

MINUTES

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
May 20, 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 AND THE PUBLIC WILL HAVE THE OPTION OF ATTENDING VIA THE ZOOM MEETING APP. THE MEETING ID IS 588-920-791. THE PASSWORD IS 0520RBM. ANYONE WHO WISHES TO PARTICIPATE IN PERSON MAY DO SO 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 (in person), Hall (remote), Pack (remote), Schultz (remote), Zanutto (in person).  
**Legal Counsel:** Bernard Barmann (remote)  
**Staff in Attendance:** Catherine Adams (in person), Jon Curry (remote), LaMinda Madenwald (remote) and Tom Neisler (in person)
- Item 2. Announcement**  
President Pack announced that this meeting is being audio recorded, including all Board, Staff, and Public comments.
- Item 3. Flag Salute**  
The Pledge of Allegiance was foregone as there was a delay in starting the meeting due to technical difficulties.
- Item 4. Approval of Agenda**  
Director Hall moved to approve the 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 5. Comments by any Party on Items of Interest and Within the Subject Matter Jurisdiction of the Legislative Body**  
There were no comments made in person, via Zoom, or via email.
- 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 April 15, 2020  
b. Approve Quarterly Investment Report, Financial Report and Payment of Bills  
c. Approve Date for Benefit Assessment Hearing

President Pack asked if there were any items the Board, Staff or Public would like to remove for discussion. No items were removed.

Director Zanutto moved to approve 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 7. General Manager's Report**

Mr. Neisler reported on the following matters:

- Monday, May 18<sup>th</sup>, all staff returned to their regular full-time schedule with additional safety provisions in place such as social distancing, face masks when interacting with the public, disinfection procedures, etc.
- The CDC provided a flow chart with a list of requirements for businesses to reopen and the District is following those. The guidelines provided by the State continue to change and are unclear at times. The office is open to the public again.
- The Table A Allocation remains at 15%. He reviewed the reservoir conditions chart attached to his Staff Report. Lake Oroville was at 69% of capacity last week or 83% of its normal volume for this date. Since that time, they have received more than two inches of rain. San Luis Reservoir was at 70% of capacity and 83% of normal and those conditions have improved since then as well.
- The Federal Central Valley project increased their allocation. The Ag allocation went from 15% to 20% and their M&I allocation went from 65% to 70%.
- DWR hosted at a State Water Operations Committee meeting and their projections suggest that the allocation can increase beyond 15%.
- Last month, the Governor issued revised Incidental Take Permits for the State Water Project and in response, lawsuits concerning this action have been filed by parties involved from all aspects. This will result in a delay in adoption of the Voluntary Settlement Agreements that are necessary to operate both the State and Federal projects concurrently. Neither one can operate on a standalone basis.
- The Delta Conveyance Project is moving forward. Negotiations on the Agreement in Principle are complete, and the participation formula has been issued. They are promising new costs estimates by the end of May.
- At the beginning of the fiscal year, the State was projecting a \$22 billion surplus. The Governor's May Budget revision now shows a \$57 billion deficit. Some measures have been proposed to close that deficit. Given the State's predilection to look to local government when the State falls short of money, Mr. Neisler is concerned that may affect this District and others. Staff is looking to take steps to protect the District's assets to the extent that is possible. This will be further discussed during the budget review next month.
- The system continues to run on two engines and Staff has implemented an operations plan as to when they will start and stop wells. Importation of banked water from the San Joaquin Valley will begin in the middle of June as the 15% Table A Allocation will be exhausted.
- The ACWA/JPIA Conferences were rescheduled from May to the end of July. Those conferences have been switched to a virtual format, therefore all travel arrangements to Monterey have been cancelled at no cost to the District. The registrations that have been paid are still pending and there should be a reduced cost for the virtual format coming from JPIA soon.
- He reviewed the standard charts attached to the Staff Report.

