

MINUTES

**TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
January 18, 2023, 3:00 P.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: Hall, Sasia, Schultz, Zanutto
Legal Counsel: Robert Kuhs via teleconference
Staff in Attendance: Catherine Adams, Jon Curry, LaMinda Madenwald, 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 Director Hall.
- Item 4. Approval of Agenda**
 Director Sasia moved to approve the agenda. Director Hall seconded the motion. Prior to taking a vote, Ms. Susan Wells, GHCSO, requested to move Items 11. and 12. to the end of the meeting prior to Close Session so there will be ample time to discuss the Water Priority Ordinance and other related issues. President Schultz stated we have heard her request, however we need to vote on the motion and second on the floor first. If the motion does not pass, we can move forward with the request under a new motion. Ms. Adams conducted a vote on the current motion to adopt the agenda as is and the motion failed on the following vote: Ayes: None; Noes: Hall, Sasia, Schultz, Zanutto; Abstain: None; Absent: None.
- President Schultz made a motion to amend the agenda by moving to Items 11. and 12. after Item 14. Director Sasia seconded the motion, and it was carried on the following vote: Ayes: Hall, Sasia, Schultz, Zanutto; 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**
 Ms. Adams informed the Directors we are approaching the time to renew Ethics Training and Sexual Harassment training and requested they let her know their preference on utilizing an online platform that can be done at a time of their choosing or a live webinar in the Board room. The live webinars would be held February 1st and 2nd from 10:00 a.m. to 12:00 p.m. President Schultz stated he has prior commitments those days and prefers to do the online training. He requested each Director contact Ms. Adams and let her know their individual preference.
- 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 December 14, 2022

- b. Approve Financial Report and Payment of Bills
- c. Approve 2023 Regular Board Meeting Schedule and Holiday Office Closures

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

Item 7. General Manager's Report

Mr. Neisler reported on the following:

- He presented an update to the PowerPoint Presentation he presented at the Special Board Meeting on January 9th to show the significant changes from the 8th to the 18th. Lake Oroville is 105% of the Average YTD, San Luis Reservoir is at 67% of Average YTD, and noted the discrepancy as Lake Oroville feeds San Luis Reservoir. Lake Oroville is north of the Delta and San Luis is south of the Delta, and DWR is not allowing the pumps to run at full capacity due to regulatory restrictions, so this is why San Luis only came up 8% while Oroville came up 24%. Looking at storage charts, there was unprecedented improvement in Lake Oroville with storage increasing more than 1 million acre feet. Looking at snowpack conditions, on January 8th, statewide was at 199% of Average YTD and on January 18th, that rose to 248% of Average YTD. For now, this is all great news and the problem remains, if in fact, going forward we get wet, warm weather, the snow will melt quickly rather than gradually, and that could skew all the numbers. There is a State Operations Committee Meeting on January 24th, and an update to the SWP Allocation is on the Agenda, but for now it remains at 5%.
- He expressed TCCWD's preliminary interest in participating in the 2023 Dry Year Transfer program. That is a supplemental water purchase program between contractors north of the Delta and contractors south of the Delta. Last year the north and south were unable to come to any agreement on a sale price. He explained how the prices are negotiated and the costs associated with taking possession of the water at our turnout. He will keep the Board and the Public up to date on developments.
- Tom McCarthy, General Manager of KCWA, shared that a number of contractors have signed on to the Voluntary Agreements and they are close to agreeing on terms, conditions, and an MOU.
- The Army Corps of Engineers posted their draft Environmental Impact Report (EIR) for the Delta Conveyance Project (DCP) and they are subject to the Environmental Protection Act rather than the State Environmental Quality Act so they do a separate Federal EIR. This is good news because it indicates they are interested in coming on board, which could give the DCP additional funding.
- The District has had very little clean-up due to the storm activities and everything is operating fine.
- 2022 concluded with 8.57" of precipitation on our office gauge. This year we have received 4.62" which is more than twice our normal January average and this factors in snowfall as well.
- There was a Regional Urban Water Management Plan (RUWMP) progress meeting in December, and they planned to have another meeting in January but the consultant is out on leave so they will schedule the meeting as soon as she is available.
- He has had preliminary discussions with a customer regarding the purchase of supplemental water to increase their supplies during years when we cannot meet their needs. He explained how this process would work as detailed in the Staff Report.
- He reminded the Public that the deadline to submit applications for the Division 3, vacant seat, is next Friday, January 27th. The Board has already scheduled a Special meeting on February 3rd to review applications and hopefully appoint a Director.
- He mentioned the charts attached to his Staff Report have been superseded by the ones he just presented. There were copies of the updated report on the table in the Board Room and he offered to send it electronically to anyone. He offered to answer any questions from the Board or the Public.

