

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

February 07, 2022

*Due to COVID-19, 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**      2:00 p.m.

**ROLL CALL**              Directors Pierucci, Selvidge, Reinhart, Swan

- Consider adoption of Resolution No. 2022-01– Authorizing AB 361 Teleconference Meeting

**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](mailto:mmisuraca@rrbwsd.com) before 5:00 pm. on February 6, 2022.

**ALL VOTES SHALL BE TAKEN BY A ROLL CALL VOTE**

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**1. COMMUNICATIONS TO THE BOARD**

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- a) Written:
- b) Oral:

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**2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

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**3. CONSENT ITEMS**

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- a) Special Meeting Minutes December 28, 2021

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**4. JPA ADMINISTRATIVE AND FINANCIAL REPORT**

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- a) Second Quarter FYE June 30, 2022 Actual to Budget and Full Year Forecast (Cheryl)

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**5. KERN FAN GROUNDWATER STORAGE PROJECT**

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- a) Property Acquisition Update (Rob/Dan)
- b) Engineering Update (Dan)
- c) Feasibility Modeling Update (Fiona)

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**6. GENERAL MANAGER'S REPORT**

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- a) DWR Update (Fiona)
- b) Water Commission Update (Fiona)
- c) Consideration of Land Lease Termination (Dan)

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**7. OTHER BUSINESS**

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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.

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**8. CLOSED SESSION**

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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 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. KCSC Case No. BCV-21-  
100221-GP
  - b. KCWA v. GBJPA et al. KCSC Case No. BCV-21-100223-GP

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## 9. OPEN SESSION

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

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## 10. ADJOURN

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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

Groundwater Banking Joint Powers Authority Board of Directors' Meeting

February 07, 2022

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to [mmisuraca@rrbwsd.com](mailto: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 February 03, 2022. 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 February 03, 2022.

**RESOLUTION NO. 2022-01**

**A RESOLUTION OF THE GROUNDWATER BANKING JOINT POWERS AUTHORITY (“AUTHORITY”) TO IMPLEMENT TELECONFERENCING REQUIREMENTS DURING A PROCLAIMED STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS.**

**WHEREAS**, THE GROUNDWATER BANKING JOINT POWERS AUTHORITY is committed to preserving and ensuring public access and participation in meetings of the Authority; and

**WHEREAS**, all meetings of the Authority legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Authority’s legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

**WHEREAS**, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

**WHEREAS**, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

**NOW THEREFORE**, the Authority hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Board of Directors of the Authority finds, by a majority vote, the following:
  - a. That there exists a proclaimed state of emergency; and

b. State or local officials have imposed or recommended measures to promote social distancing.

3. The Authority is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.

4. That this Resolution shall take effect February 07, 2022 and shall remain in effect for thirty (30) days thereafter (until March 09, 2022), provided the conditions set forth in Section 2 remain.

**PASSED AND ADOPTED** by the Authority February 07, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Chair

ATTEST:

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Secretary

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

December 28, 2021  
10:30 A.M.

**Note:** This meeting was conducted by teleconference pursuant to and in conformance with Executive Order N-29-20 relating to public meetings during the State of Emergency that was declared as a result of COVID-19

**DIRECTORS AND ALTERNATES PRESENT**

Roy Pierucci  
Peer Swan  
Doug Reinhart

**DIRECTORS ABSENT**

Jason Selvidge

**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

**CALL TO ORDER**

President Pierucci called the meeting to order at approximately 10:30 AM.

Mr. Gosling reviewed Resolution 2021-05- Authorizing AB 361 Teleconference Meeting with the Board. A motion was made by Director Reinhart with a second by Director Swan adopting Resolution 2021-05. 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 November 29, 2021

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

**4. KERN FAN GROUNDWATER STORAGE PROJECT**

a) California Water Commission Update- Ms. Sanchez briefed the Board on the latest activities of the CWC funding requests noting the January 5<sup>th</sup> meeting to discuss additional available funding.

b) DWR Update- Mr. Taylor and Ms. Sanchez briefed the Board on the latest DWR activities including the discussion of Pool 28 studies and possibility to raise the canal liner.

