

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

November 29, 2021

Due to COVID-19 protocols, this meeting will be conducted as a teleconference pursuant to the provisions of the Ralph M. Brown Act. All parties/public may attend the meeting via teleconferencing and offer public comments by phone, using the call-in information below or digital internet access.

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/83815086560>
Meeting Number (Access Code): 838 1508 6560
Meeting Password: 982590
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 November 28, 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

- a) Regular Meeting Minutes November 1, 2021

4. JPA ADMINISTRATIVE AND FINANCIAL REPORT

- a) Consideration and Possible Action on Property Cash Call (Cheryl)

5. 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.

6. CLOSED SESSION

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

Property: Parcels 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 and possible others 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

- a) CLOSED SESSION – Conference with Legal Counsel - Pending
Litigation Government Code Section 54956.9(d)(1)
 - a. City of Bakersfield .v. GBJPA et al. FCSC Case No. 21CECG03341 (prior KCSC Case No. BCV-21-100221-GP)
 - b. KCWA v. GBJPA et al. FCSC Case No. 21CECG03341 (prior KCSC Case No. BCV-21-100223-GP)

7. OPEN SESSION

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

8. 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 November 24, 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 November 24, 2021.

**BOARD OF DIRECTORS
GROUNDWATER BANKING JOINT POWERS AUTHORITY
MINUTES OF THE REGULAR BOARD MEETING**

November 1, 2021
2:00 P.M.

Note: This meeting was conducted by teleconference pursuant to and in conformance with provisions of the Brown Act and AB 361 relating to public meetings

DIRECTORS AND ALTERNATES PRESENT

Roy Pierucci
Jason Selvidge
Peer Swan
Doug Reinhart

DIRECTORS ABSENT

OTHERS PRESENT

Doug Gosling- JPA Legal Counsel
Dan Bartel- RRBWSD
Megan Misuraca- RRBWSD
Cheryl Clary- IRWD
Eileen Lin- IRWD
Fiona Sanchez- IRWD
Robert Jacobson- IRWD
Paul Weghorst- IRWD
Dan Raytis- RRBWSD
Trent Taylor- RRBWSD
May Geng- IRWD
Paul Cook- IRWD
Sophia Phuong- IRWD
Christine Compton-IRWD
Joe Long
Wayne Dahl

CALL TO ORDER

President Pierucci called the meeting to order at approximately 2:00 PM.

Mr. Gosling reviewed Resolution 2021-04- Authorizing AB 361 Teleconference Meeting with the Board. A motion was made by Director Swan with a second by Director Selvidge adopting Resolution 2021-04. A roll call vote was taken and the motion unanimously passed.

PUBLIC COMMENT NOTICE

There were no public comments.

1. COMMUNICATIONS TO THE BOARD

- a). Written: None
- b). Oral: None.

2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

None.

3. CONSENT ITEMS

a) Special Meeting Minutes August 3, 2021

A motion was made by Director Reinhart with a second by Director Selvidge to adopt the consent items. A roll call vote was taken and the motion unanimously passed.

4. JPA ADMINISTRATIVE AND FINANCIAL REPORT

a) Consideration and Possible Action on Approval of FYE June 30, 2021

Audit- Ms. Clary reviewed the Fiscal Year End June 30, 2021

Groundwater Banking Joint Powers Authority audit with the Board. A motion was made by Director Swan with a second by Director Selvidge to approve the Fiscal Year End June 30, 2021 audit. A roll call vote was taken and the motion unanimously passed.

b) First Quarter FYE June 30, 2022 Actual to Budget- Ms. Clary reviewed the first quarter actual to budget with the Board. A motion was made by Director Selvidge with a second by Director Swan to receive and file the Groundwater Banking JPA first quarter budget to actual report for FYE June 30, 2022. A roll call vote was taken and the motion unanimously passed.

c) Association of California Water Agencies Elections- A motion was made by Director Swan with a second by Director Selvidge approve the Groundwater Banking JPA General Manager to vote or assign a voting delegate to cast the ballot on behalf of the JPA for the Association of California Water Agencies Board Officers'/General Election. A roll call vote was taken and the motion unanimously passed.

5. KERN FAN GROUNDWATER STORAGE PROJECT

a) Property Acquisition Update- Mr. Bartel briefly reported staff is working on the due-diligence efforts on target properties.

b) Engineering Update- Mr. Bartel gave a brief report on the RFP status.

6. GENERAL MANAGERS REPORT

a) DWR Update- Ms. Sanchez briefed the Board on the latest activities for the turnout agreement with DWR.

b) Water Commission Update- Ms. Sanchez reported the feasibility study will be presented to the Water Commission in December.

c) Update on Federal Funding- Ms. Compton briefed the Board on the latest federal funding request efforts.

d) RFP Update- This report was covered in item 5b.

7. OTHER BUSINESS

None.

8. CLOSED SESSION

At 2:30 p.m. Director Pierucci announced the Board would enter closed session. The Board reconvened to open session at 3:50 p.m.

9. OPEN SESSION

Mr. Gosling announced staff was directed on item 8a and there were no reportable actions taken during closed.

10. ADJOURN

Director Pierucci adjourned the meeting at 3:50 p.m.

ATTEST:

Authority Secretary

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.

3. Review of Due Diligence Findings (*Lead: GBA Project Committee*):
 - Following the due diligence investigation of a property, staff will provide report of findings for Committee review. The report will include:
 - Recharge suitability for water banking;
 - Findings from consultant's Phase I and other related studies;
 - Title constraints/considerations; and
 - Other relevant due diligence information.
 - Based on its review, the Committee may:
 - Recommend that the Board approve the proposed purchase;
 - Recommend that the Board terminate the proposed purchase;
 - Forward consideration of the proposed purchase to the Board without a recommendation; or,
 - Provide a recommendation to modify the purchase price and/or terms.
4. Final Approval of Land Purchases (*GBA Board*):
 - Based on Committee's review and recommendation, staff will provide a summary of its report of findings for Board review and consideration of final approval (or disapproval/modification of price/terms) prior to completion of any land purchase. The report will include:
 - A summary of the property description and deal terms;
 - Recharge suitability for the project;
 - Findings from consultant's Phase I and other related studies;
 - Title constraints/considerations; and
 - Other relevant due diligence information.

Accordingly, staff has been negotiating on several target properties and is preparing Purchase and Sale Agreements in consultation with legal counsel. The JPA Board has previously authorized two cash calls in the amount of \$5,900,000 for deposits and due diligence on three properties and acquisition of one property. The JPA has now opened escrow on a second 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 \$4,000,000 or \$2,000,000 each.