President Schultz inquired if we have received any interest in the Board seat thus far. Mr. Neisler responded that we have received one letter of interest and others have inquired. Director Zanutto asked if early snow melt would be captured in Lake Oroville. Mr. Neisler responded it would and there is still more than 1 million acre feet of capacity in Lake Oroville but they will not let it fill up as high as they did in 2017. They will begin to release water at the spillway before capacity is reached. When it is released, it runs into the Feather River which drains into the Sacramento River which drains into the Delta. The water has to go through the Delta to the intake pumps at the south end before it gets pumped into the facilities that deliver it to the forebay at the San Luis Reservoir. The environmental restrictions are at the pumps at the south end of the Delta and whatever is not pumped flows out to the bay.

Item 8. Operations Report

Mr. Curry reported on the following:

- Staff has completed and submitted the 2022 Annual Report for the Streambed Alteration Permit with the California Dept. of Fish and Wildlife.
- Staff has been working on data collection for JC Jacobsen Dam as requested by the Division of Safety of Dams (DSOD) for the last 10 years of weekly piezometer readings and annual dam surveys. It will be reviewed by a contract engineer and then reviewed by DSOD.
- He welcomed the new Operations Assistant, Hector Sedano, who started yesterday and has hit the ground running. We look forward to putting his talents to work for us.
- All of the District's extraction wells are shut down, along with the City's Snyder Well. Brite Lake data from January 13, 2023 was elevation 4,347.8', volume 768.7 AF, and level 21.8'.
- He described the projects and tasks the Pumping Systems and Pipeline Staff have completed as detailed in the Staff Report and referenced attached photos.
- Looking ahead, Staff will continue projects such as heat exchanger re-installations, air compressor/air receiver replacements, "dead leg" work at PP4 and controls testing/verification to make sure everything is up to full strength before pumping season starts. We will also be working on Cummings and Tehachapi Basin customers with water service agreements and installing well meters.

President Schultz asked if the blown in insulation that was removed from PP1 was only on the office or if it was the whole inside of the building. Mr. Curry stated it was the entire inside of the building. President Schultz commented this was probably done for sound dampening and wondered if this will create a problem once pumping begins again. Mr. Curry explained this was the only plant that had such insulation and this same plant now has the newest engines. Director Zanutto asked if the camshaft replacement was done in-house and Mr. Curry responded it was our Heavy Duty Mechanics that performed that work. Director Zanutto commended the mechanics on their skills and Staff for hiring such qualified people. President Schultz recalled the project last year of mowing the brush on the side of JC Jacobsen Dam and noticed there are a number of rocks on the side and asked if there was a plan to remove those so future mowing would go smoother. Mr. Curry explained that there was labor involved in moving the rocks to do the mowing but DSOD requested they leave the rocks and cut the vegetation for erosion control. Director Sasia stated that the insulation was put in PP1 because years ago there was complaints from Tejon that the plant was too loud. This was when the Waukesha engines were in that plant.

Item 9. Adopt Resolution No. 01-23, Mid-Year Amended Budget FY 2022-23

Ms. Madenwald stated Staff has completed a line-by-line review the Final Budget and considered everything that has changed or is projected to change. We have proposed the necessary changes to the affected accounts. Staff met with the Ad-Hoc Budget Committee, Directors Hall and Zanutto, on January 10th and reviewed all these items together. She reviewed the summary of changes as detailed in the Staff Report. The attachment is a summary of the changes to each account affected. The net result of the changes to the previously adopted Budget is a \$6,000 decrease to the General Fund (70) reserve; a \$215,200 increase to the Water Banking Fund (72) reserve; and a \$230,000 increase to the Rate

Stabilization Fund (87) reserve. The Ad-Hoc Budget Committee recommended adoption of these changes at this Regular Board Meeting (RBM). She offered to answer any questions.

