

MINUTES

**TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
April 16, 2025, 3:00 P.M.
22901 Banducci Road, Tehachapi, CA 93561**

- Item 1. Call to Order and Roll Call**
Directors Present: Ables, Hall, Schultz **Absent:** Davis, Sasia
Legal Counsel Present: Robert Kuhs
Staff Present: Catherine Adams, Jon Curry, Tom Neisler, Crystal Sampson

- 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 President Schultz.

- Item 4. Approval of Agenda**
 Director Hall moved to approve the agenda. Director Ables seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis, Sasia. Motion passed.

- Item 5. Comments by any Party on Items of Interest and Within the Subject Matter Jurisdiction of the Legislative Body**
 Neisler noted that he distributed a copy of the response letter to the City of Tehachapi, dated April 10th, to the Board as well as made copies available to the Public at the back counter. This was a response to the letter from Greg Garrett to Neisler on March 24th, which was discussed at the last Board meeting. Neisler noted that he sent the letter to the City Clerk and requested it be distributed to the City Council. He has not received verification that it has been distributed yet.

- 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 Adjourned Regular Board Meeting of March 26, 2025
 - 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 Adams requested Item a. be removed for discussion.

For Item a, Adams stated there was an error in the minutes she would like to correct. On page 4, Item 10, the motion states President Schultz seconded the motion, however, it should state Director Sasia did. She requested the minutes be amended.

President Schultz moved to approve Item a of the Consent Calendar as amended. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis, Sasia. Motion passed.

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

Item 7. General Manager's Report

Neisler reported on the following:

- The latest ENSO report no longer predicts La Nina conditions. While the science of forecasting is improving, it is still far from dependable.
- The Table A Allocation remains at 40%. Given it is the middle of April, an increase at this point will not be very valuable to State Water Contractors.
- Last month the Board authorized TCCWD participation in the Delta Conveyance Project planning and pre-engineering stage. The rest of the Kern County Water Agency Board of Directors approved the agreement at their meeting on March 27, 2025.
- After April 1st, the operating limits on exports from the Delta change and chances are good that flows will remain at 600 CFS through May. The Delta Stewardship Council released a report regarding pent-up infrastructure demands on the State Water Project. They estimate that within the next five years, more than a billion dollars will be required to shore up the levy system in the Delta. There is about 1,100 miles of earthen levies that keep the Pacific Ocean out of the Delta. If those levies fail, saltwater will intrude into the Delta, not only destroying all the environmental habitat, but also putting the State Water Project out of service for multiple years. This is further justification for the need for the Delta Conveyance Project.
- Both Pump Plant Tour dates are fully booked. The ACWA Spring Conference will be held in Monterey from May 13th through 15th, and Directors Hall and Sasia will attend. Director Hall will also attend the JPIA Conference on Monday and Tuesday.
- The Brite Lake levels are lower than normal since pumping has not started, but within a range where that can be made up as the year goes on.
- He reviewed the reservoir charts noting that Lake Oroville is 120% of average and flood control restrictions have eased moving into spring. San Luis Reservoir is 105% of average and that level is decreasing as contractors begin taking delivery of water. Snowpack is 120% of normal.
- He offered to answer any questions the Board or Public may have.
- Neisler answered Director Hall's questions regarding the forecasts of El Nino and La Nina predictions and clarified the current neutral temperatures indicate no preference either way.

Item 8. Operations Report

Curry reported on the following:

- The Pump Plant 3 Engine Replacement Project is moving along and at the last meeting, long lead times on items such as the couplings were discussed. Staff received notice that they will arrive in New Jersey on the 18th, have a couple days of fabrication for the inserts, and hopefully be delivered next week. The stainless steel exhaust, catalyst elements and housing, and silencers have been installed. There are a lot of contractors working at the plant right now to get things wrapped up.
- On April 4th, there was another break in the 27" mainline about 150 feet east of the last break. The Pipeline Department got to work right away dewatering, excavating and removing about 24 feet of pipe. The repair has been completed, and the line is currently being recharged. Staff will be looking to include pipe replacement in that area as a future Capital Improvement Project.
- Brite Lake data from March 21, 2025, was: elevation 4348.8", volume 877 AF, and level 23.8'. The Tehachapi Basin extraction wells and recharge facilities are currently shut down.