**5. GENERAL MANAGER'S REPORT**

a) Consideration of Professional Services Agreement- Mr. Bartel reviewed the Alliance Ag Services, Inc. Agreement with the Board for property acquisition services in an amount not to exceed \$35,000 per transaction closing. A motion was made by Director Reinhart and a second by Director Pierucci to approve the Alliance Ag Services, Inc. agreement in substantial form and authorize staff to execute upon the final state. A roll call vote was taken and the motion unanimously passed.

**6. OTHER BUSINESS**

None.

**7. CLOSED SESSION**

At 10:58 a.m. Director Pierucci announced the Board would enter closed session. The Board reconvened to open session at 11:18 a.m.

**8. OPEN SESSION**

Mr. Gosling announced staff was directed on item 7a and on a motion by Director Swan with a second by Director Reinhart staff was directed to complete the acquisition of Bolthouse Farms property per the approved negotiated terms. A roll call vote was taken and the motion unanimously passed.

**9. ADJOURN**

Director Pierucci adjourned the meeting at 11:20 a.m.

ATTEST:

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Authority Secretary



February 7, 2022  
Prepared by: May Geng / Sophia Phuong  
Reviewed by: Cheryl Clary  
Agenda Item: 4a

FY 2021-22 Quarterly Actual to Budget and Forecast Results

DISCUSSION:

The quarterly unaudited actual to budget and forecast results for the six-month period ended December 31, 2021 is attached as Exhibit "A". The report separates capital and operating expenditures.

The six-month year to date total expenditures were \$5.5 million compared to a budget of \$20.1 million. Actual expenditures were \$14.6 million or 73% under budget. This is primarily due to lower expenditures than budgeted for land acquisitions and delayed expenses in engineering design consulting fees.

The full year budget was \$39.7 million compared to the full year forecast of \$9.8 million. This is primarily due to the timing of land acquisitions and delay in design and construction. Exhibit "A" provides additional comments.

No cash call is required at this time.

RECOMMENDATION:

Receive and File.

LIST OF EXHIBITS:

Exhibit "A" – FY 2021-22 Actual to Budget and Forecast Results (Unaudited)

**Exhibit A**  
**Groundwater Banking Joint Powers Authority**  
**Unaudited Actual to Budget and Forecast Report**  
**Fiscal Year 2021-22**

