

## MINUTES

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

September 20, 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, LaMinda Madenwald and Tom Neisler

**Legal Counsel:** Bernard Barmann

**Item 2. Flag Salute**

Pledge of Allegiance, led by President Zanutto.

**Item 3. Approval of Agenda**

The agenda was approved as presented on motion made by Director Hall, seconded by Director Pack 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**

Director Worden asked if any of the tax-defaulted properties were of interest. Mr. Neisler said there were no properties of interest. No other comments were made.

**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 August 16, 2017 and the Special Meeting of September 6, 2017
- b. Approve Financial Report and Payment of Bills
- c. Approve Consent to Sale of Certain Tax-defaulted Properties

President Zanutto asked if there were any items the Board members, public or staff would like to pull for discussion. President Zanutto said he would like to pull Item 5a, Minutes of the Regular Meeting of August 16, 2017.

President Zanutto stated that if there were no objections, the Item 5a Minutes of the Special Meeting of September 6, 2017, Item b. Financial Report and Payment of Bills and Item c. Consent To Sale of Certain Tax-defaulted Properties would be adopted. There being no objections, Item a Minutes of the Special Meeting of September 6, 2017, Item b and Item c were adopted.

President Zanutto said he pulled the minutes of the Regular Meeting of August 16, 2017 because he was not present and he would have to abstain from the vote. The Minutes of the Regular Meeting of August 16, 2017 were approved on motion made by Director Worden, seconded by Director Hall and carried on the following vote: Ayes: Hall, Pack, Prel and Worden; Noes: None; Abstain: Zanutto; Absent: None.

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

Mr. Neisler provided a written report to the Board and reported on the following matters during the Board meeting:

- Pictures of the Board Room Remodel Project were provided;
- Significant time is being spent on the California Water Fix;
- Pumping season is winding down. Mr. Neisler acknowledged the TCCWD staff for the tremendous work done this year;
- The reservoir held 599 acre feet of water in storage on September 15;
- The District will import more than 10,000 acre feet of water this year. Imported water operations will return to a two-engine system on October 2, 2017 and will continue operating a 2-engine system until the end of November;
- Working to finalize an agreement for 2017 Table A carryover water;
- San Luis Reservoir is at 89% capacity. The only capacity remaining is Federal capacity;
- The Oroville Spillway improvements are ahead of schedule for a November 1 completion date for this year's work. Cost to date is \$265 million. These costs were not included in the 2018 payment schedule;
- The Board Room Remodel Project is ongoing;
- Emissions testing was completed;
- Pump issues have been encountered. Troy DePriest will give a detailed report on this;
- Staff is looking at opportunities to expand the District's recharge capacity. Additional information will be provided by Troy DePriest;
- The Division of Safety of Dams conducted inspections of the Antelope, Blackburn and Jacobsen Dams. All three dams were found to be without defect and rated for full capacity. However, the DSOD reclassified the risk level to "high." Mr. Neisler explained that the risk level is not a function of the dam's condition, but of the potential downstream risk in the event of a dam failure. Staff will monitor any changes to the liability coverage costs;
- Mr. Neisler reminded the Board about the TCCWD Safety Picnic on Friday, September 22;
- Mr. Neisler reported that he reached out to the Interim General Manager at GHCSO and offered his assistance with the transition;
- A meeting is scheduled tomorrow morning with the City to discuss projects of interest to both organizations;
- An invitation to a luncheon celebrating 20 years of operation of the Kern Water Bank is scheduled for October 20. Board members were invited to attend;
- The CSDA Annual Conference is next week and will be attended by Director Prel, Director Worden and Mindy Madenwald.

#### **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 operate at the rate of 19.7 cubic feet per second, decreased from 21 cubic feet due to an increase in suction pressure;
- Monitoring of the aqueduct turnout has been increased due to dredging work and excessive debris on the bar screen;

- Continuing to work with the City of Tehachapi and construction personnel on the Flying J Truck Stop;
- Entering the end of the high use period for the farming and irrigation customers and now maximizing groundwater recharge areas to increase reservoir storage capability;
- On August 29, there was a pump failure at Pump Plant 3, Engine 4. The pump was replaced with a newly refurbished pump. On August 30, the crew replaced a pump at Pump Plant 4, Engine 2, due to poor performance. Both pumps were sent to Evans Hydro for maintenance and inspection on August 31;
- Annual source testing was conducted the week of August 21-August 25 at Plants, 1, 2, 3 and 4. Aeros Environmental and EnviroTech Consultants were used as third party observers. All engines tested met emissions requirements set by the California Air Resources Board and San Joaquin Valley APCD and Eastern Kern County APCD;
- Reported on electrical damage incurred due to lightning strikes;
- The August SWP imported water total was 1,247 acre feet, which exceeded goal by 47 acre feet;
- On September 14, the Brite Lake elevation was 4, 344.4 and the lake volume was 599 acre feet.
- Pipeline crew finished the Tejon Creek road crossing, beginning two projects to expand recharge capabilities. Adding 4 acres to the 19 acre site in Cummings Valley and pumping water into the gravel pit recharge, which is south of Mountain Valley Airport;
- The system was down temporarily on September 10 due to power surges relating to the damages to the controls equipment due to the lightning strikes. The gas meter was replaced at Pump Plant 1 at the same time;
- Reviewed pictures provided in the written report;
- Webb Builders began work on the Board Room Remodel Project on September 6, 2017.

President Zanutto asked with the increase of four acres to the recharge site, would it add an additional 50 acre feet per year. Mr. Neisler said it would be less than that.

