

MINUTESTEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

August 18, 2021 3:00 P.M.

22901 Banducci Road, Tehachapi, CA 93561

ANNOUNCEMENT: THIS MEETING IS BEING CONDUCTED VIA TELECONFERENCE AS AUTHORIZED BY GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDER N-25-20. A PHYSICAL MEETING IS ALSO SCHEDULED AT THE DISTRICT BOARDROOM, 22901 BANDUCCI ROAD, TEHACHAPI, CA 93561. PROPER PPE AND SOCIAL DISTANCING WILL BE REQUIRED. DIRECTORS AND THE PUBLIC MAY CHOOSE TO ATTEND IN PERSON (SUBJECT TO ROOM CAPACITY RESTRICTIONS) OR VIA THE ZOOM MEETING APP. THE MEETING ID IS 895-0147-0062. THE PASSWORD IS 0818RBM. THE DIAL-IN NUMBER IS (669) 900-9128, PASSCODE IS 135423.

Item 1. Call to Order and Roll Call

With the absence of President Schultz and the technical difficulties Vice-President Pack was experiencing via Zoom, Director Cassil moved to nominate Director Zanutto to temporarily chair the meeting. The motion was seconded by Director Hall and carried on the following vote: Ayes: Cassil, Hall, Pack, Zanutto; Noes: None; Abstain: None; Absent: Schultz.

Directors Present: Cassil (present), Hall (remote), Pack (remote), Zanutto (present) **Absent:** Schultz

Legal Counsel: Robert Kuhs (remote)

Staff in Attendance: Catherine Adams (present), Jon Curry (present), LaMinda Madenwald (present), Tom Neisler (present)

Item 2. Announcement

Director Zanutto announced this meeting is being audio recorded, including all Board, Staff, and Public comments.

Item 3. Flag Salute

The Pledge of Allegiance was led by Director Zanutto.

Item 4. Approval of Agenda

Mr. Neisler requested the agenda be amended to break at 4:30 p.m. to go into Closed Session as outside entities are scheduled to participate at that time. The meeting will reconvene after Closed Session to continue the remaining Open Session agenda.

Director Cassil moved to approve the agenda as amended. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Cassil, Hall, Zanutto; Noes: None; Abstain: None; Absent: Pack, Schultz.

Item 5. Comments by any Party on Items of Interest and Within the Subject Matter Jurisdiction of the Legislative Body

Director Cassil commented that the CSDA eNews distributed a message regarding a Bill that amends redistricting deadlines to April 17, 2022. She has an agenda item requested for the September meeting regarding redistricting, so she wanted to share this information.

Ms. Adams stated she received two comments via email: one from Don Marsh, City of Tehachapi, and one from Susan Wells, Golden Hills CSD. Both were regarding Item 10 and copies have been provided to the Board members as well as at the counter for the public.

Item 6. Consent Calendar - Consent items are considered routine and are intended to be acted upon as a single item, without discussion. During this portion of the meeting, the Consent Calendar will be read aloud.

Prior to approval, the President will give the Board the opportunity to remove any item from the Consent Calendar to be discussed and voted on individually. The President will also give staff and the public the opportunity to request any item be discussed individually, in which case the President will determine whether the item will be removed from the Consent Calendar. The remaining calendar will be acted upon. Any removed items will then be heard and acted upon individually.

- a. Approve Minutes of the Regular Board Meeting of July 21, 2021, and Special Board Meeting of August 6, 2021
- b. Approve Quarterly Investment Report, Financial Report and Payment of Bills

Director Zanutto asked if there were any items the Board, Staff or Public would like to remove for discussion. There were none.

Director Cassil moved to approve the Consent Calendar. Director Zanutto seconded the motion, and it was carried on the following vote: Ayes: Cassil, Hall, Zanutto; Noes: None; Abstain: None; Absent: Pack, Schultz.

