

KERN WATER BANK AUTHORITY



**Regular Meeting of Board of Directors
Tuesday, November 14, 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**
October 10, 2023 Regular Board of Directors Meeting.
- 3. Treasurer's Report**
Submission of the October 2023 Treasurer's Report for approval.
- 4. Authorization to Pay Expenses of Authority**
Submission of the October 2023 accounts payable for approval to pay.
- 5. Net Energy Metering Aggregation (NEM2A) Application**
The Board will consider and possibly approve NEM2A application process and associated expenditures.
- 6. GSP Development Cost Share**
The Board will review and possibly approve a Kern Subbasin cost sharing agreement to revise the Groundwater Sustainability Plans.
- 7. 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 Study
 - (7) Data Management Change
 - (8) Banking Update
 - (9) Retirement Plan 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

8. Old Business

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

9. 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.

10. 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.

11. 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: West Kern Water District (WKWD) and KWBA
Property: APNS 160-140-14, 160-140-12, and 160-120-39

12. Reconvene and Report from Closed Session (Gov't. Code section 54957.1)

13. 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.