

KERN WATER BANK AUTHORITY



**Regular Meeting of Board of Directors
Tuesday, November 9, 2021 3:00 P.M. ⁱ**

Join Zoom Meeting

<https://zoom.us/j/7684900653?pwd=emZrb0ZrR2FRaXBpczI0ekM3aTgzZz09>

Meeting ID: 768 490 0653

Passcode: 715848

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+13462487799	7684900653#	*715848# US (Houston)

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 Government Code section 54953(e) (AB 361), and due to the State of Emergency declared by Governor Newsom on March 4, 2020, this meeting will be conducted by teleconference. The public may attend the meeting and offer public comments by phone and/or video, using the call-in number or link above.

- 1. Roll Call**
- 2. Resolution #2021-04**
Consider Adoption of Resolution #2021-04 Renewing Use of Remote Teleconference Meetings per AB 361.
- 3. Approval of Minutes**
October 12, 2021 Board of Directors Meeting.
- 4. Treasurer's Report**
Submission of the October 2021 Treasurer's Report for approval.
- 5. Authorization to Pay Expenses of Authority**
Submission of the October 2021 accounts payable for approval to pay.
- 6. 2021 Audit**
Review accounting procedures for the 2021 Audit.
- 7. Financial Processes**
Staff will review financial processes with the Board.
- 8. Financing and Budget Update**
Discuss financing and consider changes to the G&A, Capital, and Debt Assessment.
- 9. 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) IRWMP Activities and KWB Expansion Project
- (5) Capitalized Maintenance Program
- (6) KWBA HCP/NCCP and Land Management
- (7) Data Management Systems & Network Infrastructure Project

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 (Ventura County Sup. Ct., Case No. 56-2019-00528316-CU-WM-VTA; 2nd Appellate Dist., Div. 6, Case No. B309764)
 - 5) KWBA v. Kern LAFCo (Kern County Sup. Ct., Case No. BCV-21-101310-GP)
- B) Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to Gov't. Code section 54956.9(d)(4). Two potential cases.
- C) Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Gov't Code section 54956.9(d)(2). One potential case.

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.