

MINUTES

**TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
September 16, 2026, 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

Legal Counsel Present: Simran Dosanjh (LeBeau Thelen, LLP) via Zoom

Staff Present: Catherine Adams, Tom Neisler, Crystal Sampson **Absent:** Jon Curry

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

Neisler requested Item 10 be tabled until a Special Board Meeting tomorrow as it is not quite ready to advance. President Schultz instructed Staff to schedule a Special Board Meeting for September 17, 2026, at 4:00 p.m. and make the required notifications today. President Schultz apologized for the delay and stated there was an error in posting and they want to be sure that the item is appropriately conveyed to the Public before considering it for approval.

Director Hall moved to approve the Agenda as amended. Director Ables seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis. 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 Adjourned Regular Board Meeting of August 26, 2026
- 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. President Schultz seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis. Motion passed.

Item 7. General Manager's Report

Neisler reported on the following:

- For the last eight years, the federal contractors and the state contractors, along with DWR and the other involved agencies, have been working on revising the State Operating Contracts. In 2022, these parties issued a Memorandum of Understanding (MOU) as to how the agreements would be revised. In July of 2026, the State Water Resources Control Board issued a final draft version of what they called the Bay Delta Agreement. This agreement rescinded all of the arrangements that had been included in the 2022 MOU. It not only included an unimpaired flows requirement, but it also increased the unimpaired flows requirement that would have to be met before any water could be provided to either one of the projects, state or federal. The U.S. Department of Bureau and Reclamations, the federal contractor, rejected the approach, and said if that went forward, they would not participate in the project. Several other state contractors and federal contractors did the same. Comments on the State proposal are due on October 18th, and the State is planning to hold hearings on October 28th and 29th. As members of the Kern County Water Agency, we are waiting to hear what the agency plans to do. The Member Units of the agency have had extensive discussions about this issue, but the information is not public as this time.
- Lake Oroville is 84% of capacity in September and 129% of historical average capacity. San Luis Reservoir is 108% of historical average for this time of year. He shared the Brite Lake Level chart noting levels are normal for this time of year and stated we may have a similar spike in levels as we did in 2025 after customer deliveries slow down for the year.
- He presented 3 new charts on San Luis Reservoir showing the Probability of Exceedance for SWP Storage and explained the percentages. There is a 48% chance it will spill in November and a 69% chance for December. If the KCWA approves the District's plan, all the District's 2026 carryover water will be evacuated from San Luis Reservoir before the end of this calendar year. The District is not allowed to take any high-flow Article 21 water until all the carryover is evacuated. The cost of Article 21 water is between \$15 and \$30/AF, if there is Lower Kern River water available it should be \$5/AF. The District's banking partner has the capacity to accept that water. With the forecasted Super El Nino precipitation patterns, it is logical to assume there will be unprecedented conditions this winter.
- Surface water deliveries are still significant so there is very little recharge happening.
- No Directors have indicated an availability to attend the ACWA Region 7 Water Tour on October 9th. Neisler will be there as a representative of the District and also as a Board member on the Region 7 Board and will provide a report upon his return. Directors Schultz and Ables were registered for the ACWA Fall Conference in Anaheim on December 1st through the 3rd. Once the reservations open for the JPIA Conference, Director Hall will be registered to attend.

President Schultz asked questions on the effects of runoff on the Brite Lake level and discussion took place on a past rain event that happened in May of a given year and the lake almost overflowed. He asked about preparation and the weir boards for the spillway and Neisler explained the work the Pipeline Department has done and Graysen Oldham stated the weir boards are installed. Director Hall brought up a series of ponds that Golden Hills CSD utilize to slow down the water flow to gain better penetration and highlighted that the terminal waterway into Brite Lake meanders to accomplish the same thing. Discussion took place on these operations and facilities.

