



Board of Directors

David A. Wells
President

Barry M. Jameson
Vice President

Gary J. Morris
Scott D. Niblett
Bo J. Bravo

Greg A. Hammett
General Manager

Sanjay "Sunny" Kapoor
Director of Finance

DUE TO THE COVID-19 RESTRICTIONS THIS DISTRICT BOARD ROOM WILL BE CLOSED TO THE PUBLIC. MEMBERS OF THE COMMUNITY MAY ATTEND AND PARTICIPATE TELEPHONICALLY BY DIALING THE FOLLOWING TELEPHONE NUMBER OR BY THE ZOOM LINK.

PHONE: 1-669-900-6833
MEETING ID: 853-5456-1955
ACCESS CODE: 335514

ZOOM LINK:

<https://us06web.zoom.us/j/85354561955?pwd=Witub084RkdySOJpdW9BbHdXZ1Bpdz09>

**NOTICE OF THE
REGULAR MEETING OF THE
BOARD OF DIRECTORS
OCTOBER 25, 2022
5:30 P.M.
DISTRICT BOARD ROOM**

AGENDA

"Pursuant to Government Code section § 54957.5, any materials relating to an open session item on this agenda, distributed to the Board of Directors after the distribution of the agenda packet, will be made available for public inspection at the time of distribution at the following location: West Kern Water District, 800 Kern Street, Taft, CA."

- I. **CALL TO ORDER**
- II. **FLAG SALUTE**
- III. **ROLL CALL/DETERMINATION OF A QUORUM**
- IV. **ADOPTION OF ALTERNATIVE TELECONFERENCING REQUIREMENTS**
 1. Discussion and Appropriate Action Regarding:
Utilizing Alternative Teleconferencing Requirements During a State of Emergency Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361. The Board will be required to determine that:
(a) The proclaimed state of emergency arising from COVID-19 continues to exist. (b) The state of emergency continues to directly impact the ability of the Board Members to meet safely in person.
- V. **CONFLICT OF INTEREST STATEMENTS**
- VI. **PUBLIC COMMENT**

Public Comment to address any subject of District business which may not be on the Agenda. Comments may be limited to three (3) minutes per person.

**VII. DISCUSSION AND APPROPRIATE ACTION REGARDING:
APPROVAL OF AGENDA**

The agenda is to be approved as presented, subject to review by the Board. The Board may change the order in which agenda items are discussed to accommodate scheduling or other needs of the Board, the public or meeting participants. Members of the public are encouraged to arrive at the commencement of the meeting to ensure that they are present for Board discussion of all items in which they are interested. The Board may add items to the agenda only as provided by Government Code section 54954.2.

**VIII. DISCUSSION AND APPROPRIATE ACTION REGARDING:
APPROVAL OF MINUTES**

- A. September 27, 2022 Regular Board Meeting

IX. CONSENT AGENDA

Items listed on the Consent Agenda are routine and non-controversial by staff and will be approved by one motion if no member of the Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Board concerning the item before action is taken.

- i. Discussion and Appropriate Action Regarding:
District's Training Report
- ii. Discussion and Appropriate Action Regarding:
Operations Department
- iii. Discussion and Appropriate Action Regarding:
Cash Flow for September, 2022
- iv. Discussion and Appropriate Action Regarding:
Capital Improvement Budget Comparison and Equipment Procurement
- v. Discussion and Appropriate Action Regarding:
Safety Meeting and Project Report

X. DISCUSSION & APPROVAL OF ITEMS PULLED FROM CONSENT AGENDA

XI. COMMITTEE REPORTS

- A. **WATER RESOURCES COMMITTEE.....10/18/22**
(Niblett, Wells)
 - 1. Discussion and Appropriate Action Regarding:
Water Supply Report
 - 2. Discussion and Appropriate Action Regarding:
General Manager Report

B. ADMINISTRATION COMMITTEE.....10/20/22
(Jameson, Niblett)

1. Discussion and Appropriate Action Regarding:
Policy Review - Director's Manual
2. Discussion and Appropriate Action Regarding:
Resolution 22-04 - Authorizing the Filing of Pre-Application
with the County of Kern, Planning and Natural Resources Department
for a Community Development Block Grant FY 2023-24, South Taft Water
System Improvements Phase IV
(Roll Call Vote)
3. Discussion and Appropriate Action Regarding:
West Kern Water Revised Water Rate Study of October 18, 2022
Addendum to Table 4-2: Proposed Rate Schedule
4. Discussion and Appropriate Action Regarding:
Regular Board Meetings of November & December 2022

C. FACILITIES DEVELOPMENT COMMITTEE.....10/19/22
(Jameson, Bravo)

1. Discussion and Appropriate Action Regarding:
South Taft Water Improvements Phase IV-
File Notice of Completion
2. Discussion and Appropriate Action Regarding:
Well NW4 Repair, Job #22-6501
3. Discussion and Appropriate Action Regarding:
Well NW1 Rehabilitation, Job #22-6500
4. Discussion and Appropriate Action Regarding:
Well NW3 Rehabilitation, Job #22-6202

D. FINANCE COMMITTEE.....10/18/22
(Morris, Bravo)

1. Discussion and Appropriate Action Regarding:
Accounts Payable for October, 2022

E. PERSONNEL COMMITTEE.....10/17/22
(Wells, Morris)

1. Discussion and Appropriate Action Regarding:
Update on Implementation of Infectious Disease
Control Policy and Business Continuity during
COVID-19 Pandemic

XII. INFORMATION ITEMS

No items to discuss.

XIII. ISSUES OF CONCERN

- A. NOVEMBER 2022 MEETING CALENDAR
Review meeting calendar
- B. POTENTIAL ISSUES TO BE ADDRESSED AT NEXT BOARD MEETING
Determination of potential topics to be addressed at next meeting
- C. BOARD OF DIRECTOR ANNOUNCEMENTS OR REPORTS
Directors may report on their activities during the month
- D. GENERAL MANAGER'S REPORT
Oral Presentation may be made
- E. MANAGEMENT STAFF REPORT
Oral Presentation may be made
- F. KERN GROUND WATER AUTHORITY ISSUES
General Manager will report on current issues
- G. ATTORNEY REPORT
Oral Presentation will be made

XIV. CLOSED SESSION

- 1. Discussion and Appropriate Action Regarding:
Government Code, § 54956.9(d)(1)
Conference with Legal Counsel
Existing Litigation: 3 Cases
 - A. Rosedale-Rio Bravo WSD et al. v. KCWA et. al.;
Kern county Superior Court Case No. BCV-21-10418
 - B. Kern Water Bank Authority vs. Kern Local Agency Formation Commission
Kern County Superior Court Case No. BCV-21-101310
 - C. Kern Water Bank Authority, et al. v. Buena Vista Water Storage District, et al.; Kern County Superior Court, Case No. BCV-22-101227-KCT
- 2. Discussion and Appropriate Action Regarding:
Government Code, § 54956.8
Conference with Real Property Negotiator
Description of Property: Water
Agency Negotiator: Greg Hammett, General Manager
Negotiation Parties: West Kern Water District &
Buena Vista Golf Course
Under Negotiation: Price and Terms

XV. ADJOURNMENT

DRAFT

WEST KERN WATER DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

Minutes - Board of Directors
Tuesday, September 27, 2022

800 Kern Street
Taft, California

*Directors Present: David A. Wells
Barry Jameson
Gary J. Morris
Scott Niblett
Bo Bravo*

Ex-Officio Officer: Greg A. Hammett, General Manager/Secretary

District Counsel: Alex Dominguez

Recording Secretary: Deann Crabtree

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL/DETERMINATION OF A QUORUM

President, David A. Wells called the meeting to order at 5:30p.m. Administrative Assistant, Deann Crabtree called roll and noted that President Wells, Vice President Jameson, Director Niblett, Director Morris and Director Bravo were present.

IV. ADOPTION OF ALTERNATIVE TELECONFERENCING REQUIREMENTS

1. Discussion and Appropriate Action Regarding:
Utilizing Alternative Teleconferencing Requirements During a State of
Emergency Pursuant to Government Code Section 54953, as Amended
by Assembly Bill 361. The Board will be required to determine that:
(a) The proclaimed state of emergency arising from COVID-19
continues to exist. (b) The state of emergency continues to directly
impact the ability of the Board Members to meet safely in person.

*Upon Motion by Vice President Niblett, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve the Utilization of Alternative Teleconference
Requirements During a State of Emergency Pursuant to
Resolution 21-08.*

V. CONFLICT OF INTEREST STATEMENTS

No conflicts to report.

VI. PUBLIC COMMENT

No comments to report.

VII. APPROVAL OF THE AGENDA

*Upon Motion by Director Bravo, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the September 27, 2022
Regular Board Meeting.*

VIII. DISCUSSION AND APPROPRIATE ACTION REGARDING:
APPROVAL OF MINUTES

- A. August 23, 2022 Regular Board Meeting
- B. September 9, 2022 Special Board Meeting

*Upon Motion by Director Niblett, Seconded
By Director Jameson Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Minutes of the August 23, 2022 Regular Board
Meeting and the September 9, 2022 Special Board Meeting.*

IX. APPROVAL OF CONSENT AGENDA

X. CONSENT AGENDA ITEMS

- i. **Discussion and Appropriate Action Regarding:
Training Report**

RECOMMENDATION: Information Only.

- ii. **Discussion and Appropriate Action Regarding:
Operations Department Review**

RECOMMENDATION: Information Only.

- iii. **Discussion and Appropriate Action Regarding:
Cash Flow for August, 2022**

RECOMMENDATION: Information Only.

- iv. **Discussion and Appropriate Action Regarding:
Capital Improvement Budget Comparison and Equipment
Procurement**

RECOMMENDATION: Information Only.

v. **Discussion and Appropriate Action Regarding:
Safety Meeting and Project Report**

RECOMMENDATION: Information Only.

XI. **DISCUSSION & APPROVAL OF ITEMS PULLED FROM CONSENT AGENDA**

President Wells noted no items were pulled for further discussion.

*Upon Motion by Director Morris, Seconded
By Director Niblett Carried Unanimously
With 5 Ayes, 0 Noes
To approve Consent Items i-vi of the
September 27, 2022 Board Agenda.*

XII. **COMMITTEE REPORTS**

President Wells moved the Administration portion of the meeting to allow Jeff Eklund of Provost & Pritchard to present the updated Water Rate Study.

B. **ADMINISTRATION COMMITTEE
(Jameson, Niblett)**

1. **Discussion and Appropriate Action Regarding:
West Kern Water Revised Rate Study**

General Manager, Greg A. Hammett reported the staff needed approval of the Revised West Kern Water Rate Study prepared by Jeff Eklund, of Provost & Pritchard. The Water Rate Study conducts a cost-of-service analysis of the current water rates and makes recommendations for rate adjustments to meet the projected costs of service to District customers. The study discusses the current revenue and budget for the District, as well as projections of revenue requirements over the next five years. The cost-of-service analysis results in recommended adjustments to the District's water rates to meet the funding requirements over the next 5 years.

*Upon Motion by Director Jameson, Seconded
By Director Bravo Carried Unanimously
With 5 Ayes, 0 Noes
To Approve the West Kern Water Rate Study and its
recommendations.*

2. **Discussion and Appropriate Action Regarding:
Resolution No. 22-03 Resolution of the Board of Directors of West Kern Water
District Notifying the Public of its Intention of Establishing Procedures for a
proposition 218 Majority Protest Hearing: Calling for a Majority Protest
Hearing on a Proposed Increase in the District's Water Rates, and the Adoption
of Future Water Increases**

General Manager, Greg A. Hammett reported the last water rate increase became effective in 2011. Since that time, the District has experienced considerable increases in the costs associated with providing water service to its customers, which are beyond the District's control. Major issues contributing to those costs included reduced surface water supplies from the State Water Project (SWP), increased costs for replacement

water, maintaining the reliability of the water delivery infrastructure (including participation in the Delta Conveyance Project) and volatile energy prices, to name a few. As such, the Board has determined that a uniform increase in water rates is necessary in-order- to maintain proper operations and maintenance of District facilities and systems. A resolution and exhibits that detail the step necessary to complete the Prop. 218 process requirements are attached for review and adoption.

*Upon Motion by Director Niblett, Seconded
By Director Morris Carried Unanimously
By a Roll Call Vote
With 5 Ayes, 0 Noes
To Adopt Resolution No. 22-03 Resolution of the Board
of Directors of West Kern Water District Notifying the
Public of its Intention of Establishing Procedures for a
Proposition 218 Majority Protest Hearing: Calling for a
Majority Protest Hearing on a Proposed Increase in the District's Water
Rates, and the Adoption of Future Water Increases*

3. Discussion and Appropriate Action Regarding:
Rules and Regulations Revisions Required By
District's Transition to Monthly Billing, Effective
October 1, 2022:
 1. Residential and Commercial/Public Entity Rate (Pg. 3)
 2. Fire Protection Service (Pg. 6)
 3. Rule No. 8 - Termination of Service for Nonpayment
or Returned Check (Pg. 20)
 4. Rule No. 9 - Billing (Pg. 22), Payment of Bills (Pg. 23)
 5. Rule No. 11 - Noncompliance with Rules (Pg. 26),
Restoration of Service - reconnection Charge and
Re-establishment of Credit (Pg. 27)
 6. Exhibit C - Discontinuation of Residential Water
Service Policy

Human Resource Administrator, Tami Sivils reported in April of 2022, the Board reviewed an initial Water Rate Study prepared by Provost & Pritchard. The Water Rate Study made recommendations for rate adjustments and transition from a bi-monthly to monthly billing structure with Automatic Meter Reading (AMR) facilitation to meet the monthly billing requirements. The transition to monthly billing will require changes to the billing processes and notifications outlined in the District's Rules & Regulations and the Discontinuation of Residential Water Service Policy (Exhibit C of the Rules & Regulations).

*Upon Motion by Director Niblett, Seconded
By Director Morris Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Rules and Regulations Revisions Required By
District's Transition to Monthly Billing, Effective
October 1, 2022.*

- A. WATER RESOURCES COMMITTEE
(Niblett, Wells)

1. Water Supply Report

Regulatory Administrator, Wendy Adams-Rosenberger reviewed the current Water Supply Report with Directors and staff.

2. Discussion and Appropriate Action Regarding:
General Manager Water Report

General Manager, Greg A. Hammett reviewed the Northern Sierra Precipitation report, state reservoir conditions, snowpack and various hydrology reports with the Board of Directors.

C. **FACILITIES COMMITTEE
(Jameson, Bravo)**

1. Discussion and Appropriate Action Regarding:
District Agreement 6 - Sentinel Peak

Assistant to Director of Operations, Taylor Miller reported Sentinel Peak Resources' (SPR) District Agreement No. 6 expired on September 9, 2022. SPR requested to retain a portion of their water allotment for Section 15 (Derby Acres) and Section 6 (Cymric/McKittrick) for a total of 500 acre-feet (af) per year.

*Upon Motion by Director Niblett, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Sentinel Peak Resources LLC's District Agreement No. 6A for 500 af annual entitlement in Section 15 (Derby Acres) and Section 6 (Cymric/McKittrick) (combined usage between the two sections), and a term that expires five (5) years from the effective date of September 14, 2022.*

2. Discussion and Appropriate Action Regarding:
Automatic Meter Reading (AMR) Residential Meter Upgrade &
Installation, Status Update Job #22-2503

T & D Supervisor, Zak Crabb, reported the District's AMR Project is currently 77% complete District wide.

D. **FINANCE COMMITTEE
(Morris, Bravo)**

1. Discussion and Appropriate Action Regarding:
Accounts Payable for September 2022

Director of Finance, Sunny Kapoor presented the accounts payable report for September, 2022.

*Upon Motion by Director Niblett, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Expenditure for the September 2022
Bills When Funds are Available.*

E. PERSONNEL COMMITTEE
(Wells, Morris)

1. Discussion and Appropriate Action Regarding:
Business Continuity Plan – Infectious Disease Control Policy
Coronavirus Disease 2019 (COVID-19)

Human Resource Administrator, Tami Sivils provided a status report on continued implementation of infectious disease control practices and the ongoing restrictions and mandates during the COVID-19 pandemic.

XIII. INFORMATION ITEMS

No items to report.

XIV. ISSUES OF CONCERN

A. October 2022 Meeting Calendar

Directors approved the October 2022 Calendar.

B. Potential Issues to be Addressed at Next Board Meeting

No items to report.

C. Board of Director Announcements or Reports

President David A. Wells congratulated District staff on the progress of the District's AMR Project.

D. General Manager's Report

General Manager, Greg A. Hammett provided an update on the Urban Water Management Plan 2020 update. He reported the RFP for the River Recharge Project was moving along and reported on the McCallister Ranch DEIR.

E. Management Staff Report

No items to report.

F. Kern Ground Water Authority Issues

General Manager, Greg A. Hammett gave a brief report on Kern Ground Water Authority issues.

G. Attorney Report

No items to report.

XV. CLOSED SESSION

1. Discussion and Appropriate Action Regarding:
Government Code, § 54956.9(d)(1)
Conference with Legal Counsel
Existing Litigation: 3 Cases
 - A. *Rosedale-Rio Bravo WSD et al. v. KCWA et. al.;*
Kern County Superior Court
Case No. BCV-21-10418
 - B. *Kern Water Bank Authority vs. Kern Local Agency Formation
Commission,* Kern County Superior Court
Case No. BCV-21-101310
 - C. Kern Water Bank Authority, et al. v. Buena Vista Water Storage
District, et al. Kern County Superior Court, Case No.
BCV-22-101227-KCT

President Wells reported that no reportable action was taken in Closed Session.

Directors moved into Closed Session at 7:05 p.m. The meeting reconvened at 7:25 p.m.

XVI. ADJOURNMENT

The meeting adjourned at 7:25 p.m.

October 25, 2022
Date Approved

Greg A. Hammett,
**Secretary of the Board of Directors of
WEST KERN WATER DISTRICT**

dc

WATER RESOURCES COMMITTEE SUMMARY REPORT
For the
Regular Board Meeting of October 25, 2022

MEMBERS:

Scott Niblett
David Wells - absent

DATE OF MEETING:

October 18, 2022

STAFF ATTENDING:

Greg Hammett	Wendy Adams-Rosenberger
Sunny Kapoor	Zak Crabb
John Stuntebeck	Wayne White
Troy Turley	

COMMITTEE ISSUES:

1. Discussion and Appropriate Action Regarding:
Water Supply Report
2. Discussion and Appropriate Action Regarding:
General Manager Report

SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022

COMMITTEE: WATER RESOURCES COMMITTEE
(Niblett, Wells)

AGENDA ITEM: 1. Discussion and Appropriate Action Regarding:
Water Supply Reports

BACKGROUND INFORMATION:

Attached for Board review is data on the following:

- ⌘ Monthly Consumption
- ⌘ Generating Plants Use
- ⌘ Groundwater Recharge & Recovery Program

STAFF RECOMMENDATIONS:

JUSTIFICATION:

Update of District's water activities & supply.

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

COMMITTEE STATUS:

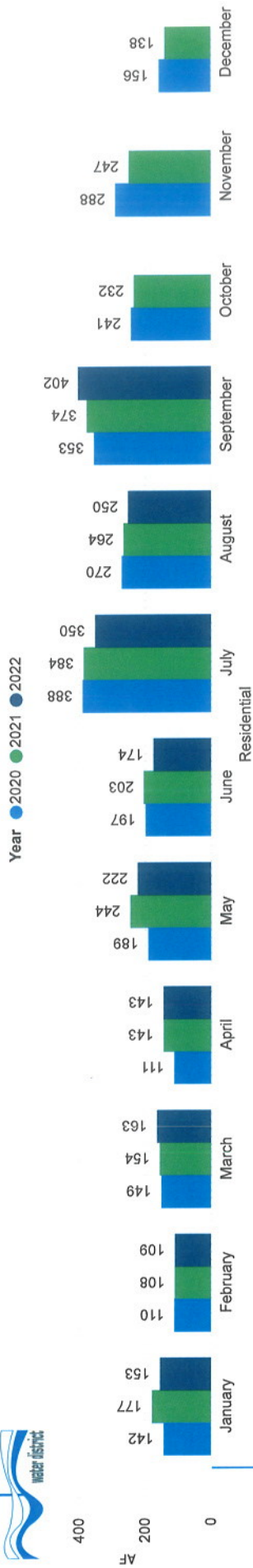
_____	Recommend Board Approval
_____	NO (Rejected)
_____	Full Board to Review
<u> X </u>	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

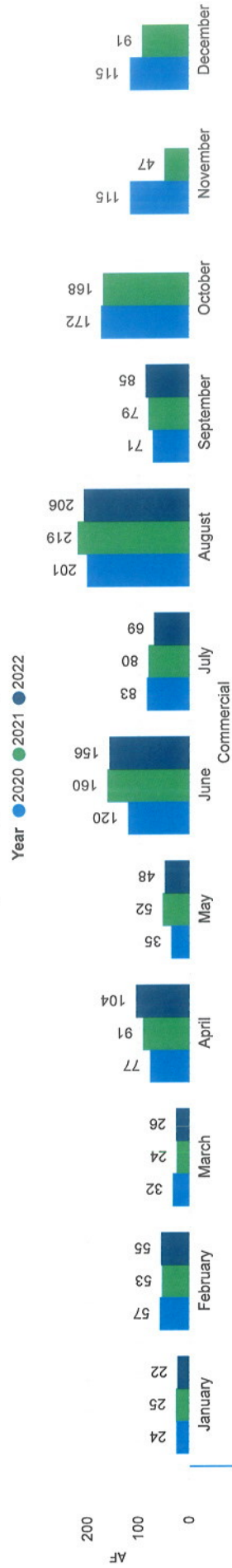
COUNSEL REVIEW AND/OR RECOMMENDATIONS:



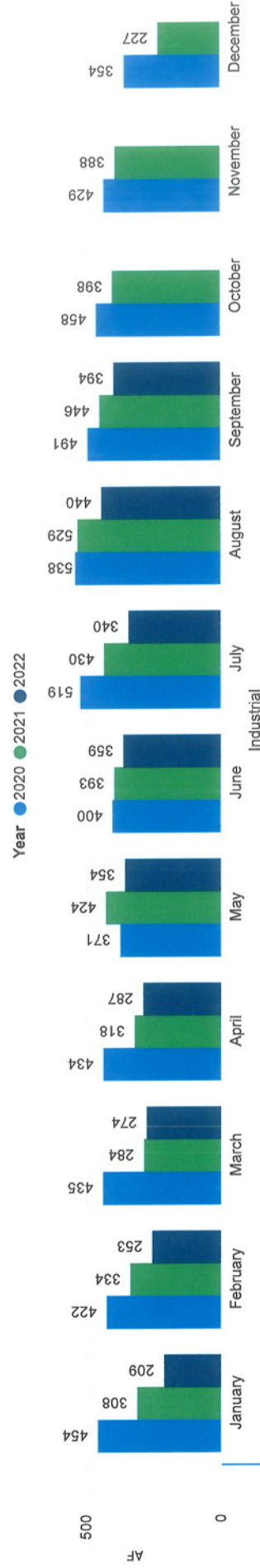
2020 - 2022 Monthly Comparison by Class in AF - Residential



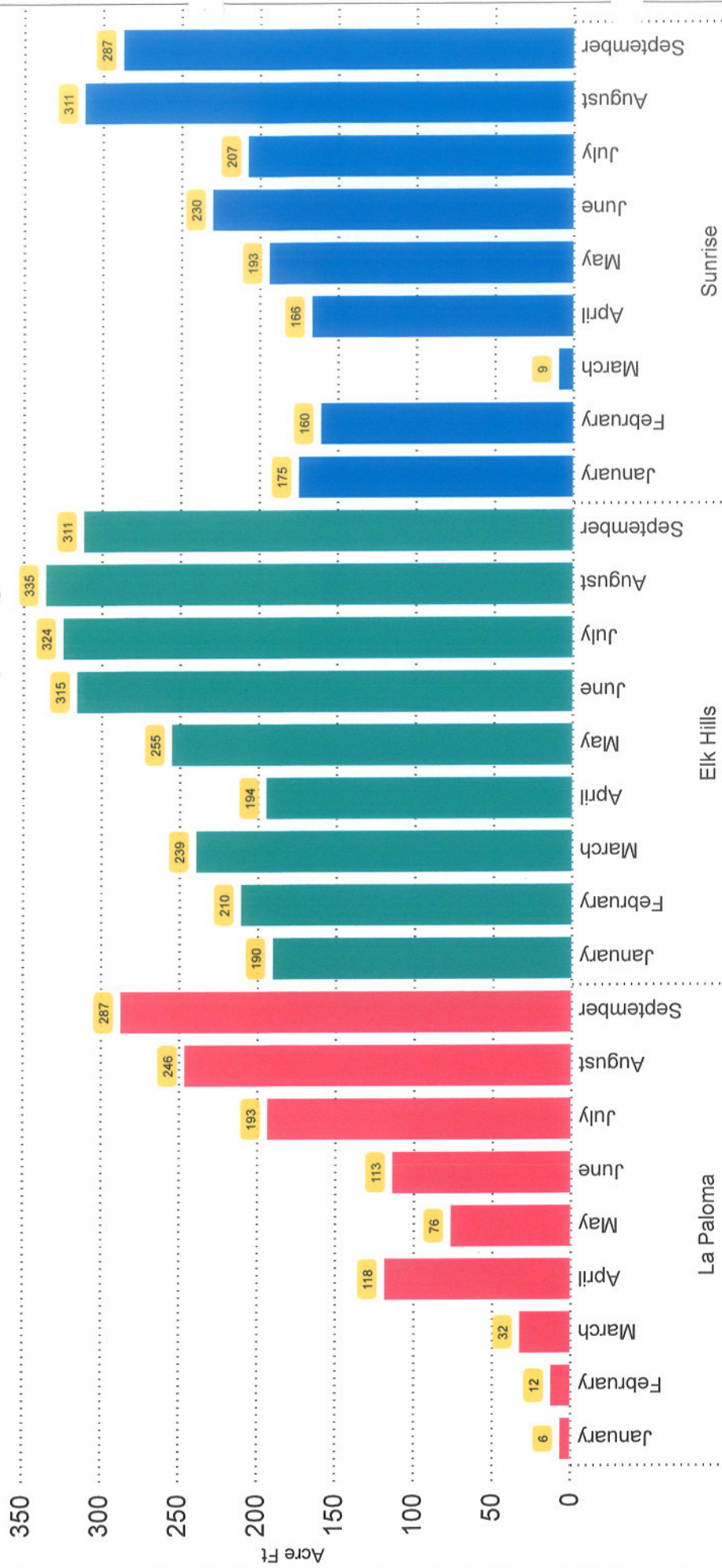
2020 - 2022 Monthly Comparison by Class in AF - Commercial



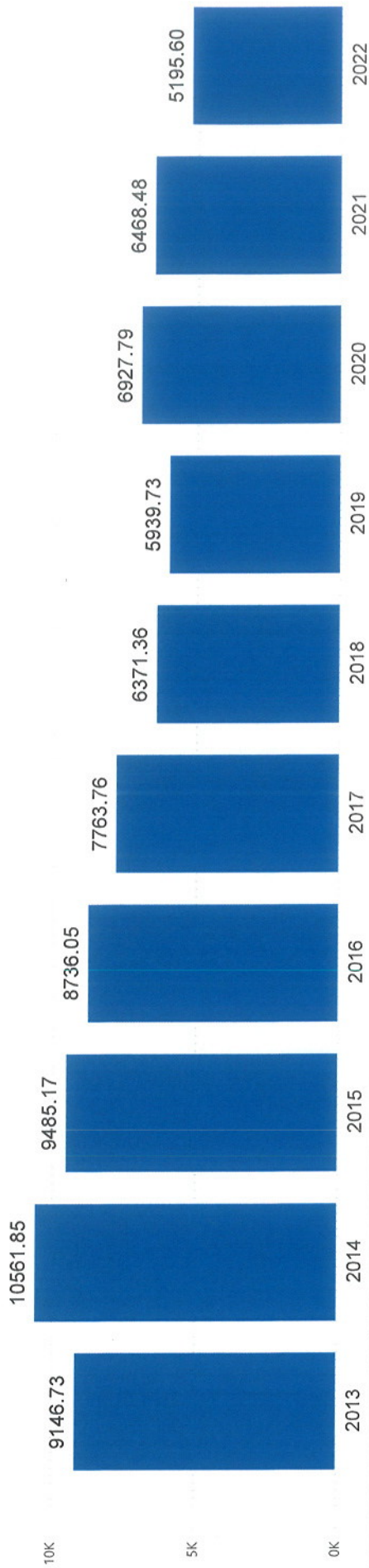
2020 - 2022 Monthly Comparison by Class in AF - Industrial



