

KERN WATER BANK AUTHORITY



Regular Meeting of Board of Directors
Tuesday, April 9, 2024, 3:00 P.M. ⁱ
Kern Water Bank Authority Conference Room
1620 Mill Rock Way, Suite 500, Bakersfield, California

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.

- 1. Roll Call**
- 2. Acknowledge Receipt of Documentation Appointing Director**
- 3. Appoint Treasurer**
- 4. Approval of Minutes**
March 12, 2024, Regular Board of Directors Meeting.
- 5. Treasurer's Report**
Submission of the March 2024 Treasurer's Report for approval.
- 6. Authorization to Pay Expenses of Authority**
Submission of the March 2024 accounts payable for approval to pay.
- 7. KWBA Use Fees**
Consider approval of proposed use fee increase.
- 8. Resolution #2024-02 to Change Board Meeting Time**
Consider, and possibly adopt a resolution changing the date and time of the regularly scheduled Board of Director's Meetings.
- 9. Transfer SGMA Budget Funds to KWB GSA**
Consider, and possibly approve transfer of funds from the KWBA SGMA Budget to the KWB GSA.
- 10. KWBA Third-Party License Easement Agreement**
Consider approval of Third-Party License Easement Agreement.
- 11. Water Reporting and Invoicing Delays**
Discussion and possible action related to delays in local water supply reporting and invoicing.
- 12. Reports**
 - A. Staff Report**
Review and possibly act on previously submitted Staff Report and staff recommendations regarding:
 - (1) Water Bank Operations

- (2) 3rd Party Facilities on Kern Water Bank
- (3) Adjacent Properties
- (4) KWBA HCP/NCCP and Land Management
- (5) Capital Improvements and Funding Status
- (6) Power Update
- (7) Data Management Change
- (8) AB2079 [Well Permitting] Discussion/Direction

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

13. Old Business

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

14. 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.

15. 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.

16. Closed Session

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

- A) Conference with Legal Counsel - Pending Litigation (Gov't. 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) KWBA v. Kern LAFCo (Kern County Sup. Ct., Case No. BCV-21-101310-GP, Fifth Appellate Dist., Case No. F085669).

- B) Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to Gov't. Code section 54956.9(d)(4). Two potential litigations.
- C) Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Gov't Code section 54956.9(d)(2). Two potential litigations.
- D) Conference with Real Property Negotiator – Gov't. Code section 54956.8.

KWBA Representative: General Manager
Under Negotiation: Price and Terms of Payment
Negotiating Parties: Kern County Water Agency (KCWA) and KWBA
Property: Basin 11 and KCWA Pioneer Project Easement and Joint Use Agreement

- E) Conference with Real Property Negotiator – Gov't. Code section 54956.8.

KWBA Representative: Assistant General Manager
Under Negotiation: Price and Terms of Payment
Negotiating Parties: KWBA and Chevron
Properties: APN #'s 160-060-22, 160-060-23, and 160-060-24

- F) Public Employment – Gov't Code section 54957
Personnel: General Manager; Assistant General Manager; Facilities and Operations Manager.

- 17. Reconvene and Report from Closed Session (Gov't. Code section 54957.1)**
- 18. 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.