

**INDIAN WELLS VALLEY
GROUNDWATER AUTHORITY
POLICY ADVISORY COMMITTEE**

Indian Wells Valley Water District 500 W. Ridgecrest Blvd. Ridgecrest, CA 93555

MINUTES

Wednesday, September 13, 2017, 6:00 p.m.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact Alan Christensen at (661) 868-3183. Requests must be made as early as possible and at least one full business day before the start of the meeting. Documents and material relating to an open session agenda items that are provided to the IWVGA PAC Committee prior to a regular meeting will be available for public inspection and copying at Indian Wells Valley Water District, 500 Ridgecrest Blvd, Ridgecrest, CA 93555, or online at www.co.kern.ca.us/groundwater/.

Statements from the Public

The public will be allowed to address the Committee during Public Comments about subjects within the jurisdiction of the IWVGA Committee and that are NOT on the agenda. No action may be taken on off-agenda items unless authorized by law. Questions posed to the Committee may be answered after the meeting or at future meeting. Dialog or extended discussion between the public and the Committee or staff will be limited in accordance with the Brown Act. The Public Comments portion of the meeting shall be limited to three (3) minutes per speaker. Each person is limited to one comment during Public Comments.

All remarks and questions should be addressed to the Committee as a whole and not to any individual member or staff. There will be time after each action item on the agenda to receive comments from the public. Again each speaker will be limited to three (3) minutes. Speakers should be brief and limit their comments to the specific subject being discussed. Persons will be limited to one comment per person unless directed by the Chair.

1. CALL TO ORDER/ROLL CALL

The meeting was called to order by Chair Thomas at 6:00 pm

POLICY ADVISORY COMMITTEE –ROLL CALL

9 Present; 3 absent – Stiefvater, O'Neil, Fisher

Non Voting Members

3 Present; 1 absent – Klaush

Mr. Jim Worth – General Counsel for IWV Board – participated by phone

2. PUBLIC COMMENTS

This time is reserved for the public to address the Committee about matters NOT on the agenda. No action will be taken on non-agenda items unless authorized by law. Comments are limited to three minutes per person.

13 people in the audience. A request was made to have a sign up sheet to acknowledge attendance.

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3. APPROVAL OF MINUTES

Motion by Mr. Godard and second by Mr. Imsand,

Passed - 9 Ayes

Quist, Wilson, Katzenstein, Godard, Thomas, Panzer, Imsand, Carroll, Westa-Lusk

No- none, 3 absent – Stiefvater, O'Neil, Fisher

4. DISCUSSION ON REQUEST TO GSA BOARD TO ALLOW ALTERNATES AND APPOINTMENT OF ALTERNATES FOR PAC MEMBERSHIP.

Mr. Panzer opposes having alternates and believes the Board has discussed this in the past and is not supportive of the change. He further stated that if the alternates are not in the room at all times and for all discussions the process will not be productive.

Ms. Quist stated she did not see the problem with alternates who would also have to do the ethics training and file Form 700s. She stated that sometimes we can't be at the meeting because of what is happening in our life and she presented the example of harvest time. Her crop may be harvesting but another person with different crops may be able to attend. She also suggested a proctor as an alternate not appointed to serve but who could act on behalf of the appointed person.

Ms. Wilson noted that if she has to be at another meeting for business purposes than having an alternate from her organization (Board of Realtors) to come to the meetings seems reasonable. She noted that staff could have alternates as she thought the attorney for the PAC was Phillip Hall, and yet Mr. Worth was here tonight.

Mr. Katzenstein asked the PAC members if they agree that the Board should pick the alternates with the same process they were selected.

Ms. Thomas noted that some representatives have not been able to attend due to business commitments and that leaves the particular area unrepresented.

Mr. Imsand expressed concern for the continuity of discussion when different representatives attend. He noted this will take time as the Board would have to the bylaws and select the alternates.

Public Comment

Mr. Nugent noted that Mr. Stiefvater is on harvest and also on other boards. He stated that while Mr. Stiefvater is not here, Mr. Nugent is briefing him and keeping him up to date. He offered to be an alternate and noted that being up to date can be handled.