2022 Power Plant Monthly Usage

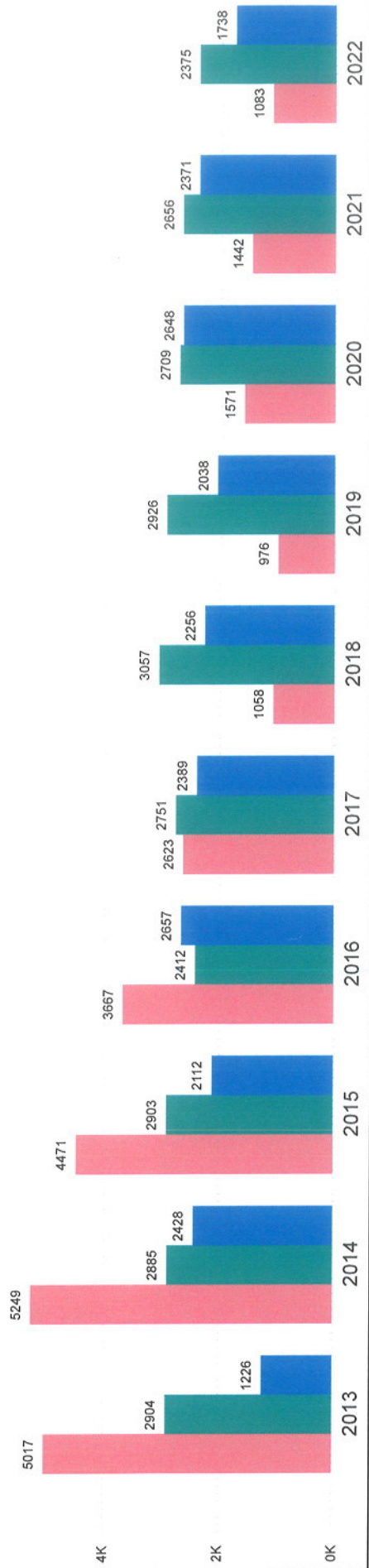


Power Plant Usage



Acre Ft by Year and Cogen

Cogen ● La Paloma ● Elk Hills ● Sunrise



West Kern Water District Groundwater Recharge Program Accounting for 2022

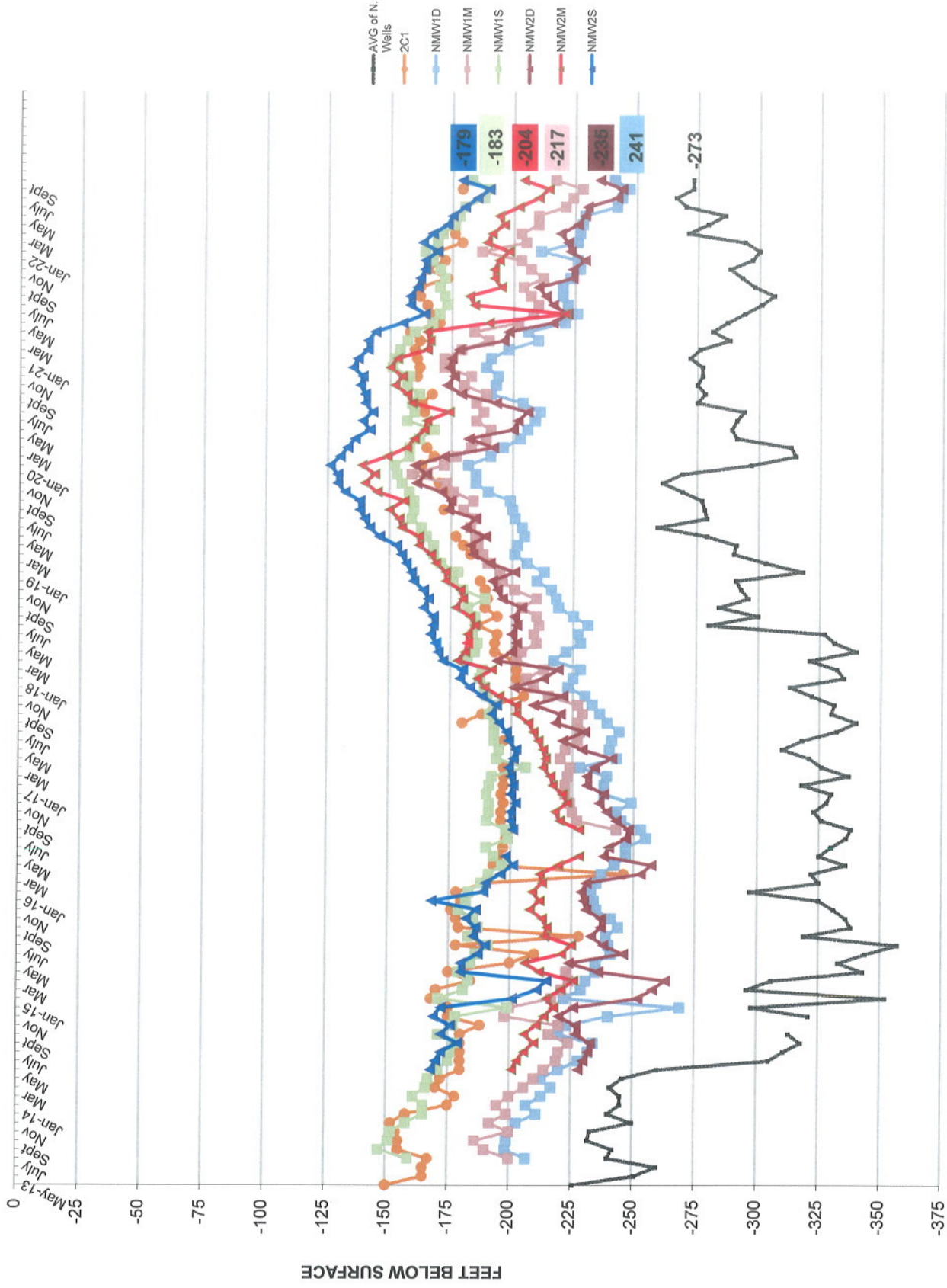
Original Contract Surplus SWP Allocation 5% 1,250 305 Carryover 8,118

Main accounting table with columns: a) Monthly Activity, b) Beginning/Carryover Balance, c) SWP Supply Recharged Net Losses, d) SWP Supply Recharged, e) SWP Supply Delivered to Others, f) Surface Supplies (SWP, BV, Supplemental, La Paloma, SVP), g) NRRP Recharge and Recovery, h) SRRP Recharge and Recovery, i) BV/WVD Balance

Total GW Storage Accounts 228,384

- 1 Includes 6% less factor in calculation
2 La Paloma delivery made from 2023 carryover balance at 2023 CO after L.P. 2021 use is 6540
3 WK Pump in to ponds for maintenance activities
4 Kern Tulare Return from WK pumped water to CVC
5 BV Replacement Water Purchase of 1250 af (surface water included in Column K, row 10) per 726cc Amendment to 1963 Agreement
6 Cavallo Water Purchase Agreement dated 04-19-22 TRF #22032
7 Prescriptive Right from South Well Field for Residential - Does not include losses
8 Westside 4 Water Purchase Agreements dated 05/28/22 & 7/29/22 TRF #22075

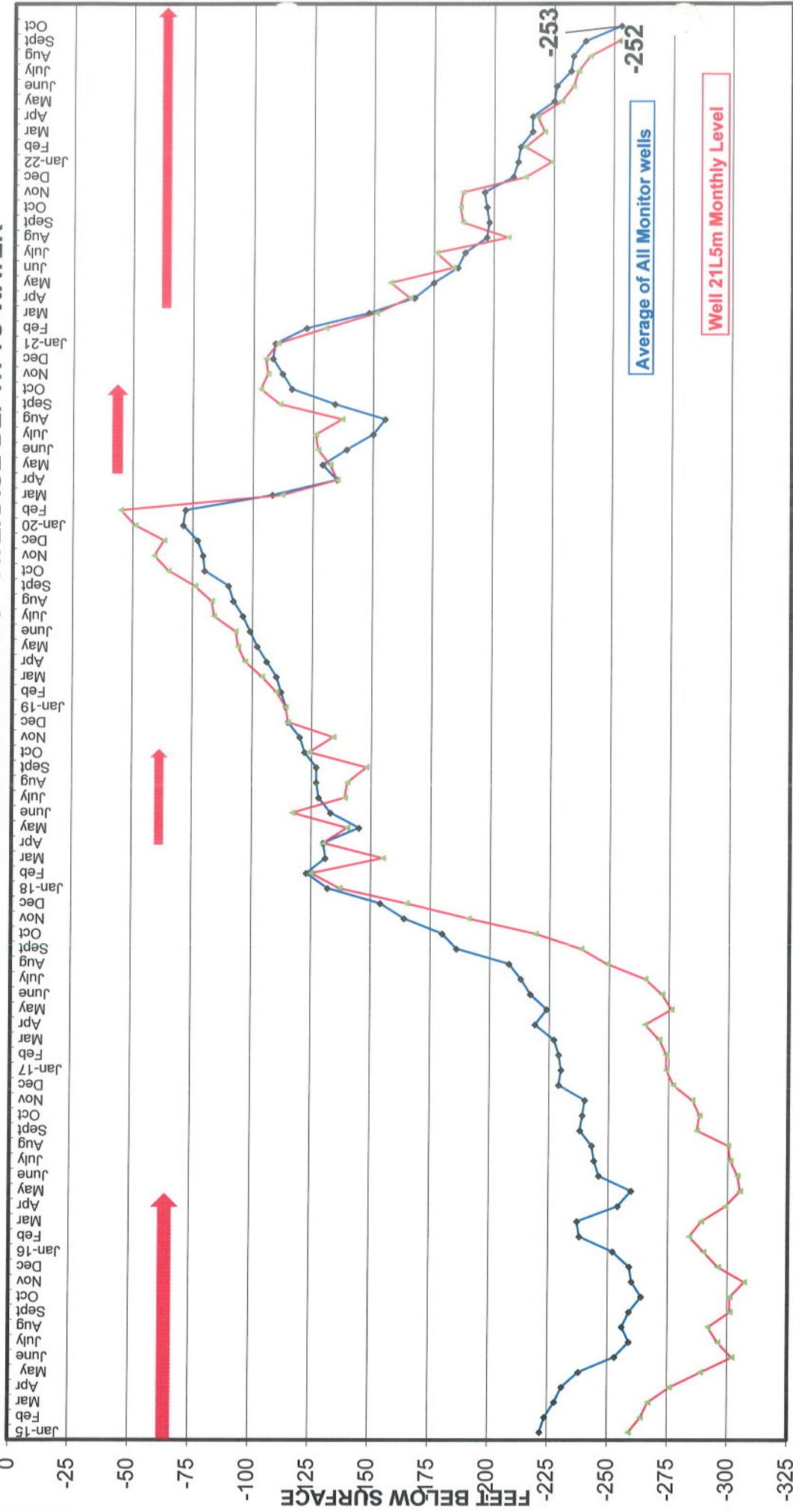
NRRP PRODUCTION & MONITORING WELL - DEPTH TO WATER



KWB ceased recovery in this area on 8/31/20
 KWB began recovery on 1/27/21

May 2013 to October 2022

WKWD SOUTH MONITORING WELLS - AVERAGE DEPTH TO WATER



Water Bank Pumping



WKWD/KWBA LEVEL OF CONCERN
Water Level Status

January 2015 Through October 2022

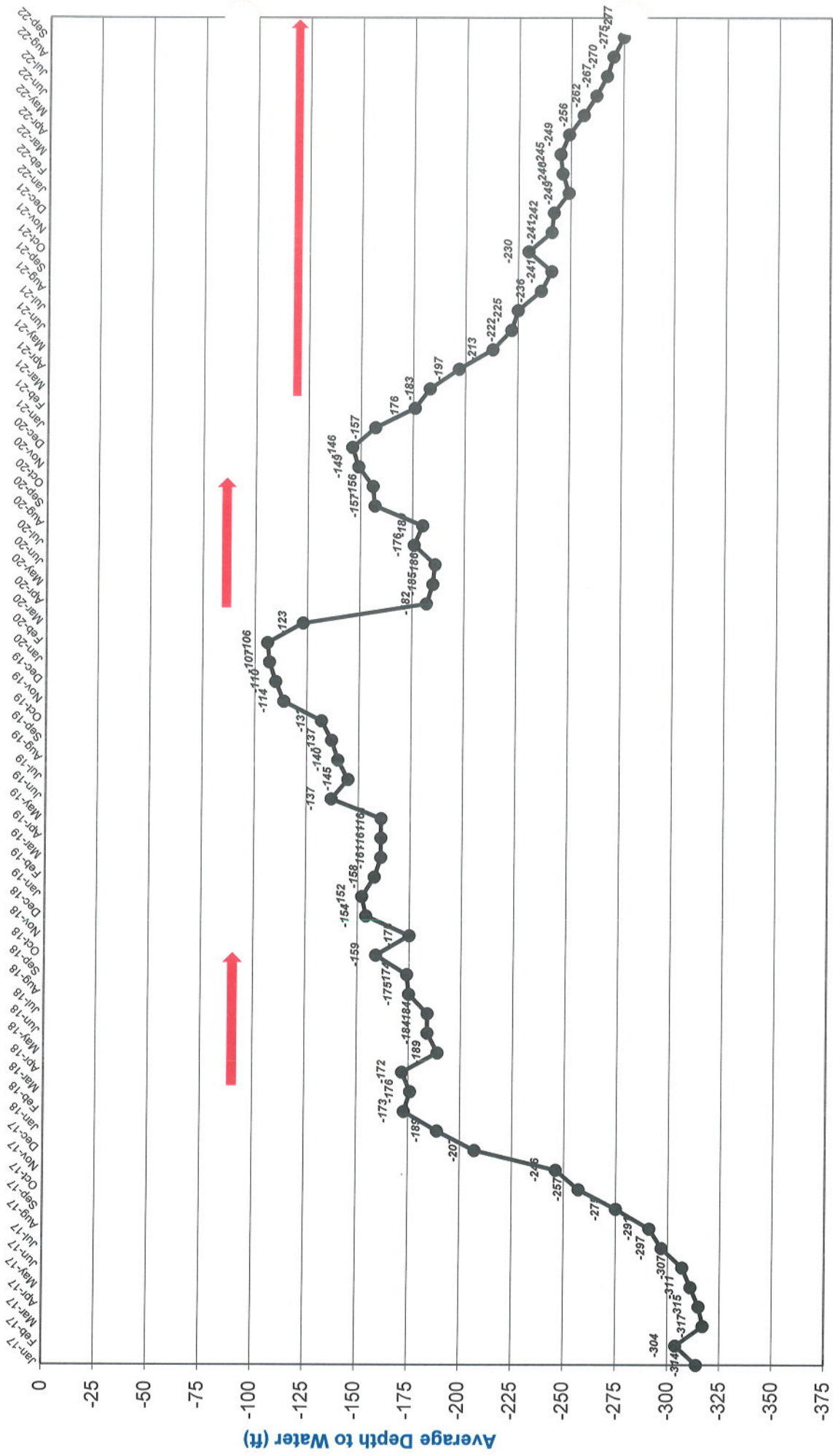
Monitor Well 21L5 < 190 FT

KWB stopped pumping 5/2/16. Began recovery on 3/2/18, ceased 9/14/18.

KWB began recovery 2/4/20, ceased recovery on 8/3/20

KWB began recovery 1/20/21

WKWD South Well Field Average Production Well Depth to Water Level Data 2017/2022



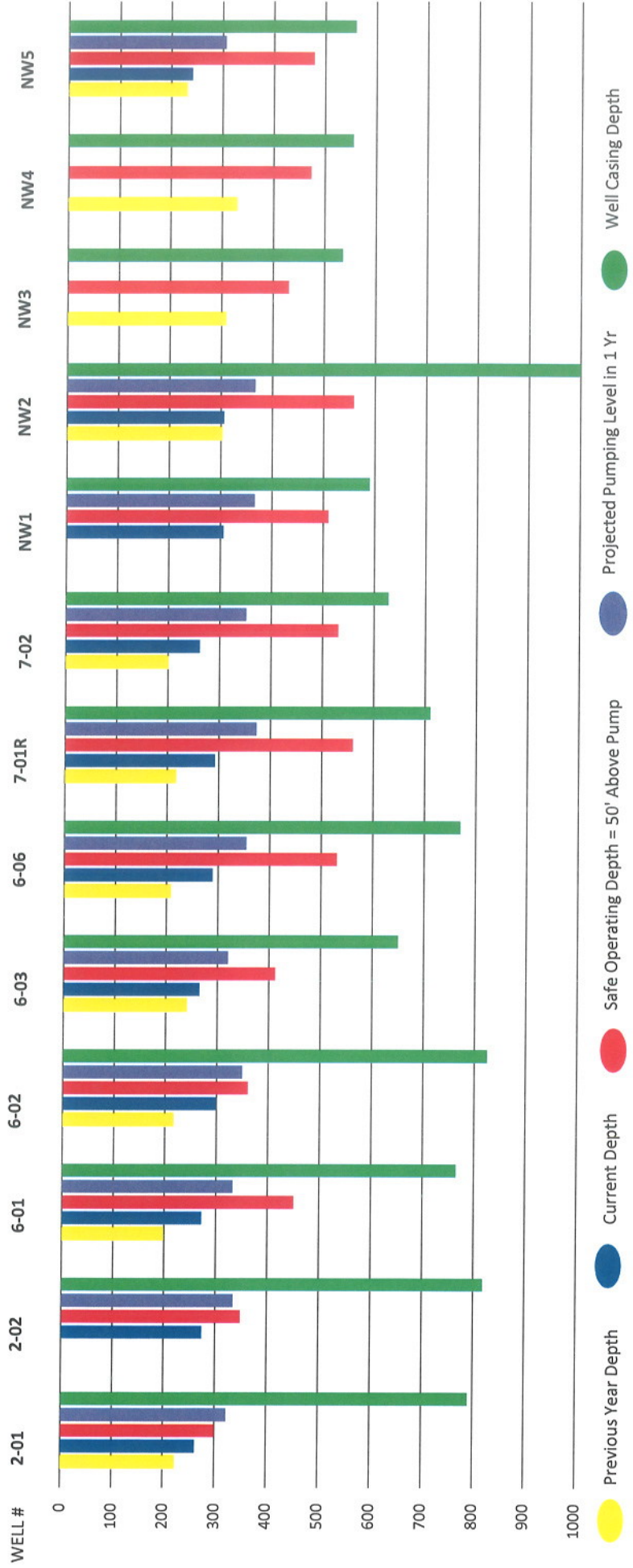
Water Bank Pumping ➔

KWB began recovery 3/2/18 and ceased recovery 9/14/18
 KWB began recovery Feb 2020 and ceased recovery 8/3/20
 KWB began recovery 1/20/21

WKWD Production Well Safe Operating Levels - Oct 2022

Well	Pump Depth	Previous Year		Current	Safe Operating		Projected Water	Well Casing		Water Level	Pump Status
		Water Level From Surface	WaterLevel From Surface		Range From Surface	Level in 1 year		Depths	Above Pump		
2-01	350	222	262	300	322	790	88				
2-02	398	Well Down	274	348	334	818	124				
6-01	500	198	272	450	332	765	228				
6-02	409	216	299	360	349	825	110				
6-03	462	240	265	412	320	650	197				
6-06	580	207	289	530	354	770	291				
7-01R	610	216	292	560	372	710	318				
7-02	580	200	261	530	351	628	319				
NW1	560	Well Down	306	510	366	590	254				Pulled pump 1/18. Video 1/26
NW2	608.5	302	306	558.5	366	1000	302.5				
NW3	480	308	Well Down	430	#VALUE!	535	#VALUE!				
NW4	522.5	328	Well Down	472.5	#VALUE!	555	#VALUE!				Pulled pump 2/28. Video 3/7/22
NW5	528	230	241	478	306	560	287				

Production Well Safe Operating Range



SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022

COMMITTEE: WATER RESOURCES COMMITTEE
(Niblett, Wells)

AGENDA ITEM: 2. Discussion and Appropriate Action regarding:
General Manager Water Report
Status Report

BACKGROUND INFORMATION:

An oral presentation will be made by Greg Hammett, the District's General Manager.

STAFF RECOMMENDATIONS:

JUSTIFICATION:

Update on Water Supplies

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

COMMITTEE STATUS:

_____	Recommend Board Approval
_____	NO (Rejected)
_____ X _____	Full Board to Review
_____	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

**ADMINISTRATION COMMITTEE SUMMARY REPORT
FOR THE REGULAR BOARD MEETING OF
OCTOBER 25, 2022**

MEMBERS ATTENDING:

Barry Jameson
Scott Niblett

DATE OF MEETING:

October 20, 2022

STAFF ATTENDING:

Greg Hammett
Sunny Kapoor
Tami Sivils
Wendy Adams-Rosenberger

COMMITTEE ISSUES:

CONSENT AGENDA

- i. **Discussion and Appropriate Action Regarding:
District's Training Report**

END OF CONSENT AGENDA

ITEMS OF DISCUSSION

1. **Discussion and Appropriate Action Regarding:
Policy Review – Director's Manual**
2. **Discussion and Appropriate Action Regarding:
Resolution 22-04 – Authorizing the Filing of Pre-Application
with the County of Kern, Planning and Natural Resources Department
for a Community Development Block Grant FY 2023-24, South Taft Water
System Improvements Phase IV**
3. **Discussion and Appropriate Action Regarding:
West Kern Water Revised Water Rate Study of October 18, 2022
Addendum to Table 4-2: Proposed Rate Schedule**
4. **Discussion and Appropriate Action Regarding:
Regular Board Meetings of November & December 2022**

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **ADMINISTRATION COMMITTEE
(Jameson, Niblett)**

AGENDA ITEM: **i. Discussion and Appropriate Action Regarding:
 Districts Training Report**

BACKGROUND INFORMATION:

Educational opportunities during October have been minimized to only essential training that requires travel and / or preference given to information webinars or teleconferences that can be completed from an individual desktop, laptop, or electronic device when available.

- PIHRA Webinar – Employer Medicare Basics – Tami
- PIHRA Webinar – Labor & Employment Law Update and Forecast: What is the Legal Horizon for Employers for 2023 – Tami
- ACWA Virtual Workshop – The Brown Act: Recent Developments and Best Practices – Greg, Deann and Tami
- KC SHRM Symposium – Tami
- Hanna Brophy Academy – Answered: A Comprehensive COVID Update for Employers and Worker's Compensation Administrators – Tami
- KDG California Legislative Update – New Legislation for the Workplace in 2023 – Greg, Adeana, Deann and Tami
- USC Cross Connection Control Training – Derek Griffith

CONSULTATIONS AND BRIEFINGS:

HR Engagement Blog of September 15, 2022 – When the going gets tough, are you checking in with your employees enough?

BambooHR Daily Discussion of September 15, 2022 – The New Face of Employee Burnout, How It's Changed – and How to Fight It.

SHRM Briefing of September 15, 2022 – Inflation Will Result in Higher Minimum Wages Next Year

BambooHR Daily Discussion of September 16, 2022 – 2022 Compensation Trends – How a Compensation Strategy Helps You Compete for Talent

CBS Sacramento Political Alert - New California Cannabis Laws ; Governor Newsom signs bill into law protecting off-the-clock marijuana use.

SHRM Briefing of September 21, 2022 – California Issues Monkeypox Guidance for Employers

HR Daily Advisory of September 21, 2022 – Future of Virtual Workspaces Must Transend Zoom and VR Headsets and The Corporate Pushback to Remote Work

HR in California Blog – Final Pay in California

SHRM Briefing of September 23, 2022 – **Viewpoint:** HR Professionals Play Vital Role in Setting Safety Culture

CalChamber HR California Alert – CalChamber Calls for Changes to Nonemergency COVID Draft Rule

SHRM All Things Work Briefing of September 24, 2022 – CEOs Head for the Exits Amid a Changing Workplace Landscape

SHRM Briefing of September 26, 2022 – OSHA Expands Who May Wind Up on Its "Severe Violator" List; Employer Employee Perceptions of Pay Equity Differ Greatly; Health Plan Changes for 2023 (and Beyond) Look to Enhance Affordability; Employers React to "Confusing" Labor Market with Layoffs, Retention Plans

HR in California Blog – Quiet Quitting is a Mental Health Imperative

HR Hero Ask the Expert Post of September 28, 2022 – Do Employees Need To Be Notified of Workplace Video Surveillance?

SHRM Briefing of September 28, 2022 – California Provides Protections for Workers Who Use Marijuana Outside Work; Salary Negotiation Strategies for HR Professionals; How to Have Difficult Workplace Conversations that Promote Growth

AALRR Legal Notice of September 29, 2022 – California Court of Appeal Increases Potential Employer Exposure by Allowing Recovery of Attorney's fees in Meal and Rest Break Actions; 2022 Workers' Compensation Bills – SB 1751 and SB 1002 are of significance to the District.

SHRM Briefing of October 3, 2022 – Avoid Common FMLA Certification and Recertification Mistakes.

AALRR Legal Notice of October 4, 2022 – 2022 Legislative Session Closes with New Laws Impacting Employers in 2023 and Beyond

SHRM Briefing of October 5, 2022 – For Employers, Remote and Hybrid Work Now All About Setting Expectations

SHRM Briefing of October 6, 2022 – New Workplace Laws Take Hold in California; President Pardons Americans Convicted of Marijuana Possession

CalChamber HR California Alert – New California Law Expands Pay Scale Disclosure, Pay Data Reporting; Governor Completes Action on Priority Business Bills

HR Daily Advisory for October 11, 2022 – Making the RETURN – The New Era of Flexible Workspace

SHRM Briefing of October 11, 2022 – DOL Issues Proposed Rule on Independent Contractors

STAFF RECOMMENDATIONS:

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

N/A

COMMITTEE STATUS:

Recommended Board Approval
 NO (Rejected)
 Full Board to Review
 Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **ADMINISTRATION COMMITTEE
(Jameson, Niblett)**

AGENDA ITEM: 1. **Discussion and Appropriate Action Regarding:
Policy Review – Director’s Manual**

BACKGROUND INFORMATION:

President Wells recently discussed the current Board of Directors Manual with Staff and requested that the Manual and Appendices be provided to the Directors in an electronic format.

While reviewing the BOD Manual, it was determined that it had not been reviewed or updated for some time and that it would be more efficient to review and update the Manual while converting it to electronic format.

A review and update of the Board of Directors Manual was last conducted during 2008 and approval of all the changes was made in July of 2009.

The Administration Committee will review Section 3 and Appendix C of the Board of Directors Manual.

JUSTIFICATION

Periodically update manual to keep current.

STAFF RECOMMENDATIONS:

Staff will provide recommendations for revisions to Administration Committee for review. A revised BOD Manual will be provided to each Director, in their preferred format, once mass changes have been approved by the full Board.

PREVIOUS ACTIONS:

07/28/09 Approved mass changes to the BOD Reference Manual
10/23/01 Approved mass changes to the BOD Reference Manual

Sections of the existing document have been revised since 2009. Those sections have been forwarded to Directors to insert into their Board Manual binder.

COST:

BUDGETARY WARRANT:

MOTION:

COMMITTEE STATUS:

_____ Recommend Board Approval
_____ NO (Rejected)
 X Full Board to Review
_____ Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Full Board to review.

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

Legal Counsel is currently reviewing Section 3 – Public Meetings of the BOD Manual and will provide staff with any suggested revisions for the full Board to review.

3. PUBLIC MEETINGS

3.1 THE BROWN ACT - IN GENERAL

The Brown Act is attached for reference (See Appendix C). The general provisions below outline the sections of the law that are specific to the District.

3.1.1. General: The California Public Meeting Law, commonly known as the Brown Act, declares as its intent that public agencies in this State exist to aid in the conduct of the people's business. The actions of such agencies are to be taken openly and their deliberations are to be conducted openly. The law further states:

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

The basic requirement of the Brown Act is that all meetings of the legislative body be open and public; and all persons be permitted to attend any meeting of the legislative body. The Water Code repeats this mandate in Section 30529: "All legislative sessions of the board shall be public."

It is prohibited for a majority of members of the Board from using, outside a meeting authorized by the Ralph M Brown Act, a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. Notwithstanding the foregoing, an employee or consultant of the District may have separate conversations or communications, outside of a meeting authorized by the Ralph M. Brown Act, with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body comments or position of any other member or members of the body. (Effective January 1, 2009)

The exceptions to the requirement that all Board meetings be open and public are discussed hereinafter.

3.1.2. Definitions:

"Legislative body" is broadly defined to include not only the Board of Directors but also any other body on which directors serve in their official capacity as members and which is supported in whole or in part with District funds. Advisory commissions, advisory committees or advisory bodies of a district created by formal action of the Board or by a member of the Board are also "legislative bodies" unless composed of less than a quorum. However, all standing committees of the Board which have a continuing subject matter jurisdiction or a meeting schedule fixed by formal action of the Board are

“legislative bodies” for purposes of the Brown Act even if the standing committee is composed of less than a quorum. Any person elected to serve on the Board, but who has not yet assumed office, is subject to the provisions of the Brown Act.

"Meeting" is defined in the Brown Act as including “any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.” Notwithstanding the foregoing, recent amendments to the Brown Act have clarified certain situations during which a quorum of the Board may be present but are not considered meetings and are not prohibited. Those situations include:

- Individual contacts or conversations between board members and any other person.
- Attendance of a majority of Board members at a conference or similar gathering open to the public involving issues of general interest to the public or to public agencies similar in type to that of the District.
- Attendance of a majority of Board members at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the District, provided that a majority of the Board members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the District's Board of Directors.
- Attendance of a majority of Board members at an open and noticed meeting of another body of the District, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the Board members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the District's Board of Directors.
- Attendance of a majority of Board members at a purely social or ceremonial occasion provided that a majority of the Board members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the District's Board of Directors.
- Attendance of a majority of Board members at an open and noticed meeting of a standing committee of the Board, provided that members of the Board who are not members of the standing committee attend only as observers.

As noted, in each of the foregoing situations, Board members are prohibited from discussing among themselves District business to develop a concurrence as to action to be taken on an item by the Board.

"Action taken" is defined to mean a collective decision by a majority of the legislative body, a collective commitment or promise by such a majority to make a positive or negative decision, or an actual vote by a majority of the members of the Board upon a motion, proposal, resolution, order or ordinance when sitting as a body.

3.1.3. Public Participation Encouraged: The Brown Act contains several miscellaneous provisions designed to encourage public attendance and participation at Board meetings, such as:

- a. No one can be required to register his or her name or any other information or otherwise fulfill any condition precedent to attendance.
- b. Any person attending a public meeting has the right to record the proceeding with an audio or video tape recorder or a still or motion picture camera and/or to broadcast the proceeding in the absence of a reasonable finding that such action would persistently disrupt the meeting.
- c. No fee may be charged for carrying out any provision of the Brown Act except as specifically authorized by the Brown Act.
- d. The District may not conduct any meeting or function in any facility that prohibits the admittance of any person on the basis of race, religious creed, color, national origin, ancestry, or sex, ethnic group identification, age, sexual orientation, etc. All meetings must be held in locations that are accessible to disabled persons. No meeting may be held in a location where members of the public cannot be present without making a payment or purchase.
- e. Agendas of public meetings and other writings, when distributed to a majority of Board members by any person in connection with a matter subject to discussion or consideration at a public meeting of the Board are public records as soon as they are distributed. They must be made available upon request without delay unless otherwise exempt from public disclosure under the Public Records Act. Documents distributed during the meeting must be made available for public inspection at the meeting prior to the commencement of the discussion on the subject set forth in the document if prepared by the District or a member of the Board. Other writings discussed at the meeting must be made available immediately after or as soon thereafter as is practicable. Release of a writing cannot be delayed solely because it has not yet been distributed to the legislative body. Any writings distributed to Board members less than 72 hours prior to meeting must be made available for public inspection at location designated by the Board and listed on agenda.
Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the District may be inspected under the

Public Records Act.¹ Any inspection of a video or tape recording must be provided without charge on a video or tape player made available by the District.

- f. Fees may be established by the District to cover the cost of copying documents except to persons with a disability as defined in Section 202 of Americans with Disability Act of 1990. However, no fee may be charged for merely inspecting documents.

3.1.4. Enforcement of Brown Act: There are several ways in which the Brown Act may be enforced. One enforcement provision allows any interested person or the district attorney to bring certain types of lawsuits, including actions for injunctive or declaratory relief, for the purpose of stopping or preventing violations or threatened violations of the Brown Act or to determine if the Brown Act applies to certain Board action.

Prior to 1986, any action taken at a meeting in violation of the Brown Act was still valid. In 1986, the Legislature amended the Brown Act to allow any interested person or the district attorney to bring an action for the purpose of determining whether Board action taken in violation of the Brown Act is null and void. Under no circumstances can an action of the Board be declared null and void if any of the following conditions are met: (1) the action was taken in substantial compliance with the Brown Act; (2) the action was taken in connection with the issuance of an evidence of indebtedness; (3) the action taken gave rise to a contractual obligation upon which a party has detrimentally relied in good faith and without notice of a challenge to the validity of the action; (4) the action was taken in connection with the collection of any tax.

Before bringing such an action, the interested person or district attorney must make a formal demand of the Board that it correct or cure the alleged violation. If the Board takes no curative action within 30 days of the demand, then the interested person or district attorney may file a lawsuit.

