

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS OF  
ARVIN-EDISON WATER STORAGE DISTRICT  
July 11, 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  
Dennis Johnston, Secretary-Treasurer  
Derek Yurosek  
Catherine Fanucchi  
Catalino Martinez  
Matthew Vickery  
Scott Spitzer

There was one absent Director:

Brian Kirschenmann

District staff:

Jeevan Muhar, Engineer-Manager  
David Nixon, Deputy General Manager  
Samuel Blue, Resource Manager  
David Grant, Controller\*  
Mark Dawson, Engineer\*  
Christy Bryon, Senior Accountant\*  
Logan Sorrell, Engineer Technician (Summer Intern)\*

District Consultants:

Joseph Hughes, Esq., Klein DeNatale Goldner, LLP  
Todd Robins, Esq. Robins Borghei, LLP\*  
Randy Hopkins, P&P\*  
Christina Lucero, EKI Consultants (Via Remote)\*  
Geoff King, Danhira Millan and Scott Westall, Barbich, Hooper,  
King, Dill, and Hoffman Accountancy Corporation (departed @ 12:45 p.m.)

Visitors and Guests:

Mike Wade, California Farm Water Coalition\*  
Don Wright, Water Wrights\*  
Steve Murry, Murray Family Farms\*  
Vincent Sorena, Global Ag Properties\*  
Keith Jagels, Roscoe Moss Company\*  
Andrew Forker, PCF Arvin\*  
Kyle Richardson, GRF\*  
Doug Gosling, Esq. (Via Remote)\*  
Jennifer Evans (Via Remote)\*  
Colby Fry, Opal Fry and Son (Via Remote)\*

Glenn Chafin, Watts Farming, (Via Remote)\*  
Jimmy Gill, (Via Remote)\*  
Yeong Shin, (Via Remote)\*  
David James, Local Union 501 (Via Remote)\*

*Note: \*Departed at Closed Session at 1:45 p.m.*

#### 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 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 June 13, 2023.
7. Approval of Treasurer's Report for June 30, 2023, and Unaudited Internal Financial Statements for Period Ending May 31, 2023.

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

#### ACTION ITEMS

##### Memberships/Contributions/Call for Funds

Mr. Muhar presented the Western Growers Association in the amount of \$400 and noted Mr. Mike Wade was present to discuss California Farm Water Coalition - Cultivate California in the amount of \$3,000.

Mr. Wade then presented the Cultivate California Program, which included the history, outreach effects as well as the annual report. After a brief question and answer discussion, Director Giumarra motioned, seconded by Director Johnston, and unanimously carried to approve the Western Growers Association in the amount of \$400 and the Cultivate California in the amount of \$3,000.

**Resolution No. 23-17, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (June 2023 - Warrant Numbers 47187 - 47353)**

Mr. Grant reported on June disbursements totaling approximately \$3.8M.

Mr. Grant then presented a form of Resolution; whereupon Director Martinez motioned, seconded by Director Vickery, and unanimously carried to approve Resolution No. 23-17, ORDERING PAYMENT OF ACCOUNTS AND CLAIMS (June 2023). A copy of Resolution No. 23-17 is on file in the Resolution book and is hereby made a part of these minutes.

**Consider Approval of Audited Financial Statements for Year Ending February 28, 2023**

Mr. Nixon formally introduced Geoff King, Danhira Millan, and Scott Westall from Barbich Hooper King Dill Hoffman Accounting Corporation to present the Audited Financials for Year Ending February 28, 2023.

Mr. King stated the audit went well, completed on schedule, and the District has been issued an unqualified opinion. In addition, there are no items of deficiency to report in the management letter.

Mr. King then reviewed the Independent Auditor's Report and the Financial Statements for the Year Ending February 28, 2023. Mr. King explained certain line items on the Balance Sheet, Statement of Changes in Retained Earnings, Statement of Cash Flow, changes in net assets, capital assets, fixed assets, current assets, water in storage, banked water, and inventory. There was discussion regarding accounting principles of banked supplies and the Board requested staff present alternative principles including any legal concerns.

Director Johnston motioned, seconded by Director Giumarra, and unanimously carried to approve the Audited Financial Statements for Year Ending February 28, 2023.

**Closed Session (Government Code §54957(b)) Public Employee Performance**

President Camp requested the Board and the Accountants if there was a need for closed session on public employee performance; however, provided no discrepancies in the Audited Financial Statements there was no need for further discussions.

**Consider Approval of "Notice to Amend South of Kern River Groundwater Sustainability Plan" (SOKR GSP)**

Mr. Muhar presented the "Notice to Amend South Kern River Groundwater Sustainability Plan" and stated this SGMA requirement would be necessary for possible GSP amendments as the Basin contemplates responses to the State Board. Mr. Muhar stated other GSAs in the Kern subbasin, including Kern Groundwater Authority and Kern River GSA have completed such notice as well, and the SOKR Executive Committee unanimously recommended that SOKR GSAs approve such notice. There was a brief discussion, and Director Fanucchi motioned, seconded by Director Vickery, and unanimously approved the SOKR GSP "Notice."

