

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
ARVIN-EDISON WATER STORAGE DISTRICT
March 14, 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 12:00 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 @ 12:10 p.m.)
Dennis Johnston, Secretary-Treasurer
Matthew Vickery
Derek Yurosek (departed @ 3:25 p.m.)
Catherine Fanucchi
Catalino Martinez
Brian Kirschenmann
Scott Spitzer

District staff:

Jeevan Muhar, Engineer-Manager
David Nixon, Deputy General Manager
Samuel Blue, Resource Manager
David Grant, Controller*
Mark Dawson, Engineer*
Chris Krauter, Special Projects Superintendent*
Joe Scerbo, General Superintendent*

District Consultants:

Joseph Hughes, Esq., Klein DeNatale Goldner, LLP
Todd Robins, Esq. Robins Borghei, LLP**
Randy Hopkins Provost & Pritchard Engineering Group*
Anona Dutton, EKI Consultants, (departed @ 2:05 p.m.)
Christina Lucero, Aaron Lewis, Ayman Alafi, & Chris Heppner, EKI Consultants, (Via Webex)* (departed @ 1:30 p.m.)

Visitors and Guests:

Kevin Assemi, (Via Webex)*
Douglas Jackson, Farming Consultant (Via Webex)*
Kristin Blank, (Via WebEx)*
Molly Thurman, Ag (Via Webex)*
John Gaugel, Wonderful Orchards (Via Webex)*
Gabriel Gaeta, Sin-33 Solutions*
Craig Bono, Sunview Vineyards*

Note: **Departed at Closed Session at 2:40 p.m.*
 ***Present for a portion of Closed Session*

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, but the order of the agenda may change to accommodate Director, staff, and/or consultant schedules.

OPPORTUNITY FOR PUBLIC COMMENT (Government Code §54854.3)

There were no public comments.

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:

6. Approval of Minutes of the Board of Directors meeting held on February 14, 2023.
7. Approval of Treasurer's Report for February 28, 2023, Unaudited Financial Statements for Year Ending January 31, 2022, and Delinquency List in the amount of \$5,855.76.

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

ACTION ITEMS

Resolution No. 23-11, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (February 2023 - Warrant Numbers 46582- 46738

Mr. Grant reported on February disbursements totaling approximately \$5.1M, with Mr. Grant highlighting debt payments, and several water and power expenses.

Mr. Grant then presented a form of Resolution; whereupon, Director Kirschenmann motioned, seconded by Director Fanucchi, and unanimously carried to approve Resolution No. 23-11, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (February 2023). A copy of Resolution No. 23-11, is on file in the Resolution book and is hereby made a part of these minutes.

CONSIDER APPROVAL OF PROVOST & PRITCHARD ENGINEERING GROUP PROPOSAL REGLATED TO SGMA GRANTS FOR MANAGEMENT OF MONITORING WELL WORK

Mr. Blue presented the Provost & Pritchard Task Order noting that the Arvin GSA has sixteen (16) designated SGMA monitoring wells as part

of the South of Kern River GSP. Several of these wells lack specific details and in order to be in compliance with SGMA regulations, these data gaps need to be addressed. The monitoring work consists of 1) removing well equipment from four wells, which will remove obstacles and allow for easier data collections, and 2) video logging ten wells, which will provide a better understanding of well details. Mr. Blue further stated the Kern Subbasin has been awarded a \$7.6M grant from the Proposition 68, Round 1 and the Arvin GSA has been allocated \$126,608 out of \$389,789 basin-wide funds to cover above stated work, including project management. Provost & Pritchard has submitted a proposal to provide project management services for this project in an amount not to exceed \$35k, which is eligible for grant reimbursement. Staff recommends that the Board of Directors approve the Provost & Pritchard Project Management of Monitoring Well Work. Director Fanucchi motioned, seconded by Director Kirschenmann, and unanimously carried to approve Provost & Pritchard Engineering Group Task Order for Management of Monitoring Well Work in an amount not to exceed \$35k.

