

**MINUTES OF SPECIAL MEETING OF
BOARD OF DIRECTORS OF
BUENA VISTA WATER STORAGE DISTRICT, BUENA VISTA GROUNDWATER
SUSTAINABILITY AGENCY AND
BUENA VISTA COALITON
December 6, 2019**

The special meetings of the Board of Directors of the Buena Vista Water Storage District were held at the District office at 525 N. Main Street, Buttonwillow, California, on Friday, December 6, 2019 at the hour of 8:30 a.m.

Call to Order: The President took a roll call at 8:30 a.m.

The following Directors were present:

Mr. John Vidovich
Mr. Julien Parsons
Mr. Terry Chicca
Mr. Jeof Wyrick (Via Teleconference – Joined at 8:35 a.m. and left at 9:39 a.m.)

Others present included:

Mr. Tim Ashlock
Mrs. Angela Thompson
Ms. Marybeth Brooks
Mr. Isaac St. Lawrence
Mr. Andrew Bell
Mr. Amrit Mangat
Mr. Rod Stiefvater
Mr. Ted Page
Mr. Dan Hay
Mr. Doug Gosling
Mr. Bryan Bone
Mr. Justin Bone
Mr. Dave Miller
Mr. Beau Antongiovanni
Mr. Matt Thomson

Minutes: The President stated that copies of the minutes for the meetings held on October 18, 2019 had been mailed to all Directors. The President asked if there were any corrections, additions and/or deletions. None were noted. On motion made by Director Chicca and seconded by Director Parsons the minutes were approved as mailed.

AYES:	Directors Vidovich, Parsons, Chicca
NOES:	None
ABSENT:	Directors Ritchie, Wyrick
ABSTAIN:	None

Public Statements: None

Consent Calendar: The following items on the Consent Calendar were as follows:

5. Financial Report:
 - (a) *October Payables
 - (b) *Appropriations & Expenditures
6. Other Matters:
 - (a) *Holiday Schedule
 - (b) *ACWA Region 7 Election Results
 - (c) *ACWA President's Special Recognition Award
 - (d) *California Farm Water Coalition Membership

7. Landowner and M & O Matters:
 - (a) *Maintenance & Operation Update
8. Water Supply and Related Issues
 - (a) *Watermaster & Isabella Dam Safety Modification Reports
9. Project Development and Related Programs
 - (a) *7th Standard Pipeline Update
 - (b) *Belridge South Connection Update
 - (c) *Palms
 - (d) *Corn Camp Reservoir & Pump Station
11. Kern County Water Agency
 - (b) *Central Valley Project & State Water Project Biological Opinions & Summary

M/S/C (Chicca, Parsons) that the Board approves the Consent Calendar items.

AYES: Directors Vidovich, Parsons, Chicca
NOES: None
ABSENT: Directors Ritchie, Wyrick
ABSTAINS: None

Financial Report: District Treasurer provided the Board with a written and verbal report on the District finances. (See also Consent Calendar)

President Vidovich opened the public hearing regarding the approval of the 2020 Budget and setting the 2020 assessments and water tolls. Staff reported the notice had been published as required and that no protests were received. There being no protests or protestants present President Vidovich requested a motion to close the Public Hearing. On motion of Director Chicca, seconded by Director Parsons the Public Hearing was closed.

Mr. Ashlock reported that the M&O assessments increased to \$42.00 per acre and water toll fees increased to \$24.00 per acre feet. Off-Cycle water run fees are \$40.00 per acre feet plus the water toll fee of \$24.00 per acre feet. Upon motion duly made by Director Chicca and seconded by Director Parsons, the following resolution was passed and adopted.

RESOLUTION NO. 4385

BE IT RESOLVED, that the report prepared pursuant to the requirements of the California State Water Code heretofore adopted by Resolution No. 4385 is hereby adopted as the final report of the Board of Directors.

