

MINUTES

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

Item 1. Call to Order and Roll Call

Directors Present: Ables, Davis, Hall, Sasia, Schultz

Legal Counsel Present: Kuhs via Zoom

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 Director Ables.

Item 4. Approval of Agenda

Director Hall moved to approve the agenda as amended. Director Sasia seconded the motion, and it was carried on the following vote: Ayes: Ables, Davis, Hall, Sasia, Schultz; 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 18, 2025
- b. Approve Financial Report and Payment of Bills
- c. Consent to Sale of Certain Tax-defaulted Properties

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

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

Item 7. General Manager's Report

Neisler reported on the following:

- The photo in the Staff Report is the stack of paperwork the District provided to the City of Tehachapi regarding their housing element. Despite the voluminous correspondence, they approved the housing element and certified that it was exempt from CEQA.

- Last month he spoke about partnering with local agencies to utilize their extraction wells to supplement the surface water supply and Stallion Springs and Golden Hills are currently pumping water into the District's system. Bear Valley is waiting on parts and then they will connect to the District's system to supplement as well.
- He is working through the revisions to CEQA that the Governor included in the final budget bill and the revisions appear to be positive in nature. The intent is to remove some of the duplications.
- The Member Units and State Water Contractors at large continue to review the DWR amendment to the 2023 delivery capability report concerning subsidence. The findings are dramatic and very consequential. He will keep the Board informed on this topic.
- The District requested for customers to conserve water wherever they could and they appear to be doing that.
- He displayed data coming from the weather station installed by Weather Tools at Pump Plant 1. He noted an article appeared in Water Wrights magazine sharing the relationship the District has with Weather Tools and how their report helps with developing a forecast for water.
- Brite Lake levels are maintaining a little less than 900 acre feet, so there was a slight decrease from June but well within the comfort level.
- He offered to answer any questions the Board or Public may have.

Claudia Elliot referred to the public agency partners stating that last month it was noted 3 of the 4 agencies agreed to help and she asked Neisler to state who is and who isn't allowing the use of their well. Neisler stated that it will be discussed in an item later on the agenda and he prefers to discuss it at that time. He assured her the question will be fully addressed.

Item 8. Operations Report

Curry reported on the following:

- He stated the importation system is operating with three engines and is currently pumping at 19 CFS. Staff is still fighting vibration issues in the gearboxes, although a few of those have been replaced with the newer units and they have stabilized.
- Staff continues to coordinate with Philadelphia Gear on the bearing issue. They have identified the problem is the bearings are undersized for the amount of thrust and weight. As soon as a new unit with new bearings is delivered, Staff will get that installed to make sure that indeed fixes the problem.
- As Neisler mentioned, some of our public agency partners are pumping water into the system and customers have been responsive to requests for conserving water where they can.
- The Pump Plant 2 phase of the Engine Replacement Project is kicking off. Some preliminary site work is being done for the footing of the exhaust structure, retaining wall and some building modifications.
- Pump Plant 3 is substantially complete as the punch list only has a couple items left.
- Brite Lake elevation was 4349.8', volume was 887 acre feet and the level was 23.8'. Tehachapi Basin extraction wells are currently operating along with Golden Hills Iriart Well and CV1 from Stallion Springs.
- He described the details of the tasks and projects the Pumping Systems and Pipeline Staff have completed as listed in the Staff Report.
- The Annual JPIA Property Liability questionnaire has been completed. Pay Request #9 for WM Lyles has been reviewed and processed for the engine project. Hand/power tool and fire prevention trainings were given to the Operations Staff.
- There has been coordination with the integrator for the new internet service and phone systems. The cross-connection control program to the State Water Resource Control Board has been submitted for the public water system.
- The Notice to Proceed for the new pipeline storage facility project has been issued.
- The new Heavy Equipment Operator, Casey Horg, has hit the ground running. He was a great find and has many years of experience with heavy equipment.
- He offered to answer any questions the Board or Public may have.

Director Hall asked questions about the debris build up in the Cla-Val he mentioned had to be cleaned weekly. Curry stated this debris is coming from the scale in the pipeline from the calcium and magnesium in the water. Any time there is a shutdown, it will flake off the sides of the pipeline since there is no pressure holding it up. Director Hall also asked what kind of trash they are finding when cleaning up Blackburn Dam. Curry stated they find anything from household trash to windows and doors.

