

## MINUTES

**TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
July 17, 2019 3:00 P.M.  
22901 Banducci Road, Tehachapi, CA 93561**

- Item 1. Call to Order and Roll Call**  
**Directors Present:** Cassil, Hall, Pack **Directors Absent:** Schultz, Zanutto  
**Legal Counsel:** Bernie Barmann  
**Staff in Attendance:** Catherine Adams, Troy DePriest, LaMinda Madenwald and Tom Neisler
- Item 2. Flag Salute**  
The Pledge of Allegiance was led by Director Cassil.
- Item 3. Approval of Agenda**  
Director Cassil moved to approve the agenda. Director Hall seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack; Noes: None; Abstain: None; Absent: Schultz, Zanutto.
- 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 Regular Board Meeting of June 19, 2019
  - b. Approve Financial Report and Payment of Bills
  - c. Approve Transfer of Term M&I Agreement from Eleven Western Builders to Walmart, Inc.
- President Pack asked if there were any items the Board members, public or staff would like to remove for discussion and there were none.
- Director Hall moved that the Board approve the Consent Calendar. Director Cassil seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack; Noes: None; Abstain: None; Absent: Schultz, Zanutto.
- Item 6. General Manager's Report**  
Mr. Neisler reported on the following matters:
- Mr. DePriest will report more on the earthquake events but Mr. Neisler stated this prompted thinking and discussions about where the District would be if it did suffer a catastrophic event.
  - While the June Board Meeting was being held, the State increased the District's 2019 Table A allocation from 70% to 75%. This equates to 14,475 acre feet of water. More than 800 additional acre feet of Article 21 water has been ordered and received. The District will also receive approx. 1,500 acre feet of Lower Kern River water this year at \$5/acre foot. All this water allows the District to not only meet demand but also enter into a banking agreement to store surplus for future use.
  - There is a large enough supply of water in the San Luis Reservoir this year that there will be access to water in the beginning of 2020.

- The Voluntary Settlement Agreements are the State Water Contractor's approach to manage the State Water Project cooperatively with the Central Valley Project. This approach differs from what the State Board has utilized and approved previously. The State uses a system where that equates more unimpaired water flow with more protection for endangered species; despite over a decade of empirical evidence that this approach does not produce the desired impact. In phase one of the Settlement Agreements, the State increased the amounts of unimpaired flow for the Merced River System and San Joaquin River System. The Newsom Administration has supported the Voluntary Settlement approach from the State Water Contractors for Phase 2 (Sacramento River system). Newsom instructed the SWRCB to coordinate and negotiate with the Contractors on those agreements. This appears to be good news.
- The Delta Smelt survey from May of 2019 found no Delta Smelt. This is further evidence that the unimpaired flow approach is not working. The State Legislature is considering SB 1 which states that all existing state environmental regulations with regard to water supply will remain in effect as of the last time they were amended (around 2007) regardless of what happens with the Voluntary Settlement Agreements. This would keep the unimpaired flow provisions in place. This legislation is not yet approved and would still need to be signed by the Governor. It is unknown what action the Governor will take if the bill comes to his desk.
- The Delta Conveyance is moving forward. The State Water Contractors and the State signed an Agreement in Principle (AIP) on the water management objectives in May this year. Amendments to that AIP are being drafted now. They anticipate the EIR for those amendments and the signed amendment to be in place by December of this year. As of the end of 2022, the project should be back to square one which is where it was in about December of 2018 with the previous project. There is pending litigation that will be discussed in Closed Session.
- The Sage Ranch project is a large development in the City of Tehachapi that is receiving a lot of press. The City has issued their notice of preparation of an EIR and their Environmental Initial Study, and Mr. Neisler responded on behalf of the District that the document has been reviewed and the District agrees with their stated concerns on water supply issues.
- The City's indirect potable recharge project has seen some significant progress. Staff has spoken with the interested parties about the groundwater modeling. Both the City and Golden Hills have provided data to the hydrogeologist to update the groundwater model. During the course of those discussions, Mr. Neisler indicated to the hydrogeologist that the District has data that should be incorporated into that model as well. They have issued the District a formal data request for that. They provided a budget and schedule for the additional scope of updating the natural safe yield for the Tehachapi Basin as well as doing the nitrate study. The District budget includes money for those services.
- Staff has provided some comments back to the City on their draft MOU on the operation of the recharge project at Blackburn Dam and will continue to negotiate with them.
- The District has welcomed a new mechanic and the solicitation for a pipeline supervisor will end on July 19<sup>th</sup>. A significant number of resumes have been received and some of those are very strong.
- Alex Steele is retiring after 41 years of dedicated service to the District. A luncheon will be held to celebrate him on Wednesday, July 31<sup>st</sup> so please join us.
- The drinking water tax has been set aside. In place of it, the State is going to implement the Drinking Water Trust Fund which will fund disadvantaged communities non-conforming water systems via a trust fund. The initial funding of \$130 million will come from the \$21 billion surplus that the State has on hand. Going forward that fund will be funded from the proceeds from the Greenhouse Gas Emissions Offset program.
- Curtis Creel, the General Manager of the Kern County Water Agency, has announced his retirement effective September 2019. He's been a strong voice and well respected advocate for the interests of the KCWA at the state level.
- The fall ACWA conference is going to be December 3<sup>rd</sup>- 6<sup>th</sup> in San Diego.
- He reviewed the graphs and charts attached to his report.



