

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

GROUNDWATER SUSTAINABILITY ACT COMMITTEE
MEETING MINUTES

THURSDAY, APRIL 27, 2017 – 2:00 P.M.

BOARD ROOM
500 W. RIDGECREST BLVD., RIDGECREST

Attendees: Peter Brown, Chuck Griffin, Don Zdeba, Renée Morquecho, and Jennifer Keep
Teleconferencing in was Indian Wells Valley Water District's attorney James Worth

1. Call to Order

The meeting was called to order at 2:03 p.m.

2. Committee/Public Comments

Public making comment was Stan Rajtora who asked if an item could be put on the next IWVGA Board meeting to hire a hydrogeologist to sit on the Technical Advisory Committee (TAC).

Peter Brown expressed that he believed the existing TAC with the Indian Wells Valley Cooperative Groundwater Management Group would become the new IWVGA TAC.

Judie Decker asked what the criteria was for whom the Board picks as a representative on the committees. Peter Brown replied that it would be up for discussion after the first round of applications was received.

Chuck Griffin expressed concern about who would be approving the applications and what the process would be. Mr. Griffin hopes that the Water District would have some say in who is picked for the positions.

Peter Brown stated after the Bylaws are established that the lawyers should step way back and allow the committees and Board to function. Peter Brown showed favor of the Board reviewing the Bylaws annually, as did several public members.

Patricia Farris also expressed concern that the criteria for the PAC members was not established prior to accepting applications. Ms. Farris asked why no applications for the TAC were available. Don Zdeba clarified that a TAC application will be developed.

Peter Brown stated that it has been decided that the IWVGA TAC will be an open meeting in accordance with the Brown Act.

Sophia Merk submitted a letter for the record which will be attached.

Jeanette Francis asked for clarification on the criteria for the PAC, how she would apply, what the description of the job is, and what the process is. Mr. Brown answered that to his understanding it will be published in the newspaper. Don Zdeba commented that the responsibilities will be in the Bylaws which have already been approved with the exclusion of Article 5. James Worth added that a lot of the criteria will be contained within the application.

3. Indian Wells Valley Groundwater Authority

Chuck Griffin was concerned that Eastern Kern Resource Conservation District (EKCRCD) was not appointed last night. Mr. Griffin thought that EKCRCD and Searles Valley were going to be appointed. Agricultural needs to be defined in terms of “large” and “small.”

Stan Rajtora submitted a redline version of the Bylaws, as well as a list of the key issues with the Bylaws. Documents will be attached.

Mike Neel asked that the Board read Stan Rajtora’s comment sheet. Mr. Neel also stated that if there is another Workshop that different approaches be taken. That public be allowed to speak for as long as needed without pressure from the facilitator. Several of the public members agreed with Mr. Neel’s statement and felt it was handled unfairly.

Patricia Farris asked for the record to show that there were a lot of concessions made for everyone at last night’s Workshop. Ms. Farris also doesn’t think that the Bylaws should be vague at all because it is setting something in motion. It’s best to iron things out now before going further.

James Worth stated that the Board reached out to Meadowbrook and Mojave Pistachio and feels that there should be a lot more stakeholder relationships such as that.

Sophia Merk commented that she felt that the recount of last night’s workshop, which was done by staff regarding the public’s concerns that were mentioned, did not reflect all that was said by public.

4. Water Conservation

Jennifer Keep reported on the Water District’s conservation efforts stating that there have been seven more leak reports received, seven contacts were made which concluded in two formal warning actions sent and two penalty fees being issued. The Cash for Grass program is still in effect and 93 yards have been converted. There are 21 pending applications, and 45 yards were approved to stop watering.

There are three Water District XERIC[®] Ambassador consultations that we have been received and successfully processed. Last month, the District decided to send new applicants a packet which they are able to go through and then contact the District to schedule a consultation with a XERIC[®] Ambassador.

Peter Brown suggested in the future the Water District look into Smart Timers for irrigation.

5. Future Agenda Items

None.

6. Adjournment

The meeting was adjourned at 3:20 p.m.