Item 9. Conduct Public Hearing Regarding Adoption of Resolution 11-25, Determining Benefit Assessment for Tehachapi Watershed Project for Fiscal Year 2025-26

President's Opening Remarks:

President Schultz stated this is a Regular Meeting of the Board of Directors for the purpose of considering Resolution 11-25. 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 2025-2026. The public hearing was declared in session at 3:24 p.m.

Staff Report:

Adams 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. There is no longer State utility roll broken down by tax code area, so Staff continues to use a questionnaire that is 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 the Tehachapi News. (July 2nd and July 9th)

Exhibit C: Written Report of Proposed Benefit Assessment for Tehachapi Watershed Project Fiscal Year 2025-2026. This is the full written report that describes how this assessment was completed, and how the calculation is determined. At the end of the report, there is an exhibit that lists what the tax amounts are for each utility and each parcel. These amounts are what is submitted to the County for the tax roll. She asked if there were any comments or questions and there were none.

(Close Hearing and Return to Regular Meeting)

President Schultz declared the hearing closed at 3:26 p.m. and returned to the Regular Board Meeting.

Item 10. Accept Written Report and Adopt Resolution 11-25 Determining Benefit Assessment for Tehachapi Watershed Project for Fiscal Year 2025-26

Adams stated this item is to solidify everything that was presented in the hearing. The official resolution needs to be approved by the Board and then submitted to the County to apply these amounts to the tax roll. She clarified that by approving this resolution, the Board will also be approving the Written Report. President Schultz asked if there were any questions and there were none.

Director Sasia moved that the Board adopt the Written Report of Proposed Benefit Assessment for the Tehachapi Watershed Project for Fiscal Year 2025-26 and Adopt Resolution No. 11-25 Determining Benefit Assessment to Finance Maintenance, Operation and Installation of the Tehachapi Watershed

Project in Fiscal Year 2025-26. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Ables, Davis, Hall, Sasia, Schultz; Noes: None; Abstain: None; Absent: None. Motion passed.

Item 11. Adopt Resolution 12-25, Determining the Amount of Tax Required for Water Supply Contracts for Fiscal Year 2025-26 and Establishing the Tax Rate

Sampson stated that each year the Board must adopt a resolution to set the Ad-Valorem tax rate for the State Water Project (SWP) payment and this will be for Fiscal Year 2025-26. The resolution must be provided to the Kern County Board of Supervisors and the Auditor-Controller Office no later than August 1st. This item is considered at the July Board meeting because the assessed values information is needed for property taxes for this next fiscal year. Using the preliminary numbers from the County, the calculation was completed and is attached as Exhibit A. The funds raised from the tax will be used to exclusively pay the District's financial obligation for the State Water Project with the invoices that we receive annually from the Kern County Water Agency.

The tax rate calculation resulted in a de minimis decrease in the tax rate over the past year. The decrease would amount to \$1.62 in savings for a home valued at \$200,000. This last year the SWP ended up returning \$1 million in credits for the obligation, thus the return in excess reserves to ratepayers with that lower rate. The rate is set at 0.05234% which will generate just over \$3.3 million in tax revenue to be used to meet the SWP obligation. She offered to answer questions and there were none.

President Schultz moved that the Board adopt Resolution 12-25, Determining the Minimum Amount Required to be Raised by Taxes to Make Payments Due Under Water Supply Contracts with the Kern County Water Agency for Fiscal Year 2025-26 and Fixing the Tax Rate for Such Purpose. Director Sasia seconded the motion, and it was carried on the following vote: Ayes: Ables, Davis, Hall, Sasia, Schultz; Noes: None; Abstain: None; Absent: None. Motion passed.

