

MINUTES OF THE SPECIAL BOARD MEETING

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

August 13, 2009

The Special Meeting of the Board of Directors of the Indian Wells Valley Water District was called to order by President Corlett at 9:31 a.m. in the Board of Directors Hearing Room, 500 West Ridgecrest Boulevard, Ridgecrest, California.

CALL TO ORDER

The Pledge of Allegiance was led by Vice-President Brown.

PLEDGE

DIRECTORS PRESENT: President Leroy H. Corlett
Vice-President Peter E. Brown
Director Donald J. Cortichiato
Director Margaret "Peggy" L. Breeden
Director Harold W. Manning (arrived at 9:32 a.m.)

ROLL CALL

DIRECTORS ABSENT: None.

ALSO PRESENT: Jim Worth, Attorney;
Tom Mulvihill, General Manager;
Larry DeGano, Operations Superintendent;
Jennifer Keep, Chief Financial Officer;
Reneé Morquecho, District Engineer;
Shawna McKnight, Summer Engineering Intern;
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 was posted on Tuesday, August 11, 2009.

CONFLICT OF INTEREST DECLARATION

**CONFLICT OF
INTEREST**

None.

PUBLIC QUESTIONS AND COMMENTS

**PUBLIC
COMMENTS**

Public Don Decker of 625 W. Ward, Ridgecrest, made comments regarding drawdown in the valley.

SOLAR MILLENNIUM MEMORANDUM OF UNDERSTANDING

**SOLAR
MILLENNIUM
MOU**

The Board of Directors reviewed and discussed the changes presented in the draft Solar Millennium Memorandum of Understanding dated August 12th.

Director Breeden's discussion included the following: clarification on the impact of the District if Solar Millennium does not complete the project.

Director Cortichiato brought up several issues: typographic errors and formatting, definition of off-site and on-site facilities vs. facilities, and whether booster pumps are included in the facilities. Director Cortichiato liked the changes that were made on the draft presented and complimented everyone who worked on the changes on such short notice.

Vice-President Brown and Director Manning are happy with the August 12th draft as presented.

President Corlett voiced concerns that the MOU is agreeing to supply water to Solar Millennium for 30 years and the District does not give that same guarantee to the District's customers. Jim Worth responded that there is no priority or guarantee of water over the other customers. Director Cortichiato informed the Board that it is in the District's charter to supply any customer of the District with water.

President Corlett asked if the District is in compliance with the State Water Code Section 10910. Jim Worth responded that Solar Millennium's project is not subject to a water supply assessment. President Corlett's concern was that at the federal level they have already started fast tracking the environmental process and feels things will get skipped over and the District must cover them now. Jim Worth responded that he is not aware of any short cuts with the California Environmental Quality Act. Nicole Tennenbaum, Solar Millennium Senior Project Manager, informed the Board that the environmental process will be streamlined, but Solar Millennium is still required to go through all of the state requirements as others do. Solar Millennium will be doing all of the environmental reports and everyone will have an opportunity to comment.

President Corlett asked why a regular will-serve letter would not suit their purpose? Tom Mulvihill responded that staff made the decision to go through the MOU process, develop an agreement, and then do the will-serve letter because of the size of the project, the scope of the proposed District facility improvements, and the need for annexing the Solar Millennium project site.

Public speaking to the Board regarding the Solar Millennium project were Don Decker, 625 W. Ward, Ridgecrest and Howard Auld, 641 Mamie, Ridgecrest.

Public Don Decker presented to the Board his own MOU for the Solar Millennium project.

President Corlett asked staff why the mitigation measures were not included in the MOU. Tom Mulvihill responded that the mitigation measures are being requested by the California Energy Commission. Mr. Mulvihill was requested by Solar Millennium to offer concepts of what mitigation measures could be and three were offered.

Public Howard Auld suggested to Solar Millennium to use treated waste water. Nicole Tennenbaum responded that it would not be feasible for

them to use treated waste water due to the length of the pipeline and the cost of a treatment facility.

With no further discussion or comments the following motion was made:

MOTION: was made by Vice-President Brown and seconded by Director Cortichiato, to approve the August 12th draft Memorandum of Understanding with Solar Millennium as presented. The Motion was carried, unanimously. (Vote 5-0)

Director Breeden asked if the District has reasonable ability to review the Solar Millennium project before the environmental impact report, specifically regarding mitigation. Jim Worth responded that discussion can begin with Solar Millennium at any time. Tom Mulvihill offered to put Mitigation with Solar Millennium on the next Water Management Committee Meeting Agenda.

CITY OF RIDGECREST DRAFT GENERAL PLAN

**CITY OF
RIDGECREST
GENERAL
PLAN**

Director Breeden recently attended a City Planning Commission meeting. With regards to the City developing a water management plan, an attendee at the meeting suggested that the City be in support of the District's Water Management Plan and not develop their own water management plan. Director Breeden agreed. Tom Mulvihill suggested staff review the draft City of Ridgecrest General Plan, specifically pertaining to water, and meet with the City.

BOARD COMMENTS/FUTURE AGENDA ITEMS

**BOARD
COMMENTS**

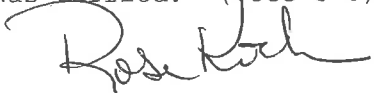
None.

ADJOURNMENT

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned with the following Motion:

MOTION: was made by Vice-President Brown and seconded by Director Cortichiato adjourn the meeting at 10:31 a.m. The Motion was carried. (Vote 5-0)



Rose Koch
Recording Secretary

APPROVED: September 14, 2009