April 27, 2017

Indian Wells GSA
In care of Indian Wells Valley Water District

Dear Board Members

Thank you for the opportunity to have the workshop meeting. Due to the poor microphone and the rush to get through, my voice was not heard last night.

I completely agree with the changes that were made by the audience last night (what I could hear) and concur with the document submitted as the Ridgecrest Panel.

The changes to the diagram with arrows need to be submitted, with edits from last night's workshop.

I disagree with Board Member Peter that stated he only heard that the structure of the PAC needs to be changed. Ms Oviatt needs to be on the PAC (as Kern County Environmental and Planning) as she understands many of the definitions, i.e. small, medium and large acreage. However, the comment that Doreen made about one well for many acres, needs to be better evaluated. For instance, I have five acres, no well and no IWV ready to serve at my house. I have only a stand up pipe that I drive to.

Due to some of the changes that were proposed last night (some vetted by a straw vote) and submitted by the Ridgecrest Panel, I believe it will have some impact on Section 3 and this needs to be changed for conformity. Please see previous edits.

I would also like to add with a special thanks to San Bernardino Representative Bob Page, and I previously had submitted it:

Disadvantage Communities and Tribes.

They are mandated by SIGMA. I also have one other category that needs to be vetted and added at the Board's discretion.

Domestic Rural Water Haulers. As a group, we are not mentioned, we are definitely in the minority, we use less per capita and we pay more per gallon of water.

Thank you for your acceptance of this letter.

Sophia Anne Merk (Sam)
Domestic Rural Water Hauler
2062 S Mikes Trail Road
Ridgecrest, California 93555
samnplnews@yahoo.com
760-793-0050



Cc: Ridgecrest City Council

The group of citizens I worked with came up with 46 deletions, changes, or combination thereof. We have attempted to consolidate the key issues into a group of seven primary concerns.

PRIMARY ISSUES:

1. The committee members are the most qualified individuals to select their leadership. This is the best way to foster cooperation and unity among the members.

The job of the Board is to select qualified individuals for the committees and then get out of their way so they can do their job. A chairman selected by the Board is going to have a conflict of interest from the start. The job of the chairman is to advance the mission of the committee; not attempt to advance the agenda of the Board.

2. The committee members are the most qualified people to initiate removal of a member. The members clearly know who is not contributing as well as who is obstructing progress.

The draft Article 5 has the Board responsible for removing committee members. That sends the wrong message to the committees. It is entirely unnecessary. The committee members need to feel empowered to say what they believe. They shouldn't have to keep looking over their shoulders. A required 4/5s vote of the committee and concurrence of the Board ensures no committee member will be removed arbitrarily.

3. Enforcement 'policy' aspects of the Board are a policy issue, and therefore must be within the purview of the PAC.

This issue has been discussed with Mr. Lemieux. We are in agreement that the PAC can be involved in the enforcement policy creation but not in the enforcement implementation. The words in Article 5 need to reflect that understanding.

4. PAC membership needs added clarification to give meaningful participation to all stakeholders.

Our markup clarified the definition of 2 constituent groups and added 2 constituent groups. Both Large Agriculture and Small Agriculture were clarified as to size requirements. Both 1 Medium Agriculture group was added, and 1 single-family resident owner was added. In addition, the prior 2 domestic well owner group was separated into 1 domestic well owner group and 1 mutual or co-op group. This was all done to give more meaningful stakeholder participation.

5. Both PAC and TAC application processes and qualifications need refinement.

The draft Article 5 gave no real qualifications for the PAC members although they are required to fill out an application, and although the TAC members are required to meet certain qualifications, they are not required to fill out an application. The Board has the responsibility to select qualified people for all committees. That requires all candidates fill out an application documenting their qualifications. Article 5 of the bylaws needs to reflect both the requirement for an application and the appropriate qualifications. The stakeholders have the right to understand the qualifications of the people giving advice to the Board.

6. The TAC needs to provide the Board with independent technical advice, and therefore has to have leadership independent of the Water Resources Manager.

The purpose of the TAC is to provide the Board, as well as the Water Resources Manager, with high quality technical advice. The mission of the TAC is better served by having leadership that is not tainted by the Water Resources Manager. There needs to be significant collaboration between the TAC and the Water Resources Manager, but the TAC needs to be independent with independent leadership. There needs to be a check and balance between the WRM and the TAC.

