

MINUTES OF THE SPECIAL BOARD MEETING

BOARD OF DIRECTORS  
INDIAN WELLS VALLEY WATER DISTRICT

July 9, 2009

The Special Meeting (Workshop) of the Board of Directors of the Indian Wells Valley Water District was called to order by President Corlett at 9:05 a.m. in the Board of Directors Hearing Room, 500 West Ridgecrest Boulevard, Ridgecrest, California.

**CALL TO ORDER**

DIRECTORS PRESENT: President Leroy H. Corlett  
Vice-President Peter E. Brown  
Director Margaret "Peggy" L. Breeden  
Director Donald J. Cortichiato  
Director Harold W. Manning

**ROLL CALL**

DIRECTORS ABSENT: None.

ALSO PRESENT: Jim Worth, Attorney;  
Chuck Krieger, Consulting Engineer;  
Tom Mulvihill, General Manager;  
Larry DeGano, Operations Superintendent;  
Jennifer Keep, Chief Financial Officer;  
Reneé Morquecho, District Engineer;  
Lucinda Crosby, Public Education and  
Conservation Coordinator;  
Rose Koch, Recording Secretary

**AGENDA DECLARATION**

**AGENDA  
DECLARATION**

Recording Secretary, Rose Koch, reported that the agenda for today's Special Board Meeting Workshop was posted on Thursday, July 2, 2009.

**CONFLICT OF INTEREST DECLARATION**

**CONFLICT OF  
INTEREST**

None.

**PUBLIC QUESTIONS AND COMMENTS**

**PUBLIC  
COMMENTS**

None.

## BOARD WORKSHOP

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A Board Package consisting of the January 20<sup>th</sup>, 2009 Special Board Meeting Planning Workshop Report presented by Charles Beesley, General Manager's Goals, and Goal and Project Tracking was delivered to the Board on Thursday, July 9<sup>th</sup> for review.

## WATER EFFICIENT LANDSCAPE ORDINANCE

## LANDSCAPE ORDINANCE

President Corlett and Director Breeden, along with staff, have been meeting with the City's sub-committee of the Community Development Committee to develop a water efficient landscape ordinance. The development of the ordinance has been ongoing for approximately two years. The Board reviewed the latest modifications recommended by the Water Management Committee (Committee) to the City's sub-committee at the June 9<sup>th</sup> meeting:

- Committee Recommendation: an approved plant list that should be enforced instead of a recommended plant list. City Response: The City does not think the plant list can be enforced. Discussion: Whether approved or recommended, it is insignificant.
- Committee Recommendation: Instead of waiting until the year 2020 for the District to implement higher water delivery charges, the Committee recommended implementation as early as next year. City Response: Agree. Discussion: The Board agrees that conservation needs to start now and not in 2020. The Cost of Service consultant will bring forward three alternatives for water rate structures: 1) bring current water rate structure up-to-date, 2) an aggressive rate structure, and 3) a rate structure in between the first two alternatives. President Corlett suggested changing the billing presentation to show the tiered rates on bills. The City would also like to see this format.
- Committee Recommendation: The Committee agreed to accept the enforcement methodology as defined by the proposed ordinance with City revisions. City Response: The City wants to enforce the ordinance. Discussion: The District will not be funding the City's code enforcement.
- Committee Recommendation: The higher rate ordinance would apply to all users and not just those who are in non-compliance with the recommended guidelines. City Response: Conservation goals should be accomplished by higher water rates.
- Committee Recommendation: The provision making it unlawful to irrigate with run-off to a City street for more than 30 minutes should be changed to no more than five minutes. City Response: Agree. The City sub-committee had discussed that mandatory water waste measures in the proposed ordinance should be enforced by the City. Discussion: The City wants to do the enforcement, but they want the District's help. Jim Worth suggested that the District adopt its own ordinance and enforce it. The easiest way to do this would be through the will-serve process for new development.