Director Zanutto asked for confirmation that the State is now required to pay back any monies it takes from local government. Mr. Neisler verified there has been a ballot measure to that effect, however, to the best of his knowledge, those regulations have not been exercised at this point. He stated he is willing to do more research on this topic if the Board wishes. Director Cassil would appreciate him doing more research and bringing it back to the Board. She also inquired about how much time the District has before the State may begin looking for funds and if it is necessary to have a meeting prior to the regular meeting to discuss the issue. Mr. Neisler responded that the State has made no indication that they have a plan to do so, he is just trying to be proactive. If and when the State announces plans of that nature,



the Board can then consider what their response should be. He does not foresee the State making plans that rapidly before the next Board meeting in four weeks.

Mr. Neisler announced that staff did take money that had been moved from the investment fund, to the local bank to have it readily available going into the COVID-19 pandemic and returned it to the investment fund as there has not been a necessity to use it.

Director Hall asked if there were any contracts that can be moved up to start making payments on now. Mr. Neisler stated they are preparing to bring a couple contracts to the Board for approval. Any project that is over \$15,000 has to go through the formal purchasing process and that can take 60 to 90 days.

**Item 8. Operation Manager's Report**

Mr. Curry reported on the following matters:

- Staff did a punch list walk with the City on the recent bike path project near ID3 to ensure everything was per the plans and it was. Staff is also working with the City on additional landscaping near Antelope Run Bike Path/ID3 for the City's Urban Greening Grant Project.
- Staff has been coordinating with SSCSD on flushing their CV#2 well in preparation for installing a new treatment unit. That water is being released at the Cummings Pond Recharge site. BVCSO is flushing their BV#5 well into the District's system for testing purposes.
- As mentioned, system is still running on two engines and everyone is back to work full time. During the reduced schedule, crews performed great and were able to maintain the system and keep the water flowing.
- Brite Lake data from May 15<sup>th</sup> was elevation 4,360.3', volume 1,548.3 AF, and level 34.3'. Recharges remain shut down.
- Road maintenance tasks have been completed. The pump plant road from the first Tejon gate to Stallion Springs, as well as the water tank access road at JC Jacobsen Dam were bladed. There was an increase in foot traffic utilizing the pedestrian gate on the North end of the lake so staff recompacted an old trench line that was beginning to fail and put in a cold mix asphalt patch to make it more passable. When the parking lot project is done, Staff will replace the cold mix with hot mix on the trench line.
- Two leak repairs were done on Neely Court and valve repairs will be made in the next off season. Staff has been working on Recovery Well #1 and the pond water system just north of JC Jacobsen Dam. They were able to get water to flow from the Recovery Well #1 back up to Brite Lake.
- Annual weed control and star thistle spraying has been completed to allow clear access into facilities.
- Pumping Systems Department has been busy with routine maintenance and also replaced the evaporative coolers at PP1 for engines 1 and 2. At the rest of the pump plants, there was a total of 72 coolers pads that were replaced to continue to provide cooling to the buildings and engines.
- Repairs and re-installation of the right-angle drives were done at PP1 engine 2 and PP2 engine 2.
- Operations staff is working on completion of the electronic annual report for the Public Water System as well as the annual report for the Disinfected Tertiary Recycled water system.
- Nine employees are working on their Distribution Certifications and have completed their course work. That work has been sent to CSU Sacramento for review and grading. Once a certificate of completion is issued, they can apply for the Distribution 2 Certification Exam this fall.
- Staff will continue to work on completing improvements to the Public Water System well sites.

Mr. Neisler shared an example of good cooperation between Districts. SSCSD was facing contamination issues with one of their wells and needed to flush it. They did not want to waste the water onto the ground so they contacted TCCWD to see if they could work something out. TCCWD proposed to pipe the

water to the Cumming Valley Recharge Ponds. Grimmway installed the above ground pipeline from SSCSD's well to TCCWD's recharge. It was a great joint effort by all, and he wanted to make the Board aware. The Board members thought it was a great collaboration and thanked Mr. Neisler for sharing.

