INDIAN WELLS VALLEY WATER DISTRICT

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November 2, 2026

SENT VIA EMAIL: graggj@kerncounty.com
Kern County Board of Supervisors
Attn.: Clerk of the Board
1115 Truxtun Avenue
Bakersfield, CA 93301

Re: Indian Wells Valley Groundwater Authority
Rotation of the Chairperson

Members of the Board:

This letter is written on behalf of the Board of Directors of the Indian Wells Valley Water District ("District") regarding Kern County's ("County") need to assume the position of Chairperson of the Indian Wells Valley Groundwater Authority ("IWVGA"), as was agreed during formation of the IWVGA.

As background, the IWVGA is the sole Groundwater Sustainability Agency for the Indian Wells Valley and was formed pursuant to the Sustainable Groundwater Management Act ("SGMA"). The IWVGA was formed July 15, 2016, pursuant to the "Joint Exercise of Powers Agreement" ("JPA"). There are five voting general members, (Inyo, San Bernadino and Kern counties, the City of Ridgecrest ("City") and the District (collectively "General Members")[1]. The JPA required the General Members to "adopt Bylaws governing the conduct of meetings and the day-to-day operations of the [Authority] on or before the first anniversary of the Effective Date." (Section 8.05, JPA). On May 18, 2017, the IWVGA adopted its original Bylaws ("Bylaws")[2].

Section 3.2 of the Bylaws established the rotation of the Chairperson and Vice-Chairperson and states in relevant part as follows:

> APPOINTMENT OF OFFICERS OF THE BOARD. The Chairperson and Vice-Chairperson shall hold office for a term of one year commencing on January 1 of each and every calendar year. Beginning in 2017, the Chairperson and Vice-Chairperson shall rotate annually

[1] The Navy and Bureau of Land Management serve as "associate" non-voting members.
[2] While the Bylaws have been amended, the applicable provisions which will be discussed have not been amended or revised since adoption.

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> between the Board members representing the County of Kern, City of Ridgecrest, and the Indian Wells Valley Water District. The Board member representing the County of Kern shall be the first Chairperson followed in order by the City of Ridgecrest and then the Indian Wells Valley Water District. The Board member representing the City of Ridgecrest shall be the first Vice-Chairperson followed in order by the Indian Wells Valley Water District and then the County of Kern.

Initially, the rotation of the Chairperson and Vice-Chairperson occurred as required by the JPA and Bylaws. However, in 2022, when the District was scheduled to rotate into the Chairperson position, the District was prevented from assuming the Chairperson due to the District's initiation of the ongoing comprehensive groundwater adjudication of the Indian Wells Valley groundwater basin (*Mojave Pistachios, LLC v. Indian Wells Valley Water District, et al.*, Orange County Superior Court, Case No. 30-2021-01187275).[3]

As a result, Kern County/Supervisor Peters became the Chairperson of the IWVGA for calendar year 2022 and rotated annually with the City until calendar year 2026, when Kern County was scheduled to chair the IWVGA. Instead, Kern County declined, which left the City as the Chairperson for the second consecutive year, something not agreed to in the JPA or Bylaws. The District has asked Supervisor Peters if he intends to assume the Chairperson position for 2027 and to date, he is unable to confirm that he will.

The District believes it is critical that Kern County fulfill its responsibilities as agreed in the JPA and Bylaws. With the District's exclusion, Kern County's leadership and oversight is needed now, more than ever. If Kern County declines the position of Chairperson for calendar year 2027, the City will lead the IWVGA for the third consecutive year. Recent findings by the Kern County District Attorney's office regarding City actions related to IWVGA matters only reinforces the need for Kern County to once again, assume the Chairperson position, and importantly, provide the leadership the IWVGA has lacked in recent years.

