

MINUTES

**TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS**

June 17, 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 597-332-8446. THE PASSWORD IS 0617RBM. 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 (in person), Pack (in person), Schultz (remote), Zanutto (in person).

Legal Counsel: Bernard Barmann (remote)

Staff in Attendance: Catherine Adams (in person), Jon Curry (in person), LaMinda Madenwald (in person) 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 led by Director Zanutto.

Item 4. Approval of Agenda

Director Zanutto commented that he feels Item 14. (Reconsider Conditional Approval of Quitclaim of District Interest in APN No. 417-011-14) should be removed from the Agenda. Upon review of the Minutes, he saw no procedural problems that would justify reconsidering this item. Mr. Neisler stated he consulted legal counsel and it is his understanding that an item can be reconsidered if one of the Directors that voted in favor of the original motion, requests reconsideration. He summarized how he understood there to be a motion on the floor and therefore, interjected during Director Schultz's motion, at which time Director Cassil stated her motion and it was voted upon. In reviewing the recording, it was discovered that initially, there was a statement of intention to make a motion, not an actual motion made so President Pack asked for this item to be placed on the Agenda. Director Zanutto commented that reconsidering this will set a precedent of reconsidering items previously voted upon and that is not a good practice. The motion was clear, and the Directors understood what they were voting on.

Director Schultz commented that the technological delays caused confusion and listening to the recording, he believes there was a procedural error. President Pack stated that with the confusion, he thought it best to put the item back on the Agenda.

Director Zanutto moved to remove Item 14. from the Agenda. There was no second.

Director Schultz moved to approve the Agenda. Director Hall seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz; Noes: Zanutto; 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 via Zoom or via email. Mr. Neisler asked for verification of all participants in attendance through Zoom and by telephone.

President Pack commented to the Directors that it is best practice to clearly state your motion and to refrain from making conditional motions or stating intentions to make a motion to avoid confusion.

Director Hall commented that if reconsidering an item is not something that happens frequently it should not be a problem, but he completely understands Director Zanutto's point.

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 May 20, 2020
- b. Approve Financial Report and Payment of Bills

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

Director Hall 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:

- The attached article from Ag Alert discusses some of the private sector considerations of litigation that have taken place regarding the decisions made at the State and local level. Farmers are stating they cannot grow food because of the things that are going on and other real world ramifications.
- In looking out at the lake, it is much lower than usual for this time of year. There is a limited supply of water this year, but the Board has approved Staff's plan to meet all the demand. Things are running ahead of schedule in June and there is no reason to believe demand will not be met.
- All wells are operating, the City is putting as much water into the system as they can, and the system has been increased to three engines effective yesterday. It will stay at that flow into September.
- The DWR increased the Table A Allocation from 15% to 20% giving the District an additional 965 AF. That is about another 10 weeks of pumping time.
- There have been no COVID-19 issues or incidents with staff back to regular duty. Staff is following CDC guidelines in all operations and he appreciates their cooperation.
- Many Capital Improvement Projects are wrapping up this month and he gives credit to Mr. Curry and his team.
- Lake Oroville is at 80% of its normal capacity YTD so only getting a 20% allocation does not match the scientific data.
- Earlier this year it seemed that the Voluntary Agreements were close to being signed by both parties and now that cannot take place until all the litigation is solved. Preliminary cost reports for the Delta Conveyance Project were supposed to be release by the end of May and were not.

-At the last meeting, in discussing the State's budget and possible need for loans, Mr. Neisler was asked to research if the State is required to payback funds taken from local revenues. With the help of Mr. Barmann, he found in 2010, Prop 22 passed that the State government cannot borrow local tax revenue. The District's supposition will be that they have local tax revenue. The proposition also states that if any revenue is taken, it has to be repaid in 3 years. The State legislature approved a preliminary budget this week that does not include any offset of local revenues.

-The ACWA/JPIA conference is now virtual. The ACWA portion will be July 29th-30th and the JPIA portion will be July 27th.

-The annual Safety Picnic will be July 17th at the Brite Lake Pavilion, however at this time the Recreation and Parks District is not allowing groups larger than 10 people so we are hoping their requirements will change by that time. If it's not possible to do it there, it will be held at the District in the shop or tents outside to accommodate social distancing. The flyer is attached and please RSVP to Ms. Adams if you are planning to attend.