Pat Farris noted that the PAC is where the heavy lifting is going to be. To have that happen, they need to have alternates to have all groups represented. Otherwise they will lose effectiveness if the groups becomes powerless by not having enough people attend.

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Motion by Ms. Wilson and second by Ms Quist

Request the GSA Board to allow alternates and for the Board to appoint alternates for PAC Membership.

Passed – 7 Ayes and 2 Nos

Ayes - Quist, Wilson, Katzenstein, Godard, Thomas, Carroll, Westa-Lusk

No- Panzer, Imsand

3 absent – Stiefvater, O’Neil, Fisher

5. REPORT AND POTENTIAL RECOMMENDATION TO GSA BOARD REGARDING REPRESENTATION FOR COMMUNITY OF TRONA AS A DISADVANTAGED COMMUNITY ON PAC.

Mr. Godard, representing Searles Valley Mineral Company, had reached out to the community of Trona to discuss representation. He is recommending that Ms. Audrey Schuyler ,who works for the municipal water company, and has been active in the community be appointed as the representative for the community of Trona as a disadvantaged community. He introduced Ms. Skylar to the PAC.

Mr.Zdeba commented that there may be a legal reason that Mr. Godard as the representative of Searles Valley Mineral Company who provides water to the community of Trona needs to remain as the designated Trona representative.

Public Comment

Mr. Decker asked the question “ shouldn’t the Municipal Water District have to send a letter requesting to the appointment and be vetted by the GSA Board ?

Motion by Mr. Panzer and second by Ms Wilson

Resolved to Request the GSA Board to add a PAC seat for the community of Trona as a disadvantaged community and to specifically consider the appointment of Ms. Audrey Skylar.

Passed – 8 Ayes and 1 – Abstain

Ayes – Panzer, Quist, Wilson, Katzenstein, Godard, Thomas, Carroll, Westa-Lusk

Abstain - , Imsand

3 absent – Stiefvater, O’Neil, Fisher

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6. CONTINUED DISCUSSION OF POLICY RECOMMENDATIONS BASED ON QUESTIONS from NICK PANZER (Representative – Residential Customer of Public Water Agency)

- A. BY WHAT DATE SHOULD WE OPERATE WITHIN SUSTAINABLE YIELD?
- B. ON WHAT SCHEDULE SHOULD WE MITIGATE OVERDRAFT ACCRUED SINCE 2014?
- C. HOW SHOULD OUR WATER BUDGET PRIORITIZE WATER USE BY USERS AND USES?
- D. HOW SHOULD WE ENFORCE WATER USE PRIORITIES?
- E. HOW AGGRESSIVELY SHOULD WE INVESTIGATE NEW WATER SOURCES?

Mr. Worth, attending by phone, requested this item be moved to the first item on the agenda, after approval of minutes so he could then leave. The Chair agreed to move the item up.

Mr. Worth reported that the agenda item was “illegally placed on the agenda”. He reported the three legal counsels stated that it was put on the agenda outside the direction of the board or review of counsel. He then recommended it not be discussed tonight, and then said, it should not be discussed tonight.

Mr. Panzer asked if Section 5.9 of the bylaws does not give the PAC authority to do this. Mr. Worth confirmed that all the counsels involved in the IWV GSA agreed it did not.

Chair Thomas stated that there was confusion in starting the PAC as the Board directed the PAC start meeting but we did not have a water resource manager. Ms. Thomas and Ms. Oviatt consulted Chairman Gleason and the staff, who directed the Chair and Ms. Oviatt put together agendas.

Ms. Oviatt reconfirmed that the item was not “illegally “ placed on the agenda, as they followed the process directed by Chairman Gleason and the matter was about the GSP. All agendas were emailed out to IWV staff when sent to PAC and this was the first time any comments were made on the agenda content. This matter was brought to the attention of Ms. Oviatt and Chair Thomas by email which was circulated at 3:00 that afternoon – 3 hours before the meeting.

Mr. Worth clarified that there was nothing done wrong, apologized for the use of the word “illegal” and noted that it had not been reviewed and done appropriately as the GSA Board had not approved the items for PAC discussion.

