

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
ARVIN-EDISON WATER STORAGE DISTRICT
March 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

President Camp called to order the monthly meeting of the Board of Directors of the Arvin-Edison Water Storage District at the hour of 12:00 p.m., with a quorum being then and there present, to wit:

Edwin Camp, President
Jeffrey Giumarra, Vice President (arrived @ 12:55 p.m.)
John Moore, Secretary-Treasurer
Catalino Martinez
Dennis Johnston
Catherine Fanucchi
Matthew Vickery
Brian Kirschenmann (via Webex)

There was one absent director:
Derek Yurosek

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*
Chris Krauter, General Superintendent (departed @ 1:30 p.m.)

District consultants:
Scott Kuney, Esq., Law Offices of Young Wooldridge, LLP**
Matthew Adams, Esq., Kaplan Kirsch & Rockwell LLP**
Randy Hopkins Provost & Pritchard Engineering Group (Via WebEx)*
Anona Dutton, EKI Consultants (arrived @ 1:06 p.m. via WebEx)*

Visitors and Guests:
Eric Averett, Renewable Resources (Via WebEx)*
John Gaugel, Wonderful Orchards (Via WebEx)*
Colby Fry, Opal Fry & Sons (Via WebEx)*
Raul Barraza, Jr. Arvin Community Services District, (Via WebEx)*
Maryse Suppinger, Manulife Investment Management ((Via WebEx)*
Glenn Chafin, Watts Farming, (Via WebEx)*

Note: *Departed at the Closed Session at 2:00 p.m.
 **Portion of Closed Session Only

PLEDGE OF ALLIGIANCE

The Ukraine pledge of allegiance was played via video.

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, but the order of the agenda may change to accommodate consultants and staff.

OPPORTUNITY FOR PUBLIC COMMENT (Government Code §54854.3)

Mr. Muhar announced birthdays for Directors' Giumarra, Fanucchi, and Moore for March.

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 Fanucchi had a question regarding the Repayment Agreement for the San Joaquin River Restoration Flows, which Mr. Muhar stated if the Agreement is not executed and submitted a Friant district will not receive its allocation. The following is the list of Consent Agenda items:

- CA-1) **Agenda Item 6:** Resolution No. 22-09, RENEWING USE OF REMOTE TELECONFERENCE MEETING UNDER SB361
- CA-2) **Agenda Item 7:** Approval of Minutes of Board of Directors' meeting held on February 8, 2022
- CA-3) **Agenda Item 8:** Approval of Treasurer's Report for February 28, 2022, and Unaudited Internal Financial Statements for Period Ending January 31, 2022
- CA-4) **Agenda Item 9:** Approval of Repayment Agreement for Recapture of Restoration Flows in Lower San Joaquin River (Water Year 2022)

Director Martinez motioned, seconded by Director Fanucchi, Director Giumarra absent, and unanimously carried to approve the four (4) Consent Agenda items.

ACTION ITEMS

Resolution No. 22-10, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (February 2022 - Warrant Numbers 44702-44836)

Mr. Grant reviewed the information contained in the board packet and noted additional disbursements in the amount of \$1.2M, which brings the total February disbursements to approximately \$3.7M.

Mr. Grant then presented a form of Resolution; whereupon, Director Vickery motioned, seconded by Director Johnston, Director Giumarra absent, and unanimously carried to approve Resolution No. 22-10, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (February 2022). A copy of Resolution No. 22-10, is on file in the Resolution book and is hereby made a part of these minutes.

CONSIDER APPROVAL OF EKI CONSULTANTS TASK ORDERS FOR THE 2022 WATER YEAR

Mr. Muhar provided an update on EKI Consultants Task Orders noting the proposed rate increase was reduced from a six to eight percent increase down to maximum of five percent increase. There was a brief discussion, and Director Fanucchi motioned, seconded by Director Martinez, Director Giumarra absent, and unanimously approved Task Orders for EKI Consultants.