Item 12. Schedule Special Board Meeting/Workshop to Review Strategic Plan

Neisler stated reviewing the Strategic Plan is a biannual exercise. The Board adopted the Strategic Plan in 2019 and directed Staff to review and update it every other year. The document is a graphic intensive, large file so rather than trying to include it in the Staff Report, he included a website link for viewing the document. The timing of this workshop places it after approval of the Preliminary Budget and prior to consideration of the Final Budget which will be scheduled to take place at the August Regular Board meeting. Therefore, Neisler suggested conducting the Special Board Meeting workshop the week of July 28th through August 1st, 2025. The Board discussed their availability and it was decided the meeting would be held on July 30th at 12:00pm and the District will provide lunch.

Item 13. Schedule Ad-hoc Budget Committee Meeting

Sampson stated the purpose of this item is to allow the Board to provide direction as to the desired date and time for the Ad-Hoc Budget Committee meeting. The meeting will be to review the draft of the Final Budget and the committee is comprised of Directors Schultz and Davis. The draft will be provided to the committee on Friday, August 1st, so it would be desirable to hold the meeting between August 5th and August 8th. The committee members discussed their availability and the Ad-Hoc Budget Committee meeting was scheduled for Tuesday, August 5th at 1:00pm.

Item 14. Approve Termination of Joint Agencies Agreement between Tehachapi-Cummings County Water District and City of Tehachapi for the Snyder Well

Neisler stated this item is not ready to move forward at this time. The purpose of this item was to execute an agreement to disconnect District facilities from the City of Tehachapi's Snyder Well. The City approved the joint agency termination agreement at their City Council meeting on June 18, 2025. Neisler had requested some information regarding the status of the agreement and operating conditions and the City has not fulfilled the request. They requested additional time to provide the data and that deadline

has not yet passed. Neisler intends to provide a full analysis to the Board of the operating conditions before the Board makes a decision on disconnecting from that system. This well and the City of Tehachapi are the agency and the facility that he referenced earlier in today's agenda. The City has denied the District temporary use of the well to supplement water supply on two occasions. In order to provide the Board with a full analysis of the request and the recommended action by Staff, more time is needed in order to do that analysis. Therefore, he requested this item be tabled to a future agenda and the Board agreed.

Neisler circled back to Elliot's question to ensure this item provided the information she asked. She asked what the four agencies are that have joint use agreements and Neisler provided the City of Tehachapi, Golden Hills CSD, Bear Valley CSD, and Stallion Springs CSD. She asked what impact not having this cooperation will have on the District meeting its obligations. Neisler confirmed the District will be able to meet its obligations, this would have provided a buffer and safety factor for unforeseen circumstances. It was discussed that this water goes into the District system to be used by all customers. Irrigation demands are higher during July and August. President Schultz added that this stems from the Engine Replacement Project delays and not being able to fill the lake prior to the highest demand months. He explained the importance of keeping the lake above the minimum level to provide pressure for the fire suppression system. Director Hall asked if the Snyder Well is the one the City is trying to rehabilitate and whether the District is the only one connected to their system to pump the nitrates out of the well and Neisler confirmed that is correct at this time.

Item 15. Board of Directors Comments

Director Davis asked further questions on the nitrate issue at Snyder Well and how far out they are on meeting the EPA requirements. Neisler discussed the limited data the District has available at this time and how he will provide a full analysis of the data once that is received from his request to the City.

Director Sasia thanked Staff, Neisler and Curry for their presentations for the meeting.

President Schultz thanked those that have assisted the District on all levels, especially with conservation through the summer, and through a time when a little assistance was needed.

Director Hall commented he is happy to be here.

Director Ables commented to Staff to keep up the good work.

Item 16. 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

The Board adjourned to Closed Session at 3:50 p.m.

Item 17. Return to Open Session

The Board returned to Open Session at 5:17 p.m.

Report Action Taken in Closed Session:

- a. The Board voted (unanimously) to ratify the filing of a motion for leave, to file a supplemental complaint and petition in Case No. 34-2022-80003892 and if necessary, authorizing filing a separate action challenging the housing element of the City of Tehachapi's General Plan.
- b. No reportable action.
- c. No reportable action.
- d. No reportable action.
- e. No reportable action.

Item 18. Adjournment

The meeting adjourned at 5:19 p.m. on a motion made by Director Hall, seconded by Director Sasia and carried on the following vote: Ayes: Ables, Davis, Hall, Sasia, Schultz; 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: _____



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: _____