Mr. Panzer asked Mr Worth if Supervisor Gleason had been informed of this direction or other board members. Mr Worth stated that he had not but he had discussions with staff.

Mr. Katzenstein stated that the purpose of the PAC is to provide public input. Why can't we provide this opportunity ?

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Mr. Worth stated the PAC is not authorized to generate questions, rather they need clear direction on what to talk about. Future agenda items will then be sent through the water resource manager and a determination made of appropriate items for the agenda.

Ms. Wilson expressed concern that they could not discuss items and asked that Mr. Worth's direction on Item 6, that he stated that evening, be provided in writing and provided to the PAC. Mr. Worth agreed to provide that.

Additional discussion concerned the new process, shared by Ms. Oviatt, from an email from the IWV staff that the agenda would be produced by the IWV Staff and counsel in consultation with Ms. Thomas and Mr. Johnson, Water Resource Manager – Stetson Engineering. As the next Board meeting was September 21, 2017 it was determined that the September 21, 2017 PAC meeting was infeasible as there would still be no direction from the Board to create an agenda. Further IWV staff had indicated in the email direction that PAC meetings should be reduced to once a month.

Therefore the PAC was informed that the following meetings would be cancelled and the official schedule adjusted by the IWV staff – September 21, October 18, December 20, 2017.

Mr. Zdeba shared that the TAC is working on dates that would be compatible with the remaining PAC evening meetings on October 12, 2017, November 2, 2017 and December 6, 2017.

Public Comment

Mr. Decker proposed an alternate motion to ask the GSA Board in writing what are the tasks of the PAC and put that topic on the next PAC agenda.

Mr. Hoffman agreed that getting clarity in the process would be helpful.

Mayor Breeden noted that as Board member on the GSA that the PAC's work is appreciated. No one intended this to happen and we will be resetting and getting beyond this to move forward.

Motion by Mr. Panzer and second by Mr. Katzenstein

Direct Ms. Thomas to request of the GSA to act on bylaw 5.4 for direction on key policy questions on the GSP for the PAC .

Passed – 9 Ayes

Ayes – Panzer, Quist, Wilson, Katzenstein, Godard, Thomas, Carroll, Westa-Lusk , Imsand

3 absent – Stiefvater, O'Neil, Fisher

Mr. Worth, acknowledged that he will bring back to staff and counsel and work to have an item put on the September 19, IWV GSA board meeting. Mr. Worth then left the meeting.

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7. CONTINUED DISCUSSION AND RECOMMENDATIONS FOR A STRATEGY FOR OUTREACH TO PUBLIC, TRIBES AND PROPERTY OWNERS.

Chair Thomas referenced section 353.6 of SGMA which requires an initial notification and section 354.10 Notice and Communication for the plan and stated that the GSA has to send a letter. IWV staff has asked if the PAC would like to submit a paragraph explaining what outreach and representation has already been done for that letter.

Mr. Katzenstein expressed concern that we are being created as a task implementation for outreach and being directed away from providing policy input.

Mr. Panzer noted there has actually been a lot of outreach. However, he has submitted an example of a mailer/postcard that would go to every property owner in the valley and has suggested specific language for action by the PAC. The example was attached to the agenda materials.

Mr. Imsand, Ms. Wilson, Ms Quist and Mr. Zdeba believed that sending the postcard with the suggested wording was premature. Technical answers are needed and further the Board has not clarified what they want the PAC to provide for outreach : A framework (suggest sending out the postcard and who it should go to) or actual product (design the wording of the message)?

Chairman Thomas suggested a public workshop in the evening with a facilitator for public – quarterly or every six months.

Ms. Oviatt offered to create a draft paragraph of outreach efforts for the PAC to consider at the next meeting.

Motion by Ms. Quist and second by Ms. Wilson

Ms. Oviatt to create a summary of what actions have happened for outreach and what plans are pending. Bring draft back for review and place this on the agenda for October 12, 2017, as IWV staff needs for October 13, 2017.

