

KERN WATER BANK AUTHORITY



Regular Meeting of Board of Directors
Tuesday, May 9, 2023 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. Approval of Minutes

April 11, 2023 Regular Board of Directors Meeting.

3. Treasurer's Report

Submission of the April 2023 Treasurer's Report for approval.

4. Authorization to Pay Expenses of Authority

Submission of the April 2023 accounts payable for approval to pay.

5. 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) Second Priority Use
- (4) Adjacent Properties
- (5) KWBA HCP/NCCP and Land Management
- (6) Capital Improvements and Funding Status
- (7) Power Study
- (8) Audit Update

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

6. Old Business

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

7. 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.

8. 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.

9. 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)
 - 3) KWBA v. Buena Vista Water Storage Dist. (Kern County Sup. Ct., Case No. BCV-22-101227-GP)
- 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). One potential litigation.
- 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) Consider recommendations and meet with designated representative regarding staff positions, evaluation of employee performance, compensation, and benefits (Govt. Code §§ 54957, 54957.6(a)).

10. Reconvene

11. 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.