

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

BOARD OF DIRECTORS

MINUTES

Ridgecrest City Hall
100 W California Ave
Ridgecrest, CA 93555
760-499-5000

Thursday August 25, 2016, 1:00 p.m. to 3:00 p.m.

CALL TO ORDER:

The meeting was called to order by Mick Gleason at 1:04pm.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mick Gleason.

INTRODUCTIONS:

a. Collection of Executed Joint Powers Agreements

b. Collection of Board Member and Alternate Designations

Matt Kingsley introduced himself, the Fifth District Supervisor of Inyo County, Bob Harrington is the Water Director of Inyo County and alternate.

Mayor Peggy Breeden, City of Ridgecrest, Jim Sanders is councilman of City of Ridgecrest and alternate.

Robert Lovingood, First District Supervisor, San Bernardino County, Bob Page is alternate.

Mick Gleason, Kern County Supervisor, Supervisor Zack Scrivner, District Two Supervisor and alternate.

Peter Brown, Indian Wells Valley Water District Director, Chuck Griffin, IWVWD Director and alternate.

Robert Pawalek, BLM Chief of Resources, alternate undecided.

Brian Longbottom, Public Works Officer of China Lake, U.S. Navy, Stephan Bork, replaced Mike Stoner as geologist and alternate.

Tim Parker, Contractor to Kern County to assist with GSA Formation, no alternate.

Alan Christensen, Chief Deputy CAO of Kern County, no alternate.

Phill Hall, Kern County Deputy Counsel.

Keith Lemieux, Ridgecrest City Attorney.

c. Collection of Initial Form 700s

d. Collection of Initial Funding Payments

e. Staff Financial Report

Alan Christensen reviewed IWVGA Budget Report. Membership dues, as a revenue source, total \$75,000; \$15,000 from each member. There was an error of printing under "Grant Funds" Grant funds are \$250,000 not \$235,000. That is half of the stressed counties grant Kern County received from DWR to develop a Groundwater sustainability Agency (GSA) and also to begin preparation of a Groundwater Sustainability Plan (GSP) for the IWV. Total Grant funds should be available within the next sixty days. Mr. Christensen reviewed expenditures. Tim Parker added as a reminder that of the \$250,000 grant funds, \$90,000 of that is already spoken for and will go towards the USGS Recharge Study, so the total amount of grant funding available for GSA formation and GSP preparation is \$160,000. **A final budget will be presented to the board at the next meeting for final vote.**

ELECTION OF OFFICERS OF THE BOARD:

Peter Brown nominated Mick Gleason as Chair, Matt Kingsley seconded the nomination. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Lovingood Nays: None.)

Matt Kingsley nominated Mayor Peggy Breeden as Vice Chair, Robert Lovingood seconded the nomination. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Lovingood Nays: None.)

Mick Gleason asked that at the next meeting a process of the rotation of chair and vice chair be provided, reviewed

and voted on.

PUBLIC COMMENTS:

Don Decker, a longtime resident and a representative of Domestic Well Owners of Indian Wells Valley, welcomed the JPA board members. He noted that groundwater levels have been falling for over 50 years and that there is an urgency to formulating a fair workable plan to sustain the basin water.

Don Joe McKernan, of East Kern County RCD asked the JPA to address the RCD's request to become an associate member of the JPA and to review the correspondence sent to them from the EKCRC and the State Water Resources Control Board. **Chairperson Gleason asked Alan Christensen to add this as an item to the next meeting agenda.**

Josh Nugent spoke on behalf of Mojave Pistachios and Nugent Farms, and presented a letter and asked for it to go on record. The letter requests that the Indian Wells Valley Groundwater Authority (Authority) promptly establish the proposed GSP Development Committee (Committee) to afford meaningful stakeholder participation in the development of the Groundwater Sustainability Plan (GSP) for the Indian Wells Valley Groundwater Basin (Basin), and that the Committee description be included within the bylaws, including defining the membership, functions, and duties of the Committee."

Chairperson Gleason instructed Mr. Christensen to promptly move in establishing an understanding of the GSP development committee, who will be on it and how it will be structured. **Chairperson Gleason asked that an outline be provided of how the GSP development committee will be structured, how it will be populated, how people will be fairly represented.**

Tom Wiknich commented regarding grant funding and asked if it will be used to reimburse Kern County expenditures.

Tim Parker, Kern County consultant, noted that the purpose of the grant to Kern County was to pay for GSA formation and GSP development, excluding \$90,000 for the USGS recharge study.

Chairperson Gleason clarifies that he has not been involved in any conversations regarding reimbursing County for expenditures to date.