7. In order to have open and transparent governance both the PAC and the TAC need to have either monthly or biweekly meetings.

The best way to have open and transparent governance if for the PAC, the TAC, and the Board to have regularly scheduled meetings where the business of the stakeholders is performed in front of the stakeholders no less than monthly. That needs to be reflected in Article 5.

ARTICLE 5 COMMITTEES

(see review criteria and issue summary at end of document)

5.1 ESTABLISHMENT OF STANDING COMMITTEES. In accordance with Section 7.04 of the Agreement, the Board may from time to time establish standing committees for the purpose of making recommendations to the Board on the various activities of the Authority. The establishment of any standing committee and its general duties shall require a vote of the Board, and the activities of the standing committee shall be subject to the provisions of the Ralph M. Brown Act (California Government Code sections 54950, et seq.). Standing committees shall exist for the term specified in the action creating the committee and, the Board may dissolve a committee at any time through a vote of the Board.

5.2 CONDUCT OF STANDING COMMITTEES. All standing committee meetings shall be noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (California Government Code sections 54950, et seq.). ~~The Board shall appoint the respective committee chairs in consultation with the committee members, and the Board may further establish rules of conduct for said standing committees.~~ (C, D, E) The Board shall, in consultation with the committee members, establish a time and provide a place for regular meetings of any standing committee. The Board Chairperson may call a special meeting of a standing committee as the need arises. The Standing Committee's chairperson, vice-chairperson or three members may ~~make the request to the Board for calling~~ call (C, D, E) a special meeting. Standing committee meeting minutes shall be recorded and upon approval shall be distributed to the Board. Unless determined by General Counsel that a legal conflict, a public records exemption, or other privilege exists, standing committee members shall have access to and may inspect the records of the Authority, including, but not limited to, the accounting books and records and minutes of the proceedings of the Board and other committees of the Board, at any reasonable time. A designated representative of the committee member may make any inspection under this Section and the right of inspection includes the right to copy.

The affirmative vote of a majority of the quorum of standing committee members present at a standing committee meeting is necessary for the passage of any motion. The voting on all matters of the Board and Committees, including minute orders, resolutions and ordinances, shall be reported on the minutes and accomplished in a manner that readily signifies the action taken and the vote or abstention on that action of each member present for the action. All rules of order for a standing committee not otherwise provided for in these Bylaws shall be determined, to the extent practicable, in accordance with "Robert's Rules of Order;" provided, however, that no action shall be invalidated or its legality otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order." The Authority's General Counsel shall resolve all questions of compliance with "Robert's Rules of Order."

5.3 STANDING COMMITTEE MEMBERSHIP. Standing committee appointments ~~and removal~~ shall be made at the Board's discretion. ~~Removal of committee members, except for the PAC and the TAC, shall be made at the Board's discretion.~~ (C, D, E) Committee members shall appoint a chairperson and a vice-chairperson. (C, D, E)

5.4 STANDING COMMITTEE DIRECTION. The Board shall provide ~~direction,~~ **tasking** to its standing

committees ~~as to the tasks assigned to it~~, the expected duration for completion of a particular task, and a summary of the resources, including staff or consultant support available to the standing committee in performing the task. (C, D, E)

