

MINUTES

**TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
February 19, 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: Robert Kuhs

Staff Present: Catherine Adams, Jon Curry, Tom Neisler (via Zoom), 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 Hall.

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, 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

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 January 15, 2025

b. Approve Quarterly Investment Report, 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 Sasia moved to approve the Consent Calendar. President Schultz 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:

-He described a moment in time with regard to the operations of Lake Oroville, and the roles of the Department of Water Resources and the U.S. Army Corps of Engineers. He discussed the water releases from Lake Oroville and the potential for releases from San Luis Reservoir and the differences between the storage amounts of the Central Valley Project (CVP) and the State Water Project (SWP).

-President Schultz mentioned there has been a large outcry in the last few years regarding storing water underground and asked if there is any reason the SWP cannot be putting the water into the ground. Neisler clarified that there are temporary rules that allow underground storage but the rules are ponderous, and the infrastructure does not exist to allow the recharge. Kern County is spoiled in the sense that they have some of the most sophisticated groundwater banking systems anywhere in the United States however, that infrastructure does not exist throughout California. He further explained that the State does not give credit for stored groundwater from high storm flow recharge projects.

-The Table A Allocation remains at 20% and the next State Water Contractors meeting is February 25th so he anticipates an update at that time.

-The California Department of Fish and Wildlife has issued the Incidental Take Permit (ITP) for the Delta Conveyance Project meaning they have established limits for how many species on the Endangered Species list can be taken. This is an important step towards final environmental clearance for the project. They also ruled that the ITP does not require any changes to the Environmental Impact Report.

-The President of the United States has issued some Executive Orders and Proclamations concerning water in California and although this is a positive step, he has very limited control on water regulations in the state. He can control the Federal projects, but our current problems are within the state project.

-The Kern County Water Summit will be held on March 6, 2025 at the Mechanics Bank Arena in Bakersfield. Registration closes on February 26, 2025 so if Directors would like to attend please let Adams know.

-He presented the charts attached to the Staff Report noting the full capacities, the flood control levels and the mandatory releases from the Hyatt Pumping Plant. The statewide snowpack is 95% of average for this date so the allocation does not match the hydrologic conditions.

-He offered to answer any questions and there were none.

Item 8. Operations Report

Curry reported on the following:

-The Pump Plant 3 Engine Replacement project is moving ahead at a solid pace. The new split-design discharge heads have been installed as well as the 7-stage pumps. He described further details of the progress that has been made, fabrication that has been done and the expected delivery of some parts.

-Brite Lake data from February was: elevation 4340.0', volume 779.3 AF, and level 22.0'. The Tehachapi Basin Extraction Wells ran from January 10th to January 27th for additional lake storage and additional capacity in the distribution system during the "Red Flag" weather events.

-He described the projects and tasks completed by the Pumping Systems and Pipeline Departments as listed in the Staff Report.

-Daily logs, progress meetings, submittal review, and site visits for PP3 Engine Replacement Project continue.

-The survey has been completed for the Storage Facility Project.

-PP4 Cla-VALs were rebuilt as part of annual maintenance.

-Pay Request #4 from WM Lyles was reviewed and processed.

-Hazard Identification, Indoor Heat Illness and Valley Fever Prevention trainings were held.

-Staff met with vendors for a new ISP, voice and phone system.

-Staff met with a contractor for the Small Shop Remodel Project.

-Operations Staff will continue with the "off season" tasks and Capital Projects along with coordination with WM Lyles on the Engine Replacement Project at PP3.

-A new 30" lake meter is due next week and the system will be shutdown to replace it.

-He offered to answer any questions the Board or Public may have.

President Schultz inquired about the fence repair Curry reported due to a car accident and mentioned there was an additional accident going the other direction.

Item 9. Public Hearing and Approval of Cummings Basin Groundwater Allocations for 2025 in Accordance with Amended and Restated Judgment

President Schultz opened the hearing at 3:27 p.m. stating the Board of Directors, acting as the Watermaster of the Cummings Basin, for the purpose of considering approval of 2025 Cummings Basin groundwater allocations in accordance with the Amended and Restated Judgment.

