

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS OF  
ARVIN-EDISON WATER STORAGE DISTRICT  
February 8, 2022**

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, with Board Members and Staff in-person and public Via WebEx/Remotely.

**CALL TO ORDER**

Vice President Giumarra called to order the monthly meeting of the Board of Directors of the Arvin-Edison Water Storage District at the hour of 12:04 p.m., with a quorum being then and there present, to wit:

Jeffrey Giumarra, Vice President  
John Moore, Secretary-Treasurer  
Catalino Martinez  
Dennis Johnston  
Catherine Fanucchi  
Derek Yurosek  
Matthew Vickery  
Brian Kirschenmann

There was one absent director:

Edwin Camp, President

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  
Randy Hopkins Provost & Pritchard Engineering Group (Via WebEx)\*  
Anona Dutton, EKI Consultants (WebEx)\*  
Bruce McLaughlin, Esq., Cameron-Daniel, P.C (Via WebEx)\*\*

Visitors and Guests:

John Gaugel, Wonderful Orchards (Via WebEx)\*  
Vincent Sorena, AC Foods (Via WebEx)\*  
Austin Williams, Land Management, (Via WebEx)\*  
Maryse Suppinger, Hancock Natural Resource Group ((Via WebEx)\*  
Paul Grensman, Land Consultant, (Via WebEx)\*  
Leta Spencer, Westchester Group Investment Management (Via WebEx)\*  
Craig Bono, Sunview Vineyards, (Via WebEx)\*

**Note:** \*Departed at the Closed Session at 1:15 to 1:40 p.m. and then again at 2:20 p.m.  
\*\*Portion of Closed Session Only

## PLEDGE OF ALLIGIANCE

The pledge of allegiance was recited.

## RECOGNITION OF VISITORS AND GUESTS

All visitors were recognized and formally introduced.

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

Mr. Muhar stated no changes to the posted Agenda except the items may need to be out of order to accommodate consultant's schedule.

## OPPORTUNITY FOR PUBLIC COMMENT (Government Code §54854.3)

Mr. Muhar announced Dennis Johnston's birthday for February.

## CONSENT AGENDA

Vice President Giumarra asked if there were any questions concerning the Consent Calendar, which items were detailed with staff reports in the board packet(s). The following is the list of Consent Agenda items:

- CA-1) **Agenda Item 6:** Resolution No. 22-04, RENEWING USE OF REMOTE TELECONFERENCE MEETING UNDER SB361
- CA-2) **Agenda Item 7:** Approval of Minutes of Board of Directors' meeting held on January 11, 2022
- CA-3) **Agenda Item 8:** Approval of Treasurer's Report for January 31, 2022, Delinquent List in the amount of \$2,673.89, and Unaudited Internal Financial Statements for Period Ending December 31, 2022.

Director Martinez motioned, seconded by Director Vickery, and unanimously carried to approve the three (3) Consent Agenda items.

## ACTION ITEMS

### Consider Approval of Memberships, Contributions, and/or Call for Funds

Mr. Nixon presented the North West Kern Resource Conservation District (NWKRC D) 2022 contribution in the amount of \$6,000.00 and the California Association of Mutual Water Companies in the amount of \$500.00. Director Fanucchi inquired if the contribution amount reflected the work they did, and Mr. Nixon stated contribution is for the work they do within the District, which discounts are passed on to growers. There was a brief discussion, and the board requested staff to send out information to landowners to increase District-wide participation. Director Fanucchi motioned, seconded by Director Johnston and unanimously carried to approve NWKRCD contribution in the amount of \$6,000 and California Association of Mutual Water Companies

in the amount of \$500.

**Resolution No. 22-05, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (January 2022 - Warrant Numbers 44564-44701)**

Mr. Grant reviewed the information contained in the board packet and noted additional disbursements in the amount of \$320K, which brings the total January disbursements to approximately \$1.3M.

Mr. Grant then presented a form of Resolution; whereupon, Director Martinez motioned, seconded by Director Yurosek, and unanimously carried to approve Resolution No. 22-05, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (January 2022). A copy of Resolution No. 22-05, is on file in the Resolution book and is hereby made a part of these minutes.