5.5 POLICY ADVISORY COMMITTEE. As authorized by California Water Code Section 10727.8, which provides that a "groundwater sustainability agency may appoint and consult with an advisory committee consisting of interested parties for the purposes of developing and implementing a groundwater sustainability plan," the Board hereby establishes a standing committee named the Policy Advisory Committee (PAC). The PAC is the primary advisory body to the Board on all policy-related matters of the Board ~~that are appropriate for the PAC input~~ (C, D, F). ~~The Board shall provide direction to the PAC and the~~ (C, D, E, G) PAC shall report directly to the Board. As set forth Section 5.9, the PAC shall be provided an opportunity to advise the Board on the development of the Indian Wells Valley Groundwater Sustainability Plan (GSP) including all components that, in the aggregate, comprise the GSP, including but not limited to substantive components required of a GSP under California Water Code Division 6, Part 2.74, Chapters 6 and 8, and under California Code of Regulations, Title 23, Division 2, Chapter 1.5, Subchapter 2 ("GSP Elements."), prior to the Board's approval of each GSP Element. Upon adoption of the GSP, the PAC shall continue to meet regularly ~~as provided by the Board~~ (C, D, E, F) and, where legally appropriate, advise the Board concerning the policy matters pertaining to the implementation of the GSP. **The PAC shall have the same role as stated above in all GSP updates.** (C, F, H) ~~In the event that the GSP is subject to modification, such modifications shall be made in accordance with these bylaws. The PAC shall not discuss or influence any enforcement aspects of GSP implementation, so as to avoid conflicts of interest and other legal limitations.~~ (C, D, E, F)

The PAC shall have regularly scheduled monthly meetings (A, F).

5.5.1 (F) POLICY ADVISORY COMMITTEE MISSION AND OBJECTIVES. The objectives of the PAC are to: (1) provide all water users in the Basin with a meaningful voice and representation on policy matters of the Board associated with SGMA; (2) work collaboratively for the benefit of the Basin as a whole; (3) provide input and recommendations to the Board, in collaboration with the Water Resources Manager, and other committees of the Board, in support of actions that facilitate bringing the Basin into compliance with SGMA; and (4) work in good faith to achieve consensus and make unified recommendations to develop a GSP, and for management actions to achieve groundwater sustainability in accordance with the requirements of SGMA.

5.6 POLICY ADVISORY COMMITTEE MEMBERSHIP. The Board shall appoint voting PAC members to the following constituent groups: (B)

2 representatives from Large Agriculture (greater than 500 acres)

1 representative from Medium Agriculture (40 acres to 500 acres)

1 representative from Small Agriculture (less than 40 acres)

1 representative from single-family resident owner

2 representatives from Business Interests

1 representatives (F) from Domestic Well Owners

1 representative from a Mutual Water group or Water co-op

1 representative from Eastern Kern County Resource Conservation District

1 representative from Wholesaler and Industrial User

Individuals seeking appointment to a voting position on the PAC must be a citizen of the United States that is at least 18 years of age and either a registered voter, landowner, or the authorized representative of a landowner in Indian Wells Valley Groundwater Basin. Individuals seeking membership to a voting position on the PAC must submit an application ~~which for Board review and action (F) will be reviewed and acted upon by the Board.~~ **The application should state the reason for applying and any unique qualifications for the position.** ~~However, since the Eastern Kern County Resource Conservation District is a public agency, its Board will be allowed to submit a request for the appointment of an individual from their agency. (F)~~

The Board shall also provide non-voting membership on the PAC for the following:

1 representative from the Indian Wells Valley Water District

1 representative from the Department of the Navy

1 representative from the Bureau of Land Management

1 representative from the Kern County Planning and Natural Resources Department (F)

~~Additionally, while not considered official members of the PAC and not holding any voting rights on matters before the PAC, one representative from Kern County Planning and Natural Resources Department shall be appointed to provide land use expertise. (F)~~

The public **agencies, (F)** entities, and Departments set forth above may request the appointment of a PAC member representative that is a member of their Board or organization.

The initial PAC membership shall be adopted by Authority Resolution. (F) ~~Having already conducted an application process and upon the proper and thorough review of the applications submitted, the Board has chosen the initial PAC membership set forth in Authority Resolution _____.~~ **S PAC membership and** said resolution may be amended in the future as **if** the need arises to reflect changes in PAC membership **stakeholder makeup. (F)**

5.7 POLICY ADVISORY COMMITTEE CHAIRPERSON AND VICE-CHARPERSON, AND

MEMBERSHIP TERMS. ~~The Board shall appoint a PAC Chairperson in consultation with and based upon nominations made from the PAC. (F) The PAC shall appoint a PAC Vice-chairperson. (F)~~ The non-voting members of the PAC and the Eastern Kern County Resource Conservation District may change their PAC member representatives without Board approval. All other changes in PAC membership shall require Board approval. ~~Changes in individual PAC members should generally coincide with the annual membership review process. (D, F)~~ In the event that a PAC member needs to step down outside of this timeframe, the member should notify the PAC Chair (or, as warranted, the Vice-Chair) in writing of the need for change no less than two weeks prior to the next PAC meeting. If the member desires, they may provide a recommendation to the Board on replacement member to the PAC.