Director Schultz inquired about how many employees are doing the Distribution Certification as a recertification and how many are doing this for the first time. Mr. Curry stated there are no recertifications and this is the first time taking the course for about seven of the nine employees. Director Schultz would like to see some congratulations in order for these employees at the time they complete their certification. He suggested a luncheon or something. Mr. Neisler thought this was a great idea. He mentioned that Mr. Curry has brought this training skill set to the District, has very effectively managed the coursework, and made himself available to answer questions during the weeks of diminished staff attendance.

- Item 9. Adopt Resolution No. 05-20 Amending Rules and Regulations – District Service Policy: Domestic Use**  
The Board adopted Resolution 04-20 which amended the Rules and Regulations a last month's meeting. As a result of discussions at that meeting, the Rules and Regulations are being brought back for discussion on a different matter. Currently, there is a residential development proposal which requests retail water service from TCCWD. The Board had asked staff last month to look into this and make sure the District's Rules and Regulations were clear with regards to that type of service.

Mr. Neisler and Mr. Barmann reviewed the document and made proposed revisions to Part 3, Section 1 (attached to Staff Report). The primary issue is that the District is a wholesaler of water and not a retailer. If the District were to meet the request, they would become a retailer, would be responsible for conservation issues, system distribution extensions, maintenance, metering, etc., and the District is not set up for that. Currently, the demands on the District's system are approaching the limit that can be pumped each year, so it's a matter of whether this residential use is a beneficial use of the District's resources. Previously, the direction from the Board was to amend the rules to prohibit such a use and these revisions have done so with the proposed Resolution 05-20. The Resolution states that the District is a wholesaler and will not provide water for those types of uses to retail customers who are served by a public purveyor.

The District does have some existing meters within public water systems. TCCWD provides irrigation to several public parks, the fields at the high school and junior high school, Warrior Park, and Wal-Mart landscaping. Wal-Mart is the only existing customer that would be prohibited under these rules. The District's line along Antelope Run passes right next to Wal-Mart so a small extension for non-potable water for irrigation was installed. In the event of a shortage, that use would be discontinued as it is the lowest priority service under the adopted Water Priorities.

Director Hall had concerns that this will create two classes of M&I customers; the current customers and the future customers. He asked what the extra costs will be associated with the increased regulations of doing this. Mr. Neisler does not feel this revision is modifying the intent of the original Rules and Regulations, it is just making it clearer. As for the costs, he is unsure what the MWELo regulations currently cost the City and it would be staff costs, not hard costs.

Mr. Barmann commented that the proposed revisions will require that if a development is looking to build within the service area of a public water purveyor, they would have to look to that purveyor for water. The development proposes 1,000 homes and is proposing that the District supply landscaping



irrigation water for public and private areas. This is the first such request. If a thousand new homeowners were to get their water shut off to their landscaping during a shortage, there would be a large number of upset customers.

Director Cassil commented that Stallion Springs, Bear Valley Springs, and Golden Hills have all been customers of TCCWD for many years. The homes in those communities do not have the privilege of being able to have lovely green lawns and receive a bill from TCCWD rather than their local district. This issue would open up a Pandora's box for the District. This District does not have the water to accommodate the older or newer residential owners in this area.

Mr. Don Marsh, Public Works Director of City of Tehachapi, stated that the City's goal is to use Ag water for irrigating public spaces. This is in alignment with the direction the state is going. It does not make sense for the City to use domestic water for irrigation. It's in everyone's best interest to conserve. The City understands the water is limited and that this use would be the lowest priority but feels it should be at the discretion of the developer to understand those risks and be willing to accept those or not. It would be up to the City to offer alternatives. He would be fine with the City being the end customer rather than having individual residents or an HOA be the customers to the District. Mr. Neisler encouraged the City to develop their own non-potable water system and stated the objection is not to this development, it is that the District does not have sufficient supply available and it will be further limited in the future. He does not promote using that limited supply for low priority uses.

Director Schultz asked if the City could utilize their wastewater system to generate non-potable water for irrigation uses within the city. Mr. Marsh stated the Groundwater Sustainability Project would do that at a cost of \$15 million. It will initially produce 700 AF per year. Director Zanutto asked how much water the development is requesting. Mr. Neisler responded that according to the developer's consultant, they need about 50 AF/year and it is not clear what the water will be used for. Director Zanutto also spoke of ways this water could come from the City's project.