- Committee Recommendation: The section which requires that irrigation designs provide for adequate water supply such that all needed water can be delivered within a window of 10:00 p.m. to 6:00 a.m. should be changed to a window of 8:00 p.m. to 8:00 a.m. City Response: Agreed.
- Committee Recommendation: The effective months of watering restrictions should be changed throughout the ordinance to be in agreement with the District's voluntary watering guidelines of May 1<sup>st</sup> through October 31<sup>st</sup>. City Response: Agreed.

MOTION: was made by Vice-President Brown, and seconded by President Corlett, that once the City approves the water efficient landscape ordinance with the current modifications, the District will adopt an identical ordinance with the ability to enforce the District's own ordinance and due process.

DISCUSSION: Director Breeden suggested that the District reserve the right to continue to look at the enforcement issue and to revisit in approximately one year after the District has made the new rate structure.

Motion passed, unanimously. (Vote 5-0)

ACTION: Find billing systems that would be compatible for showing the tiered rates. Tom Mulvihill informed the Board that it would be a start to bring in a consultant to review the entire District IT needs so that billing, work orders, maintenance, and new construction can be interfaced. Approve the City's water efficient landscape ordinance with modifications. Work towards a new water service application and a new will serve notice with a caveat that it will comply with District's water conservation standards in landscape design and installation. The District will provide enforcement of the District's ordinance and due process. This item will be referred to the Water Management Committee.

**POLITICAL, LEGAL, INSTITUTIONAL, TECHNICAL, ECONOMIC (P.L.I.T.E)  
ISSUES FOR PROJECTS**

**P.L.I.T.E.**

Director Cortichiato and Tom Mulvihill heard a lecture on P.L.I.T.E. while on tour of the San Joaquin Valley. Summarized, all projects should address all of these issues before it goes to the Board, if you want to succeed.

ACTION: None.

**WATER MANAGEMENT OPTIONS**

**WATER MGT  
OPTIONS**

Director Breeden informed the Board that at the last Indian Wells Valley Cooperative Groundwater Management Group (IWVCGWMG) Meeting there was a request from Kern County that before any political decisions and/or actions were made, the County wanted to see a request from an involved entity to ask for the political options. The IWVCGWMG and Technical Advisory Committee (TAC) do not have water

management authority. Director Breeden suggested the District offer services to the TAC after they have defined the problem and offer solutions to solve the problem.

Tom Mulvihill informed the Board that the IWVCGWMG is discussing alternatives for someone with authority to manage the ground water basin-wide. This was a political question and Kern County did not want to be the one asking for basin wide water management. If there is not a basin wide water management plan, there is thought that another entity would step in. Mr. Mulvihill inquired whether the District could do an AB 3030 outside District boundaries.

Jim Worth responded that he would have to research whether the District could or could not enforce restrictions outside District boundaries. The District does have the ability and authority to go outside the District boundaries to participate in conservation measures and other types of programs that may be beneficial.

Chuck Krieger thought that if you could get all water users to agree to a basin-wide water management plan, you could avoid the adjudication process. It has been done before.

Vice-President Brown suggested that the District look into this because adjudication could become a very long project and could cost millions. If the IWVCGWMG wants a basin-wide water management, you need to find out what that means. President Corlett asked Vice-President Brown if the District should be funding some of the research through the IWVCGWMG. Vice-President Brown responded that it could be done on percentage sharing and not the entire project.

Chuck Krieger suggested that the IWVCGWMG put together an outline of what the plan would include such as the potential for charges for replenishment. Then, in a cooperative sense, establish a concurrence with this plan with all pumpers in the Valley and which governing entity would be implemented to do it.

Director Cortichiato questioned how this will help the Water District and not harm us in the future? President Corlett stated it would allow the District to pursue a cooperative agreement and avoid adjudication. Jim Worth added that it may avoid the State from stepping in and forming their own groundwater management authority.