The initial term of PAC member representatives shall be until the GSP is completed and approved by

DWR. Subsequent terms shall be two years, culminating at the end of a calendar year.

PAC members may be removed from their positions with a four-fifths vote of the PAC and concurrence of the Board. (C, D)

5.8 POLICY ADVISORY COMMITTEE ROLES AND RESPONSIBILITIES. The PAC, in consultation with the Water Resources Manager, shall be tasked by the Board to (C, D, G) develop non-binding proposals on policy matters pertaining to each GSP Element ("PAC Proposals"). The PAC shall strive for consensus in all of its decision-making, particularly when crafting PAC Proposals. If the PAC is unable to reach consensus, the range of opinions provided, including areas of agreement and disagreement, will shall (F) be documented in meeting summaries ("PAC Meeting Summaries"). PAC Proposals and PAC Meeting Summaries shall be submitted to the Water Resources Manager for initial review and comment. After considering all comments provided by the Water Resources Manager, and incorporating such comments to the extent deemed appropriate by the PAC, the PAC shall submit final PAC Proposals and any final PAC Meeting Summaries to the Board for consideration. If the PAC deems it inappropriate to include any comments or concerns of the Water Resources Manager, the PAC will shall (F) provide the Board with a detailed (E, F) reasoning to support of its determination.

The Board shall consider all PAC Proposals and PAC Meeting Summaries, as well as any technical information and reports provided by the TAC and the (F) Water Resources Manager that are requested by the Board, and after such consideration, the Board shall make a final approval of each GSP Element and direct the Water Resources Manager to prepare the GSP Element in accordance with the Board's approval.

5.9 PAC ATTENDANCE. PAC member representatives must regularly attend all meetings of the PAC. PAC member representatives who regularly miss PAC meetings may be removed by the action of the Board. (F) PAC member representatives agree to: ~~(1) arrive at each meeting fully prepared to discuss the issues on the agenda, where such preparation includes reviewing meeting minutes, policy information, and draft documents distributed in advance of each PAC meeting; (2) present and represent the views of their constituent group on the issues being discussed and be willing to engage in respectful, constructive dialogue with other members of the PAC; (3) develop a problem-solving approach in which they consider the interests and viewpoints of all stakeholders in the Basin; (4) keep their constituent group informed about ongoing issues and actively seek their input; and (5) pursue the PAC's purpose and goals and support GSP implementation. An individual appointed by the Board shall prepare written minutes of all PAC meetings, which shall be available for public inspection once reviewed and approved by the PAC.~~ PAC members shall: (1) arrive at each meeting fully prepared to discuss PAC business, (2) represent the views of their constituent group on the issues being discussed, (3) demonstrate a willingness to consider the interests and viewpoints of all stakeholders in the Basin, (4) keep their constituent group informed about ongoing issues and actively seek their input, and (5) support GSP implementation. An individual appointed by the Board shall prepare written minutes of all PAC meetings, which shall be available for public inspection once reviewed and approved by the PAC.

5.10 TECHNICAL ADVISORY COMMITTEE. The Board hereby establishes a standing committee named the Technical Advisory Committee (TAC), which will The TAC shall (F) assist the Water

Resources Manager in the preparation of the GSP and will work collaboratively with other committees of the Board. ~~The Water Resources Manager shall act as the Chair for the TAC and shall ensure that the TAC meets as needed to provide technical assistance in the preparation and review of each GSP Element.~~ The Water Resources Manager shall be the Administrative Advisor for the TAC and provide technical assistance as needed. The TAC shall have regularly scheduled monthly meetings. The Chair shall call additional meetings if they are needed to meet the GSP schedule. (A, F)