Public Hearing at 1:00 p.m. to hear comments or objections regarding Fiscal Year 2023-2024 Preliminary Roll of General Administrative and General Project Service Charges (GA&GP), and to finalize both the preliminary roll and the rate for said respective charges to be applied to the categories of land as set forth in said roll and Resolution No. 23-18, FINALIZING ROLL OF GENERAL ADMINISTRATIVE AND GENERAL PROEJCT SERVICE CHARGES; FIXING RATES PER ACRE FOR SAID CHARGES; ORDERING THAT THE SAME BE COLLECTED FROM OWNERS OF LANDS RECEIVING THE BENEFIT THEREOF; AND ELECTING THAT SUCH CHARGES FOR FISCAL YEAR 2023-2024 TO BE COLLECTED BY THE COUNTY OF KERN AS PROVIDED IN ARTICLE 4, CHAPTER 13, PART 9 OF DIVISION 14 (COMMENCING WITH SECTION 47980) OF THE CALIFORNIA WATER CODE

Mr. Camp opened the scheduled Public Hearing to solicit any comments or objections to the final fixing of the rates and the roll of General Administrative and General Project Service Charges for fiscal year 2023-2024 and requested staff to conduct its presentation.

Mr. Nixon reviewed the timetable for levying the General Administrative and General Project Service Charges (GA&GP) for 2023-2024, and reviewed the annual process, with the adoption of Resolution No. 23-15, which designated the "Preliminary Fixing" with a proposed increase to the General Project Service Charges as budgeted.

Mr. Nixon then presented to the Board three (3) exhibits in support of jurisdictional and other matters: (A) the copy of filing of the Preliminary Roll; (B) "Proof of Publication" of the "Notice of Hearing" document submitted to the "Bakersfield Californian" published during the weeks of June 16 and June 23, 2023; and (C) the "Affidavit of Mailing" the "Notice of Public Hearing" and also mailed "Notice of Public Hearing" on/or before 4:00 p.m. June 26, 2023, to all landowners in the Arvin-Edison Water Storage District.

Mr. Nixon noted no written objections or comments had been received and only two (2) telephone calls from landowners with general inquiries about the GA&GP charges, but there were no requests for changes to the roll or changes to the charges.

There were no public comments and from landowners in attendance, so President Camp stated the public hearing was declared closed at 1:10 p.m.

Mr. Nixon presented a form of Resolution, whereby, Director Yurosek motioned, seconded by Director Giumarra, and unanimously carried to adopt Resolution No. 23-18, FINALIZING ROLL OF GENERAL ADMINISTRATIVE AND GENERAL PROEJCT SERVICE CHARGES; FIXING RATES PER ACRE FOR SAID CHARGES; ORDERING THAT THE SAME BE COLLECTED FROM OWNERS OF LANDS RECEIVING THE BENEFIT THEREOF; AND ELECTING THAT SUCH CHARGES FOR FISCAL YEAR 2023-2024 TO BE COLLECTED BY THE COUNTY OF KERN AS PROVIDED IN ARTICLE 4, CHAPTER 13, PART 9 OF DIVISION 14 (COMMENCING WITH SECTION 47980) OF THE CALIFORNIA WATER CODE. A copy of Resolution No. 23-18 is on file in the Resolution book and is hereby made a part of these minutes.

## REPORT ITEMS

### AGENCY/AUTHORITY/COMMITTEE REPORTS

#### **Friant**

Mr. Muhar provided an update on Friant stating details have been provided in the Board packet.

#### **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.

### STAFF REPORTS

#### **District Operations**

Mr. Blue reviewed year-to-date delivery summary, historical deliveries, in-district demand, spreading including on-farm recharge, and rainfall/snowpack info.

Mr. Muhar stated he continues to work with other agencies on water management programs to maximize spreading and conveyance systems are beginning to restrict imports.

#### **Summary of Grants and On-going Projects**

Mr. Blue presented a brief update of on-going grants and projects, which included the Groundwater Model, two new wells, Eastside Canal Intertie, Frick Unit, SGMA Monitoring Well Work, Sunset Groundwater Recharge Project, DiGiorgio Phase 2, and Sandrini Unit.

#### **2022 Land Use Survey**

Mr. Blue noted the 2022 Land Use Survey was provided in the Board Packet and highlighted some details with regards to acreage, crops, and values. There was a brief discussion regarding commodity values and the Board unanimously voted to remove that section of the report before it is published for the public.

### 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 (Two Items);  
Arvin-Edison WSD vs. J.R. Simplot, et al (123TCP);  
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 Employee Organization: International  
Union of Operating Engineers Local 501;  
Personnel Matters;


Real Property Negotiations (Government Code §54956.8)

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 1:45 p.m. Upon returning to open session at 4:09 p.m., there was no reportable action.

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 4:10 p.m.



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