

## MINUTES

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
October 16, 2019 3:00 P.M.  
22901 Banducci Road, Tehachapi, CA 93561

- Item 1. Call to Order and Roll Call**  
**Directors Present:** Cassil, Hall, Pack, Schultz **Absent:** Zanutto  
**Staff in Attendance:** Catherine Adams, Troy DePriest, LaMinda Madenwald and Tom Neisler
- Item 2. Flag Salute**  
The Pledge of Allegiance was led by President Pack.
- Item 3. 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; Noes: None; Abstain: None; Absent: Zanutto.
- Item 4. Comments by any Party on Items of Interest and Within the Subject Matter Jurisdiction of the Legislative Body**  
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 September 18, 2019
  - 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. Director Schultz stated he would like to separate the two items and therefore removed Item b.
- Director Cassil moved to approve Item a. of the Consent Calendar. Director Hall seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack; Noes: None; Abstain: Schultz; Absent: Zanutto.
- Director Schultz explained he requested the items be separated so he could abstain from voting on the Minutes since he was not in attendance at the last meeting. Director Schultz moved to approve Item b. of the Consent Calendar. President Pack seconded the motion and it was carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz; Noes: None; Abstain: None; Absent: Zanutto.
- Item 6. General Manager's Report**  
Mr. Neisler reported on the following matters:
- He described the AccuWeather forecast map and predictions of normal weather for 2020.
  - During the loss of electricity, the office and system continued to run off generators and water deliveries continued.
  - Governor Newsom vetoed SB 1 and also a bill that would have required public agencies to keep records of every email for at least two years.

- Transfer agreements for both Table A and Lower Kern River water have been signed and approved by the KCWA. There is a total of 7,301 AF of water available for transfer this year. He will provide ID4 with a final figure by November 1, 2019.
- The final Table A allocation was 75% which equates to 14,475 AF for the District.
- On November 1<sup>st</sup>, the system will be cut back to two engines and then shut down on November 27<sup>th</sup> before Thanksgiving.
- The elevation of the reservoir is a little higher than preferred, but it should be at a good level by the end of the year.
- Discussions continue with the City of Tehachapi on the Imported Potable Recharge project and the basis for compensation for use of the District facilities is still being negotiated.
- There has been no resolution to the 1.82 acre parcel adjacent to the ID3 retention structure by the owners of the 55 acre subdivision project at the corner of Tucker and Highline. They are trying to work out the title issue.
- Kuhs & Parker plan to propose a rate increase at the November Board meeting. Mr. Neisler will distribute the information in advance to allow ample time for review prior to discussion at the meeting.
- The Directors are invited to a retirement luncheon for Rodney Michael on November 1<sup>st</sup>, at 12:00 p.m. and also to the WAKC Annual Meeting and Dinner at the Seven Oaks Country Club on November 12<sup>th</sup>. Details are attached to the Staff Report.
- Attached is an article from Western Water, titled "Recharging Depleted Aquifers No Easy Task..." that discusses current water issues and highlights how far ahead of the curve this District is. Everyone who lives in this district should be thankful to this Board and its predecessors for their vision.

Director Hall asked if there was any carryover of water into this year and Mr. Neisler responded there was about 40 AF and this year there will be about 800 AF to carry over in the San Luis Reservoir.

President Pack brought up that there is a National Weather Service wind advisory in effect for tomorrow. Mr. Neisler stated their website is showing 30-35 mph gusts but there has been no notification that this area is under consideration for a public safety power shutdown.

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

Mr. DePriest reported on the following matters:

- The Pipeline crew began sounding wells to collect annual in-house groundwater data.
- Mandatory emissions testing was done on eight engines total, two engines at each pumping plant, and all were in compliance.
- The second application submitted for grant funding, to cover some of the costs of the inundation mapping project, was selected for final review but was not awarded. Only 4 projects out of 100 were awarded.
- A leak on a mainline turnout was repaired at Turf Street. A cracked ductile iron reducer and spool were replaced.
- The system has been operating at 21.0 CFS, even through the days of power outages. The recharge facilities continue to operate efficiently at the programmed setpoints listed in the Staff Report.
- On October 9, 2019, Brite Lake elevation was 4,351.7', volume was 985.6 AF, and the level was 25.7'.
- The overhead crane replacement CIP project was completed at all four plants. Existing chain hoists were removed and replaced with two-ton Coffing JLC motorized hoists. P&J Electric completed the electrical work and also installed new yellow safety power cords (a suggestion from JPIA Risk Advisor).
- The Pipeline crew performed landscaping maintenance around J.C. Jacobsen Dam and installed rodent control stations at all dam and flood control facilities.