Item 8. Operations Report

Neisler stated Curry is on a well-deserved vacation so he is going to present his report. Both operations department supervisors are present at the meeting if needed. He reported on the following:

- The importation system is operating at full capacity.
- One of the two gearboxes from Duran in Houston Texas has been returned. The Board approved the purchase of the last gearboxes needed to switch over to the new design at a cost of \$600,000 for this year. This will eliminate the situation where everything has to be sent back to Houston to be repaired,

maintained, etc. The gear ratios changed with the new engines and once the gearboxes are all replaced, there will be a spare engine at every pump plant.

-Oldham, Curry and Neisler met with TVRPD to talk about the Golden Mussel provisions at Brite Lake. Neisler has asked for more information to determine how much financial responsibility the District should have in this project, and Staff is working on that. The District's relationship remains excellent with TVRPD and this project is moving forward.

-The volume in Brite Lake last Thursday was slightly less than 900 AF.

-He reviewed some of the tasks and projects completed as listed in the Staff Report noting the Pipeline Department is doing a great job on culvert cleanouts in Mountain Meadows. The District has a lot of responsibility in that area that most people are not aware of. The portable generators have been tested out at the extraction wells and there was a problem with the fuel delivery systems on one generator. In the process of doing these tests, a leak was found in the Victaulic pipe coupling at the Nunes Well so that was fixed.

-There have been pressure spikes in the importation system between Pump Plant 4 and Brite Lake when irrigation shuts down and this has caused concern for the condition of the water line. To mitigate this, Paul Dutcher has programmed the recharges to open to take off those pressure spikes in the line.

-Training has been done on Slips, Trips, and Falls.

-Curry is working on the current Multi-Jurisdictional Hazard Mitigation Plan.

-Golden Mussel meetings continue to advance forward.

-Tasks are being lined out for the 2026-2027 off-season maintenance period.

He offered to answer any questions the Board or Public may have and there were none.

Item 9. Receive and File GIS Update Presentation

Neisler introduced Brandon Kirby, GIS Technician, to give a presentation on the development of the GIS System and stated his accomplishments in less than a year on this project are remarkable. Kirby is coming up on the completion of a course from UCSD on GIS training and is working on his final project which will have a direct application to the District. He has implemented a new GIS consultant, AIMS, which has been a benefit to the District.

Kirby began his presentation and informed the Directors that he is working on getting them access to the GIS so he will be sending out an email soon to set up their accounts. He showed a slideshow to give examples and update everyone on what is now available in the GIS and what analyses he has been able to do utilizing mapping and facility locations. Some of the points he touched on were:

-In January 2026, the District signed an Esri Small Utility Enterprise Agreement that enabled access to their suite of tools called ArcGIS. This program was used to clean up existing data to be sent to AIMS and the new platform went live in July.

-AIMS hosts the platform, uses cloud storage, and has additional modules that can be brought in as needed. There is CMMS, groundwater monitoring, SpringBrook integrations and record drawings.

-With ArcGIS, Kirby can make edits in real time and go live on the same day which is a great benefit. He displayed the GIS and navigated through different maps and features so the audience could see how it works. Currently, all of the Districts pipelines, ARBs, valves, mainline valves, and blowoffs have been marked in the system and about 90% of the smaller assets in Cummings Basin are recorded. All of the Jacobsen Reservoir assets, the public water system assets, and monitoring wells are recorded.

-The District is looking at working with AIMS to implement a Computer Maintenance Management System (CMMS) to track maintenance intervals, line repairs, installations, etc. for the Pipeline Department. Eventually it can be used to link the District's inventory to track parts, procurement and documentation.