If an action brought to enforce the Brown Act is successful, the court may award costs and reasonable attorney's fees to the person filing the lawsuit. However, the Brown Act also provides that the court costs and reasonable attorney's fees may be awarded to the District if the District successfully defends such an action.

An additional remedy provided for violating the Brown Act is the provision which makes it a misdemeanor for a Board member to attend a meeting with wrongful intent to deprive the public of information.

3.1.5. Types of Meetings: The Brown Act deals with several types of public meetings: regular meetings, special meetings, emergency meetings and adjourned (regular or special) meetings.

¹ 1. The tape or video recording may be erased or destroyed 30 days after the taping or recording.

3.2 REGULAR MEETINGS

3.2.1. Time and Place: The Board fixes the time and place of regular meetings. With limited exceptions, regular and special meetings shall be held within the territorial boundaries of the District. A regular meeting that falls on a legal holiday recognized by the District is automatically conducted on the next business day unless a different day is chosen and approved by the Board.

3.2.2. Notice: The District must mail notice of every regular meeting to any person who has filed a request for such notification.² If requested, the notice shall be made available in appropriate alternative formats to persons with a disability. The Board (or its designee) shall mail the notice at the time the notice is posted or upon distribution to all, or a majority of all, of the members of the Board which ever occurs first. Requests for notice are valid only for the calendar year in which the request is filed and must be renewed following January 1 of each year. The Board may fix a reasonable annual charge for sending such notices based upon the estimated cost of providing such notices. The notice must specify the time and place of the meeting.

3.2.3. Posting the Agenda/Contents: At least 72 hours before a regular meeting, the Board (or its designee) must post an agenda in a place which is freely accessible to members of the public. The agenda must specify the time and location of the regular meeting and must contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed during closed session. The intent of this latter requirement is to make sure that the District posts agendas that contain sufficient descriptions of the items of business to be transacted or discussed to enable members of the general public to determine the general nature or subject matter of each agenda item. In other words, the description must be reasonably calculated to adequately inform the public. Emphasis should be placed on informing the public of the substance of the matter rather than precisely describing the contemplated Board action.³ Notwithstanding any other provision of law, no notice, agenda, announcement, or report need identify any victim or alleged victim of illegal sexual conduct unless the identity of the person has been publicly disclosed. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. The agenda must identify location where documents distributed less than 72 hours before meeting can be inspected (Effective July 1, 2008).

² The person may request either a copy of the agenda or a copy of all the documents constituting the agenda packet. The requested materials are the documents that must be sent to the person requesting them.

³ Government Code section 54954.2(a) states, in part, that "[a] brief general description of an item generally need not exceed 20 words."

3.2.4. Preparation of Agendas: Matters may be placed on the agenda by individual Board members and by the General Manager. All Board members shall have the equal right to place items on the agenda for consideration at a meeting of the Board. Neither the President, nor the General Manager may restrict the items to be placed on the agenda or selectively choose which items may be placed on the agenda.

3.2.5. Reports, Etc.: All reports, communications, resolutions or other matters to be submitted to the Board shall, not later than noon of the fourth business day prior to each Board meeting, be delivered to the District secretary.

3.2.6. Public Participation: The Brown Act also requires every agenda for regular or special meetings to provide members of the public with an opportunity to directly address the Board. Agendas for regular meetings shall provide an opportunity for members of the public to address the Board on items of interest to the public that are within the Board's subject matter jurisdiction before or during the Board's consideration of that item. Agendas for special meetings shall provide an opportunity for members of the public to address the Board concerning any item that has been described in the notice for the meeting before or during consideration of that item. The Board may adopt reasonable regulations limiting the total amount of time allocated for public testimony on particular issues as well as for each individual speaker. The Board cannot prohibit public criticism of the policies, procedures, programs or services of the District or of the acts or omissions of the Board.

3.2.7. Action on Items Not on Agenda: No action may be taken on any item which does not appear on the posted agenda unless one of the following conditions is met:

- a. **Emergencies -** The Board determines by a majority vote that an emergency exists. "Emergency" is defined for this purpose as (1) a work stoppage or other activity which severely impairs public health, safety, or both; or (2) a crippling disaster which severely impairs public health, safety, or both. The "determination" requirement does not mean that formal finding must be made, although a separate vote should be taken in making the determination. The minutes should reflect the facts giving rise to the emergency or what the need for action was and why it arose after posting of the agenda.
- b. **Need to Take Action Arose Subsequent to Agenda Being Posted -** The Board determines by a two-thirds vote (or, if less than two-thirds of the members are present, a unanimous vote of those members present) there is a need to take immediate action and that the need for immediate action came to the attention of the District after the agenda was posted. The issue of when the need to take immediate action came to the District's attention can sometimes be problematic. If the need for action on an item was known by the Board or by District staff prior to posting the agenda but was omitted because of scheduling convenience or oversight, the need to take action did not come to the District's attention after the agenda was posted. If a member of the public seeks some form of Board action after the agenda for

the meeting is posted, the Board should determine whether or not there is a need to take immediate action on the item and whether that need to act had come to the attention of the District before the agenda was posted.

- c. **Item Posted for Consideration At Previous Meeting** - The item was properly posted for consideration at a previous board meeting and, at that time, the item was continued to the meeting at which action is being taken. However, no action may be taken on any item continued from a previous meeting when that previous meeting was held more than five calendar days before.

3.2.8. Discussion of Items Not on the Agenda: Unless one of the exceptions mentioned in Section 3.2.7 above exists, the Board may not discuss or take action on any item not appearing on the meeting's posted agenda, except that Board members or staff may ask questions for clarification, respond briefly to statements made or questions posed by the public, make a brief announcement, or to make a brief report on his or her own activities. In addition, on their own initiative or in response to questions posed by the public, Board members may provide a reference to staff or other resources for factual information, request staff to report back to the Board, or direct staff to place the matter on a future agenda.

3.3 SPECIAL MEETINGS

3.3.1. Call and Notice: As with regular meetings, the Board also fixes the time and place of special meetings. A special meeting may be called at any time by the president of the board or by a majority of the directors. The meeting is called by delivering a written notice personally or by mail to each member of the Board and to each local newspaper of general circulation, radio or television station requesting such notice in writing. The notice must be delivered and received at least 24 hours before the time of the meeting specified in the notice.

The law allows written notice of a special meeting to be dispensed with as to: (1) directors who have filed a written waiver of notice with the secretary of the Board at or prior to the time of the meeting or (2) directors who are actually present at the meeting at the time it convenes.

Special meetings that are called to commence on a date over one week subsequent to the date of the notice are required to also be noticed in the manner of regular meetings, i.e., mailed notice to persons who have a current request for such notice on file with the District.

3.3.2. Posting Notice: The call and notice of a special meeting must be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

3.3.3. Agenda Restriction: The call and notice of a special meeting must specify the time and place of the meeting and the business to be transacted or discussed. No other

business may be considered at the special meeting (but see discussion below in Section 3.4 regarding emergency situations.)

3.3.4 Place: With limited exceptions, special meetings are to be held within the territorial boundaries of the District.

3.4. EMERGENCY MEETINGS

An emergency meeting may be called "[i]n the case of an emergency situation involving matters upon which prompt action is necessary due to disruption or threatened disruption of public facilities...." Under these circumstances, the board may hold an emergency meeting without complying with either the special meeting's 24-hour notice requirement or the special meeting's 24-hour posting requirement. However, each local newspaper and each radio or television station which has requested notice of special meetings must be notified of the emergency meeting by telephone at least one hour before the time set for the meeting if telephone services are functioning. All of the other special meeting requirements must be observed. Furthermore, the minutes of the emergency meeting, a list of the persons notified or attempted to be notified of the meeting, a copy of the roll call vote, and any actions taken at the emergency meeting must be posted for a minimum of 10 days in a public place as soon after the meeting as possible. The Board may not meet in closed session during an emergency meeting.

3.5. ADJOURNED MEETINGS

Any regular, adjourned regular, special or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Less than a quorum of the Board may so adjourn the meeting from time to time. If all Board members are absent from any regular or adjourned regular meeting, the secretary of the Board can declare the meeting adjourned to a stated time and place. The secretary must give written notice of the adjournment in the same manner as that specified for special meetings, unless such notice is waived by a director in writing and filed with the secretary of the Board at or prior to convening the adjourned meeting or unless the Board member is actually present at the time the adjourned regular meeting convenes. A copy of the order or notice of adjournment must be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment.

3.6. CLOSED SESSIONS AT MEETINGS

3.6.1. General: There are several exceptions to the Brown Act which permit the Board to meet in closed session during meetings in order to discuss certain topics. A closed session is often referred to as an "executive" session. Prior to holding any closed session, the Board must state the item(s) to be discussed in closed session or make reference to the item(s) on the agenda as they are listed there by letter or by number⁴ Once in closed

⁴ Before holding a closed session to discuss matters of pending litigation with its legal counsel, the Board must publicly announce or state on the agenda for the meeting the particular subdivision of

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session, the Board may consider only those matters covered in the statement. In the case of a special or adjourned meeting, the statement must be made part of the notice calling the meeting.

3.6.2. Confidentiality: Because closed sessions are not held unless the need for confidentiality exists, Board members and others attending closed sessions are reminded not to repeat matters, comments or decisions made in closed session to anyone. This prohibition does not only apply under the following circumstances: (1) if a person attending the closed session was specifically authorized by the Board to release information discussed in closed session; or (2) if a person is properly subpoenaed to testify in judicial proceedings where the closed session privilege or other privilege is not available, e.g., proceedings before the grand jury.

3.6.3. Exception - Threat to Security: A closed session may be held with certain designated law enforcement officials on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or facilities.

Agenda Designation: If a threat to security is to be considered at a meeting, it should be noted on the agenda as follows:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specific name of law enforcement agency and title of officer).

Public Report of Action Taken: None needed.

3.6.4. Exception - Personnel Matters: A closed session may be held during a regular, adjourned regular, special, or adjourned special meeting to consider the appointment, employment, evaluation of performance, discipline or dismissal of a public employee or to hear complaints or charges brought against such employee by another person or employee, unless the employee requests a public hearing.

As a condition to holding a closed session on specific complaints or charges brought against an employee, the employee must be given written notice of his or her right to have the complaints or charges heard in open session rather than a closed session at least 24 hours prior to the time for the session. If notice is not given, any disciplinary or other action taken by the Board against the employee based on the specific complaints or charges in the closed session are null and void.

The non-elective positions of general manager, legal counsel, district secretary, auditor and treasurer are considered employees for purposes of this section.

Government Code section 54956.9 that authorizes the closed session. If the session is closed pursuant to discuss with legal counsel a litigation matter that has been formally initiated, the Board must state the title of or otherwise specifically identify the litigation to be discussed unless to do so would jeopardize the District's ability to effect service of process on an unserved party or would jeopardize its ability to conclude existing settlement negotiations to the District's advantage.

Closed sessions under this exception shall not include discussion or action on proposed compensation unless it is a salary reduction resulting from the imposition of discipline.

Agenda Designation: Items falling under the personnel matters exception should be noted on the agenda as follows:

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

Report of Action Taken: If a public employee is appointed, employed, dismissed, or whose employment status is otherwise affected as a result of action taken during a closed session, a report must be presented at the public meeting during which the closed session is held of any action taken in closed session and any roll call vote thereon unless, in the case of a dismissed employee, there are still administrative remedies available, in which case the report shall be deferred until the first public meeting following the exhaustion of such remedies.

3.6.5. Exception - Labor Negotiations: A closed session may also be convened to meet with the Board's designated representatives prior to and during consultations and discussions with either representatives of employee organizations or unrepresented employees in order to review the District's position and to instruct its designated representative. The topics which may be discussed in such a closed session are limited to salaries, salary schedules, compensation in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. Closed sessions under this exception shall not include final action on the proposed compensation of one or more unrepresented employees.

Agenda Designation: Items to be discussed under this exception shall be noted on the agenda as follows:

CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiator: (Specify names of designated representatives attending the

closed session.) [If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.]

Employee organization: (Specify name of organization)

or

Unrepresented employee: (Specify position title of unrepresented employee)

Report of Action Taken: Approval of an agreement concluding labor negotiations with represented employees shall be reported after the agreement is final and accepted or ratified by the other party and shall include the item approved and the parties to the negotiation. The report of action taken must also include the roll call vote of the Board on the action item.

3.6.6. Exception - Purchase, Sale, Etc., of Real Property: A closed session may also be held by the Board to meet with its negotiator prior to the purchase, sale, exchange or lease (including its renewal or renegotiation) of real property by or for the District to grant authority to the District's negotiator as to price and terms of payment. Prior to holding such a closed session, the Board must hold an open and public session in which it identifies its negotiators, the real property involved and the person(s) with whom the District's negotiator may negotiate. In this connection, the law allows a member of the Board to act as negotiator.

Agenda Designation: Items to be discussed under this exception shall be noted on the agenda as follows:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference)

Agency negotiator: (Specify names of negotiators attending the closed session.) [If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.]

Negotiating parties: (Specify names of parties, not agents)

Under negotiation: (Specify item under negotiation, i.e., price, terms of payment)

Report of Action Taken: Approval of agreement, if final, and the substance of the agreement or, if final approval rests with the other party, disclosure of the fact of that approval and the substance of the agreement upon inquiry by any person as soon as the other party to the agreement has informed the local agency of its approval. The report of action taken must also include the roll call vote of the Board on the action item.

3.6.7. Exception - Litigation: The Board may also meet with its attorneys when the attorney-client privilege would otherwise apply. For this reason, the Brown Act has been consistently interpreted as allowing closed sessions to discuss pending or threatened litigation. However, because the attorney-client privilege may be applied to many situations, the Brown Act sets certain limits to use of this privilege in the context of closed sessions:

...[A] legislative body of the local agency, based on advice of its legal counsel...[may hold] a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

"Litigation" includes any adjudicatory proceedings, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. "Pending litigation" includes litigation, to which the District is a party, that has been initiated formally. Litigation is also considered pending if (1) in the Board's opinion on the advice of its legal counsel, and based on existing facts and circumstances⁵, there is a significant exposure to litigation against the District, or (2) given existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation.

Agenda Designation: Items to be discussed under this exception shall be noted on the agenda as follows:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: (Specify name and case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Section 54956.9(b): (Specify number of potential cases)⁶

and/or

Initiation of litigation pursuant to Section 54956.9(c): (Specify number of potential cases)

⁵ Government Code section 54956.9(a)(3) defines the phrase "existing facts and circumstances."

⁶ In addition to this information, the District may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of Section 54956.9(b)(3) regarding those "existing facts and circumstances" that authorize holding the closed session.

Report of Action Taken: Approval given to legal counsel to defend, or seek, or refrain from seeking appellate review or relief in any form of litigation must be reported in open session at the public meeting at which the closed session is held; that report must identify, if known, the adverse party or parties and the substance of the litigation. Approval given to legal counsel to settle pending litigation shall be reported after the settlement is final and shall include the substance of the agreement. If the Board accepts a settlement offer signed by the opposing party, the Board must report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with some other party to the litigation or with the court, then as soon as the settlement is final, upon inquiry by any person, report shall be given of such approval and the substance of the agreement. Disposition reached as to claims discussed in closed session must be reported as soon as reached in a manner that identifies the name of the claimant, the name of the District, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

The report of action taken must also include the roll call vote of the Board on the action item.

3.6.8. Exception - Disturbance of Meeting: The Board may order the meeting room cleared and continue in session without the public present when: (1) a meeting has been interrupted by a group in a fashion or to such an extent that orderly conduct of the meeting is not feasible and (2) order cannot be restored by removing the persons willfully interrupting the meeting. *Only* matters appearing on the agenda may be discussed in such a session. In addition, representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend the session. The Board may establish a procedure for readmitting individuals not responsible for the disturbance.

3.7. CONDUCTING BOARD MEETINGS

3.7.1. Presiding Officer: The President shall be the Presiding Officer of the District. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Board. He or she shall state every question coming before the Board, announce the decision of the Board on all subjects and decide all questions of order, subject, however, to an appeal to the Board (in which event a majority vote of the Board shall govern and conclusively determine such questions of order). The President may vote on all questions. The President shall sign all ordinances and resolutions as then adopted and all contracts entered into by the District, except those contracts which the General Manager has been authorized by the Board of Directors or by the District's Purchase Policy to sign on behalf of the District.

In the event that the President is unable or unwilling to act as Presiding Officer, the Vice-President shall be the Presiding Officer and shall perform all of the duties assigned to the President for so long as the President is unable or unwilling to act. In the event both the President and Vice-President are unable or unwilling to act as Presiding Officer for any reason, the remaining members shall decide on a temporary presiding officer to serve during the term of disability.

Neither the President nor the Vice-President shall have any duties or authority beyond those duties specifically provided for in this Policy Manual and by statute. If any conflict exists between the provisions of this Policy Manual and California statutes, the statutes shall govern.

3.7.2. Quorum: A majority of the Board constitutes a quorum for the transaction of business. The Board may take action on any matter properly before it only by ordinance, resolution or motion.

3.7.3. Board Action: No ordinance, resolution or motion may be passed or become effective without the affirmative votes of at least a majority of the members of the Board. The Board cannot take action by secret ballot, whether preliminary or final.

3.7.4. Motions: Motions need not be "memorialized" other than in the minutes of the meeting. Generally speaking most day-to-day decisions are made by motion, e.g., approval of minutes. If the motion is not passed by unanimous vote of all members present and voting, the AYES and NOES shall be recorded in the minutes.

3.7.5. Resolutions: Resolutions require the preparation of a separate document. Actions deserving more formality are taken by resolution.

3.7.6. Ordinances: Ordinances also require the preparation of a separate document but further require publication in a newspaper of general circulation to give ample notice of its adoption to the public. Prior to enactment, ordinances should be read in full at a public meeting (unless reading is waived by majority vote of the Board). Ordinances are effective immediately upon enactment (unless otherwise provided by the Board) and must be published within 30 days after the final vote.

Generally speaking, enactments which are to carry penalties for violation are adopted by ordinance, e.g., conservation ordinance. All ordinances shall be signed by the president and attested by the Secretary.

3.7.7. Minutes: The Secretary of the Board shall cause minutes of each meeting to be prepared. The minutes of open sessions shall be open to public inspection and copying following their approval.

The Board may, by ordinance or resolution, designate a clerk or other District officer or employee who shall then attend each closed session of the Board and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. This minute book is not a public record subject to inspection pursuant to the California Public Records Act and shall be kept confidential; it is available only to members of the Board or, if a violation of the Brown Act is alleged to have occurred at a closed session, to a court of general jurisdiction in Kern County.

3.7.8. Decorum:

Board Members - While the board is in session, the members must preserve order and

decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or peace of the Board nor disturb any member while speaking or refuse to obey the orders of the Board or its Presiding Officer, except as otherwise herein provided.

Public - Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Board shall be forthwith, by the Presiding Officer, barred from further audience before the Board for that meeting, unless permission to continue is granted by a majority vote of the Board.⁷

3.7.9. Convening the Meeting: The rules of conduct for convening a meeting (i.e., the form of notice, the call, the manner of giving notice, etc.) are contained in the Brown Act and have been discussed at length above. Certain officers are also required to convene the meeting. These officers are: (1) the presiding officer of the Board, i.e., president, vice-president, or temporary chairperson of the meeting; and (2) the secretary or clerk who records the minutes.

3.7.10. Manner of Addressing the Board: Each person addressing the Board shall give his/her name in an audible tone of voice for the records, and unless further time is granted by the Board, shall limit his/her address to 5 minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board without the permission of the Presiding Officer. No question shall be asked of a Board member except through the Presiding Officer.

3.7.11. Call to Order: Promptly at the hour set by the Board of Directors on the day of each regular meeting, the members of the Board, the recording secretary/clerk, and attending consultants shall take their regular stations in the Board meeting room and the business of the Board shall be taken up for consideration and disposition. The presiding officer calls the meeting to order after he or she has determined that a quorum is present and the time for the meeting has arrived. The presiding officer announces: "The meeting will come to order."

3.7.12. Organization of Agenda: The following order is generally used for the meeting:

- Call to Order
- Flag Salute
- Roll Call / Determination of Quorum
- Adoption of Alternative Teleconferencing Requirements (if applicable)
- Conflict of Interest Statements
- Public Comment

⁷ But see Government Code section 54954.3(c) which states that "[t]he legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law."

Approval of the Agenda
Approval of the Minutes
Consent Agenda
Discussion and Approval of Items Pulled from Consent Agenda
Current Business/Committee Reports
Issues of Concern - Staff/Directors
Closed Session (if any)
Adjournment

3.7.13. Public Comments: That portion of the meeting described as "Public Questions or Comments" is reserved for persons desiring to address the Board on any matter not on the agenda and over which the Board has jurisdiction. Speakers may be limited to 5 minutes.

3.7.14. Board Comments: That portion of the meeting described as "Issues of Concern" is reserved for directors to present to other Board members and to the public information, announcements and items that have come to the attention of the speaker and which are not on the agenda. No discussion or action by the Board will be taken. A board member is limited to making a brief report on his or her own activities, requesting a matter be placed on a future agenda or to referring the matter to District staff.

3.7.15. Motions - General: Business is brought before the Board by motion of a member. The motion may be made before or after the presentation of a report on the matter. A motion which brings a matter up for decision on a topic is entitled a "main motion." Other motions which propose some other action, e.g. to call the question, are subject to specific rules of priority.

3.7.16. Obtaining the Floor: Before a Board member can make a motion or participate in a discussion, he/she must "obtain the floor," that is, he/she must be recognized by the chair as having the exclusive right to be heard at that time. The chair must recognize any member who seeks the floor. The member seeking the floor is to state: "Mr./Mrs./Ms. President." The President gives the board member the floor by stating: "The chair recognizes Director _____." The first recognized member to ask for the floor has the first right to it.

3.7.17. Handling a Main Motion: The three steps for bringing a motion before the Board are:

- a. Making the Motion - A member makes a motion such as, "Mr. President, I move that..."
- b. Making the Second - Another member seconds the motion. (Recognition of the member by the chair is not necessary in the case of a second.) The second merely implies that the motion should come before the meeting and

not necessarily that the second favors the motion. The second may offer modification of the motion to the moving party who may approve or reject the proposal. The purpose of a second is to avoid unnecessary discussion on motions which have no chance of passage.

- c. **Stating the Question** - The chair states the question (motion), e.g. "A motion has been made by Director _____ and seconded by Director _____ to _____." Only after the chair states the motion is it pending and open to debate, although brief informal discussion may be allowed by the chair even before the motion is made. Until the chair states the question, the maker may withdraw or amend it and the second may withdraw in such a case. If the motion is unclear or out of order, the chair, instead of stating the question, may request the maker to clarify it or rule the motion out of order, whichever is appropriate.

3.7.18. Amending the Motion: Once the motion is made, seconded and stated, it may be amended only by a second motion.

3.7.19. Consideration of a Main Motion:

Debate - After the motion is stated, the members debate the motion. Debate must be confined to the pending motion or else it is out of order. The presiding officer should not participate in the debate at least until all other members have finished their discussion. Debate is begun by the chair recognizing the maker of the motion (after it has been seconded and stated). A contrary member is then recognized and so forth until all members are heard. A member can speak a second time after every member has been offered a turn to comment. Further discussion may be limited by the chair.

The Question - Following debate, the chair "puts the question" to vote by saying, "Are you ready for the question?" (Response) "The question is..." Then, the members vote. If the question calls for a roll call, the Secretary or Clerk calls the roll. If voice vote is permitted, the chair says, "All in favor signify by saying aye. (Response). Those opposed signify nay. (Response). The chair announces the result of the vote, e.g. "The ayes (or nays) have it: the motion carries (or fails). The next item of business is..."

3.7.20. Changing a Vote: A member can change his/her vote up until the chair announces the vote.

3.7.21. Secondary Motions: The rules of priority discussed above are adequate to deal with most situations. In a few cases, however, a main motion will be followed by a "secondary motion," such as a "motion to table" or a "motion to amend the pending motion". Secondary motions are based on the fundamental principle that only one question can be considered at a time; and once a question is raised, it must be disposed of before other questions may be considered. However, a secondary motion covers issues which may be considered while the main motion is pending without violating the foregoing principle. For this reason, secondary motions take precedence over main motions. Further certain types of secondary motions take precedence over other

secondary motions. All privileged secondary motions take precedence over all subsidiary secondary motions. The rank of an incidental secondary motion depends upon the character of the main motion.

Rules have also been developed which rank the various types of privileged motions and subsidiary motions. The ranking rule may be summarized, in order of preference, as follows:

Privileged

- a. Fix the time to adjourn.
- b. Adjourn.
- c. Recess (when question is pending).
- d. Raise a question of privilege.
- e. Call for the Orders of the Day.

Subsidiary

- a. Lay pending matter on the table.
- b. Previous question (to close debate).
- c. Limit or extend debate.
- d. Postpone to a certain time.
- e. Refer.
- f. Amend.
- g. Postpone indefinitely.

A Summary of Board Actions is provided to each Director.

3.7.22. Rules of Debate:

Presiding Officer May Debate and Vote, etc. - The presiding officer may move, second and debate from the chair subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Board Member by reason of his acting as the Presiding Officer.

Restricting Debate - In the event it is necessary to restrict debate on any given subject, debate shall be restricted equally to all Board members.

Improper References to be Avoided - Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate, avoiding personal references, disparaging remarks and indecorous language.

Interruptions - A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.

Motion to Reconsider - A motion to reconsider any action taken by the Board may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor. It shall be debatable. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other motion at a subsequent meeting of the Board.

Remarks of Board Member - When Entered in Minutes - A Board member may request, through the presiding officer, with consent of the Board, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Board.

Synopsis of Debate - The Clerk may be directed by the Presiding Officer, with consent of the Board, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Board.

3.7.23. Rules of Order: Except as otherwise provided herein, the current edition of "Robert's Rules of Order" shall be used as a guide to the conduct of the meetings of the Board. It is understood that "Robert's Rules of Order" is to be used as a guide only and that the failure of the Board to conform to said rules of order shall not, in any instance, be deemed to invalidate the action taken. It is further understood that where the California Government Code or the California Water Code and "Robert's Rules of Order" differ, the statutory provisions govern.

3.8. COMMITTEE MEETINGS

3.8.1. General: When an *ad hoc* committee has been appointed, its chairperson should call it together whenever necessary or appropriate. If the chairperson fails to call a meeting, then the other committee member may call a meeting. The quorum of a committee is both members and the chairperson usually acts as the secretary.

3.8.2. Written Report: When a committee has finished business assigned to it, a motion should be made for the chairperson or the remaining committee member to make a written report to the Board. Thereafter, the report of the committee is presented at the proper time by the reporting committee member. The report is an official statement formally adopted by, and submitted in the name of the committee, informing the Board of action recommended or information obtained.

3.8.3. Standing Committees: The District has several standing committees (see Section 2.4.8) which meet on a regular basis each month. Amendments to the Brown Act in 1994 brought these committee meetings within the definition of a "legislative body." Meetings of standing committees must be open to the public, called, noticed and conducted in the same manner as meetings of the full Board.

GOVERNMENT CODE - GOV
TITLE 5. LOCAL AGENCIES [50001 - 57607]
DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]
PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES
[53000 - 54999.7]

CHAPTER 9. Meetings [54950 - 54963]

(Chapter 9 added by Stats. 1953, Ch. 1588.)

54950.

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

(Added by Stats. 1953, Ch. 1588.)

54950.5.

This chapter shall be known as the Ralph M. Brown Act.

(Added by Stats. 1961, Ch. 115.)

54951.

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(Amended by Stats. 1959, Ch. 1417.)

54952.

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

(Amended by Stats. 2002, Ch. 1073, Sec. 2. Effective January 1, 2003.)

54952.1.

Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

(Amended by Stats. 1994, Ch. 32, Sec. 2. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54952.2.

(a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) "Discuss among themselves" means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) "Internet-based social media platform" means an online service that is open and accessible to the public.

(iii) "Open and accessible to the public" means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed. *(Amended by Stats. 2020, Ch. 89, Sec. 1. (AB 992) Effective January 1, 2021. Repealed as of January 1, 2026, by its own provisions. See later operative version added by Sec. 2 of Stats. 2020, Ch. 89.)*

54952.2.

(a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free

admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall become operative on January 1, 2026.

(Repealed (in Sec. 1) and added by Stats. 2020, Ch. 89, Sec. 2. (AB 992) Effective January 1, 2021. Section operative January 1, 2026, by its own provisions.)

54952.3.

(a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

(Added by Stats. 2011, Ch. 91, Sec. 1. (AB 23) Effective January 1, 2012.)

54952.6.

As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

(Added by Stats. 1961, Ch. 1671.)

54952.7.

A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

(Amended by Stats. 1993, Ch. 1138, Sec. 7. Effective January 1, 1994. Operative April 1, 1994, by Sec. 12 of Ch. 1138.)

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through

either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

- (c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.
(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to

register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed. *(Amended by Stats. 2021, Ch. 165, Sec. 3. (AB 361) Effective September 16, 2021. Repealed as of January 1, 2024, by its own provisions. See later operative version added by Sec. 4 of Stats. 2021, Ch. 165.)*

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.
(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing

with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

(Repealed (in Sec. 3) and added by Stats. 2021, Ch. 165, Sec. 4. (AB 361) Effective September 16, 2021. Operative January 1, 2024, by its own provisions.)

54953.1.

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

(Added by Stats. 1979, Ch. 950.)

54953.2.

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, Ch. 300, Sec. 5. Effective January 1, 2003.)

54953.3.

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Amended by Stats. 1981, Ch. 968, Sec. 28.)

54953.5.

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California

Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

(Amended by Stats. 2009, Ch. 88, Sec. 57. (AB 176) Effective January 1, 2010. Superseded on January 1, 2023; see amendment by Stats. 2021, Ch. 615.)

54953.5.

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

(Amended by Stats. 2021, Ch. 615, Sec. 205. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

54953.6.

No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Amended by Stats. 1994, Ch. 32, Sec. 6. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54953.7.

Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

(Added by Stats. 1981, Ch. 968, Sec. 29.)

54954.

(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular

meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

(Amended by Stats. 2004, Ch. 257, Sec. 1. Effective January 1, 2005.)

54954.1.

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If a local agency has an internet website, the legislative body or its designee shall email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the item or items be delivered by email. If the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee shall send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements established pursuant to this section. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

(Amended by Stats. 2021, Ch. 763, Sec. 1. (SB 274) Effective January 1, 2022.)

54954.2.

(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and

when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(Amended by Stats. 2016, Ch. 265, Sec. 1. (AB 2257) Effective January 1, 2017.)

54954.3.

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(Amended by Stats. 2016, Ch. 507, Sec. 1. (AB 1787) Effective January 1, 2017.)

54954.4.

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

(Added by Stats. 1991, Ch. 238, Sec. 1.)

54954.5.

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive, of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(Amended by Stats. 2012, Ch. 759, Sec. 6.1. (AB 2690) Effective January 1, 2013.)