Being the Chairperson comes with the additional obligation to provide the IWVGA's General Counsel for the calendar year that the Chairperson position is held. Section 3.5 of the Bylaws states in relevant part as follows:

> GENERAL COUNSEL. The Authority's General Counsels shall be the attorneys appointed by the County of Kern, the City of Ridgecrest, and the Indian Wells Valley Water District. The primary responsibility to act as the Authority's General Counsel during public meetings shall rotate annually and be in coordination with who is the then acting Chairperson. For example, when the Chairperson is Kern County's representative, Kern County's attorney will act as the Authority's General Counsel during public meetings, or as otherwise directed by the Board.

While Kern County continued in the Chairperson rotation until 2026, the same is not true with respect to Kern County's responsibility to provide legal services. Minutes of the IWVGA list Keith Lemieux as the

[3] While the District may not agree with the exclusion of the District as Chairperson, that is not the purpose of this letter or an issue that needs to be addressed as part of any response the County may provide.

IWVGA's General Counsel continuously from 2021 to the present. Mr. Lemieux is also the City's legal counsel, concurrent with his representation of the IWVGA. With the City's attorney serving as the IWVGA's General Counsel for the past five (5) years and the City potentially being the Chairperson for a third consecutive term, the City and IWVGA are becoming hard to distinguish from one another. This arrangement adds to the District's concern expressed earlier and also imposes and/or shifts questionable legal fees on the District's ratepayers, most of whom are Kern County residents as well.

As required by the Bylaws, the IWVGA entered into "Retainer Agreements" with the attorney/firm selected by Kern County, City and the District, respectively. While the Retainer Agreements are not identical, they all provide that "Attorney services are provided as 'in kind' services from the [insert Kern Agency]". Clearly, the Kern Agencies had the major stake in the IWVGA, and each made contractual commitments to provide and pay for "in-kind" legal services pursuant to the JPA, Bylaws and Retainer Agreements.

While the City's attorney has served as the IWVGA's General Counsel continuously since 2021, it is important to note that the City's legal fees have been reimbursed by the IWVGA since formation. Initially, as partial consideration for a five (5) year Option Agreement for the IWVGA to purchase treated water from the City and continued when the IWVGA approved a Reimbursement Agreement on November 12, 2025. The IWVGA's justification for the Reimbursement Agreement is stated in the IWVGA Staff Report dated November 12, 2025 (Item No. 9) as follows:

> The Option Agreement has a term of five years and will expire on November 19, 2025. IWVGA and the City will continue to explore the most effective use of recycled water to supplement local groundwater supplies without the Option Agreement in place; however, the provision to reimburse the City for its costs incurred to operate the IWVGA should remain in place.

No other justification or consideration is provided. At the time of executing the Reimbursement Agreement, virtually all of the IWVGA legal matters were and are being handled by the City's legal counsel. By approving the Reimbursement Agreement, both Kern County and the City have avoided their obligation to provide and pay for legal services to support the IWVGA, but more concerning is that Kern County has also relinquished, or at least diminished, its potential influence over the IWVGA.

The District requests that the Board of Supervisors ensure that Kern County fulfills its responsibilities under the JPA, Bylaws and Retainer Agreements and assume the Chairperson position of the IWVGA for calendar year 2027 and provide General Counsel for the IWVGA as well. The City's dominant influence over the IWVGA, coupled with Kern County's unwillingness to assume its leadership position as Chairperson, has jeopardized the residents of the Indian Wells Valley through questionable decision making by the IWVGA and has cost District Ratepayers and Kern County residents an amount approaching Thirty Million Dollars ($30,000,000) in Groundwater Extraction Fees and Replenishment Fees imposed and collected by the IWVGA to date.

The letter should also serve a reminder that as General Members of the JPA, we are jointly and severally liable for the IWVGA's actions, meaning the actions of one General Member can increase risks and impose liabilities on other General Members.

The IWVGA generally appoints the Chairperson for the following calendar year at its December board meeting, which in this case is December 9, 2026. We thank you for your attention to this matter and are available to answer any questions you may have or to provide additional details with respect to the District's concerns regarding the IWVGA.

Sincerely,

RRKicinski

Ronald R. Kicinski
President of the Board of Directors

cc: Supervisor Phillip Peters
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