KERN NON-DISTRICTED LAND AUTHORITY
(FORMERLY KERN GROUNDWATER AUTHORITY)

3200 Rio Mirada Drive
Bakersfield, CA 93308
Regular Meeting of Board of Directors
July 15, 2024 2:00 p.m.

Kern Non-Districted Land Authority Board of Directors Agenda

This meeting is held in accordance with the Brown Act pursuant to Section 54956 of the California Government Code and the Kern Non-Districted Land Authority Joint Powers Agreement.

1. Roll Call - Quorum Determination
In the absence of a quorum the Board will handle only those items not needing a quorum.

2. Flag Salute

3. Public Input
This portion of the meeting is set aside to provide the public an opportunity to bring to the attention of the Board matters of which the Board may not be aware and which are not on the current agenda. No action can be taken on any matter raised during this portion of the meeting; however, a Board member may request that the matter be placed on any future agenda for further review and possible action. Members of the public may directly address the Board of Directors on any item of interest within the Board's subject matter jurisdiction, before or during the Board's consideration of the item. The President may limit the time allowed for comment.

4. Approval of Minutes
a. May KGA Regular Board Meeting Minutes*

5. Financial Report
a. Financial Report & Accounts Payable – May *

6. Officers
a. Review existing officers.
At the KGA February 2024, meeting the KGA elected Dan Waterhouse as Chair, Royce Fast as Vice-chair, and Rob Goff as treasurer.

b. Consider electing new officers.*
KNDLA Joint Powers Agreement section 4.3: The Board shall select a Chair from among the Board of Directors who shall be the presiding officer of the Board meetings. The Board shall also select a Vice Chair from among the Board of Directors who shall serve as the presiding officer in the absence of the Chair. The Board shall also select a Secretary, who need not be a member of the Board of Directors. The terms of such Officers shall be established by the Board of Directors from time to time and as necessary.

- Denotes Action Item

7. White Area Representatives

a. Develop process for nomination and appointment of white area representatives.

b. Receive nominations for white area representatives.

KNDLA Joint Powers Agreement section 4.1: Board of Directors includes "two representatives for owners of Non-districted Land." The Non-districted Land representatives will be appointed by the Board following recommendations(s) from Members or owners of Non-districted Land.

8. KNDLA Budget

a. Provide status of KGA budget and obtain direction on KNDLA budget.

KNDLA Joint Powers Agreement section 5.4: By a date set by the Board of Directors each Fiscal Year, the Board of Directors shall adopt a budget for the Authority for the ensuing Fiscal Year; provided, that except as provided in Section 5.5 below, the Authority shall not impose assessments or other charges on Members. Notwithstanding the foregoing, by its execution of this Agreement, each Member confirms that it has authorized its Director and any alternate Director to approve or disapprove actions and expenditures by the Authority over and above the approved annual budget of the Authority for a Fiscal Year that do not create a fiscal obligation greater than $5,000 on such Member without further action of such Member.

9. Audit Services

a. Review audit process.

KNDLA Joint Powers Agreement section 5.2(b): The Authority shall contract with a certified public accountant to make an audit or review of the Authority which shall be conducted in compliance with section 6505 of the California Government Code.

Barbich Hooper King performed an independent audit for KGA for fiscal year 2022. No independent auditor or certified public accountant has been retained for 2023 fiscal year (Jan 1 – Dec 31).

b. Direction to outreach/retain auditor.*

10. KNDLA Transition Items.

a. Letterhead, website, banking, outreach, meeting locations, and zoom options.

b. Existing Agreements – consider developing mechanism to continue as KNDLA.

11. DWR Grant

a. Update and discussion on DWR Grant.

b. Update on grant administration services.

12. Groundwater Sustainability Plan

a. Update and discussion on Kern GSP revisions.

b. Consider ad hoc committee for KNDLA GSP review, revisions, participation in subbasin discussions, and/or meetings with state agencies.*

- Denotes Action Item

13. New Business

This Portion of the Meeting is set aside to provide each Board member an opportunity to bring to the attention of other Board members and the public matters which have come to their attention and/or which may be appropriate for future consideration. No action can be taken on any matter raised during this portion of the meeting; however, a Board member may request that the matter be placed on any future agenda for further review and possible action.

