

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS OF  
ARVIN-EDISON WATER STORAGE DISTRICT  
December 14, 2021**

In accordance with the September 16, 2021 Senate Bill 361, which adds to the Brown Act relaxed teleconference rules similar to those in effect under the Governor's Executive Order N-29-20, this meeting was conducted at 20401 East Bear Mountain Blvd., Arvin, CA 93203 and Via WebEx/Remotely.

**CALL TO ORDER**

Following the conclusion of the "Sexual Harassment" Training, President Edwin Camp called to order the monthly meeting of the Board of Directors of the Arvin-Edison Water Storage District at the hour of 12:03 p.m., with a quorum being then and there present, to wit:

Edwin Camp, President (Via WebEx)  
Jeffrey Giumarra, Vice President (Via WebEx)  
John Moore, Secretary-Treasurer  
Catalino Martinez  
Dennis Johnston  
Catherine Fanucchi  
Derek Yurosek  
Matthew Vickery  
Brian Kirschenmann (Via WebEx)

District staff:

Jeevan Muhar, Engineer-Manager  
David Nixon, Deputy General Manager  
Fernando Ceja, District Engineer  
David Grant, Controller\*  
Mark Dawson, Engineer\*  
Micah Clark, Engineer Technician\*

District consultants:

Scott Kuney, Esq., Law Offices of Young Wooldridge, LLP\*\*  
Jerry Pearson, Esq., Law Offices of Young Wooldridge, LLP\*  
Randy Hopkins Provost & Pritchard Engineering Group (Via WebEx)\*  
Annona Dutton, EKI consultants, Inc. (Via WebEx)\*  
Matt Adams, Esq., (Via WebEx)\*

Visitors and Guests:

John Gaugel, Wonderful Orchards (Via WebEx)

**PLEDGE OF ALLIGIANCE**

The pledge of allegiance was recited.

**RECOGNITION OF VISITORS AND GUESTS**

All visitors were recognized and formally introduced.

Note:        \*Departed at the start of Closed Session at 2:10 p.m.  
              \*\*Portion of Closed Session Only

CORRECTIONS OR ADDITIONS TO THE AGENDA OF ITEMS, AS AUTHORIZED BY GOVERNMENT CODE §54950 et seq.

Mr. Muhar stated a minor change to the posted Agenda, which was to remove the word "Draft" from Item 12 (Final Budget).

OPPORTUNITY FOR PUBLIC COMMENT (Government Code §54854.3)

There was no public comment(s).

CONSENT AGENDA

President Camp asked if there were any questions concerning the Consent Calendar, which items were detailed with staff reports in the board packet(s). Director Yurosek asked that Consent Agenda Item 10 be pulled for questions. The following is the list of Consent Agenda items:

- CA-1) **Agenda Item 6:** Approval of the Board of Directors' meeting dates for Calendar Year 2022
- CA-2) **Agenda Item 7:** Resolution No. 21-34, RENEWING USE OF REMOTE TELECONFERENCE MEETING UNDER SB361
- CA-3) **Agenda Item 8:** Approval of Minutes of Board of Directors' meeting held on November 9, 2021
- CA-4) **Agenda Item 9:** Approval of Treasurer's Report for November 30, 2021 and Unaudited Internal Financial Statements for Period Ending October 31, 2021

Director Fanucchi motioned, seconded by Director Johnston, and unanimously carried to approve the four (4) Consent Agenda items by the following vote to wit:

Ayes: Camp, Giumarra, Moore, Johnston, Fanucchi, Vickery,  
 Martinez, Yurosek, and Kirschenmann  
 Nos: None  
 Abstain: None  
 Absent: None

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ACTION ITEMS

CONSIDERING APPROVAL OF MEMBERSHIPS, CONTRIBUTION, AND/OR CALL FOR FUNDS

Mr. Nixon presented the 2021 California Water Coalition (CWC) membership in the amount of \$17,745. Director Yurosek inquired as to the amount of \$10,000. President Camp then asked for the amount history and purpose of the CWC, which Mr. Muhar stated the recommended amount is consistent with prior annual amounts committed by the district, and the purpose of the CVC is to raise agriculture and water awareness, provide social media responses aimed against agriculture and water, and has the "Food Grows Where Water Flows"

campaign. Mr. Nixon also presented the 2021 Kern Agriculture Foundation in the amount of \$250. There was a brief discussion and Director Moore motioned, seconded by Director Fanucchi and by the following vote to wit approved the membership to CWC in the amount of \$10,000 and the Kern Ag Foundation in the amount of \$250:

Ayes: Camp, Giumarra, Moore, Johnston, Fanucchi, Vickery,  
Martinez, Yurosek, and Kirschenmann  
Nos: None  
Abstain: None  
Absent: None

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Resolution No. 21-35, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS  
(November 2021 - Warrant Numbers 44278-44434)

Mr. Grant reviewed the information contained in the board packet and noted additional disbursements in the amount of \$320K, which brings the total November disbursements to approximately \$5M. There was a discussion about the State Board fees and Mr. Nixon responded to Director Fanucchi's question about card services.

