

## MINUTES

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

October 18, 2017

3:00 P.M.

21415 Reeves Street, Tehachapi, CA 93561

**Item 1. Call to Order and Roll Call**

Directors Present: Hall, Pack, Prel, Worden and Zanutto

Staff in Attendance: Lori Bunn, Troy DePriest, and Tom Neisler

Legal Counsel: Bernard Barmann

**Item 2. Flag Salute**

Pledge of Allegiance, led by Troy DePriest.

**Item 3. Approval of Agenda**

The agenda was approved as presented on motion made by Director Hall, seconded by Director Worden and unanimously carried. (Ayes: Hall, Pack, Prel, Worden and Zanutto; Noes: None; Abstain: None; Absent: None)

**Item 4. Comments by any Party on Items of Interest and Within the Subject Matter Jurisdiction of the Legislative Body**

Robert Schultz had questions and stated his concerns regarding groundwater levels in Cummings Valley. Mr. Neisler responded to his questions and discussion took place.

**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 Meeting of September 20, 2017;
- b. Approve Financial Report and Payment of Bills
- c. Accept Steuber Well Waterline Easements and Authorize President and Secretary to Execute

President Zanutto asked if there were any items the Board members, public or staff would like to pull for discussion. Mr. Wyman asked to have Item 5 c. pulled for discussion.

President Zanutto stated that if there were no objections, Item 5 a. Minutes of the Regular Meeting of September 20, 2017 and Item 5 b. Financial Report and Payment of Bills would be adopted. There being no objections, Item 5 a. and Item 5 b. were adopted.

Item c.: Mr. Wyman had questions and made comments regarding the indemnifications and maintenance responsibilities contained in the easement agreement. Mr. Neisler responded to Mr. Wyman's comments. After discussion, Director Hall made a motion to Accept Steuber Well Waterline Easements and Authorize President and Secretary to Execute. The motion was seconded by Director Worden and carried on the following vote: Ayes: Hall, Pack, Prel, Worden and Zanutto; Noes: None; Abstain: None; Absent: None.

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

Mr. Neisler reported on the following matters during the Board meeting:

- Mr. Neisler thanked the Board members for attending the Team TCCWD picnic;
- Peak pumping season is coming to an end. He said he was amazed by what the TCCWD Team accomplished this year. He said the District made use of 23,000 acre feet of water this year. details will follow under agenda Item 12;
- The CA WaterFix is on the agenda under Item 14 a.;
- Local Water Supply: The reservoir held 590 acre feet of water on October 13. Recharge efforts are being maximized and expanded;
- Regardless of the 2018 SWP allocation, the District will be in a position to import a sufficient supply to meet the demand and recharge targets for 2018;
- The Board is being asked to ratify an exchange agreement for the District's 2017 Table A allocation that is beyond our importation capacity;
- Mr. Neisler reviewed a press release from DWR Re: Lake Oroville Flood Capacity Operation;
- San Luis Reservoir remains at 81% capacity. Mr. Neisler reviewed details of the reservoir operation, SWP pumping operations, and the Federal pumping operations;
- Fall well sounding is taking place. Preliminary results indicate a wide variance in water level changes;
- Despite weather-related challenges, staff was able to meet production estimates. Staff is working on expanding recharge areas in the Cummings Basin and Tehachapi Basin. These changes will allow more operational flexibility and will allow the District to bank additional supplies;
- Valley Oaks Charter School will be visiting the District on October 23, 2017;
- Project WET will take place on Tuesday, October 24. Currently there are 33 teachers registered;
- Mr. Neisler is scheduled to make a presentation to the GHCSB Board on October 19 regarding the Steuber Well Project and the Joint Agencies Agreement;
- Kern Water Bank anniversary luncheon is scheduled for 11:00 on Friday, October 20. Board members were invited to attend;
- A Cummings Valley Stakeholders meeting took place on October 17, 2017;
- Reported on several management vacancies at local agencies. Mr. Neisler has offered support.

Director Hall asked about the Kern Water Bank luncheon. Mr. Neisler provided the date, time and location of the luncheon.

President Zanutto had questions regarding removal of debris from the screen at the joint turnout with Wheeler Ridge. Mr. Neisler provided information and answers to his questions.