54954.6.

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses

shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional

open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

(Amended by Stats. 2011, Ch. 382, Sec. 3.5. (SB 194) Effective January 1, 2012.)

54955.

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

(Amended by Stats. 1959, Ch. 647.)

54955.1.

Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth

in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Added by Stats. 1965, Ch. 469.)

54956.

(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(Amended by Stats. 2011, Ch. 692, Sec. 9. (AB 1344) Effective January 1, 2012.)

54956.5.

(a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Amended by Stats. 2002, Ch. 175, Sec. 2. Effective January 1, 2003.)

54956.6.

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

(Added by Stats. 1980, Ch. 1284.)

54956.7.

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session

with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

(Added by Stats. 1982, Ch. 298, Sec. 1.)

54956.75.

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats. 2004, Ch. 576, Sec. 4. Effective January 1, 2005.)

54956.8.

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

(Amended by Stats. 1998, Ch. 260, Sec. 3. Effective January 1, 1999.)

54956.81.

Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

(Added by Stats. 2004, Ch. 533, Sec. 20. Effective January 1, 2005.)

54956.86.

Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

(Added by Stats. 1996, Ch. 182, Sec. 2. Effective January 1, 1997.)

54956.87.

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Managed Health Care in the exercise of its

powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

(Amended by Stats. 2015, Ch. 190, Sec. 65. (AB 1517) Effective January 1, 2016.)

54956.9.

(a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known

to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

(Amended by Stats. 2012, Ch. 759, Sec. 7. (AB 2690) Effective January 1, 2013. Superseded on January 1, 2023; see amendment by Stats. 2021, Ch. 615.)

54956.9.

(a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the

lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

(Amended by Stats. 2021, Ch. 615, Sec. 206. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

54956.95.

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

(Added by Stats. 1989, Ch. 882, Sec. 3.)

54956.96.

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) (1) In addition to the authority described in subdivision (a), the Clean Power Alliance of Southern California, or its successor entity, may adopt a policy or a bylaw or include in its joint powers agreement a provision that authorizes both of the following:

(A) A designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California, or its successor entity, in lieu of a local agency member's regularly appointed member, to attend closed sessions of the Clean Power Alliance of Southern California, or its successor entity.

(B) All information that is received by a designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member, and that is presented to the Clean Power Alliance of Southern California, or its successor entity, in closed session, shall be confidential. However, the designated alternate member may disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to the following individuals:

(i) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(ii) Members of the legislative body of the local agency present in a closed session of that local agency member.

(2) If the Clean Power Alliance of Southern California, or its successor entity, adopts a policy or bylaw or includes in its joint powers agreement a provision authorized pursuant to paragraph (1), the Clean Power Alliance of Southern California, or its successor entity, shall establish policies to prevent conflicts of interest and to address breaches of confidentiality that apply to a designated alternate member who is not a member of the legislative body of a local agency member who attends a closed session of the Clean Power Alliance of Southern California, or its successor entity.

(c) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a) or (b), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed

session of the joint powers agency pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed. *(Amended by Stats. 2019, Ch. 248, Sec. 1. (SB 355) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2 of Stats. 2019, Ch. 248.)*

54956.96.

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) A designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

(c) This section shall become operative on January 1, 2025.

(Repealed (in Sec. 1) and added by Stats. 2019, Ch. 248, Sec. 2. (SB 355) Effective January 1, 2020. Section operative January 1, 2025, by its own provisions.)

54956.97.

Notwithstanding any provision of law, the governing board, or a committee of the governing board, of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

(a) A loan or investment decision.

(b) A decision of the internal audit committee, the compliance committee, or the governance committee.

(c) A meeting with a state or federal regulator.

(Added by Stats. 2019, Ch. 442, Sec. 14. (AB 857) Effective January 1, 2020.)

54956.98.

(a) For purposes of this section, the following definitions shall apply:

(1) "Shareholder, member, or owner local agency" or "shareholder, member, or owner" means a local agency that is a shareholder of a public bank.

(2) "Public bank" has the same meaning as defined in Section 57600.

(b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:

(1) All information received by a shareholder, member, or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member, or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that shareholder, member, or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.

(B) Other members of the governing board of the local agency present in a closed session of that shareholder, member, or owner local agency.

(2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member, or owner local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member, or owner local agency's regularly appointed member may attend a closed session of the public bank governing board.

(c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member, or owner local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

(Added by Stats. 2019, Ch. 442, Sec. 15. (AB 857) Effective January 1, 2020.)

54957.

(a) This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a

public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

(Amended by Stats. 2013, Ch. 11, Sec. 1. (AB 246) Effective January 1, 2014.)

54957.1.

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has

been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer

of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(Amended by Stats. 2006, Ch. 538, Sec. 311. Effective January 1, 2007.)

54957.2.

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

(Amended by Stats. 1981, Ch. 968, Sec. 31. Superseded on January 1, 2023; see amendment by Stats. 2021, Ch. 615.)

54957.2.

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. The minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

(Amended by Stats. 2021, Ch. 615, Sec. 207. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

54957.5.

(a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6254.22, or 6254.26.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

(Amended by Stats. 2013, Ch. 326, Sec. 1. (AB 382) Effective January 1, 2014. Superseded on January 1, 2023; see amendment by Stats. 2021, Ch. 615.)

54957.5.

(a) Notwithstanding Section 7922.000 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body

of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 7924.100, 7924.105, 7924.110, 7924.510, 7924.700, 7926.205, 7927.410, 7927.605, 7928.300, or 7928.710, or any provision listed in Section 7920.505.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 7922.530, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

(Amended by Stats. 2021, Ch. 615, Sec. 208. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

54957.6.

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

(Amended by Stats. 1998, Ch. 260, Sec. 5. Effective January 1, 1999.)

54957.7.

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

(Amended by Stats. 1993, Ch. 1137, Sec. 15. Effective January 1, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 1137.)

54957.8.

(a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing

criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

(Amended by Stats. 2006, Ch. 427, Sec. 1. Effective September 22, 2006.)

54957.9.

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(Amended by Stats. 1981, Ch. 968, Sec. 34.)

54957.10.

Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

(Added by Stats. 2001, Ch. 45, Sec. 1. Effective January 1, 2002.)

54958.

The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

(Added by Stats. 1953, Ch. 1588.)

54959.

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

(Amended by Stats. 1994, Ch. 32, Sec. 18. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54960.

(a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or

threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

(Amended by Stats. 2012, Ch. 732, Sec. 1. (SB 1003) Effective January 1, 2013.)

54960.1.

- (a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.
- (b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.
- (c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.
- (2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.
- (3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.
- (4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.
- (d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:
- (1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.
- (2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.
- (3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.
- (4) The action taken was in connection with the collection of any tax.
- (5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior

to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

(Amended by Stats. 2002, Ch. 454, Sec. 23. Effective January 1, 2003.)

54960.2.

(a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To _____:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(Added by Stats. 2012, Ch. 732, Sec. 2. (SB 1003) Effective January 1, 2013.)

54960.5.

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency. A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Amended by Stats. 2012, Ch. 732, Sec. 3. (SB 1003) Effective January 1, 2013.)

54961.

(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

(Amended by Stats. 2007, Ch. 568, Sec. 35. Effective January 1, 2008.)

54962.

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

(Amended by Stats. 2006, Ch. 157, Sec. 2. Effective January 1, 2007.)

54963.

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grandjury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

(Added by Stats. 2002, Ch. 1119, Sec. 1. Effective January 1, 2003.)

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **ADMINISTRATION COMMITTEE**
(Jameson, Niblett)

AGENDA ITEM: 2. **Discussion and Appropriate Action Regarding:**
Resolution 22-04 – Authorizing the Filing of Pre-Application
with the County of Kern, Planning and Natural Resources
Department for a Community Development Block Grant FY
2023-24, South Taft Water System Improvements Phase IV

BACKGROUND INFORMATION:

Staff is in the process of filing a pre-application with the County of Kern, Planning and Natural Resources Department for a Community Development Block Grant for South Taft Water System Improvement Project Phase IV. The application guideline requires the District to supply a resolution of governing body authorizing application for the Grant Funds.

JUSTIFICATION

The purpose of this project is to upgrade the existing water distribution facilities in the South Taft area which are currently undersized and in poor condition. The improvements will provide the necessary fire protection and water service for the residents of the South Taft community. Staff is requesting funds for materials & labor costs from this Community Development Block Grant Application. West Kern would be responsible for equipment & administrative costs.

STAFF RECOMMENDATIONS:

To rescind Resolution 21-07 and adopt Resolution 22-04.

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

To rescind Resolution 21-07 and adopt Resolution 22-04 authorizing the Filing of an Application with the County of Kern for a Community Development Block Grant FY 2023-24 for the South Taft Water System Improvement Project Phase IV.

COMMITTEE STATUS:

 Recommend Board Approval
 NO (Rejected)
 Full Board to Review
 Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

RESOLUTION NO. 22-04

RESOLUTION OF THE BOARD OF DIRECTORS OF
WEST KERN WATER DISTRICT
AUTHORIZING THE FILING OF A PRE-APPLICATION WITH
THE COUNTY OF KERN, FOR A
COMMUNITY DEVELOPMENT BLOCK GRANT FY 2023-24,
SOUTH TAFT WATER SYSTEM IMPROVEMENTS (Phase IV)
RESCINDING RESOLUTION NO. 21-07

WHEREAS, the County of Kern, Planning and Natural Resources Department (PLNR) is the County department responsible for the administration of the federally funded Community Development Block Grant (CDBG) Program;

WHEREAS, the purpose of this project is to ensure a safe potable water source and fire water protection for the residents of South Taft, by upgrading the existing water system which is currently undersized and in poor condition;

WHEREAS, that the Secretary of the District is hereby authorized to execute and file a pre-application on behalf of West Kern Water District with the County of Kern, Community Development Block Grant Program for a grant to aid in financing the South Taft Water System Improvements;

WHEREAS, that the Secretary of the District is hereby authorized and directed to furnish such information as the County of Kern, Planning and Natural Resources Department, may reasonably request in connection with the application which is herein authorized to be filed, and further is authorized to accept any offer of grant which may be tendered by the County of Kern, Planning and Natural Resources Department;

NOW, THEREFORE, the Board of Directors of West Kern Water District does hereby resolve, determine, and order as follows:

- (1) That the nature of this project is to improve West Kern Water District's water system infrastructure to prevent serious and immediate threats to the health of the community.
- (2) That the District Secretary is hereby authorized and directed to prepare and file any and all documents with the County of Kern that are necessary to implement the purposes of this resolution.
- (3) That the District Secretary is hereby authorized to accept any offer of grant which may be tendered by the County of Kern, Planning and Natural Resources Department.

All the foregoing being upon the motion of Director, seconded by Director and carried by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ADOPTED, SIGNED, AND APPROVED this 25th day of October, 2022.

DAVID A. WELLS,
President of the Board of Directors of
WEST KERN WATER DISTRICT

SECRETARY'S CERTIFICATE

I, **Greg A. Hammett**, being the appointed Secretary of the **West Kern Water District**, do hereby certify that the above and foregoing **Resolution 22-04** was duly adopted by the Board of Directors of said District at a legally convened meeting of said Board held on the **25th day of October 2022**, that the above and foregoing is a full, true, and correct copy of **RESOLUTION 22-04**, and that the same has not been amended or repealed.

ATTEST:

GREG A. HAMMETT,
Secretary of the Board of Directors of
WEST KERN WATER DISTRICT

(SEAL)

SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022

COMMITTEE: ADMINISTRATION COMMITTEE
(Jameson, Niblett)

AGENDA ITEM: 3. Discussion and Appropriate Action Regarding:
 Addendum to Table 4-2: Proposed Rate Schedule of
 The West Kern Water Revised Rate Study

BACKGROUND INFORMATION:

The Revised West Kern Water Rate Study prepared by Jeff Eklund, of Provost & Pritchard, was approved by the Board at the Regular Board Meeting of September 27, 2022.

In preparing the required rate schedules for contracted Industrial Customers, it was discovered that some minor changes to Table 4-2: Proposed Rate Schedule were required to clarify Overage Charges and to clarify the Customer Class and Contract Rate language used.

JUSTIFICATION

The Water Rate Study conducts a cost-of-service analysis of the current water rates and makes recommendations for rate adjustments to meet the projected costs of service to District customer over the next 5 years. An addendum to Table 4-2: Proposed Rate Schedule is required to make Customer Class and Overage Charge information comparative to the language used in Industrial contracts.

STAFF RECOMMENDATIONS:

Staff recommends amending the language in Table 4-2: Proposed Rate Schedule to better match and clarify the language used in the applicable Industrial Contract.

PREVIOUS ACTIONS:

RBM of Sept. 27, 2022

A Revised Water Rate Study was approved by the Board. The revisions included current inflation costs in the cost-of-service analysis and proposed rates.

RBM of May 24, 2022

The Board approved the Water Rate Study and its recommendations with the suggestion of further review of cost-of-service analysis to include current inflation costs.

COST:

BUDGETARY WARRANT:

MOTION:

Approve amendments to the Customer Class and the addition of Overage Usage to Table 4-2: Proposed Rate Schedule of the Water Rate Study of September 26, 2022.

COMMITTEE STATUS:

- Recommend Board Approval
- NO (Rejected)
- Full Board to Review
- Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

Customer Class	Proposed Water Use Rate (\$/HCF)					Meter Charge	Overage Charge
	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27		
Residential/Commercial (Tier 1)**	\$1.30	\$1.38	\$1.45	\$1.53	\$1.60	See Table	
Residential/Commercial (Tier 2)**	\$1.55	\$1.64	\$1.73	\$1.81	\$1.90		
IW - General Industrial	\$3.27	\$3.65	\$4.02	\$4.40	\$4.78	See Table	
IW-1 - Industrial Water Take or Pay	\$3.27	\$3.65	\$4.02	\$4.40	\$4.78	*	***
IW-2 - BV Golf Course	\$1.75	\$1.96	\$2.16	\$2.36	\$2.56	*	***
IW-3 - A.W. Noon Park & BV Park/Lake	\$2.08	\$2.32	\$2.56	\$2.80	\$3.03	*	
IW-4 - Federal Bureau of Prisons	\$2.98	\$3.33	\$3.67	\$4.01	\$4.36	*	***
IW-5 - Occidental of Elk Hills	\$1.92	\$2.14	\$2.36	\$2.58	\$2.81	*	***
S-1 (aka RW-1) - LaPaloma Generating Co	\$2.07	\$2.33	\$2.58	\$2.84	\$3.10	*	***
S-2 (aka IW-5) - Elk Hills Power	\$2.25	\$2.51	\$2.77	\$3.03	\$3.29	*	***
S-3 (aka IW-7) - Sunrise Power	\$2.56	\$2.86	\$3.15	\$3.45	\$3.74	*	
WD - Water Purchases	\$2.66	\$2.97	\$3.28	\$3.58	\$3.89	*	

* Meter Charge is embedded within the Water Use Rate

** Tier 1 Rate applies to water use up to 15 HCF, Tier 2 Rate applies to water use greater than 15 HCF

*** An Overage Charge of an additional 20% is applied for water use above contract amount.

Meter Size (in.)	Meter Size Multiplier	Proposed Monthly Meter Charge				
		FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
3/4	1.00	\$9.50	\$11.88	\$14.25	\$16.63	\$19.00
1	1.67	\$15.87	\$19.83	\$23.80	\$27.76	\$31.73
1-1/2	3.33	\$31.64	\$39.54	\$47.45	\$55.36	\$63.27
2	5.33	\$50.64	\$63.29	\$75.95	\$88.61	\$101.27
3	10.00	\$95.00	\$118.75	\$142.50	\$166.25	\$190.00
4	16.67	\$158.37	\$197.96	\$237.55	\$277.14	\$316.73
6	33.33	\$316.64	\$395.79	\$474.95	\$554.11	\$633.27
8	53.33	\$506.64	\$633.29	\$759.95	\$886.61	\$1,013.27

Jeff Eklund

Provost & Pritchard Consulting Group

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **ADMINISTRATION COMMITTEE
(Miller, Niblett)**

AGENDA ITEM: **4. Discussion and Appropriate Action Regarding:
Regular Board Meetings of November & December, 2022**

BACKGROUND INFORMATION:

The Regular Board Meetings in November and December fall during the Thanksgiving and Christmas holiday week. Due to holiday travel it is recommended to adjust the meetings to the weeks prior and move the Regular Board Meetings up by one week.

JUSTIFICATION:

Action is required to change the date of a regularly scheduled Board of Directors Meetings.

STAFFS RECOMMENDATION:

Adjust the meeting date of the November Board Meeting to November 15, 2022 and the December Board Meeting to December 20, 2022.

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

Approve moving the November Board Meeting to November 15, 2022 and the December Board Meeting to December 20, 2022.

COMMITTEE STATUS:

Recommend Board Approval
 NO (Rejected)
 Full Board to Review
 Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Committee did not meet on item full Board to review.

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

November 2022

Highlights for November

	MON	TUE	WED	THU	FRI	SAT	SUN
	1	2	3	4	5	6	
	<p>Notice in Papers to Start running 11/4</p>						
7	3:00pm - Personnel (Wells/Morris)	3:00pm - Water Resources (Niblett/Wells)	3:00pm - Facilities (Jameson/Bravo)	3:00pm - Administration (Jameson/Niblett)	Holiday - Office Closed		
		3:30pm - Finance (Morris/Bravo)	3:00pm - Administration (Jameson/Niblett)	Board Packets Available in Directors Mailboxes	Holiday - Office Closed		
14	15	16	17	18	19	20	
	<p>10:00a.m. Town Hall Meeting on Prop 218 at WSRPD</p>						
	<p>5:30pm - Regular Board Meeting</p>						
21	22	23	24	25	26	27	
Greg - Vacation	Greg - Vacation	Greg - Vacation	Holiday - Office Closed	Holiday - Office Closed			
28	29	30					

December 2022

	MON	TUE	WED	THU	FRI	SAT	SUN
5							
6		5:30p.m. Town Hall Meeting on Prop 218 at WSRPD					
7							
8							
9					Committee Packets Available in Directors Mailboxes After 4:30pm		
10							
11							
12	3:00pm - Personnel (Wells/Morris)						
13		3:00pm - Water Resources (Niblett/Wells) 3:30pm - Finance (Morris/Bravo)					
14			3:00pm - Facilities (Jameson/Bravo)				
15				3:00pm - Administration (Jameson/Niblett)			
16					11:30am-1:30pm. Christmas Luncheon Board Packets Available in Directors Mailboxes After 4:30pm		
17							
18							
19							
20		5:30pm - Regular Board Meeting Proposition 218 Hearing					
21			8:00am - KGA Meeting				
22							
23							
24							
25							
26	Holiday - Office Closed						
27							
28							
29							
30							
31							

Holiday - Office Closed

Greg - Birthday Holiday

Greg - Vacation

Greg - Vacation

Greg - Vacation

8:00am - KGA Meeting

Holiday - Office Closed

3:30pm - Finance (Morris/Bravo)

Water Resources (Niblett/Wells)

3:00pm - Facilities (Jameson/Bravo)

3:00pm - Administration (Jameson/Niblett)

Christmas Luncheon

11:30am-1:30pm

Board Packets Available in Directors Mailboxes After 4:30pm

Committee Packets Available in Directors Mailboxes After 4:30pm

Committee Packets Available in Directors Mailboxes After 4:30pm

Committee Packets Available in Directors Mailboxes After 4:30pm

3

4

1

2

3

4

MON

TUE

WED

THU

FRI

SAT

SUN

**FACILITIES COMMITTEE SUMMARY REPORT
FOR THE
REGULAR BOARD MEETING OF
OCTOBER 25, 2022**

MEMBERS:

Barry Jameson
Bo Bravo – by Zoom

DATE OF MEETING:

October 19, 2022

STAFF ATTENDING:

Greg Hammett	Zak Crabb	John Stuntebeck
Wayne White	Taylor Miller	Tina Leikam
Troy Turley		

COMMITTEE ISSUES:

CONSENT AGENDA

- i. **Discussion and Appropriate Action Regarding:
Operations Department Review**

END OF CONSENT AGENDA

ITEMS OF DISCUSSION

1. **Discussion and Appropriate Action Regarding:
South Taft Water Improvements Phase IV –
File Notice of Exemption**
2. **Discussion and Appropriate Action Regarding:
Well NW4 Repair, Job #22-6501**
3. **Discussion and Appropriate Action Regarding:
Well NW1 Rehabilitation, Job #22-6500**
4. **Discussion and Appropriate Action Regarding:
Well NW3 Rehabilitation, Job #22-6202**

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **FACILITIES DEVELOPMENT COMMITTEE
(Jameson, Bravo)**

AGENDA ITEM: i. **Discussion and Appropriate Action Regarding:
Operations Department Review**

BACKGROUND INFORMATION:

Attached for Board information is the Operations Department Activity Report for current projects.

STAFF RECOMMENDATIONS:

JUSTIFICATION:

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

COMMITTEE STATUS:

_____	Recommend Board Approval
_____	NO (Rejected)
_____	Full Board to Review
_____ X	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Information Item

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

STAFF REPORT
Operations Department

DATE: October 10, 2022

TO: Facilities Development Committee

FROM: Operations Staff

RE: District Testing, Sampling & Reporting Requirements and Operations Department Activity / Project Status

Following is the current status of District Testing or Sampling/Reporting Requirements, Projects, Engineering, Transmission & Distribution, Field Services, and Production Group activities for September 1, 2022, through September 30, 2022.

September Testing, Sampling/Reporting Requirements:

Water Quality Testing:

- **Arsenic Sample**
Station A
All Wells
- **Bacteriological Status**
Station A
All Wells
Distribution System

APCD:

- **Monthly Con-Vault Inspection**

October Testing, Sampling/Reporting Requirements:

Water Quality Testing:

- **Arsenic Sample**
Station A
All Wells
- **Bacteriological Status**
Station A
All Wells
Distribution System
- **Title 22 Samples**

ENGINEERING GROUP

Bureau of Land Management Easement 334 – CACA 042660 Buried Electric Line (Telephone Hills Tank) West kern is required, per easement, to place signage at the location where District facilities enter and exit BLM land. Staff has completed the requirement on October 5, 2022, no further action is required.

CONTRACT JOBS

Job #22-6501 NW4 Rehabilitation The scope of this job is to pull the well and repair equipment as needed. On September 12 Bakersfield Well commenced the rehab work on NW-4, they have brushed, bailed, chemically treated, swabbed, air lifted, and are currently pumping / developing the well to see what the yield is. A video was conducted by Bakersfield Rehabilitation on September 28, after the brushing/swabbing/chemical treatment portion was completed, the video revealed the liner to be considerably cleaner and there to be no significant damage to the liner.

Expended Year to Date: \$
Budget: \$ 26,850
Inspection: John Stuntebeck
Construction Crew: Bakersfield Well Pump

Job #22-6202 NW3 Well Rehabilitation The scope of this job is to pull and repair as required. Well data is still under analysis to determine how to proceed with repairs. No change to the status of the project. No Changes.

Expended Year to Date: \$
Budget: \$ 24,150
Inspection: John Stuntebeck
Construction Crew: Bakersfield Well & Pump

Job #22-6500 NW1 Well Rehabilitation The scope of this job is to pull and repair as required. Well data is still under analysis to determine how to proceed with repairs. No change to the status of the project. No changes.

Expended Year to Date: \$
Budget: \$ 24,150
Inspection: John Stuntebeck
Construction Crew: Bakersfield Well & Pump

Job #22-9000 Reroof East & Center Building and Install New A/C The scope of this job is to reroof east & center office building and install a new A/C unit. The Roofing portion of this project is complete. Additional duct work and new AC unit for westside of building to be installed by October 2022. No Change.

Expended Year to Date: \$211,470
Budget: \$250,000
Inspection: Mike Law
Construction Crew: Birks Air Conditioning & Superior Roofing

IN-HOUSE PROJECT

Job #22-2503 AMR Upgrade Taft Heights, City of Taft and Ford City The scope of this job is to upgrade 4820 meters located in Taft Heights Area 402, 4-3, Ford City Area 1 and City of Taft Area 2 & 3. As of July 6, 2022 all ¾", 1", 2", 3", 4" and 6" meters have been delivered. As of August 2nd, all 4760 cell cards have also been delivered. District crews have now completed meter installations in areas, 1-1, 1-2, 1-3, 1-4, 1-5, 3-1, 3-5, 3-6, 3-7, 4-1, 4-2, and 4-3. Crews are currently installing meters in area 2-1 Taft City Proper and are expected to complete area 2-1 by the week of November 26th. Job is 71% complete.

Expended Year to Date: \$1,921,405
Budget: \$2,000,000
Inspection: Zak Crabb
Construction Crew: Dwayne Johnson, Lusiano Pina, Chance Martin, Kort Bravo, Chris Havens, Charlie Coleman, Daren Lemmons, Brad Cash, Curtis Kincade

Job #22-1300 South Taft Water System Improvements Phase The scope of this job is the construction of a water mainline & fire hydrant improvements located in South Taft County Service Area 65. As of October 4th. Staff is in receipt of 95% of material from Ferguson and 100 tons of sand from General Production. Work is set to resume the week of October 17th. Once all material invoicing is received and processed West Kern will invoice the County for reimbursement.

Expended Year to Date: \$179,991
Budget: \$202,259
Inspection: Zak Crabb
Construction Crew:

TRANSMISSION & DISTRIBUTION GROUP

Leaks Repaired

14 leaks were repaired, 9 on Transmission mains, 4 on Distribution lines, and 1 on Services.

Detail of Various Leaks

Date	Location	Cause	Water Loss (Gal)
9/01	206 Jefferson St	Mechanical Damage	500
9/06	Line 101, Behind Golf Course	External Corrosion	60,000
9/08	Line 204, Reward Rd Baker Tks	External Corrosion	25,000
9/14	Line 103, Near Sunrise Cogen	External Corrosion	10,000
9/14	400 Blk of Pierce St	External Corrosion	1,000
9/14	600 Buchanan St	External Corrosion	5,000
9/14	Line 204, Reward Rd	External Corrosion	350,000
9/20	400 Blk Lincoln St	External Corrosion	20,000
9/20	Lateral 8, Ethel D Lease	External Corrosion	50,000
9/22	Line 109, Across Total Western	External Corrosion	5,000
9/22	Lateral 11, Off Kerdo Rd	External Corrosion	15,000
9/23	Line 103, Across Total Western	External Corrosion	10,000
9/25	500 Blk of Harding St	External Corrosion	2,000
9/28	Line 104, near Fellows	External Corrosion	3,200
Total Gallons Lost			556,700

FIELD SERVICES GROUP

Flushing Program

16,452 gallons were flushed from 2 locations during the month of September.

Estimated water lost due to flushing:

Estimated gallons and cubic feet for water lost during flushing procedures and leaks in various locations: **Month of September 2022**

District flushing:	16,452 gallons	2,199 cu ft.
Misc. non-revenue water loss	49,120 gallons	6,567 cu ft
Leaks in var. locations:	556,700 gallons	74,425 cu ft.
Total est. water loss:	622,272 gallons	83,191 cu ft.
	1.91 AF	

USA Reports

Month	Number of Tickets Received	Number of Days Worked Per Month	Average Number of Tickets Worked per Day
January	1,214	21	58
February	1,098	20	55
March	1,527	22	69
April	1,356	20	68
May	1,361	21	65
June	1,437	22	65
July	1,308	20	65
August	1,811	23	79
September	1,732	22	79
October			
November			
December			
Annual Total			

Cross Connection Program**Month of September:**

New Devices	0
Repairs	5
Devices Replaced	0
Total Tests	31
Surveys	0
Investigations	0

PRODUCTION GROUP

Total Water Production for the month of September:	1,419 ac. ft.
Total Water Production for the month of August:	1,576 ac. ft.
Pumping cost for the month of August:	\$421,128
Pumping cost per acre foot:	\$267

North & South Solar Project

The Solar Project began generating energy May 2013, as of **SEPTEMBER 2022** the Solar Project generated **83,945 Megawatt-hours (MWh)** of energy.

PG&E Monthly Net Energy Metering (NEM) Statement

NRRP Well Field

<u>Service Month</u> True-Up	<u>NW1</u> May	<u>NW2</u> May	<u>NW3</u> May	<u>NW4</u> May	<u>NW5</u> May
Jun-22	(\$48,546.08)	\$50,028.11	(\$45,080.81)	(\$47,582.06)	\$38,912.68
Jul-22	(\$53,055.95)	\$16,856.79	\$472.88	(\$49,182.79)	\$13,731.77
Aug-22	(\$47,516.35)	(\$2,447.24)	\$499.45	(\$43,916.94)	\$5,865.07
Sep-22	(\$38,049.76)	(\$2,224.38)	(\$34,735.23)	(\$36,380.20)	(\$4,347.69)
Oct-22					
Nov-22					
Dec-22					
Jan-23					
Feb-23					
Mar-23					
Apr-23					
May-23					
True-Up Cumulative PG&E NEM	(\$187,168.14)	\$62,213.28	(\$78,845.71)	(\$177,061.99)	\$54,161.83

SRRP Well Field

<u>Service Month</u> True-Up Month	<u>WELL 6-02</u> June	<u>WELL 6-06</u> May	<u>WELL 7-01R</u> November	<u>WELL 7-02</u> May
Nov-21			\$67,615.84	
Dec-21			\$66,597.05	
Jan-22			\$70,082.60	
Feb-22			\$25,303.71	
Mar-22			\$37,398.63	
Apr-22			\$38,376.78	
May-22			\$33,437.17	
Jun-22		\$19,041.09	(\$38,299.73)	\$8,717.60
Jul-22	\$8.81	\$46,758.81	(\$32,717.30)	\$23,091.31
Aug-22	\$25,836.00	\$502.92	(\$39,384.93)	\$27,085.95
Sep-22	\$5,691.57	\$6,192.47	(\$34,538.09)	\$8,588.57
Oct-22				
True-Up* Cumulative PG&E NEM	\$31,536.38	\$72,495.29	\$198,871.73	\$67,483.43

PLEASE NOTE: A monthly production history chart, flow report and a solar net benefit chart of all nine sites have been provided for your information. Also, included is a chart showing a breakdown of fuel cost throughout the year as well as the monthly Bacteriological Status chart.