Mr. Grant then presented a form of Resolution; whereupon, Director Martinez motioned, seconded by Director Yurosek, and unanimously carried by the following vote to wit; approved Resolution No. 21-35, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (November 2021). A copy of Resolution No. 21-35, is on file in the Resolution book and is hereby made a part of these minutes.

Ayes: Camp, Giumarra, Moore, Johnston, Fanucchi, Vickery,  
Martinez, Yurosek, and Kirschenmann  
Nos: None  
Abstain: None  
Absent: None

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CONSIDER APPROVAL OF FINAL WATER YEAR 2022-23 BUDGET AND WATER CHARGES

Mr. Grant reviewed the contents of the Final 2022 Water Year Budget with mention of recent changes from the draft presented last month and proposed rates referenced in the budget packet with several key assumptions including full deliveries in 2022, increase of \$19/acre-foot in average groundwater pumping cost from \$189 to \$208 per acre-foot; the General Administrative and General Project Service (GA&GP) charges to be increased by \$3.00/per acre to offset potential new debt service; the proposed dual "Standby" charges of a) \$100/acre during Unrestricted Allocation months that is offset by water use or b) current range of \$5/acre to \$19/acre applied to contract acreage during a Prorate period of 1.1 to 1.0 acre-feet/acre, respectively. Mr. Muhar noted no changes from the draft "Water Use" Charges of \$8/af increase from \$115/af to \$123/af, increasing the Energy Charge for the first lift by \$3/af from \$47/af

to \$50/af, and increasing the Energy Charge for the second and all additional lifts by \$4/af from \$17/af/lift to \$21/af/lift.

There was discussion regarding a no GA&GP increase option, reserve levels, the FKC Middle Reach Project, finance plan, debt payments and a capital improvements project plan.

Director Fanucchi motioned, seconded by Director Johnston, and unanimously carried by the following vote to wit; to approve the Final Water Year 2022 Budget and rates, and to notify all landowners/water users:

Ayes: Camp, Giumarra, Moore, Johnston, Fanucchi, Vickery, Martinez, Yurosek, and Kirschenmann  
Nos: None  
Abstain: None  
Absent: None

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**RESOLUTION NO. 21-36, FIXING SURFACE WATER SERVICE AREA, WATER SERVICE CHARGES FOR THE 2022-2023 WATER YEAR; CONSISTING OF BOTH A "STANDBY" CHARGE FOR UNRESTRICTED AND DROUGHT RESTRICTED SCENARIOS, AND "WATER USE" CHARGE; ORDERING THAT SAID CHARGES BE COLLECTED UNDER THE TERMS AND CONDITIONS AS SET FORTH IN THE WATER USER CONTRACTS, WITH THE DISTRICT'S WATER USERS AND CONTRACTORS; AND THE DISTRICT'S "RULES AND REGULATIONS FOR THE DISTRIBUTION OF WATER AND THE DELIQUENT CHARGES AND PENALTIES SHALL CONSTITUTE A LIEN UPON THE AFFECTED REAL PROPERTY AS SET FORTH IN SAME**

Mr. Nixon presented a form of Resolution; whereupon, Director Martinez motioned, seconded by Director Yurosek, and unanimously carried by the following vote to wit; approving Resolution No. 21-36, FIXING SURFACE WATER SERVICE AREA, WATER SERVICE CHARGES FOR THE 2022-2023 WATER YEAR; CONSISTING OF BOTH A "STANDBY" CHARGE FOR UNRESTRICTED AND DROUGHT RESTRICTED SCENARIOS, AND "WATER USE" CHARGE; ORDERING THAT SAID CHARGES BE COLLECTED UNDER THE TERMS AND CONDITIONS AS SET FORTH IN THE WATER USER CONTRACTS, WITH THE DISTRICT'S WATER USERS AND CONTRACTORS; AND THE DISTRICT'S "RULES AND REGULATIONS FOR THE DISTRIBUTION OF WATER AND THE DELIQUENT CHARGES AND PENALTIES SHALL CONSTITUTE A LIEN UPON THE AFFECTED REAL PROPERTY AS SET FORTH IN SAME. A copy of Resolution No. 21-36, is on file in the Resolution book and is hereby made a part of these minutes:

Ayes: Camp, Giumarra, Moore, Johnston, Fanucchi, Vickery, Martinez, Yurosek, and Kirschenmann  
Nos: None  
Abstain: None  
Absent: None

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**CONSIDER APPROVAL OF TASK ORDER FOR DEVELOPMENT OF GROUNDWATER MODEL AND OPERATIONAL SUPPORT TOOL (\$598k)**