- Upgrades to the Public Water System continue as three new gate valves have been installed and preparations are being made to further upgrade the drinking water system.
- Staff has added road base to two locations on the pump plant access road.
- Mr. Rodney Michael, Lead Mechanic, will be retiring after 25 years of dedicated service. The District is actively recruiting a Heavy Duty Mechanic.
- Mr. DePriest announced his resignation and his last day will be November 1, 2019. He expressed his gratitude to the District and to Mr. Neisler as his leader and mentor. He accomplished many goals and objectives during his tenure including, meeting water production goals (10,000 AF in 10 months), implementing operational programs, recruiting exceptional qualified staff, and creating the Board Room and Conference Room facilities.

Director Cassil congratulated Mr. DePriest on keeping the pumping operations going during power outages and thanked him for all the difficult tasks he's accomplished and his service to this District. He thanked her and everyone gave him a round of applause.

Mr. Cappello expressed his gratitude on behalf of the land owners for keeping the water flowing during the power outages. He knows it is not a simple task and thanked everyone for their hard work.

**Item 8. General Manager's Report of Personnel Vacancies**

Mr. Neisler stated the District is losing two valued team members. Mr. Rodney Michael, Lead Mechanic, has been at the District for more than 25 years and his experience and expertise cannot be easily replaced. Mr. Neisler feels Mr. Michael has been performing the most difficult job in this District and has done an exemplary job. He will be greatly missed. Staff's intention is to hire another Heavy Duty Mechanic, not another Lead Mechanic. The plan will be to evaluate existing mechanics and the new mechanic over time to see who rises to the top and then determine who will be promoted to Lead Mechanic. Consequently, the Lead Mechanic position will be vacant on the Authorized Position List for the time being.

The second loss is Mr. Troy DePriest, Operations Manager. Mr. Neisler stated he has always told the team members he will not stand in the way of a person doing what's best for his family. Mr. DePriest will be relocating back to San Diego and has a great opportunity there. Recruiting has begun for the Operations Manager position and will be closing on October 25, 2019. Many applications have already been received and he hopes the District will be as fortunate as they were in finding Mr. DePriest.

He thanked Mr. Michael and Mr. DePriest for their service to the District as they have both been an integral part of what has been done here and he wishes them both the best in their future endeavors.

**Item 9. Authorize Influenza Vaccinations for TCCWD Staff**

Mr. Neisler stated that at last month's Board meeting, the Board directed staff to look into the feasibility of providing flu shots to employees at the District. He reviewed the information listed in the Staff Report for consideration. All employees can receive flu shots at no cost under the District provided health insurance plans. To have a vendor come to the District and provide vaccinations, there is a potential cost of \$360. An anonymous poll of 18 employees (out of 20) was conducted asking if they would participate in such a program and there were 2 "yes" votes and 16 "no" votes. Conducting a clinic would impact operations on that work day and some people may suffer side effects that could further impact operations.



Based on the information gathered and the results of the poll, Mr. Neisler does not believe such a program would be significantly beneficial or cost effective. However, should the Board desire, he will implement a program.

Director Cassil stated that this topic was her suggestion and she felt the survey was an excellent way to gather information. This research has shown there is no need for a flu shot program and she feels there is no need for further action. President Pack agreed.

**Item 10. Update on Revision of Lease with Tehachapi Recreation and Parks District for Brite Lake Recreation Area**

At last month's meeting, staff was directed to meet with TVRPD staff to work towards updating the operational agreement for the Brite Lake recreational facility. Mr. Neisler met with TVRPD's Interim General Manager, Corey Torres and Operations Manager, Bill Fisher. They used Mr. Neisler's list of discussion points contained in Attachment A of the Staff Report. Mr. Torres will present this list to his Board at their November meeting and Mr. Neisler will be in attendance.

Director Cassil asked for clarification on Attachment A, number 9, "non-human water contact". Mr. Neisler stated that is a typo and it should say "no human water contact" and thanked her for catching it.

Mr. Neisler stated the goal at this point is put a document together that can be reviewed by the Board. He is strongly urging that TVRPD's attorney prepare a lease amendment and at a staff level, the two districts would like to split the cost of this amendment 50/50.

Director Hall stated he is still interested in exploring the possibility of making snow on cold nights and requested that not be ruled out in the agreement.

