

**AGENDA
GROUNDWATER BANKING JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

July 16, 2021

Due to COVID-19, this meeting will be conducted as a teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspend certain requirements of the Ralph M. Brown Act. Members of the public may not attend this meeting in person.

Participation by members of the Board of Directors will be from remote locations. Public access and participation will only be available telephonically/electronically.

To virtually attend the meeting and to be able to view any presentations or additional materials provided at the meeting, please join online using the link and information below:

Via Web: <https://zoom.us/j/89902472557>
Meeting Number (Access Code): 899 0247 2557
Meeting Password: 087106
Telephone Dial In: (669) 900-6833

As courtesy to the other participants, please mute your phone when you are not speaking.

PLEASE NOTE: Participants joining the meeting will be placed into the lobby when the Board enters closed session. Participants who remain in the "lobby" will automatically be returned to the open session of the Board once the closed session has concluded. Participants who join the meeting while the Board is in closed session will be placed in the waiting room. When the Board has returned to open session, the participants will be automatically added to the meeting.

CALL TO ORDER 8:30 a.m.

ROLL CALL Directors Pierucci, Selvidge, Reinhart, Swan

**PUBLIC COMMENT
NOTICE**

If you wish to address the Board of Directors on any item, please submit a request to speak via the "chat" feature available when joining the meeting virtually. Remarks are limited to three minutes per speaker on each subject. You may also submit a public comment in advance of the meeting by emailing mmisuraca@rrbwsd.com before 5:00 pm. on July 15, 2021.

ALL VOTES SHALL BE TAKEN BY A ROLL CALL VOTE

1. COMMUNICATIONS TO THE BOARD

- a) Written:
- b) Oral:

2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

3. CONSENT ITEMS

4. FINANCE AND ADMINISTRATIVE REPORT

- a) Consideration of Cash Call (Cheryl, Rob, Dan)
- b) Report and Possible Action on Adoption of Conflict of Interest

5. ENGINEERING REPORT

6. GENERAL MANAGER'S REPORT

7. OTHER BUSINESS

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, and make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

8. CLOSED SESSION

- a) CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Pursuant to Government Code Section 54956.8:

Property: Parcels 103-110-02; 103-110-04; 103-110-09; 103-120-14; 103-120-15; 103-120-16; 103-120-17; 103-130-01; 103-130-03; 103-130-05; 103-130-07; 103-140-02; 103-140-05; 103-140-06; 103-140-12; 103-140-15; 103-140-16; 103-140-17; 103-140-18; 103-140-19; 103-180-01; 103-180-05; 103-180-07; 103-190-13; 103-190-14; 103-200-23; 103-200-25; 103-200-26; 103-200-27; 103-200-28; 103-200-29; 103-270-07; 104-270-01,06; 104-260-09,15; 104-280-08,29,30,31,32,33,

34,35; 104-260-08;104-270-28;104-291-07;104-240-31,22,30; 104-250-20,21; 104-280-01,02,07,19,24,25,27; 104-240-18;104-292-09; 103-170-09,12,14,15 25-32; 160-010-66, 71; 104-280-18 all in County of Kern

Agency negotiators: Dan Bartel

Negotiating parties: Various parties and Groundwater Banking Joint Powers Authority

Under negotiation: Price and Terms of Payment

- b) CLOSED SESSION – Potential Litigation Exposure Pursuant to Government Code Sections 54956.9 (d)(2) and/or 54956.9(d)(4)
- c) CLOSED SESSION – Conference with Legal Counsel - Pending Litigation Government Code Section 54956.9(d)(1)
 - a. City of Bakersfield .v. GBJPA et al. KCSC Case No. BCV-21-100221-GP
 - b. KCWA v. GBJPA et al. KCSC Case No. BCV-21-100223-GP

9. OPEN SESSION

General Counsel may announce any reportable actions taken during Closed Session.

10. ADJOURN

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Board in connection with a matter subject to discussion or consideration at an open meeting of the Board are available for public inspection by contacting Megan Misuraca at mmisuraca@rrbwsd.com. If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available to the public at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available electronically during the meeting.