Director Hall asked Mr. Barmann if he has concerns that the District may be creating a privileged class of water users by excluding certain others. Mr. Barmann responded that the current rules already state that the District is a wholesaler. Currently, the District does not provide water to individual homeowners or other private companies within the jurisdiction of a public agency. The District has a limited supply of water which is already almost at the maximum with the existing customers. With the existing rules, if someone wants to sign up for a new Term M&I Agreement, the District has to look at its existing and forecasted supplies and decide whether the water is available. The District's policy already is to meet the demand of existing customers first and if there is not enough water for a new Term M&I customer, they will have to go find their own supply. It's not a matter of favoring one type of customer over another.

Director Schultz moved that the Board adopt Resolution 05-20 Amending Water Service Rules and Regulations for the Sale, Use and Distribution of Water. Director Pack seconded the motion and it was carried on the following vote: Ayes: Cassil, Pack, Schultz, Zanutto; Noes: Hall; Abstain: None; Absent: None.

**Item 10. Approve Memorandum of Understanding with City of Tehachapi re. Indirect Potable Recharge Project (Groundwater Sustainability Project)**

Mr. Neisler stated that at the December Board meeting, Staff presented the Board with details of the Groundwater Sustainability Project and Mr. Marsh made a presentation as well. The Board directed Staff to negotiate with the City to develop a Memorandum of Understanding (MOU). It is a \$15 million project

and some TCCWD facilities will be used. At a staff level, both parties have come to an agreement. He reviewed the key provisions listed in the Staff Report; reimbursement of legal fees, use fee, evapotranspiration loss factor, 20 AF net recharge leave behind, and the City's responsibility for certain expenses. The proposed MOU is an attachment to the Staff Report and was approved by City Council on May 4<sup>th</sup> and the Mayor has signed it. The last step for the City to move forward with this project is the approval and execution of the MOU from this Board.

The fiscal impact on the District is minimal. The District will receive a small amount of revenue from the use fees. The projected initial deposit of water is around 700 AF per year which will be around \$21,000. It's been an excellent cooperative project.

Director Schultz inquired if there is a possibility of there being a smell to the water being deposited into the dam even though it will be filtered at that point. Mr. Neisler responded that the State has ultimate permitting authority concerning the quality of the water and the conditions will be such that there will be no smell. The City will be required to provide regular monitoring reports to the State. The standards are higher for this use than they are for the treated effluent that CCI provides in Cummings Valley. Director Schultz stated that as long as the basin and neighboring properties are protected, he fully supports this project. Mr. Neisler stated he feels the protection is there through the State regulatory process.

Director Zanutto asked for details on what will happen in the event of a flashflood coming into the dam during the deposit of treated water. Mr. Neisler stated the water will be segregated by a time schedule instituted by the State to ensure those two instances are not during the same time. The dam can hold at least 85,000 acre feet of water so the risk of a spill is highly unlikely. There will be very specific conditions about any spill in the State permit and if there is any recharge water in the dam, all the spill we be deemed recharge rather than storm water. Mr. Marsh added that if the groundwater basin were full and water was spilled from the dam, all that water would be determined recharge water. The basin is approximately less than one-third full, so it is extremely unlikely to occur, but it is covered in the MOU. Director Zanutto also commented on the recharge fee increasing \$5.00 per year for 30 years and suggested maybe that should be reevaluated sooner to ensure it is sufficient. Mr. Neisler stated this was haggled over during negotiations and it was determined this was a valid compromise as it does address some cost of living adjustments. The District's expenses will be administrative.

Director Cassil asked Mr. Marsh for clarification on the City's current compliance as referenced in Recital B. of the MOU. Mr. Marsh stated the City is in 100% compliance with all State water quality requirements currently. However, in order to complete this project, they will have to upgrade the quality of treatment at the plant. The City is not comfortable starting upgrades until this partnership with TCCWD is approved because without the use of Blackburn Dam, the City has nowhere to discharge the water to.

