

Local

COUNTY GOVERNMENT

Board votes to form groundwater agency

BY THEO DOUGLAS
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The Kern County Board of Supervisors voted Tuesday to form two agencies that could regulate groundwater in unincorporated areas in coming years, as members tried to strike a conciliatory tone with overlapping interests.

In two 5-0 votes, supervisors directed county staffers to begin forming Kern's own Groundwater Sustainability Agency, and to support a joint powers agreement to create the Indian Wells Valley Groundwater Authority, as required in the 2014 state Sustainable Groundwater Management Act.

The legislation requires all basins which are designated high- or medium-priority, and could face critical overdrafts of their water supply, to be covered by at least one GSA. It gave local agencies until June 30, 2017, to form them.

A difficult issue has been the possibility of GSAs overlapping when multiple agencies claim the same territory.

County Counsel Theresa Goldner said supervisors decided to "file over" areas claimed both by the Kern River GSA, which includes three other water agencies — the City of Bakersfield, the Kern Delta Water District and the Kern County Water Agency — and the Greenfield GSA, which covers county land south of Bakersfield.

Goldner reminded supervisors the state deadline for Kern to form its GSA is

DELAYS LIKELY IN AID FOR FIRE VICTIMS

Kern County Fire Chief Brian Marshall said on Tuesday that victims of the June 23 Erskine Fire, which killed two residents, injured three first responders and burned 75 square miles in the east, might have to wait awhile for federal assistance.

Lt. Gov. Gavin Newsom's office asked President Barack Obama for a federal disaster declaration last Thursday, which could smooth the way for Federal Emergency Management Agency assistance and the possibility of low-interest loans to property owners who lost homes or businesses in the deadly wildfire.

But Marshall said that a declaration could be anywhere from two weeks to 90 days away. **Read the full story online at Bakersfield.com.**

Wednesday and "if the county doesn't do that, the county will lose its legal right to become a GSA over those areas."

The move, she said in an interview "actually preserves the county's rights under SGMA."

"It's a way to make people get together and work things out. That's exactly what the SGMA is designed to do," she said.

Rodney Palla, chairman of the Kern River GSA, which would be overlapped by the county GSA, said afterward there is a chance differences could be resolved and the County of Kern could join Kern River and simply rescind its own GSA application.

"We hope. We hope. That's our hope," Palla said. "We need to settle some issues that need to be done before they pull that off. Before they rescind their application."

Goldner confirmed this was a legal possibility and said: "We'll see how quickly we can reach an agreement but it's certainly something

that can be accomplished."

Supervisor Mick Gleason, the chairman of the board, said talks were moving forward.

"We'll see how the conversation goes but it looks like it's very positive, moving in the right direction, and the idea of overlap may fix itself and we may just resolve our issues without that," Gleason said before the board's afternoon closed session. "I'm looking forward to having the same conversation with Buena Vista and any other GSAs that form up. It really is a positive and I'm glad the county stood tall and asserted itself."

Representatives of two other Kern River GSA members were not so glad.

"I know they look at this as a positive move. I don't know if the rest of us look at it that way. We asked them to trust us," said Mark Mulkay, general manager of the Kern Delta Water District, a Kern River member with the City of Bakersfield and the Kern County Water Agency.

Of Goldner, he said: "She's not used to working with water agencies and when we say we're ready to make an agreement, we're ready to make an agreement."

However, Goldner said she has in fact worked with many water agencies.

Bakersfield City Attorney Ginny Gennaro said she wasn't sure what impact the county's "filing over us" would have on talks but called the county's decision to form a GSA disappointing and frustrating.

The City Attorney expressed a desire to see a draft letter from Goldner's office to the Kern River GSA in response to a letter it sent the county on July 12, pledging to work together

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County pays \$1 million to settle sex assault case against two ex-deputies

BY THEO DOUGLAS
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The Kern County Board of Supervisors voted 5-0 on Tuesday during its afternoon closed-session meeting to pay \$1 million to settle a sexual assault case brought against the county and two sheriff's deputies by a Tehachapi woman.

The settlement was solidified in May after county lawyers said the woman's attorneys, Chain Cohn Stiles, violated a non-disclosure agreement by sending out a news release. But the supervisors, ruffled by the law firm's action, voted unanimously to abide by the pact nonetheless.