CONSIDER APPROVAL OF "AGREEMENT BETWEEN ARVIN-EDISON WATER STORAGE DISTRICT AND ROSEDALE-RIO BRAVO WATER STORAGE DISTRICT FOR WATER YEAR 2022 USE OF CVC/FKC INTERTIE"

Mr. Muhar highlighted the Agreement between Arvin-Edison Water Storage District and Rosedale-Rio Bravo Water Storage District for the 2022 WY Use of CVC/FKC Intertie (Agreement), which detail sheet and Agreement being enclosed in their Board packets. Director Martinez motioned, seconded by Director Moore, Director Giumarra absent, and unanimously carried to approve the Agreement.

STAFF REPORTS

Winter Maintenance Activities

Mr. Krauter reviewed a PowerPoint presentation of the 2021 Annual Winter Maintenance activities highlighting the planning activities throughout the year and the completion of various duties and repairs that involved both staff and subcontractors, and noting the canal was drained this year with a few areas requiring lining repairs. Mr. Krauter also summarized the costs of the 2021 Winter Maintenance (\$642k) and compared such against a 10-year historical cost (\$423k).

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 to track and comment on projects along the FKC that have the potential to impact AEWSO deliveries as a result of subsidence; Porterville Irrigation District and Saucelito Irrigation District have indicated a "revised" banking policy is in order and likely would go through the CEQA process; FKC construction

activities have begun and the USBR cost share agreement spending plan has been updated with State and Pixley GSA funds; Substantial completion of the project is anticipated in January 2024.

Friant-Kern Canal Water Quality

Mr. Muhar reported recent developments related to Ad-Hoc Committee unanimous approval, including Shafter-Wasco and Cross Valley Contractors, of the current proposed guidelines and continue working with USBR to implement such.

Miscellaneous

Mr. Muhar noted FWA's negotiation of the Recapture and Recirculation Agreements; two (2) Airborne Snow Observatory flights were funded for \$321k (O&M Budget) with another three (3) flights being funded by others (USBR & DWR); 2020 Audit was completed; and Johnny Amaral named Chief Operating Officer (will also keep Chief of External Affairs title).

Water Supply Update

Mr. Muhar noted the initial allocation is 15% Class 1 declaration with nearly 6,000 acre-feet of carryover supplies. There was a long discussion regarding drought, in-district demand, and available supplies and the potential to prorate during peak season. The Board requested staff to send an update to all landowners/water users that a potential prorate period is postponed until the April 12 meeting. There was also discussion about a pump-in program during prorates periods.

AGENCY/AUTHORITY/COMMITTEE REPORTS

Kern Groundwater Authority (KGA)

Director Yurosek and Mr. Muhar attended the KGA Board of Directors' meeting held on February 22, 2022 as well as several coordination calls/meetings regarding the Department of Water Resources (DWR) comment letter to the Kern GSPs, as outlined in the board packet, with July 27, 2022 being the deadline for revised GSP submittal.

White Wolf Basin GSA

Mr. Muhar noted that Directors' Martinez and Giumarra and staff attended a White Wolf Basin Board of Directors' meeting on March 1, 2022, as outlined in the board packet. Ms. Dutton highlighted an EKI Technical Presentation with information from the annual report.

Power and Water Resources Pooling Authority (PWRPA)

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

STAFF REPORTS (Con't)

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.

CORRESPONDENCE

Mr. Muhar noted the Agriculture Energy Consumers Association report, KCWA legislative update; and National Ag Day announcement (March 22, 2022).

CLOSED SESSION


CONFERENCE WITH LEGAL COUNSEL

Legal Counsel Kuney then advised the Board he would like to discuss existing litigation, and anticipated litigation, namely: Initiation of litigation (One Item); Potential Litigation (Two Items); AEWSD 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 Bravo Water Storage District et al. v. Kern County Water Agency et al, (Cross Valley Canal); 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 2:00 p.m. Upon returning to open session at 3:15 p.m., Director Johnston motioned, seconded by Director Moore and unanimously carried to file a CEQA complaint against Porterville Irrigation District.

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 Fanucchi motioned, seconded by Director Vickery, and by unanimous vote, adjourned the meeting at 3:18 p.m. \





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