

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
ARVIN-EDISON WATER STORAGE DISTRICT
January 10, 2023**

President Camp called to order the monthly meeting of the Board of Directors of the Arvin-Edison Water Storage District at the hour of 12:02 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 @ 12:05 p.m.)
Matthew Vickery (arrived @ 12:06 p.m.)
Derek Yurosek
Catherine Fanucchi
Catalino Martinez
Brian Kirschenmann
Scott Spitzer

There was one absent Director:

Dennis Johnston, Secretary-Treasurer

District staff:

Jeevan Muhar, Engineer-Manager
David Nixon, Deputy General Manager
David Grant, Controller*
Mark Dawson, Engineer*
Samuel Blue, Resource Manager*

District Consultants:

Joseph Hughes, Esq., Klein DeNatale Goldner, LLP (Via WebEx)
Nate Kowalski Esq., Atkinson Andelson Loya Ruud & Romo, LLP (Via WebEx)**
Todd Robins, Esq., Robins Borghei, LLP (WebEx)**
Randy Hopkins Provost & Pritchard Engineering Group (Via WebEx)*

Visitors and Guests:

Colby Fry, Opal Fry & Son (via WebEx)*
David James, (Via WebEx)*
Victoria Lee, Elevated Ag (Via WebEx)*
John Gaugel, Wonderful (Via WebEx)*
Nicole Bonna, Manulife Investment (Via WebEx)*

PLEDGE OF ALLIGIANCE

The pledge of allegiance was recited.

Note: *Departed at Closed Session at 2:00 p.m.
 **Present for a portion of Closed Session

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.

OPPORTUNITY FOR PUBLIC COMMENT (Government Code §54854.3)

There were no public comments.

RECONSIDERATION 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, and that AB361 will end on February 28, 2023, and reminded the Directors that February 2023 will be the last meeting for Directors to attend remotely unless the various exemptions are triggered. Director Fanucchi motioned, seconded by Director Kirschenmann, and unanimously carried to approve 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: Director Martinez asked to pull Agenda Item 7 and Director Yurosek asked pull Agenda Item 9 for discussion:

8. Approval of Treasurer's Report for December 31, 2022, Unaudited Financial Statements for Year Ending November 30, 2022, and Delinquency List in the amount of \$8,9833.06
10. Adopt Resolution 23-01, AUTHORIZING THE EXECUTING OF CONTRACT FOR TEMPORARY WATER SERVICE BETWEEN THE UNITED STATES AND ARVIN-EDISON WATER STORAGE DISTRICT

Director Giumarra motioned, seconded by Director Vickery, and unanimously carried to approve those two Consent Agenda items.

Agenda Item 7 - Approval of Minutes of the Board of Directors' Special meeting held on December 9, 2022, and Minutes of the Board of Directors meeting held on December 13, 2022

Director Martinez noted a typographical error in the Minutes of the Special meeting held on December 9, 2022 in the sentence regarding the amount for consultant fees, stating the sentence needs to read approve "up to and not to exceed \$300k" in consulting fees for power. Director Martinez also asked to correct the voting on Agenda Item 7 in the Minutes of the Regular Board meeting held on December 13, 2022 "Martinez to vote Aye" and not "Absent." Director Martinez motioned, seconded by Director Yurosek, and unanimously carried to approve the Minutes of the Special meeting and the Minutes of the Regular meeting subject to the corrections.

Agenda Item 9 Approval of Memberships/Contributions/Call for Funds

There was a brief discussion regarding the West Kern Resource Conservation District's Irrigation Program and the Board expressed that they would like staff to reach out to all landowners/water users to remind them of the services being provided. Director Yurosek motioned, seconded by Director Vickery, and unanimously carried to approve the Friant Water Authority call for funds in the amount of \$70,893.00, the West Kern Water Resource Conservation District contribution in the amount of \$6,000, and the Family Farm Alliance membership in the amount of \$5,067.75.

ACTION ITEMS

Resolution No. 23-02, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (December 2022 - Warrant Numbers 46318 - 46412

Mr. Grant reported on December disbursements, including the additional batch, totaling approximately \$2.5M, with Mr. Grant highlighting water expenses, Forrest Frick/Eastside Canal Intertie Project payment, power expenses, and Winter Maintenance expenses. Mr. Grant also reviewed a vendor list comparing 2022 to 2021 and 2020.

Mr. Grant then presented a form of Resolution; whereupon, Director Martinez motioned, seconded by Director Kirschenmann, and ominously carried to approve Resolution No. 23-02, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (December 2022). A copy of Resolution No. 23-02, is on file in the Resolution book and is hereby made a part of these minutes.

Consider Approval of Directors and Staff Assignments for Officers/Committees/Authorities/Associations

Mr. Muhar presented and updated summary of Directors and Staff assignments as recommended by the district's liability insurance carrier (Joint Powers Insurance Authority). Mr. Muhar further noted, as advised by General Counsel Hughes, Ad-Hoc Committees need to be concluded after their purposes is completed and as such, several committees have been moved to the bottom of the page as "Inactive,"

however, the record remains as to the active Directors that served on such Committee assignments if or when the need arises to create a committee of a similar nature. Mr. Muhar highlighted the termination involving Upper San Joaquin River Water and Power Authority, Kern Groundwater Authority, and removal of Mark Dawson as an Alternate Director for Power and Water Resources Pooling Authority. There was a brief discussion, and Director Fanucchi motioned, seconded by Director Vickery, and unanimously carried to approve the updated Directors and Staff assignments.