BE IT FURTHER RESOLVED, that the expenditure of the various sums of money aggregating One Million Nine-Hundred, Fifty-Nine Thousand, Six and No/100 Dollars (\$1,959,006), is necessary to provide for the maintenance, repair and operation of the District works, and for the conduct and management of the District and its works during the year 2020, and that an assessment upon the land within the District to raise said One Million Nine-Hundred, Fifty-Nine Thousand, Six and No/100 Dollars (\$1,959,006), is hereby determined to be necessary.

BE IT FURTHER RESOLVED, that the Supplemental Assessment Roll, showing by description each tract assessed, the total assessment against the same for construction proposed, the rate of assessment and the amount assessed against the same by such supplemental assessment roll as prepared by the Secretary of this Board, is hereby approved and adopted.

BE IT FURTHER RESOLVED, that the Secretary of this Board be, and he hereby is, directed to file a copy of said assessment roll with the County Treasurer of Kern County on the 10th day of December, 2019.

IT IS FURTHER ORDERED AND DIRECTED, that the Secretary be directed to enter this preamble including the Estimate of Budget and Resolution in the minutes of the Board of Directors at length.

2020 BUDGET

Wages	\$ 1,784,000.00
Benefits	668,000.00
Vehicle Maintenance	56,250.00
Construction Equipment Maintenance	51,000.00
Well & Pump Maintenance	58,570.00
Other Equipment Maintenance	3,100.00
Weed Control Maintenance	265,000.00
System/Structure Maintenance	261,500.00
Headquarter Maintenance	31,500.00
Petroleum Products	188,300.00
Maintenance Supplies	40,750.00
Water Purchases	185,000.00
Watermaster	40,000.00
Isabella M & O	85,592.00
Cloud Seeding	55,000.00
Project Committee (KF,ST, IRWMP, Delta)	80,000.00
Pioneer Administration	25,000.00
CVC O&M	10,000.00
LAFCO	3,600.00
Miller-Haggin GW Group	60,000.00
Insurance	202,998.00
Consultants	350,000.00
Legal Services	365,000.00
Financial Services	24,000.00
Capital Purchases	255,000.00
Capital Projects (net of grant proceeds)	39,306,000.00
Administrative Expenses	1,223,000.00
Utilities	448,500.00
Water Purchases	<u>2,740,497.00</u>
 Total Itemized Budget	 \$48,867,157.00
Misc. Income & Funds on Hand	<u>\$46,908,151.00</u>
 Required Budget Funds	 \$1,959,006.00

BE IT FURTHER RESOLVED, that the Secretary shall certify to the County Treasurer of Kern County, State of California, for signature and mailing and publication in Kern County, State of California, notice in substantially the following form:

“NOTICE IS HEREBY GIVEN that at a meeting of the Board of Directors of Buena Vista Water Storage District held December 6, 2019, an installment of Assessment No. IR-4 “Supplemental Assessment for Maintenance and Operation,” was ordered paid within sixty (60) days from date hereon by all assessed landowners of said District in the County of Kern, State of California, to the Treasurer-Tax Collector of said County.

The Assessment Roll will remain open for payment for a period of thirty (30) days, or until January 10, 2020, inclusive, during which period your assessment may be paid without interest. After the expiration of the 30-day period, unpaid assessments will draw interest at the rate of eight percent (8%), per annum pursuant to California State Water Code Section 46671. Any installment which shall remain unpaid on the 9th day of February, 2020, shall be delinquent, together with the accrued interest thereon, with the ten percent (10%) of such installment and interest added as penalty as provided for under Section 46710 of the California State Water Code.”

AYES: Directors Vidovich, Parsons, Wyrick, Chicca
NOES: None
ABSENT: Director Ritchie
ABSTAINS: None

President Vidovich announced to defer item 5(d)(iv) “District Employees Wages and Benefits” until after Executive Session.

Landowner and M&O Matters: Mr. Ashlock recommended consideration from the Board to ratify the Canal Abandonment Committee’s recommendation to allow the re-routing of the Florida Drain. President Vidovich stressed the importance of leaving it as a drain and only allow the re-location. On motion Director Parsons, seconded by Director Chicca, the Board approved the re-routing of the Florida Drain.

