

KERN WATER BANK AUTHORITY



**Regular Meeting of Board of Directors
Tuesday, November 3, 2020 3:00 P.M. ⁱ**

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Conference ID: 866 080 611#

This meeting is held in accordance with the Brown Act pursuant to Section 54950, et seq. of the California Government Code and the Kern Water Bank Authority Joint Powers Agreement.

NOTICE: Pursuant to Executive Order N-29-20, ISSUED BY Governor Newsom on March 17, 2020, and guidance by the California Department of Public Health dated March 16, 2020, this meeting will be conducted by teleconference. The public may attend the meeting and offer public comments by phone, using the call-in number above.

- 1. Roll Call**
- 2. Approval of Minutes**
October 6, 2019 Board of Directors Meeting.
- 3. Treasurer's Report**
Submission of the October 2020 Treasurer's Report for approval.
- 4. Authorization to Pay Expenses of Authority**
Submission of October accounts payable for approval to pay.
- 5. 2021 GA Budget**
Review and consider approval of proposed general-administrative budget for the 2021 fiscal year.
- 6. 2019 Reconciliation**
The Board will consider and possibly approve the reconciliation of 2019 recovery fees and the proposed distribution of capital use fees and unexpended fees collected for operations.
- 7. Project Recovery Operations Plan Amendment**
The Board will consider and possibly approve executing the Project Recovery Operations Plan Amendment No. 2, between Pioneer Project, Rosedale-Rio Bravo Water Storage District and Kern Water Bank Authority.
- 8. Reschedule/Cancel December Regular Board Meeting**
The Board will consider rescheduling or canceling the December Regular Board of Directors Meeting and possibly adopting Resolution 2020-03 to move the December Regular Board meeting.

9. Reports

A. Staff Report

Review and possibly act on previously submitted Staff Report and staff recommendations:

- (1) Water Bank Operations
- (2) 3rd Party Facilities on Kern Water Bank
- (3) Adjacent Properties
- (4) IRWMP Activities and KWB Expansion Project
- (5) Capitalized Maintenance Program
- (6) KWBA HCP/NCCP and Land Management
- (7) Kern River Parkway Bike Trail

B. Directors, Counsel, and Committee Reports

The Board of Directors will hear and possibly act on reports and recommendations:

- (1) Kern Fan Monitoring Committee
- (2) Kern Groundwater Authority
- (3) Engineering Committee

10. Old Business

This portion of the meeting is set aside for the discussion of matters which have been addressed at previous Board meetings.

11. New Business

This portion of the meeting is set aside to provide the Board an opportunity to bring to the attention of the other Board members and the public, matters which have come to their attention, subject to certain exceptions. No action can be taken on any matter discussed during this portion of the meeting; however, a Board member may request that a subject be placed on any future agenda.

12. Public Input

This portion of the meeting is set aside to provide the public an opportunity to bring to the attention of the Board members, matters of which the Board may not be aware, subject to certain exceptions. No action can be taken on any matter discussed during this portion of the meeting; however, a Board member may request that a subject be placed on any future agenda.

13. Closed Session

The Board will meet in a closed session and possibly act on the following:

- A) Conference with Legal Counsel - Pending Litigation (Govt. Code Section 54956.9(d)(1))

- 1) Various Applications to appropriate Kern River water, complaint, and related proceedings before the State Water Resources Control Board
 - 2) Central Delta I: Central Delta Water Agency v. California Department of Water Resources (Sacramento County Superior Court, Case No. 34-2010-80000561; Third Appellate District, Case No. C078249)
 - 3) Center for Food Safety v. California Department of Water Resources (Sacramento County Superior Court, Case No. 34-2016-80002469; Third Appellate District, Case No. C086215)
 - 4) Buena Vista Water Storage District, v. Kern Water Bank Authority, et al. (Ventura County Sup. Ct., Case No. 56-2019-00528316-CU-WM-VTA)
- B) Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to Gov't. Code section 54956.9(d)(4). One potential case.
- C) Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Gov't Code section 54956.9(d)(2). One potential case
- D) Consider recommendations regarding staff positions, evaluation of employee performance, compensation, and benefits (Govt. Code §§ 54957, 54957.6(a)).

14. Reconvene

15. Adjourn

ⁱ Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Secretary in advance of the meeting to ensure availability of the requested service or accommodation.