Stan Rajtora, a local resident, encouraged the board members to explore the possibility of recycling wastewater. He noted that 2 million gallons of wastewater go through the city's treatment facility every day.

Judie Decker, a local domestic well owner, urged the board members to review urgency measures in addition to long term planning that would help reduce pumping in the basin. She noted that many places on North Brown Road had been abandoned because the residents did not have the money to drill a deeper well or dig a new well.

Mike Neel, Ridgecrest resident, questioned the validity of the board members because they were not elected specifically to serve on the JPA Board. He also noted an editorial in the News Review that questioned the Todd report's conclusions calling them misleading, misinformed and misrepresented.

It was noted that all five board members are elected members of their respective agency.

Sophia Merk requested that State agencies in addition to federal agencies be considered as associate members of the JPA board.

Pat Farris asked if the GSA would have authority over tribal lands. Phill Hall, Kern County counsel, responded that the short answer is no because, like the Navy, tribal lands are not subject to state regulation, but that tribes can participate in the GSA if they wish to.

Elaine Mead asked if alternates on the JPA board are elected officials.

Chairperson Gleason answered that the board members from Kern County (the County, Ridgecrest and the water district) alternates are elected officials as indicated in the JPA, but not the alternates of Inyo or San Bernardino County are not required to be elected.

Judie Decker, Sophia Merk, Mike Neel, Pat Farris, and Elaine Mead.

SPECIAL PRESENTATIONS: None.

CONSENT CALENDAR: None.

AUTHORIZE JOINT POWERS AGREEMENT FILING WITH THE SECRETARY OF STATE:

Phill Hall stated that whenever a JPA is formed such as this one, the JPA must be filed with the Secretary of State. No public comment. Peter Brown made the motion to allow authorization to Mr. Hall to file the JPA with the Secretary of State. Vice Chairperson Peggy Breeden seconded the motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Lovingood Nays: None.)

SET PRINCIPAL OFFICE:

Alan Christensen asked for a vote to allow Indian Wells Valley Water District, 500 W. Ridgecrest Blvd, Ridgecrest, CA 93555 to serve as the Principal Office.

Public comment: Elaine Mead asked if there is a legal requirement for a separate office for the JPA and suggested the Water District be set as a temporary location, not a permanent one.

Phill Hall answered that there is no legal requirement and at this time the office is nothing more than a mailing address for correspondence.

Motion made by Peter Brown to allow the Principal Office address as the Indian Wells Valley Water District, seconded by Vice Chairperson Peggy Breeden. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Lovingood. Nays: None.)

DISCUSSION AND ADOPTION REGULAR MEETING SCHEDULE AND TIME:

Motion was made by Peter Brown to have the next IWVGA meeting on September 15, 2016 at 10:00am at City Hall. Vice Chairperson Breeden seconded motion. No public comment. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Lovingood Nays: None.)

DISCUSSION OF ADMINISTRATION AND STAFFING OF THE AUTHORITY:

a. INITIAL ADMINISTRATION AND STAFFING

County staff has taken responsibility for distributing and compiling agendas. This will remain for the short term.

b. INITIAL POINT PERSON FOR INTERESTED PARTY CONTACT

Motion made by Robert Lovingood and seconded by Peter Brown to have Alan Christensen remain the initial point person for any public or interested party contact. No public comment. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Lovingood Nays: None.)

c. LONG-TERM ADMINISTRATION AND STAFFING

Chairperson Gleason gave Alan Christensen six months to establish long-term, permanent, administration and staffing, tasks and assignments.

d. LEGAL COUNSEL FOR AUTHORITY

Chairperson Gleason asked that at the September meeting Mr. Christensen provide a plan and recommendation with regards to legal counsel for vote. Alternatives being considered are whether to rotate counsel or have a set counsel.

Phill Hall and Keith LeMieux noted that there was precedent for rotating counsel and consultation with a separate independent outside water specialist when necessary.

Public Comment:

Tom Wiknich stated he is in favor of continuity and the JPA should have the goal of having its own attorney.

Stan Rajtora is in favor of continuity and independent counsel that is not involved with an agency.

e. CONSULTANTS

Tim Parker states he would be pleased to continue as a consultant to the JPA board. Mr. Parker expressed that what he views as important is establishing the committees and formulating a work plan.

Dale Schafer, who is funded through a facilitation contract with the Ca. Department of Water Resources, provided the board with a letter in regards to applying for an extension for her contract during the GSA formation period to include facilitation services for the public hearing and committee formation and start up. Ms. Schafer's contract will be ending at the end of this year. The suggested extension would be through June 2017.

Matt Kingsley and Peggy Breeden were in favor of keeping the consultants.