**Item 7. Operations Manager's Report**

Mr. DePriest reported on the following matters:

- He discussed the earthquake events that took place and how staff inspected all lines, plants, dams, buildings, etc. There was no damage to any District facilities. Staff continues to monitor seismic activity. Mr. Neisler displayed the online seismic activity maps on the screens for the audience.
- James Holloway was selected from multiple candidates to be the new Heavy-Duty Mechanic. He has extensive experience, specialized training, including the WPI GET course, and supervisory experience for a large corporation.
- On June 18<sup>th</sup>, the PP5, Dennison, and Nunes wells were turned on. Then on the 24<sup>th</sup>, the Benz well was turned on. Combined, the wells are producing approximately 13.47 acre feet per day.
- The pipeline department has been working on a new C-900 line, turnout, and dissipator at the Gravel Pit recharge facility which is a CIP project.
- On July 11<sup>th</sup>, Brite Lake elevation was 4356.2', volume was 1265.5 acre feet, and depth was 30.2'.
- PP3 Engine 3 experienced pump assembly problems. Staff witnessed excessive vibration and water leaking from the mechanical seal, and immediately took the pump off-line. An inspection was done and there was a scored shaft, worn bushings, and mechanical seal damage. The pump was sent to Evan's Hydro for inspection. There were mechanical problems with the gearhead on PP3 Engine 1 and it was sent to Deran, Texas and a newly rebuilt gearhead was installed.
- The Controls and Emissions Technician has updated all the radios to the water well and recharge network. The older radios were no longer being manufactured.
- The pipeline crew has been working on two sections of the access road, transporting gravel and road base.
- Recruiting continues for a Pipeline Supervisor and staff looks forward to interviewing some qualified candidates.
- He reviewed the pictures attached to his staff report.

**Item 8. Conduct Public Hearing Regarding Adoption of Resolution 7-19, Determining Benefit Assessment for Tehachapi Watershed Project for Fiscal Year 2019-2020**

President's Opening Remarks:

President Pack stated this is a Regular Meeting of the Board of Directors for the purpose of considering Resolution No. 7-19. This resolution asks for a Benefit Assessment in the amount of \$106,000 for the maintenance, operation and installation of the Tehachapi Watershed Project in fiscal year 2019-2020. The public hearing was declared in session at 3:30 p.m.

