

**MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF  
ARVIN-EDISON WATER STORAGE DISTRICT  
October 11, 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  
Jeffrey Giumarra, Vice President (arrived @ 12:50 p.m.)  
Dennis Johnston  
Matthew Vickery  
Derek Yurosek  
Catherine Fanucchi  
Catalino Martinez  
Brian Kirschenmann

**District staff:**

Jeevan Muhar, Engineer-Manager  
David Nixon, Deputy General Manager  
David Grant, Controller\*  
Mark Dawson, Engineer\*  
Joe Scerbo, General Superintendent\*  
Christopher Krauter, General Superintendent (departed @ 12:35 p.m.)  
Jose Santana, Engineer Technician\*  
Clifford Rodriguez, Engineer Technician\*

**District Consultants:**

Joseph Hughes, Esq., Klein DeNatale Goldner, LLP  
John Bezdek, Esq., Water and Power Law Group (Closed Session Only)  
Randy Hopkins Provost & Pritchard Engineering Group\*  
Anona Dutton, EKI Consultants (Via WebEx)\*

**Visitors and Guests:**

Jason Phillips, CEO Friant (Closed Session Only)  
Steve Jackson, Water and Land Solutions  
Shari, (Via WebEx)\*  
John Gaugel, Wonderful (Via WebEx)\*  
Vincent Sorena, AC Foods (Via WebEx)\*  
Kevin Assemi, Elevated Ag (Via WebEx)\*  
Trinidad Tupper (Via WebEx)\*  
Victoria Lee, Water and Land Solutions (Via WebEx)\*

**PLEDGE OF ALLIGIANCE**

The pledge of allegiance was recited.

**Note:** \*Departed at Closed Session at 2:05 p.m.

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 be changed to accommodate Director and/or consultant schedules.

OPPORTUNITY FOR PUBLIC COMMENT (Government Code §54854.3)

There were no public comments.

EMPLOYEE ANNIVERSARY AWARD: GENERAL SUPERINTENDENT CHRISTOPHER KRAUTER - TWENTY (20) YEARS

President Camp presented a 20-year service award (\$800) in recognition of Mr. Krauter's years of service to the District.

RECOMMENDATION AND APPROPRIATE ACTION REGARDING FINDINGS NEEDED TO UTILIZE ALTERNATIVE TELECONFERENCING REQUIREMENTS DURING A STATE OF EMERGENCY PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361. THE BOARD OF DIRECTORS WILL BE ASKED TO DETERMINE THAT (A) THE PROCLAIMED STATE OF EMERGENCY ARISING FROM COVID-19 CONTINUES TO EXIST AND (B) THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE MEMBERS TO MEET SAFELY IN PERSON

Legal Counsel Hughes noted the agenda item is to renew the required thirty (30) day determinations for remote attendance by Directors at Board of Director meetings. Director Fanucchi motioned, seconded by Director Johnston, and unanimously carried to make the determinations needed to utilize alternative teleconferencing requirement during a State of Emergency.

CONSENT MATTERS

President Camp noted items listed on the Consent Agenda are considered routine and non-controversial by staff and will be approved by one motion. The following items were listed on the Consent Agenda, which items were detailed with staff reports in the Board packet:

8. Approval of Minutes of Board of Directors' meeting held on September 13, 2022
9. Approval of Treasurer's Reports for September 30, 2022, and Unaudited Financial Statements for Year Ending August 31, 2022
10. Adoption of Resolution No. 22-26, ADOPTING AND PUBLISHING A VERIFIED ANNUAL STATEMENT OF THE FINANCIAL CONDITIONS OF THE ARVIN-EDISON WATER STORAGE DISTRICT

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

## ACTION ITEMS

### Resolution No. 22-27, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (September 2022 - Warrant Numbers 45789-45935)

Mr. Grant reported on September disbursements including the additional items post Board mailing for the Board's approval. There was discussion about aquatic weeds and the Board requested Mr. Grant provide a year-to-year comparison by vendor and subject.

Mr. Grant then presented a form of Resolution; whereupon, Director Kirschenmann motioned, seconded by Director Vickery, and unanimously carried to approve Resolution No. 22-27, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (September 2022). A copy of Resolution No. 22-27, is on file in the Resolution book and is hereby made a part of these minutes.

### Consider Approval of Provost & Pritchard Engineering Group Task Orders: a) DiGiorgio Unit Phase II (\$67K) and b) Tejon Unit Expansion (\$45K)

Mr. Muhar provided background on the District's previous actions related to the Groundwater Service Area distribution expansion including completion of environmental documentation. The proposed action item involved further development of two (2) such projects that would become more shovel being the preliminary 30% design of the Tejon Unit Expansion segments and the final design of the DiGiorgio Unit Phase 2A segment as detailed in their board packets.

Mr. Muhar noted the DiGiorgio Unit has been subject to multiple grant applications, which were not successful mainly due to low benefit cost ratio. DiGiorgio Unit Phase 2A would terminate on the west side of Comanche Drive and will better position the District for future grant opportunities and the task order is not to exceed \$67K.