**CONSIDER APPROVAL OF GROUNDWATER SERVICE PROGRAM RATES**

Mr. Dawson provided a summary of the rates and performance of the Groundwater Service Program (GWSP) during the 2021 calendar year, and noted the goals of the GWSP is to provide District power to interconnected landowner wells at a lower cost than other alternatives and also provide a revenue source to the District. There was a brief discussion regarding how many landowners have signed up (3 out of the 5) and the potential for all landowners to participate.

Mr. Dawson then reviewed the proposed 2022 Water Year rates noting the increases to address both PG&E Wholesale Distribution Tariff (WDT 3) rates and PWRPA overhead. It was also noted the landowner PG&E Time of Use charges are also increasing. The GWSP rates are as follows: fixed meter/PWRPA overhead charge \$169/month, demand charge \$20.20/kW, energy charge \$0.123/kWh, and District administration charge of zero. Director Fanucchi motioned, seconded by Director Johnston, and unanimously carried to approve the proposed 2022 Water Year rates for the GWSP.

**CONSIDER APPROVAL OF CONSULTANT TASK ORDERS FOR THE 2022 WATER YEAR**

Mr. Ceja provided an update on Consultant Task Orders as well as proposed rate increases (Provost & Pritchard Engineering Group, Robertson-Bryan, Inc. and EKI Consultants). There was a brief discussion regarding automating power reviews and concerns over the increases proposed by EKI. There was a brief discussion, and Director Martinez motioned, seconded by Director Yurosek, to unanimously approve Task Orders for Provost & Pritchard Engineering Group, and Robertson-Bryan, Inc. The Board further requested staff to revisit proposed rate increases for EKI in March.

**CONSIDER APPROVAL OF AGREEMENT BETWEEN ARVIN-EDISON WATER STORAGE DISTRICT AND WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT REGARDING SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION FOR OVERLAP LANDS**

Mr. Muhar highlighted the Agreement between Arvin-Edison Water Storage District and the Wheeler Ridge-Maricopa Water Storage District (WRMWSO) regarding SGMA implementation for Overlap Lands (Agreement)

within Kern Groundwater Authority/Kern Subbasin only, and noted details are included in their board packets. Director Fanucchi motioned, seconded by Director Vickery, an unanimously carried to approve the Agreement subject to final changes made by WRMWSO and by legal counsel.

Mr. Muhar noted a recent request from WRMWSO contract landowner within the Overlap land for an AEWSD Temporary Water Service Contract, which will require a new policy, and therefore Board consideration at a future date.

## REPORT ITEMS

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

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

Mr. Muhar provided an update on the information in the Board packet and staff/consultants continue responding to projects along the FKC that have the potential to impact AEWSD deliveries as a result of subsidence. Mr. Muhar further noted that the Friant-Kern Canal groundbreaking ceremony was well attended by federal, state, and local officials as well as the water community.

#### **Friant-Kern Canal Water Quality**

Mr. Muhar noted there continue to be meetings after recent developments involving both Shafter-Wasco ID (SWID) and Cross Valley Canal contractors. It was noted that the next Ad-Hoc Committee meeting involving Directors is set for March 3.

#### **Miscellaneous**

Mr. Muhar provided an update on the information in the Board packet noting two positions were approved for hiring (System Admin and Office Technician); Middle Reach Project amendments for additional right-of-way and utility expenses; CEO Phillips signed a 5-year extension contract; SCADA updates continue to be implemented; and CFO Orvis looking to save up to \$16M over the next 5-years in Friant water cost.

### AGENCY/AUTHORITY/COMMITTEE REPORTS

#### **Kern Groundwater Authority (KGA)**

Director Yurosek and Mr. Muhar attended the KGA Board of Directors' meeting held on January 26, 2022 as outlined in the board packet. Ms. Dutton provided a brief review of the DWR comment letter to the Kern GSPs.

#### Closed Session (Government Code §54956.9)

Vice President Giumarra noted the board would like to discuss potential litigation (one item); 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 1:15 p.m. Upon returning to open session at 1:40 p.m., no action was taken.

#### **Purchase of Land IQ Weather Stations**

Mr. Muhar reminded Board of the previous presentations made on the Remote Sensing equipment and software. Mr. Muhar noted the equipment grant was available now and the software would be subject to a full 100% grant in near future. Director Johnston motioned, seconded by Director Yurosek, and unanimously carried to purchase ITRC/Land IQ stations for the District at a total cost not to exceed \$40k each after grant share.