AYES: Directors Vidovich, Parsons, Wyrick, Chicca
NOES: None
ABSENT: Director Ritchie
ABSTAINS: None

President Vidovich clarified that the Board’s intent is to grant the abandonment of the East Cut-Off Canal contingent on formalizing the agreement and obtaining the exchange of easements. On motion of Director Parsons, seconded by Director Chicca, the Board adopted the position that the District intends to grant the abandonment and easement but such approval is contingent on the exchange of easements being obtained and final Board approval of those easements.

AYES: Directors Vidovich, Parsons, Wyrick, Chicca
NOES: None
ABSENT: Director Ritchie
ABSTAINS: None

Water Supply and Related Issues: Mr. Bell gave a brief update on the current water supply. On motion of Director Parsons, seconded by Director Chicca the Board authorized the Water Committee to sell up to 20,000 acre feet of water at a price determined by the Water Committee.

AYES: Directors Vidovich, Parsons, Wyrick, Chicca
NOES: None
ABSENT: Director Ritchie
ABSTAINS: None

The Board discussed a Fallow Land program and President Vidovich asked the public if they would be interested in the program or had any comments. Mr. Dave Miller suggested that the program be added to the District’s Groundwater Sustainability Plan. The Board agreed to appoint a Committee to set a value for the Fallow Land program and set a price for future water sales. On motion of Director Parsons, seconded by Director Chicca the Board appointed Director Parsons and Director Chicca as the Committee and was given authority to set the value of fallow land with a limit of \$500 per acre and a maximum cap of two million dollars.

AYES: Directors Vidovich, Parsons, Wyrick, Chicca
NOES: None
ABSENT: Director Ritchie
ABSTAINS: None

Project Development and Related Programs: Director Chicca confirmed that the pipeline workshop is being held at 9:30 a.m.

Buena Vista Groundwater Sustainability Agency: President Vidovich opened the public hearing concerning the approval of the Groundwater Sustainability Plan at 9:00 a.m.. Staff reported that a few comments were received, and responses were given. Mr. Dave Miller gave an overview of the GSP and gave the Public in attendance the opportunity to ask questions or comment on the GSP. At the end of the public hearing, President Vidovich requested a motion to close the Public Hearing. On motion of Director Chicca, seconded by Director Parsons the Public Hearing was closed.

Upon motion duly made by Director Chicca and seconded by Director Parsons, the following resolution was passed and adopted.

RESOLUTION NO. 4386

**OF THE BOARD OF DIRECTORS OF BUENA VISTA WATER STORAGE DISTRICT
ACTING AS THE BUENA VISTA GROUNDWATER SUSTAINABILITY AGENCY**

**(FOLLOWING NOTICE AND PUBLIC HEARING, ADOPTING THE
BUENA VISTA GSA GROUNDWATER SUSTAINABILITY PLAN)**

WHEREAS, in 2014, the California legislature adopted, and the Governor signed into law three bills (SB 1168, AB 1739 and SB 1319) collectively referred to as the “Sustainable Groundwater Management Act” (“SGMA”) that went into effect on January 1, 2015 and has been amended from time-to-time thereafter; and

WHEREAS, the stated purpose of SGMA, as set forth in California Water Code section 10720.1 is to provide for the sustainable management of groundwater basins at the local level by providing local groundwater agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, SGMA requires designation of groundwater sustainability agencies (“GSAs”) for the purpose of achieving groundwater sustainability through the adoption and implementation of one or more groundwater sustainability plans (“GSPs”) or an alternative plan for all medium and high priority basins designated by the California Department of Water Resources (“DWR”); and

WHEREAS, Buena Vista Water Storage District has water supply, water management, or land use responsibilities within the Kern County Subbasin and is legally authorized under SGMA to become a GSA; and

WHEREAS, the Buena Vista GSA was duly formed and organized on February 17, 2016 and exists as the exclusive GSA recognized by DWR for a 50,560 acre portion of the Kern County Subbasin, which is designated as subbasin number 5-022.14 in the most recent edition of DWR’s Bulletin Number 118 (“Kern Basin”); and