-Jay Schlosser, City's Community Development Director, and Tyler Napier, City's Deputy Public Works Director, are here in the audience today. Mr. Schlosser reached out to other public agencies and held a meeting to discuss significant development proposals within the City. One is the Sage Ranch project discussed at the last meeting. The Crossing project is the Comprehend and Copy Nature subdivision and there is a large Senior Living project coming up. Mr. Neisler and Mr. Curry attended and were appreciative of the welcoming of comments and participation in the planning process.

Director Zanutto recalled the State taking money in the past and paying it back, with interest, through a third party, so it worked out.

Item 8. Operation Manager's Report

Mr. Curry reported on the following matters:

- Things have been going well with Staff back to full strength. He thanked Mr. Neisler for the plan he put together and the Board for their support of it.
- The Emergency Action Plans for all three dams have been printed and distributed to all plan holders.
- Division of Safety of Dams has returned inspection reports on the three dams. The reports were good with minor corrections such as vegetation control which is being worked on currently. There is new data reporting format requirements so TCCWD data will be resubmitted to be in full compliance.
- The system is running on three engines and on June 12th, Brite Lake elevation was 4,355.5', volume was 1226.4 AF, and the level was 29.5'. Recharges are shut down and currently Benz, Dennison, Nunes, PP5, and the City's Snyder well are all running.
- The Office Well project is nearing completion, a new air compressor is being installed at PP3, and other routine maintenance items have been done. Staff is installing new access control gates in Mountain Meadows for the channels and new LED lighting has been installed at the Cogen Building.
- Staff is now utilizing designated sampling stations to rule out sample error from time to time. New cabinets and workstations will be installed in the Maintenance Warehouse.
- Two Summer Interns have been hired and are out working on manual weed control with the help of Cale Lykins. Kern County fire has been very happy with the work they have done.
- Nine staff members are going through the distribution certification through Cal State Sacramento. The course results are coming back in so now applications can be started and then in August, Staff will begin test preparation.
- He and Mr. Neisler have been working with CalCad, the vendor for the GIS System, to develop a Computerized Maintenance Management System (CMMS) that will be used for inventory tracking, work orders, and preventive maintenance schedules.

Director Schultz commented that Mr. Curry is doing a fabulous job and thanked him.

Item 9. Approve Fiscal Year 2020-21 Cost-of-Living Adjustment for all Employees

Mr. Neisler stated this is the annual consideration for a Cost-Of-Living Adjustment (COLA) for all employees. This is considered prior to the Preliminary Budget because it is included in the Budget. The COLA would go into effect the first pay period of the new fiscal year, July 2020. Last year the Board granted a 2.6% COLA effective July 8, 2019. The April CPI Westcoast Size Class B/C, Urban Wage Earners and Clerical Workers index is a point of reference (attached to Staff Report) to determine the basis for the COLA. That was the most current data available to fit within the budget writing calendar.

The calculations are shown in the Staff Report and disclose a 1.3% CPI factor. The Ad-hoc Budget Committee met on June 1, 2020 and recommended taking the 1.3% recommendation to the Board. Speaking for the team, he stated employees are very grateful for the overall compensation package. The Budget comfortably contains this COLA. With a 1.3% increase, the actual impact will be about \$25,000 in the FY 2020-21 Budget. There is an attached Salary Schedule for reference. The copy that was provided in the Board Package had an error and a revised copy was sent out to all Board members, posted on the website, and provided as a hard copy today.

President Pack commented that he and Director Zanutto were on the Budget committee and in times like these, employee retention is very important for utility companies, so he supports this increase.

Director Zanutto moved that the Board approve a 1.3% Cost-Of-Living increase as incorporated into the updated Salary Schedule as presented, effective July 6, 2020. 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.

On behalf of Team TCCWD, Mr. Neisler thanked the Board and appreciated the support.

