

MINUTES

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
July 19, 2023, 3:00 P.M.  
22901 Banducci Road, Tehachapi, CA 93561

**Item 1. Call to Order and Roll Call**

**Directors Present:** Ables, Hall, Sasia, Schultz, Zanutto

**Legal Counsel:** Mr. Robert Kuhs via Teleconference

**Staff in Attendance:** Catherine Adams, Jon Curry, LaMinda Madenwald, 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 Sasia.

**Item 4. Approval of Agenda**

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

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

There were none.

**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 June 21, 2023, Special Board Meeting of June 30, 2023, and Special Board Meeting of July 6, 2023
- b. Approve Financial Report and Payment of Bills

President Schultz asked if there were any items the Board, Staff or Public would like to remove for discussion, and there were none.

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

**Item 7. General Manager's Report**

Mr. Neisler reported on the following:

- He stated the picture on this report is from the District Safety Picnic and it portrays everyone socializing together; Directors, employees, and their families all having a good time. This event celebrated the District's outstanding safety record for the past several years.

- He included a summary report of different operations metrics as he thought this would provide some more detailed information. In June, the District imported 1,200 AF which brings the YTD total to 4,084 AF and he reviewed the rest of the information in the summary and the other charts.
- Next month emissions testing will begin, and this will require cooperation from the agricultural irrigators.
- He received information that DWR is having trouble meeting demand from the aqueduct, primarily south of Kern County, but that does include our turnout with Wheeler Ridge, so they are doing flow testing later this week and requiring that the District maintain static flows during that period.
- There still is high flow water available from Article 21 and Lower Kern River, but it is becoming more sporadic. The Army Corps of Engineers is changing their operational strategy of Lake Isabella as they have not seen the runoff from the upper Kern and the high volume that they had anticipated.
- There is measurable snowpack in some mountain areas and ski resorts are still operating into July.
- Governor Newsom signed his infrastructure streamlining package into law and one provision he made to get majority of both Houses to support this, was omitting the Delta Conveyance Project from that legislation. There are benefits to this new legislation particularly for offsite storage projects.
- The system continues to run with three engines and things are going well.
- The Summer Interns have been doing a lot of weed-whacking and unfortunately have broken three windows on a District vehicle. They were parked nearly 40 feet away and the trucks have not been damaged, they were just very unlucky in the windows getting hit.
- The Gate Automation Project is still in progress and Jon has been working with the vendor to get this operational soon.
- The new Accounting and Finance Specialist, Crystal Sampson, came to the District today and he was able to introduce her to the Directors. She fits in well with the Staff and we are looking forward to having her start in August.
- The ACWA Region 6 & 7 Annual Event is scheduled for October 12-13, 2023. The tour will be on the 12<sup>th</sup> and the Water Forum on the 13<sup>th</sup> at Harris Ranch in Coalinga.
- Brite Lake reservoir conditions have peaked, and we are seeing some diminishment. Lake Oroville and San Luis Reservoir have gone down a little. The State Water Project share of San Luis Reservoir is still over 100%.
- He offered to answer any questions the Board or Public may have and there were none.

**Item 8. Operations Report**

Mr. Curry reported on the following:

- Rush Truck Center informed us the dump truck is going to the bed manufacturer for installation of the dump bed and accessories and they are estimating completion by mid-August.
- Staff has issued a Purchase Order for the purchase of a new 60 KW generator for Pump Plant 3 and this will mirror what has been done at Plants 1 and 2. The delivery of this generator is anticipated to take 42-46 weeks.
- The CalOES Generator Project continues to move forward with the sitting of concrete slabs, gas lines, and manual/automatic transfer switches.
- All four of the District's Tehachapi Basin extraction wells are shut down, along with the City's Snyder Well. Brite Lake data from July 14, 2023, was: elevation 4,358.4', volume 1,414 AF, and level 32.4'. The 19 Acres and Gravel Pit recharge areas are operating and as of July 14<sup>th</sup>, the District has imported 4,646.7 AF.
- He reviewed the details of the projects and tasks completed by the Pumping Systems and Pipeline Staff as listed in the Staff Report. Operations Staff has begun working on 2023-2024 Capital Improvement Projects and he will keep the Board updated as those projects progress. Off season may be shorter this year so they are trying to dedicate some time while the system is not pumping to complete the projects that have to be done under those conditions.
- He offered to answer any questions.