**Stations and Wells
Electric & Natural Gas
BUDGET YEAR 2022-23**

	PG&E Electric	ELECTRICITY EXPENSE 10-52-5500 BUDGET ACTUAL	PG&E Natural Gas	So. Cal. Gas		PG&E Natural Gas	Total Gas	NATURAL GAS EXPENSE 10-52-5510 BUDGET ACTUAL	GRAND TOTAL GAS/ELECT
				Department of General Services					
				Transmission & Sta D. Natural Gas	Natural Gas				
		\$343,399						\$2,704,937	
Jul-22	\$44,425	\$298,974	\$22,050	\$78,614	\$186,117	\$286,781	\$2,418,156	\$331,205	
Aug-22	\$35,613	\$263,361	\$18,541	\$90,050	\$276,924	\$385,515	\$2,032,641	\$421,128	
Sep-22		\$263,361				\$0	\$2,032,641	\$0	
Oct-22		\$263,361				\$0	\$2,032,641	\$0	
Nov-22		\$263,361				\$0	\$2,032,641	\$0	
Dec-22		\$263,361				\$0	\$2,032,641	\$0	
Jan-23		\$263,361				\$0	\$2,032,641	\$0	
Feb-23		\$263,361				\$0	\$2,032,641	\$0	
Mar-23		\$263,361				\$0	\$2,032,641	\$0	
Apr-23		\$263,361				\$0	\$2,032,641	\$0	
May-23		\$263,361				\$0	\$2,032,641	\$0	
Jun-23		\$263,361				\$0	\$2,032,641	\$0	
Total	\$80,038	\$263,361	\$40,591	\$168,665	\$463,040	\$672,296	\$2,032,641	\$752,334	

NOTE: This spreadsheet reflects the month that the elect/gas was used.

WEST KERN WATER DISTRICT PRODUCTION HISTORY/DISTRIBUTION SYSTEM

REV 10/7/2022

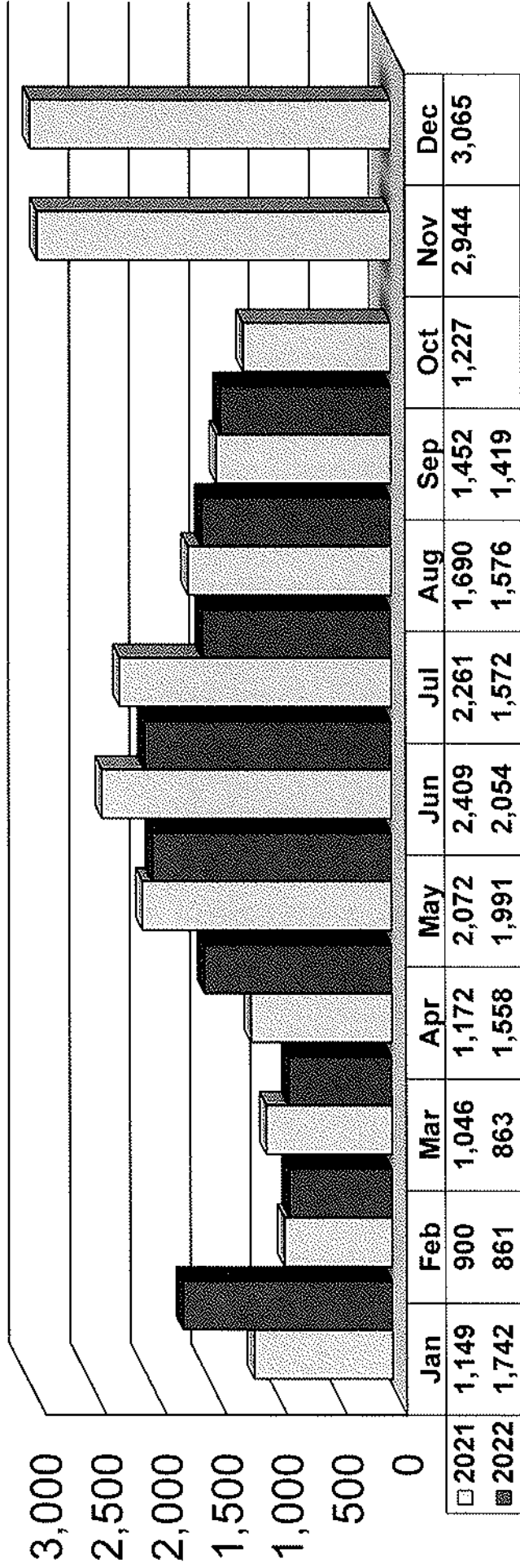
	GALLONS 2011/2012	ACRE FT.	GALLONS 2012/2013	ACRE FT.	GALLONS 2013/2014	ACRE FT.	GALLONS 2014/2015	ACRE FT.
JUL	723,076,608	2219.04	720,010,744	2209.63	653,884,048	2006.70	591,817,103	1816.22
AUG	741,442,320	2275.40	741,486,720	2275.54	648,685,216	1990.74	612,762,806	1880.50
SEP	667,476,208	2048.41	621,143,552	1906.22	528,856,173	1623.00	518,474,560	1591.14
OCT	558,799,616	1714.89	566,394,952	1738.06	484,060,487	1485.53	499,949,931	1534.29
NOV	423,340,416	1299.18	387,535,360	1282.99	434,535,342	1333.54	374,015,036	1147.81
DEC	455,298,560	1397.26	384,349,952	1180.64	376,279,700	1154.76	330,904,949	1015.51
JAN	468,185,216	1436.81	388,115,072	1208.14	407,333,301	1250.06	350,185,728	1074.68
FEB	486,406,272	1492.73	355,092,528	1097.08	233,354,935	716.14	250,598,272	769.06
MAR	516,768,000	1585.9	430,929,184	1322.47	265,601,150	815.1	293,933,895	902.05
APR	509,455,616	1563.46	490,509,789	1505.32	439,419,849	1348.53	310,594,656	953.18
MAY	674,304,232	2069.36	578,337,644	1774.85	480,809,443	1475.55	366,953,845	1126.14
JUN	702,610,824	2156.23	602,556,836	1849.18	523,942,340	1607.92	466,676,236	1432.18
Total	6,927,163,888	21258.67	6,266,462,333	19350.12	5,476,761,984	16807.57	4,966,867,017	15242.76

	GALLONS 2015/2016	ACRE FT.	GALLONS 2016/2017	ACRE FT.	GALLONS 2017/2018	ACRE FT.	GALLONS 2018/2019	ACRE FT.
JUL	513,889,837	1,577.07	568,978,816	1746.13	573,426,073	1759.78	588,974,970	1807.50
AUG	519,103,453	1,593.07	565,092,864	1734.21	555,246,101	1703.99	495,344,710	1520.16
SEP	520,331,911	1,596.84	503,366,144	1544.77	462,325,280	1418.82	514,611,720	1579.29
OCT	488,255,138	1,498.40	467,419,808	1434.46	466,599,790	1431.94	449,510,170	1379.50
NOV	391,327,500	1,200.94	369,580,204	1134.20	442,799,640	1358.90	412,646,430	1266.37
DEC	384,875,650	1,181.14	343,591,776	1022.52	383,656,967	1177.40	347,947,500	1067.81
JAN	359,853,552	1,104.35	318,362,944	977.02	303,037,470	929.99	356,706,340	1094.69
FEB	306,616,015	940.97	244,021,888	748.88	313,335,480	961.59	254,680,010	781.58
MAR	373,047,259	1,144.84	303,494,272	931.39	363,551,961	1115.70	301,852,600	926.35
APR	430,533,892	1,321.26	345,799,680	1061.22	384,959,100	1181.40	320,059,160	982.23
MAY	488,326,826	1,498.62	408,867,456	1254.77	463,642,270	1422.87	392,613,780	1204.89
JUN	545,597,312	1,674.38	510,820,320	1567.65	499,502,840	1532.92	423,308,790	1299.09
Total	5,321,758,345	16331.88	4,949,396,172	15157.22	5,212,082,972	15995.30	4,858,256,180	14909.46

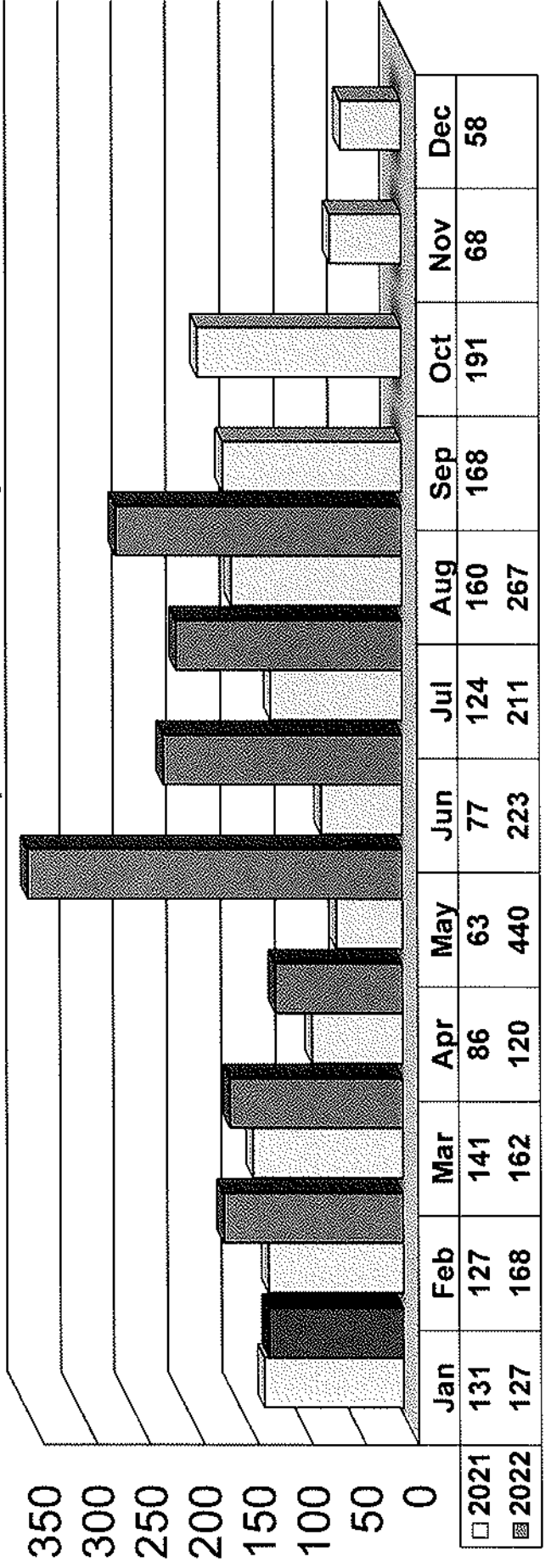
	GALLONS 2019/2020	ACRE FT.	GALLONS 2020/2021	ACRE FT.	GALLONS 2021/2022	ACRE FT.	GALLONS 2022/2023	ACRE FT.
JUL	595,101,681	1826.30	577,808,060	1773.23	538,820,697	1653.58	505,388,384	1550.98
AUG	637,680,631	1956.97	543,297,889	1667.32	507,900,695	1558.69	513,484,430	1575.83
SEP	513,834,442	1576.90	512,312,718	1572.23	469,860,849	1441.95	462,357,480	1418.92
OCT	483,422,768	1483.57	491,617,921	1508.72	399,921,060	1227.31		
NOV	387,988,570	1190.69	358,729,366	1100.90	323,987,132	994.28		
DEC	379,417,070	1164.39	357,403,152	1096.83	309,476,987	949.75		
JAN	340,862,956	1046.07	311,321,304	955.41	264,832,142	812.74		
FEB	334,547,400	1026.69	258,627,939	793.70	280,425,370	860.59		
MAR	266,415,778	817.60	324,938,617	997.20	281,212,672	863.01		
APR	346,878,165	1064.53	326,743,832	1002.74	332,514,653	1020.45		
MAY	403,911,866	1239.56	429,015,427	1316.60	648,850,804	1991.25		
JUN	488,861,160	1500.26	494,195,402	1516.63	438,608,480	1346.04		
Total	5,178,922,487	15893.53	4,986,011,626	15301.51	4,796,411,541	14719.64	1,481,230,294	4545.73

West Kern Water District

Production History



Cost per Acre Foot History

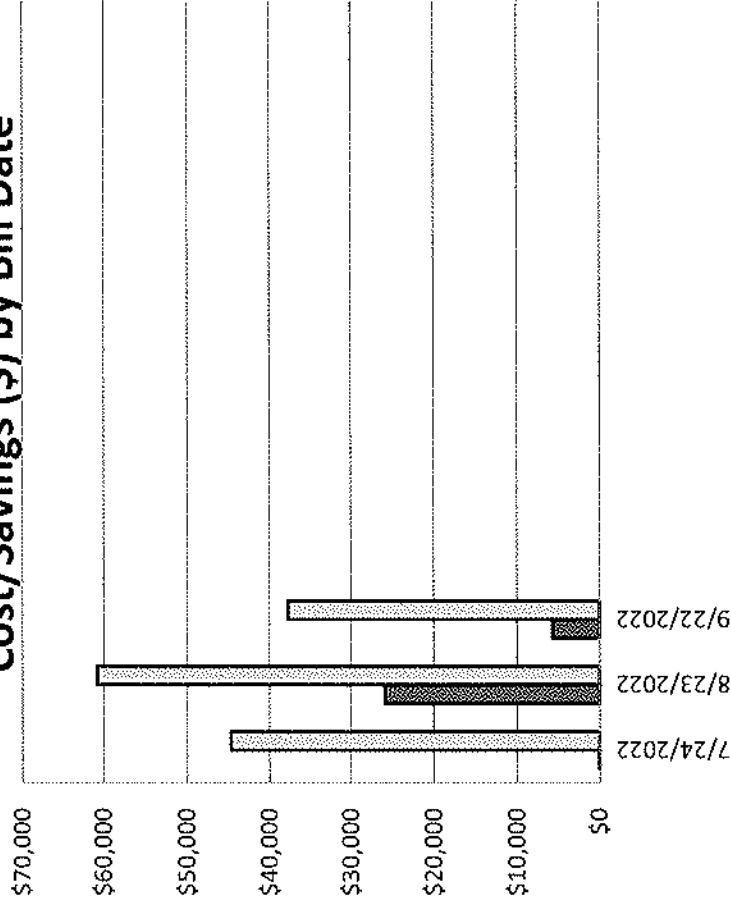


Maximum / Average Flows Gallons per Day (G.P.D.) WELLFILED & STATIONS 2022

Month	WELL FIELD (M12)			STATION A1&A2 (M2)			STATION B1 (M22,M30)			STATION B2 (M20,M21)			STATION B3 (M1)EST.		
	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity
Jan	16,326,129	24,314,000	57%	5,843,000	7,094,000	29%	1,567,717	1,785,220	11%	1,179,451	2,275,400	16%	1,575,374	2,632,700	52%
Feb	10,331,571	12,575,000	29%	6,673,571	7,954,000	32%	1,939,372	2,344,420	15%	1,517,786	2,107,400	15%	1,41,750	1,473,600	29%
Mar	9,139,613	11,436,000	27%	5,682,065	7,332,000	30%	2,144,265	2,779,230	18%	652,848	1,562,600	11%	581,271	1,452,100	29%
Apr	11,280,667	15,499,000	36%	7,904,733	10,388,000	42%	2,429,206	2,969,170	19%	1,082,777	2,050,000	14%	1,519,207	2,550,800	50%
May	13,520,774	17,154,000	40%	9,280,226	11,214,000	46%	2,881,561	3,387,380	21%	1,362,254	2,664,400	18%	1,187,806	2,311,200	45%
Jun	7,038,567	16,859,000	39%	6,301,267	12,148,000	50%	1,923,874	3,529,230	22%	960,920	2,631,700	18%	616,210	2,320,400	46%
Jul	12,449,968	19,104,000	44%	10,198,516	12,878,000	53%	2,849,774	3,621,000	23%	1,435,645	2,967,600	20%	1,675,297	2,372,600	47%
Aug	17,180,452	19,456,000	45%	11,807,903	12,935,000	53%	3,285,260	4,203,440	27%	3,219,187	5,797,900	40%	1,449,258	2,382,900	47%
Sep	15,699,400	20,381,000	47%	10,941,500	14,090,000	58%	3,110,313	3,910,510	25%	2,025,334	3,856,400	27%	2,226,280	2,482,100	49%
Oct			0%			0%			0%			0%			0%
Nov			0%			0%			0%			0%			0%
Dec			0%			0%			0%			0%			0%
Month	STATION C (M1,M2,M3,M4)			STATION D (M31)			STATION E			STATION F (M26)			STATION G1 (M23, M24)		
	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity
Jan	11,952,000	2,611,210	22%	699,887	920,600	27%	Est.	64,760	30%	38,022	64,760	0%	4,085,071	3,724,242	22%
Feb		3,074,473	26%	711,075	1,145,300	33%	Est.	92,800	25%	66,500	92,800	10%	3,400,329	3,004,307	18%
Mar		3,467,886	29%	747,639	1,066,500	31%	Est.	103,240	30%	79,484	103,240	12%	1,768,468	1,594,729	10%
Apr		3,585,006	30%	613,067	865,300	25%	Est.	136,830	30%	104,459	136,830	15%	4,714,730	4,550,143	27%
May		5,448,490	46%	701,358	895,500	26%	Est.	148,350	30%	92,142	148,350	17%	4,117,342	3,921,713	23%
Jun		4,809,494	40%	480,357	995,900	29%	Est.	147,270	30%	74,609	147,270	17%	3,205,868	1,743,003	10%
Jul		4,779,402	40%	691,119	1,118,700	32%	Est.	114,680	30%	111,593	114,680	13%	4,171,313	3,757,468	22%
Aug		5,054,581	42%	913,781	1,142,700	33%	Est.	105,730	30%	95,727	105,730	12%	Mr. Out		0%
Sep		4,965,710	42%	961,607	1,153,100	33%	Est.		0%	71,445		0%			0%
Oct			0%			0%	Est.		0%			0%			0%
Nov			0%			0%	Est.		0%			0%			0%
Dec			0%			0%	Est.		0%			0%			0%
Month	STATION G2 (M1)			STATION H (25 HILL)			STATION J (M19)			STATION K (M5)			STATION M (M27)		
	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity	Max. Cap.	Average	% of Max Capacity
Jan	5,732,640	3,989,500	70%	70,177	186,620	15%	262,955	340,500	13%	658	20,400	0%	277,355	358,150	31%
Feb		8,218,600	100%	97,554	196,610	16%	294,143	329,200	13%	0	0	0%	340,471	375,290	32%
Mar		NA	#VALUE!	104,555	233,470	18%	325,152	402,900	16%	0	0	0%	353,957	390,140	34%
Apr		2,228,200	39%	74,505	188,930	15%	364,920	531,900	21%	59,650	601,600	7%	362,189	399,610	35%
May		4,225,000	74%	215,809	267,800	21%	448,974	544,300	21%	3,965	90,600	0%	407,758	477,190	41%
Jun		5,203,900	91%	136,860	260,100	21%	279,573	527,900	20%	0	0	0%	260,352	475,130	41%
Jul		4,386,800	77%	206,929	352,300	28%	396,071	496,600	19%	181	5,600	0%	397,362	504,070	44%
Aug		4,435,900	77%	309,068	359,400	28%	455,087	499,200	19%		0	0%	445,416	472,840	41%
Sep		4,401,200	77%	301,857	345,100	27%	445,867	513,500	20%		0	0%	425,498	479,230	41%
Oct			0%			0%			0%			0%			0%
Nov			0%			0%			0%			0%			0%
Dec			0%			0%			0%			0%			0%

LA PALOMA (LP)		SUNRISE (SR)					
Month	Max. Cap.	Average	% of Max Capacity	Peak	Average	Peak	% of Max Capacity
	10,368,000				5,040,000		
Jan	35,671	491,817	5%	1,936,901	2,584,116	51%	
Feb	141,138	1,723,781	17%	1,863,657	2,182,963	43%	
Mar	332,433	3,670,900	35%	117,608	1,520,385	30%	
Apr	1,279,459	3,537,322	34%	1,707,594	2,536,318	50%	
May	794,398	3,498,486	34%	2,093,398	2,701,851	54%	
Jun	745,603	4,188,299	40%	1,440,214	3,634,457	72%	
Jul	1,792,325	4,342,641	42%	1,922,293	3,834,547	76%	
Aug	2,633,973	4,614,786	45%	3,237,568	3,778,971	75%	
Sep	3,059,858	6,848,075	66%	2,920,289	4,174,438	83%	
Oct			0%			0%	
Nov			0%			0%	
Dec			0%			0%	

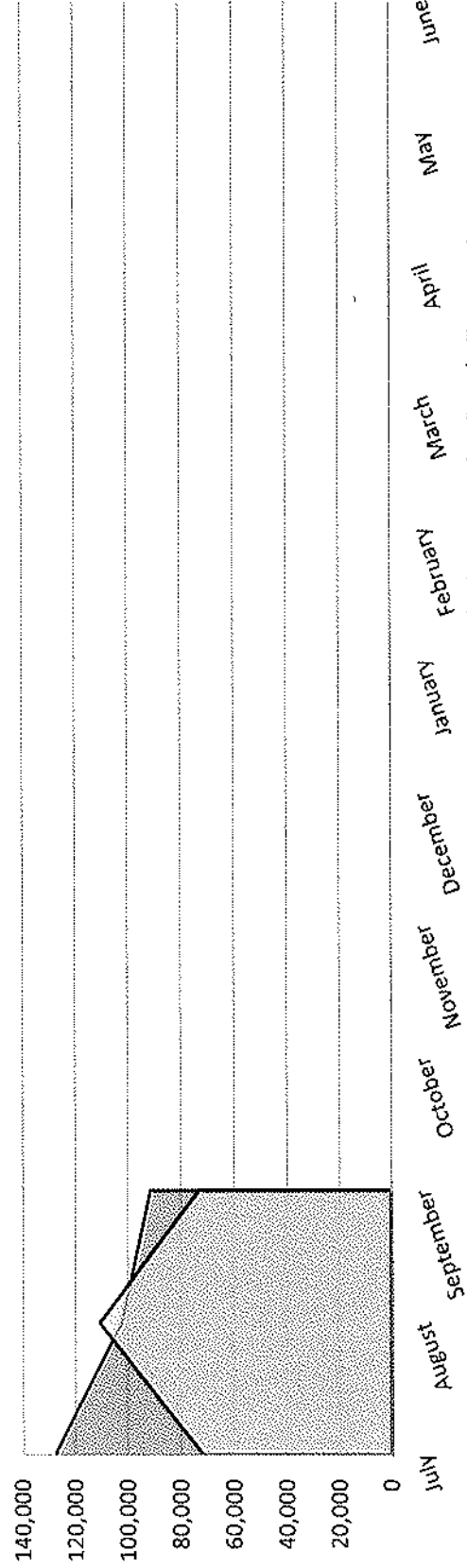
Cost/Savings (\$) by Bill Date



System		6-02 - NEM Year 9	
Start Date	End Date	Net Cost kWh 1	Cost Without Solar kWh 2
6/23/2022	7/24/2022	\$35.00	\$44,709.00
7/25/2022	8/23/2022	\$25,861.00	\$60,760.00
8/24/2022	9/22/2022	\$5,717.00	\$37,738.00
Total		\$31,613.00	\$143,207.00

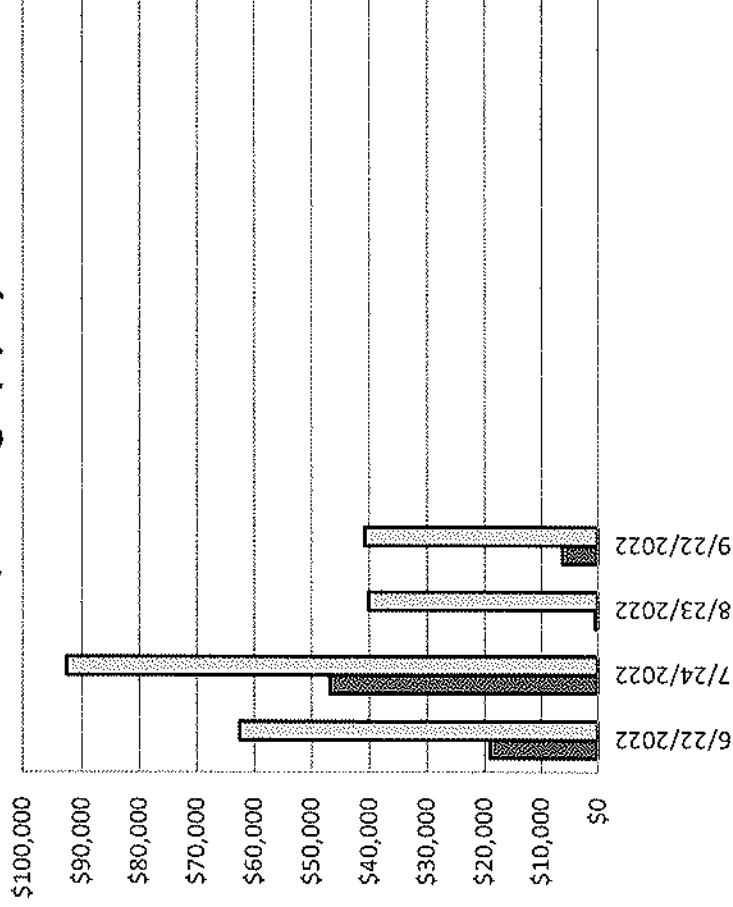
1 Net Cost kWh - Grid usage cost minus solar credits allocated.
 2 Cost W/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

Energy (kWh) by Bill Date



3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.
 4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

Cost/Savings (\$) by Bill Date

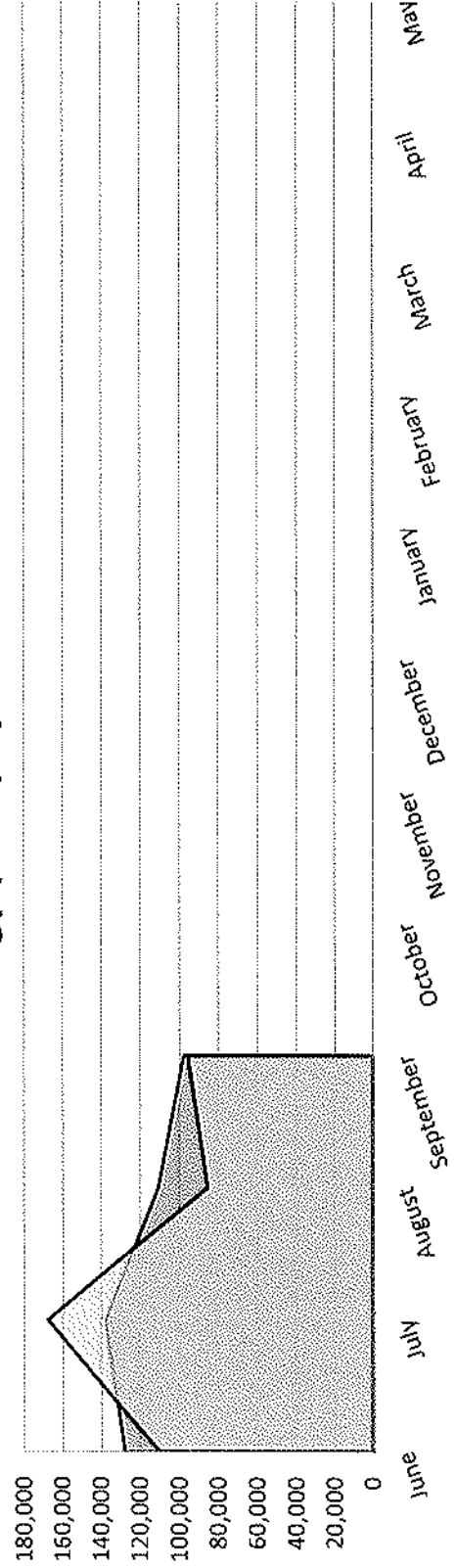


■ Net Cost kWh
 ■ Cost Without Solar kWh

System	6-06 - NEM Year 9		
Start Date	End Date	Net Cost kWh ¹	Cost Without Solar kWh ²
5/24/2022	6/22/2022	\$19,072.00	\$62,520.00
6/23/2022	7/24/2022	\$46,792.00	\$92,562.00
7/25/2022	8/23/2022	\$533.00	\$40,116.00
8/24/2022	9/22/2022	\$6,224.00	\$40,826.00
Total			\$72,621.00
			\$236,024.00

1 Net Cost kWh - Grid usage cost minus solar credits allocated.
 2 Cost w/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

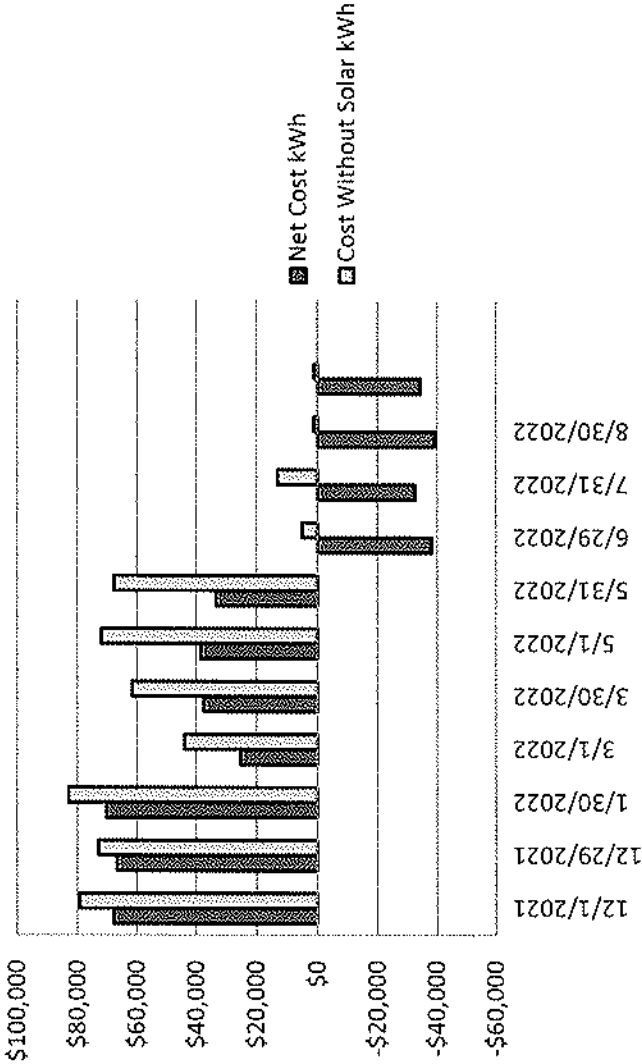
Energy (kWh) by Bill Date



■ Solar Generation kWh
 ■ Grid Usage kWh

3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.
 4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

Cost/Savings (\$) by Bill Date

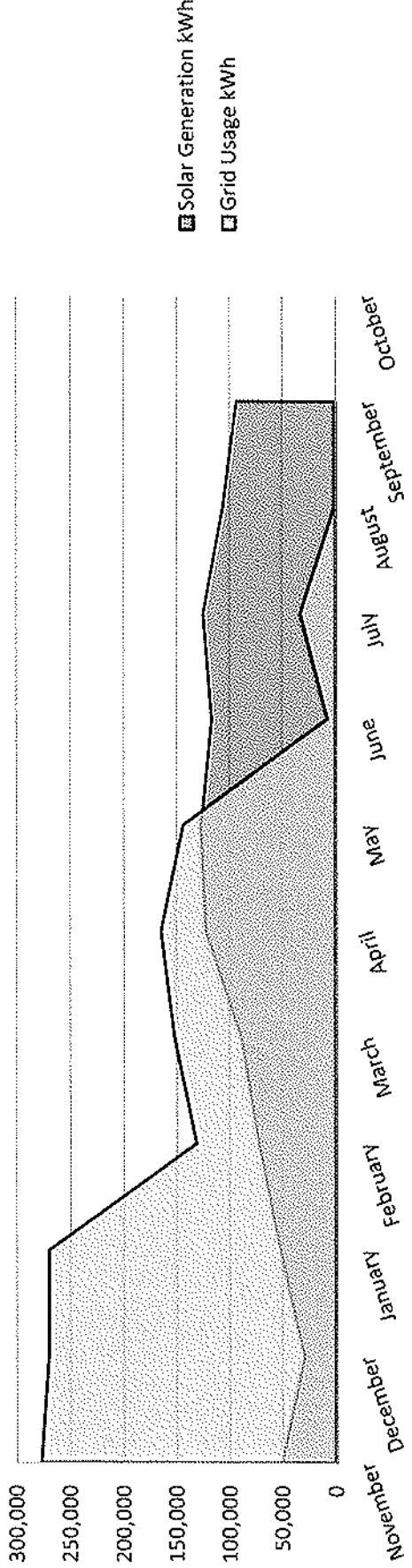


7-01R - NEM Year 8			Cost Without Solar kWh ²
Start Date	End Date	Net Cost kWh ¹	Cost Without Solar kWh ²
11/1/2021	12/1/2021	\$67,641.00	\$79,185.00
12/2/2021	12/29/2021	\$66,615.00	\$72,900.00
12/30/2021	1/30/2022	\$70,103.00	\$82,954.00
1/31/2022	3/1/2022	\$25,241.00	\$43,848.00
3/2/2022	3/30/2022	\$37,423.00	\$61,467.00
3/31/2022	5/1/2022	\$38,403.00	\$71,942.00
5/2/2022	5/31/2022	\$33,462.00	\$67,692.00
6/1/2022	6/29/2022	(\$38,276.00)	\$4,969.00
6/30/2022	7/31/2022	(\$32,691.00)	\$13,094.00
8/1/2022	8/30/2022	-\$39,360.00	\$1,106.00
		(\$34,514.00)	\$1,059.00
Total		\$194,047.00	\$500,216.00

1 Net Cost kWh - Grid usage cost minus solar credits allocated.

2 Cost W/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

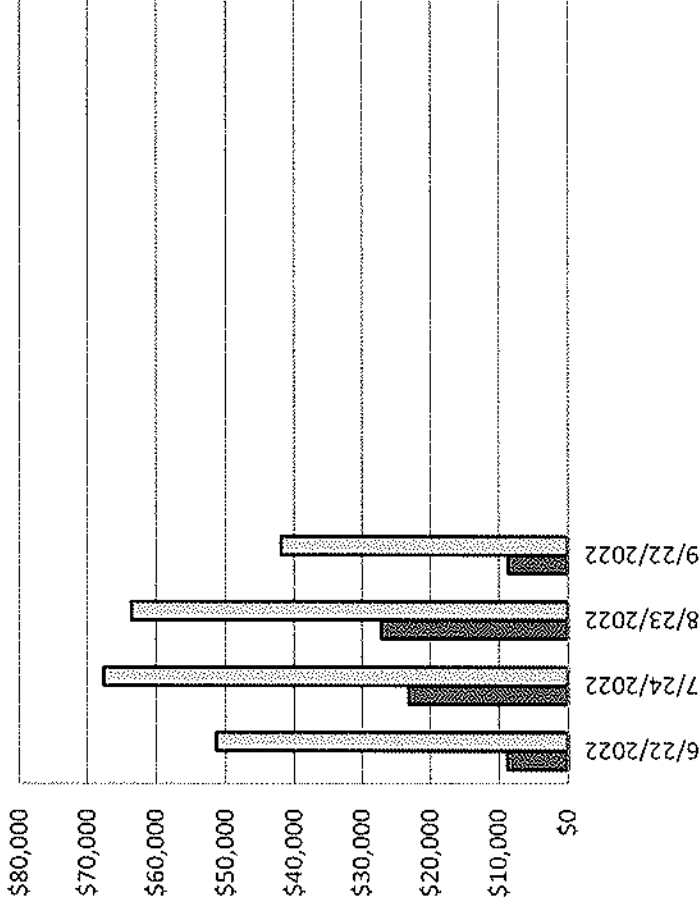
Energy (kWh) by Bill Date



3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.