- Kirby can make applications for smart phones and tablets to record meter readings digitally instead of on paper and lot more processes can be done digitally which makes them more efficient.
- The GIS has been used to plot all the points where Golden Mussels have been found in the system to help track things and plan for mitigation. It can also be used to input noise level readings at the Pump Plants and create a map to see where the noise is travelling, which is much more useful than a spreadsheet of data.
- The Districts storm assets have been surveyed as well as parcels with unmetered wells in the Adjudicated Tehachapi Basin.
- The public GIS on the District website lets people see if they are in an adjudicated basin, a public water agency's boundary, if a pipeline is near them, or what Director division they are a part of.
- Neisler added that the engineer from Provost and Pritchard for the Engine Replacement Project has provided the as-builts for the upgrades in 3D digital files and those can be imported directly into the GIS. With this, components can be linked, the Operations and Maintenance manual drawings can be uploaded and you just click on the asset and see maintenance history and schedule.
- All of these mapping and documentation features are really helpful to Staff for locating assets, coordinating work and increasing efficiency.

President Schultz asked some questions on information that can be made available, the layers and the CMMS module and Kirby answered those. President Schultz feels this is really good for operating an importation system like ours and is very happy with it. Kirby offered to answer questions the Directors may have at any time on this system.

Neisler is excited to have this technology in place and for what capabilities it brings to the District. He thanked the Board for their support on this project and authorization of the investment in the staffing and programs.

Item 10. Adopt Resolution 13-26 Amending the District's Rules and Regulations for the Sale, Use and Distribution of Water

President Schultz stated this item has been tabled and an announcement has already gone out for a Special Board Meeting to consider this item tomorrow at 4:00 p.m.

Item 11. Accept Proposal from Aspect Engineering and Authorize General Manager to Execute Contract for SCADA Platform Upgrade Project

Neisler stated the District's SCADA system is a legacy system and is overdue for an operating system upgrade. An upgrade project was included in this year's budget. At the last Board meeting, the Board authorized Staff to circulate a Request for Proposals and three proposals were received.

Aspect Engineering is a consulting agency the District currently uses and they submitted a proposal for about \$174,000. Agilitech Group is another reputable firm who submitted a proposal for approximately \$203,000 and then Aplo Automation, who he is not familiar with, submitted a proposal for approximately \$221,000. This is a qualification-based solicitation and Aspect Engineering holds the certifications needed to work on these components and they are very familiar with the District's operations. They have done a lot of this work locally and they were the lowest fee proposal. Staff has confidence in them meeting the project schedule. Their proposal falls within the budgeted amount of \$175,000 and Staff recommends the Board accept the proposal from Aspect Engineering.

President Schultz moved that the Board accept the proposal from Aspect Engineering and authorize the General Manager to execute the contract for the SCADA Platform Upgrade Project. Director Hall

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

Item 12. Adopt Resolution 14-26, Amending Conflict of Interest Code

Adams stated all local agencies have to do a biennial review of their Conflict of Interest Code to see if there are any changes in regulations and operations within the District. The first review is done by District Legal Counsel and Attachment B is the redline version of the Code to show the changes proposed. The changes include one title change to a position and some new required terminology and sections for digital assets such as cryptocurrencies like Bitcoin. Attachment A is a copy of the required form that must be completed and signed by the General Manager letting the agency know if changes were made and if the attached resolution was adopted to amend the policy. She offered to answer any questions and there were none.

President Schultz moved that the Board adopt Resolution 14-26, Amending the Conflict of Interest Code. Director Ables seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis. Motion passed.

Item 13. Accept Proposals and Authorize General Manager to Execute Contract for Pump Plant 3 Roof Replacement Project

Neisler stated the pumping plants are 50 years old and are in a harsh environment so the standing seam metal roofs have deteriorated over the course of time. The mechanics have to traverse these roofs to close vents and things so it is becoming a safety hazard. The approved budget included an item to replace one roof this year and the most urgent need is Pump Plant 3. The District received three bids for the work in the following amounts, E&J United Roofing for \$24,938, Midstate Sheet Metal for \$65,100, and Superior Construction for \$77,562. Curry determined that E&J United Roofing was non-responsive as they did not address the prevailing wage provisions and they are not registered with the Department of Industrial Relations as a public works contractor so their bid cannot be considered.

Midstate proposed 22-gauge roofing material and Superior proposed 26-gauge, the lower gauge number indicates thicker material. Midstate proposed the best material and were the lowest responsive bidder, so the Staff recommendation is that the Board accept the proposal from Midstate.