President Corlett said that the question is does the Board want to offer the services of the District to help define this cooperative effort? There will be staff time, money spent on doing this, and at what priority?

Tom Mulvihill suggested that the Board allow the District's Water Management Committee to ask the IWVCGWMG for the answers to the questions on Mike Stoner's email (included in the Board Package):

1. What is the situation?
2. Whom does it concern?
3. Why do they perceive it?
4. Why does it concern them?
5. What changes, if any, do they propose?
6. Can and/or will anything be done and by whom and are there resources available?

7. Who gains and/or loses from any changes?

Kern County was asking for a political entity to make the request to the IWVCGWMMG and let the IWVCGWMMG decide whether or not to assign it to the TAC. If there is some specific work and the TAC does not have the resources to perform that work, then the TAC can ask the IWVCGWMMG for assistance.

ACTION:

MOTION: was made by Director Cortichiato and seconded by Vice-President Brown to have the Water Management Committee represent the Indian Wells Valley Water District Board of Directors in asking IWVCGWMMG to respond to questions asked in the email presented in the Board Package. Motion was carried, unanimously. (Vote 5-0)

Workshop was recessed at 10:20 a.m. and reconvened at 10:30 a.m.

**INTEGRATED REGIONAL WATER MANAGEMENT PLAN (IRWMP) PARTICIPATION**

**IRWMP**

Three issues have been brought forward by the Inyo-Mono Integrated Regional Water Management Plan:

Issue 1: Recommendation is to write the Inyo-Mono IRWM Plan with intent to become eligible for expedited implementation funding. The Plan could be ready to go as early as 2010. If you wait for grant funding to write the Plan, there will not be any funds left for the projects.

ACTION: Approve.

Issue 2: Recommendation is to maintain current staffing (CalTrout/Mark Drew and Holly Alpert) and establish sole-source contracts with Austin McInerney (Project Facilitator) and David Varner (Plan Writer). President Corlett recommends the Board stay with the current staffing as presented.

ACTION: Approve.

Issue 3: Recommendation is to seek funding to support writing the Inyo-Mono IRWM Plan from sources other than the Department of Water Resources.

ACTION: Approve and donate \$5,000.00 by the following Motion:

MOTION: was made by Director Cortichiato and seconded by Vice-President Brown approving the donation of \$5,000.00 for the support of writing the Inyo-Mono IRWM Plan. Motion was carried, unanimously. (Vote 5-0)

**OUTREACH EVENTS SCHEDULE**

**OUTREACH  
EVENTS**

The Board discussed the outreach events scheduled (included in the Board Package) for the month of September. Tom Mulvihill informed the Board that the Desert Mountain Resource Conservation and Development Council Anniversary Celebration has been moved to Friday, October 2<sup>nd</sup>.

Lucinda Crosby recommended that there was not much the District can do along a two to three block parade route for the Inyokern Birthday Celebration scheduled for Saturday, September 26<sup>th</sup>. The parade will

only be for 30 minutes and Ms. Crosby did not feel it would be beneficial for the District to participate with a booth along the parade route.

Director Breeden suggested that the Board Members participate in the parade and hold a conservation banner.

Vice-President Brown offered to use his horse-drawn wagon displaying a conservation banner in the parade.

ACTION: Board Members will participate in the parade with either walking and holding a conservation banner or using a horse-drawn wagon displaying conservation banners in the parade.

**PUBLIC ON COMMITTEES**

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Director Breeden and President Corlett attended a seminar at the Kern County Water Agency. In a discussion on how to get the public involved, Bear Valley Community Services District (CSD) mentioned that they have public on all committees. Bear Valley CSD sent information to Director Breeden (included in the Board Package). Director Breeden felt that this would be a good way to get good public input.

Tom Mulvihill reported that he spoke with Bear Valley CSD about the public participation. The unpaid public were voting members and this caused an issue with having a quorum at committee meetings. A new policy is being written that if the public misses a number of meetings, they would no longer be on the committee. The CSD was disappointed with the response from the public.

