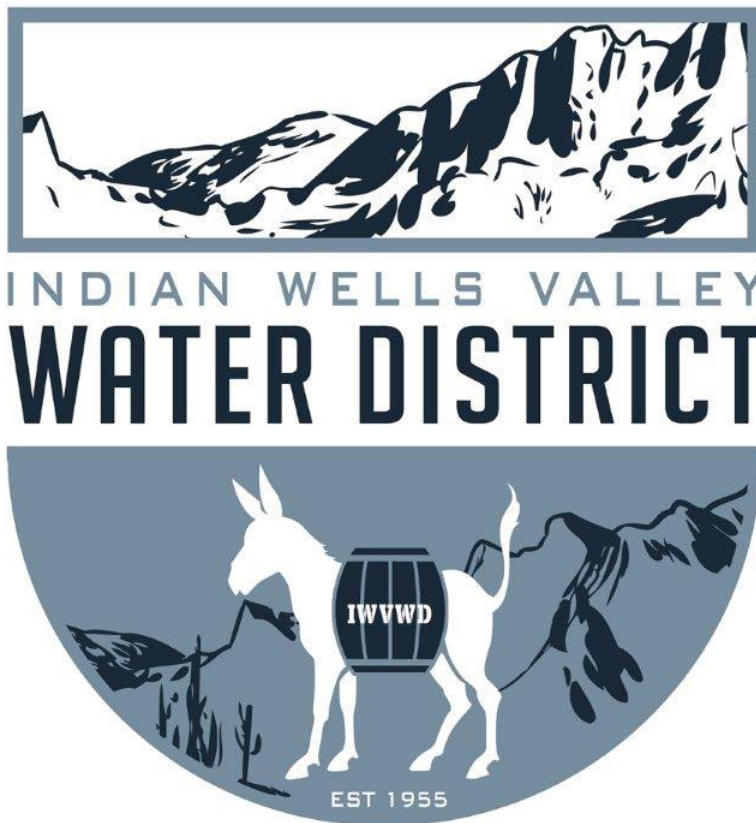


INDIAN WELLS VALLEY WATER DISTRICT

Board of Directors Meeting



December 21, 2022



INDIAN WELLS VALLEY WATER DISTRICT



BOARD OF DIRECTORS

David C. H. Saint-Amand, President
Mallory J. Boyd, Vice President
Charles D. Griffin
Stanley G. Rajtora
Ronald R. Kicinski

Donald M. Zdeba
General Manager
Krieger & Stewart, Incorporated
Engineers
McMurtrey, Hartssock & Worth
Attorneys-at-Law

2022 COMMITTEE ASSIGNMENTS

ADMINISTRATION/EXECUTIVE COMMITTEE (BOYD/SAINT-AMAND)

Personnel, Legal Matters, General Plan, Community Relations, Board Meeting Agendas, Ordinances, Rules, Regulations, Policies, Procedures, Customer Service, Variances, Director’s Manual, etc.

FINANCE COMMITTEE (BOYD/RAJTORA)

Rates, Cost-of-Service, Budget, Audits, Cost Allocation, Investments, Financial Services, Insurance, Loans/Grants, Water Sales & Service Policy Manual, Accounting, Assessment Districts, Billing, etc.

PLANT & EQUIPMENT COMMITTEE (KICINSKI/GRIFFIN)

Transmission/Distribution System, Vehicles & Equipment, Wells, Reservoirs, Real Property Management, Telemetry, etc.

WATER MANAGEMENT (GRIFFIN/RAJTORA)

Groundwater Sustainability Act, Indian Wells Valley Groundwater Authority, Water Management, Water Policy, Water Quality, Conservation, Urban Water Management Plan, California Urban Water Conservation Council, Title 22 Compliance, Alternative sources for water supply including Blending, Importation, Reuse, etc.

Committee Meetings are generally scheduled on a regular day and time.
Committee Meetings are subject to change.

Administration/Executive
Finance
Plant & Equipment
Water Management

Wednesday before the Board Meeting at 3:00 p.m.
Tuesday before the Board Meeting at 2:30 p.m.
Tuesday before the Board Meeting at 2:00 p.m.
Last Thursday of the month at 2:00 p.m.

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

SPECIAL BOARD MEETING

AGENDA

WEDNESDAY, DECEMBER 21, 2022 - 4:00 P.M.

BOARD OF DIRECTORS' HEARING ROOM
500 W. RIDGECREST BLVD., RIDGECREST

➤ **Watch meetings on-line:**

All District meetings are streamed live on the District's YouTube channel at:

<https://www.youtube.com/channel/UCz6pnsZsIFy9yTFVmGH2Trg>

Recordings will be available for viewing after the meeting on the District's YouTube page.

➤ **Call in for public comments:**

To make a public comment, please call: (760) 375-7548.

Callers will be placed in a queue and answered in the order they were received. If a member of the public wishes to comment on multiple items, they will need to call in as each item is presented to the Board.