Item 10. Adopt Resolution 06-20 to Amend the Employee Handbook and Establish a Longevity Award Program

Ms. Madenwald stated the purpose of this item is to amend the Employee Handbook and establish an employee Longevity Award. During the mid-year Budget review, the Ad-hoc Committee recommended the establishment of an employee Longevity Award program. The idea was presented to the Board and they agreed that this item should be considered at the same time of the Preliminary Budget for FY 2020-21.

The Ad-hoc Budget Committee reviewed the details of this proposed Longevity Award program as a part of the review of the FY 2020-21 Preliminary Budget. The Minutes of that meeting are included with Item 11. The details of the proposed program are attached as Exhibit A to the proposed Resolution 06-20. She read the revised and added sections to the Handbook.

Director Schultz brought up a concern for employees who may retire between now and their next 5 year increment date and have worked for the District over 20 years. As it is written now, they would not receive a Longevity Award despite the long time served. He felt long standing employees caught in that situation deserve to receive one \$500 award upon retirement.

Director Schultz moved that the Board adopt Resolution 06-20 amending the Employee Handbook and establishing the employee Longevity Award program that also includes a \$500 Longevity Award to each regular full-time employee with greater than twenty (20) years of service, who voluntarily retires and has not previously received a Longevity Award. The motion also directed staff to resolve the specific language. 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 11. Adopt Resolution 07-20 Approving the Fiscal Year 2020-21 Preliminary Budget, Investment Policy, Appropriations Limit and Reserves Policy

Ms. Madenwald stated the purpose of this item is to approve a Preliminary Budget to start the fiscal year that will be replaced by the Final Budget prior to September 1st. The Preliminary Budget is subject to change and the Board will be presented with a resolution to adopt the Final Budget in August.

She discussed key points of the Preliminary Budget as listed in the Staff Report and referenced sections in the Budget document. The total State Water Project costs will be satisfied with current special tax revenues and prior years' reserves. The long-term financial position of the State Payment Fund remains sound and there will be sufficient reserves at the end of the next fiscal year. Prop 1 Grant expenditures will be met with the General Fund and repaid when reimbursement revenues are received. The Budget is balanced with an addition of \$246,500 to General Fund Reserves. The annual review of the current fiscal year-end reserves balances calls for transfers from the General Fund that will be discussed in the next item. The assumptions used are listed on the second page of the Staff Report.

The Ad-hoc Committee recommended the Board approve this Preliminary Budget.

She left a memorandum at the Board members' seats and stated she will email a copy to Director Schultz. The memo explains the Unitary and Non-Unitary Property Tax Allocations that come back to the District from the State. This is part of what happens in the State Water Project restricted reserve account; the District receives revenues that cannot be anticipated because those amounts are not available until the State reveals the amounts. She hopes this will be helpful.

Mr. Neisler added that the District does not turn a profit or a loss. The Budget projects that the revenues will exceed the expenses by \$246,500. If that comes to bear, those funds will remain in the General Fund. For the withdrawals from the reserves that show the \$1.3 million excess expenditure over the revenue; one is Fund 82 State Payment Fund and that pays the Statement of Charges from the KCWA for State Water Project costs. The money can only be used for those costs. On a year when there is an excess, the District decreases the tax rate the following year to reduce the surplus. In that case, the bill will then be larger than what the District is collecting but the money will be taken from the reserves to help pay the invoice. He also pointed out that it has been the District's practice to prepare the Budget very conservatively. The second reserve expenditure is for the matching contribution to the Cummings Basin Westerly Recharge Basin project. Capital projects such as this are one purpose for having designated reserves.

Director Cassil inquired if Kern County has released their Preliminary Budget and Mr. Neisler responded he would have to look into it as it is not something he tracks. Director Schultz asked for clarification on the expenditures exceeding the revenues and how the Budget is balanced. Mr. Neisler was able to explain the terminology and provide understanding. Director Zanutto commented that the Capital Improvements list has over 20 projects to be complete this fiscal year and it's wonderful the District has the funds for these projects. It's great to see projects budgeted for and then completed.