Staff Report:

Catherine Adams, Board Secretary, stated that to obtain Federal funds for construction of the Tehachapi Watershed Project, the District had to assume full responsibility for the operation, maintenance, repair and replacement of all structural measures for the project pursuant to a maintenance agreement. Therefore, staff is proposing this Benefit Assessment to raise the \$106,000 to fulfill those responsibilities for the flood control facilities. Staff has reviewed all the zoning changes, parcel splits, changes of ownership, new construction and assessed values in Zone 1 to update the land use categories and factors for each parcel. In addition, a questionnaire was sent to each utility company to determine any changes in value to each utility owned property.

Ms. Adams then introduced the exhibits as follows:

Exhibit A: Declaration of Posting Notice- This notice was posted at Tehachapi City Hall, Golden Hills Community Services District, and Tehachapi-Cummings County Water District.

Exhibit B: Proof of Publication- This notice was published in two consecutive issues (July 3<sup>rd</sup> and July 10<sup>th</sup>) of the Tehachapi News.

Exhibit C: Written Report of Proposed Benefit Assessment for Tehachapi Watershed Project Fiscal Year 2019-2020. The report includes the calculations for each parcel as well as the proposed assessment for utility companies and property owners.

Ms. Adams stated the full report is available on the website within the posted Board Package and there is also one on the front counter for public viewing. She asked if there were any questions or comments.

Director Hall asked which facilities this assessment pays for. Mr. Neisler answered that the facilities are shown in the attachments and are Blackburn and Antelope Dams, the drainage control facilities above those two dams, and the outlet from Antelope Dam that goes over to Improvement District 3. Director Hall commented that there is an assessment district for Antelope Dam. Mr. Neisler clarified that is for a different purpose. He stated what Director Hall is referring to is Improvement District 2 (ID2) that the District dedicates funds to whereas this is an assessment. ID2 shows up on tax rolls and is not recalculated every year like this Benefit Assessment. ID2 is for the tract that is west Mountain Meadows and the main channel that runs from Summit Avenue over to ID3.

John Rombouts, a member of the public, stated he owns 28 acres in the far corner of the boundary line of the assessment district, and he wants to know how the assessment will affect the cost of his taxes and what benefit his property is getting from this. Mr. Neisler explained that this assessment has been in place since the mid-1980s when the flood control facilities were installed, and the assessment amount has remained at \$106,000 since then. The individual rates are calculated each year based on the assessment formula to adjust for changes in property values and vary slightly from year to year. The Benefit Assessment district encompasses all the properties that were removed from the flood plain by the installation of the flood control facilities. Every parcel in the district would be in the flood plain and would require flood insurance if it weren't in the Benefit Assessment district. He told Mr. Rombouts that if he can provide his parcel numbers, staff is willing to look up his property and give him the amounts for this year or he can reference his tax bill from last year and the new amount will be very similar.

Mr. Rombouts shared his thoughts on other topics related to the water industry and Mr. Neisler responded to his questions. He thanked the Board for his time and the Board thanked him for his interest and for coming.

a. (Close Hearing and Return to Regular Meeting)

President Pack asked if there were any further questions or comments on the Benefit Assessment. There being none, he declared the hearing closed at 3:56 p.m. and returned to the Regular Board meeting.

**Item 9. Accept Written Report and Adopt Resolution 7-19 Determining Benefit Assessment for Tehachapi Watershed Project for Fiscal Year 2019-2020**

Ms. Adams explained that this item is to consider and act on the resolution for the Benefit Assessment discussed in the hearing.

Director Cassil moved that the Board adopt the Written Report of Proposed Benefit Assessment for the Tehachapi Watershed Project for fiscal year 2019-20 and adopt Resolution No. 7-19 Determining Benefit Assessment to Finance Maintenance, Operation and Installation of the Tehachapi Watershed Project in fiscal year 2019-20. The motion was seconded by President Pack and it was carried on the following vote: Ayes: Cassil, Hall, Pack; Noes: None; Abstain: None; Absent: Schultz, Zanutto.