Director Zanutto moved that the Board adopt Resolution 01-23, Amending the Fiscal Year 2022-23 Budget. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

Item 10. Adopt Resolution No. 02-23, Transferring Funds Between the General Fund and the Rate Stabilization Fund

Ms. Madenwald stated this Resolution will accomplish the Board approving and directing the Treasurer to make the \$230,000 transfer from the General Fund to the Rate Stabilization Fund that was just adopted in the Amended Budget. She offered to answer any questions.

Director Hall moved for adoption of Resolution 02-23, Transferring Funds in the amount of \$230,000 from the General Fund to the Rate Stabilization Fund. President Schultz seconded the motion, and it was carried on the following vote: Ayes: Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

President Schultz noted we are going to continue on to Item 13. and we will come back to Items 11. and 12. after the conclusion of Item 14.

Item 13. Accept Bids and Authorize Award of Contract for 10 Wheel Dump Truck

Mr. Curry stated the Staff Report contains the bid results for the 10 Wheel Dump Truck. This item is for the Board to consider accepting bids and awarding a contract. At the December 14, 2022 RBM, the Directors authorized Staff to solicit bids so bid notices and specifications were sent to equipment vendors on December 15, 2022. Three bids were received prior to the 3:00 p.m. bid submittal deadline on January 13, 2023. Rush Truck Center submitted a bid of \$280,172.63 for a Peterbilt truck, Gibbs Truck Center submitted an International truck for \$214,706.43, and Bakersfield Truck Center submitted a Western Star truck for \$213,034.39. Attachment B is a breakdown of the specifications of each truck bid and he reviewed the details including delivery date, price, and existing truck trade in. The submitted bids are Attachment C. Staff recommends the purchase of the Peterbilt truck from Rush Truck Center in the amount of \$280,172.63 as it is the only truck that meets all the specifications in the bid pack and it arrives the soonest which falls ahead of the Clean Fleets deadline. The Capital Improvements Plan (CIP) Budget includes \$225,000.00 for this purchase based on preliminary estimates submitted by vendors, therefore Staff is requested an increase to \$300,000.00 in the FY 2022-2023 Mid-Year Budget.

President Schultz inquired about the Clean Fleets deadline and Mr. Curry provided that the 50% purchase ratio takes effect January 1, 2024. President Schultz asked how long California will allow the District to keep this new truck and Mr. Curry stated currently, we would be able to keep it as long as it is operational. The Advanced Clean Fleets rule is just for purchases going forward after January 1, 2024, it is not for existing fleet. Mr. Neisler added that Staff will be looking to see if there is equipment that will need purchased prior to this deadline.

Director Sasia moved that the Board accept bids and authorize Staff to purchase the 10 Wheel Dump Truck from Rush Truck Center in the amount of \$280,172.63. President Schultz seconded the motion, and it was carried on the following vote: Ayes: Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

President Schultz thanked Mr. Curry for breaking down the bids so Directors could see areas where the specifications are met and the delivery dates. Mr. Curry stated he has to give credit to the Pipeline Supervisor, Graysen Oldham, as he helped with this process and the breakdown summary.

Item 14. Authorize Readvertisement of Request for Proposals for Dennison Road Well and Pump Replacement

Mr. Curry recalled that last August, on Staff recommendation, the Board rejected the bids that were submitted (for Dennison Well and Pump Replacement) due to the lack of bids received and costs were much higher than anticipated. Therefore, Staff would like to readvertise this project. This project will entail the repair and/or replacement of the existing Dennison Well pump, motor, appurtenances, and electrical components necessary to improve the operation of the well. Currently, to operate the well, we have to also operate a booster pump to overcome our distribution system pressure and push into the system. The goal is to re-bowl the well with a pressure bowl design so it can pump directly into our system without a pressure pump. This project also includes upgrading to a 200 HP electric motor and electrical component upgrades to the main meter and the control panel. Previously the CIP Budget included \$100,000 for this project and Staff asked for an increase of \$50,000.00 in the FY 2022-2023 Mid-Year Budget, which was approved. Staff would like to put this project back out to solicit bids.