Director Zanutto moved for adoption of Resolution 07-20 approving the FY 2020-21 Preliminary Budget, Appropriations Limit, Investment Policy, and Reserves Policy. 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 12. Adopt Resolution 08-20 Transferring funds from the General Fund to Certain Reserve Funds

Ms. Madenwald stated the purpose of this item is to adopt a resolution to complete the fund transfers discussed in the Preliminary Budget. Staff is predicting that by June 30, 2020, \$22,871 will need

transferred from the General Fund (60170) to the Emergency Fund (60171) to meet the reserve targets. Then to make the transfers necessary to fulfill the plans and projections in the Preliminary Budget, on or after July 1, 2020, \$171,145 from the General Fund (60170) will be transferred to the Equipment/Infrastructure-Replacement/Upgrade Fund (60183). Also, \$1.2 million will go from the General Fund (60170) to the Water Banking Fund (60172). The net transfer is \$1,394,016 from the General Fund.

The Ad-hoc Budget Committee recommended approval of the transfers at its 06/01/2020 meeting. The adoption of Resolution 08-20 will authorize the Treasurer to complete these transfers.

Director Cassil moved for adoption of Resolution 08-20 transferring funds. 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 13. Update Capital Improvement Component of the Strategic Plan

Mr. Neisler stated the final graphic layout of the Strategic Plan has been provided via the website and the Capital Improvement Plan (CIP) component will be an appendix. The intent is to review the CIP on an annual basis. The Board approved the Strategic Plan narrative in February of 2019 however, June of 2019 was too soon to consider the CIP element, so this is the first time reviewing it subsequent to Board adopting the Strategic Plan. He discussed the components of the Short-Term, Mid-Term and Long-Term plans. He added a sheet that lists the projects that have been completed as suggested by Director Zanutto. After developing this spreadsheet, he realized it would be a better indicator to list the "actual" amount spent on the project rather than the budgeted amount and will make that revision.

The Short-Term total is \$2,842,000 and he stated he is willing to go into detail on any item on the list the Board is not familiar with. Two key Mid-Term projects are the \$20,000,000 for the engine replacement project and the Cummings Valley (CV) loop line completion for \$2,000,000. The loop line project is an extension from the mainline in CV to the north, down Cummings Valley Road to the recharge basins near the organic shed at Bear Valley Road and Cummings Valley Road. This will loop back up and tie into the mainline on the lake side of the system. It will improve the infrastructure in Cummings Valley and allow for delivery of water back into CV. This Mid-Term CIP allows the public and other agencies to see what projects the District will hopefully be able to undertake in the upcoming years.

If the Board approves of this CIP, he plans to have the Strategic Plan prepared for printing and distribution. President Pack inquired about the need for another dump truck and Mr. Neisler explained that the current one is insufficient for the District's needs. Staff has found it is underpowered and struggles getting up Highway 58. In the five years the District has owned it, almost \$30,000 in repairs have been expended. Director Zanutto commented that he has sat on a number of Boards that had beautiful Strategic Plans but without alignment and execution, nothing gets done. He is very impressed with the staff here and Mr. Neisler, and their ability to get these projects completed.

Director Zanutto moved that the Board approve the Updated 10 year Capital Improvement Plan Element of the Strategic Plan dated June 8, 2020. President 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 14. Reconsider Conditional Approval of Quitclaim of District Interest in APN No. 417-011-14

Mr. Neisler stated discussions of this item began under the Approval of the Agenda item. Last month the Board took action to quitclaim easement interest in a 1.82 acre parcel that has been secured by Comprehend and Copy Nature. He reviewed some of the background information that was presented at the last meeting. The Board authorized the quitclaim deed with the condition that it only be provided to

the property owner upon completion of their proposed development tract map. President Pack and Secretary Adams have executed the quitclaim deed.

There was a lengthy discussion of this item last month and a suggestion of approving the quitclaim deed without any condition. He explained the area of confusion and discussed the process for reconsideration according to Robert's Rules of Order as outlined in the Staff Report. President Pack had voted in favor of the motion at last month's meeting and directed Mr. Neisler to put the item on the Agenda for this month.

Director Schultz commented that he was in favor of reconsidering this item for procedural reasons and because he was attempting to make a different motion. The recommended motion contained a condition (as mentioned above) and he feels that the easement should be released without any condition to the landowner, as it should not matter what they plan to use the parcel for. Director Schultz stated this District is in the business of water not planning. If any Board member wishes to bring this back to the floor, he would like to see this quitclaim deed be given back to the landowner without any special conditions.

