

MINUTES

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
 SPECIAL MEETING OF THE BOARD OF DIRECTORS
 March 28, 2022, 11:00 A.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: Pack, Schultz, Zanutto, Hall arrived at 11:25 a.m. **Absent:** Cassil

Legal Counsel: Robert Kuhs

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 President Schultz.

Item 4. Approval of Agenda

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

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

Mr. Neisler noted there is no Directors Comments item on this agenda so this item can be used for any general comments by the Directors today. There were no comments.

Item 6. Presentation DRAFT 2022 Water Priority Ordinance

a. Public Workshop to receive comments and questions

Mr. Neisler summarized the publication efforts that were made for this meeting and stated the purpose is to allow the Public to provide input and comments on the 2022 Water Priority Ordinance. The Ad-Hoc Water Priority Committee met on March 24th (President Schultz and Director Cassil) and recommends the Board consider the 2022-1 Water Priority Ordinance with no changes to the content, only updating the ordinance number and effective date.

Director Zanutto referenced Section 2.D.3-4 of the Ordinance and asked about the rationale for cover crops before annual food crops. Mr. Neisler stated that is mentioned in Recital H., and President Schultz read the section mentioning cover crops prevent wind erosion of the soil and he felt the intent was to ensure some water is preserved for this purpose. Director Pack commented he has looked over this Ordinance and it looks good.

Mr. Joe Hughes, attorney representing the City of Tehachapi and Golden Hills CSD, stated they understand this is the recommendation of the committee and will likely be the form of the ordinance that is adopted for this year, but it is their hope that this will be the last of the annual ordinances and we go from here to work on a long-term strategy. He asked for a commitment from the Board, as to a process

for developing that strategy and engaging the stakeholders. He understands that from a planning standpoint, the Board may not be able to commit to the exact timeframe. President Schultz stated that currently there is a matter of timeliness and given the current water available, he does not think the ordinance could change much. He indicated it is his intent to bring this back to the Board in the coming months for further discussion; there are some difficulties regarding making it longer than one year so that is something that will have to be looked into. Mr. Hughes also inquired about where the funding comes from for the Delta Conveyance Project (DCP) participation and Mr. Neisler stated it is generated through the District's Ad-Valorem Taxing Authority. Mr. Hughes urged the Board to consider those who are bearing the burden of the cost when they are considering the priorities for the benefit.

Mr. Hughes referred to the Ordinance Section 2, Item F., Conjunctive use recharge water for current year demand and a discussion took place on banking, the District's obligation to conjunctive use customers, and agencies such as GHCSO being interested in recharge water for current year use since they do not have a direct delivery option.

Kathy Kneer, BVS resident, stated she has grown increasingly worried about the overall water supply in this drought year and the years ahead. She asked some general questions about the ordinance, about turf priorities, and commented that cover crops also replenish nutrients to the soil. Mr. Neisler explained that the turf farmers rely on recycled water from the prison, so the purpose of their priority is if there is a crop in the ground and the recycled supply fails, they can only use surface water to complete that crop.

Ms. Susan Wells, GHCSO General Manager, asked that the Board consider making the Ad-Hoc Water Priority Committee a standing committee and that it start meeting now to develop some parameters before next year. She suggested that all stakeholders participate in the discussions. President Schultz reiterated that he hears the comments and plans to work with the Board to address them. Mr. Jay Schlosser, City of Tehachapi, commented that he recognizes the unfortunate nature of the 5% allocation and understands it's complicated to have these conversations as there is not a lot of water to provide. He respectfully expressed frustration that the ordinance did not change from last year and reviewed the items they would like to see changed. He feels there should be an explanation included with Recital M's priority, and he considers the landscape water mentioned in Section 2.H. as Direct Delivery M&I. He recognizes that none of the changes they are requesting to the ordinance will change the Operating Plan, but they would like to see this be the last year of a one-year priority ordinance. Mr. Neisler explained that the allocation formulas and Use by Category recognize those irrigation demands that the City counts as Direct Delivery M&I; it's pointed out in the 5-year average graph. The Recital M and the subsequent priority Section 2.H., were added to preclude a condition that the City was putting on a project, requiring TCCWD to provide Direct Delivery irrigation water to a specific project. Mr. Schlosser recalled discussing that irrigation water issue with Mr. Neisler and apologized for not communicating with the District before making that condition. They discussed how if agencies can mutually agree to not making a request for irrigation use or decorative ground cover, without first receiving TCCWD's approval, this item could then be eliminated from the priority list. They agreed that if they could obviate the possibility of those types of connections, then there would not be a need for those recitals and priorities.

President Schultz closed in saying he feels this ordinance is appropriate for this year and more planning can be done for the years ahead. He thanked everyone for their comments.

Item 7.

Adjournment

The meeting was adjourned at 11:49 a.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