**Item 10. Adopt Resolution 8-19 Determining the Amount of Tax Required for Water Supply Contracts for Fiscal Year 2019-2020 and Establishing the Tax Rate**

Ms. Madenwald stated this item is done annually to set the State Water Project payment tax rate for the upcoming fiscal year, 2019-20. The calculation used to determine this rate is included as an attachment to the resolution and the amount is levied through an ad-valorem tax to cover the District's full cost of the State Water Project water. This year it has been determined that the rate levied will be 0.051333% of the assessed value of private property and it will generate approximately \$2.4 million during fiscal year 2019-20. As an example, for a home with an assessed value of \$200,000, the tax will decrease \$10 compared to the prior year (\$113 in 2018 to \$103 in 2019). This year the rate is slightly lower due to a need to spend down the reserve fund balance and thereby refund those monies to the taxpayers. The tax revenue is used exclusively to pay the District's financial obligations for the State Water Project per the invoices received from the Kern County Water Agency.

Director Cassil and Tina Cunningham asked questions to verify understanding of the information and Ms. Madenwald addressed those.

Director Hall moved that the Board adopt Resolution 8-19 setting the fiscal year 2019-20 tax rate for State Water Project payments. The motion was seconded by Director Cassil and carried on the following vote: Ayes: Cassil, Hall, Pack; Noes: None; Abstain: None; Absent: Schultz, Zanutto.

**Item 11. Provide Update on Disposition of APN 417-011-14**

Mr. Neisler stated this staff report was written and this item put on the agenda anticipating some action would take place and staff has not received any information from the applicant, so he requested this item be tabled until the information is received.

Mr. Alex Emdadi from Comprehend & Copy Nature stated that after last month's meeting he received information that the documents were so old that it would have to be sent to a different department. He was hopeful they would have the information to him by now, but it has not been completed.

President Pack thanked him for the update and stated they look forward to hearing the information at the next meeting.

**Item 12. Adopt Resolution 9-19, Establishing Purchasing Policies and Procedures**

Mr. Neisler stated that at last year's audit, the auditors made a recommendation that the District's Purchasing Policy be updated. The Purchasing Policy was last considered by the Board in October, 2010 and the Board adopted Resolution 20-10 at that time. The proposed revisions to that existing resolution are attached as Exhibit A and are shown in redline format. Primarily, it is an updating and refreshing of the existing policy to bring it in line with current practices. One of the requirements at that time was to



maintain a bidders list and the current practice is to open all our solicitations to anyone who is qualified. With the prevalence of the internet, it is now possible to get a much broader assortment of bidders than it was in the past.

The two most significant changes involve the credit card purchases and the General Manager's authority to approve purchases and contracts. With respect to credit card purchases, at the time this policy was instituted, the Board limited the amount of credit that was available to staff. Only the General Manager was issued a district credit card for all purchases. Things are done much differently today than they were done in 2010 with regards to internet purchasing. A wide variety of supplies can be purchased through internet vendors using the credit card.

In order to ensure operational control; the redline version of the policy shows that section has been expanded greatly in terms of internal control over purchases. It is also being recommended that additional cards be issued to the Business Manager and Operations Manager. Currently the only District credit card is in the General Manager's name and all purchases must go through him and that card. The thought is that the Business and Operations Managers are entrusted with the financial and operational stability of the organization and should be trusted with creditworthiness on behalf of the District to do these things themselves. It's suggested that the General Manager's card be used for Board expenses, travel and typical expenses that he would incur, or in the event of a catastrophic event. In an emergency there will need to be access to materials and equipment immediately which would require a credit card. There wouldn't be time to establish credit with new vendors or call in Directors to approve checks.

Currently, the General Manager's authority to purchase things without Board approval is \$10,000 and it is proposed to increase that to \$25,000. Attachment D is a discussion topic from CSDA that shows survey results from different agencies' purchasing authority limits that vary from \$5,000 to \$50,000. Purchases on the General Manager's card will be reviewed and approved by the Business Manager and the General Manager will do the same for the Business and Operations Manager. In addition, the Board approves the credit card payments monthly.