WHEREAS, GSAs for medium- and high-priority basins are required by California Water Code section 10727 to develop and implement a GSP or two or more coordinated GSPs pursuant to SGMA; and

WHEREAS, the Kern Basin is designated as high-priority; and

WHEREAS, prior to initiating development of a GSP, GSAs are required to provide an initial notification to DWR pursuant to title 23, section 353.6 of the California Code of Regulations; and

WHEREAS, the Buena Vista GSA submitted the initial notification to DWR on February 18, 2016; and

WHEREAS, the Buena Vista GSA is authorized by California Water Code section 10728.4 to adopt the Buena Vista GSA GSP following a public hearing, held at least 90 days after providing notice to a city or county in the area of the proposed GSP; and

WHEREAS, the City of Bakersfield and County of Kern were provided notice on September 4, 2019; and

WHEREAS, interested persons placed on the list required by California Water Code section 10723.4 received notices regarding GSP preparation, meeting announcements, and availability of the Draft Buena Vista GSA Groundwater Sustainability Plan, maps, and related documents; and

WHEREAS, the Buena Vista GSA is required by California Water Code section 10728.4 to review and consider comments from City of Bakersfield and Kern County and to consult with those agencies if requested within 30 days of receipt of notice; and

WHEREAS, the Buena Vista GSA reviewed and considered all comments received by City of Bakersfield and Kern County and consulted with City of Bakersfield and Kern County upon timely request; and

WHEREAS, the Buena Vista GSA convened a duly noticed public meeting and conducted a public hearing on December 6, 2019 for the purpose of receiving and considering public comments to the GSP and to consider adoption of the Buena Vista GSA GSP; and

WHEREAS, the Board of Directors finds that Buena Vista GSA has complied with all requirements of law, including those set forth in SGMA and the SGMA regulations in analyzing, noticing, preparing, considering and now adopting the GSP and that adoption of the GSP is in the best interest of the customers and landowners within Buena Vista GSA; and

WHEREAS, pursuant to section 10728.6 of the California Water Code, Division 13 of the Public Resources Code, the California Environmental Quality Act, does not apply to the preparation and adoption of this GSP; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Buena Vista Water Storage District acting as the Buena Vista GSA as follows:

1. The Recitals set forth in this Resolution are true and correct statements and are incorporated herein as an operative part of this Resolution and made findings and determinations by the Board of Directors.
2. Pursuant to sections 10727 and 10728 of the California Water Code, the Buena Vista GSA adopts the Buena Vista GSA Groundwater Sustainability Plan for the Kern Basin as modified by the Board of Directors at this meeting and as set forth in the Attachment “A” to this Resolution and incorporated herein by this reference.
3. The Plan Manager of the Buena Vista GSA is authorized and directed to:
 - a. take such further action as necessary to comply with SGMA and the SGMA regulations, including transmitting the GSP to DWR in accordance with the requirements of section 10733 et seq. of the California Water Code; and
 - b. execute a coordination agreement with other GSAs in the Kern County Subbasin in substantially the form set forth in Attachment “B” to this Resolution and incorporated herein by this reference.
4. [if applicable, appoint representative for any governance/committee established under coordination agreement]
5. If any section, subsection, sentence, clause or action in this Resolution or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Board of Directors hereby declares that it would have adopted each section irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or actions declared to be unconstitutional, invalid, or ineffective.
6. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of Buena Vista Water Storage District GSA at a regular/special meeting duly called and held within the GSA on the 6th day of December 2019 by the following vote:

AYES:	Directors Vidovich, Chicca, Parsons, Wyrick
NOES:	None

ABSENT: Director Ritchie
ABSTAINS: None

The Board discussed the Kern County Subbasin Coordination Agreement in length. President Vidovich presented a separate coordination letter and explained the reason to send the letter which has a one-year commitment, in lieu of the District signing the Kern County Subbasin Coordination Agreement which requires a five-year commitment. After a lengthy discussion and addressing the concerns from the public the following motion was made. On motion of Director Chicca, seconded by Director Parsons the Board approved to send the coordination letter in lieu of signing the Kern County Subbasin Coordination Agreement in its current form.