Director Sasia asked if they have looked into the electrical cost savings there will be without running the booster pump. Mr. Curry stated we will see power savings with this as well as money back on the motor replacement. We will be working in conjunction with SCE for this project as it will entail a power shutdown to replace the panel and install the new meter.

President Schultz moved that the Board authorize Staff to readvertise for Request for Proposals for the Dennison Road Well and Pump Replacement Project. Director Hall seconded the motion, and it was carried on the following vote: Ayes: Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

Item 11. Approve Update on 2023 Operations Forecast

Mr. Neisler stated the Board has considered a working forecast for 2023 Water Operations at the December RBM and then at a SBM on January 29th. During discussion at both previous meetings, Staff received productive comments from the Board and the Public. Based on these, updates have been made to the attachments and he reviewed the details as summarized in the Staff Report. Among these, TCCWD banked reserve withdrawals have been adjusted to 2,500 AF at a 5% allocation, 2,000 AF at a 10%-15% allocation, and 1,500 AF at a 20% allocation.

He displayed Attachment A, Estimated Supply & Demand Forecast – 2023, and noted the allocation projections were extended out to 40% per comments received. He reviewed customer requests and the demands that can be met at each allocation amount and explained that current year demands are met first, then voluntary requests if the allocation is high enough. This chart is a forecast based on comments received at the two previous meetings, the Board has not considered these allocations beyond 1500 AF of banked withdrawal at 20% discussed at the SBM last week.

He displayed Attachment B, Banked Water Reserve Account Analysis, and stated he added a column for 2022 revisions based on a good comment from a previous meeting. He stated these numbers have not been finalized based on 2022 totals yet. He reviewed banked supply totals for each customer explaining annual requirements and current surplus/deficit amounts. He reviewed TCCWD Banked Water amounts in each basin, noting the Board established minimums, which leaves a total of 2689 AF available between both basins.

He displayed Attachment C, Imported Water Demand – Various Supply Conditions, explaining this shows the two above average allocation years (2017 – 85% and 2019 – 75%) and the last two years (2021 – 5% and 2022 – 5%). He reviewed the delivery amounts for M&I, Ag, and Recharge/Conjunctive Use and the Conjunctive Use Demand that was deferred in 2021 and 2022. He concluded that with the current

information, the Board should be able to determine how much of the District's banked water they are willing to extract this year under a given allocation, and what customers can expect to receive under those same conditions. President Schultz asked if these numbers include the system losses and Mr. Neisler confirmed they do.

Mr. Jay Schlosser, City of Tehachapi, thanked Mr. Neisler for allowing him the time to go over this sheet with him after the last meeting and Mr. Neisler returned the thanks stating Mr. Schlosser made valuable suggestions. Mr. Schlosser referred back to Attachment A asking why the Ag rows show the requests being fully met for Cummings Basin at 30% but only slowly increasing in the other two basins after 30%. Mr. Neisler explained that the concern from a water supply standpoint is the total Ag demand, not necessarily which basin it is delivered to, so he just used very rough numbers as he carried it out past 30% due to the fact that majority of these requests are one customer and they will decide which areas they will use the water we sell them. For the water requests, he explained that customers were told to request what their demand would normally be, so that is what they submitted, but he knows there is not as much farming planned in Tehachapi Basin given the circumstances. This is why he included a column for what amounts were actually delivered in 2022 for a better comparison. Mr. Schlosser thanked the Board for the meeting last week and stated he has a clearer understanding of things now, even though he does not feel the needle moved in a direction that is satisfactory to the City. He questioned how this forecast can be developed without yet establishing the water priority and added they (City and GHCS D) should be first in line to take water if the allocation reaches above 41% (point in which current year demands are met). Mr. Neisler commented that would be a cogent analysis if the supply was fixed like your future demand is fixed. He explained since it is not, recalling we have encountered 20%, 5% and 5% years in the past and the long-term average makes no difference in a 5% year. The good years are never as good, as the bad years are bad. He pointed out that if all the available water is sold to customers, there would never be any water for TCCWD to bank and as Ag use decreases, so does Return Flows. Mr. Schlosser understood his points and suggested maybe this is a more in depth conversation they can have later.