Task / Account	Task / Account Name	Unaudited Actual 12/31/21	Budget 12/31/21	Budget (Over) /Under	Approved Full Year FY2021- 22 Budget	Forecast Full Year FY2021-22	Forecast (Over) /Under	FY2021-22 Forecast Variance Comment
<b>Kern Fan Groundwater Capital Project</b>								
1.0	Engineering - Planning and Design Staff	\$18,957	\$54,526	\$35,569	\$109,054	\$ 40,000	\$ 69,054	
1.1	Grant Administration and Reporting	3,570	2,356	(1,214)	4,712	5,000	(288)	
1.15	CWC and USBR Feasibility Studies	48,491	17,184	(31,307)	34,370	78,863	(44,493)	
1.16	JPA Administration	42,063	54,676	12,613	109,354	80,000	29,354	
1.4	Supplemental Environmental Impact Report		44,974	44,974	89,948		89,948	Additional CEQA on hold pending resolution of litigation
1.5	Agreements with State Agencies	873	26,109	25,236	52,219	2,098	50,121	
1.8	Property Pre-Acquisition Work and Geophysical Study	37,106	43,784	6,678	87,572	67,000	20,572	
3.0	Engineering Design - Outside	11,008	269,423	258,415	3,793,310	60,000	3,733,310	Award of design contract delayed till Feb 2022
4.0	Engineering CA&I - Outside		35,625	35,625	269,500		269,500	Delay in construction
5.0	Construction				8,704,949		8,704,949	Delay in construction
5.1	Land	5,184,233	19,315,000	14,130,767	23,065,000	9,246,006	13,818,994	Bolhouse property closed in January 2022.
6.0	Legal JPA	28,169	135,636	107,467	196,772	70,000	126,772	Expenditures delayed and contingent upon litigation
900.0	Preliminary Design Report and Feasibility Report	100,602		(100,602)		130,000	(130,000)	Feasibility report required significant additional modeling and consultant assistance. PDR on hold pending award of design contracts
906.0	Development of Agreement with FWS				10,000		10,000	
908.0	Development of Agreement with DWR	1,103	20,000	18,897	20,000	5,000	15,000	
916.0	Habitat Credit Purchase				2,400,000		2,400,000	
918.0	Environmental	6,038		(6,038)				
922.0	Permitting				195,000		195,000	
928.0	PG&E Service				306,250		306,250	
930.0	Bid Phase				75,000		75,000	
	<b>Capital Project Total</b>	<b>5,482,213</b>	<b>20,019,293</b>	<b>14,537,080</b>	<b>39,523,010</b>	<b>9,783,967</b>	<b>29,739,043</b>	
<b>Operating Expense</b>								
699115	Website Maintenance	1,150		(1,150)		1,150	(1,150)	
699134	Administration/Management	23,979	60,921	36,942	122,000	50,000	72,000	
699135	Audit	5,000	5,000		5,000	5,000		
699136	Bank Charges	680	3,500	2,820	7,000	1,500	5,500	
699137	Insurance	3,396		(3,396)	1,350	3,396	(2,046)	
699139	Membership	(63)		63		63	(63)	
	<b>Operating Expense Total</b>	<b>34,142</b>	<b>69,421</b>	<b>35,279</b>	<b>135,350</b>	<b>61,109</b>	<b>74,241</b>	
<b>Total</b>		<b>\$5,516,355</b>	<b>\$20,088,714</b>	<b>\$14,572,359</b>	<b>\$39,658,360</b>	<b>\$9,845,076</b>	<b>\$29,813,284</b>	

Note:

(1) Actual amounts included labor and consultants charges.



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## KERN FAN GROUNDWATER STORAGE PROJECT

### MEETING AGENDA

*Wednesday, January 12<sup>th</sup>, 2022*

- I. Project Update / Discussion – **Dan Bartel**
  - a. Phase 1 – Approximate 200 acre Bolthouse Property
    - Recharge water available from Kern River through Goose Lake Channel and Superior Ponds
    - Recharge water available from Aqueduct through CVC and Central Intake Pipeline
    - Recovery water returned to Aqueduct through the Central Intake Pipeline and CVC
  - b. Phase 2 – Approximate 160 acre Diamond Property
    - Recharge water available from Kern River potentially through Goose Lake Channel and RBBWSD Intake Canal
    - Recharge water available from Aqueduct through CVC and RBBWSD Intake Canal or Strand Ranch
    - Recovery water returned to Aqueduct through RRBWSD Intake canal and CVC
- II. Meyer Civil Engineering/AECOM – **Curtis Skaggs**
  - a. Requesting a cost proposal to begin the Design Package #1 (Recharge Basin & Infrastructure) design work for the two properties noted above.
  - b. Perform the design work through the 60% level design drawings stage including, but not limited to, the following:
    - Topographic Surveying
    - Geotechnical Investigation and Report
    - Preliminary Engineering Design, Layout, and Value Engineering
    - Preparation of 30% Level Design Drawings for Review and Comment
    - Preparation of 60% Level Design Drawings for Review and Comment
    - Infrastructure Design to include facilities to move water in and out such as a Pipeline Crossing at Stockdale Highway and possibly a small Lift Pump in Intake Canal
- III. GEI/Provost & Pritchard/Zeiders Consulting – **Curtis Skaggs**
  - a. Requesting a cost proposal for coordination and assistance with the well siting locations and well conveyance pipeline alignments associated with Design Package #2 (Recovery Wells) and the two properties above. Estimated scope of work to include, but not be limited to, the following:
    - Coordination with Tom Harder & Associates and Meyer Civil Engineering to pinpoint the well pad locations and the sizes of the well pads. (Tom Harder to work directly with RRBWSD – do not include in cost proposal)

- Provide review and conceptual layout of conveyance pipelines for well laterals and review hydraulics of new and existing facilities to be utilized for returning water.

