

## MINUTES

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
March 18, 2020 3:00 P.M.  
22901 Banducci Road, Tehachapi, CA 93561

**ANNOUNCEMENT: THIS MEETING IS BEING CONDUCTED VIA TELECONFERENCE AS AUTHORIZED BY GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDER N-25-20. DIRECTORS WILL HAVE THE OPTION OF CALLING INTO THE BOARD MEETING VIA CONFERENCE LINE. MEMBERS OF THE PUBLIC WHO WISH TO PARTICIPATE IN THE MEETING MAY DO SO IN PERSON AT THE DISTRICT BOARDROOM, 22901 BANDUCCI ROAD, TEHACHAPI, CA 93561. ALL WHO ATTEND THE MEETING IN PERSON MUST ADHERE TO SOCIAL DISTANCING REQUIREMENTS.**

- Item 1. Call to Order and Roll Call**  
**Directors Present:** Cassil, Hall, Pack, Schultz, Zanutto  
**Legal Counsel:** Bernard Barmann  
**Staff in Attendance:** Catherine Adams, Jon Curry, LaMinda Madenwald and Tom Neisler
- Item 2. Announcement**  
President Pack announced that this meeting is being audio recorded, including all Board, Staff, and Public comments.
- Item 3. Approval of Agenda**  
Mr. Neisler announced that in preparation of this abbreviated agenda an item for Board of Directors Comments was left out. He proposed it be inserted as Item 8 and Adjournment moved to Item 9. Director Hall moved to approve the amended Agenda. Director Cassil seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None.
- Item 4. Comments by any Party on Items of Interest and Within the Subject Matter Jurisdiction of the Legislative Body**  
There were none.
- Item 5. 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 February 19, 2020 and Minutes of the Regular Board Meeting of February 24, 2020
  - b. Approve Financial Report and Payment of Bills
  - c. Approve Requests for Temporary Assignment of Water Rights

President Pack asked if there were any items the Board, staff or public would like to remove for discussion. Director Schultz requested the removal of Item c., Director Hall requested the removal of Item a., and Director Cassil requested the removal of Item b. President Pack removed all the items from the Consent Calendar.

Item a.- Director Hall recalled his comments under Item 18. about Mr. Neisler moving the District forward and he wanted to make an additional comment that the creation of the Board Member Handbook by John Martin was a very proactive step forward and was done with extraordinary effort.

Director Hall moved to approve Item a. of the Consent Calendar. Director Cassil seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None.

Item b.- Director Cassil asked Mr. Neisler if the ACWA Conference is rescheduled or if it has been cancelled. She wanted to ensure the money spent on registrations will either be used or refunded. Mr. Neisler stated the ACWA Conference has been postponed and a date has not yet been set. He is confident that once the date has been set and attendance has been reaffirmed, refunds will be made if needed.

Director Cassil moved to approve Item b. of the Consent Calendar. Director Hall seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None.

Item c.- Director Schultz referred to the Water Rights Transfer from Comprehend and Copy Nature and the carryover amount noted on their form. He wasn't aware you could carryover leased water rights and asked for clarification. Mr. Neisler stated that it has been clarified through counsel that transferred water rights have the same carryover provisions as owned water rights. Customers can carryover unpumped water rights not to exceed 25% of their Allowed Pumping Allocation. A notice is provided to water rights holders every calendar year with what they have available for the coming year.

Director Schultz moved to approve Item c. of the Consent Calendar. Director Zanutto seconded the motion and it was carried on the following vote: Ayes: Cassil, Pack, Schultz, Zanutto; Noes: None; Abstain: Hall; Absent: None.

#### **Item 6. General Manager's Report**

Mr. Neisler stated he will be reporting specifically on the COVID-19 virus, the District's status, and plans going forward.

- Staff has spent a lot of time and energy on this item; the safety of the team is always the foremost consideration. The second item staff wants to ensure is that the system continues to operate as long as it can be done in a safe fashion.

- He discussed the proactive steps that were taken to purchase supplies such as masks and sanitation products. COVID-19 has been the topic at the last two safety meetings discussing symptoms, precautions to take, and encouraging people to stay home if they are not feeling well. Reminder notices have been hung in strategic places to remind people to wash hands frequently.

- Last Thursday, the Governor's Office of Emergency Services provided a call-in webinar specifically for Special District managers about the Executive Order that postponed some provisions of the Brown Act to allow teleconferencing for meetings. Mr. Neisler then began to develop a plan that he sent via email to the Board members.