In the case's complaint, filed Dec. 18, 2013, in U.S. District Court, attorneys for Chain Cohn Stiles alleged defendants Gabriel Lopez and Christopher Escobedo entered the woman's residence without permission while she was asleep.

At the time of the March 25, 2013, incident, both men were Kern County Sheriff's Office deputies.

Escobedo was alleged to have patted the woman down and handcuffed her, and Lopez to have conducted "an exceedingly intrusive search" of the woman and to have groped her.

The deputies then left, but Lopez was alleged to have returned about 10 minutes later and sexually assaulted the woman.

In its settlement agreement released Tuesday, the County of Kern identified the female plaintiff by

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WATER

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and identifying 10 concept principles the groups need to resolve.

"They've had plenty of opportunities to come forward and they've failed to do so. I don't want to fan the flames, but 'disappointing,' 'frustrating,'" Gennaro said.

Goldner said the County of Kern reached out to the city "many months ago" to be included in the GSA and is pleased Bakersfield "has seen fit to move forward with the county and we're hoping things will work out wonderfully."

In Kern River's July 12 letter, Palla characterized talks as "beneficial," and laid out



"Large ag will have an opportunity to be present and have a vocal voice in developing our Groundwater Sustainability Plan Development Committee," Supervisor Mick Gleason said Tuesday.

HENRY A. BARRIOS
CALIFORNIAN FILE

10 issues including indemnifying the county depending upon whether it comes in as a voting member or not; abuse or restriction of water uses; well permitting, water transfers, and serving the so-called "white lands," which aren't part of any water district.

During the supervisors'

morning session Tuesday he praised the board for taking the stance that "you're not going to just be the gorilla in the cage that files to stop everything."

"Be careful when you enter the water world because it's a treacherous brew," he said. "Usually, when you say 'water,' 'litigation' is in

the same sentence."

Goldner addressed several of Kern River's concept principles in its letter including land use and water allotments — and the idea it would not restrict water to specific uses, nor have to provide the county more water for future projects than is allotted per acre.

The county counsel said she thought it was important any agreement with Kern River ensure the county would have a continuous ability to participate in creation of a groundwater sustainability plan, due to the state by 2020; and that "nothing preempt the county's police powers and land use authority."

The county's response to Palla's letter, which went

out Tuesday night, praised his "positive remarks."

Earlier in their morning session, the supervisors supported a joint powers agreement to create the Indian Wells Valley Groundwater Authority, and pledged to work with representatives of the East Kern County Resource Conservation District, and Mojave Pistachio.

The County of Kern would become one of five members with the Indian Wells Valley Water District, the counties of Inyo and San Bernardino, and the City of Ridgecrest.

Agencies and stakeholders in East Kern weren't happy about that, either.

"We first asked to be a voting member and they turned us down. Now, we're asking to be an associate member. And they've ignored that. So our board just has to meet and say 'What are our other options?'" said Donna

Thomas, vice president of the East Kern Resource Conservation District, which provides leadership and resource conservation assistance in more than 1.1 million acres of eastern Kern.

Rod Stiefvater, representing grower Mojave Pistachio, said the company feels excluded.

"We feel the GSA will not give us any representation even though we're a major groundwater pumper and will be even more so in the future," said Stiefvater, who declined to comment after the meeting.

"Large ag will have an opportunity to be present and have a vocal voice in developing our Groundwater Sustainability Plan Development Committee," Gleason said. "I don't believe it's possible for us to find a solution in the Indian Wells Valley without agriculture being part of the solution."

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SETTLEMENT

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name. The Californian generally does not identify victims of sex crimes.

The agreement specifies the woman and the County of Kern reached the settlement "without admission of fault or responsibility."

Under the terms, the county will pay the woman and Chain Cohn Stiles \$760,000 through a warrant. In addition, the county will pay the woman \$1,000 a month for 20 years, from this July 23 through June 23, 2036; and also \$2,000 a year for 20 years, from Oct. 1, 2017, through Oct. 1, 2036.

Kern County Counsel Theresa Goldner declined to discuss either the case or the settlement. She referred a reporter to Section 5.1 of the settlement, which indicates "there will be no public disclosure or discussion in the media by the parties or their attorneys regarding the facts or circumstances of this case ..."

Jorge Barrientos, a spokesman for Chain Cohn Stiles, said the law firm would have no comment.

Lopez received a two-year prison sentence after pleading no contest to two counts each of false imprisonment, sexual battery and assault by a public officer. He will have to register as a sex offender for the rest of his life.

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