Chairperson Gleason also is in favor of extending Ms. Schafer's contract. No vote needed. Direction provided for Ms. Schafer to proceed.

DISCUSSION OF INITIAL CONFLICT-OF-INTEREST CODE ADOPTION AND SETTING OF HEARING DATE:

Phill Hall stated that because this is a new public agency it must file a Conflict-of-Interest Code, which does not apply to the board itself; the board members are mandatory filers and must file form 700s per statute. The Conflict-of-Interest code applies to personnel, staff, and advisors to the board on how to spend money. There is a forty-five day comment period for staff. This code must be amended for any new staff that comes in. After October 10th, which is the final day of the forty-five day comment period, at the following IWVGA meeting the Board will have to adopt the code via resolution and send it to FPPC for review and approval.

Chairperson Gleason opened comments to the public. No public comment.

Matt Kingsley made a motion to adopt the resolution of intent to adopt an initial Conflict-of-Interest code, Robert Lovingood seconded the motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Kingsley, Lovingood Nays: None.)

PRELIMINARY DISCUSSION OF FUTURE ACTION ITEMS:

Chairperson Gleason asks that prior to the next meeting, Mr. Christensen get together with staff from agencies in order to better vet these issues and get better recommendations so that votes could be more expedited. Mr. Christensen responded that his hope is to have conference calls prior to meetings with the agencies' staff to allow better communication beforehand. Chairperson Gleason also asked that as a matter of routine the Chair have a preview of all discussion items prior to the meetings and that one or two day(s) prior to meeting the staffs will get together to review in hopes to expedite future meetings.

a. BUDGET AND GRANT FUNDING OPPORTUNITIES

b. MOAS AND FUNDING FROM ASSOCIATE MEMBERS

c. TIMELINE AND TASKS FOR GROUNDWATER SUSTAINABILITY AGENCY (GSA) FILING FOR THE BASIN

d. STAFFING OF GSA TASKS AND FUNDING OF SAME
e. BYLAWS, COMMITTEES, AND COOPERATIVE MANAGEMENT GROUP

CLOSING COMMENTS:

Commander Brian Longbottom, U.S. Navy, introduced his alternate, Stephan Bork. Cmdr. Longbottom also mentioned that there are a lot of efforts being made by the Navy to get things going. He also expressed he was happy to be working with Don Zdeba of IWVWD and a cooperative groundwater group, as well as Stanford University on a Brackish Water Resource Study over the last six months. The Naval Warfare Weapons section has put a lot of money towards taking the existing groundwater model and updating it. Cmdr. Longbottom asked that as a future (undecided) agenda item, he would bring to a meeting their contractor to share their findings and research with the board.

Robert Pawalek of the BLM stated that this board has the full support of BLM's State Director.

Vice Chairperson Peggy Breeden stated that she hopes to see if the board can get a report from Kern County Water Agency with regards to depth to water measurements. **Chairperson Gleason asks that Mr. Christensen add that to the September meeting agenda if possible.**

Chairperson Gleason stated that the basin has a problem specifically a declining water table, and that's the issue that this GSA was assigned to address. SGMA is a new law that mandates that this problem gets fixed. SGMA also states that if the GSA does not fix it, the state will. It's not a question of how much water we have or open/closed basin, it's a question of fixing a declining water table. Chairperson Gleason further explained that this is the focus of this board; the board will represent that law to the best of its ability. If there are issues about the structure and/or authorities of this board then that is the state's issue, not ours. This board will do what the state has authorized them to do the best that they can. Chairperson Gleason continued to point out that there is an assigned schedule - , the GSA must be formed and established by June 2017, and we, the board, are well on our way. This GSA must form and adopt a plan that must be submitted to the state by January 2020, and we will do that. That plan must create a balanced aquifer within twenty years (of plan adoption). We have people in the community that say we are not moving fast enough or that we are moving too quickly, Chairperson Gleason reiterated that there is a schedule and the board is within the time limits. Chairperson Gleason concluded that he has trust and confidence in the board's ability to establish the trust and confidence of the community, get as many people involved in the process as possible, and to represent the interests of the community. Not everyone will be happy, but everyone will have a voice. We must succeed at solving this problem. We will succeed.

DATE AND TIME OF NEXT MEETING:

The next IWVGA Meeting will be held on September 15, 2016 10:00am at Ridgecrest City Hall, 100 W California Ave, Ridgecrest, CA 93555

CLOSED SESSION: None.

ADJORNMENT:

Motion was made by Vice Chairperson Peggy Breeden and seconded by Robert Lovingood to adjourn meeting at 2:46 p.m.

Respectfully submitted,



Lauren Duffy
IWVWD Recording Secretary