

MINUTES OF THE SPECIAL BOARD MEETING

BOARD OF DIRECTORS  
INDIAN WELLS VALLEY WATER DISTRICT

October 2, 2009

The Special Meeting of the Board of Directors of the Indian Wells Valley Water District was called to order by President Corlett at 11:03 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 Jim Worth.

**PLEDGE**

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

**ROLL CALL**

DIRECTORS ABSENT:       None.

ALSO PRESENT:           Jim Worth, Attorney;  
                                  Tom Mulvihill, General Manager;  
                                  Larry DeGano, Operations Superintendent;  
                                  Reneé Morquecho, District Engineer;  
                                  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 Thursday, October 1, 2009.

**CONFLICT OF INTEREST DECLARATION**

**CONFLICT OF  
INTEREST**

None.

**PUBLIC QUESTIONS AND COMMENTS**

**PUBLIC  
COMMENTS**

None.

**SOLAR MILLENNIUM AGREEMENT**

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MILLENNIUM  
AGREEMENT**

The Board approved an agreement with Solar Millennium in August to answer their request for a will-serve letter. Because of the extensive amount of facilities that are being required for construction and that the project site is located outside the District boundaries, staff worked on an agreement and brought it to the Board for approval in August. The Board approved the agreement, but it was not signed and executed. Solar Millennium had issues with some of the language that was in the agreement. Staff and the District's legal counsel met via conference call to review requested changes to the agreement. The agreement has been revised and is being brought forward for approval by the Board. Revisions included were clarifica-

tion on a few items for the benefit of Solar Millennium and definitions were tightened up. The primary concern of the Board was to treat Solar Millennium the same as other developers. Solar Millennium is being treated the same but in some respect is being treated more strict than other developers. There is no other customer in this District that has a maximum amount of water use written into their will-serve letter or an agreement that will expire in 30 years.

Jim Worth reviewed the entire revised agreement and explained each change.

Public asking questions and commenting on the project included Don and Judie Decker, 625 W. Ward, Ridgecrest; Annette DeMay, 222 Strecker, Ridgecrest; and Sophia Merk of National Public Lands News.

President Corlett inquired why mitigation was not included in the document. Nicole Tennenbaum replied that there are many agencies involved. Ms. Tennenbaum has been discussing options with Tom Mulvihill and recommendations will be made to the California Energy Commission (CEC). Solar Millennium will be obligated to the mitigation determined by the CEC.

Director Cortichiato thanked staff on working on the agreement diligently.

MOTION: was made by Director Cortichiato and seconded by Vice-President Brown to approve the agreement with Solar Millennium as presented.

Tom Mulvihill spoke with Glenn Harris of the Bureau of Land Management (BLM) for clarification of the environmental study. Mr. Harris informed Mr. Mulvihill that the BLM will be the lead agency under the National Environmental Policy Act (NEPA). Regardless of what the State of California requires, the BLM will perform an Environmental Impact Statement (EIS) which will be equivalent to a full Environmental Impact Report under California Environmental Quality Act (CEQA).

Director Cortichiato mentioned that the Board has been in favor of solar energy. Concerns were addressed regarding wet-cooling vs. dry cooling. A significantly less amount of water will be used with the decision to use dry-cooling technology. Director Cortichiato sees many benefits to the Indian Wells Valley and state. The pipeline will be an asset to the District. The project will create jobs for construction and operation. He views the water being used efficiently to create energy which will help our state and country. He believes the mitigation being discussed is going to be an asset to the valley. Director Cortichiato commends everyone who has worked on this project.

Director Breeden addressed the fairness issue which is very important to her. She has researched the Solar Millennium website along with the California Energy Commission's website. She read a statement from the CEC website, "The California Energy Commission is a lead agency for licensing thermal power plants 50 mega-watts or larger under the California Environmental Quality Act and has a certified regulatory program under CEQA. Under its certified program the CEC is exempt from having to prepare an environmental impact report. Its certified program, however, does require environmental analysis of the project

including the analysis of alternatives, mitigation measures to minimize any significant effects the project may have on the environment." Director Breeden was concerned that the District would not have the opportunity to make comments and make an impact if necessary. The agreement is a letter to serve water and does not permit the project.

Director Cortichiato commented that Tom Mulvihill put it into perspective. This is not the first or the only project that has proposed using this amount of water. A major housing development uses this amount of water. Director Cortichiato also commented that he has read Letters to the Editor commenting that Solar Millennium is a German company. It may be a foreign company, but with offices in America. We are in a global economy and need to participate.

President Corlett expressed concerns toward Solar Millennium's commitment for mitigation. Nicole Tennenbaum assured President Corlett that Solar Millennium is committed to the mitigation process for water use.

Motion was carried, unanimously. (Vote 5-0)

**RESOLUTION 09-10**

**RESO 09-10**

Resolution 09-10 was presented to rescind Resolution 09-09 and in the matter of the public interest and necessity requiring the acquisition of certain real property and directing the filing of eminent domain proceedings (affecting APN's 343-452-05 and 343-452-06). Jim Worth explained that the Board voted and passed Resolution 09-09 with a 3-0 vote with 2 abstentions due to perceived conflicts of interest. Resolution 09-09 required two-thirds vote to pass. After reviewing the reasons for the perceived conflicts of interest, they were determined not to be in conflict.

MOTION: was made by Vice-President Brown and seconded by Director Cortichiato, accepting Resolution 09-10 as presented, to rescind Resolution 09-09 and in the matter of the public interest and necessity requiring the acquisition of certain real property and directing the filing of eminent domain proceedings (affecting APN's 343-452-05 & 343-452-06).

The Motion was carried, by the following roll call vote:

Director Breeden:	Yes
Director Cortichiato:	Yes
Director Manning:	Yes
President Corlett:	Yes
Vice-President Brown:	Yes

**BOARD COMMENTS/FUTURE AGENDA ITEMS**

**BOARD  
COMMENTS**

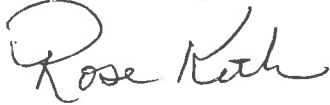
President Corlett announced that the Desert Mountain Resource Conservation and Development Council is having their 10<sup>th</sup> anniversary barbecue at LeRoy Jackson Park today and everyone is invited.

**ADJOURNMENT**

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With no further business to come before the Board, the meeting was adjourned by consensus at 12:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rose Koch". The signature is written in black ink and is positioned below the typed name.

Rose Koch  
Recording Secretary

**APPROVED:** October 13, 2009