4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

Cost/Savings (\$) by Bill Date

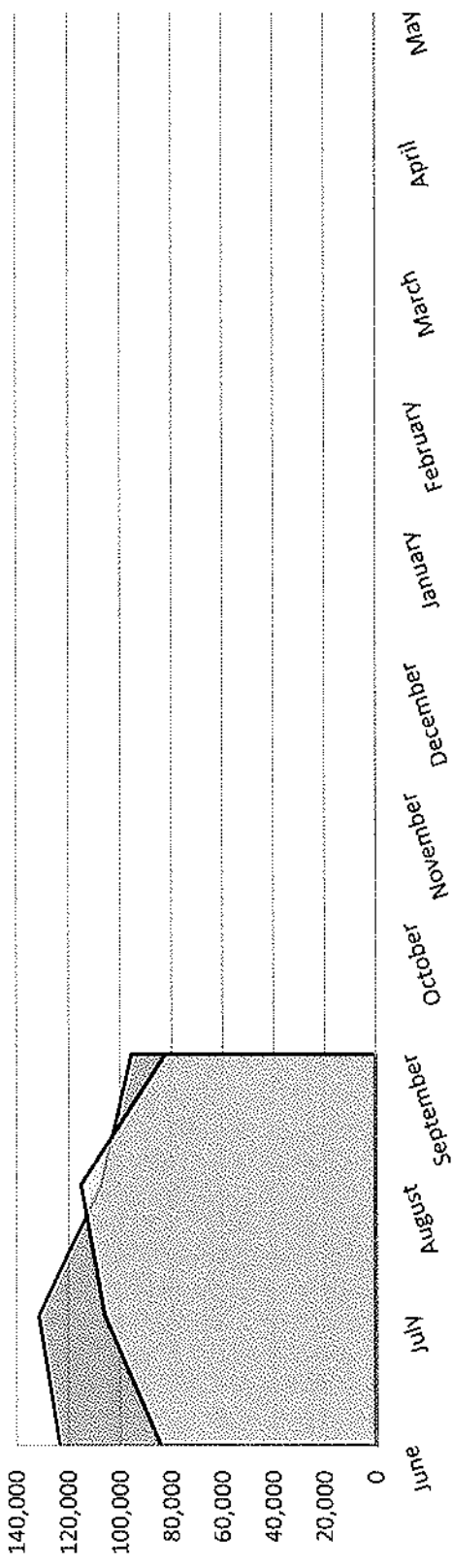


■ Net Cost kWh
 ■ Cost Without Solar kWh

System	7-02 - NEM Year 9		Net Cost kWh ¹	Cost Without Solar kWh ²
Start Date	End Date	Net Cost kWh ¹	Cost Without Solar kWh ²	
5/24/2022	6/22/2022	\$8,743.00	\$51,275.00	
6/23/2022	7/24/2022	\$23,118.00	\$67,584.00	
7/25/2022	8/23/2022	\$27,110.00	\$63,577.00	
8/24/2022	9/22/2022	\$8,613.00	\$41,872.00	
Total			\$67,584.00	\$224,308.00

1 Net Cost kWh - Grid usage cost minus solar credits allocated.
 2 Cost W/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

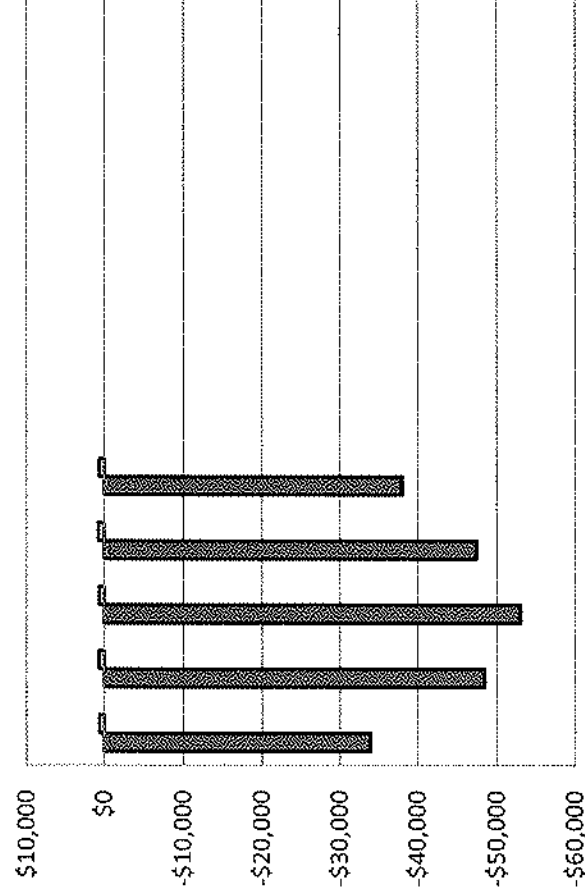
Energy (kWh) by Bill Date



■ Solar Generation kWh
 ■ Grid Usage kWh

3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.
 4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

Cost/Savings (\$) by Bill Date



■ Net Cost kWh
 □ Cost Without Solar kWh

System			NW 1 - NEM Year 9	
Start Date	End Date	Net Cost kWh ¹	Cost Without Solar kWh ²	
4/14/2022	5/12/2022	-\$34,007.00	\$615.00	
5/13/2022	6/12/2022	-\$48,520.00	\$635.00	
6/13/2022	7/13/2022	(\$53,030.00)	\$592.00	
7/14/2022	8/14/2022	-\$47,490.00	\$719.00	
8/15/2022	9/13/2022	(\$38,025.00)	\$607.00	
Total			-\$221,072.00	\$3,168.00

1 Net Cost kWh - Grid usage cost minus solar credits allocated.

2 Cost W/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

Energy (kWh) by Bill Date



■ Solar Generation kWh
 □ Grid Usage kWh

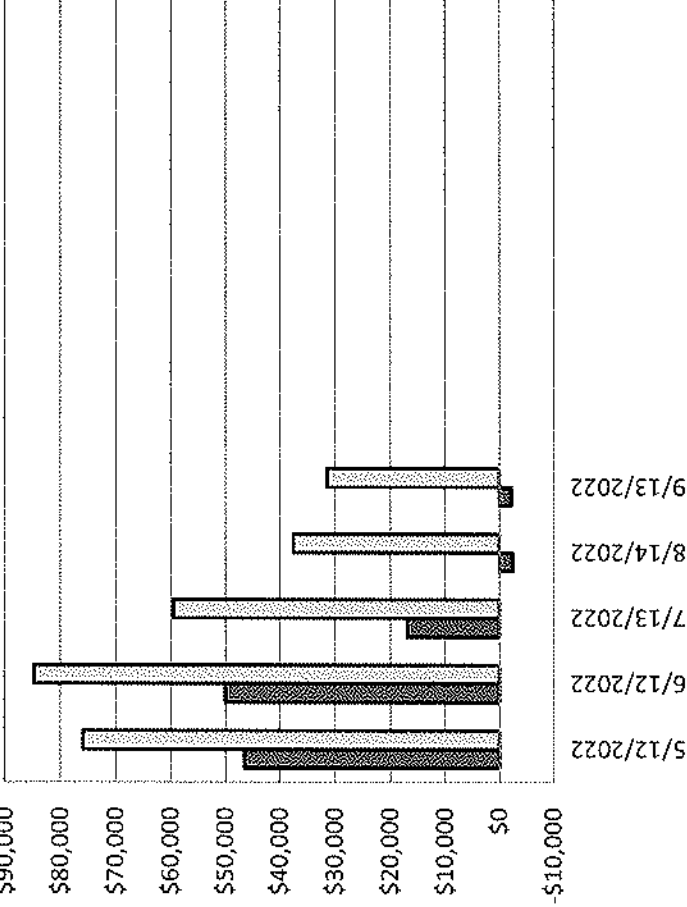
3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.

4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

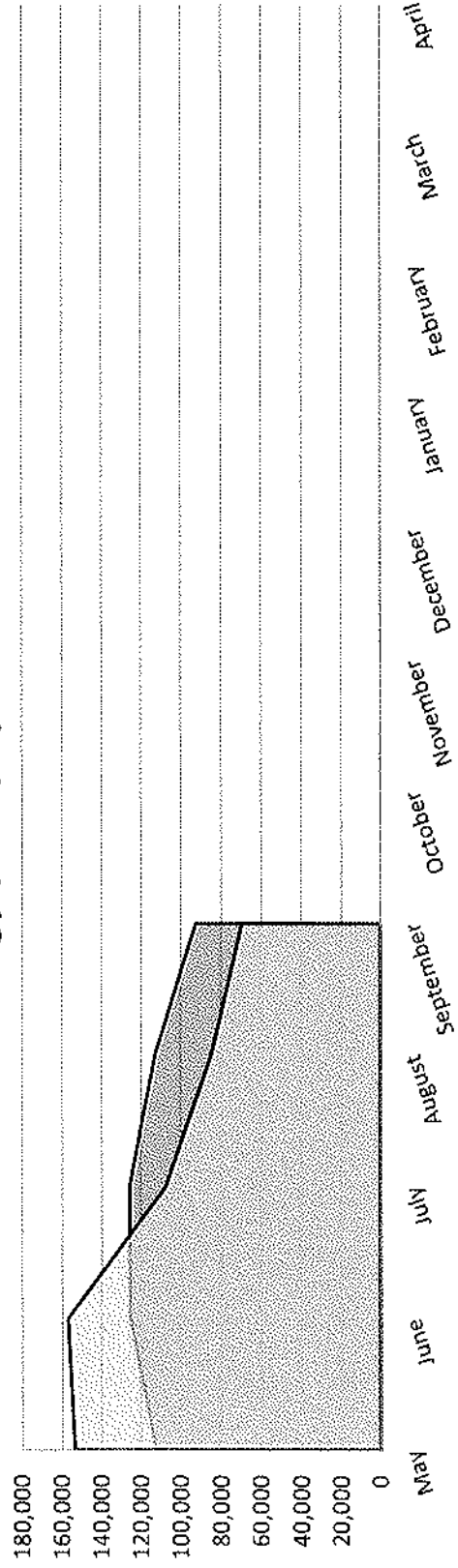
Cost/Savings (\$) by Bill Date

System	NW 2 - NEM Year 9		Net Cost kWh ¹	Cost Without Solar kWh ²
Start Date	End Date	Net Cost kWh ¹	Cost Without Solar kWh ²	
4/14/2022	5/12/2022	\$46,538.00	\$75,918.00	
5/13/2022	6/12/2022	\$50,053.00	\$84,763.00	
6/13/2022	7/13/2022	\$16,883.00	\$59,460.00	
7/14/2022	8/14/2022	-\$2,421.00	\$37,588.00	
8/15/2022	9/13/2022	(\$2,199.00)	\$31,372.00	
Total			\$108,854.00	\$289,101.00

■ Net Cost kWh
 ■ Cost Without Solar kWh



Energy (kWh) by Bill Date

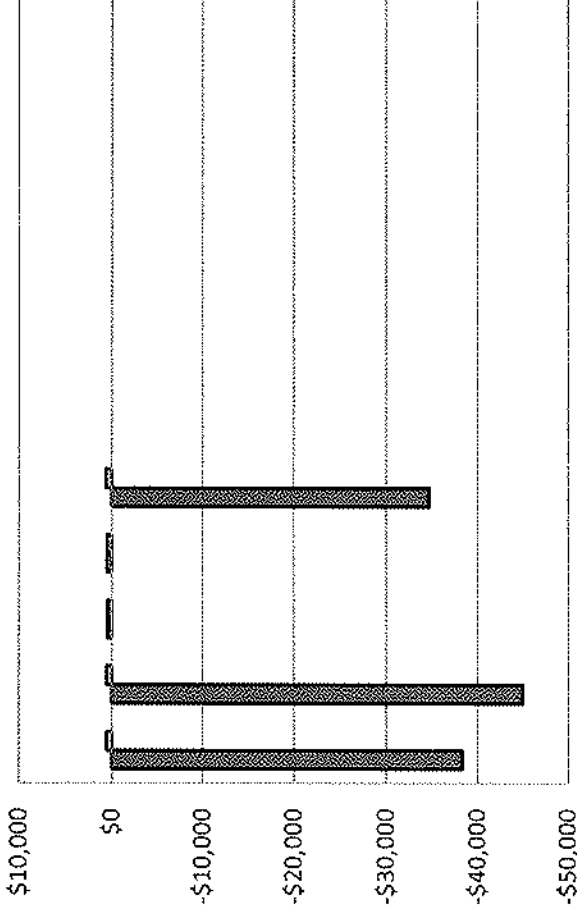


■ Solar Generation kWh
 ■ Grid Usage kWh

1 Net Cost kWh - Grid usage cost minus solar credits allocated.
 2 Cost w/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.
 4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

Cost/Savings (\$) by Bill Date



Net Cost kWh
 Cost Without Solar kWh

System			NW 3 - NEM Year 9	
Start Date	End Date	Net Cost kWh ¹	Cost Without Solar kWh ²	
4/14/2022	5/12/2022	-\$38,306.00	\$548.00	
5/13/2022	6/12/2022	(\$45,055.00)	\$637.00	
6/13/2022	7/13/2022	\$499.00	\$449.00	
7/14/2022	8/14/2022	\$526.00	\$474.00	
8/15/2022	9/13/2022	(\$34,711.00)	\$607.00	
Total			-\$117,047.00	\$2,615.00

1. Net Cost kWh - Grid usage cost minus solar credits allocated.
 2. Cost W/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

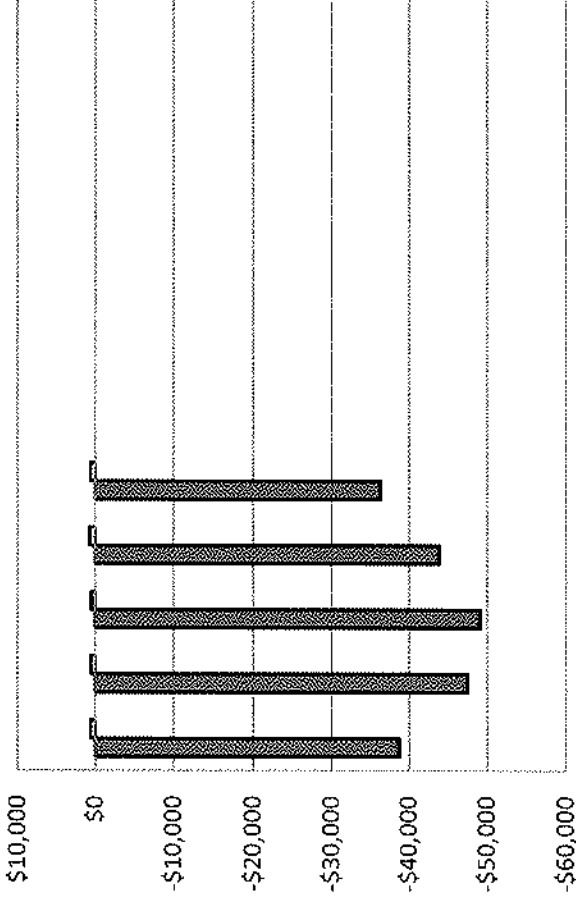
Energy (kWh) by Bill Date



Solar Generation kWh
 Grid Usage kWh

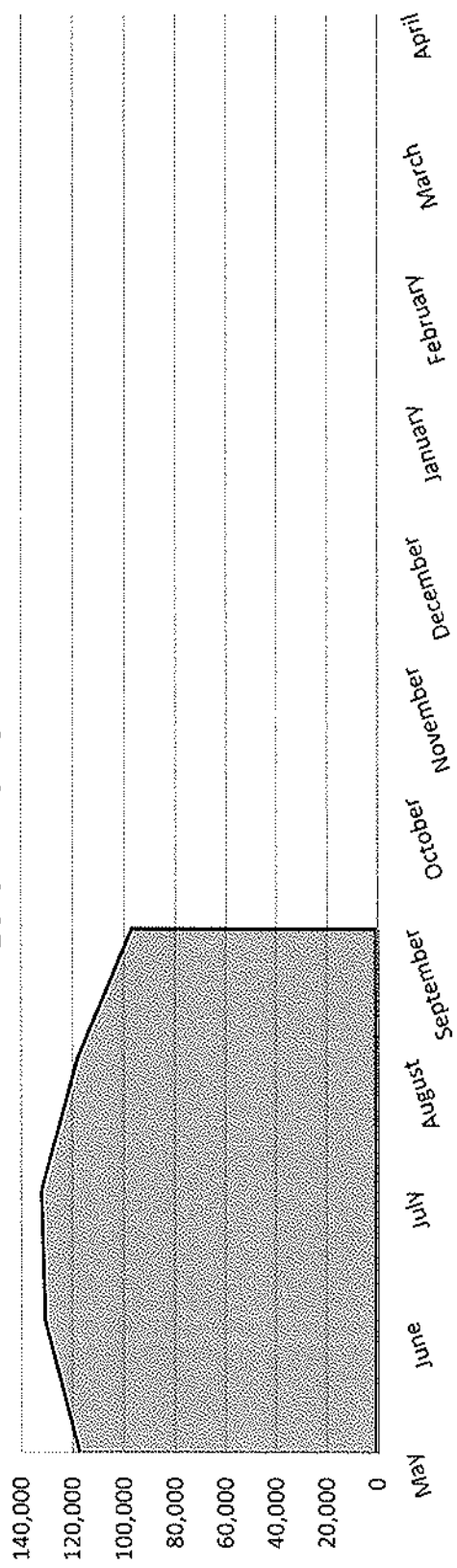
3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.
 4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

Cost/Savings (\$) by Bill Date



■ Net Cost kWh
 □ Cost Without Solar kWh

Energy (kWh) by Bill Date



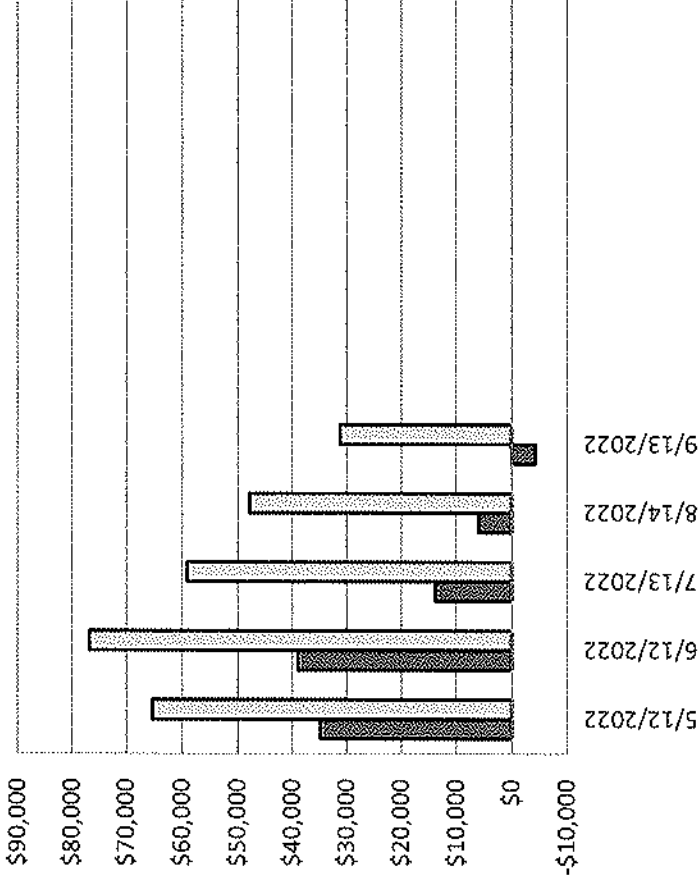
■ Solar Generation kWh
 □ Grid Usage kWh

System	NW 4 - NEM Year 9		
Start Date	End Date	Net Cost kWh	Cost Without Solar kWh ²
4/14/2022	5/12/2022	-\$38,737.00	\$597.00
5/13/2022	6/12/2022	(\$47,557.00)	\$578.00
6/13/2022	7/13/2022	(\$49,157.00)	\$548.00
7/14/2022	8/14/2022	(\$43,891.00)	\$732.00
8/15/2022	9/13/2022	(\$36,355.00)	\$599.00
Total		-\$215,697.00	\$3,054.00

1 Net Cost kWh - Grid usage cost minus solar credits allocated.
 2 Cost W/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.
 4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

Cost/Savings (\$) by Bill Date

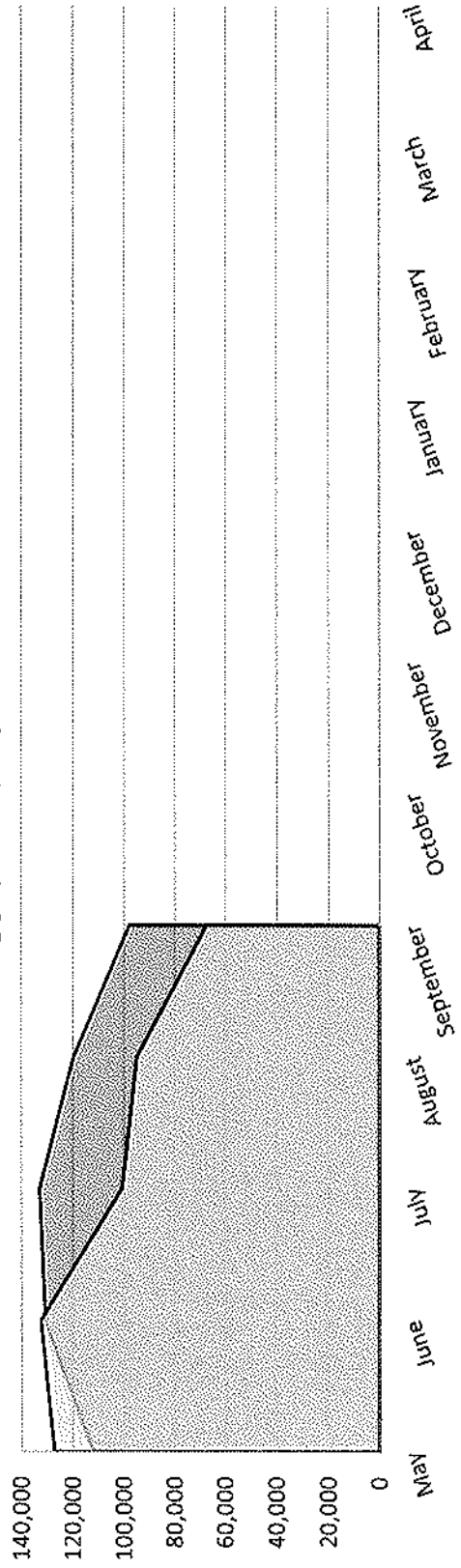


■ Net Cost kWh
 □ Cost Without Solar kWh

System		NW 5 - NEM Year 9	
Start Date	End Date	Net Cost kWh ¹	Cost Without Solar kWh ²
4/14/2022	5/12/2022	\$34,877.00	\$65,299.00
5/13/2022	6/12/2022	\$38,938.00	\$76,807.00
6/13/2022	7/13/2022	\$13,757.00	\$59,034.00
7/14/2022	8/14/2022	\$5,892.00	\$47,837.00
8/15/2022	9/13/2022	(\$4,323.00)	\$31,148.00
Total		\$89,141.00	\$280,125.00

1 Net Cost kWh - Grid usage cost minus solar credits allocated.
 2 Cost W/o Solar kWh - The electric bill if you did not have solar. When available, this cost uses the rate schedule your meter was on immediately prior to solar being installed.

Energy (kWh) by Bill Date



■ Solar Generation kWh
 □ Grid Usage kWh

3 Solar Generation kWh - Solar energy generated by solar system. May differ slightly from monitoring company as data has been corrected to align w/ utility export data.
 4 Grid Usage kWh - Consumption of energy from utility grid only. Omits onsite usage of solar energy by generating meter.

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **FACILITIES DEVELOPMENT COMMITTEE
(Jameson, Bravo)**

AGENDA ITEM: 1. **Discussion and Appropriate Action Regarding:
South Taft Water Improvements Phase IV –
File Notice of Exemption**

BACKGROUND INFORMATION:

A Notice of Exemption is required by the County of Kern, Planning and Natural Resources Department as part of the pre-application process for the Community Development Block Grant (CDBG) for South Taft Water Improvements Phase IV.

STAFF RECOMMENDATIONS:

Approve filing of the attached Notice of Exemption.

JUSTIFICATION:

Document is required for the pre-application process of the Community Development Block Grant.

PREVIOUS ACTIONS:

COST:

\$50

BUDGETARY WARRANT:

MOTION:

Authorize Staff to file a Notice of Exemption with the County Recorder.

COMMITTEE STATUS:

_____	Recommend Board Approval
_____	NO (Rejected)
____X____	Full Board to Review
_____	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Full Board to Review

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

NOTICE OF EXEMPTION

To: County Clerk
Kern County
1115 Truxtun Ave.
Bakersfield, CA 93301

From: West Kern Water District
P.O. Box 1105
Taft, CA 93268

Project Title: South Taft Water System Improvement Project, Phase IV

Location: Wood Street, Eastern Avenue, Montview Avenue, and General Petroleum Avenue in South Taft, County of Kern.

Description of Activity: The activity for Phase IV, consists of the construction of water mainline, relocation of forty-four (44) service connections and three (3) fire hydrant improvements that are limited to: 1) Wood Street from Olive Avenue to General Petroleum Avenue; 2) Continuing along Eastern Avenue from Wood Street to Buena Vista Street; 4) Continuing along Montview Avenue from Wood Street to Buena Vista Street; 5) Continuing along General Petroleum Ave from Wood Street to Buena Vista Street; 6) Interties will be made at seven (7) existing water mains; Wood Street at Eastern Avenue, Montview Avenue and General Petroleum Avenue, Buena Vista Street & Eastern Avenue, Buena Vista Street & General Petroleum Avenue and General Petroleum Avenue & Stevens. The new portions of waterline will be connected to the existing waterlines and continue to be used until all phases of this project are completed.

Name of Public Agency Approving Project: West Kern Water District

Exempt Status:

- Ministerial.
- Declared Emergency.
- Emergency Project.
- Categorical Exemption.** State CEQA Guidelines Sections 15301, 15303, & 15304
- Statutory Exemption.** Public Resources Code Division 13 Environmental Quality, Section 21080.21 & State Guidelines Section 15282 (k)

Reasons why project is exempt: Public Resources Code section 21080.21(a)&(b) and State CEQA Guidelines section 15282(k) exempts from CEQA the installation of new pipeline or maintenance as long as the new pipeline does not exceed one (1) mile in length. Public Resources Code Section 21080.21 also exempts "accessories or appurtenances" to a pipeline, such as mains, traps, vents, cables, conduits, vaults, valves, flanges, manholes and meters. The Project is thus statutorily exempt from CEQA.

