

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS OF  
ARVIN-EDISON WATER STORAGE DISTRICT  
May 10, 2022**

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., at District Headquarters, at 20401 East Bear Mountain Boulevard, Arvin, California, with a quorum being then and there present, to wit:

**CALL TO ORDER**

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

District staff:

Jeevan Muhar, Engineer-Manager  
David Nixon, Deputy General Manager  
David Grant, Controller\*  
Mark Dawson, Engineer\*  
Micah Clark, Engineer Technician\*  
Kevin McGill, Maintenance II (departed @ 12:15 p.m.)

District consultants:

Joseph Hughes, Esq., Klein DeNatale Goldner, LLP  
Randy Hopkins Provost & Pritchard Engineering Group\*  
Anona Dutton, EKI Consultants (via WebEx)\*  
Julie Gantenbein, Esq. Water & Power Law Group (via WebEx)\*\*  
Bruce McLaughlin, Esq. Cameron-Daniel, P.C. (via WebEx)\*\*

Visitors and Guests:

Vincent Sorena, Global Ag Properties\*  
Justin Murray, Illume Ag\*  
Doug Gosling, Esq. (Via WebEx)\*  
Andrey Bolton, Western Water Research (Via WebEx)\*  
Paul Genseman, Water & Land Solutions (Via WebEx)\*  
John Gaugel, Wonderful Orchards (Via WebEx)\*  
Maryse Suppinger, Manulife Investment Management (Via WebEx)\*  
Glenn Chafin, Watts Farming, (Via WebEx)\*

**PLEDGE OF ALLIGIANCE**

The pledge of allegiance was recited.

**Note:**        \*Departed at the Closed Session at 1:30 p.m.  
              \*\*Portion of Closed Session Only

## RECOGNITION OF VISITORS AND GUESTS

All visitors were recognized and formally introduced, including new General Counsel Hughes.

## 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.

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

Mr. Muhar announced May birthdays; President Camp, Director Martinez, and Director Vickery.

## EMPLOYEE ANNIVERSARY AWARD: MAINTENANCE II KEVIN MCGILL TWENTY-FIVE (25) YEARS

Mr. Nixon recognized Maintenance II Kevin McGill for his twenty-five (25) years of service with the District with a service award (gift card valued at \$800).

## 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. The following is the list of Consent Agenda items:

- CA-1) **Agenda Item 7:** Approval of Minutes of Board of Directors' meeting held on April 12, 2022, and Minutes of the Special Board of Directors' meeting held on April 21, 2022.
- CA-2) **Agenda Item 8:** Approval of Treasurer's Report for April 30, 2022.

Director Yurosek motioned, seconded by Director Martinez, and unanimously carried to approve the two (2) Consent Agenda items.

## ACTION ITEMS

### Resolution No. 22-12, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (April 2022 - Warrant Numbers 45002-45172) (44977-45000 Voided-Old Account)

Mr. Grant stated there was an additional batch totaling \$1.6M bringing the April disbursements to approximately \$4.8M, and noted the 1<sup>st</sup> Prorate Program Turn-Back Reallocation Pool in the amount of approximately \$800K with distribution of such funds would be applied to any delinquencies due then distributed once the District is in receipt of funds from water users requesting water.

Mr. Grant then presented a form of Resolution; whereupon, Director Martinez motioned, seconded by Director Vickery, and unanimously carried to approve Resolution No. 22-12, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (April 2022). A copy of Resolution No. 22-12, is on file in the Resolution book and is hereby made a part of these minutes.