President Schultz referred to the SCADA system and SQL database issue and asked if there was a failure. Mr. Curry explained there were issues when an update had to be made and there wasn't the proper patch in place, so the update was not picking up the historical trend. Data was recovered through the backup, and nothing was lost.

**Item 9. Conduct Public Hearing Regarding Adoption of Resolution 11-23, Determining Benefit Assessment for Tehachapi Watershed Project for Fiscal Year 2023-24**

President's Opening Remarks:

President Schultz stated this is a Regular Meeting of the Board of Directors for the purpose of considering Resolution 11-23. This Resolution asks for a Benefit Assessment in the amount of \$106,000 for the maintenance, operation, and installation of the Tehachapi Watershed Project in Fiscal Year 2023-2024. The public hearing was declared in session at 3:25 p.m.

Staff Report:

Ms. Adams, Board Secretary, stated that the Tehachapi Watershed Project was constructed with financial assistance under PL-566 through the Soil Conservation Service. As a condition of obtaining Federal funds for construction of the project, the District had to assume full responsibility for the operation, maintenance, repair, and replacement of all structural measures for the project pursuant to the maintenance agreement that was dated July 7, 1983. District Staff has reviewed all the zoning changes, parcel splits, changes of ownership, new construction and assessed values in Zone 1 to update the land use categories and factors for each parcel. Because the State utility roll is no longer broken down by tax code area, a questionnaire was sent to each utility company to determine any changes in value to each utility owned property.

Ms. Adams then introduced the exhibits to the Resolution as follows:

Exhibit A: Declaration of Posting Notice- This notice was posted at Tehachapi City Hall, Golden Hills Community Services District, and Tehachapi-Cummings County Water District.

Exhibit B: Proof of Publication- This notice was published in two consecutive issues (July 5<sup>th</sup> and July 12<sup>th</sup>) of the Tehachapi News.

Exhibit C: Written Report of Proposed Benefit Assessment for Tehachapi Watershed Project Fiscal Year 2023-2024. This report goes over the history of the assessment, the calculation method, voter approved procedures and all of the data and tax amounts that will go into place upon this adoption. She asked if there were any questions or comments from the Board or the Public.

Director Zanutto asked how much Staff time is taken to do this assessment each year. Ms. Adams stated it takes many days to go through the information as the data set from the County contains about 1800 lines on the spreadsheet that are reviewed and then formatted to be uploaded into the County's system. Director Zanutto asked if that Staff time is accounted for in this amount and Mr. Neisler clarified that it is not; that time is absorbed by the District and estimated there is 30-40 hours of time spent on it. Mr. Neisler stated the \$106,000 assessment has remained constant since it was formed in 1984 and a large portion of that now goes to permits and fees. President Schultz stated on July 23, 2013, Jon Hammond wrote an article called The Great Flood of March 1983 that includes pictures and some of the history of why this was done.

(Close Hearing and Return to Regular Meeting)

President Schultz declared the hearing closed at 3:29 p.m. and returned to the Regular Board Meeting.

**Item 10. Accept Written Report and Adopt Resolution 11-23 Determining Benefit Assessment for Tehachapi Watershed Project for Fiscal Year 2023-24**

Director Zanutto moved that the Board adopt the Written Report of Proposed Benefit Assessment for the Tehachapi Watershed Project for Fiscal Year 2023-24 and Adopt Resolution No. 11-23 Determining Benefit Assessment to Finance Maintenance, Operation, and Installation of the Tehachapi Watershed Project in Fiscal Year 2023-24. President Schultz seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

**Item 11. Adopt Resolution 12-23 Determining the Amount of Tax Required for Water Supply Contracts for Fiscal Year 2023-24 and Establishing the Tax Rate**