IV. Stantec/HDR/Dahl Consultants – ***Curtis Skaggs***

- a. Requesting a cost proposal to begin technical analysis for system-wide optimization and alignment selection associated with Design Package #3 (Aqueduct Turnout) and Design Package #4 (Conveyance Facilities). Alignments and optimization to include, but not be limited to, the following:

- Tupman Road Alignment
- Morris Road Alignment
- Elic Valley Road Alignment
- Cannon Road Alignment
- Potential Bi-Furcated Alignments utilizing smaller facilities

Optimization to include analyses of design criteria, Aqueduct turnout locations, hydraulics, right-of-way, environmental constraints, and capital and O&M costs.

V. Cost Proposals/Communication – ***Curtis Skaggs***

- a. Cost proposals to be submitted to Curtis Skaggs at [cskaggs@djacivil.com](mailto:cskaggs@djacivil.com). Proposals will be reviewed and correspondence may entail to revise the proposal to suit the planned scope of work. Upon approval of the scope of work the proposals will be provided to Dan Bartel with the GBJPA. Proposals must be submitted by January 28<sup>th</sup>, 2022. The GBJPA Board Meeting will be held on February 7<sup>th</sup>, 2022.

MBK Engineers Variance and Professional Services  
Agreement for Technical Analysis

DISCUSSION:

MBK Engineers (MBK) has provided technical modeling support and analysis for the Kern Fan Groundwater Storage Project (Kern Fan Project) since the initial funding application for Proposition 1 Water Storage Investment Program funding was prepared. On April 28, 2021, MBK's professional services agreement to provide ongoing technical support in preparation of feasibility studies and meetings with DWR and CDFW regarding the pulse flows and new turnout was assigned from IRWD to the GBJPA.

*Variance:*

In January 2022, the GBJPA approved a variance with MBK, under the authority of the General Manager, in the amount of \$28,382.88 for additional work requested by the GBJPA on the final feasibility study that was submitted to the California Water Commission in November 2021. The additional work included new modeling of the Kern Fan Project to apply a revised CalSim II baseline, incorporating new climate change modeling assumptions, and updating the model to incorporate San Joaquin River flows, as well as additional meetings with California Water Commission and DWR staff. This variance closes out the work conducted under the agreement assigned from IRWD to the GBJPA.

*New Agreement with MBK:*

The GBJPA plans to execute a new Professional Services Agreement in the amount of \$30,000 with MBK, under the authority of the General Manager, for continued on-call technical support in 2022. At the direction of the GBJPA, MBK will assist with review and development of data, models and other technical information, primarily focused on the pulse flow exchange agreement, but could include analysis of the new turnout and support for state or federal funding applications or agreements.

RECOMMENDATION:

Receive and file.

LIST OF EXHIBITS:

None.

Land Lease Termination

DISCUSSION:

On January 26, 2022 the JPA received confirmation of recording on the Bolthouse Property (104-240-22,30,31). As part of the Purchase and Sale Agreement a lease back was negotiated with termination language as follows:

*2.1.2. Termination by Landlord. At any time and in its sole discretion, Landlord shall give Tenant at least nine months (9 mos.) prior written notice that Landlord desires to terminate this Lease as to all or any portion of the Premises that Landlord intends to develop, in which case this Lease shall terminate on the date set forth in Landlord's notice to Tenant.*

Staff is working with a consulting firm to prepare designs for recharge facilities in hopes of construction in late 2022.

RECOMMENDATION:

Direct staff to send notice of termination to Tenant so that construction may begin as scheduled.