RESOLUTION NO. 22-13, FIXING CHARGES FOR GENERAL ADMINISTRATIVE SERVICES RENDERED BY THE DISTRICT; ORDERING THAT THE SAME BE COLLECTED FROM OWNERS OF LANDS RECEIVING THE BENEFIT HEREOF; FIXING CHARGES FOR GENERAL PROJECT SERVICE; ORDERING THAT THE SAME BE COLLECTED FROM THE OWNERS OF CERTAIN LANDS RECEIVING THE BENEFIT THEREOF; ORDERING PREPARATION OF A ROLL AND PRELIMINARY RATES; AND SETTING OF NOTICED HEARING (FISCAL YEAR 2022-2023)

Mr. Nixon reminded the Board the need to set the Preliminary GA&GP Service Charges for the 2022-2023 Kern County Fiscal Tax Year along with the notice of the public hearing, which would be published in the Bakersfield Californian once a week for two successive weeks commencing on or before June 23, 2022. In addition, a District letter would be mailed to each holder of title to lands within the District, which mailing shall be completed by July 1, 2022. Mr. Nixon also stated the public hearing regarding the final fixing of the GA&GP Service Charges is scheduled to be held at the July 12, 2022 Board of Directors' meeting, at which time the Board can set the Final GA&GP Service Charges for the 2022-2023 Fiscal Year.

Mr. Nixon reviewed the material provided in the Board Packet, including financial information discussed at the April meeting with consultant Alex Handler and ultimately a need to increase GA&GP for additional long-term debt refinancing related to the Friant-Kern Canal Middle Reach project and SGMA projects. Staff recommended a an increase of \$3 per acre for irrigated agriculture parcels, which was the assumed amount in the 2022 Budget. Mr. Muhar also shared a significant increase in Friant expenses due to an error discovered in the recently revised O&M methodology.

Mr. Nixon then presented a form of Resolution; whereupon, Director Johnston motioned, seconded by Director Giumarra, and unanimously carried that Resolution No. 22-13, FIXING CHARGES FOR GENERAL ADMINISTRATIVE SERVICES RENDERED BY THE DISTRICT; ORDERING THAT THE SAME BE COLLECTED FROM OWNERS OF LANDS RECEIVING THE BENEFIT THEREOF; FIXING CHARGES FOR GENERAL PROJECT SERVICE; ORDERING THAT THE SAME BE COLLECTED FROM THE OWNERS OF CERTAIN LANDS RECEIVING THE BENEFIT THEREOF; ORDERING PREPARATION OF A ROLL AND PRELIMINARY RATES; AND SETTING OF NOTICED HEARING (FISCAL YEAR 2022-2023). A copy of Resolution No. 22-13, is on file in the Resolution book and is hereby made a part of these minutes.

CONSIDER APPROVAL OF DIRECTOR & STAFF ASSIGNMENTS FOR OFFICERS, COMMITTEES, AUTHORITIES, AGENCIES, ASSOCIATIONS AND PLANS

Mr. Muhar presented an updated list and noted the additions and also the vacancies, due to the retirement of Director Pascoe. There was a brief discussion and Legal Counsel advised to close out Ad-Hoc Committees and update such matrix. Board had no objections and unanimously carried to approve the matrix subject to approval by Legal Counsel.

**CONSIDER APPROVAL OF KERN COUNTY WELL PERMIT ACKNOWLEDGEMENT FORM**

Mr. Muhar reminded the Board the topic was related to the Board's jurisdiction as the Arvin GSA and presented the proposed well permit acknowledgement form, which has been prepared pursuant to the Governor's Executive Order N-7-22 (EO) as detailed in their Board packets. The order outlines an attempt to coordinate with Kern County and groundwater sustainability agencies (GSA) in carrying out respective responsibilities with well permits (consistencies with groundwater plans, interfere with existing well production, and subsidence impacts). It was noted the Kern County portion of their responsibility is yet to be determined and this action is only for the GSA. Director Yurosek motioned, seconded by Director Johnston, and ominously carried to approve the Arvin GSA Kern County Well Permit Acknowledgement Form.