- He gave an overview of the plan stating that if an order is given to shelter in place, the District is considered a critical agency so staff would be allowed work and conduct business in a safe fashion. With that being said, staff has implemented some suggested protocols such as social distancing, washing hands frequently, disinfecting of surfaces, etc. Staff has been made aware of symptoms and to seek medical help immediately if someone does have symptoms. He reviewed the supplies that have been stockpiled and stated that those are now controlled by one person and employees are

asked to go to their supervisor when in need of supplies. Effective Monday, all departments have been isolated. Interaction between Administration, Pipeline, and Pumping Systems departments has been minimalized, requesting the employees communicate via telephone or email rather than face to face interaction. The work groups in each department have been isolated and work teams are now static without changing of vehicles. Staff will continue to assess the situation and the ability to continue to work safely. If conditions warrant to start sending people home, that will be done. Some personnel's physical presence may not be required here on a daily basis and the management team will assess who that is. If staff is sent home and they are on stand-by or continuing to work from home, they will continue to be paid as usual. The requirement is that if they are needed at work they must respond within an hour. If employees are required to come in and work under that scenario, it is only fair to compensate that time as overtime. Facilities are being researched, to allow staff to work remotely. Staff has met with the IT Consultant and strengthened the online security systems and two laptops have been ordered for key administrative staff to use at home. Financial capabilities have been strengthened as well by moving \$1 million from the investment account back into the daily Bank of the West account. There is 6 months of operating capital on hand at Bank of the West and a significant amount of physical cash has been secured to have on hand in dire emergencies. The Board approved an increase in the credit capabilities last fall, so there is \$115,000 of revolving credit available. With all of these, Mr. Neisler feels there are adequate resources available to make it through this time.

-Staff has good morale and no one has indicated they have any Corona Virus symptoms nor has anyone missed work due to concern. Management will continue to monitor the situation and plan accordingly.

The Directors were all complimentary of the extensive plan and efforts put forth by Mr. Neisler and all the staff. Director Hall mentioned that Dr. Hall has acquired some COVID-19 tests that are now available.

**Item 7. Appoint Real Property Negotiator for Purchase of Well on APN 223-190-20**

Mr. Neisler stated the District utilizes four wells in the Tehachapi Basin to extract groundwater that is typically sold as wheeled water to supplement the surface supply. Three of those wells are owned by the District and the other is operated under a lease agreement and is commonly known as the Nunes well. The District has leased that well since April 19, 2006 and the lease is set to expire on April 18, 2021.

In the past, the District rehabilitated the well and credited the cost against the lease until it was paid off. The rehabilitation cost was slightly less than \$25,000.00 and once \$25,000.00 worth of water was extracted from the well, the District began to pay the owner \$50.00 per acre foot of water and that agreement is still in place today. For the last two years the District has paid about \$10,000.00 for the water. The owner has sold the property and the new owners indicated they are interested in selling a small piece of the property, that includes the well, to the District. The well pump cannot overcome the head of the District's system and the District owns and operates the electric booster lift station across the street to accomplish this.

If the Board is interested in acquiring the well, the next step is to appoint a Real Property Negotiator to work with the owner and perform due diligence to figure out what the well is worth. The first step would be to get an appraisal done on the well and bring the information back to the Board at which time they could provide further direction and terms of negotiation in Closed Session.

Director Zanutto asked what the production of the well is. Mr. Neisler stated it is about 350 gallons per minute. The property is a 20 acre parcel and the District would need less than 1,000 square feet of the

land. It is a commercial/industrial parcel and the plan is for it to be a mini storage. Director Schultz asked for clarification of the location and discussed the surrounding parcels with Mr. Neisler.

Director Schultz moved that the General Manager be appointed the Real Property Negotiator for a potential transaction involving an existing well on APN 223-190-20. Director Hall seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None.

**Item 8. Board of Director Comments**

Director Hall stated every March the Board goes through the exercise of temporarily reassigning the water rights and he will make it clear next March, why he abstained from the vote.

Director Schultz stated at some point in the future, he would like to have a discussion on whether it's beneficial for the District to allow non-profit organizations to make water rights transfer agreements for longer than one-year terms. Mr. Neisler stated he would be happy to discuss.

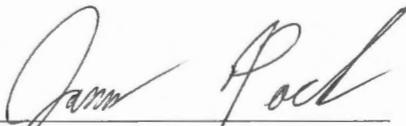
Director Zanutto stated he has mailed his Statement of Economic Interests form to the District and Ms. Adams thanked him.

Mr. Neisler stated he would like to see if the Board is open to having a Special Board meeting next week, given the situation, to have some Closed Session items. Staff has been working on a way to do Closed Session securely through teleconference. He suggested next Wednesday at 3:00 p.m. and mentioned he will consult with Mr. Barmann and President Pack on Monday to confirm if the meeting is needed. All the Directors said they would be available next Wednesday at 3:00 p.m. if a meeting is necessary.

Mr. Neisler asked that a plan be made to sign the payables checks and offered to bring them to President Pack. Director Schultz offered to come by the office and sign them since he lives so close if that would help the situation. President Pack thanked Director Schultz and delegated him to go in and sign checks.

**Item 9. Adjournment**

The meeting was adjourned at 3:50 p.m. on a motion made by Director Hall, seconded by Director Cassil and carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None.

  
James Pack, Board President

  
Catherine Adams, Board Secretary