Resolution No. 23-04, ORDERING THAT A GENERAL ELECTION NOT BE HELD ON MARCH 7, 2023 AND REQUESTING THE BOARD OF SUPERVISORS TO APPOINT PERSONS TO OFFICE AS DIRECTORS OF ARVIN-EDISON WATER STORAGE DISTRICT

Mr. Nixon noted the Division Director terms are set to expire at the April 2023 board meeting and stated one Nomination Petition for each division was received for Divisions 2, 4, 6, 8 and 9 by the due date of January 6, 2023, which by statute determines that no election is to be held. The following Nomination Petitions were filed:

Division 2	Jeffrey Giumarra
Division 4	Dennis Johnston
Division 6	Edwin Camp
Division 8	Catalino Martinez
Division 9	Matthew Vickery

Mr. Nixon then presented a form of Resolution whereby Director Martinez motioned, seconded by Director Giumarra, and unanimously carried to approve Resolution No. 23-04, ORDERING THAT A GENERAL ELECTION NOT BE HELD ON MARCH 7, 2023 AND REQUESTING THE BOARD OF SUPERVISORS APPOINT PERSONS TO OFFICE AS DIRECTORS OF ARVIN-EDISON WATER STORAGE DISTRICT. A copy of Resolution No. 23-04, is on file in the Resolution book and hereby made a part of these minutes.

Consider Approval of Special Agreement No. 1 to South of Kern River Memorandum of Agreement

Mr. Muhar noted the purpose of this Special Agreement is to clarify the terms by which the South of Kern River Executive Committee (consisting of board representation from Arvin-Edison Water Storage District, Arvin Community Services District, Tejon Castac Water District and Wheeler-Ridge Maricopa Water Storage District) may invite a Party's district counsel to provide legal advice and assist the Executive Committee in its consideration of legal issues relevant to the Parties' coordinated development and implementation of the South of Kern River GSP. The Agreement also provides for cost sharing among the Parties for South of Kern River associated costs, including legal fees. Mr. Muhar further stated the Parties have agreed to utilize Legal Counsel Julie Gantenbein with Water and Power Law Group (WPLG) for such purposes. Director Fanucchi motioned, seconded by Director Yurosek, and unanimously carried to approve the Special Agreement No. 1 to South of Kern River MOA.

AGENCY/AUTHORITY/COMMITTEE REPORTS

Friant

Mr. Muhar provided a brief summary of the various action items taken by FWA. Topics included water supply scenarios, Friant-Kern Canal Systemwide Capacity Study, FKC construction and associated delays with Arvin's ability to take water supplies.

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

Mr. Muhar stated the coordination between districts continues on a monthly basis with Director Yurosek attending the Kern Coordination meeting. Mr. Muhar further reviewed the SOKR monitoring network results from the fall 2022 readings and mentioned the forthcoming meeting with California Aqueduct Subsidence Program regarding their comments to the GSP.

White Wolf Subbasin GSA

Mr. Muhar noted the WWGSA approved an EKI task order to continue assisting the Technical Committee on various items.

Kern Groundwater Authority (KGA)

Mr. Muhar stated the SOKR districts letter requesting budget vs. actual expenses for 2022 is nearing completion with final invoices for December. In addition, Mr. Muhar noted the Kern Basin Study has been initiated an initial update meeting was completed.

Kern River Watershed Coalition Authority

Mr. Muhar provided an update on the Kern River Watershed Coalition Authority noting growers will be required to file a new form and will be notified by the KRWCA accordingly.

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.

On-Farm Recharge Program

District staff presented an On-Farm Recharge Program, similar to a program previously approved in 2019, whereby the District would pay landowners/water users to recharge groundwater and the District would get credit for such recharge. After a long discussion regarding program details and alternative options, for example discounted water rates, the Board unanimously approved the Program at \$40 per acre-foot.

Summary of Grants and On-going Projects

Mr. Muhar presented an update of on-going grants and projects, which included Sunset Spreading, Forrest Frick/Eastside Canal Intertie, and further shared a drone presentation prepared by engineering staff of field operations. Mr. Muhar noted that the District could benefit from its own drone and recommended staff purchase a drone, and the Board unanimously agreed. The Board requested that staff review the potential to utilize temporary pumps at Sunset Spreading provided the current water supply situation.

Update of Financial Planning

Mr. Nixon provided an updated PowerPoint presentation on the 2023 Water Revenue Certificates of Participation - Credit Presentation, which was included in the Board Packets, and shared the various coordination calls including one with S&P Global regarding a District rating.

CORRESPONDENCE

Mr. Muhar noted Legislative updates for Kern County Water Agency and Friant Water Authority.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

Legal Counsel Hughes then advised the Board he would like to discuss existing litigation, and anticipated litigation, namely:

Potential 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);

Public Employment (Government Code §54957.6)

Conference with Labor Negotiator Unrepresented Employees: Office Staff, Watermaster, O&M Technician;

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 2:00 p.m. Upon returning to open session at 3:11 p.m., Legal Counsel Hughes advised that no reportable action was taken in the closed session.

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 3:12 p.m.



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