Mr. Muhar noted this Groundwater Model and Operational Support

Tool was introduced to the Board in October 2021, and Board requested a staff report related to various benefits to the district, which was included in the board packet. Mr. Muhar noted the Task Order (\$598K) would be phased over a three (3) year period with the amount of \$300K in the 2022 Budget. There was a discussion and Director Martinez motioned, seconded by Director Giumarra, and it was unanimously approved by the following vote to wit:

Ayes: Camp, Giumarra, Moore, Johnston, Fanucchi, Vickery,  
Martinez, Yurosek, and Kirschenmann  
Nos: None  
Abstain: None  
Absent: None

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**REPORT ITEMS**

**FRIANT DIVISION AND FRIANT WATER AUTHORITY (FWA)**

**Friant-Kern Canal Subsidence (FKC)**

Mr. Muhar noted the information in the Board packet and highlighted that the Friant-Kern Canal construction was issued a "Notice to Proceed" to Brosamer & Wall/Tutor Perini Joint Venture, with right of way clearing in January 2022 and dirt work to begin in February 2022. Mr. Muhar also noted the federal infrastructure bill has potential for money related to federal canals but also a slew of many other potential district projects and staff continues to track projects along the FKC that have the potential to impact AEWS D deliveries as a result of water quality and subsidence.

**Friant Retreat**

Mr. Muhar and Director Giumarra provided an update on the Friant Retreat held on November 15 through 17, 2021 (detailed report in board packet), which included an update on the Blueprint and San Joaquin Valley Collaborative Action Plan (CAP). The Board requested more information regarding the CAP including time commitment from staff.

**AGENCY/AUTHORITY/COMMITTEE REPORTS**

**Kern Groundwater Authority (KGA)**

Director Yurosek and Mr. Muhar attended the KGA Board of Directors' meeting held on November 17, 2021 as outlined in the board packet.

Ms. Dutton provided a presentation on the Department of Water and Resources (DWR) and State Board reviews of various GSPs.

Mr. Muhar further noted the district has completed its GSA request to DWR and is currently working on an agreement with Wheeler Ridge-Maricopa Water Storage District regarding management of the

overlap lands and staff is working on a "white land" rate structure for nearly 1,800 acres (currently paid an initial rate of \$10/per acre).

#### **White Wolf Groundwater Sustainability Agency (WWGSA)**

Director Martinez, Director Giumarra and AE staff, attended the December WWGSA Board of Directors' meeting with information being provided in their board packets.

#### **Power and Water Resources Pooling Authority (PWRPA)**

Mr. Muhar noted information is provided in their board packets.

#### **Kern County Water Agency - Cross Valley Canal**

Mr. Muhar provided an update on the Cross Valley Canal budget of \$9.2M approved, of which \$700K is Arvin's share and is in the current budget previously presented.

#### **STAFF REPORTS**

##### **District Operations**

Mr. Ceja reviewed year-to-date delivery summary, in-district demand, wellfields, groundwater and surface supplies for the year, groundwater level information and recent rainfall/snowpack info.

##### **Annual Sick Leave and Vacation Payoff**

Mr. Nixon presented the amount of annual sick leave and vacation payoff amounts as stated in the Employees Handbook (Section 12 & 13).

#### **CORRESPONDENCE**

Mr. Muhar noted a legislative update from FWA.

#### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL**

Legal Counsel Kuney then advised the Board he would like to discuss existing litigation, and anticipated litigation, namely: Potential Litigation (Two Items); AEWS vs. J.R. Simplot, et al; PG&E WDT3 Rate Case, ER20-2878; NRDC vs. Conant, et al (SJRRP); Appeal of Regional Board General Order for Third Party Groups for Tulare Lake Basin (Resol #R5-2013-0120) to State Water Resources Control Board (Irrigated Lands Program); City of Fresno, et al vs. USA, Court of Federal Claims; The California Natural Resources Agency, et al, vs. Wilbur Ross (Biological Opinions Intervention); Rosedale-Rio Brave Water Storage District et al. v. Kern County

Water Agency et al, (Cross Valley Canal); and Wages & Benefits; and based upon advice from Legal Counsel, discussing such matters in open session would cause prejudice to the District; therefore, the Board adjourned into closed session in accordance with Government Code Section §54956.9 at 2:10 p.m. Upon returning to open session at 3:25 p.m., no reportable action was taken.

**OTHER ITEMS TO BE DISCUSSED PURSUANT TO GOVERNMENT CODE SECTION §54954.2 (RELATING TO ITEMS NOT APPEARING ON THE POSTED AGENDA); AND ADJOURNMENT**

President Camp asked if there were any further matters that needed to be brought before the Board of Directors, and there being none; Director Martinez motioned, seconded by Director Fanucchi, and by unanimous vote, adjourned the meeting at 3:26 p.m.



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David A. Nixon, Deputy General Manager  
/Assistant Secretary-Treasurer