Director Zanutto stated that Mr. Neisler brought up a good point at the last meeting about how he is just protecting the District's best interests. He thinks they should keep the stipulation in there until this development is in fact where it needs to be, because you never know what may become of this. Director Hall concurred.

President Pack moved to reconsider the previous action. Director Schultz seconded the motion and the following votes were taken: Ayes: Pack, Schultz; Noes: Cassil, Hall, Zanutto; Abstain: None; Absent: None. The motion failed.

Item 15. Authorize Solicitation of Bids for Parking Lot Resurfacing

Mr. Curry explained the scope of this project is to make hot asphalt repairs to the trench and failure areas of the parking lot with a Type 2 slurry seal, fog seal and restriping. The hot asphalt repair work would also include the trench patch in the access road outside the parking lot. The FY 2020-2021 Capital Expenditure Budget includes \$60,000 for this project. It is now time to move forward to soliciting bids. The attachments include the Invitation to Bidders and the project area map.

Director Schultz referred to the rules for contractors listed in the Invitation to Bid and asked if concealed weapons with a permit, are allowed on District property. Mr. Neisler stated that no weapons, of any sort, are allowed on District property.

Director Zanutto moved that the Board authorize Staff to solicit bids for the Parking Lot Resurfacing Project. 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 16. Authorize Solicitation of Bids for Cummings Basin Westerly Recharge Project

Mr. Neisler displayed the bid package for the Cummings Basin Westerly Recharge Project. Staff believes these drawings are substantially complete. The documents were too large to include in the packets, so the link was provided. The intention is to give the contractor direction to solicit bids. He presented the project schedule outlined in the Staff Report.

The District will spend approximately \$170,000 to purchase the property and the engineer's estimate of cost is \$865,000 for a total project cost around \$1,000,000. With the \$355,624 grant and the \$650,000 in

the budget for the project, it should cover the cost of the project. He requested that the Board authorize Staff to direct the consultant to solicit bids for the project.

Director Hall moved to authorize Staff to solicit bids for the Cummings Basin Westerly Recharge Project. 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 17. Update of Cummings Valley Amended and Restated Judgement

Mr. Neisler stated that the Judgement is now before the Judge and there is a case management conference scheduled for tomorrow. He has met with Kirk Gilbert, the school district's Director of Operations. He does not see any problem with the judgment; however he has to go through their chain of command which is very difficult during these times. The time to submit the Stipulations with the paperwork has passed. Staff will get the school district's concurrence with the project, but they will not be signed on to the Stipulation. All Stipulations previously received have been filed with the court.

Mr. Barmann stated the conference tomorrow will be through a court call. The Judge is in the Civil Department in the Kern County Court. Along with the case management conference, is a hearing on the District's motion for leave to file and serve a supplemental complaint. On Monday, the Judge signed the order which makes all the new parties, those who had not previously been in the case, defendants in the case and they've stipulated to the entry of the judgement. Anyone else who is either a previous defendant, or a new defendant, will have another opportunity to sign the document consenting to the judgement so that they do not have to participate in the case in any way. That will come at a later stage. The hope is that tomorrow the Judge will grant the motion to file a supplemental complaint and the 140 new pumpers that are not already parties to the case can be served. They will be provided a document they can sign, consenting to entry of the judgement. Despite the COVID-19 essential shutdown of the Court for the last three months, this is moving along as expected.

Item 18. Update of Cummings Basin Westerly Recharge Project

Mr. Neisler stated DWR has issued the award notification letter for this region. There are six projects in the region. Another division of Provost & Prichard is doing the work. The next step is a conference call in the next week or so. The contract and grant award paperwork will be put together and brought to the Board at next month's meeting with a request to approve the agreement and pass a resolution authorizing a designated representative to represent the District. Provost & Prichard has completed the design engineering and will be going out to bid. Mr. Neisler will review the legal descriptions for the easements and then get those into escrow. Then Staff will ask for the title and closing escrow cost, and those will be presented to the Board for approval. Staff is hoping to get all this done to present at the July 15th Regular Board Meeting. The grant award is for \$355,624 and the Budget includes \$650,000 so the total is \$1,005,254. He is hoping the bids will come in a little less than the engineer's estimate.