Mr. Neisler commended Ms. Madenwald on all the work she put into revising this policy and surveying current practices to incorporate into the policy. Legal counsel has reviewed the policy.

Director Cassil thanked Ms. Madenwald for the work she put into the policy. Since this item is for consideration of a policy, Director Cassil felt the Board should consider tabling it to be considered at a time when there are five Board members present. Director Cassil also pointed out that currently the Board does not receive a listing of the credit card expenditures with the Board package and she would like to see it added to the policy that Board members will have a chance to review the credit card expenditures. Mr. Neisler commented that the Board has the ability to review all the back up to every check issued at each Board meeting as he brings the box to each meeting and would be happy to pull the credit card statements for the Board to review. Director Cassil thanked him for that and added that it would be helpful to receive an expenditure list with the Board pack to review at home rather than have to come and ask for it each meeting. Director Hall asked how much time it would take to create a credit card expenditure list to go with the Board Pack. Mr. Neisler stated it would not take a significant amount of time and it can be done. Director Hall agreed it would be nice to see that. Director Cassil added that she is not suspecting anyone here is doing anything wrong, she just feels that as a Board member, there is an obligation of financial oversight.

President Pack asked if there were any other comments from the Board, staff or public, and there being none, the item was tabled until the next Board meeting.

**Item 13. Adopt Resolution 10-19, Implementing Tehachapi-Cummings County Water District Internal Controls Manual**

Mr. Neisler stated that based on the Board's decision to table Item 12, since this item is also a policy, he asked that the Board consider whether they would like to table this item before Mindy begins her presentation of it. Director Cassil agreed with Mr. Neisler and stated that along the same lines as before, she feels it would be best to consider this item when a full Board is present.

President Pack tabled Item 13.

**Item 14. Approve Memorandum of Understanding with City of Tehachapi Regarding Tree Planting within Existing Easements and On District Owned Property**

Mr. Neisler stated the City of Tehachapi (COT) has obtained a grant for almost \$900,000 for urban greening and tree planting. They are going to use that grant to plant about 400 trees and wish to plant some of those trees in the Antelope Run corridor. They are now to the design phase and within portions of that drainage facility, the District has granted the City pedestrian and bike path easements on District owned property. The City plans to plant trees within those easements. That is specifically allowed within those easement documents. There is a master agreement in place that covers the maintenance and operations of the Antelope Run facility. The District also owns property on which the bike path runs as well. The City desires to plant trees on this property and the extent of where that is going to be is not known yet. There are provisions in the master agreement that state if anything the City does interferes with the District's use or operation of the property, the City has to remove it within 30 days or the District has authority to remove it. The goal is that the District and the community get trees planted, irrigated, and maintained for the benefit of all. An added benefit of the trees is the root system will help with erosion control and they will add aesthetic and general lifestyle benefit.

This Memorandum of Understanding (MOU) is between the District and the City. It has been prepared by their counsel and reviewed by the District's counsel. It has a term of 20 years and can be extended. Staff recommends the Board approve the MOU.

President Pack asked if it's known why it costs this much to plant 400 trees. Mr. Neisler said he does not know the City's detailed numbers, but considering it's a grant, there are more administration costs, it would be prevailing wage work, the irrigation system is included with this estimated cost. These considerations drive up the cost.

Director Cassil asked if the City will be purchasing the water for these trees from the District. Mr. Neisler explained that the water for Antelope Run, which is fully irrigated at this time, is provided by the District at no cost to the City. Currently they use less than 1 acre foot per year, it is metered, and in the event the usage becomes a concern, the District has the authority to revisit the issue.

Director Cassil moved to approve the Memorandum of Understanding between the City of Tehachapi and Tehachapi-Cummings County Water District granting permission to plant and maintain trees on District owned property. The motion was seconded by Director Hall and carried on the following vote: Ayes: Cassil, Hall, Pack; Noes: None; Abstain: None; Absent: Schultz, Zanutto.