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

Mr. DePriest reported on the following matters during his Operations Manager's Report:

- The imported water system continues to run well at 14 cubic feet per second;
- Wind damage occurred on October 9, 2017. As a result of the wind, debris accumulated near the joint turnout on the aqueduct. Due to hard work, staff was able to keep the system running as planned;
- Groundwater recharge operations continue, planning to meet or exceed the recharge goals this year;
- The well sounding process has begun to gather data for the groundwater management program;
- Mr. DePriest reported details of the work done on the 8" waterline for the Pilot Travel Center;
- Installed turnout for the Flying J Truck Stop to provide irrigation water to the new facility;
- The September SWP imported water total was 1,133 acre feet; 67 acre feet short of the goal of 1,200 AF, due to a decrease in suction pressure at Plant 1;
- Brite Lake elevation was 4,344.1 on October 12, 2017, with a lake volume of 585 AF;
- A Risk Management inspection was conducted by Lee Patton of ACWA/JPIA. Properties inspected were in excellent condition with all safety requirements met;
- Currently replacing some of the floor gratings at Pump Plant 1;
- Monitoring of emissions levels continues, with adjustments being made as needed;
- Work on expanding recharge capabilities continues. A surveyor was hired to locate the corners of the 19-acre recharge facility in Cummings Valley and the Kinder-Morgan gas line easement. The gravel pit recharge is performing well and staff continues to monitor it;
- Progress is being made on the Board Room Remodel Project. There was a delay due to Kern County permitting requirements;
- Preparing off-season work schedule to include maintenance to the engines, pumps, facilities and system. TCCWD staff continue to work hard to meet pumping, delivery and recharge goals;
- Mr. DePriest described pictures included in the written report.

Director Worden asked how long the delay would be in completing the Board Room. Mr. DePriest said completion may be delayed by two weeks.

Mr. Wyman had questions regarding the repair work on the waterline for the Pilot Travel Center and reimbursement to the District for the repairs made. Mr. Neisler provided details of the repair.

**Item 8. Conduct Public Hearing and Adopt Ordinance No. 2017-2, Increasing Director's Compensable Service Days, Pursuant to Water Code section 20203, the Board Must Hold a Noticed Public Hearing before Adopting an Ordinance Authorizing More than Six Monthly Compensable Days for Directors**

President Zanutto said this is a regular meeting of the Board of Directors and a public hearing for the purpose of considering Ordinance No. 2017-2. This ordinance increases the number of meetings for which a director may be compensated from 6 days to 10 days each month. President Zanutto declared the public hearing open at 3:45 p.m.

President Zanutto asked the General Manager for the Staff Report.

Mr. Neisler asked the Secretary if the Declaration of Posting Notice and Proof of Publication were received and included in the Board package. The Secretary responded, yes. Mr. Neisler then reviewed the written report.

President Zanutto opened the floor for comments.

Mr. Wyman commented and said he did not see any reason given in the report to make this change.

Director Hall made comments about the reasons he felt this change was needed.

The hearing was closed at 3:50.p.m. and the Board returned to the regular meeting.

Director Hall made a motion to adopt Ordinance No. 2017-2. The motion was seconded by Director Worden and roll call was taken on the vote: Ayes: Hall, Pack, Prel, Worden; Noes: Zanutto; Abstain: None; Absent: None.

**Item 9. Report on 2017 CSDA Annual Conference**

Mr. Neisler reported that LaMinda Madenwald attended the CSDA Conference from 9/26/2017 through 9/28/2017. Her written report was provided to the Board.

Director Worden and Director Prel both gave reports at the Board meeting on seminars and workshops they attended while at the CSDA Conference. Both directors said the conference was beneficial.

**Item 10. Approve Letter of Support for California Water Fix**

A letter of support was drafted by Tom Neisler and he read the letter to the Board

President Zanutto expressed concern about the District participating in gap funding. Mr. Neisler said that the reference to gap funding could be removed from the letter.

After discussion, Director Hall made a motion to approve the letter of support for the California WaterFix, as amended, and the District's intent to participate and authorize the General Manager to execute same. Director Worden seconded the motion and it was carried on the following vote: Ayes: Hall, Pack, Prel, Worden, Zanutto; Noes: None; Abstain: None; Absent: None.

**Item 11. Ratify Exchange Agreement with ID4 for a Portion of 2017 Table A Allocation**

Mr. Neisler explained the purpose of this item is to ratify an agreement with Improvement District No. 4 to exchange TCCWD 2017 Table A water for ID4's Safe Water Project supplies, previously banked water in the Kern Water Bank or other supplies available to ID4. Under this agreement, the District will bank up to 6,000 acre feet of water that we are unable to import this year in exchange for an equal quantity to be retained by ID4.

