

# IWVGA ADMINISTRATIVE OFFICE

*STAFF REPORT*

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**TO:** IWVGA Board Members **DATE:** April 16, 2020  
**FROM:** IWVGA Staff  
**SUBJECT:** Agenda Item No. 6 – Consideration and Adoption of Resolution 03-20 – Removal of Mojave Pistachio representatives from the Policy Advisory Committee (PAC) and the Technical Advisory Committee (TAC) for failure to pay the Groundwater Extraction Fee set forth in Ordinance 02-18.

## **DISCUSSION**

Article 5.3 of the Authority's Bylaws expressly provides that committee appointments and removal shall be made at the Board's discretion.

Staff is recommending that the Board remove Mojave Pistachio's representatives from both the Policy Advisory Committee (PAC) and the Technical Advisory Committee (TAC) for failure to pay the Groundwater Extraction Fee set forth in Ordinance 02-18. At the time staff came to this recommendation, Mojave Pistachio's last provided meter read was from August of 2019.

Upon being informed of this recommendation, Mojave Pistachio representative Joshua Nugent stated that:

“Mojave Pistachios will be sending a check for all past and currently due GSA fees totaling \$26,613.84 this afternoon to your office along with the reporting forms. We are paying them under protest pursuant to Water Code section 10726.6(d).”

Mojave Pistachios has not provided the reporting forms at the time of this drafting. The stated fee would amount to roughly 887 af of extracted water. There was no mention of interest and penalties charges which are assessed at one percent (1%) per month with a one-time penalty charge of ten percent (10%). Depending on the data provided in the forms, the penalties will quite possibly exceed \$3,500.

Staff's recommendation is limited to removal from the PAC and TAC, discussion of other potential actions mentioned in Section 7 of Ordinance No. 02-18 shall be reserved for future consideration by the Board.

## **RECOMMENDED BOARD ACTION(S)**

Consider and adopt Resolution 03-20 – Removal of Mojave Pistachio representatives from the Policy Advisory Committee (PAC) and the Technical Advisory Committee (TAC) for failure to pay the Groundwater Extraction Fee set forth in Ordinance 02-18.

**BEFORE THE BOARD OF DIRECTORS  
INDIAN WELLS VALLEY GROUNDWATER AUTHORITY**

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In the matter of:

Resolution No. 03-20

**REMOVAL OF MOJAVE PISTACHIO REPRESENTATIVES  
FROM THE POLICY ADVISORY COMMITTEE AND THE  
TECHNICAL ADVISORY COMMITTEE FOR FAILURE TO  
PAY THE GROUNDWATER EXTRACTION FEE SET  
FORTH IN ORDINANCE 02-18**

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I, April Nordenstrom, Clerk of the Board of Directors for the Indian Wells Valley Groundwater Authority, do certify that the following resolution, on motion of Director Gleason, seconded by Director Page, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of April, 2020, by the following vote:

**AYES: Gleason, Hayman, Page, Vallejo**

**NOES: Kicinski**

**ABSENT:**

April Nordenstrom  
Clerk of the Board of Directors  
Indian Wells Valley Groundwater Authority

  
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Deputy Clerk

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**RESOLUTION**

Section 1. WHEREAS:

- (a) Article 5.3 of the Authority's Bylaws provide that removal of a committee member is at the Board's discretion; and,
- (b) Mojave Pistachio has failed to meet its responsibilities under Ordinance No. 02-18; and,

Section 2. IT IS RESOLVED by the Board of Directors of the Indian Wells Valley Groundwater Authority, as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.

2. This Board incorporates and makes all the findings recommended by staff, whether verbally or in their written reports.

3. This Board hereby removes Mojave Pistachio's representative, Joshua Nugent, from his position on the Policy Advisory Committee (PAC) and Mojave Pistachio's representative, Wade Major, from his position on the Technical Advisory Committee (TAC).