**Item 15. Provide Information on Jacobsen Reservoir Spillway Temporary Barriers**

Mr. Neisler stated that at the last Board meeting he provided an extensive presentation of the District's operations during this unsettled weather period, specifically on how the reservoir operated. At that time, he had described some earthen plug dams that had been put in place to allow the level of the reservoir to



rise above the lip of the spillway. The Board directed Mr. Neisler to provide a report this month on options to provide temporary spillway barricades. Mr. Neisler described three options to use.

- 1) Wooden weir structure that is included in the design of the original dam from 1972. The original weir structure itself had deteriorated over the last 50 years and now has been reconstructed and it is in place.
- 2) Earthen plug dam system. This has been used the last 3 years since the pumping target has been raised to 10,000 acre feet. This is a temporary dam built of dirt and plastic sheeting for protection. They are easy and inexpensive to construct. A second plug was built during the last rain event as back up.
- 3) Commercial, inflatable dam. This is a rubber tube that would be placed across the spillway and can be inflated with water or air. It is heavy and large enough to withstand water placed against it. It is a sizable piece of equipment, even when folded up, that would have to be stored. The costs vary but would be in excess of \$10,000.

Staff's preferred approach is to use the wooden weir structure as it is per design of the dam and construct an earthen dam plug for a failsafe.

Director Cassil commented that is an excellent plan and President Pack concurred. Director Hall asked if the weir boards are braced and staff confirmed they are secured with braces, as designed.

**Item 16. Update on Cummings Basin Westerly Recharge Project**

Mr. Neisler stated that Provost and Prichard is the consulting engineering company that the District's IRWM subregion has hired to shepherd the District's grant request through the DWR application process. DWR held a workshop in Fresno on June 25<sup>th</sup>. Jeff Eklund presented summaries of all seven projects. Staff was able to review and comment on the presentation prior to the meeting. Ms. Madenwald attended the meeting as Mr. Neisler was out of town for another function and she reported that Mr. Eklund did a great job and DWR staff responded favorably to his presentation. They have finalized the next step in the application process but have not provided the second application deadline. Mr. Neisler expects that sometime in the next two months.

As discussed at the last meeting, the geotechnical report has been received and the site is suitable for the recharge project. The appraisal report has been received and will be discussed in closed session next month at which time the Board can give the Real Property Negotiator direction on how to proceed.

**Item 17. Update on Cummings Valley Amended and Restated Judgement**

Mr. Neisler pointed out that he has a mistake in his staff report, it should say this was last discussed at the June 19<sup>th</sup> meeting. The District's counsel distributed the last version of the amended judgement to the parties who submitted comments and it is attached to the staff report for reference. The parties were Bear Valley Springs, Stallion Springs, Grimmway, CCI and SunSelect. Productive discussions have taken place with SunSelect to advance toward a solution to their concerns and just today Counsel and Mr. Neisler reviewed the lastest draft that should address their concerns. Details will be discussed in closed session.

The last time this went before the court was in the 1970s, so Counsel has begun drafting the paperwork. The next steps will be to incorporate the SunSelect comments, upon agreement, and draft a final Amended and Restated Judgement. Once a document that is sufficient to go before the judge is complete, staff will distribute that to all stakeholders, meet with the Ad-Hoc Committee, and conduct a stakeholder meeting to solicit comments and questions. If comments are adequately addressed at that meeting, staff will then come back to the Board and ask for authorization to move forward.



**Item 18. Discuss Options for Team Member Recognition**

Mr. Neisler stated that Director Cassil noted (at the last meeting) that the District has encountered an incredible amount of unusual circumstances this year. Mr. Neisler recounted those events and stated the Board graciously acknowledged those accomplishments and asked what the Board or management can do to recognize the team. One suggestion was a recognition letter from the Board. Mr. Neisler suggested a meal.

Director Cassil would like to see a very short notation of the goal that was set, the extraordinary work that was accomplished, and the benefit, whether it's food or something else, that was presented to staff members. She feels that management has a good understanding of what staff would appreciate for recognition. Mr. Neisler agreed with her suggestion and stated that could be accomplished.