Item 7. General Manager's Report

Mr. Neisler reported on the following matters:

- The picture on the Staff Report is of Jon Curry, Operations Manager, and Judy Negrete, Administrative Assistant, holding the Hulk pinata. The pinatas have become the highlight of these picnics. These team members were instrumental in planning and administering the Safety Picnic and this shows that in the midst of this challenging year, we are still getting our jobs done and still have smiles on our faces.
- We were pleased to welcome back a team member who was off duty for a full year for a non-work-related injury.
- The two new mechanics were sent to the Gas Engine Technology training course in Texas for Waukesha engines. This is an intense, week-long course which requires passing the exam to obtain the certification. Both employees passed and one received the highest test score in the class.
- Lake Oroville has reached its lowest recorded level of all time and as a result, the Hyatt Power Plant was shut down on August 5th. While that has an impact on electrical supplies throughout the state, it has a significant impact on the State Water Project (SWP) as that facility is owned by DWR and the SWP is the largest electricity consumer in California. The result of this is increased electrical prices and decreased supply. It appears that PG&E has accepted responsibility for causing the Dixie Fire which is now the largest wildfire in California history.
- Governor Newsom has not implemented mandatory conservation measures however, yesterday he commented that he foresees the need for them.
- The system is scheduled to be shut down on August 24th. The KCWA has been monitoring everyone's water use very closely.
- There's been a decrease in the rate of fall in Brite Lake as anticipated. There's a large number of crops being harvested in Cummings Basin and they expect demand to continue to decrease.
- We continue to experience trouble with Edison at the Dennison Well. Edison cannot continuously provide power within the acceptable range. Mr. Curry is working with Edison to resolve the problem.
- The Tehachapi City Council considered the Sage Ranch project at the regular Council meeting. The EIR was certified, and the tentative map was approved on a 4-0 vote. Mr. Neisler spoke in opposition to the approval on the basis of the water supply assessment. The hearing was attended by Director Cassil and Director Pack. This matter will be discussed further in Closed Session.
- He advised the Board of a request from TVRPD to hold 3 cross-country events this fall at Brite Lake. The District has historically allowed the Tehachapi High School team to utilize this facility for these events. He noted that some of this course falls outside the Brite Lake Aquatic Recreation Area as they utilize the path that goes up around the water tanks, but it is a controlled event. It requires an administrative approval, and he plans to approve this request with a condition that the portions of the course that are outside the recreation area have representatives present to ensure that no trespassing

or vandalism occurs to adjacent property. If the Board is not comfortable with Mr. Neisler giving approval, he requests they state so during the Board of Director Comments item and it can be put on an agenda for a future meeting.

-The Pump Plant Tour is scheduled for October 21st and reservations are open. The ACWA Fall Conference is planned to be a physical/Zoom event in Pasadena from November 30th through December 2nd.

-He reviewed the exhibits noting he has developed a new Brite Lake Level chart.

Director Hall and Director Zanutto inquired about pressure relieving water releases at Dennison Well and Mr. Curry answered they installed a new check valve today hoping that will alleviate the leakage.

Item 8. Operation Manager's Report

Mr. Curry reported on the following matters:

-The District had received payment from JPIA for the engine replacement claim at PP3.

-Emissions source testing was completed at Pump Plants 1-4 and all eight engines were within the NOX and CO compliance limits. He described how the testing is performed.

-Brite Lake data as of August 13, 2021 was: elevation 4349.2, depth 23.2', and lake volume 843.8 AF.

-At PP5, the replacement 10-stage pump and motor assembly have been installed, aligned, and tested. It is currently operating as the lead pump.

-As part of the 2021-22 CIP, there are upgrade and improvement projects going on such as new LED lighting and roof re-coating at PP5.

-A culvert pipe at PP3 was excavated to clean out roots and debris that were clogging it. It is scheduled for replacement in the off season. Also, at PP3 Engine 3, a mechanical seal on the vertical turbine pump failed which led to Staff discovering that most of the column to pump flange bolts had sheared. The pump has been sent to Evan's Hydro for inspection and repair.

-As part of the CIP, aggregate base pads were built for the installation of storage containers at PP2, PP3, and PP4. This allows for keeping inventory of maintenance items at the plants which will decrease the trips back to the shop.

-Operations Staff is currently preparing for FY 21-22 CIP which include Pump Plant Exterior Painting and the purchase of a skid steer tractor. The generators for the CalOES Generator Project are still on order.

Mr. Neisler commented that Mr. Curry and the Pipeline crew installed the water bottle filling station as part of the Front Office Remodel Project, and it was purchased with a grant that Ms. Adams recommended. This will allow the District to discontinue the bottled water service once the inventory on hand is used up. Director Hall asked if the water is treated, and Mr. Neisler responded it is not.