ACTION: It was by Board consensus that the Board approved seeking a Public Advisory Committee on specific projects only, such as the Water Supply Improvement Project. The Public Advisory Committee will have no voting powers.

**ASSOCIATION OF DESERT WATER AGENCIES**

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President Corlett reported that in relation to the 2020 initiative State Assemblywoman Jean Fuller has suggested that desert water agencies with similar issues band together. If you don't, you'll get overrun by the State. You will be stronger as a group of desert water agencies and recognition is noticed in groups.

Chuck Krieger suggested contacting Association of California Water Agencies (ACWA) about having a workshop or meeting where desert water agencies could participate.

ACTION: Staff contact ACWA and Assemblywoman Jean Fuller and report back to the Adhoc Committee (President Corlett and Director Cortichiato) and possibly be placed on the ACWA agenda as appropriate.

**GENERAL MANAGER GOALS AND PRIORITIES**

**GENERAL  
MANAGER GOALS  
& PRIORITIES**

The Board reviewed the tasks which were included in the Board Package. The Board agreed by consensus that the new prioritized task format presented will be used in lieu of the previous gphant chart format. Updates were given by Tom Mulvihill on the following General Manager's Goals and Priorities:

GOAL: New signage for District Properties.

UPDATE: New signs have arrived and will be installed this week.

GOAL: Urban Water Management Plan by December, 2010

UPDATE: Tom Mulvihill informed the Board that staff will probably hire a consultant to complete the Urban Water Management Plan.

MOTION: was made by Vice-President Brown and seconded by President Corlett to outsource the 2010 Urban Water Management Plan. Motion was carried, unanimously. (Vote 5-0)

GOAL: Complete Groundwater Flow Model by February, 2009.

UPDATE: Tom Mulvihill informed the Board that the Model was completed approximately two months ago. Presentations were made to the Board of Directors and the IWVCGWMMG. Staff has received the last comments from the consultants and hydrologists on the scenarios and have been forwarded to Brent Cain at Brown and Caldwell. The final report on the two scenarios is expected by the end of next week. Solar Millennium is asking to use the Groundwater Flow Model for their study.

**BOARD OF DIRECTOR GOALS AND PRIORITIES  
BOARD COMMENTS/FUTURE AGENDA ITEMS**

**BOARD OF  
DIRECTORS  
GOALS &  
PRIORITIES**

Director Manning reported that at the last Finance Committee Meeting assessing penalties from consultants for liquidated damages on reports was discussed. There are reports that are due from consultants that continue to be delayed. The Board discussed options of how the penalty can be assessed, whether it's a daily charge or percentage. Staff will determine standard liquidated damages and add to the contract and/or work order that the contractor will sign.

**BOARD  
COMMENTS**

President Corlett inquired about the Water Supply Improvement Project report from Tony Morgan. Tom Mulvihill sent Tony Morgan a contract to work directly for the District. Mr. Morgan will send back the final report if he does not get a sub-contract with Layne Geosciences. President Corlett asked that staff write a stern letter notifying Layne Geosciences that the District is dissatisfied with their performance and need to get the report completed.

President Corlett is concerned about the District paying for the employee awards banquet and asked the Board of Directors to split the bill or come up with an alternative. This will be referred to the Administration/Executive Committee for discussion.

With no further Board comments, President Corlett recessed the meeting and adjourned to Closed Session at 11:50 a.m.

**CLOSED SESSION**

**CLOSED  
SESSION**

The meeting was reconvened in Closed Session at 12:10 p.m.

The meeting was recalled to Open Session at 1:02 p.m.

There was no other action taken which would require disclosure under the Brown Act.

**ADJOURNMENT**

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With no further business to come before the Board, the meeting was adjourned at 1:02 p.m.

Respectfully submitted,



Rose Koch  
Recording Secretary

**APPROVED:** August 10, 2009