Ms. Susan Wells, GHCS D, stated she feels we are going to disagree on some things but ultimately can come to an agreement. Talking about operationally allocating this water, before adopting the Ordinance, seems out of whack to her. Mr. Neisler stated there was no thought process put into the order of these items on the agenda, the intention is for both the forecast and the Ordinance to have some resolution today, there was no intent to mislead. Ms. Wells understood and asked if perhaps we can consider the next item (Ordinance), now, prior to taking any action on this forecast. President Schultz stated he would prefer to continue on in the current order.

Director Zanutto recalled Mr. Schlosser's comments on getting to a point where they can get some water for their reserves, and Mr. Neisler commenting the District needs to replenish its reserves at some point too. If we bank water in TCCWD's account, it keeps going to Ag because the City and GHCS D have full banks. He suggested figuring out a percentage to where both M&I and the District can bank some water. Mr. Neisler extrapolated on the numbers and stated he thinks there is room to accomplish that; his concern is avoiding allocating any water available over current year demand to only two M&I customers. Ms. Wells thanked Director Zanutto for acknowledging them and reminded the Board that in 2021, they offered to take a percentage when there is extra water and step back in dry years and they continue to offer that as a solution.

President Schultz moved that the Board of Directors approve the 2023 operations forecast and direct Staff to proceed with planning accordingly. Director Sasia seconded the motion, and it was carried on the

following vote: Ayes: Hall, Sasia, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None. Motion passed.

Item 12. Consider Adoption of Ordinance No. 2023-1, Regarding District Water Sale Priorities

Mr. Neisler stated over the years this District has adopted a Water Sale Priorities Ordinance due to insufficient imported water supplies to meet the demands of that year. The Board directed Staff to solicit Public comments and discussion prior to considering this year's Ordinance. Discussions took place at the December 14, 2022 RBM and the January 9, 2023 SBM/Public Workshop. The intent of this item is to allow Public to address the Board and discuss their desired revisions and for the Board to direct Staff on how to proceed towards adoption of a Water Sale Priorities Ordinance for 2023. For reference and scheduling, he noted there is a SBM on February 3, 2023 at 3:00 p.m. and additional discussion or action items could be added to that agenda and the next RBM is on February 15, 2023. The Staff Report attachments include Ordinance No. 2022-1, 2022 Staff Report on Water Sale Priorities Ordinance (includes letters from GHCS D/City), and a letter from GHCS D/City regarding water allocation for 2023.

President Schultz inquired if there needs to be publication of the proposed Ordinance prior to adoption and Mr. Neisler stated he has clarified with Legal Counsel and because this Ordinance does not include a fee, there is no requirement for prior notification or publication. Director Zanutto commented that it sounds like the City and GHCS D would like to discuss this topic further and maybe we can plan a round table discussion on February 3rd.

Mr. Schlosser commented that they do not know where the Board stands on the Ordinance, they can only estimate where they stand based on this forecasting. He thanked Mr. Neisler for including a lot of their communications for the last couple of years, and they want to know if they are going to get movement. They did not anticipate the Board adopting the Ordinance today. President Schultz asked him what he would like to see changed that will affect the water they receive this year. Mr. Schlosser stated he would like to see the Conjunctive Water Use item moved from "F" to item "C" and stated he has other comments represented in the letter. He stated they never received responses to their letters including the letter most recently sent by their Legal Counsel, Joe Hughes. Director Hall asked District Legal Counsel, Robert Kuhs, with regards to the State Constitution, the District is supposed to provide water for beneficial use and when we provide to M&I, does it necessarily get "best use" because it is unstipulated what the end use will be. Mr. Kuhs stated the Constitution favors putting the water to the maximum beneficial use and typically that means meeting existing demand with existing water. There is also a waste/loss component when you recharge water due to evaporative losses, so if you use the water by direct delivery in a current year you do not have those losses but if that water is spread for percolation, a portion of that water is lost.

