are putting in Stetson Engineering. Mr. Johnson plans to meet with the TAC and PAC to get up to speed on projects and information.

Mr. Johnson concluded with a list of important tasks which included:

- Prepare complete draft application for State Prop. 1 grant funding. Coordinate other potential Federal and/or State funding opportunities.
- Data/information collection and assimilation.
- Develop data management plan/present to PAC and TAC, implement plan.
- Initial safe yield review and assessment.
- PAC meetings coordination and management. Meeting schedule will set annual budget. Includes stakeholder public information process, as directed by PAC.
- TAC meetings coordination and management. Meeting schedule will set annual budget.
- IWVGA Board Meetings presentations, attendance and documentation/follow through.

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

Alan Christensen reported that at the next meeting the Board will receive more information regarding financing the GSP and budgetary control on the WRM contract. The POAM (Plan of Action and Milestones) will be taken over by the WRM. Mr. Christensen reported that within

the last couple of months in 2017 and in January 2018, he will begin stepping back and the responsibility of the General Manager will be taken on by the City of Ridgecrest. It is unsure who will step up as General Manager, however that is the process that follows chairmanship.

Chair Gleason commented that he assumes many of the tasks provided by the general manager will be taken over by the WRM.

Commander Longbottom recommends, with regards to SkyTEM, that when the proposals are developed that base bids with options are available also. Commander Longbottom asked if the base bids can be focused on the non-Navy areas with the options of the Navy areas. There are some security issues that the Navy is working out and they don't want to hold up the process.

**CLOSING COMMENTS:**

Matt Kingsley commented that having an alternate is a lot of work and it requires a different dynamic. He understands the PAC wanting to have alternates, however the PAC was developed around those members wanting a seat and they should be present at meetings.

Vice chair Breeden commented that she disagreed with Mr. Kelso's comment that the Board is not representing him. Vice chair Breeden stated that they are representing those who elected them, the Board represents the public.

**CLOSED SESSION:**

None.

**DATE AND TIME OF NEXT MEETING:**

The next IWVGA meeting will be held September 21, 2017, at 10:00 a.m., in the Council Chambers at Ridgecrest City Hall, 100 W. California Avenue.

**ADJOURN:**

Chairperson Gleason asked for a motion to adjourn. Peter Brown made motion to adjourn the meeting at 12:09 p.m.

Respectfully submitted,



Lauren Duffy

Clerk of the Board of Directors  
Indian Wells Valley Groundwater Authority