Accommodations: Upon request, the Authority will provide for written agenda materials in appropriate alternative formats, and reasonable disability-related modification or accommodation to enable individuals with disabilities to participate in and provide comments at the meeting. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, or alternative format requested at least two days before the meeting. Requests should be emailed to mmisuraca@rrbwsd.com. Requests made by mail must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

DECLARATION OF POSTING: I, Megan Misuraca, declare under penalty of perjury, that I am employed by the Rosedale-Rio Bravo Water Storage District and I posted the foregoing Agenda at the District Office on or before July 13, 2021. I, Kristine Swan, declare under penalty of

perjury, that I am employed by the Irvine Ranch Water District and I posted the foregoing Agenda at the District Office on or before July 13, 2021.

Property Acquisition Cash Call

DISCUSSION:

On April 3, 2021 the JPA Board authorized a property acquisition process and on May 3, 2021 provided negotiating parameters on certain properties.

2. Evaluation of Identified Properties, Authorization to Submit Letters of Interest to Purchase, and Establish Negotiating Parameters (*Lead: GBA Board*):
 - Based on recommendations from staff and Alliance Ag, consider potential properties for acquisition.
 - Consider authorizing issuance of non-binding Letters of Interest (LOI).
 - Provide acceptable parameters (price/terms) for General Manager to effectively negotiate with landowners following submittal of LOIs.
 - Review additional price/terms considerations when necessary depending on status of negotiations and authorize revised parameters when appropriate.
 - Upon successful completion of negotiations of Board-approved price and terms, authorize the General Manager/staff to:
 - Prepare and execute a Purchase and Sale Agreement (in consultation with legal counsel);
 - Proceed with escrow and title process;
 - Retain consultants to complete required studies and all other related due diligence requirements.

Accordingly, staff has been negotiating on several target properties and is preparing Purchase and Sale Agreements in consultation with legal counsel. Staff anticipates proceeding with escrow on three properties within the month and to do so would require deposits and due-diligence funds of about \$300,000 per property. Property acquisition cash calls are separate than regular routine budgeted operations and planning cash calls.

RECOMMENDATION:

Authorize the Treasurer to make a cash call to IRWD and RRBWSD for a total of \$900,000 or \$450,000 each.

April 29, 2021
Prepared by: D. Gosling
Agenda Item: 4. a.

Conflict of Interest Memo

DISCUSSION:

Pursuant to Government Code Sections 87300 et seq. a public agency shall have a Conflict of Interest Code. Pursuant to Government Code Section 87302, the Code should designate individuals who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

RECOMMENDATION:

That the Board of Directors approve the proposed Resolution to give notice to adopt the Code and provide notice to the county and appropriate posting for the comment period.

LIST OF EXHIBITS:

Exhibit "A" – Resolution 2021-01
Notice to Adopt

RESOLUTION NO. 2021-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
GROUNDWATER BANKING JOINT POWERS
AUTHORITY ANNOUNCING THE INTENT TO ADOPT A
NEW CONFLICT OF INTEREST CODE AND
ESTABLISHING A COMMENT PERIOD**

WHEREAS, the Groundwater Banking Joint Powers Authority (“Authority”) was established to primarily implement the Kern Fan Groundwater Storage Project located within the boundaries of the Rosedale Rio-Bravo Water Storage District. It is a joint powers authority comprised of Irvine Ranch Water District and Rosedale Rio-Bravo Water Storage District; and

WHEREAS, Government Code section 87300 et seq. provides for the Board to adopt a Conflict of Interest and the Board has determined that an initial code should be adopted; and

WHEREAS, in accordance with state law, the Authority has prepared the attached Conflict of Interest Code and Notice of Intent; and

WHEREAS, state law requires the Authority to provide a 45-day comment period before adopting the Conflict of Interest Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Authority that the Conflict of Interest Code attached hereto as Exhibit A and incorporated herein by this reference is hereby preliminarily adopted.

BE IT FURTHER RESOLVED, that the mandatory 45-day comment period begins on May 3, 2021, and ends June 17, 2021.

ADOPTED, SIGNED AND APPROVED by the Authority, _____, 2021,
by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing is the resolution of the Board of Directors of the Groundwater Banking Joint Powers Authority.

ATTEST:

Board President

Authority Secretary

GROUNDWATER BANKING JOINT POWERS AUTHORITY

CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference, and, along with the attached Attachments A and B, in which individuals or consultants are designated and disclosure categories are set forth, constitute the conflict of interest code of the GROUNDWATER BANKING JOINT POWERS AUTHORITY ("Authority").

Designated individuals shall file their statements with the Authority, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). Statements for all designated individuals will be retained by the Authority.