**Item 11. Update on Cummings Valley Amended and Restated Judgment**

Mr. Neisler stated a stakeholders meeting was held on September 27, 2019 and Director Schultz and Director Zanutto attended as the Ad-hoc Committee. Director Cassil was in attendance in a listening role only and did not participate. A comprehensive update of the Amended Adjudication and Stipulation process was presented. There were 180 invitations sent out for the meeting and about 37 people attended. At the beginning of the meeting the response was a little negative however by the end, the overall response was positive. Since the meeting, 5 signed stipulations have been received, one being the largest agricultural customer, Grimmway Enterprises. Another stakeholders meeting will be held on October 22<sup>nd</sup> at 6:00 p.m. to accommodate people who were unable to attend the earlier meeting.

The Tehachapi News and The Loop both published nice articles after the meeting and those are attached to the Staff Report. Mr. Neisler made a presentation at the SSCSD Board meeting and their Board unanimously approved a resolution supporting the judgement and signing of the stipulation. The BVCSO will consider the stipulation at their November Board meeting and Mr. Neisler will attend. On October 7<sup>th</sup>, Directors Schultz and Cassil, and Mr. Neisler along with the District's attorneys, met with SunSelect president Reinhold Krahn and his attorneys. It was a lengthy and productive meeting in which SunSelect stressed they are encouraged to get to terms where they can support the Amended Adjudication. The District's attorneys drafted and sent a memo to SunSelect and they have already responded back.

A deadline of November 12, 2019 has been set for returning stipulations and staff is tracking all correspondence with pumpers. That is not a hard deadline, it was set to be able to report back to the Board at the November Board meeting.

Mr. Cappello asked if any of the discussions with SunSelect may result in substantive changes to the judgement. Mr. Neisler stated they will not. He added that in prior discussions with Grimmway, he noted that if any substantive changes do take place to the judgment before going to court, everyone will be notified and it will be acceptable for Grimmway to withdraw their signed stipulation if desired.

**Item 12. Update on Cummings Valley Westerly Recharge Project**

Mr. Neisler stated that since the last meeting, DWR continues to process the applications. Staff should hear something back from the DWR by the end of this year. Mr. Neisler and Mr. David Aranda, Stallion Springs GM, have been in close consultation. Mr. Aranda requested a legal description of the 15 acres and Mr. Neisler prepared that and a copy is attached to the Staff Report. Mr. Neisler attended the SSCSD Board meeting and was called into the Closed Session. Upon returning to Open Session, no action was taken in the Closed Session.

This item will be discussed further in Closed Session.

**Item 13. Board of Directors Comments**

Director Schultz commented that if a decision is made to create snow at Brite Lake, he would request a chain-link fence be installed to keep the people from entering neighboring private property.

Director Hall commented that he sees how overcrowded Water Canyon gets during the snow and how it is not a safe place to drive or sled. Local merchants may even see their business increase during those times. Mr. Neisler commented that one issue to think about is if there is no human contact allowed with the imported water, could that same imported water be used to make snow? There are some considerations that would have to be made.

Director Cassil pointed out that in the Agenda Item No. 11 Staff Report, it mentions that the two Ad-hoc Committee members will not be available to attend the October 22<sup>nd</sup> stakeholders meeting. Mr. Neisler thanked her for bringing that up as he overlooked it in his discussions of that item. He stated that since the time of writing that Staff Report, it has come to his attention that Director Zanutto will be available to attend so there will still be room for one more active participating Board member at the meeting. Director Hall expressed strong interest in attending the meeting and Director Cassil had no opposition to this. President Pack designated Director Hall to fill in the Ad-hoc Committee position in Director Schultz's absence.

**Item 14. 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)**

The Board went into Closed Session at 3:51 p.m.

**Item 15. Return to Open Session**


The Board returned to Open Session at 4:45 p.m.

**Report Action Taken in Closed Session:**

- a. No action taken.
- b. No action taken
- c. The Board directed the Real Property Negotiator to provide a revised purchase offer to SSCSD.

**Item 16. Adjournment**

The meeting was adjourned at 4:46 p.m. on a motion made by Director Hall, seconded by Director Cassil and carried on the following vote: Ayes: Cassil, Hall, Pack, Schultz; Noes: None; Abstain: None; Absent: Zanutto



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James Pack, Board President



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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: \_\_\_\_\_





**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.)**

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

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

1. Appointment: \_\_\_\_\_  
Title: \_\_\_\_\_
  
2. Employment: \_\_\_\_\_  
Title: \_\_\_\_\_
  
3. Performance Evaluation: \_\_\_\_\_  
Title: \_\_\_\_\_
  
4. Discipline/Dismissal/Release: \_\_\_\_\_

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

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