President Schultz commented how 26-gauge steel would not be appropriate for District metal roofs no matter what their bid was and he is happy to see the 22-gauge option. Director Ables pointed out Midstate has an option to add metal planking and asked if the existing roof has metal planking and Neisler stated it does. Director Ables asked for clarification if the suggested approval is for the base bid or if the metal planking should be included. With Curry being absent, Neisler suggested the Board only approve the base amount and Curry can bring a Change Order back to the Board if the additional amount is desired. The Board agreed that proper reinforcement is important on metal roofs.

President Schultz moved that the Board accept proposals and authorize the General Manager to execute contract with Midstate Sheet Metal in the amount of \$65,100 for the Pump Plant 3 Roof Replacement Project. Director Ables seconded the motion, and it was carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis. Motion passed.

Item 14. Board of Directors Comments

Director Hall shared some good news about a personal health condition.

President Schultz stated that Item 10 (Amending the Rules and Regulations) has been a very long project for the District and everyone has worked diligently to make this the best set of Rules and Regulations, and

Term M&I Agreement and he displayed the large stack of documents he reviewed. He stated we will get it right and appreciated everyone's patience with it.

Item 15. 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, TCCWD v. City of Tehachapi
- c. In Accordance with Exhibit C 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.
- d. In Accordance with Exhibit D Attached hereto, Rosedale-Rio Bravo WSD *Et al.* v. Kern County Water Agency *Et al.*
- e. In Accordance with Exhibit E Attached hereto, City of Tehachapi vs. TCCWD
- f. In Accordance with Exhibit F Attached hereto, City of Tehachapi vs. TCCWD

The Board adjourned to Closed Session at 4:33 p.m.

Item 16. Return to Open Session

The Board returned to Open Session at 5:23 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 17. Adjournment

The meeting adjourned at 5:23 p.m. on a motion made by Director Hall, seconded by President Schultz and carried on the following vote: Ayes: Ables, Hall, Schultz; Noes: None; Abstain: None; Absent: Davis.


Robert W. Schultz, Board President


Catherine Adams, Board Secretary



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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 Gov. Code §54956.9(d)(1): County of Sacramento Superior Court Case No. 34-2022-80003892
Name of Case: Tehachapi-Cummings County Water District v. City of Tehachapi *Et al.*
2. Anticipated Litigation: _____
Gov. Code § 54956.9 (d)(2): _____
Gov. Code § 54956.9(d) (4): _____

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: _____



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Subject of Conference: _____

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

1. Existing Litigation Gov. Code §54956.9(d)(1): KCSC Case No. BCV-25-103013
Name of Case: Tehachapi-Cummings County Water District v.
City of Tehachapi

2. Anticipated Litigation: _____
Gov. Code § 54956.9(d)(2): _____
Gov. Code § 54956.9(d)(4): _____

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Agency Negotiator: _____
Employee Organization: Not Applicable
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1. Existing Litigation Gov. Code §54956.9(d)(1): 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 (d)(2): _____
Gov. Code § 54956.9 (d)(4): _____

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Subject of Conference: _____

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

1. Existing Litigation Gov. Code §54956.9(d)(1): 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 (d)(2): _____
Gov. Code § 54956.9 (d)(4): _____

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Negotiating Parties: _____
Subject of Conference: _____

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

1. Existing Litigation Gov. Code KCSC Case No. BCV-23-104134
§54956.9(d)(1): _____
Names of Cases: City of Tehachapi v. Tehachapi-Cummings County
Water District

2. Anticipated Litigation: _____
Gov. Code § 54956.9 (d)(2): _____
Gov. Code § 54956.9 (d)(4): _____

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Subject of Conference: _____

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

1. Existing Litigation Gov. Code §54956.9(d)(1): 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 (d)(2): _____
Gov. Code § 54956.9 (d)(4): _____

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