Passed – 9 Ayes

Ayes – Panzer, Quist, Wilson, Katzenstein, Godard, Thomas, Carroll, Westa-Lusk , Imsand

3 absent – Stiefvater, O’Neil, Fisher

Mr. Johnson had provided a data request list for information to include in the Proposition 1 grant application. The PAC members determined that as individual representatives they will be providing letters of commitment and involvement including size of organizations and signatures of members to Mr. Johnson by the middle of October.

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8. FUTURE AGENDA ITEMS DISCUSSION

Presentation of the Danish Study to PAC

9. COMMITTEE MEMBER ANNOUNCEMENTS OR COMMENTS

10. ADJOURN TO NEXT MEETING at 8:15 pm to Next Meeting Thursday, October 12, 2017

13 September, 2017

To:

Indian Wells Valley Groundwater Authority
Policy Advisory Committee (PAC)

From:

C. Lyle Fisher
West E. Katzenstein
Domestic Well Owner (DWO) Representatives on the PAC

Subject:

Domestic Well Owners Recommendations For Agenda Item 7 - 'Continued Discussion And Recommendations For A Strategy For Outreach To Public, Tribes And Property Owners'

Fellow members of the PAC:

Documents provided by the California Department of Water Resources and the Community Water Center provide detailed guidance for public outreach in GSA activities (see 'References' below). These documents summarize statutory requirements for engagement with the public and provide specific relevant references to the GSP Regulations and the Water Code.

The Domestic Well Owner Representatives suggest that the PAC make the following recommendations to the GA Board:

1. Strategies for outreach to the public, tribes, and property owners are adequately described in the GSP guidance documents referenced below. No additional action by the PAC is needed.
2. It would be appropriate for the PAC to approve this recommendation and to encourage the GA Board to follow these DWR guidelines.
3. An effective outreach to domestic well owners and other concerned citizens has been provided for many years by the 'Domestic Well Owners and Concerned Citizen Updates'. See the attached document: **'Background of the Domestic Well Owners and Concerned Citizen Updates'** for more information. The PAC should make the GA Board aware of this long-standing outreach and the example it presents.

References:

1. 'Guidance Document for Groundwater Sustainability Plan - Stakeholder Communication and Engagement', by the California Department of Water Resources
2. 'Guidance Document for Groundwater Sustainability Plan - Engagement with Tribal Communities', by the California Department of Water Resources
3. 'Collaborating for Success: Stakeholder Engagement for Sustainable Groundwater Management Act Implementation', by Community Water Center
4. 'Guidance Document for the Sustainable Management of Groundwater - Preparation Checklist for GSP Submittal', by the California Department of Water Resources
5. 'Guidance Document for the Sustainable Management of Groundwater - Groundwater Sustainability Plan (GSP) Annotated Outline', by the California Department of Water Resources

Background of the Domestic Well Owners and Concerned Citizen Updates

by

C. Lyle Fisher

The "*IWV Well Owners and Concerned Citizens Updates*" is a monthly (sometimes more frequent) summary document that was started decades ago to inform rural citizens of the IWV concerning Valley political and technical groundwater supply and well issues. The specific motivation was to alert Valley citizens of our dwindling groundwater supply and the need to address the obvious supply shortfall.

When the *IWV Domestic Well Owners Association* was formed the Updates became an efficient communication path to our Associates, many of whom were having a hard time keeping up with the myriad meetings involved and the complexities of the issues. The total distribution is not known since the primary distribution is greatly expanded by original recipients forwarding to neighbors, mutual and co-op system officers forwarding to members and by regular posting at rural community bulletin boards. The Updates are certainly reaching a strong majority of the IWV domestic, mutual and co-op well owners.

Through the years, other individuals beyond the original recipients were reading the updates who realized that the information presented was useful to a broader range of "*Concerned Citizens*", and the distribution has steadily grown. The *Concerned Citizen* portion of the distribution list has expanded considerably with the broader GSA issues we now face.

The *Updates* always include summaries and explanations of recent meetings, agendas and dates for upcoming meetings, delivered as a timely, readable package and in a format suitable for smart phone and home computer display. The *Updates* typically include "hot" web links to pertinent reference documents, and other useful information relating to water. The archived *Updates* now total over 250 issues.