Mr. Joe Hughes, Attorney for GHCS D/City, expressed frustration that these topics were brought up last year and there was discussion on having plenty of time to work on a strategy with M&I and Ag, including meetings and workshops, and that never happened. He asked the Board to delay adopting the Ordinance until the RBM in February and hold another workshop to address concerns and issues. Ms. Wells recalled the previous letters they submitted stating they are frustrated, but she thinks we are making progress. She echoed Mr. Hughes comments and encouraged the Board not to adopt the Ordinance at the February 3rd meeting and seriously consider the proposals or provide, in writing, reasons why you're not going to. She feels they need to consider the RUWMP and the Term M&I Agreements in this process.

President Schultz commented that they keep hearing a desire for this Ordinance to become a long-term operation plan. The Board has looked at what would be required to make this a long-term plan and reviewed the RUWMP, Term M&I Agreements and the conflicts. They have to look at what water is available from the varying SWP Allocations and the District banked water reserves so they can allow all

the various customers of Tehachapi to get water. This Ordinance governs how this District operates in a given year; it is not a long-term planning tool.

President Schultz moved that the Board adopt Ordinance 2023-1, as it was written in 2022. Director Sasia seconded the motion, and the following votes were cast: Ayes: Sasia, Schultz; Noes: Hall, Zanutto; Abstain: None; Absent: None. Motion failed.

President Schultz commented that he acknowledges there are long-term plans and changes that need to be made, but we are not going to solve those today or in the next two weeks. The Ordinance is part of how a number of our customers will plan for this year, and he does not see anything significant enough to not move forward with an Ordinance as we are trying to provide a clear picture for our customers. Mr. Neisler offered to propose a path forward. He is glad everyone agrees there are multiple facets of this strategy; forecasts, Water Priorities Ordinance, RUWMP, and Term M&I Agreements. He suggested that at the February 3rd meeting, the business of appointing a Director should not take much time and they could easily transition to a round table format and discuss this further. Prior to that, he suggests the Board allow him to collate the highlights of all the letters received into a single document that can be distributed to the Board and Public to give us a starting point.

Mr. Matt Vickery, Grimmway, stated he thinks that process is a good option to have on the table and commented that there seems to be some legitimate issues the District and M&I need to work out and this Ordinance does not feel like the document to take care of those things. He is not discouraging having the workshop, however he does not feel like the Ordinance should be held hostage in order to have that conversation.

President Schultz requested Mr. Neisler add a round table discussion to the meeting on February 3rd and prepare the collated list. Mr. Neisler agreed and stated he would notice this in the newspaper and other noticing formats. Director Hall recalled Mr. Kuhs's comments and reiterated that we cannot put water banking ahead of actual use. Director Zanutto commented that this Board had an opportunity to take care of a lot of this last year and for some reason, it was drug on and now it's a priority. We fell short, and he does not know why.

Item 15. Board of Directors Comments
None.

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; 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, Appoint Real Property Negotiator (APN 448-052-44 Well)
- e. In Accordance with Exhibit E Attached hereto, Performance – General Manager

The Board adjourned to Closed Session at 5:10 p.m.

Item 17. Return to Open Session

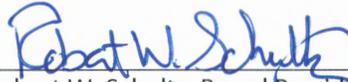
The Board returned to Open Session at 8:45 p.m.

Report Action Taken in Closed Session:

- a. No reportable action.
- b. No reportable action.
- c. No reportable action.
- d. Appointed Tom Neisler as Real Property Negotiator.
- e. Performed Performance Evaluation and will hold an additional Closed Session meeting next month to discuss compensation.

Item 18. Adjournment

The meeting was adjourned at 8:55 p.m. on a motion made by Director Hall, seconded by Director Sasia, and carried on the following vote: Ayes: Hall, Sasia, Schultz, Zanutto; 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: KCSC No. BCV-21-102184 KCT
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: APN 448-052-44
Proposed District Negotiator: Tom Neisler, General Manager
Negotiating Parties: David & Carol Downs
Subject of Conference: Terms, Price and Conditions of Sale or Lease

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

- 1. Existing Litigation: _____
Name of Case: _____

- 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: _____
Name of Case: _____

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: General Manager
4. Discipline/Dismissal/Release: _____

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

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