14. Correspondence

a. None

15. Adjournment

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the Authority provide disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets. Requests should be made in person, by telephone, facsimile and/or written correspondence to the Authority office, at least 48 hours before a public Authority meeting. Written materials related to an item on this agenda to be considered in open session that are public documents and that are distributed to board members after the posting of the agenda, will be made available for public inspection when they are so distribution at the location of the KNDLA meeting during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

- Denotes Action Item

JPA Regular Board Meeting Minutes
Kern Groundwater Authority
May 22, 2024 8:00 a.m.
Participation by Teleconference/ZOOM

JPA DISTRICT REPRESENTATIVES AND ALTERNATES PRESENT
Royce Fast, Kern County Water Agency
Kim Brown, Kern Water Bank Authority
Dan Waterhouse, Semitropic WSD
Gary Morris, West Kern WD
Rob Goff, Westside District Water Authority

JPA DISTRICT REPRESENTATIVES ABSENT
Andrew Pandol, Kern-Tulare WD
Chad Hathaway, Eastside Water Management Area (non-voting member)

OTHERS PRESENT/PARTICIPATING
Valerie Kincaid, Paris Kincaid Wasiewski LLP

1. **Roll Call - Quorum Determination** – Chairman Waterhouse called the meeting to order at 8:01 a.m. after it was confirmed there was a quorum. The Board met the threshold for a quorum under the JPA and operated under it.

2. **Flag Salute** – Completed.

3. **Public Input** – None.

4. **Approval of Minutes**
   a. April Regular Board Meeting Minutes*
   A motion was made by Director Garry Morris and seconded by Director Fast to approve the April 2024 Regular Board meeting minutes as presented. The motion was unanimously carried.

5. **Treasurer's Report**
   a. Financial Report & Accounts Payable – April*
   Ms. Kincaid presented the Accountant's Report for April 2024 and requested approval for the disbursement of accounts payable in the amount of $15,156.50 as presented in Exhibit E. She highlighted cash calls, deposits, disbursements, and receivables in Exhibits A, B, and C and grant balances in Exhibit D. She also confirmed that the expected check from the DWR had still not been received and that a further update would be forthcoming. A motion was made by Director Brown and seconded by Director Gary Morris to approve the financial report and disbursement of payments as advised by Ms. Kincaid. The motion was unanimously carried.

6. **Attorneys Report**

a. Update on State Board Probationary Process for Tulare Lake

Ms. Kincaid stated that the State Board was proceeding with its probationary reviews and highlighted that it had received its first challenge from the Kings County Farm Bureau on its inadequate determination.

She also informed the Board that a draft Staff Report had been released for the Kaweah Basin that listed deficiencies specific to subsidence and groundwater levels. She noted that more staff reports listing additional deficiencies could be expected in the near future.

b. Update on Groundwater Legislation

Ms. Kincaid provided an update on the Bennett bill and confirmed that it was progressing in legislation despite its unpopularity for (the implications of) limitations on large diameter wells.

She also noted that Bill AB828 was moving forward despite concerns about its effects on GSA authorities.

c. DWR Forum on AEM studies

Ms. Kincaid informed the Board of DWRs forum on AEM studies and invited participants to attend the upcoming session to better understand how the DWR is using AEM data.

7. **DWR Grant**

a. Update on DWR Grant

Mr. Gianquinto confirmed that Pay Request #7 which covered the first quarter of 2024 has been submitted to the DWR. He also advised that issues delaying reimbursement for Pay Request #6 had been resolved and expected funds to come in soon to satisfy overdue consultant payments. He closed by indicating that exometer work was progressing smoothly and advised that he anticipated the project to be completed next month.

8. **Revised Joint Powers Authority**

a. Update and discussion on Joint Powers Authority.

Ms. Kincaid noted that this a draft would be distributed to all parties, new and old, with hopes of it being executed in June 2024. She stated that it would call for a new board, budget, and be comprised of twenty members. Chairman Waterhouse recommended that the Board have Andrea Hill, CPA complete a self-audit for KGA to help distribute any pending funds to its members. Ms. Kincaid confirmed that this item and any other housekeeping inquiries the Board may have would be discussed in more detail to determine the best courses of action.

She closed by emphasizing that the reorganization under the new JPA would be a great

fresh start to tackling subbasin issues. She also confirmed that the Board did not need to take action at this time since the new document would supersede the existing JPA.

9. **Revised Coordination Agreement**
   a. **Update and discussion on Coordination Agreement**
   Ms. Kincaid referred the board to the draft Agreement and May 13th date in the packet and confirmed that date was being modified at the coordination committee level. She confirmed that all GSAs would be required to sign this document.

10. **Revised KGA Groundwater Sustainability Plan**
   a. **Update and discussion on KGA GSP revisions**
   Ms. Kincaid confirmed the technical group and coordination committee were still working on the GSP revisions and noted that the new JPA would be the one to review the revisions. She stated that it would be a smart move for the Basin to provide updated plans prior to the release of the Draft Staff Report.

11. **New Business** – None.

12. **Correspondence** – None.

13. **Closed Session** – No reportable action out of closed session.

14. **Adjournment** – 9:55 a.m.