- He reviewed the details of the projects and tasks completed by the Pumping Systems and Pipeline Staff as listed in the Staff Report.
- The PERP permit renewal for the portable generators was completed with CARB. Pay Request 6 for WM Lyles for the Engine Replacement Project was submitted. Rattlesnake awareness and Heat Prevention Plan training was conducted with Staff. Management had meetings with new phone and internet service providers. The clean truck check inventory was updated with CARB. Revised bid notices for the new Pipeline Storage Facility Project were sent out.
- The Electronic Annual Report and SAFER reporting were completed for the State Water Resource Control Board for the Public Water System.
- He concluded the main focus for operations right now is the Engine Replacement Project, Pump Plant Tours and the system start-up.
- He offered to answer any questions the Board or Public may have.

President Schultz asked questions on the mainline break regard the PSI and static pressure since there is no pumping currently. Curry clarified the pressure is gravity flow from the lake and there is currently about 70 pounds of pressure, while normal operating pressure is around 120 PSI. Staff is currently investigating some high pressure spikes and has taken mitigation measures and installed two 500 gpm pressure relief valves on two of the hydrants in the area. They have also programmed the SCADA to open Westerly Recharge when there is a pressure reading up above normal to open up and release water into the recharge basin. President Schultz asked if inventory is on hand to be prepared for future leaks during the pumping season. Curry stated there is inventory to do another repair should something happen again, and stock will be maintained for the future.

Item 9. Presentation by Tehachapi Resource Conservation District

Neisler stated John Hammond, Director of Tehachapi Resource Conservation District, requested to be on the agenda to speak to the Board about funding participation in the Trees for Schools program. In 2023, the District contributed \$2,000 toward the project and it was very successful.

Hammond introduced himself and reported that the last project planted 6 trees at each of the 6 schools in Tehachapi Unified School District for a total of 36 trees and every one has survived. He described the types of trees planted, the collaboration with the schools, and student involvement for the project. The project for this year is to plant a total of 36 trees; 6 more at each school. He shared that the Conservation District is also growing 500 valley oaks, 250 blue oaks, 250 black oaks, 250 canyon oaks and 250 interior live oaks so future projects can use trees from Tehachapi genetics. Hammond answered questions on how long it takes for the roots to take hold and how they bring water to some trees they plant to ensure they get a good start.

President Schultz stated he is in favor of the Board donating again as he thinks it is a wonderful program that benefits the community and the children. Director Hall seconded that feeling.

President Schultz moved that the General Manager be authorized to fund participation by TCCWD for the TRCD 'Trees for Schools' program in the amount of \$2,000.00. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis, Sasia. Motion passed.

Item 10. Approve Rate Increase for Legal Services from LeBeau Thelen, Attorneys at Law

Neisler stated that in 2011, the Board established procedures to employ outside Legal Counsel. In 2021, Robert Kuhs, the District's longstanding Legal Counsel and second generation from the firm of Kuhs and Parker, joined LeBeau Thelen, Attorneys at Law. The Board signed a contract with LeBeau Thelen as the District's outside general counsel and Kuhs has served in that capacity ever since. Kuhs and his predecessor organization has served as District Counsel since 1982, and it has been a beneficial

relationship. Kuhs has submitted a rate increase request and provided evidence to support it by comparing the rate to other contract attorneys in the area. Neisler believes the rate increase is justified as Kuhs provides a tremendous benefit to the District for the \$375/hour rate being requested and is less than his normal hourly rate.

Kuhs stated it has been a privilege to work for the District, he enjoys the Staff, the Board, and the kind of work he is doing. His law firm has not been immune to the increase in costs of providing services and from time to time they have to reevaluate where they are in the market compared to similar lawyers. As Neisler mentioned, as a result of a longstanding relationship and other factors, a discounted rate is offered to the District, which is substantially below what private clients pay on a regular basis. Kuhs offered to answer any questions.

President Schultz stated he really appreciates what Kuhs has done for this District and the discount that has been given over time has been generous. He stated as a Director and someone who has been watching this water District for the last 30 years, he feels Kuhs, and his father, have done a fabulous job and this is a well-deserved change in pricing. Director Hall expressed his appreciation of all the well-served hours Kuhs has spent on behalf of the District, and thinks of nothing but competence when he thinks of him.

President Schultz moved that the Board approve the hourly rate schedule per LeBeau Thelen request dated April 1, 2025, to be effective on May 1, 2025. Director Ables seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis, Sasia. Motion passed.

Item 11. Approve License Agreement for Weather Station with Weather Tools, Inc.

Neisler noted that at the last Board meeting, the Board appointed Neisler as the Real Property Negotiator to negotiate an agreement with Weather Tools, Inc. They provide precipitation forecast modeling on an annual basis. They produce one forecast in November for the remainder of that water year, November through October, within a 20% range for varying areas within the state. Primarily, their longest standing product, and the one most beneficial to the District, is for the Feather River Basin. For the last nine years, they have provided this forecast once, in November of a given year, and been within a 20% range. Neisler has developed a professional relationship with the Rob Doornbos of Weather Tools Inc. at various events and conferences over the years.