Attachment A

DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Designated Position	Assigned Disclosure Category
Directors	1 & 2
General Manager	1 & 2
Treasurer	1 & 2
Assistant Treasurer	1 & 2
Project Manager(s)	1
Controller	1
Staff Engineer(s)	1
General Counsel	1 & 2
Consultants	1 & 2

Note: The position of General Counsel is filled by an outside consultant who serves in an officer capacity.

*Staff Engineers(s)/Controller: individuals will be provided from the JPA Members via a Shared Services Agreement

*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The General Manager may determine that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Gov. Code Section 81008).

Officials Who Manage Public Investments

The persons holding the following positions are "public officials who manage public investments" within the meaning of that term as used in Government Code Section 87200 and are required to make full disclosure of all economic interests as required in Form 700: members of the Board of Directors, General Manager, Treasurer, and Assistant Treasurer.

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Gov. Code Sec. 87200.

Attachment B

DISCLOSURE CATEGORIES

Category 1: Designated positions in this category shall disclose income from any source, interests in real property, investments and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

Category 2: Designated positions in this category shall disclose investments; business positions in business entities; and income (including gifts, loans, and travel payments), from sources engaged in providing services (e.g. accounting, auditing, engineering and environmental consulting), supplies, materials, machinery, or equipment of the type utilized by the agency.

DECLARATION OF GENERAL MANAGER FOR THE GROUNDWATER BANKING
JOINT POWERS AUTHORITY

The proposed Conflict of Interest Code specifically enumerates each of the positions within the Authority that involve the making or participation in the making of decisions that may foreseeably have a material financial effect on any financial interest. The Authority has satisfied all of the requirements for preliminary approval of the proposed Code.

The reason for this Conflict of Interest Code is to state the organizational positions of the newly formed Authority.

Dated: _____

Dan Bartel
General Manager

GROUNDWATER BANKING JOINT POWERS AUTHORITY

GROUNDWATER BANKING JOINT POWERS AUTHORITY

NOTICE OF INTENTION TO ADOPT

CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the GROUNDWATER BANKING JOINT POWERS AUTHORITY (the "Authority") intends to adopt a Conflict of Interest Code (the "Code") pursuant to Government Code Sections 87300 et seq. Pursuant to Government Code Section 87302, the Code designates individuals who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on May 3, 2021 and terminating on June 17, 2021. Any interested person may present written comments concerning the proposed Code no later than June 2, 2021 to the Authority, Attention: Secretary, 849 Allen Road, Bakersfield, CA 93314. No public hearing on this matter will be held unless an interested person, or his or her representative, requests such a hearing no later than 15 days prior to the close of the written comment period.

The Authority has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based. The adoption of the Code will not impose a cost savings to the Authority that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses, including small businesses. No alternative considered by the Authority would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The reason for the adoption of this Code is to reflect the action of the new agency.

Copies of the proposed Code and all of the information upon which it is based may be obtained from the Authority, 849 Allen Road, Bakersfield, CA 93314. Any inquiries or written comments concerning the proposed Code should be directed to Dan Bartel, 849 Allen Road, Bakersfield, CA 93314, or by phone at (661) 589-6045.

RESOLUTION NO. 2021-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
GROUNDWATER BANKING JOINT POWERS
AUTHORITY ADOPTING A CONFLICT OF INTEREST
CODE**

WHEREAS, the Groundwater Banking Joint Powers Authority (“Authority”) was established to primarily implement the Kern Fan Groundwater Storage Project located within the boundaries of the Rosedale Rio-Bravo Water Storage District. It is a joint powers authority comprised of Irvine Ranch Water District and Rosedale Rio-Bravo Water Storage District; and

WHEREAS, Government Code section 87300 et seq. provides for the Board to adopt a Conflict of Interest and the Board has determined that a code should be adopted; and

WHEREAS, in accordance with state law, the Authority has prepared the attached Conflict of Interest Code and Notice of Intent and has provided for the comment period; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Authority that the Conflict of Interest Code attached hereto as Exhibit A and incorporated herein by this reference is hereby adopted.

ADOPTED, SIGNED AND APPROVED by the Authority, July 16, 2021, by the following vote:

AYES: P. Swan, J. Selvidge, R. Pierucci, & D. Reinhart

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing is the resolution of the Board of Directors of the Groundwater Banking Joint Powers Authority.

ATTEST:

Board President

Authority Secretary