Ms. Madenwald stated adoption of this Resolution will set the State Water Project (SWP) payment tax rate for fiscal year 2023-24 and is an annual requirement. The Board must adopt a Resolution setting the Ad-Valorem tax rate and provide this information to the Kern County Tax Collector no later than August 10<sup>th</sup> of each year. This year the tax will effectively remain unchanged. There is an increase of \$0.47 on a \$200,000 assessed value home. The District calculates the rate to be levied by Kern County each year considering the increase or decrease in the forecast reserve balance. The calculation that was used is attached to the Resolution as Exhibit A. This year the rate change is very small due to the fact that there was a decrease in the reserve balance and there was a decrease in the SWP payment obligation. This tax revenue is used exclusively to pay for the District's financial obligations for the State Water Project. The fiscal impact will be a tax levied at a rate of 0.053732% of assessed value on private property and will generate revenues of approximately \$3.1 million during fiscal year 2023-24. She offered to answer any questions. Mr. Neisler commented that at the Kern County Member Unit Managers meeting, they were told that DWR is projecting a very large increase in the Districts 2024 Statement of Charges for operational costs. The District does have adequate reserves in place. President Schultz inquired if they had a reason for the projected increase. Mr. Neisler stated it is not clear at this time as they have not provided the January estimates yet. It is very preliminary, but they wanted to inform members. Director Zanutto recalled that the audit determined that DWR overcharged last year, and Mr. Neisler confirmed yes that was the case.

Director Sasia moved that the Board adopt Resolution 12-23 Setting the Fiscal Year 2023-24 Tax Rate for State Water Project Payments. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

**Item 12. Adopt Resolution 13-23 Amending the District's "Salary Schedule for Authorized Positions"**

Mr. Neisler stated typically in June the Board considers a Cost-of-Living Adjustment (COLA) for Staff and any changes to positions at that time so it can coordinate with the Budget process. This year, in May, Mr. Neisler brought a revised Authorized Positions List to the Board to create the new positions and begin the recruitment process. At the June meeting, the Board graciously granted a 4.9% COLA for the Staff through documented Board action. He apologized as at the time, he neglected to include a Resolution with that consideration. For consideration under this item, he has included a Resolution to document the prior actions the Board took. Resolution 13-23 will document the changes to the Authorized Positions List and the 4.9% COLA. He offered to answer any questions.

Director Hall moved that the Board adopt Resolution 13-23 Amending the District's "Salary Schedule for Authorized Positions". President Schultz seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

**Item 13. Item Removed – To Be Considered at Future Meeting**

**Item 14. Adopt Resolution 14-23 to Support Appointment of Thomas Neisler to ACWA Region 7 Board**

Mr. Neisler previously indicated to the Board that he was not going to seek reelection to leadership of ACWA Region 7 Board. He currently serves as the Region 7 Chair for the 2022-23 term. He informed ACWA Staff that he was not seeking reelection to the Board itself, but would not resign if it left a vacancy on the Board. In other words, if ACWA did not have enough candidates to fill the entire Board, he would continue to serve on the Board of Directors, just not in a leadership role. He was asked to submit a nomination to avoid a vacancy and this requires a Resolution from TCCWD supporting his candidacy. This nomination is for a regular Director seat and will not require attending ACWA meetings at the State Capital. He offered to answer any questions.

President Schultz stated he was in support of this nomination, and Director Zanutto thanked Mr. Neisler for his willingness to fill the vacancy. Mr. Neisler thanked them. Director Hall asked if it was fair to characterize that the District's involvement in ACWA goes above the average members. Mr. Neisler agreed stating there are over 400 districts in ACWA and TCCWD is very active, going all the way back to when Robert Jasper was the General Manager and Staff has carried that through. This District has a unique position in the KCWA in that it is both an agriculture and M&I district, it has a unique position in the state in that it pumps a higher vertical lift than any other district, and it has three adjudicated basins exempt from SGMA. Other agencies seek out some of the insight that we have to offer.

President Schultz moved to adopt Resolution 14-23 in Support of Thomas Neisler to Serve on the Board for ACWA Region 7. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

**Item 15. Approve Change Order No. 02 for Dennison Well Project**

Mr. Curry stated at the May 17, 2023, Board meeting, the Board approved Contract Change Order No. 1 which included wire brush cleaning, bailing of the well casing and post cleaning video inspection. The post video inspection revealed some breaks in the casing that are in need of repair and some old airlines that have been fished out. Contract Change Order No. 2 reflects pre-swage breaking of the casing at 405.7'-406.4'. He referenced the attached pictures and showed the splintering of the casing and explained how the pre-swage will work. Then they will insert a 15 foot stainless steel sleeve in that section and form and bond those metals together. That will seal off the breaks in the casing. He explained that the perforations in this well's casing start at 262 feet and run down to 526 feet at the bottom, so even with this 15 foot section, there will still be about 250 feet of screened interval to pull water through that well and the cleaning opened up a lot of the old perforations. This Change Order would also add 54 days to the contract to complete the work which would extend the project completion date out to August 18, 2023.