Director Schultz moved that the Board approve the Memorandum of Understanding with the City of Tehachapi regarding the Groundwater Sustainability Project and authorize the Board President to execute the agreement. 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 11. Update on TCCWD/Valley Sod Agreement**

Mr. Neisler recalled that at last month's meeting, Staff presented the Board with details of the District's agreement with Valley Sod for the effluent line from CCI to the Valley Sod operation. The Board directed Staff to terminate the agreement with Oak Tree Affiliates and to reengage Valley Sod. Shortly after the meeting, he received a response letter from Daniel Neveau of Oak Tree Affiliates in which he was willing to discuss the agreement but wanted to delay the discussions until after the stay at home restrictions are lifted. On April 27<sup>th</sup> a telephone conference was held with Mr. Neveau, Staff and Legal Counsel. Staff



decided to postpone terminating the agreement with Oak Tree Affiliates and more details will be discussed in Closed Session. Therefore, negotiations with Valley Sod are postponed until resolution is reached with Oak Tree Affiliates. It has been communicated to both Oak Tree and Valley Sod that all DTR water available for 2020 will be delivered to Valley Sod as a first priority. Both customers understood.

Director Zanutto reflected on the last meeting and his vote on this agreement. He feels the agreement should be written to give the District more say about the line since it is maintained and operated by the District and the District is liable for what is carried through it. Initially, BVCSD was supposed to have the line buried within the first year and due to the unreliable delivery of water, BVCSD asked TCCWD if they could postpone it until the water was reliable. The water has been reliable some time now and BVCSD has not pursued having that line buried. If BVCSD will not put the line underground, he suggests TCCWD work something out with Valley Sod to do it. He supports having an agreement with Valley Sod and the use of the resource, he just feels the District should push to have the line buried to reduce the liability.

Director Schultz asked Mr. Neisler to give more details on the District's risk associated with the line being above ground. Mr. Neisler responded that the risk would occur in the event of a break or leak in the system and it has happened. It's been quickly retained because it is pumped and can be shut off. The spills that have occurred have been less than 500 gallons. The repair provisions are to replace the joint of pipe. Another risk is that it crosses a public road, underground. Having the line buried will decrease the risk but as it stands, the risk is minimal. Director Schultz added that water is only pumping certain times of the year as well. Mr. Neisler stated he fully recognizes and agrees with Director Zanutto's comments.

After further discussion, President Pack directed Mr. Neisler to encourage BVCSD to move forward with installing an underground line. Director Zanutto thanked the Board for hearing him out.

**Item 12. Approve Quitclaim of District Interest in APN No. 417-011-14**

Mr. Neisler stated this item was discussed in June and July of 2019. This property is 1.82 acres, irregularly shaped and located at the northeast corner of Tucker and Highline Road. In 1971, the District obtained an easement on the property via condemnation. Subsequent to that time, the improvement on the ID3 flood control facilities and Antelope Run have made the easement surplus to the District's needs. There has been a misconception that the District owned that property for many years due to an error on the assessor's records. Comprehend & Copy Nature (CCN) worked hard to research and find the correct owner. CCN owns the adjacent 55 acre parcel, recently obtained ownership of the 1.82 acres, and is requesting the District quitclaim their interest in the property.

Mr. Neisler discussed completion of the Tract Map for the subdivision of that property as a condition of the quitclaim of the District's interest with CCN and the City. The City and the property owner have agreed to that provision. Mr. Neisler's recommendation to the Board is to authorize the President and Secretary to execute the Quitclaim Deed and hold it in the District's possession until such time that the Tract Map is ready to record for the subdivision, and then turn the document over for recordation.

Alex Emdadi of Comprehend and Copy Nature (CCN) stated they have worked over a year tracking down the ownership of this parcel. It is their intention to build a nice residential project on the whole 57 acres.

Director Schultz verified with Mr. Neisler that the District only has an easement over the 1.82 acres. He questioned why the District would need to set a condition on the Quitclaim Deed if the District has no use for the property. He feels the current owner should have the right to do with it as they wish. Mr. Neisler stated there is no current use for the property but there could be a remote possibility in the future. Mr. Neisler clarified the Board can certainly direct Staff to just quitclaim the interest. He was just trying to protect any potential interest the District may have in the future.