5.11 TECHNICAL ADVISORY COMMITTEE MEMBERSHIP. ~~The Water Resources Manager shall be the Chair of the TAC.~~ The TAC shall be comprised of individuals representing PAC members, PAC membership categories and the interests of the Basin landowners and water users. ~~Members of the TAC must have a formal education and experience in a groundwater related field and an understanding of the technical aspects of the Basin or similar groundwater basins in California.~~ (F) Each member of the PAC may nominate one member of the TAC for review and possible approval action (F) by the Board. The Board may also appoint members to the TAC that are not affiliated with any PAC members to ensure proper stakeholder representation. The initial TAC membership shall be adopted by Authority Resolution. ~~§ TAC membership and~~ said resolution may be amended in the future as the need arises to reflect changes in appointment of TAC representatives consistent with these Bylaws. ~~to provide additional technical expertise.~~ (F) The initial term of membership for the TAC shall be until the GSP is completed and approved by DWR. Subsequent terms of membership shall be two years, culminating at the end of a calendar year.

Members of the TAC must have a formal education and experience in a groundwater related field and an understanding of the technical aspects of the Basin or similar groundwater basins in California. ~~Individuals seeking membership to a voting position on the TAC must submit an application for Board review and action. The application should state applicant's background and qualifications.~~ (F)

~~TAC members may be removed from their positions with a four-fifths vote of the TAC and concurrence of the Board.~~ (C, D)

5.12 TECHNICAL ADVISORY COMMITTEE ROLES AND RESPONSIBILITIES. As required by law and as directed by the Board, the Water Resources Manager shall be responsible for the preparation of each technical element of the GSP. The Water Resources Manager shall present each technical element of the GSP to the TAC, in draft, and afford the TAC a reasonable opportunity to review and conduct a thorough evaluation prior to finalization of that technical element. ~~In the course of evaluating each draft technical element of the GSP, the~~ The TAC review (F) shall strive for consensus in preparing written recommendations to the Water Resources Manager ("TAC Proposals"). The TAC shall submit its TAC Proposals to the Water Resources Manager, as well as written summaries of the range of TAC comments reflecting any areas of disagreement for consideration in the final preparation of any GSP Element. In the event that any TAC member disagrees with any proposed GSP element following discussion discussion (F) with the Water Resources manager, that member (or members) may submit a written analysis and objection to the Board no later than 72 hours before that GSP element is considered by the Board. ~~In the event that the GSP is subject to modification, such modifications shall be made in accordance with these bylaws.~~ The TAC shall have the same role as stated above for all GSP updates. (F, H) The TAC

shall not discuss or influence any enforcement aspects of GSP implementation, so as to avoid conflicts of interest and other legal limitations.

REVIEW CRITERIA

- A. All GSA activity should be open, transparent, and welcoming to the stakeholders.
- B. All valley stakeholders should be represented on the PAC.
- C. Both the PAC and the TAC need to have 'meaningful participation' in the GSA process.
- D. Both the PAC and the TAC need to have reasonable autonomy within the GSA process.
- E. Conflict of interest between decision makers and policy and technical advisors should be avoided where possible.
- F. All language should be as clear, concise, and unambiguous as possible.
- G. Board, PAC, TAC, WRM and GSP requirements should be listed under their respective bylaw sections.

Language not deleted should be moved to the appropriate bylaw section.

- H. Bylaws need to address both the GSP and GSP updates.

PRIMARY ISSUES SUMMARY

1. The committee members are the most qualified individuals to select their leadership. This is the best way to foster cooperation and unity among the members.
2. The committee members are the most qualified people to initiate removal of a member. The members clearly know who is not contributing as well as who is obstructing progress.
3. Enforcement aspects of the Board are a policy issue, and therefore must be within the purview of the PAC. Conflict of interest issues can be addressed by either membership control or Board counsel disqualifying a member from a specific action.
4. PAC membership needs added clarification to give meaningful participation to all stakeholders.
5. Both PAC and TAC application process and qualifications need refinement.
6. The TAC needs to provide the Board with independent technical advice, and therefore has to have leadership independent of the Water Resources Manager.
7. In order to have open and transparent governance both the PAC and the TAC need to have either monthly or biweekly meetings.