Director Hall understands that the General Manager is restricted in what he can do for employees due to the public nature of the District, but the Board does support him recognizing employees for such occasions.

**Item 19. Direct General Manager to Cast Vote for CSDA Director**

Mr. Neisler stated this item is for the Board to direct him to cast a vote for the Central Network Seat B on the CSDA Board of Directors for the 2020-2022 term. The two candidates are Mr. Lorenzo Rios and Mr. Rick Webb. Their candidate information statements are attached as well as an email Mr. Neisler received from Mr. Rios requesting support. Mr. Neisler stated he does not have any personal knowledge of either candidate.

Director Cassil commented she has mixed emotions because she likes the idea of a local person from Rosamond to represent the District but on the other hand Mr. Rios appears to be better qualified.

President Pack moved to direct the General Manager to cast TCCWD's vote for CSDA Director, Seat B Central Network for Lorenzo Rios. Director Cassil seconded the motion. Director Hall stated he remembered Rick Webb and has talked to him and would prefer the vote go to him. Director Cassil rescinded her second and asked Director Hall to please tell the Board what he knows about Mr. Webb.

Director Hall stated that Mr. Webb came into the Community Services District after a problem and has managed it successfully. Mr. Neisler put Mr. Webb's candidate statement on the screen that was missing from the Board pack. Further discussion took place.

Director Hall moved that the Board direct the General Manager to cast TCCWD's vote for CSDA Director, Seat B Central Network, for Rick Webb. The motion was seconded by Director Cassil and carried on the following vote: Ayes: Cassil, Hall; Noes: Pack; Abstain: None; Absent: Schultz, Zanutto.

**Item 20. Approve Director's Attendance at CSDA Annual Conference**

At the last Board meeting Mr. Neisler mentioned the CSDA Annual Conference is coming up on September 25-28<sup>th</sup> in Anaheim. The registration information is attached to the staff report. California Law requires that an elected official's actual and necessary expenses be reimbursed for such an event, and their attendance must be approved by the Board in advance at a duly convened public meeting. Typically, it will cost no more than \$2,100 for a Director to attend the full conference.

Director Zanutto indicated to Mr. Neisler via email that he is not going to be able to attend. Director Cassil submitted a written statement that she cannot attend. President Pack stated he cannot attend either. Director Hall stated he does not feel it's a good use of the money and will not attend. Mr. Neisler

stated he will reach out to Director Schultz to see if he has interest in attending and if he does, he will consult President Pack on the next step.

**Item 21. Board of Directors Comments**

Director Hall asked where the earthquakes were happening west of here. Mr. Neisler stated it was the Mettler area and explained in more detail where the events were and their proximity to District facilities.

**Item 22. 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, Threat of litigation in June 19, 2019, letter from Tyra Hughley Smith, Esq.
- c. In Accordance with Exhibit C Attached Hereto, DWR v. All Persons Interested in Authorization of WaterFix Revenue Bonds et al.

The Board went into Closed Session at 5:14 p.m.

**Item 23. Return to Open Session**


The Board returned to Open Session at 6:56 p.m.

**Report Action Taken in Closed Session:**

- a. No action taken
- b. No action taken
- c. No action taken

**Item 24. Adjournment**

The meeting was adjourned at 6:56 p.m. on a motion made by Director Hall, seconded by Director Cassil and carried on the following vote: Ayes: Cassil, Hall, Pack; Noes: None; Abstain: None; Absent: Schultz, Zanutto.

  
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: \_\_\_\_\_



**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: \_\_\_\_\_  
Name of Case: \_\_\_\_\_  
\_\_\_\_\_
2. Anticipated Litigation: \_\_\_\_\_  
Gov. Code § 54956.9 (b): Threat of litigation in June 19, 2019, letter from Tyra  
Hughley Smith, Esq. \_\_\_\_\_  
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: \_\_\_\_\_