Director Cassil stated the Quitclaim Deed mentions "For a valuable consideration" and she asked what that value was. Mr. Neisler responded that typically the sum is \$1.00. He recommends the District not request any additional remuneration for this. She asked what the difference would be of a gift of public funds and this quitclaim. Mr. Neisler stated that if the District had a real title interest in the property, they would not have pursued this course of action. CCN has invested time and money seeking resolution to this issue and this quitclaim is to correct an oversight. Mr. Zanutto added that had the District owned the property, it would have been a much more complex process allowing other agencies to express interest, obtain fair market value, etc. Mr. Neisler explained that process to CCN when this issue first came up but when it became apparent the District did not own the property, the process became more straightforward.

Discussions continued amongst the Board members and at times there were difficulties due to the sound delay between the Zoom session and the live session in the Board room. Director Cassil stated she would be glad to make the recommended motion in the Staff Report unless someone else wants to continue the discussion further. Director Schultz made a statement further explaining his preference and proceeded to make a motion. Mr. Neisler interjected to clarify if Director Cassil had in fact already had a motion on the floor. She concurred she did and read the recommended motion aloud.

Director Cassil moved that the Board approve the quitclaim of the District's interest in APN 417-011-14 subject to the completion of the subdivision of the adjacent parcel and further moved that the Board authorize the President to execute the Quitclaim Deed and direct the General Manager to maintain possession of the executed deed until notification by the City that the Tract Map is ready to record. Director Hall seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Zanutto; Noes: Schultz; Abstain: None; Absent: None.

**Item 13. Update on Cummings Valley Amended and Restated Judgement**

Mr. Neisler stated the Case Management Conference has been scheduled for June 18, 2020. Staff is still pursuing signatures of other pumpers including TUSD and Millennium Pacific. Director Schultz is pursuing a signature from former Director Jean Prel. This item is also on the Closed Session agenda.

Mr. Barmann stated the District's Motion for Lien to File and Serve a Supplemental Complaint was filed today. The purpose is to allege facts that relate to the basin since the time the judgment was entered into originally and bring the factual allegations up to date. It will also begin the process of getting the court's jurisdiction over the 144 new pumpers in the basin that are not parties to the adjudication. This will be heard on June 18<sup>th</sup> as well. The schedule was originally for April but had to be postponed due to COVID-19. They do not expect opposition to the motion. This will begin a relatively long process of attempting to serve those 144 new parties. Initially they will be served by mail, but if they don't return the Acknowledgement of Service, personal service will have to be attempted a number of times before Service by Publication can be used. Leave of Court will be required before that can be done. Once everyone is served, parties will have to make their appearances and default will be taken for those that do not. Then the District can move forward in asking the court to enter the Amended Judgment. Currently, Stipulation signatures have been collected from pumpers who represent about 98% of the pumping of the basin based on 2018 usage.

Director Zanutto asked if there was a deadline on obtaining signatures on the Stipulations. Mr. Barmann responded there is no hard deadline, but they would like to get those signatures as soon as possible. If any of them do not want to sign, he is still comfortable filing it as is, but he would like to get the three original parties. He mentioned to President Pack that there is a copy of the Stipulation for him to sign.



**Item 14. Update on Cummings Valley Westerly Recharge Project**

Mr. Neisler stated that since the last meeting, DWR has sent formal acknowledgment that the grant is approved. They are delayed in the process due to their work restrictions at this time. Provost & Prichard continues with the design engineering. Mr. Curry and Mr. Neisler have reviewed several progress submittals, made some changes, and directed them to proceed to 90% engineering stage. Staff is looking for exact locations of proposed facilities off of the District's sites to write the appropriate easements and get those submitted to escrow to try to close by the end of June (this fiscal year). He hopes to bring the approval of the purchase back to the Board at next month's meeting.