(In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact Lauren Smith at (760) 384-5502. Requests must be made as early as possible and at least one full business day before the start of the meeting. Pursuant to Government Code section 54957.5, any materials relating to an open session item on this agenda, distributed to the Board of Directors after the distribution of the agenda packet, will be made available for public inspection at the time of distribution at the following location: Indian Wells Valley Water District, 500 W. Ridgecrest Blvd., Ridgecrest, CA).

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Posting of Agenda Declaration
5. Conflict of Interest Declaration
6. Public Questions and Comments

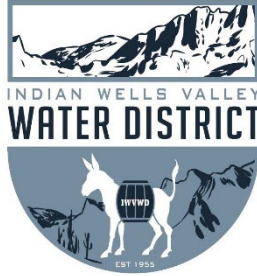
(This portion of the meeting is reserved for persons desiring to address the Board on any matter not on the agenda and over which the Board has jurisdiction. However, no action may be taken by the Board of Directors on any item not appearing on the agenda. Non-agenda speakers are asked to limit their presentation to five minutes. Public questions and comments on items listed on the agenda will be accepted at any time the item is brought forth for consideration by the Board. When you are recognized by the chairperson, please state your name and address for the record).

7. Approval of Resolution No. 22-17:

Description: Board discussion and consideration of Resolution No.22-17 - For an

Exemption to the CalPERS 180-Day Wait Period and to Approve an Employment Agreement With Donald Zdeba to Serve as Interim General Manager.

8. Adjournment



7.D.

RESOLUTION NO. 22-17

RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, FOR AN EXCEPTION TO THE CALPERS 180-DAY WAIT PERIOD AND TO APPROVE AN EMPLOYMENT CONTRACT WITH DONALD ZDEBA TO SERVE AS INTERIM GENERAL MANAGER

WHEREAS, the Indian Wells Valley Water District ("District") is a County water district formed pursuant to Division 12 of the California Water Code (Cal. Wat. Code §§ 30000, et seq.); and

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the District must provide CalPERS this certification Resolution when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, Don Zdeba (CalPERS ID - 3785419182) will retire from the District in the position of General Manager, effective December 31, 2022; and

WHEREAS, District had hired a new General Manager to replace Zdeba but the candidate withdrew the acceptance; and

WHEREAS, as of January 1, 2023, The District will not have a General Manager

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is July 1, 2023 without this certification Resolution; and

WHEREAS, Gov. Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Board of Directors, the DISTRICT and Don Zdeba certify that Don Zdeba has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, the District has retained a consulting firm authorized the search for a permanent appointment on November 30, 2022; and

WHEREAS, the DISTRICT hereby appoints Don Zdeba as an interim appointment retired annuitant to the vacant position of General Manager for the District under Gov. Code section 21221(h), effective January 1, 2023; and

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once and therefore will end on September 30, 2023: and

WHEREAS, the entire employment agreement and/or contract between Don Zdeba and the District has been reviewed by this Board of Directors and is attached herein as Exhibit "A"; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year (July 1 through June 30) for all CalPERS employers; and

WHEREAS, the compensation paid to Don Zdeba cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal hourly rate; and

WHEREAS, the maximum base salary for this position is \$22,916.17 per month and the hourly equivalent is \$132.21 per hour, and the minimum base salary for this position is \$16,666.66 per month and the hourly equivalent is \$96.15 per hour; and

WHEREAS, Don Zdeba will RECEIVE a monthly salary of \$22,916.17 which equates to \$132.21 per hour; and

WHEREAS, Don Zdeba has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the DISTRICT hereby certifies the nature of the employment of Don Zdeba as described herein and detailed in the attached employment agreement/contract and that this appointment is necessary to fill the critically needed position of General Manager for the District by January 1, 2023, because Don Zdeba is retiring effective December 31, 2022, and the candidate hired to replace Don Zdeba withdrew after accepting the job.

All the foregoing being on the motion of Director _____, seconded by _____ and authorized by the following vote, namely:

AYES:

NOES:

ABSENT:

ABSTAIN:

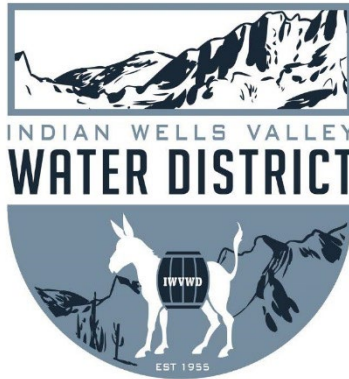
I HEREBY CERTIFY that the foregoing resolution is the resolution of Indian Wells Valley Water District as duly passed and adopted by said Board of Directors at a legally convened meeting held on the 21st day of December 2022.

WITNESS my hand and the official seal of said Board of Directors this 21st day of December 2022.

David C.H. Saint-Amand
President, Board of Directors
INDIAN WELLS VALLEY WATER
DISTRICT

Donald M. Zdeba
Secretary, Board of Directors
INDIAN WELLS VALLEY WATER DISTRICT

(SEAL)



The Mission of the

Indian Wells Valley Water District

is to deliver the highest quality water at the best possible price while continuing to serve as respectful stewards of the environment.

The Vision of the

Indian Wells Valley Water District

is to provide for self-sustaining water resources now and for generations to come.

Board of Directors