Neisler has tried to get other member units and the KCWA itself involved because the best solution would be for KCWA to subscribe to the service on behalf of the Agency, but they have not expressed interest. Doornbos indicated to Neisler that they would like to expand their forecast into the southern San Joaquin Valley area and asked if Neisler knew of a site they could put a weather station on south and east of Bakersfield, so Neisler proposed Pump Plant 1. The station would be mounted on a two foot square concrete pedestal, fully self-contained, solar powered, use cellular data communication, and have no utility connections. Weather Tools would need only minimal access, approximately twice a year, to verify batteries and operations. The Board authorized Neisler to negotiate an agreement and it is at the point where both parties are satisfied with the commercial arrangements. The arrangement would include a discount on the District's subscription price, greater than 50%, for allowing the weather station at Pump Plant 1. The agreement will be for 10 years and both parties have a right of termination. Kuhs helped prepare the agreement, so he is available to address questions as well. President Schultz thanked Staff and asked the Board if there were any comments and questions. President Schultz mentioned this looks like it will work and it is just a small add-on item that does not affect the District facility much.

President Schultz moved that the Board approve the licensing agreement with Weather Tools, Inc. for a weather station on APN 402-091-16, subject to final review by Legal Counsel. Director Ables seconded

the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis, Sasia. Motion passed.

Item 12. Schedule Ad-Hoc Budget Committee Meeting

Sampson stated the purpose of this item to schedule an Ad-Hoc Budget Committee meeting. Staff is currently working on the Preliminary Budget for Fiscal Year 2025-26, so the committee will need to meet with Staff to review and discuss the proposed budget. The proposed Preliminary Budget will be provided to the Ad-Hoc Budget Committee, comprised of Directors Schultz and Davis, by May 23rd and Staff would like to hold an initial meeting between Wednesday, May 28th and the following Tuesday, June 3rd. Director Davis is not in attendance today so Sampson will confirm with him after the meeting is scheduled. After discussions of scheduling, the meeting was set for June 2, 2025, at 10:00 a.m.

Item 13. Board of Directors Comments

Director Hall stated he read a review of the studies on the anticipated damage to the globe due to global warming, and they found a vulnerability in the assumption that the economic impact would be minimal. The vulnerability is that they weren't looking at the chance of a very widespread disaster in any single area and its impact on global supply chains, which recently we've seen can be quite painful to the world economy. So, if they think that the temperature is going to reach three degrees centigrade, which is well over any of the protocols predict, but seems to be where we're headed anyway, there could be a 40% drop in world GDP.

President Schultz stated the Board has been working on a number of lawsuits, for a long time, with the City and the response letter to Mr. Garrett lays out the history as well as a possible path, but it does not look as if there is much of a path (forward). He stated, his opinion, is that the Board should move ahead with the RUWMP and the Term M&I Agreements. Changes can be made, but all items should move on.

Item 14. 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.*
- d. In Accordance with Exhibit D Attached hereto, City of Tehachapi vs. TCCWD
- e. In Accordance with Exhibit E Attached hereto, City of Tehachapi vs. TCCWD
- f. In Accordance with Exhibit F Attached hereto, Real Property Negotiator APN 402-091-16

The Board adjourned to Closed Session at 4:05 p.m.

Item 15. Return to Open Session

The Board returned to Open Session at 4:59 p.m.

Report Action Taken in Closed Session:

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

f. No reportable action.

Item 16. Adjournment

The meeting adjourned at 4:59 p.m. on a motion made by Director Ables, seconded by Director Hall and carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis, Sasia. 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: _____



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 Case No. BCV-23-104134
Names of Cases: City of Tehachapi vs. Tehachapi-Cummings County Water District

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 Case No. BCV-24-101512
Names of Cases: City of Tehachapi vs. Tehachapi-Cummings County Water District
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: APN 402-091-16
Proposed District Negotiator: Tom Neisler, General Manager
Negotiating Parties: Weather Tools, Inc.
Subject of Conference: Terms, Price and Conditions of Sale or Lease

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

- Existing Litigation: _____
Name of Case: _____

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

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

- Appointment: _____
Title: _____
- Employment: _____
Title: _____
- Performance Evaluation: _____
Title: _____
- Discipline/Dismissal/Release: _____

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

Agency Negotiator: _____
Employee Organization: Not Applicable
Unrepresented Employee: _____