Director Zanutto commented he thinks the storage containers are a great addition. Mr. Curry added it will be especially helpful when mechanics are on-call over the weekend and working independently.

Item 9. Adopt Resolution 10-21 Approving Fiscal Year 2021-22 Final Budget, Investment Policy, Appropriations Limit and Reserve Policy

Ms. Madenwald stated the Board adopted the Preliminary Budget in June and now the Final Budget is being presented for adoption. Staff has now reviewed final numbers from the previous fiscal year end, updated estimates have been received from Kern County, and further operational decisions have been made. The Ad-Hoc Budget Committee has reviewed the changes and they recommend this Final Budget for adoption by the Board. She reviewed the changes as detailed in the Staff Report. The Net Change to the overall budget is a decrease of \$76,600 from Reserves and the General Fund will gain \$106,700.

Director Cassil appreciated the work that the Budget Committee and Ms. Madenwald did to put all this together.

Director Hall moved for adoption of Resolution 10-21, Approving the Fiscal Year 2021-22 Final Budget, Investment Policy, Appropriations Limit, and Reserves Policy. Director Cassil seconded the motion, and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Zanutto; Noes: None; Abstain: None; Absent: Schultz.

Item 10. Direct Staff on Regional Conservation Effort

Mr. Neisler stated this item has been changing so he read from the Staff Report to keep continuity. Mr. Curry conducted a Tehachapi Regional Water Group meeting and prepared a mockup of a banner and an outline of potential efforts; both are attached. After the meeting he was tasked with getting quotes for banners and vehicles magnets. It was noted that the City has a sign ordinance that precludes the placing of such banners. Mr. Neisler stated the concerns that the partner agencies have presented regarding this conservation effort. The City will not participate in the banners and magnets project, but will continue with their own internal conservation efforts and outreach.

He stated we have received written comments from Mr. Marsh, City of Tehachapi, and Susan Wells, GHCS D, regarding this item and they were distributed to the Board. Ms. Wells stated GHCS D has made several efforts over the last few years to conserve water and described them. She was disappointed in the way the comments were characterized in the Staff Report. She reiterated that GHCS D is in support of collaborating collectively and monetarily. She stated they will continue to try to address the Agriculture versus M&I issue to ensure their constituents interests are served. Director Cassil commented that she has gone to GHCS D with concerns of water misuse and the district has addressed the problem right away, so she agrees that their district is working hard to conserve water. She congratulated GHCS D as she has seen the improvements they've made. Mr. Neisler stated he is encouraged by Ms. Wells' comments and looks forward to the opportunity to explain why Ag and M&I uses and conservation efforts are not the same.

Mr. Marsh stated the intent of this letter was to better communicate the City's position. He explained how well the City has done with conservation efforts, even during years that were not considered to be drought years and in spite of an increase in the number of connections. The City has identified that to make any additional gains in water conservation, they need to focus on large users such as irrigation customers, some of those being the City themselves. They are actively pursuing about a dozen projects which will reduce the amount of turf in the city. They feel this is a better approach for their circumstances. He discussed other plans they have for continued reductions in usage. Director Cassil appreciated his explanation of their strategy and can see how concentrating on the biggest problem and reducing water waste is a good direction to move in. She stated that she is the one who suggested taking a regional approach to water conservation and her intention was not that everyone has to do the same thing; she was suggesting some form of cooperation between different organizations for a unified effort.

Director Zanutto echoed Director Cassil's comments. He added that when he sees the letters and the correspondence, it disappoints him as he feels we, everyone in this room, can do better at working together. He stated we are not going to be able to accomplish anything by fighting and hopes everyone can take a step back and reapproach this with more cooperation. Mr. Neisler addressed some of Mr. Marsh's comments. Mr. Neisler understands Director Zanutto's comments and accepts the challenge to do better and work more cooperatively, however he feels it is necessary to refute allegations or they will be accepted as facts. Director Zanutto stated that these times are tough but we, as a community, can work together and get through these challenges. He thanked everyone for their efforts. Mr. Neisler summarized the direction for Staff; continue efforts and provide quotes for banners and magnets.