CONSIDER APPROVAL OF PROVOST & PRITCHARD ENGINEERING GROUP TASK ORDER 23-03, FOR DESIGN SERVICES ON THE FRICK UNIT IN-LIEU PIPELINE PROJECT

Mr. Nixon presented the Provost & Pritchard Task Order for consulting and design services on the Frick Unit In-Lieu Pipeline Project, noting this action item was consistent with the Proposition 218 Election and the January 2023 sale of \$25M of Certificates of Deposits. Staff is recommending proceeding with the Frick Unit, which is comprised of 2,800 acres in the North portion of the District that relies 100% on groundwater. The Project budget is approximately \$6M and District has received a state grant in the amount of approximately \$2M. Mr. Nixon further noted that Provost & Pritchard's task order is \$406K, which is included in the budget. Director Yurosek motioned, seconded by Director Vickery, and unanimously carried to approve the Provost & Pritchard Task Order for consulting and design services on the Frick Unit In-Lieu Pipeline Project not to exceed \$406K.

STAFF REPORTS

Review of Winter Maintenance Activities

Mr. Krauter and Mr. Scerbo reviewed a PowerPoint presentation of the 2022 Annual Winter Maintenance activities highlighting planning activities throughout the year and the completion of various duties and repairs that involved both staff and subcontractors and total cost. Activities included extensive cleaning and replacement of Intake Canal panels and replacement of trash rakes at the Forrest Frick Pumping Plant.

AGENCY/AUTHORITY/COMMITTEE REPORTS

Friant

Mr. Muhar noted the details in the Board packet on the FKC Middle

Reach Construction, the FWA Tour, and the invitation to the Friant Water Authority 2023 Annual meeting scheduled for April 13, 2023. President Camp and Mr. Muhar discussed the benefits to the District to continue investigating additional phases of a FKC Capacity Correction Study, with a cost share to the District of nearly \$250,000 of the total \$670,000. The Board agreed the District should continue to stay involved and participate in the FKC Capacity Correction Study.

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

Mr. Muhar provided an update on the South of Kern River GSP stating details have been provided in the Board packet, which include DWR GSP response, SOKR and Arvin GSA monitoring network maps, EKI consultants presentation, and a cost share to the District of \$25k (included in 2023 Budget).

White Wolf Subbasin GSA

Mr. Muhar provided an update of the March 7, 2023 Board of Directors' meeting attended by Directors Martinez and Giumarra, and staff (Muhar and Blue). Mr. Muhar noted the technical presentation enclosed in the Board packet.

STAFF REPORTS (con't)

District Operations

Mr. Blue 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.

Summary of Grants and On-going Projects

Mr. Blue presented an update of on-going grants and projects, which included the Groundwater Model, two new wells, Eastside Canal Intertie, and the Frick Unit.

Groundwater Model Update

Ms. Dutton from EKI Consultants then presented a PowerPoint update of the Groundwater Model.

Consultant Task Orders

Staff provided an update on the annual consultant task orders and reported additional details (hourly overhead, administrative tracking, and COVID notation) as requested.

CORRESPONDENCE

Mr. Muhar noted Legislative updates for Kern County Water Agency, Friant Water Authority, Agricultural Energy Consumers Association, and

the USBR Finding of No Significant Impact of AEWS D Transfers and Exchanges with Kings River Districts and Kern County Districts and the Temporary Urgency Change Petition related to capturing Class 2 supplies in Mendota Pool.

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; and
Conference with Labor Negotiator Employee Organization: International
Union of Operating Engineers Local 501;

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 2:40 p.m. Upon returning to open session at 4:03 p.m., it was reported that while in closed session, upon motion by Director Fanucchi, seconded by Director Giumarra and unanimously carried, the Board approved a settlement agreement with Homer LLC in the Arvin-Edison WSD v. Porterville ID, et al. matter.

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 4:05 p.m.

(District Seal)

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