Director Zanutto asked that if any of the other six projects in the region fall through, is there a possibility this District can get some of that grant money. Mr. Neisler stated the grant was a total to the region, so if one of those projects withdrew, the grant award total would remain in the Kern-Tulare Subregion and the funds would be redistributed. The required match is 50% so if the project is a \$1,000,000, the District could accept more funds.

Item 19. Schedule Audit Committee Meeting

Ms. Madenwald has spoken with Brett Van Lant and he has indicated he would like to schedule the District's audit to begin on August 24th, and he has a preference to meet with the audit committee during the afternoon of that Tuesday. If that's not possible, he could move his week of field work to the week of August 31st and would still like to use the afternoon of September 1st to meet with the committee. Director Cassil and Director Zanutto are the Ad-hoc Audit Committee members and it was decided that

the meeting will be held on the afternoon of August 26th and Ms. Madenwald will send out notice with a definite time for that afternoon. She also pointed out that there will be another meeting for this committee with the auditor, before the CAFR is presented to the Board and that will be scheduled later on in the audit season. The fiscal impact is \$100 per Director, per meeting.

Item 20. Board of Directors Comments

Director Cassil commented she is really pleased to see that the District has a Summer Intern program and that we have put two young people to work. This is an advantage to the interns and the District.

Director Schultz stated he knows the District is short on water and he has talked to Mr. Neisler about possibly starting back up the recovery project from the pond that is north of the dam. Mr. Neisler and Mr. Curry have done some research into it. Director Schultz stated his research has indicated it will recover approximately 35 to 135 AF of water per year. He wanted to let the other Board members know that it is something that he has discussed with Tom and that he has purchased that property. So, he is open to that recovery project again.

Item 21. 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

The Board went into Closed Session at 5:17 p.m.

Mr. Neisler explained that for the virtual attendees, he will be opening a breakout room for the Closed Session and the main meeting will continue running. After Closed Session is done, he will return to the main meeting.

Item 22. Return to Open Session

The Board returned to Open Session at 5:52 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 23. Discussion/Training for Directors on Use of Surface Pro 7 tablets

Ms. Adams passed out an outline for the discussion. Mr. Neisler introduced Mr. Steve Lee, the District's IT consultant. Mr. Neisler described the device and provided each Director with their password information. He welcomed them to change their password but asked that they inform Mr. Lee as he will need to maintain access to the device to be able to provide support. They walked through how to access email, documents and how to mark-up pdfs.

Director Cassil requested that at some point in the future, Mr. Barmann address what Directors “should not” do with this device. She pointed out that these devices can be used as evidence, so Directors need to be careful what they do with them and she prefers a legal expert provide some guidance. Mr. Neisler agreed and commented that you have no expectation of privacy when you use this device and there is a legal requirement to produce all email records upon demand.

Item 24. Adjournment

The meeting was adjourned at 6:24 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
Our Water • Our Future

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.)

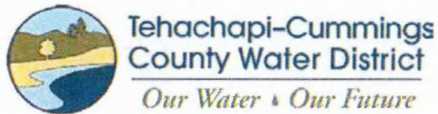
1. Existing Litigation: Case No. 97209
Name of Case: Tehachapi-Cummings County Water District
a Body Corporate and Politic, vs. Frank Armstrong et. al.
2. Anticipated Litigation: _____
Gov. Code § 54956.9 (b): _____
Gov. Code § 54956.9 (c): _____

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: _____



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: _____



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:	APNs 448-051-33-4, 448-051-34-2, 448-052-33-2
Proposed District Negotiator:	Tom Neisler, General Manager
Negotiating Parties:	Stallion Springs Community Services District
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:	_____



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:	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: _____

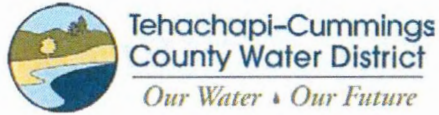
- Anticipated Litigation: _____
Gov. Code § 54956.9 (b): _____
Gov. Code § 54956.9 (c): _____

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:	_____



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: _____