Item 11. Direct General Manager to vote for ACWA Region 7 2022-23 Board of Directors

Mr. Neisler stated it's time to elect the Regional Board for the ACWA Region 7 2022-23 term. He was appointed to serve on the remaining term of the 2020-21 Board and was appointed the Vice-Chair. The ACWA Board rules state officers cannot serve in the same position in subsequent terms, so Mr. Neisler was asked if he would be willing to step into the Chair role in 2022-23 and he accepted. The other candidates are listed and the ACWA Nominating Committee has prepared a recommended slate that is attached. Mr. Neisler provided some details on the candidates and stated he will place the TCCWD vote based on the Board's direction.

Director Hall thought it was great Mr. Neisler is willing to step up into that position and Director Pack thinks Mr. Neisler will do a great job. Director Zanutto appreciated Mr. Neisler taking this on and believes that representation on the Region 7 Board is a benefit for this District.

Director Cassil moved that the Board direct the General Manager to cast TCCWD's vote for ACWA Region 7 Board of Directors in concurrence with the Nominating Committee recommendation. Director Zanutto seconded the motion, and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Zanutto; Noes: None; Abstain: None; Absent: Schultz.

Item 12. Board of Directors Comments

Director Cassil commented that she previously signed up for a workshop on California Water Rights that she will be attending tomorrow and will report back to the Board at the next meeting.

Director Zanutto commented he sees no problems with allowing the Cross-Country event since it will be monitored. This is a great venue for the event.

Item 13. Adjourn to Closed Session

President to reference Closed Session items as presented on Agenda, then Board to adjourn to Closed Session.

- a. In Accordance with Exhibit A Attached Hereto, Potential Litigation
- b. In Accordance with Exhibit B Attached Hereto, Rosedale-Rio Bravo Water Storage District et. al. v. Kern County Water Agency et. al., Kern County Superior Court

The Board went into Closed Session at 4:32 p.m.

Item 14. Return to Open Session

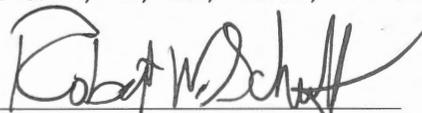
The Board returned to Open Session at 6:43 p.m.

Report Action Taken in Closed Session:

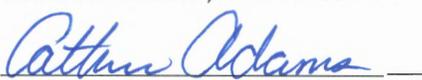
- a. No reportable action.
- b. No reportable action.

Item 15. Adjournment

The meeting was adjourned at 6:44 p.m. on a motion made by Director Hall, seconded by Director Cassil, and carried on the following vote: Ayes: Cassil, Hall, Pack, Zanutto; Noes: None; Abstain: None; Absent: Schultz.



Robert W. Schultz, Board President



Catherine Adams, Board Secretary



CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8.)

Description of Property: _____
Proposed District Negotiator: _____
Negotiating Parties: _____
Subject of Conference: _____

B. CONFERENCE WITH LEGAL COUNSEL (Gov. Code § 54956.9.)

1. Existing Litigation: _____
Name of Case: _____

2. Anticipated Litigation: _____
Gov. Code § 54956.9 (b): 1 potential case
Gov. Code § 54956.9 (c): _____

C. PUBLIC EMPLOYEES (Gov. Code § 54957.)

1. Appointment: _____
Title: _____

2. Employment: _____
Title: _____

3. Performance Evaluation: _____
Title: _____

4. Discipline/Dismissal/Release: _____

D. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6.)

Agency Negotiator: _____
Employee Organization: _____
Unrepresented Employee: _____



CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8.)

Description of Property: _____
Proposed District Negotiator: _____
Negotiating Parties: _____
Subject of Conference: _____

B. CONFERENCE WITH LEGAL COUNSEL (Gov. Code § 54956.9.)

1. Existing Litigation: 1 case
Name of Case: Rosedale-Rio Bravo Water Storage District et. al., v. Kern
County Water Agency et al., Kern County Sup. Ct.

2. Anticipated Litigation: _____
Gov. Code § 54956.9 (b): _____
Gov. Code § 54956.9 (c): _____

C. PUBLIC EMPLOYEES (Gov. Code § 54957.)

1. Appointment: _____
Title: _____

2. Employment: _____
Title: _____

3. Performance Evaluation: _____
Title: _____

4. Discipline/Dismissal/Release: _____

D. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6.)

Agency Negotiator: _____
Employee Organization: _____
Unrepresented Employee: _____