President Zanutto made a motion that the Board ratify the agreement between Improvement District No. 4 and the District as executed by the General Manager and dated October 13, 2017. Director Hall seconded the motion and it was carried by unanimous vote: Ayes: Hall, Pack, Prel, Worden, Zanutto; Noes: None; Abstain: None; Absent: None.

**Item 12. Report on 2017 System Operations**

Mr. Neisler reviewed the information and data provided in the staff report for the update on system operations. His report included information on:

1. Imported Water Supply
2. Imported Water Delivered Into System
3. TCCWD Well Pumping
4. Total In-District Supply
5. Water Delivered to Customers
6. Recharge Operations

President Zanutto asked if the two-month off-season would allow staff enough time to complete the off-season maintenance. Mr. Neisler described the efforts made to allow staff to complete the maintenance tasks during the two-month time period.

George Cappello complimented District staff for the outstanding job in getting all of the water imported. Mr. Cappello also expressed his appreciation for the opportunity to try to help out with the carryover water. Mr. Neisler responded to Mr. Cappello's comments.

**Item 13. Authorize Fulfilling Interim Water Banking Agreement Requested Amounts for Cummings Valley**

Mr. Neisler reviewed the actions taken by the Board on December, 20, 2016, approving three Interim Water Banking Agreements in Cummings Valley for Bornt Equipment Leasing, SunSelect Produce (California) and Cummings Valley Farms. He also reviewed the action taken at the April 19, 2017 meeting, directing that no water be assigned to these agreements, and staff report back in the fall. Mr. Neisler reported that none of the Interim Water Banking Agreements have been fulfilled to date for 2017. The deadline to request banked water for 2017 delivery is November 1, 2017 under the existing agreements. New IWBA's will be considered at the regular meeting on December 20, 2017 for the 2018 calendar year.

After discussion, Director Hall made a motion that no imported water be utilized for 2017 deliveries under the Interim Water Banking Agreements for Agricultural Customers in the Cummings Valley. The motion was seconded by Director Pack and carried on the following vote: Ayes: Hall, Pack, Prel, Worden and Zanutto; Noes: None; Abstain: None; Absent: None.

**Item 14. Closed Session:**

- a. In accordance with Exhibit A Attached Hereto, DWR v. All Persons Interested in Authorization of Water Fix Revenue Bonds et al.
- b. In accordance with Exhibit B Attached Hereto, Kern County Superior Court Case 97209, Tehachapi-Cummings County Water District vs. Frank Armstrong et al.
- c. In accordance with Exhibit C Attached Hereto, Performance Evaluation

The Board went into Closed Session at 5:04 p.m.

Item 15. Return to Open Session

The Board returned to Open Session at 5:58 p.m.

a. Report Action Taken in Closed Session:

1. In Accordance with Exhibit A Attached Hereto, DWR v. All Persons Interested in Authorization of Water Fix Revenue Bonds et al.

President Zanutto reported that there was no reportable action taken.

2. In Accordance with Exhibit B Attached Hereto, Kern County Superior Court Case 97209, Tehachapi-Cummings County Water District vs. Frank Armstrong et al.

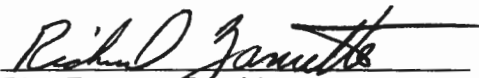
President Zanutto reported that there was no reportable action taken.

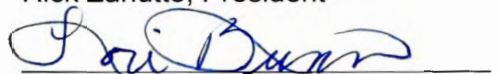
3. In accordance with Exhibit C Attached Hereto, Performance Evaluation of General Manager

President Zanutto reported that there was no reportable action taken.

Item 16. Adjournment

The meeting was adjourned at 6:02 p.m. on a motion made by Director Hall, seconded by Director Worden and unanimously carried. Ayes: Hall, Pack, Prel, Worden and Zanutto; Noes: None; Abstain: None; Absent: None.

  
Rick Zanutto, President

  
Lori Bunn, Secretary

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

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

Description of Property: \_\_\_\_\_

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 Water Fix 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: \_\_\_\_\_

Unrepresented Employee: \_\_\_\_\_

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

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

Description of Property: \_\_\_\_\_

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

CLOSED SESSION ITEM DESCRIPTIONS

(Gov. Code § 54954.5)

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

Description of Property: \_\_\_\_\_

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): \_\_\_\_\_  
Gov. Code § 54956.9 (c): \_\_\_\_\_

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

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

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

Agency Negotiator: \_\_\_\_\_  
Employee Organization: Not applicable  
Unrepresented Employee: \_\_\_\_\_