Director Hall asked a question regarding the number of hours left on the permits for operating the engines at Pump Plant 2 and 3. Mr. Neisler responded to his question and explained how the permits worked.

Mr. Wyman asked a question about the dam safety status. He asked if the DSOD differentiated between detention basins and retention basins. Mr. Neisler responded that the State considers them to be dams, due to the maximum capacity.

**Item 8. Review of Reserve Funds for Flood Control Facilities**

At the request of the Board, Ms. Madenwald prepared a written staff report and conducted a comparative analysis of TCCWD's reserve policy for the flood control facilities repairs and replacement, using five public agencies referred by JPIA. Ms. Madenwald reviewed this information and discussion took place. No action was required.

**Item 9. Review of Director's Compensation**

Director Worden began the discussion on this matter. Mr. Barmann advised the Directors on the procedure and requirements for making changes to compensation and the number of service days per month. He said the maximum increase in compensation is 5% per year since last increase and the maximum service days per month are 10. All must be done by an ordinance adopted, pursuant to the particular statute requirements.

Director Worden asked if the compensation and service days were considered separately. Mr. Barmann said it could be either one or both.

Directors were asked for their thoughts on increasing compensation and service days. An informal poll was taken of the Board members on the following:

1. Question of Increasing Compensation by 5%  
Ayes: Hall      Noes: Pack, Prel, Worden Zanutto
2. Question of Increasing Meetings to 10 Per Month  
Ayes: Hall, Prel and Worden      Noes: Pack and Zanutto

After discussion, Staff was directed to prepare an ordinance to increase the number of service days from six to ten per month and publish a public notice, as required, for a hearing to consider this ordinance at a public hearing at the regular meeting on October 18, 2017.

Director Worden made the motion to increase the number of service days to 10 per month. The motion was seconded by Director Hall and carried on the following vote: Ayes: Hall, Prel and Worden; Noes: Pack and Zanutto; Abstain: None; Absent: None.

Comments were made by Mr. Wyman regarding this matter.

**Item 10. Review of Pipeline Inspection Report**

Mr. Neisler reviewed the details of the pipeline inspection report including the condition assessment, recommended repairs and life-cycle analysis. Mr. Neisler summarized the results of the inspection report and said that staff concluded that report is positive and the assurance provided was worth the cost of the project. He added that staff also concluded that no major/significant pipeline replacement costs need to be included in the proposed ten year Capital Improvement Plan. Some discussion took place, but no action was required.

**Item 11. Review of Prop. 84 Grant Amendment**

Ms. Madenwald reviewed the staff report provided to the Board. She reviewed the background of the grant project and explained that after review and analysis by staff, the District decided to approach the DWR with a request to expand the scope of the project. Staff approached the local agencies and asked them to consider public facilities that might benefit from the program. TVRPD responded positively to a plan for improvements to public restrooms. Staff has prepared and submitted a response to KWBA with the District's proposed amendment to expand the direct install program.

Ms. Madenwald said that pending approval by DWR, revenue and expenditure projections for Fund 84 in the 2017-18 budget will increase by approximately \$200,000, respectively.

This item was for discussion only. No action taken.

**Item 12. Approve Joint Agencies Agreement and Appoint Representatives to Coordinating Committee**

Mr. Neisler reviewed this project and explained the purpose of this staff report was to approve a joint agencies agreement for water supply coordination in the Tehachapi Valley and to appoint two representatives to serve on the coordinating committee that will provide recommendations on future facilities. Discussion took place at this time and after it was complete, President Zanutto

made a motion that the Joint Agencies Agreement for Water Supply Coordination in the Tehachapi Valley be approved and that the Board President be authorized to execute same. President Zanutto also made a motion to appoint Tom Neisler and Troy DePriest as TCCWD representatives to the Coordinating Committee established under said agreement. The motions were seconded by Director Worden and carried on the following vote: Ayes: Hall, Pack, Prel, Worden and Zanutto; Noes: None; Abstain: None; Absent: None.

**Item 13. Accept Bids and Authorize General Manager to Execute Contract for Roof Repair**

Troy DePriest addressed this item with the Board. He reviewed the bid process and the bid Summary. The low bidder for the project was Jake's Roofing and Coatings, Porterville with a bid of \$14,000.

Director Hall made a motion that the Board authorize the General Manager to execute a contract for the roof repair and coating with Jake's Roofing and Coatings, Porterville for \$14,000. The motion was seconded by Director Pack and carried with a unanimous vote: Ayes: Hall, Pack, Prel, Worden and Zanutto; Noes: None; Abstain: None; Absent: None.

**Item 14. California Water Fix Workshop**

Mr. Neisler gave a briefing on the California Water Fix, which was based on the California Water Fix Overview.

After the briefing, discussion took place and comments were made by Rob Schultz and George Cappello. No action was required.

**Item 15. 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.**

The Board went into Closed Session at 6:53 p.m.

**Item 16. Return to Open Session**

**a. Report Action taken in Closed Session**


The Board returned to Open Session at 7:24 p.m.


- a. Exhibit A, DWR v. All Persons Interested in Authorization of Water Fix Revenue Bonds et al.; President Zanutto reported that no reportable action was taken in Closed Session.

Exhibit B, Kern County Superior Court Case 97209, Tehachapi-Cummings County Water District vs. Frank Armstrong et al.; President Zanutto reported that no reportable action was taken in Closed Session.

**Item 17. Adjournment**

The meeting was adjourned at 7:25 p.m. on a motion made by Director Hall, seconded by President Zanutto 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: \_\_\_\_\_

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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): \_\_\_\_\_

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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: \_\_\_\_\_