Neisler stated the Amended and Restated Judgment (ARJ) was approved by the Kern County Superior Court on January 5, 2021 and groundwater allocations need set annually for Cummings Basin. The deadline to submit requests was January 15th, 2025 and District staff collected all of the requests from the pumpers. He commended Judy Negrete on her perseverance with collecting and collating the allocation list. Attachment A is a summary of ground water allocations from 2022-2025 and Attachment B is the list of proposed allocations for 2025 pumpers. The draft allocation list was posted on the website and a copy was mailed to all pumpers for review in accordance with the ARJ. Subsequent to the mailing, Staff was contacted by a pumper who pointed out a slight discrepancy that resulted in an additional 1.25 acre feet of allocation. The correction was included in the allocation list in the Staff Report of the Board package and is presented for consideration today. This Public Hearing allows for the Public to address the Board and present any issues or questions they may have about the allocations.

Neisler presented that the draft allocations show a 17.34 AF decrease in M&I allocation and a subsequent 17.3 acre foot increase in Ag allocations from 2024. This revision was the result of some further clarification of uses within one of our greenhouse pumpers. The total allocations are 2,990.82 acre feet and the Native Safe Yield that was provided by the court was 2,990 AF. With the conclusion of the presentation, President Schultz asked if there were any questions and there were none. He declared the hearing closed at 3:32 p.m. and returned to the regular meeting. President Schultz asked if there was any further discussion on the topic and there was none.

Director Sasia moved that the Board of Directors, in their role as Watermaster of the Cummings Basin, approve the 2025 Cummings Basin Groundwater Allocation Table, per Attachment "B", as considered in today's Public Hearing. 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 10. Presentation of 2024 Water Operations Summary and 2025 Forecast

Neisler stated this item was presented at the last Board Meeting and the Staff Report from that meeting is an attachment to the report. The District practice has been to finalize the summary of the previous year and get Board direction on the forecast for the upcoming year as soon as possible. Unfortunately, the Kern County Water Agency has not provided the final supply and delivery summary for 2024. Last year, the final summary was not delivered until August, so if that happens again, the District will have to move forward with its own numbers. This also affects the consideration of voluntary water banking requests.

An update to the Table A Allocation has not been released yet so Neisler is unable to provide additional reporting at this time. He recommended to the Board that the District proceed with a 35% anticipated allocation moving forward. This will almost meet the current year surface water requests, and provides M&I customers with 100% of their requests and around 90% of Ag requests. The Board directed Neisler to proceed with a water plan for a 35% allocation.

Item 11. Approve Fulfillment of 2024 Voluntary Banked Water Reserve Account Requests TABLED

This item was tabled.

Item 12. Authorize Staff to Solicit Requests for Bids for Construction of Storage Facility

Curry stated the Storage Facility project was included and approved as part of the Fiscal Year 2024-25 Capital Improvement Plan. Staff is requesting authorization to solicit bids to move forward with this project. This new 2400 square foot steel building will house the Pipeline Department equipment and materials, and provide a secure area for records retention and storage. The existing small shop that had been used by the Pipeline Department is currently being repurposed for additional office space for the Pumping Systems Department staff. The project will consist of grading, compaction, footings and foundation, steel building construction, and a secure record storage area. The scope of the project is provided in Attachment A and the CIP budget includes \$300,000 for the Storage Facility project.

President Schultz asked if the building was fully insulated with an HVAC system. Curry explained it will be fully insulated but it will not have an HVAC system as it should not be needed. The existing warehouse building does not have an HVAC either and it was discussed that it would be easy to add an HVAC system later if it became an issue.