AYES: Directors Vidovich, Parsons, Chicca
NOES: Director Wyrick
ABSENT: Director Ritchie
ABSTAINS: None

Mr. Ashlock requested consideration from the Board to approve funding in the amount of \$3,421.05 to support the California Water Data Consortium Data Streamlining Pilot Project. On motion of Director Chicca, seconded by Director Parsons, the Board approved the payment in the amount of \$3,421.05.

AYES: Directors Vidovich, Parsons, Chicca, Wyrick
NOES: None
ABSENT: Director Ritchie
ABSTAINS: None

The Board adjourned the special meeting at 9:30 a.m. to hold the pipeline workshop.

The special meeting reconvened at 10:00 a.m.

James Water Bank Authority: Mr. St. Lawrence gave a brief overview of the proposed changes to the James Water Bank Authority JPA Operating Agreement and the clarifications that need to be made and asked for Board approval for legal counsel to send the agreement to Rosedale Rio Bravo's legal counsel for review and Board approval. On motion of Director Chicca, seconded by Director Parsons the Board approved the Amended Joint Powers Agreement subject to the changes the Board requested.

AYES: Directors Vidovich, Parsons, Chicca
NOES: None
ABSENT: Director Ritchie, Wyrick
ABSTAINS: None

On motion of Director Chicca, seconded by Director Parsons, the Board approved the James Water Bank Authority 2020 Budget in the amount of \$643,135.95 and the delay of payment until the Joint Powers Authority is approved.

AYES: Directors Vidovich, Parsons, Chicca
NOES: None
ABSENT: Director Ritchie, Wyrick
ABSTAINS: None

Kern County Water Agency: Nothing to report on the Delta Conveyance Project Participation.

Buena Vista Coalition: Mr. Ashlock reported that the proposed 2020 Buena Vista Coalition fees will remain at \$3.00 per irrigated acre and the proposed 2020 budget is \$100,000.00. On motion of Director Chicca, seconded by Director Parsons, the Board approved the Buena Vista Coalition fees of \$3.00 per irrigated acre and the budget in the amount of \$100,000.00.

AYES: Directors Vidovich, Parsons, Chicca
NOES: None
ABSENT: Director Ritchie, Wyrick
ABSTAINS: None

Director's Forum: President Vidovich announced that the District is in negotiations with a local landowner to purchase a 302 acre parcel to be used for banking purposes and a 5.7 acre parcel.

The Board elected to hear Agenda Item 15(f) in open session rather than closed session. On motion of Director Chicca, seconded by Director Parsons the Board approved making an offer of \$27,500 per acre for the purchase of 302 acres.

AYES: Directors Vidovich, Parsons, Chicca
NOES: None
ABSENT: Director Ritchie, Wyrick
ABSTAINS: None

On motion of Director Chicca, seconded by Director Parsons the Board approved making an offer of \$50,000 for an additional 5.7 acres subject to the seller accepting the offer of the District to purchase the 302 acres.

AYES: Directors Vidovich, Parsons, Chicca
NOES: None
ABSENT: Director Ritchie, Wyrick
ABSTAINS: None

Executive Session: On the advice of counsel the meeting was again adjourned to executive session at 10:13 a.m. pursuant to Government Code section 54956.9(d)(1) for those certain matters of pending litigation listed on the agenda, and Gov't Code sections 54956.9(d)(2) and or 54956.9(d)(4) for those matters of potential litigation listed on the agenda, Gov't Code sections 54956.8 for those matters of real property negotiations listed on the agenda and Gov't Code sections 54957.6 employee matters (Wages and Benefits) .

The regular meeting reconvened in open session at 10:38 a.m. at which time the Board took up Agenda Item 5(d)(iv). On motion by Director Chicca and second by Director Parsons the Board approved the salary increase recommendations for staff as recommended by the committee and as presented.

AYES: Directors Chicca, Vidovich, Parsons
NOES: None
ABSENT: Directors Ritchie, Wyrick
ABSTAINING: None

There being no further business to come before the Board, the meeting was adjourned at 10:40 a.m.

Assistant Secretary