Mr. Muhar noted the Tejon Unit Expansion, upon complete buildout, would provide surface water to approximately 14,000 acres (27 landowners) and includes a South Canal Turnout, new canal or pipeline conveyance through the Tejon Spreading Works and the task order is not to exceed \$145K. President Camp noted the task orders would address the District's SGMA plan to build projects and offset groundwater use when surface water is available. Director Martinez motioned, seconded by Director Kirschenmann, and unanimously carried to approve both task orders for the engineering design of both projects, from Provost & Pritchard Engineering Group not to exceed \$212K.

## AGENCY/AUTHORITY/COMMITTEE REPORTS

### **Friant**

Mr. Muhar provided brief summary, as outlined in the Board packet, regarding the FKC construction, 2023 O&M budget includes a \$2M increase to \$12.2M (\$1.6M is AE's share) due to CPI and inflation, 5% COLA increase for FWA employees, SJRRP flows, additional FKC capacity studies, and FWA comments to various GSPs. Director Fanucchi provided a brief summary of her trip to Washington DC with Friant Water

Authority. Mr. Muhar noted Jason Phillips would be providing an update in closed session.

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

Mr. Muhar stated the Kern subbasin Coordination Committee met once with Director Yurosek and Muhar in attendance. Mr. Muhar stated SOKR received one comment letter from the Department of Water Resources California Aqueduct Subsidence Program (copy in board packet), who also sent letters to all six (6) Kern GSP's. Mr. Muhar further noted coordination with Kern Subbasin GSAs and other interested parties.

### **White Wolf Subbasin GSA**

Mr. Muhar stated the Board of Directors' meeting was held on October 6, 2022 and attended by Director Martinez, Director Giumarra and Muhar, in addition there was a Landowner Workshop regarding the "status of the basin" on September 27 (attended by Martinez and Giumarra). Mr. Muhar noted the technical presentation included in the Board packet that provides for additional details from the Board meeting.

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

Mr. Muhar shared highlights from the previous KGA meeting as outlined in the Board packet.

## **STAFF REPORTS**

### **Groundwater Model Update**

Ms. Dutton presented an update of the Groundwater Model.

### **District Operations**

Mr. Muhar noted several items from the monthly report and noted the typical Board slides were not available this month.

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

Mr. Nixon provided a summary of the 2022 Water Year Prorate Program that ended on September 30, noting the results of each pool that indicated all water request were met from returned water and nearly 500 acre-feet of over usage that were subject to either penalties or return via pump-ins. Mr. Nixon also noted the Intake Canal was in the process of dewatering to complete repairs to facilities including concrete liner replacement.

### **Board Vacancy**

Mr. Nixon stated there are six candidates interested in filling the position and the Ad-Hoc Committee will be scheduling interviews and

a recommendation would be made to the entire Board at the November 8, 2022 meeting.

### **Finance Committee**

Mr. Nixon stating staff and the Finance Committee are working with consultants to review financing options and another meeting is planned for November.

### **2023 Budget Assumptions**

Mr. Grant noted management and staff have begun preparing a 2023 Preliminary Budget considering the recommended average surface water rate of \$250/per acre-foot with the expected water delivery of 120,000 acre-feet for the year. Mr. Grant further stated he is working with foremen and management on capital projects and other details with a preliminary budget package to be presented at the next Board of Directors' meeting scheduled for November 8, 2022.

### **CORRESPONDENCE**

Mr. Muhar noted the FWA External Affairs and the KCWA Legislative updates and a flyer of the water use sectors in California. Mr. Muhar also noted the upcoming Landowner breakfast.

### **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 (One Item); 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 (Resolution #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) Conference with Labor Negotiator Unrepresented Employees: Office Staff, Watermaster, O&M Technician; Public Employees Performance Evaluation: All Exempt Employees; Conference with Labor Negotiator Employee Organization: International Union of Operating Engineers Local 501; 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 2:05 p.m. Upon returning to open session at 4:30 p.m., Legal Counsel Hughes advised that no reportable action was taken in the closed session.

Resolution No. 22-28, ADJUSTMENT IN SALARIES FOR EXEMPT EMPLOYEES  
EFFECTIVE NOVEMBER 1, 2022


Director Martinez motioned, seconded by Director Johnston, and unanimously carried to approve Resolution No. 22-28, ADJUSTMENT IN SALARIES FOR EXEMPT EMPLOYEES EFFECTIVE NOVEMBER 1, 2022. A copy of Resolution No. 22-28, is on file in the Resolution book and is hereby made a part of these minutes.

The Board also authorized the purchase of a new vehicle for the position of Engineer-Manager not to exceed \$45,000, and for the position of Deputy General Manager not to exceed \$40,000 including trade-in of current vehicles.

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 the meeting was adjourned at 4:35 p.m.



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