The FY 2022-23 CIP Budget included \$150,000 for the Dennison Well Project and Change Order No. 2 would increase the project cost by \$21,395 which will bring the total project cost to \$241,495 (includes CO No. 1 costs). Due to the additional work required and the extension of the contract, this project will be carried over to the FY 2023-2024 CIP Budget. He offered to answer any questions the Board or Public may have.

Director Sasia asked when the well was drilled and Mr. Curry stated according to the incomplete Driller's Log, it was drilled in 1958. Director Ables asked if the existing casing is sturdy enough to handle the repair and Mr. Curry replied that Bakersfield Well and Pump feels it is based on what they have seen down the hole. They are trying to minimize the repair section to keep the most screened interval. Director Ables asked if the size of the pump will have to be changed and Mr. Curry stated it was already in the plans to change the pump to a 200 HP motor with the proper curve to overcome the system head pressure without having the booster pump. Mr. Neisler commented that they realize the cost has gone up

significantly, but it is still less than half the cost to drill a new well and with these repairs the well will be more efficient.

President Schultz moved that the Board of Directors Approve Change Order No. 2 for the Dennison Well Rehabilitation Project. Director Sasia seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

**Item 16. Authorize Trade-In of Surplus District Vehicles**

Mr. Curry stated this item is part of the solicitation for three new District vehicles and he is looking to get authorization to surplus two current District vehicles and utilize them for trade-in value. The two vehicles are AD02 a 2013 Toyota Highlander and PP33 a 2013 GMC 1-ton truck with a utility bed and crane. AD02 needs about \$6,000 of repairs and PP33 has had a significant amount of money put into repairs over the years. Some of the other vehicles will be repurposed as discussed at the last Board meeting.

Vehicle vendors were sent bid solicitations on July 10<sup>th</sup> with a bid deadline of August 10<sup>th</sup> at 3:00pm. The bids will be presented to the Board at the August 16<sup>th</sup> Regular Board Meeting and these trade-in values will be represented as a portion of their bid. In 2021, when a vehicle purchase like this was done, Staff did try to sell surplus vehicles to the public, but did not get much response and Staff spent a lot of time advertising those and received more value from them as trade-ins. He offered to answer any questions. President Schultz stated he agrees trading these vehicles in is a great way to move them as he does recall Staff had some trouble trying to sell them to the public.

Director Sasia moved that the Board declare vehicles AD02 and PP33 as surplus and authorize Staff to utilize for trade-in value. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

**Item 17. Board of Directors Comments**

There were none.

**Item 18. 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, TCCWD v. City of Tehachapi *Et al.*
- b. In Accordance with Exhibit B Attached hereto, DWR v. All Persons Interested in Authorization of WaterFix Revenue Bonds, et al.; DWR v. All Persons Interested In The Matter of the Authorization of Delta Program Revenue Bonds, *Et al.*
- c. In Accordance with Exhibit C Attached hereto, Rosedale-Rio Bravo WSD *Et al.* v. Kern County Water Agency *Et al.*

The Board adjourned to Closed Session at 3:56 p.m.

**Item 19. Return to Open Session**

The Board returned to Open Session at 4:18 p.m.

**Report Action Taken in Closed Session:**

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

**Item 20. Adjournment**

The meeting was adjourned at 4:19 p.m. on a motion made by Director Hall, seconded by Director Sasia, and carried on the following vote: Ayes: Ables, Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.



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: County of Sacramento Superior Court Case No. Case No. 34-  
2022-80003892  
Name of Case: TCCWD v. City of Tehachapi *Et al.*

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: \_\_\_\_\_



**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: Two Cases  
Names of Cases: DWR v. All Persons Interested in Authorization of WaterFix Revenue Bonds, et al.; DWR v. All Persons Interested In The Matter of the Authorization of Delta Program Revenue Bonds, et al.
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: Not Applicable  
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: KCSC No. BCV 21100418 TSC  
Name of Case: Rosedale-Rio Bravo WSD *Et al.* v. Kern County Water Agency  
*Et al.*

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: \_\_\_\_\_