**Item 15. Authorize Staff to Purchase Electronic Devices for Distribution of Agenda Packages to Directors**

Mr. Neisler stated this topic came up at last month's meeting. Many agencies provide Board members with computers or tablets to allow electronic dissemination of material and access to email for District business. This would also be a benefit to Staff as the actual reproduction and distribution of the Agenda packs is a ponderous task. The Board asked that Mr. Neisler bring options to the Board for consideration at this meeting. Mr. Neisler reviewed the capabilities, and pros and cons of each proposed device as listed in the Staff Report and the comparison chart attached. He provided a laptop and tablet option for each operating system, Windows and Apple iOS. The total fiscal impact is less than \$10,000.

Discussion took place and Directors shared their preferences. Using the Windows operating system to ensure the District's IT person can have access for support was an important factor and everyone agreed a tablet would be the most suitable for their District needs. Director Schultz was very interested in the potential for the ability to access District documents. Mr. Neisler discussed security issues associated with that access and agreed these are avenues that can be pursued. The GIS system is platform independent so it can be accessed through the web on any device. Director Hall asked for a poll of the Board on their preference and all were comfortable with the Microsoft Surface Pro 7.

Director Hall moved that the Board direct staff to purchase the Microsoft Surface Pro 7 with accessories for use by the Directors to conduct District business. Director Pack seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz, Zanutto; Noes: None; Abstain: None; Absent: None.

**Item 16. Schedule Budget Committee Meeting**

Ms. Madenwald stated this item is to schedule a date and time to hold a Budget Committee meeting or meetings. The Budget will be considered at the June 17<sup>th</sup> RBM. She suggested the meeting be held the week of June 1<sup>st</sup> to allow time for holding another meeting the week of June 8<sup>th</sup> if necessary. The entire draft packet will be sent out to the Budget Committee for review on May 22<sup>nd</sup>. The Budget Committee consists of President Pack and Director Zanutto. The meeting was scheduled for June 1<sup>st</sup> at 9:00 a.m.

**Item 17. Board of Directors Comments**

Director Schultz commented that he is extremely disappointed about Agenda Item 12. He realized he was the only "no" vote and that is because he does not believe the District should hold a property it has no use for. By requiring the Tract Map to release the deed, the District is saying that is the only purpose of that property. He hopes everyone can understand his position.

Director Cassil congratulated all of the employees who are working on their Distribution Certification and who will be working hard on their exam preparation. She especially wanted to note that Mr. Curry has been a very important attribute to the District in teaching this class and preparing employees. Director Zanutto commented that he understands Director Schultz's disappointment and he went through that at the last Board meeting, so he appreciated his comments. Director Zanutto asked for an update on the Strategic Plan. Mr. Neisler responded that the Capital Improvement Plan (CIP) element will

be included during the Budget review process. The graphic document is complete, and both will be discussed at next month's meeting. Director Zanutto asked if they can receive mid-year updates on the status of Capital Improvements. He mentioned how at the time of receiving warrants, he sees there are times that amounts are better than budget and it makes him wonder if that is because a project has not been complete. Mr. Neisler responded there is about a six week lag between the budget divided by 12, and the warrants the Board is approving. Where the pay period falls is key as well because that is a significant amount. Mr. Neisler stated the CIP is included in the Budget review so he can give more detailed information about the status of those items at the Mid-Year Budget Review. Director Zanutto stated that is exactly what he was suggesting and thanked him.

**Item 18. 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, Kern County Superior Court Case 97209, Tehachapi-Cummings County Water District, a Body Corporate and Politic vs. Frank Armstrong, et al.
- b. In Accordance with Exhibit B Attached Hereto, DWR v. All Persons Interested in Authorization of WaterFix Revenue Bonds et al.
- c. In Accordance with Exhibit C Attached Hereto, Conference with Real Property Negotiator (SSCSD)
- d. In Accordance with Exhibit D Attached Hereto, Conference with Real Property Negotiator (APN 223-190-20 Well)
- e. In Accordance with Exhibit E Attached Hereto, Potential Litigation

Mr. Neisler reminded the Directors that they will need to exit out of this Open Session and log into a new Zoom meeting for Closed Session. He requested the Board Secretary be released from the meeting at this time and that he takes over her duties when returning to Open Session. The request was granted.