Director Sasia moved that the Board of Directors authorize Staff to solicit bids for the Storage Facility Project. President Schultz 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 13. Adopt Resolution 03-25 Amending the District’s “Salary Schedule for Authorized Positions”, adding “Heavy Duty Mechanic II” Position

Neisler stated with the unexpected retirement of the Pumping Systems Supervisor, management took a good look the department and would like to make the following reorganizations. First, promote the Controls and Emissions Specialist into the Pumping Systems Supervisor position. He will maintain oversight of controls and emissions functions that he currently operates and manages, and he will begin to train the proposed new Heavy Duty Mechanic II in the more routine functions of that role, including testing, monitoring, and record-keeping of those controls and emissions functions. There is no need to fulfill the Controls and Emissions Specialist position at this time so it will remain vacant. The revised job description for the Pumping Systems Supervisor is included in Attachment C.

When the retirement took place, one of the Heavy Duty Mechanics was promoted to the Interim Lead Mechanic role and now that appointment will be made permanent. The Lead Mechanic will assist the Pumping System Supervisor in daily work planning and supervision, and will be introduced into scheduling, planning, and cost estimating tasks as well. The slightly revised job description is Attachment D.

The newly created Heavy Duty Mechanic II we will be filled by an employee who has expressed desire and demonstrated the skill set needed for this role. He has a long career ahead of him, and plans to spend that here at the District. He will begin training in the controls and emissions daily operational functions, and will be introduced into the planning, estimating, and supervisory tasks that were described for the Lead Mechanic as well. Neisler believes that these changes will allow for the best utilization of the existing talent and plan for future succession within this department. There will be at least two retirements in this department within the next few years.

Staff recommends the Board adopt Resolution 03-25, Amending the Publicly Available Salary Schedule for Authorized Positions (Attachment A) which includes the addition of Heavy Duty Mechanic II at Salary Range 98.

Director Hall moved that the Board adopt Resolution 03-25, Amending the District’s Salary Schedule for Authorized Positions. 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 14. Approve Director's Attendance at Spring 2025 ACWA Conference

Neisler stated the ACWA Spring Conference will be held in Monterey from May 13-15, 2025 at the same location as prior years. This location creates challenges as there are not enough hotel rooms within the vicinity to accommodate the conference attendance and it keeps growing. In anticipation of the hotel shortfall, Staff reached out to some Directors who expressed interest in attending the conference. Directors Hall and Sasia were proactively registered for the conference to allow for the hotel booking to open and rooms were secured.

The estimated cost of attending the conference has been increased to \$2,400 per person as room rates have increased significantly and these costs are included in the budget. To comply with state law, the Board must approve Director attendance in order for Directors to be reimbursed for their actual and necessary expenses. Staff recommends the Board approve the attendance of Directors Hall and Sasia so that they may be reimbursed for their expenses. President Schultz asked if there were any other Directors that would like to attend and the others had scheduling conflicts.

President Schultz moved that Directors Hall and Sasia be approved for expense reimbursement to attend the Spring 2025 ACWA Conference. Director Ables 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 15. Board of Directors Comments

Director Sasia thanked Staff and the Directors for the opportunity to attend the ACWA Conference.

Director Hall commented on the water levels and capacity in Lake Oroville.

President Schultz thanked Staff for picking up the slack while Neisler has been unable to be at the office. He appreciates the communication and extra effort being made to accommodate all the needs of the District during this time.

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
- f. In Accordance with Exhibit F Attached hereto, In the Matter of the Bozenich Family Trust dated 8/10/1999

The Board adjourned to Closed Session at 3:57 p.m.

Item 17. Return to Open Session

The Board returned to Open Session at 4:56 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 18. Adjournment

The meeting adjourned at 4:56 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: _____
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3. Performance Evaluation: _____
Title: _____
4. Discipline/Dismissal/Release: _____

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



CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

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Description of Property: _____
Proposed District Negotiator: _____
Negotiating Parties: _____
Subject of Conference: _____

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

1. Existing Litigation: Case No. 22PR00156
Names of Cases: In the Matter of the Bozenich Family Trust dated 8/10/1999

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