**RESOLUTION 22-14, AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION FOR FISCAL YEAR 2023 DROUGHT RESILIENCY PROJECT FUNDING OPPORTUNITY ANNOUNCEMENT NO. R23AS00005**

Mr. Hopkins stated pursuant to the Strategic Plan Goal 4, staff continues to pursue grants for various projects including the Well Replacement and the Groundwater Model (50% cost share of minimum \$4M), which has been detailed in their Board packets. Mr. Muhar further stated Provost & Pritchard and EKI Consultants are working closely together on the USBR's WaterSMART Drought Response Program; Drought Resiliency Projects for Fiscal Year 2023. Director Fanucchi motioned, seconded by Director Martinez, and unanimously carried to approve Resolution 22-14, AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF THE INERTIOR, BUREAU OF RECLAMATION FOR FISCAL YEAR 2023 DROUGHT RESILIENCY PROJECT FUNDING OPPORTUNITY ANNOUNCEMENT NO. R23AS0005.

**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 stating FKC construction activities have transitioned from clear and grub to earthwork with substantial completion of the project anticipated in January 2024.

**Miscellaneous**

Mr. Muhar noted a FKC Reverse Flow Pump-Back Project Agreement with Stantec was amended by approximately \$525K; Class I declaration is still holding at 15%, but expected to be reduced soon provided the San Joaquin River Exchange Contractor deliveries being made in the channel as of April 1, which are limited to 1,200 cfs due to capacity constraints; FWA External Affairs report in the Correspondence portion

of the Agenda; and an extensive history/summary of the SJRRP was included in the Board packet.

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

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

Director Yurosek and Mr. Muhar attended the KGA Board of Directors' meeting held on April 27, 2022 as well as various other meetings as outlined in the Board packet.

### **South of Kern River Amended Groundwater Sustainability Plan (GSP) Update**

Mr. Muhar highlighted the action items related to Arvin's joint development of an amended GSP for management areas South of Kern River with Wheeler Ridge-Maricopa Water Storage District, Tejon-Castac Water District and Arvin Community Services District (collectively, SOKR) as outlined in the Board packet and noted the GSP timeline.

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

Mr. Dawson provided an update on the PWRPA routine power issues; the pre-reconciled rate through March 2022 estimated at 14.6¢ per kwh for the year, which is higher than current invoicing for an estimated \$1M underpayment for the calendar year. Mr. Dawson further reviewed the District's 2022 Calendar Year estimated energy consumption and charges.

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

Mr. Muhar provided an update on the Cross Valley Canal Advisory Committee which included increasing the Capacity Study Task Order by \$35k to complete a sensitivity analysis on various assumptions and a reimbursement agreement was approved to address a new bridge crossing south of Allen Road.

## **STAFF REPORTS**

### **District Operations**

Mr. Muhar 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.

### **Water Supply and Prorate Update**

Mr. Nixon provided an update on the 2022 Water Year Prorate Program schedules and the amount of landowner turnback pool amounts noting all requests were fulfilled and also provided a brief synopsis of his communications with water users (schedules, pools, and landowners request for a pump-in program).

**CORRESPONDENCE**

Mr. Muhar noted the Agriculture Energy Consumers Association report, KCWA legislative update; and the FWA External Affairs update including the federal report from The Ferguson Group.

**MATTERS OF DISTRICT COUNSEL**

Mr. Hughes had nothing to report.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL**

Legal Counsel Hughes then advised the Board he would like to discuss existing litigation, and anticipated litigation, namely: Initiation of litigation (Two Items); Arvin-Edison WSD vs. J.R. Simplot, et al (123TCP); Arvin-Edison WSD v. Porterville ID, et al (FKC issues); 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 v. USA, Court of Federal Claims; The California Natural Resources Agency, et al, v. Wilbur Ross (Biological Opinions Intervention); Rosedale-Rio Brave Water Storage District et al. v. Kern County Water Agency et al, (Cross Valley Canal); Closes Session (Government Code §54957.6) Salaries, Salary Schedules or Fringe Benefits; 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 1:30 p.m. Upon returning to open session at 2:47 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 Fanucchi motioned, seconded by Director Giumarra and by unanimous vote, adjourned the meeting at 2:50 p.m.



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