The Board went into Closed Session at 6:08 p.m.

**Item 19. Return to Open Session**

The Board returned to Open Session at 6:45 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.

**Item 20. Adjournment**

The meeting was adjourned at 6:47 p.m. on a motion made by Director Cassil, seconded by Director Hall 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





Tehachapi-Cummings  
County Water District  
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**CLOSED SESSION ITEM DESCRIPTIONS**

(Gov. Code § 54954.5)

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8.)**

Description of Property: \_\_\_\_\_  
Proposed District Negotiator: \_\_\_\_\_  
Negotiating Parties: \_\_\_\_\_  
Subject of Conference: \_\_\_\_\_

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

1. Existing Litigation: Case No. 97209  
Name of Case: Tehachapi-Cummings County Water District  
a Body Corporate and Politic, vs. Frank Armstrong 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: \_\_\_\_\_



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### CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8.)**

Description of Property: \_\_\_\_\_  
Proposed District Negotiator: \_\_\_\_\_  
Negotiating Parties: \_\_\_\_\_  
Subject of Conference: \_\_\_\_\_

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

1. Existing Litigation: \_\_\_\_\_  
Name of Case: DWR v. All Persons Interested in Authorization of  
WaterFix 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: \_\_\_\_\_





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### CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8.)**

Description of Property:	<u>APNs 448-051-33-4, 448-051-34-2, 448-052-33-2</u>
Proposed District Negotiator:	<u>Tom Neisler, General Manager</u>
Negotiating Parties:	<u>Stallion Springs Community Services District</u>
Subject of Conference:	<u>Terms, Price and Conditions of Sale or Lease</u>

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

- Existing Litigation: \_\_\_\_\_  
Name of Case: \_\_\_\_\_  
\_\_\_\_\_
- Anticipated Litigation: \_\_\_\_\_  
Gov. Code § 54956.9 (b): \_\_\_\_\_  
Gov. Code § 54956.9 (c): \_\_\_\_\_

**C. PUBLIC EMPLOYEES (Gov. Code § 54957.)**

- Appointment: \_\_\_\_\_  
Title: \_\_\_\_\_
- Employment: \_\_\_\_\_  
Title: \_\_\_\_\_
- Performance Evaluation: \_\_\_\_\_  
Title: \_\_\_\_\_
- Discipline/Dismissal/Release: \_\_\_\_\_

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

Agency Negotiator:	_____
Employee Organization:	<u>Not Applicable</u>
Unrepresented Employee:	_____



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### CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

#### A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8.)

Description of Property:	APN 223-190-20 Well
Proposed District Negotiator:	Tom Neisler, General Manager
Negotiating Parties:	Thomsen Invs, LLC
Subject of Conference:	Terms, Price and Conditions of Sale or Lease

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

- Existing Litigation: \_\_\_\_\_  
Name of Case: \_\_\_\_\_  
\_\_\_\_\_
- Anticipated Litigation: \_\_\_\_\_  
Gov. Code § 54956.9 (b): \_\_\_\_\_  
Gov. Code § 54956.9 (c): \_\_\_\_\_

#### C. PUBLIC EMPLOYEES (Gov. Code § 54957.)

- Appointment: \_\_\_\_\_  
Title: \_\_\_\_\_
- Employment: \_\_\_\_\_  
Title: \_\_\_\_\_
- Performance Evaluation: \_\_\_\_\_  
Title: \_\_\_\_\_
- Discipline/Dismissal/Release: \_\_\_\_\_

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

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





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### CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

#### A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8.)

Description of Property: \_\_\_\_\_  
Proposed District Negotiator: \_\_\_\_\_  
Negotiating Parties: \_\_\_\_\_  
Subject of Conference: \_\_\_\_\_

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

1. Existing Litigation: \_\_\_\_\_  
Name of Case: \_\_\_\_\_  
\_\_\_\_\_
2. Anticipated Litigation: \_\_\_\_\_  
Gov. Code § 54956.9 (b): 1 potential case  
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: \_\_\_\_\_