#### **REPORT ITEMS (con't)**

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

#### **Water Supply Update**

Mr. Muhar proved an update on the figures regarding recent precipitation and snow events; USBR increase Class I declaration, which is currently 40% (or 16,000 AF); however, 20% of declaration must be utilized by the end of February 2022; however, given the extremely dry January through mid-February, staff is considering carryover into 2022 (up to 7,500 acre-feet is allowed for the district).

#### **AGENCY/AUTHORITY/COMMITTEE REPORTS**

#### **White Wolf Basin GSA**

Mr. Muhar noted that Directors' Martinez and Giumarra attended a White Wolf Basin GSP Hearing at Wheeler Ridge-Maricopa Water Storage District on January 25, which GSA has been submitted the GSP to the Department of Water Resources.

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

Mr. Nixon stated nothing to report in open session at this time.

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

Mr. Muhar reported the Cross Valley Canal approved a capacity study for \$100k on Integrated Canal percentages, which study is related to the litigation.

#### **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. Director Fanucchi requested a graph showing cumulative deliveries chart to a chronological chart.

### **Motor Grader Update**

Mr. Nixon proved an update on the Motor Grader/Sloper stating repairs were completed with a one-year warranty, the loaner was returned and staff will evaluate heavy equipment replacements in near future.

### **2021 Milestones and Highlights**

Mr. Muhar presented the 2021 Milestones and Highlights for the District and noted outstanding and on-going issues, which list was included in their board packets.

### **CORRESPONDENCE**

Mr. Muhar noted the FWA legislative update; USBR declined funding for WaterSMART grant; and an On-Farm Groundwater Recharge Report.

### **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 2:20 p.m. Upon returning to open session at 4:04 p.m. the following actions were taken under the terms discussed in closed session:

### **Resolution No. 22-06, AMENDMENT TO NON-BARGAINING UNIT EMPLOYMENT HANDBOOK EFFECTIVE MARCH 1, 2022**

Mr. Nixon presented a form of Resolution whereby Director Fanucchi motioned, seconded by Johnston and by unanimous vote carried, subject to approval by legal counsel, Resolution 22-06, AMENDMENT TO NON-BARGAINING UNIT EMPLOYMENT HANDBOOK EFFECTIVE MARCH 1, 2022. A copy of Resolution No. 21-06, is on file in the Resolution book and is hereby made a part of these minutes.

**Resolution No. 22-07, ADJUSTMENT IN NON-EXEMPT NON-BARGAINING UNIT WAGES FOR EMPLOYEES EFFECTIVE MARCH 1, 2022**

Mr. Nixon presented a form of Resolution whereby Director Johnston motioned, seconded by Yurosek, Director Fanucchi voting no, and by unanimous vote carried to approve Resolution 22-07, ADJUSTMENT IN NON-EXEMPT NON-BARGAINING UNIT WAGES FOR EMPLOYEES EFFECTIVE MARCH 1, 2022. A copy of Resolution No. 21-07, is on file in the Resolution book and is hereby made a part of these minutes.

**Resolution No. 22-08, ADJUSTMENT IN SALARIES FOR EXEMPT EMPLOYEES EFFECTIVE MARCH 1, 2022**


Mr. Nixon presented a form of Resolution whereby Director Johnston motioned, seconded by Yurosek, Director Fanucchi voting no, and by unanimous vote carried to approve Resolution No. 22-08, ADJUSTMENT IN SALARIES FOR EXEMPT EMPLOYEES EFFECTIVE MARCH 1, 2022. A copy of Resolution No. 22-08, is on file in the Resolution book and is hereby made a part of these minutes.

Director Fannuchi motioned, seconded by Director Johnston and unanimous carried to approve a Premium Only Plan (POP) allowing employees to pay their share of medical and dental premiums pretax and to authorized the Deputy General Manager to execute all documents necessary to establish a POP at the District.

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

Vice President Giumarra asked if there were any further matters that needed to be brought before the Board of Directors, and there being none; Director Moore motioned, seconded by Director Johnston, and by unanimous vote, adjourned the meeting at 4:15 p.m.



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