

MINUTES

**TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
SPECIAL MEETING OF THE BOARD OF DIRECTORS
March 30, 2022, 3:00 P.M.
22901 Banducci Road, Tehachapi, CA 93561**

CALIFORNIA DPH RECOMMENDS ALL PERSONS CONTINUE WEARING MASKS INDOORS IN PUBLIC SETTINGS**Item 1. Call to Order and Roll Call**

Directors Present: Hall, Pack, Schultz, Zanutto **Absent:** Cassil

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

Item 2. Announcement

President Schultz 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 Hall.

Item 4. Approval of Agenda

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

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

Ms. Susan Wells, GHCSO, stated she has a letter that was distributed to the Board that she would like to read into the record. It pertains to Item 6., so it was decided that she would present it during that time.

Mr. Neisler commented there are a few things of general interest that have come up that he would like to share. Yesterday, DWR and USBR announced agreement on a Memorandum of Understanding regarding the Voluntary Agreements. This is encouraging as it develops a path forward, it brings some of the previously unrepresented parties to the table, it allows for a more adaptive management plan for the operation of the facilities and should keep things moving forward. On Monday, Governor Newsom announced new water conservation measures that apply to the 400 largest public water agencies and affects exterior irrigation around commercial and industrial buildings. More details are to come.

Item 6. Authorize Staff to Publish Draft 2022 Water Priority Ordinance and Notice of Public Hearing to consider Ordinance at April 20, 2022 Regular Board Meeting

Mr. Neisler stated the purpose of this meeting today is to approve the wording of the Ordinance and direct Staff to make the public notifications within the timeframes required for the Board to consider the proposed Ordinance at the next Regular Board Meeting. Water allocations and this Ordinance are of critical importance this year as evidenced by the public meetings and workshops that have been held to discuss these issues. The Ad-Hoc Water Priorities Committee has recommended approval of the wording in the Ordinance and the Board reviewed this at the SBM/Public Workshop held on March 28th and directed Staff to prepare the Ordinance for presentation at this meeting. Staff recommends the Board approve the wording and schedule the Ordinance for consideration at the April 20th RBM. If approved, Staff will place notification in the April 6th edition of the Tehachapi News which meets the 10 day notification requirement. He offered to answer any questions and there were none.

Ms. Susan Wells stated that on behalf of the City of Tehachapi and Golden Hills CSD, they have jointly drafted a letter for the Board's consideration, and she read the letter aloud (copy attached and included as part of these minutes). The letter summarized the comments they have made at previous meetings urging the Board to develop a long-term strategy for the allocation and sale of State Water Project (SWP) water and requested changing the Ad-Hoc Water Priority Committee to a standing committee with stakeholder input. It mentioned the issue of conjunctive use of recharged water to meet current year demand, their constituencies portion of SWP water costs, and a request for better understanding of how participation in the Delta Conveyance Project squares with a long-term strategy for the allocation and sale of SWP water. It stated they are committed to collaborating with the District. President Schultz thanked Ms. Wells for her comments.

President Schultz moved that the Board of Directors approve the wording of Ordinance No. 2022-1, Water Sales Priorities, and authorize staff to post the required public notice of Public Hearing to consider adoption of the ordinance at the April 20, 2022, Regular Board Meeting. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: Cassil. Motion passed.

Item 7. Board of Directors Comments

Director Hall shared his thoughts on residential housing in the state and where it is heading, referencing the origin of water rights being tied to a certain use.

Item 8. Adjournment

The meeting adjourned at 3:23 p.m. on a motion made by President Schultz, seconded by Director Hall, and carried on the following vote: Ayes: Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: Cassil. Motion passed.



Robert W. Schultz, Board President



Catherine Adams, Board Secretary



March 30, 2022

Board of Directors
Tehachapi-Cummings County Water District
22901 Banducci Road
Tehachapi, CA 93561

Re: Draft Ordinance Establishing District Water Sale Priorities
(Ordinance 2022-1)

Dear Board Members:

The purpose of this letter is to provide you with the joint comments of the city of Tehachapi and the Golden Hills Community Services District to the proposed Ordinance of the Tehachapi-Cummings County Water District Establishing District Water Sale Priorities in the Event of a Shortage, Ordinance 2022-1 (Ordinance) and the process your Board has followed to develop the Ordinance. We request this letter be read into the record and available to other interested parties.

We provided comments to you during your March 16, 2022, and March 28, 2022, Board of Directors meetings. As stakeholders in the Tehachapi Basin, we appreciated the opportunity to be heard in those meetings; yet we did not see any progress in the openness of your Board to alternative approaches to your District's water operations plan or draft Ordinance. In fact, during the March 16th meeting, while discussing the timeline necessary to approve the Ordinance during the April regular Board meeting, President Schultz commented "What are the chances [the Ordinance's] going to change that much? It's been almost the same since 1977." While we did see an openness to a longer-term water allocation and sales strategy, there was little specificity regarding the process, even when we asked you to make that commitment.

As representatives of a large portion of your constituency in the Tehachapi Basin, we hope this Ordinance is the last of these annual water sale priority ordinances. We urge you to develop a long-term strategy for the allocation and sale of State Water Project water. You hopefully heard during your March 16th Board meeting that, on this point, agricultural interests and municipal/industrial (M&I) interests firmly agree. Both interests need certainty for successful planning benefiting the community. President Schultz appeared to acknowledge this. As public agencies, we understand the challenges attendant to the adoption of long-term policies. Our constituencies expect us to meet those challenges and not allow them to deter us from the task at hand – that our three public agencies, together with Bear Valley Community Services District and

Stallion Springs Community Services District, collaborate on the development of a long-term strategy for the allocation and sale of State Water Project water.

You heard specific requests at your March 28th meeting for a commitment from your Board to a process for the development of a long-term water sale strategy. President Schultz responded, in part, by saying he was unable to make that commitment due to the Brown Act and his inability to confer with other Board members. This statement was made while on the dais during a public meeting and conducting a public workshop receiving comments and questions regarding the draft Ordinance. There could be no better time for your Board to discuss and make that commitment. You were also requested to change the ad hoc Water Priority Committee to a standing committee composed of not only Board members but also stakeholders so the process can be open, public, and assured of gathering stakeholder input. We ask that you address these requests at your April regular Board meeting, and hope that by asking now, there will be ample opportunity for your Board and your staff to prepare for that discussion.

It will require the better part of the year to work through the issues and reach consensus on a long-term Ordinance that will provide the equity and assurance all interested parties must have going forward as we continue to receive less than adequate supplies of State Water Project water. Time is of the essence, so we don't find ourselves in the same position next year: the same position we hoped to avoid when we voiced these same concerns in March of 2021.

Your March 28th meeting agenda described the Ordinance item as a "public workshop." You then conducted a "public workshop" in name only. Public workshops are held *before* taking a proposed new or amended rule or other significant action to a governing board for consideration to obtain feedback from the affected stakeholders. Their purpose is to educate a governing board on the facts and positions of their constituents before the decision-making begins. You began the workshop advising that the ad hoc committee had already met on March 25th, in private, and reached its recommended form of the draft Ordinance presented at the workshop. The only changes recommended by the ad hoc committee from last year's version of the Ordinance were the ordinance number and its date. You then mechanically received comments from the public while clearly pre-committed to the recommended draft Ordinance in much the same form as it was written in the 1970's. Soliciting feedback and input from stakeholders before and during the decision-making process is part and parcel of public agency transparency. We recommend that your Board and staff become better educated on the process of public agency transparency.

A particular concern we raised at your March 28th meeting is the subordination, below agricultural use, of the conjunctive use of recharged water to meet current year demand when, as in the case of Golden Hills Community Services District, some M&I water users cannot take the higher priority direct delivery. This subordination effectively denies access to State Water Project water for delivery and use this year to those who cannot take direct delivery of that water. Conjunctive use for current year demand is clearly different than recharge to fulfill the conditions

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of an M&I agreement. This *distinction with a difference* is a critical issue for M&I users, particularly the city of Tehachapi and the Golden Hills Community Services District.

We are committed to collaborating with your District. We only ask for the same in return. The constituencies of our two public agencies pay for a significant portion of State Water Project water costs. Your District's participation in the Delta Conveyance Project is one such cost. We ask for a better understanding of how, for example, participation in that project squares with a long-term (or even annual) strategy for the allocation and sale of State Water Project water. The need for the Delta Conveyance Project shows that times have changed. Your District must adapt to those changes for the sake of your constituency.

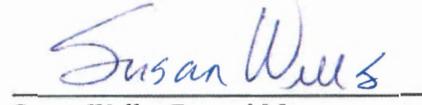
We look forward to working with you.

Sincerely,


Phil Smith, Mayor


John Buckley, Board President


Greg Garrett, City Manager


Susan Wells, General Manager


Joseph D. Hughes,
Attorney for City and GHCS