Additionally, the Project is categorically exempt from CEQA under State CEQA Guidelines section 15303, which exempts the "construction and location of limited numbers of new, small facilities or structures; (and) installation of small new equipment and facilities in small structures". Notably, Section 15303 exempts "water main and other utility extensions of

reasonable length to serve such construction." Thus, to the extent the Project results in the construction of pipelines, lateral facilities, meters, and other small, onsite facilities, this construction is categorically exempt from CEQA.

The Project is also categorically exempt from CEQA under State CEQA Guidelines section 15301, which exempts "minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Here, to the extent the Project will result in the installation of potable water pipeline extensions, all such pipelines will be installed in streets. The minor alteration of these streets to install pipelines and related accessories is categorically exempt from CEQA. (State CEQA Guidelines § 15301)

The Project is further categorically exempt under State CEQA Guidelines section 15304, which exempts minor trenching and backfilling where-as here-the surface will be restored. (State CEQA Guidelines § 15304 (f)). In particular, to the extent trenching will be required to install pipelines and related structures, the surface will be restored after the pipelines and related accessories are installed. The Project is thus exempt from CEQA.

West Kern Water has determined, based on substantial evidence, that none of the exceptions to the Class 1, 3, or 4 categorical exemptions set forth in State CEQA Guidelines section 15300.2 apply here.

Lead Agency Contact Person: Wendy Adams-Rosenberger Telephone (661) 763-3151

Signature: _____ Title: Regulatory Admin Date: _____

Signed by Applicant

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **FACILITIES DEVELOPMENT COMMITTEE
(Jameson, Bravo)**

AGENDA ITEM: 2. **Discussion and Appropriate Action Regarding:
Well NW4 Repair, Job #22-6501**

BACKGROUND INFORMATION:

In September 2022, Bakersfield Well & Pump (BWP) began the recommended mechanical and chemical rehabilitation on the well casing. After completion a video was conducted on September 28th, the video revealed the liner to be considerably cleaner and showed no significant damage to the liner. BWP completed the pumping development the week of October 17th and will perform a constant rate pump test the week of October 24th. The constant rate test will assist in determining if repair of the current pump is required or a different sized pump is needed. In the interest of time, staff recommends that any necessary repairs, up to and including replacing column pipe, pump and shaft, be completed, as soon as possible, so that that the well can be placed into service. Repairs costs incurred by November 15, 2022 will be reviewed at the November regular meeting.

STAFF RECOMMENDATIONS:

See above

JUSTIFICATION:

To return this well to acceptable performance expectations.

PREVIOUS ACTIONS:

04/22 RBM To approve awarding of contract to Bakersfield Well & Pump in the amount of \$26,850.00 for Well NW4 Repair and issue a notice to proceed when all contract documents are in place.

08/22 RBM Approve Change Order #1 for mechanical & chemical cleaning in the amount of \$157,828.00 increasing the contract amount from \$26,850.00 to \$184,678.00.

COST:

BUDGETARY WARRANT:

Eng. CIP #5 22/23 Budget

MOTION:

COMMITTEE STATUS:

_____	Recommend Board Approval
_____	NO (Rejected)
_____ X _____	Full Board to Review
_____	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Committee did not review

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **FACILITIES DEVELOPMENT COMMITTEE
(Jameson, Bravo)**

AGENDA ITEM: **3. Discussion and Appropriate Action Regarding:
Well NW1 Rehabilitation, Job #22-6500**

BACKGROUND INFORMATION:

West Kern is in receipt of progress payment #1 from Bakersfield Well & Pump (BWP) in the total amount of \$19,100.00. The request covers removal & inspection of pump and performance of well videos.

STAFF RECOMMENDATIONS:

Approving progress payment #1.

JUSTIFICATION:

BWP has completed all work detailed on the invoice.

PREVIOUS ACTIONS:

12/21 RBM Award a contract to Bakersfield Well & Pump in the amount of \$24,150.00 and issue a Notice to Proceed when all contract documents are in place.

02/22 RBM Approve Change Order #1 for patchwork in the amount of \$30,597.00 increasing the contract amount from \$24,150.00 to \$54,747.00.

COST:

BUDGETARY WARRANT:

Eng. CIP #3 22/23 Budget

MOTION:

Approve Progress Payment #1 the total amount of \$19,100.00 less 5% retention of \$955.00 for a total payment of \$18,145.00.

COMMITTEE STATUS:

 X

Recommend Board Approval
NO (Rejected)
Full Board to Review
Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Committee did not review

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

Bakersfield Well & Pump Co.

7212 Fruitvale Avenue
Bakersfield, CA 93308

To: West Kern Water District
PO Box 1105
Taft, CA 93268-1105
Attn: John Stuntebeck / Greg Hammett
Ph: (661) 763-3151

Progress Billing #1
8/30/2022
JOB # 22409
PO #

INVOICE

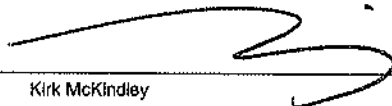
Job Description: **Well NW1 Rehabilitation, Job #22-6500**

Item #	Bid Item Description	Qty	Units	Unit Bid Price	Qty This Period	Period Total	Qty to Date	Total to Date
1	Mob / Demob	2	LS	\$ 2,000.00	2	\$ 4,000.00	2	\$ 4,000.00
2	Pull Pump	1	LS	\$ 8,500.00	1	\$ 8,500.00	1	\$ 8,500.00
3	Well Video	2	EA	\$ 1,200.00	2	\$ 2,400.00	2	\$ 2,400.00
4	Inspect Material and Bowls	1	LS	\$ 1,000.00	1	\$ 1,000.00	1	\$ 1,000.00
5	Brush & Bail Well For Video	8	HR	\$ 400.00	8	\$ 3,200.00	8	\$ 3,200.00
6	Install Pump	1	LS	\$ 8,500.00	0	\$ -	0	\$ -
7	Well Chlorination	1	LS	\$ 1,000.00	0	\$ -	0	\$ -
8	Well Start Up and Testing	1	LS	\$ 750.00	0	\$ -	0	\$ -

TOTALS

\$ 19,100.00

\$ 19,100.00

Prepared By: 
Kirk McKindley

8/30/22
Date

Signed By: _____
John C. Zimmerer

Date

Approved By: _____
John Stuntebeck / Greg Hammett

Date

	Total To Date
Amount Earned	\$ 19,100.00
Amount Retained @ 5%	\$ (955.00)
Previous Billing(s)	
Total Due	\$ 18,145.00

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **FACILITIES DEVELOPMENT COMMITTEE
(Jameson, Bravo)**

AGENDA ITEM: 4. **Discussion and Appropriate Action Regarding:
Well NW3 Rehabilitation, Job #22-6202**

BACKGROUND INFORMATION:

West Kern is in receipt of progress payment #1 from Bakersfield Well & Pump (BWP) in the total amount of \$12,700.00. The request covers removal & inspection of pump and performance of the well video.

STAFF RECOMMENDATIONS:

Approving progress payment #1.

JUSTIFICATION:

BWP has completed all work detailed on the invoice.

PREVIOUS ACTIONS:

02/22 RBM Award a contract to Bakersfield Well & Pump in the amount of \$24,150.00 and issue a Notice to Proceed when all contract documents are in place.

COST:

BUDGETARY WARRANT:

Eng. CIP #4 22/23 Budget

MOTION:

Approve Progress Payment #1 the total amount of \$12,700.00 less 5% retention of \$635.00 for a total payment of \$12,065.00.

COMMITTEE STATUS:

_____	Recommend Board Approval
_____	NO (Rejected)
_____ X _____	Full Board to Review
_____	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Committee did not review

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

Bakersfield Well & Pump Co.

7212 Fruitvale Avenue
Bakersfield, CA 93308

To: West Kern Water District
PO Box 1105
Taft, CA 93268-1105
Attn: John Stuntebeck / Greg Hammett
Ph: (661) 763-3151

Progress Billing #1
8/30/2022
JOB # 22470
PO #6026

INVOICE

Job Description: **Well NW3 Rehabilitation, Job #22-6202**

Item #	Bid Item Description	Qty	Units	Unit Bid Price	Qty This Period	Period Total	Qty to Date	Total to Date
1	Mob / Demob	1	LS	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00
2	Pull Pump	1	LS	\$ 8,500.00	1	\$ 8,500.00	1	\$ 8,500.00
3	Well Video	2	EA	\$ 1,200.00	1	\$ 1,200.00	1	\$ 1,200.00
4	Inspect Material and Bowls	1	LS	\$ 1,000.00	1	\$ 1,000.00	1	\$ 1,000.00
5	Install Pump	1	LS	\$ 8,500.00	0	\$ -	0	\$ -
6	Well Chlorination	1	LS	\$ 1,000.00	0	\$ -	0	\$ -
7	Well Start Up and Testing	1	LS	\$ 750.00	0	\$ -	0	\$ -

TOTALS

\$ 12,700.00

\$ 12,700.00

Prepared By: _____

Kirk McKindley

8/30/22

Date

Signed By: _____

John C. Zimmerer

Date

Approved By: _____

John Stuntebeck / Greg Hammett

Date

	Total To Date
Amount Earned	\$ 12,700.00
Amount Retained @ 5%	\$ (635.00)
Previous Billing(s)	
Total Due	\$ 12,065.00

FINANCE COMMITTEE SUMMARY REPORT
For the
Regular Board Meeting of October 25, 2022

MEMBERS:

Gary Morris
Bo Bravo

DATE OF MEETING

October 18, 2022

STAFF ATTENDING:

Adeana McDaniel-Furman
Greg Hammett

COMMITTEE ISSUES:

CONSENT AGENDA

- i. **Discussion and Appropriate Action Regarding:
Cash Flow for September, 2022**
- ii. **Discussion and Appropriate Action Regarding:
Capital Improvement Budget Comparison and Equipment Procurement**

END OF CONSENT AGENDA

ITEMS OF DISCUSSION

1. **Discussion and Appropriate Action Regarding:
Accounts Payable for October, 2022**

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **FINANCE COMMITTEE
(Morris, Bravo)**

AGENDA ITEM: **i. Discussion and Appropriate Action Regarding:
Cash Flow Reports for September, 2022**

BACKGROUND INFORMATION:

Attached for your information are the following Cash Flow reports:

1. Monthly Investment Breakdown
2. Statement of Revenue (Actual)
3. Sources and Applications of Cash
4. Balance Sheet

JUSTIFICATION

STAFF RECOMMENDATIONS:

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

COMMITTEE STATUS:

<input type="checkbox"/>	Recommend Board Approval
<input type="checkbox"/>	NO (Rejected)
<input type="checkbox"/>	Full Board to Review
<input checked="" type="checkbox"/>	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Recommended this item be added to Consent Agenda

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

**WEST KERN WATER DISTRICT
INVESTMENT BREAKDOWN
MONTHLY REPORT
September 30, 2022**

<i>Type Of Investment Issuer</i>	<i>Maturity</i>	<i>Total Cost Basis</i>	<i>Par Value</i>	<i>Yield</i>	<i>Market Value</i>
United Security Bank				0.10%	\$2,194,048
Cash In L.A.I.F.				0.20%	\$12,019,210
Solar Project Repayment Fund				0.20%	\$0
Medium Term Notes					
Certificates of Deposit					
Marlin Business Bank	10/07/22	\$245,000	\$245,000	0.20%	\$244,870
State Bank of India	10/20/22	\$245,000	\$245,000	0.15%	\$244,623
Sallie Mae Bank	11/07/22	\$247,000	\$247,000	1.85%	\$246,708
Raymond James Bank	11/08/22	\$75,000	\$75,000	1.70%	\$74,895
BMW Bank N America	12/13/22	\$225,000	\$225,000	1.80%	\$224,354
Morgan Stanley PVT Bank	02/21/23	\$247,000	\$247,000	1.76%	\$245,138
Wells Fargo Natl Bank	02/21/23	\$247,000	\$247,000	1.76%	\$245,167
Eagle Bank	03/06/23	\$245,000	\$245,000	1.66%	\$242,795
Synchrony Bank	04/17/23	\$225,000	\$225,000	1.31%	\$221,852
Enerbank	05/15/23	\$215,000	\$215,000	0.56%	\$210,539
My Safra Bank	08/04/23	\$100,000	\$100,000	0.30%	\$96,902
Bank Hapoalim	08/21/23	\$245,000	\$245,000	0.31%	\$236,942
Pacific Western Bank	10/02/23	\$150,000	\$150,000	0.31%	\$144,352
New York Community Bank	10/16/23	\$248,000	\$248,000	0.31%	\$238,321
Toyota Financial Savings Bank	09/16/24	\$245,000	\$245,000	0.69%	\$228,352
UBS Bank	09/23/24	\$245,000	\$245,000	0.69%	\$228,063
Beal Bank	01/29/25	\$245,000	\$245,000	1.18%	\$227,583
Beal Bank	01/29/25	\$245,000	\$245,000	1.18%	\$227,583
JP Morgan Chase Bank	01/31/25	\$245,000	\$245,000	1.34%	\$228,391
Ally Bank	02/03/25	\$245,000	\$245,000	1.23%	\$227,830
American Express Natl Bank	03/03/25	\$245,000	\$245,000	1.90%	\$230,903
Barclays Bank	03/10/25	\$245,000	\$245,000	1.80%	\$230,229
Oceanfirst Bank	03/10/25	\$245,000	\$245,000	1.75%	\$229,947
Discover Bank	08/08/25	\$245,000	\$245,000	3.48%	\$238,831
Cash Equivalents					\$217,310
Total Notes/Certificates					\$5,432,480
TOTAL INVESTMENT					\$19,645,738
LAIF CONST FUND					\$2,503,101
KC R&R PROJECT FUND					\$125
KC SOLAR PROJECT FUND					\$739,004

THE PORTFOLIO IS IN COMPLIANCE WITH THE INVESTMENT POLICY OF THE DISTRICT

THE DISTRICT HAS SUFFICIENT FINANCES TO MEET ITS EXPENDITURE REQUIREMENTS
FOR THE NEXT SIX MONTHS

WEST KERN WATER DISTRICT
STATEMENT OF DEDICATED REVENUE (ACTUAL)
(July 1, 2022 thru June 30, 2023)

	<u>JULY</u>	<u>AUGUST</u>	<u>SEPT.</u>	<u>OCT.</u>	<u>NOV.</u>	<u>DEC.</u>	<u>JAN.</u>	<u>FEB.</u>	<u>MARCH</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>TO DATE</u>	<u>OVER UNDER</u>	
REVENUE															
Water Sales-Residential	\$281,478	\$299,029	\$319,653										\$900,160	-7.09%	\$68,709
Water Sales-Industrial	\$433,402	\$510,987	\$481,697										\$1,426,086	-3.82%	\$56,610
Water Sales-Elk Hills	\$33,689	\$42,235	\$28,244										\$104,168	-46.28%	\$89,755
Water Sales-Golf Course/Park	\$37,265	\$43,711	\$34,764										\$115,740	-15.48%	\$21,201
Water Sales-Prison	\$0	\$0	\$0										\$0		\$0
La Paloma Generating Co.	\$81,721	\$138,511	\$171,060										\$391,292	-30.11%	\$168,615
Elk Hills Power LLC	\$241,708	\$248,563	\$257,118										\$747,389	6.89%	-\$48,156
Sunrise Power Co LLC	\$200,036	\$180,552	\$271,000										\$651,588	-18.79%	\$150,737
Non-Operating Revenue	\$211,615	\$47,566	\$6,038,737										\$6,297,918	992.68%	-\$5,721,543
Total Revenue	1,520,914	1,511,154	7,602,273										\$10,634,341	96.20%	-\$5,214,072
OPERATING EXPENSES															
Source of Supply	\$398,489	\$422,817	\$423,278										\$1,244,584	0.00%	\$0
Production	\$110,365	\$178,173	\$131,163										\$419,701	-23.95%	\$132,190
Power (Gas, Propane, Elec.)	-\$398	\$15,436	\$333,843										\$348,881	-65.10%	\$650,906
Engineering	\$36,636	\$42,426	\$43,404										\$122,466	-16.99%	\$25,074
Transmission & Distribution	\$115,738	\$132,395	\$146,720										\$394,853	9.43%	-\$34,028
Customer Accounts	\$96,746	\$101,652	\$105,919										\$304,317	12.72%	-\$34,352
Field Services	\$66,466	\$94,012	\$61,963										\$222,441	-3.42%	\$7,875
General & Administration	\$377,177	\$635,661	\$411,667										\$1,424,505	4.54%	-\$61,848
Total Operating Exp.	1,201,219	1,622,572	1,657,957	0	0	0	0	0	0	0	0	0	\$4,481,748	-13.27%	\$685,817
Dedicated Revenue	319,695	-111,418	5,944,316	0	0	0	0	0	0	0	0	0	\$6,152,593		

WEST KERN WATER DISTRICT
STATEMENT OF DEDICATED REVENUE (BUDGETED)
(July 1, 2022 thru June 30, 2023)

	<u>JULY</u>	<u>AUGUST</u>	<u>SEPT.</u>	<u>OCT.</u>	<u>NOV.</u>	<u>DEC.</u>	<u>JAN.</u>	<u>FEB.</u>	<u>MARCH</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>TO DATE</u>	<u>OVER</u>
REVENUE														
Water Sales-Domestic	\$327,921	\$305,024	\$335,924	\$268,041	\$215,214	\$164,234	\$135,461	\$117,649	\$120,091	\$139,450	\$201,225	\$219,766	\$968,869	\$2,550,000
Water Sales-Indus.	\$491,483	\$527,776	\$463,436	\$515,380	\$524,964	\$443,605	\$416,214	\$427,573	\$403,552	\$395,963	\$412,591	\$490,462	\$1,482,696	\$5,513,000
Water Sales-Elk Hills	\$63,379	\$60,919	\$69,625	\$58,052	\$47,346	\$47,711	\$46,169	\$42,873	\$44,948	\$40,842	\$60,204	\$71,932	\$193,923	\$654,000
Water Sales-Golf Course/Park	\$40,598	\$52,577	\$43,766	\$31,800	\$4,958	\$4,327	\$4,216	\$5,111	\$4,035	\$12,915	\$15,108	\$35,589	\$136,941	\$255,000
Water Sales-Prison	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
La Paloma Generating Co.	\$168,687	\$199,946	\$191,274	\$123,085	\$140,456	\$131,772	\$62,282	\$66,625	\$99,188	\$66,625	\$53,599	\$76,461	\$559,907	\$1,380,000
Elk Hills Power LLC	\$215,398	\$245,997	\$237,838	\$172,599	\$188,879	\$180,719	\$117,842	\$124,705	\$148,231	\$119,521	\$116,630	\$127,641	\$699,233	\$1,996,000
Sunrise Power Co LLC	\$248,668	\$281,159	\$272,498	\$208,183	\$225,011	\$223,846	\$188,646	\$190,547	\$200,357	\$192,387	\$189,043	\$186,655	\$802,325	\$2,607,000
Non-Oper. Revenue	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$576,375	\$2,305,500
Total Revenue	1,748,259	1,865,523	1,806,487	1,569,266	1,538,953	1,388,339	1,162,955	1,167,208	1,212,527	1,159,828	1,240,525	1,400,630	5,420,269	\$17,260,500
OPERATING EXPENSES														
Source of Supply	\$398,489	\$422,817	\$423,278	\$359,470	\$355,523	\$327,016	\$269,766	\$269,539	\$290,062	\$278,107	\$288,051	\$300,882	\$1,244,584	\$3,983,000
Production	\$186,649	\$180,237	\$185,005	\$183,499	\$181,968	\$189,797	\$182,981	\$175,669	\$187,636	\$182,981	\$183,362	\$181,857	\$551,891	\$2,201,641
Power (Gas, Propane, Elec.)	\$331,063	\$331,087	\$337,637	\$321,808	\$283,069	\$204,045	\$184,882	\$204,779	\$185,556	\$208,121	\$193,754	\$262,535	\$999,787	\$3,048,336
Engineering	\$51,260	\$45,943	\$50,337	\$45,641	\$51,399	\$54,041	\$47,316	\$41,777	\$48,823	\$47,472	\$49,004	\$45,444	\$147,540	\$578,457
Trans. & Distribution	\$122,220	\$117,527	\$121,078	\$117,291	\$123,826	\$127,150	\$118,665	\$113,968	\$121,802	\$118,558	\$119,936	\$118,923	\$360,825	\$1,440,944
Customer Accts.	\$90,569	\$89,106	\$90,290	\$88,870	\$91,519	\$92,415	\$89,484	\$88,109	\$90,482	\$89,484	\$90,006	\$90,111	\$269,965	\$1,080,445
Field Services	\$76,772	\$76,772	\$76,772	\$76,772	\$76,772	\$76,772	\$76,772	\$76,772	\$76,772	\$76,772	\$76,772	\$76,852	\$230,316	\$921,344
General & Admin.	\$454,219	\$454,219	\$454,219	\$454,219	\$1,018,044	\$454,219	\$454,219	\$454,219	\$454,219	\$454,219	\$454,219	\$1,958,398	\$1,362,657	\$7,518,632
Total Operating Exp.	\$1,711,241	\$1,717,708	\$1,738,616	\$1,647,570	\$2,182,120	\$1,525,455	\$1,424,085	\$1,424,832	\$1,455,352	\$1,455,714	\$1,455,104	\$3,035,002	\$5,167,565	\$20,772,799
Dedicated Revenue	\$37,018	\$147,815	\$67,871	-\$78,304	-\$643,167	-\$137,116	-\$261,130	-\$257,624	-\$242,825	-\$295,886	-\$214,579	-\$1,634,372	\$252,704	-\$3,512,299

**WEST KERN WATER DISTRICT
SOURCES & APPLICATIONS OF CASH (ACTUAL)
JULY 1, 2022 thru JUNE 30, 2023**

	<u>2022</u> <u>JULY</u>	<u>AUGUST</u>	<u>SEPT.</u>	<u>OCT.</u>	<u>NOV.</u>	<u>DEC.</u>	<u>2022</u> <u>JAN.</u>	<u>FEB.</u>	<u>MARCH</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>
Beginning Bank & Agency	\$14,274,878	\$13,526,627	\$13,864,025	\$20,384,867								
Cash Available for Projects	\$2,497,101	\$2,499,101	\$2,501,101	\$2,503,101								
Cash Sources												
Received from A/R	\$1,210,794	\$1,889,414	\$1,548,591									
Non-Operating	\$104,442	\$162,746	\$6,050,729									
Total Revenue	\$1,315,236	\$2,052,160	\$7,599,320									
Cash Applications												
Expenses for Month	\$1,671,328	\$1,039,584	\$697,212									
Purch. for Inventory	-\$2,027	-\$1,979	-\$6,511									
Charges to Jobs	\$0	\$294,321	\$6,000									
Equip. Procurement	\$0	\$0	\$0									
Payroll	\$392,186	\$380,836	\$379,777									
Other Applications	\$0	\$0	\$0									
Total Applications	\$2,061,487	\$1,712,762	\$1,076,478									
Net Cash Flow	-\$746,251	\$339,398	\$6,522,842									
Ending Bank & Agency	\$16,025,728	\$16,365,126	\$22,887,968	\$22,887,968								

**WEST KERN WATER DISTRICT
SOURCES & APPLICATIONS OF CASH (PER BUDGET)
JULY 1, 2022 thru JUNE 30, 2023**

	<u>2022</u> <u>JULY</u>	<u>AUGUST</u>	<u>SEPT.</u>	<u>OCT.</u>	<u>NOV.</u>	<u>DEC.</u>	<u>2023</u> <u>JAN.</u>	<u>FEB.</u>	<u>MARCH</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>
Beginning Bank & Agency	\$19,547,988	\$19,687,037	\$19,954,457	\$20,174,421	\$20,093,592	\$19,414,646	\$19,147,480	\$18,589,169	\$18,041,972	\$17,595,400	\$17,067,170	\$15,119,852
Cash Sources												
Received from A/R	\$1,602,832	\$1,731,203	\$1,683,747	\$1,382,954	\$1,348,013	\$1,196,617	\$905,472	\$916,586	\$1,017,211	\$935,553	\$1,019,290	\$1,215,523
Non-Operating	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125	\$192,125
Total Revenue	\$1,794,957	\$1,923,328	\$1,875,872	\$1,575,079	\$1,540,138	\$1,388,742	\$1,097,597	\$1,108,711	\$1,209,336	\$1,127,678	\$1,211,415	\$1,407,648
Cash Applications												
Expenses for Month	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,900	\$1,382,899
Charges to Jobs	\$195,864	\$195,864	\$195,864	\$195,864	\$195,864	\$195,864	\$195,864	\$195,864	\$195,864	\$195,864	\$195,864	\$195,865
Equip. Procurement	\$77,144	\$77,144	\$77,144	\$77,144	\$77,144	\$77,144	\$77,144	\$77,144	\$77,144	\$77,144	\$77,144	\$77,153
Deposits Returned (info)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Applications	\$0	\$0	\$0	\$0	\$563,175	\$0	\$0	\$0	\$0	\$0	\$1,502,825	\$0
Total Applications	\$1,655,908	\$1,655,908	\$1,655,908	\$1,655,908	\$2,219,083	\$1,655,908	\$1,655,908	\$1,655,908	\$1,655,908	\$1,655,908	\$3,158,733	\$1,655,917
Net Cash Flow	\$139,049	\$267,420	\$219,964	-\$80,829	-\$678,945	-\$267,166	-\$558,311	-\$547,197	-\$446,572	-\$528,230	-\$1,947,318	-\$248,269
Ending Bank & Agency	\$19,687,037	\$19,954,457	\$20,174,421	\$20,093,592	\$19,414,646	\$19,147,480	\$18,589,169	\$18,041,972	\$17,595,400	\$17,067,170	\$15,119,852	\$14,871,583

WEST KERN WATER DISTRICT
BALANCE SHEET
July 1, 2022 thru June 30, 2023

<u>ASSETS</u>	2023 JUNE	Increase or Decrease	2023 JULY	Increase or Decrease	2023 AUGUST	Increase or Decrease	2023 SEPTEMBER
Utility Plant	\$2,759,027	\$0	\$2,759,027	\$0	\$2,759,027	\$0	\$2,759,027
Land & Land Rights	\$25,020,990	\$0	\$25,020,990	\$0	\$25,020,990	\$0	\$25,020,990
Water Rights	\$7,029,669	\$0	\$7,029,669	\$0	\$7,029,669	\$0	\$7,029,669
Source of Supply Plant	\$32,703,024	\$0	\$32,703,024	\$0	\$32,703,024	\$0	\$32,703,024
Pumping Plant	\$36,131,311	\$0	\$36,131,311	\$0	\$36,131,311	\$0	\$36,131,311
T. & D. Plant	\$50,474,883	\$37,385	\$50,512,268	\$348,485	\$50,860,733	\$0	\$50,860,733
General Plant	\$11,771,973	\$630	\$11,772,603	\$0	\$11,772,603	\$0	\$11,772,603
Construction Work in Progress	\$1,989,318	\$383,731	\$2,373,049	-\$54,143	\$2,318,906	\$6,000	\$2,324,906
Guar. Deposit-Checking	-\$100	\$0	-\$100	\$0	-\$100	\$0	-\$100
2001 - Bond Reserve Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2001 - Bond Interest Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
General Fund-Checking	\$1,102,638	-\$766,445	\$336,193	\$308,781	\$644,974	\$1,549,074	\$2,194,048
2010 - Bond Reserve Fund	\$2,363,427	\$0	\$2,363,427	\$0	\$2,363,427	\$0	\$2,363,427
2011 - Bond Reserve Fund	\$233	\$0	\$233	\$0	\$233	\$0	\$233
General Fund Local Agency Invest.	\$1,075,223	\$15,000	\$1,090,223	\$15,000	\$1,105,223	\$2,015,000	\$3,120,223
Water Replenishment Reserve	\$5,825,112	\$0	\$5,825,112	\$0	\$5,825,112	\$3,000,000	\$8,825,112
Capital Projects Reserve	\$73,875	\$0	\$73,875	\$0	\$73,875	\$0	\$73,875
LAIIF Construction Fund	\$2,497,101	\$2,000	\$2,499,101	\$2,000	\$2,501,101	\$2,000	\$2,503,101
Medium Term Notes	\$5,642,117	\$3,000	\$5,645,117	\$3,000	\$5,648,117	\$3,000	\$5,651,117
KC Treasury - R&R Construction Fund	\$125	\$0	\$125	\$0	\$125	\$0	\$125
KC Treasury - Solar Project Fund	\$739,004	\$0	\$739,004	\$0	\$739,004	\$0	\$739,004
Solar Project Repayment Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WFB 2010 Reserve Fund Bonds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WFB 2005 Reserve Fund Bonds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WFB 2011 Reserve Fund Bonds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Payroll Account	\$32,392	\$0	\$32,392	\$0	\$32,392	-\$94,415	-\$62,023
Cash on Hand-Office	\$470	\$0	\$470	\$0	\$470	\$0	\$470
Petty Cash-Checking	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Petty Cash-Box	\$500	\$0	\$500	\$0	\$500	\$0	\$500
Accounts Receivable	\$641,049	\$271,254	\$912,303	-\$422,386	\$489,917	\$81,375	\$571,292
Unbilled A/R	\$1,120,158	\$0	\$1,120,158	\$0	\$1,120,158	\$0	\$1,120,158
Allowance for Doubtful Accounts	-\$258	\$0	-\$258	\$0	-\$258	\$0	-\$258
Materials Inventory	\$452,838	-\$487	\$452,351	-\$3,922	\$448,429	-\$11,873	\$436,556
Deferred Outflow - Contributions	\$333,435	\$0	\$333,435	\$0	\$333,435	\$0	\$333,435
Deferred Outflow - Actuarial	\$1,077,435	\$0	\$1,077,435	\$0	\$1,077,435	\$0	\$1,077,435
Prepaid Expenses	\$6,083	\$650,790	\$656,873	-\$59,163	\$597,710	-\$53,152	\$544,558
KCVWA-Deferred Debit	\$4,752,969	-\$398,489	\$4,354,480	-\$422,817	\$3,931,663	-\$404,522	\$3,527,141
Purch. Water-Def. Debit	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Water Inv. - RRBWSD Owed	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WKPV Water - Inventory & SWP	\$27,161,893	\$0	\$27,161,893	\$0	\$27,161,893	\$0	\$27,161,893
Total Assets	\$222,777,914	\$198,369	\$222,976,283	-\$285,185	\$222,691,098	\$6,092,487	\$228,783,585
=====							
<u>LIABILITIES</u>							
Accounts Payable	-\$28,239	\$153,884	\$125,645	-\$153,727	-\$28,082	\$3,002	-\$25,080
Unfunded OPEB Liability	\$4,479,828	\$0	\$4,479,828	\$0	\$4,479,828	\$0	\$4,479,828
Interest Accrued on Bonds	\$101,823	\$0	\$101,823	\$0	\$101,823	\$0	\$101,823
Guarantee Deposits	\$289,044	\$425	\$289,469	\$1,045	\$290,514	-\$640	\$289,874
Accrued Payroll Items	\$142,902	-\$17,206	\$125,696	-\$1,818	\$123,878	\$151,959	\$275,837
Pension Liability	\$2,427,098	\$0	\$2,427,098	\$0	\$2,427,098	\$21,835	\$2,448,933
Deferred Inflows - Actuarial	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Deferred Cr.-Cust. Adv. Pay.	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Deferred Inflow - Chg in Assump	\$963,188	\$0	\$963,188	\$0	\$963,188	\$0	\$963,188
Deferred Outflow - Expcted/Actual	-\$254,845	\$0	-\$254,845	\$0	-\$254,845	\$0	-\$254,845
Deferred Revenue - Deposits	-\$8,383	\$930	-\$7,453	-\$3,081	-\$10,534	\$0	-\$10,534
Water Liability- BVWSD	\$1,358,000	\$0	\$1,358,000	\$0	\$1,358,000	\$0	\$1,358,000
Water Exchanges Payable	\$1,448,100	\$0	\$1,448,100	\$0	\$1,448,100	\$0	\$1,448,100
Contrib. Water Study	\$4,400	\$0	\$4,400	\$0	\$4,400	\$0	\$4,400
2001 Bonds Payable (La Paloma)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2010 Bonds Payable(R&R Project)	\$25,719,594	\$0	\$25,719,594	\$0	\$25,719,594	\$0	\$25,719,594
2011 Bonds Payable (Solar)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bond Discount & issue Costs	-\$241,649	\$0	-\$241,649	\$0	-\$241,649	\$0	-\$241,649
2010 Bond Disc/issuance Costs	-\$262,500	\$0	-\$262,500	\$0	-\$262,500	\$0	-\$262,500
2011 Bond Disc/issuance Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bond Discount - 2005 Accum Amort	\$241,649	\$0	\$241,649	\$0	\$241,649	\$0	\$241,649
Bond Discount - 2010 Accum Amort	\$96,979	\$0	\$96,979	\$0	\$96,979	\$0	\$96,979
Bond Discount - 2011 Accum Amort	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2011 Bond Premium	\$0	\$0	\$0	\$0	\$0	\$0	\$0
US Bank Bonds Pay. Current	\$415,000	\$0	\$415,000	\$0	\$415,000	\$0	\$415,000
Bonds - Current Portion Offset	-\$415,000	\$0	-\$415,000	\$0	-\$415,000	\$0	-\$415,000
Deferred Bond Refunding	-\$1,173,048	\$0	-\$1,173,048	\$0	-\$1,173,048	\$0	-\$1,173,048
Acc Amort- Deferred Bond Refund	\$1,173,048	\$0	\$1,173,048	\$0	\$1,173,048	\$0	\$1,173,048
Reserve for Depreciation	\$59,091,363	\$176,000	\$59,267,363	\$176,000	\$59,443,363	\$176,000	\$59,619,363
Total Liabilities	\$95,568,352	\$314,033	\$95,882,385	\$18,419	\$95,900,804	\$352,156	\$96,252,960
=====							
<u>EQUITIES</u>							
Contrib. Aid of Construction	\$32,189,483	\$0	\$32,189,483	\$0	\$32,189,483	\$0	\$32,189,483
Earned Surplus	\$91,844,504	\$2,598,604	\$94,443,108	-\$254,631	\$94,188,477	\$0	\$94,188,477
Excess Revenue-Current Year	\$3,175,575	-\$2,714,268	\$461,307	-\$48,973	\$412,334	\$5,740,331	\$6,152,665
Total Equities	\$127,209,562	-\$115,664	\$127,093,898	-\$303,604	\$126,790,294	\$5,740,331	\$132,530,625
=====							
TOTAL LIABILITIES & EQUITIES	\$222,777,914	\$198,369	\$222,976,283	-\$285,185	\$222,691,098	\$6,092,487	\$228,783,585
=====							

**SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022**

COMMITTEE: **FINANCE COMMITTEE
(Morris, Bravo)**

AGENDA ITEM: ii. **Discussion and Appropriate Action Regarding:
Capital Improvements Budget Comparison and
Equipment Procurement**

BACKGROUND INFORMATION:

Attached for your information are the Capital Improvements Budget Comparison and Equipment Procurement Report

JUSTIFICATION:

STAFF RECOMMENDATIONS:

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

COMMITTEE STATUS:

<u> </u>	Recommend Board Approval
<u> </u>	NO (Rejected)
<u> </u>	Full Board to Review
<u> X </u>	Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

Recommended this item be added to Consent Agenda

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

WEST KERN WATER DISTRICT
2022 - 2023
CAPITAL IMPROVEMENT PROJECTS BUDGET
Board Meeting
October 25, 2022

JOB #		Budget Amount	Total To Date 22/23 Budget	Over (Under) Budget	
T & D DEPARTMENT					
1	22-1300 South Taft Water System Improvements Phase II	351,990	185,411	(166,579)	52.7%
2	Hwy 119 2.5" Pipeline Replacement	29,480		(29,480)	0.0%
3	400-500 Philippine St Pipeline Replacement	56,341		(56,341)	0.0%
4	Large Landscape AMR Meters	20,000		(20,000)	0.0%
5		25,000		(25,000)	0.0%
R1	22-2503 AMR Upgrade Area 2 & 3 and Area 4-1, 4-2		99,763		
R2					
Total \$ used for Unfunded projects:			99,763		399.1%
Total T & D Dept.		482,811	285,174	(297,400)	59.1%
PRODUCTION DEPARTMENT					
1	Water to Waste Valves in the Well Field	54,549		(54,549)	0.0%
2	Well 6-03 Murphy Part Installation	20,445		(20,445)	0.0%
3	SCADA Communication Radio Replacement	109,235		(109,235)	0.0%
4	CL2 Tank Monitors - Various Locations	59,323		(59,323)	0.0%
5	Maricopa Heights Tank #24 Rectifier	16,347		(16,347)	0.0%
6	Reserve for Unfunded Capital Improvements	50,000		(50,000)	0.0%
R1					
R2					
Total \$ used for Unfunded projects:			0		0.0%
Total Production Dept.		309,899	0	(309,899)	0.0%
ENGINEERING DEPARTMENT					
1	Maricopa Heights Tank #24 Interior Recoat & Exterior Overcoat	575,559		(575,559)	0.0%
2	Well Maintenance (2 Wells at \$175,000 each)	350,000		(350,000)	0.0%
3	Well NW1 Rehabilitation ¹	175,000		(175,000)	
4	Well NW3 Rehabilitation ¹	175,000		(175,000)	
5	Well NW4 Repair and Rehabilitation ¹	135,000		(135,000)	
6	Reserve for Unfunded Capital Improvements	35,000		(35,000)	
R1	22-3101 Station C Tank		15,147		
R2					
Total \$ used for Unfunded projects:			15,147		43.3%
Total Engineering Dept.		1,445,559	15,147	(1,445,559)	1.0%
FIELD SERVICES DEPARTMENT					
1	Cogen AMR Meters (4)	31,900		(31,900)	0.0%
2	Reserve for Unfunded Capital Improvements	25,000		(25,000)	
R1					
R2					
Total \$ used for Unfunded projects:			0		0.0%
Total Field Services Dept.		56,900	0	(56,900)	0.0%
GENERAL & ADMINISTRATIVE DEPARTMENT					
1	Well 6-03 Sounding Tube Repair	25,200		(25,200)	0.0%
2	Office/Warehouse Camera Upgrade (Monthly Monitoring is \$387/mo. Not included)	30,000		(30,000)	0.0%
Total Gen/Adm Dept.		55,200	0	(55,200)	0.0%
TOTAL CAPITAL IMPROVEMENT PROJECTS		2,350,369	300,321	(2,164,958)	12.8%

¹Project in progress

WEST KERN WATER DISTRICT
2022 - 2023
EQUIPMENT PROCUREMENT BUDGET
Board Meeting
October 25, 2022

			Trade-In	Budget Amount	ACTUAL COST \$	Over (Under) Budget
T & D DEPARTMENT						
Total T & D Dept.				0	0	0
PRODUCTION DEPARTMENT						
1	PD-2301	Spare Engine Parts		101,636		(101,636)
2	PD-2302	Catalyst		55,146		(55,146)
3	PD-2303	Badger Meters AMR - NWF Replacements (5)		41,581		(41,581)
Total Production Dept.				198,363	0	(198,363)
GENERAL & ADMINISTRATIVE DEPARTMENT						
1	AD-2301	Dump Truck Replacement #190		184,218		(184,218)
2	AD-2302	Purchase New Truck due to Mileage #103		72,470		(72,470)
3	AD-2303	Purchase New Truck due to Mileage #164		46,010		(46,010)
4	AD-2304	Replace 26 Ton Crane		335,000		(335,000)
5	AD-2305	Dataloggers for NMW1 & NMW2		16,453		(16,453)
6	AD-2306	4 Computer Workstations (Rosie, Tami, Rosa, Tina) \$1,400 ea.		6,311		(6,311)
7	AD-2307	1 Precision Tower (Troy)		5,038		(5,038)
8	AD-2308	AMR Meters w/ Shut off Valve (25)		18,018		(18,018)
Total Gen/Adm Dept.				683,518	0	(683,518)
ENGINEERING DEPARTMENT						
Total Field Services Dept.				0	0	0
FIELD SERVICES DEPARTMENT						
1	FD-2301	Sample Stations		13,354		(13,354)
2	FD-2302	Automated Regulator Vault Cover - Line 204 Regulators		13,956		(13,956)
3	FD-2303	Cla-Val Stainless Steel Upgrade		15,000		(15,000)
Total Field Services Dept.				42,310	0	(42,310)
TOTAL EQUIPMENT PROCUREMENT				924,190	0	(924,190)

SUPPORTING DATA
REGULAR BOARD MEETING
OCTOBER 25, 2022

COMMITTEE: FINANCE COMMITTEE
(Bravo, Morris)

AGENDA ITEM: 1. Discussion and Appropriate Action Regarding:
Accounts Payable for October, 2022

BACKGROUND INFORMATION:

Attached is the Accounts Payable report for October, 2022

JUSTIFICATION

STAFF RECOMMENDATIONS:

Approve payment of the bills.

PREVIOUS ACTIONS:

COST:

BUDGETARY WARRANT:

MOTION:

Approve payment of the October, 2022 bills when funds are available.

COMMITTEE STATUS:

 X

Recommend Board Approval
NO (Rejected)
Full Board to Review
Under Review (No Action Required)

COMMITTEE RECOMMENDATIONS:

COUNSEL REVIEW AND/OR RECOMMENDATIONS:

WEST KERN WATER DISTRICT
DISBURSEMENTS
FOR PERIOD OCT 01, 2022 THROUGH OCT 18, 2022

FINANCE MEETING

Check	Payee	Description	Amount
	AMERICAN CHEMICAL CO	2-55 GAL-PRO-SPRAY CLEAN	\$1,065.72 \$1,065.72 **
	American Incorporated	SAWCUT 5" ASPHALT	\$2,490.00 \$2,490.00 **
	BERMAD INC. BERMAD INC.	12-1" AIR RELIEF VALVES FOR STA. A AT VARIOUS LOCATIONS 6-2" C-10 COMBINATION AIR VALVE PLSTC BODY 3-3" C-70 COMBINA	\$930.82 \$5,207.47 \$6,138.29 **
	CALVILLO FRANK	Refund Check 017820-000 610 CEDAR	\$53.47 \$53.47 **
	CONTRABAND CONTROL SPECIALIST CONTRABAND CONTROL SPECIALIST CONTRABAND CONTROL SPECIALIST	NON DOT POST ACCIDENT NON DOT RANDOM NOT DOT BREATH NON DOT RANDOM NOT DOT BREATH	\$252.88 \$270.23 \$135.12 \$658.23 **
	FERGUSON ENTERPRISES INC #1350 FERGUSON ENTERPRISES INC #1350 FERGUSON ENTERPRISES INC #1350	2" GALV. MERCHANT COUPLING. 3/4" GALV. STD. MERC. COUPLING 8"x 12" F/C PIPE REPAIR CLAMP.	\$93.70 \$99.35 \$2,190.18 \$2,383.23 **
	JENNINGS VALARIE	Refund Check 016472-000 520 1/2 TAYLOR	\$40.77 \$40.77 **
	KATZ MEIR	Refund Check 005136-000 112 SHATTUCK	\$27.59 \$27.59 **
	MADDOX ROCHELLE	Refund Check 016250-001 23341 ARNOLD	\$45.67 \$45.67 **
	MILLANI PRISCILA	Refund Check 018438-000 422 1/2 SAN EMIDIO ST APT# B	\$46.83 \$46.83 **
	P G & E P G & E P G & E P G & E	ELECT / GAS - SUM SEPTEMBER 2022 ELECT / GAS - SUM SEPTEMBER 2022 ELECT / GAS - SUM SEPTEMBER 2022 ELECT / GAS - SUM SEPTEMBER 2022	\$29,931.92 \$18,540.71 \$6,172.08 \$18.47 \$54,663.18 **
	Recorders Charts & Pens	3-UNIVERSAL PEN 6 PACK 82-79-0312-06	\$142.63 \$142.63 **
	REINHART PAUL	Refund Check 016959-000 460 KLIPSTEIN	\$47.98 \$47.98 **
	SOUTHERN CALIF GAS CO SOUTHERN CALIF GAS CO SOUTHERN CALIF GAS CO SOUTHERN CALIF GAS CO	TRANSMISSION - STA A SEPTEMBER 2022 TRANSMISSION - STA B SEPTEMBER 2022 TRANSMISSION - STA G SEPTEMBER 2022 TRANSMISSION - STA S WELL SEPTEMBER 2022	\$23,572.75 \$19,637.09 \$20,591.64 \$3,120.38 \$66,921.86 **
	Universal Urgent Care and Occupational Medicine Universal Urgent Care and Occupational Medicine	MRO SERVICE MRO SERVICE	\$25.00 \$25.00 \$50.00 **
	W W GRAINGER INC	1-1" CHECK VALVE A1 COMPRESSOR PART. 14040	\$99.38 \$99.38 **
	WESTAIR GASES AND EQUIPMENT	1-ACETYLENE LARGE CYL 1-ACETYLENE SMALL CYL 1-HIGH PRESSURE	\$200.86 \$200.86 **

WEST KERN WATER DISTRICT
DISBURSEMENTS
FOR PERIOD OCT 01, 2022 THROUGH OCT 18, 2022

FINANCE MEETING

Check	Payee	Description	Amount
52356	AT & T MOBILITY	MONTHLY SERVICE - SEPTEMBER 2022	\$2,611.52
	AT & T MOBILITY	MONTHLY SERVICE GPS - SEPTEMBER 2022	\$40.17
	AT & T MOBILITY	MONTHLY SERVICE GPS - SEPTEMBER 2022	\$200.87
	AT & T MOBILITY	MONTHLY SERVICE GPS - SEPTEMBER 2022	\$160.70
	AT & T MOBILITY	MONTHLY SERVICE GPS - SEPTEMBER 2022	\$40.17
	AT & T MOBILITY	MONTHLY SERVICE GPS - SEPTEMBER 2022	\$40.17
	AT & T MOBILITY	MONTHLY SERVICE GPS - SEPTEMBER 2022	\$321.38
			\$3,414.98 **
52357	ALBERTSONS LLC	BOARD MEETING HI-5 SUPPLIES	\$188.01
	ALBERTSONS LLC	BOARD MEETING HI-5 SUPPLIES	\$158.27
			\$346.28 **
52358	AMERICAN EXPRESS	PHONE PROTECTOR MEMBERSHIPS DUES	\$9.63
	AMERICAN EXPRESS	PHONE PROTECTOR MEMBERSHIPS DUES	\$39.98
	AMERICAN EXPRESS	PHONE PROTECTOR MEMBERSHIPS DUES	\$95.00
			\$144.61 **
52359	AMPED SAFETY INNOVATIONS INC.	CONTRACT SERVICES-FALL PROTECTION CERTIFICATION-RECERTIFICA	\$4,677.17
			\$4,677.17 **
52360	AQUILEO BERTINA FRANCISCO	Refund Check 018409-000 424 WOODROW	\$50.00
			\$50.00 **
52361	ARNEY RANNADA	Refund Check 011984-000 506 HARDING	\$15.68
			\$15.68 **
52362	BAKERSFIELD WELL & PUMP	TAG BOTTOM OF DIST NESTED MONITORING WELLS & VERIFY WATER	\$1,000.00
			\$1,000.00 **
52363	BROWN SUSAN	REBATE - WASHER	\$200.00
			\$200.00 **
52364	BROWN & REICH PETROLEUM INC	600 GALLONS OF GAS WITH STATE AND FED TAXES	\$141.38
	BROWN & REICH PETROLEUM INC	GAS WITH STATE AND FED TAXES	\$141.38
	BROWN & REICH PETROLEUM INC	GAS WITH STATE AND FED TAXES	\$141.37
	BROWN & REICH PETROLEUM INC	GAS WITH STATE AND FED TAXES	\$565.50
	BROWN & REICH PETROLEUM INC	GAS WITH STATE AND FED TAXES	\$706.88
	BROWN & REICH PETROLEUM INC	GAS WITH STATE AND FED TAXES	\$1,131.00
			\$2,827.51 **
52365	BUDGET BOLT INC	1-.041 SS WIRE 1-.032 SS WIRE 1-ALM SLEEVES E # 184	\$70.79
			\$70.79 **
52366	CARQUEST AUTO PARTS	CAR QUEST WATER FILTER #89074	\$495.31
			\$495.31 **
52367	CLARK MIKEL	Refund Check 018355-000 522 #C CENTER	\$36.74
			\$36.74 **
52368	FERGUSON ENTERPRISES INC #1350	1 1/4 GALV CI CORED PLUG DOMESTIC	\$167.59
	FERGUSON ENTERPRISES INC #1350	1-LF2 RED PRESSURE REDUCER AMR METER INSTALLATION	\$1,309.73
	FERGUSON ENTERPRISES INC #1350	2" P. TUBE 3 PART W/SET SCR CTS.	\$913.33
	FERGUSON ENTERPRISES INC #1350	3/4" CORP. STOP M.I.P. X CTS.	\$517.37
	FERGUSON ENTERPRISES INC #1350	3/4" GALV. CI CORED PLUG	\$96.45
	FERGUSON ENTERPRISES INC #1350	4-6" QUANTUM COUPLING LINE 104 PIPELINE INSTALLATION	\$733.34
	FERGUSON ENTERPRISES INC #1350	6-BERMAD 2" C30 T-PLASTIC ARV SOUTH WELLFIELD AIR RELIEF MAIN	\$1,372.04
	FERGUSON ENTERPRISES INC #1350	6-LF 3/4" FIP BALL VALVE AMR METER INSTALLATION SERVICE LINE	\$479.67
			\$5,589.52 **
52369	FULLER WALTER	REBATE - WASHER	\$200.00
			\$200.00 **

WEST KERN WATER DISTRICT
DISBURSEMENTS
FOR PERIOD OCT 01, 2022 THROUGH OCT 18, 2022

FINANCE MEETING

Check	Payee	Description	Amount
52370	GEORGE DUSTI	REBATE - TOILET	\$150.00 \$150.00 **
52371	GONZALEZ GARCIA LUIS GONZALEZ GARCIA LUIS GONZALEZ GARCIA LUIS	REFUND - CPS FEE REFUND - METER INSTALLATION FEE REFUND - WATER SUPPLY FEE	\$1,642.64 \$3,437.00 \$6,000.00 \$11,079.64 **
52372	GONZALEZ GARCIA LUIS	Refund Check 017337-001 239-31-003	\$100.00 \$100.00 **
52373	HGCPM INC.	PROFESSIONAL CONSULTING SERVICES - AUGUST 2022	\$751.25 \$751.25 **
52374	HOOD RICK	Refund Check 013280-000 23343 CLOUD	\$92.83 \$92.83 **
52375	INFOSEND BILLPRINT INC INFOSEND BILLPRINT INC	PRINTING / POSTAGE - AUGUST 2022 PRINTING / POSTAGE - AUGUST 2022	\$1,960.51 \$607.35 \$2,567.86 **
52376	JIM'S SUPPLY CO INC	1-4"X5.4 CHANNEL METAL FOR A1 COMPRESSOR	\$58.98 \$58.98 **
52377	KERN COUNTY SPECIAL DISTRICT	2023 MEMEBERSHIP - G HAMMETT	\$25.00 \$25.00 **
52378	MISSION LINEN SUPPLY - SAP # 175505 MISSION LINEN SUPPLY - SAP # 175505 MISSION LINEN SUPPLY - SAP # 175505 MISSION LINEN SUPPLY - SAP # 175505	MONTHLY SERVICE - UNIFORMS SEPTEMBER 2022 MONTHLY SERVICE - UNIFORMS SEPTEMBER 2022 MONTHLY SERVICE - UNIFORMS SEPTEMBER 2022 MONTHLY SERVICE - UNIFORMS SEPTEMBER 2022	\$1,266.82 \$529.57 \$706.08 \$1,059.12 \$3,561.59 **
52379	MISSION LINEN SUPPLY - SAP # 175789 MISSION LINEN SUPPLY - SAP # 175789 MISSION LINEN SUPPLY - SAP # 175789	MONTHLY SERVICE - SEPTEMBER 2022 MONTHLY SERVICE - SEPTEMBER 2022 MONTHLY SERVICE - SEPTEMBER 2022	\$71.44 \$71.44 \$214.33 \$357.21 **
52380	MIZENER ALLISON	Refund Check 018149-000 114 LEXINGTON	\$11.07 \$11.07 **
52381	OFFICE DEPOT INC OFFICE DEPOT INC OFFICE DEPOT INC	Copy Paper Vinyl Paper Clips Jumbo Paper Clips Pledge Multisurface Cleaner Toilet Seat Covers	\$600.55 \$19.90 \$100.73 \$721.18 **
52382	P G & E P G & E P G & E P G & E P G & E P G & E	ELECT - LA PALOMA SEPTEMBER 2022 ELECT - NW1 SEPTEMBER 2022 ELECT - NW2 SEPTEMBER 2022 ELECT - NW3 SEPTEMBER 2022 ELECT - NW4 SEPTEMBER 2022 ELECT - NW5 SEPTEMBER 2022	\$142,404.49 \$24.64 \$24.64 \$24.64 \$24.64 \$24.64 \$142,527.69 **
52383	PRO3 AUTOMATION INC	GENERATE MISSING DATA IN SCADA 1-PJ GONZALES 6-PJ GONZALES	\$735.00 \$735.00 **
52384	SOUTHERN CALIF GAS CO	NATURAL GAS - STA D SEPTEMBER 2022	\$11,377.37 \$11,377.37 **
52385	SPRINGBROOK HOLDING COMPANY LLC	CIVIC PAY IVR PAYPAD TRANSACTION FEE	\$1,409.60 \$1,409.60 **

WEST KERN WATER DISTRICT
DISBURSEMENTS
FOR PERIOD OCT 01, 2022 THROUGH OCT 18, 2022

FINANCE MEETING

Check	Payee	Description	Amount
52386	TAFT UNION HIGH SCHOOL	2022-2023 TUHS YEARBOOK AD FULL PAGE	\$300.00 \$300.00 **
52387	TAWYEA NITA	Refund Check 006586-000 215 MONROE	\$21.02 \$21.02 **
52388	TRUE VALUE HOME CENTER TRUE VALUE HOME CENTER TRUE VALUE HOME CENTER	1-XL PLASTIC COOLER SPIGOT CREW TRUCK #110 2-ROOF COATING 2-RECOVERY FEE SUPPLIES SEALING ROOF @ A & I 3-3/32X5 1/2 PIN PUNCH CREW TRUCK #110	\$15.14 \$81.49 \$22.70 \$119.33 **
52389	VILLARREAL ALBERTO	Refund Check 006921-000 716 CENTER	\$25.28 \$25.28 **
52390	WILLIAMS YOLANDA	Refund Check 018354-000 412 MARY	\$32.99 \$32.99 **
52391	Woodard & Curran Inc Woodard & Curran Inc	GSP SUPPORT PROJECT MGMT GSP ANNYAL REPORT INTRA-SUBBAS GSP SUPPORT PROJECT MGMT GSP INTRA-SUBBASIN	\$2,583.75 \$8,391.25 \$10,975.00 **
52392	ACWA / JPIA	Non-Union Dental - November 2022	\$2,236.28 \$2,236.28 **
52393	AGUILERA BRITTANEY	Refund Check 015511-000 603 BUCHANAN	\$41.21 \$41.21 **
52394	AIMS TEAM LLC	1-AIMS ANNUAL SUBSCRIPTION FY22/23 INCLUDES: HOSTING MOBIL	\$10,000.00 \$10,000.00 **
52395	ALCANTARA ROBERT	Refund Check 013802-000 27965 TANK FARM	\$33.28 \$33.28 **
52396	API PLUMBING	1-VARIOUS SERVICE LINE MATERIAL & REPAIR LABOR AMR METER IN:	\$1,844.00 \$1,844.00 **
52397	ARGO CHEMICAL INC ARGO CHEMICAL INC ARGO CHEMICAL INC	CHLORINE - 1050 QTY 4.35 / LB CHLORINE - 600 QTY 4.35 / LB CHLORINE - 900 QTY 4.35 / LB	\$6,790.41 \$4,375.95 \$6,054.46 \$17,220.82 **
52398	BILYEU LARRY J	MONTHLY ANSWERING SERVICE - SEPTEMBER 2022	\$627.45 \$627.45 **
52399	BLUE CROSS/SHIELD OF WYOMING	Retiree M Waddle Medical - Glenda Waddle - November 2022	\$261.90 \$261.90 **
52400	BROWN & REICH PETROLEUM INC BROWN & REICH PETROLEUM INC BROWN & REICH PETROLEUM INC BROWN & REICH PETROLEUM INC BROWN & REICH PETROLEUM INC BROWN & REICH PETROLEUM INC BROWN & REICH PETROLEUM INC	400 GALLONS OF DIESEL WITH STATE AND FED TAXES 541 GALLONS OF GAS WITH STATE AND FED TAXES GAS WITH STATE AND FED TAXES GAS WITH STATE AND FED TAXES GAS WITH STATE AND FED TAXES GAS WITH STATE AND FED TAXES GAS WITH STATE AND FED TAXES	\$2,124.16 \$647.31 \$809.13 \$1,294.62 \$161.82 \$161.82 \$161.83 \$5,360.69 **
52401	CARQUEST AUTO PARTS	1-MINI PRY BAR SET 2-DIESEL AXHAUST FLUID 12-22" XTRA CLEAR	\$187.11 \$187.11 **
52402	CARRANZA GUADALUPE	Refund Check 018274-000 536 PHILIPPINE	\$41.06 \$41.06 **
52403	CHARTER COMMUNICATIONS HOLDINGS LLC BRIGHT HOUSE NE CABLE / INTERNET - OCTOBER 2022		\$391.30 \$391.30 **

WEST KERN WATER DISTRICT
DISBURSEMENTS
FOR PERIOD OCT 01, 2022 THROUGH OCT 18, 2022

FINANCE MEETING

Check	Payee	Description	Amount
52404	CHEMSEARCH	UNION #2 MULTIPLEX RED GREASE	\$342.50 \$342.50 **
52405	CYNTHIA MELTON	Retiree Medical Reimbursement for KC Health - September 2022	\$277.85 \$277.85 **
52406	D G S-OFS SERV REVOLVING FUND	NATURAL GAS STA A- AUGUST 2022	\$66,993.81
	D G S-OFS SERV REVOLVING FUND	NATURAL GAS STA B- AUGUST 2022	\$104,853.02
	D G S-OFS SERV REVOLVING FUND	NATURAL GAS STA G- AUGUST 2022	\$55,377.65
	D G S-OFS SERV REVOLVING FUND	NATURAL GAS STA S WELL - AUGUST 2022	\$49,699.43
			\$276,923.91 **
52407	ELLIS RICHARD	Refund Check 014194-000 3643 ADDIE	\$74.81 \$74.81 **
52408	ESTEFANA RAMIREZ	Refund Check 016277-000 703 HARRISON	\$31.98 \$31.98 **
52409	FERGUSON ENTERPRISES INC #1350	MATERIALS FOR SOUTH TAFT WATER SYSTEM GRANT	\$1,743.16 \$1,743.16 **
52410	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$3.05
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$21.24
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$2.29
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$3.05
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$4.44
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$3.05
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$28.32
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$28.31
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$36.05
	FIRST CHOICE COFFEE SERVICES	MONTHLY COFFEE SERVICE	\$28.32
			\$158.12 **
52411	FORK LIFT SPECIALTIES INC	2-5 GALLON TUBS CARBONATE PLUS DETERGENT B	\$107.56 \$107.56 **
52412	FRONTIER COMMUNICATIONS	MONTHLY SERVICE - SEPTEMBER 2022	\$1,384.46 \$1,384.46 **
52413	GARCIA LOPEZ OCTAVIO	Refund Check 017955-000 615 A	\$14.30 \$14.30 **
52414	GLOBALSTAR USA	MONTHLY SERVICE - SEPTEMBER 2022	\$321.44 \$321.44 **
52415	GONZALEZ-SILVA GENARO	Refund Check 005655-000 810 #B PIERCE	\$46.74 \$46.74 **
52416	INDUCTIVE AUTOMATION LLC	BASIC CARE RENEWAL SUPPORT FOR TELEMETRY SYSTEM ALARM NO	\$2,912.80 \$2,912.80 **
52417	KLEIN DENATALE GOLDNER COOPER ROSENLIEB & KIMBALL LLP	LEGAL - GENERAL BUSINESS SEPTEMBER 2022	\$4,714.00 \$4,714.00 **
52418	KUNISAWA SANDY	Refund Check 011242-001 433 PHILIPPINE	\$53.92 \$53.92 **
52419	LAMAR TEXAS LIMITED PARTNERSHIP	BILLBOARD 10TH & NORTH - 8/1/22 - 8/28/22	\$530.45 \$530.45 **
52420	M.E. SIMPSON COMPANY INC.	5-DAYS OF METER& PITOT TESTING 1-MOBILIZATION/DE-MOBILIZATI	\$18,150.00 \$18,150.00 **

WEST KERN WATER DISTRICT
DISBURSEMENTS
FOR PERIOD OCT 01, 2022 THROUGH OCT 18, 2022

FINANCE MEETING

Check	Payee	Description	Amount
52421	MADDOX NINA	Refund Check 017822-000 511 5TH	\$41.64 \$41.64 **
52422	MEGNA REAL ESTATE SERVICES	Refund Check 018125-000 309 HELEN	\$41.55 \$41.55 **
52423	MIDWAY LABORATORY MIDWAY LABORATORY MIDWAY LABORATORY	WATER ANALYSIS WATER ANALYSIS WATER ANALYSIS	\$3,001.50 \$34.50 \$550.00 \$3,586.00 **
52424	Mountain and Desert Media LLC The Taft Midway Driller Mountain and Desert Media LLC The Taft Midway Driller	BACK TO SCHOOL AD JULY INTERNET FRONT PAGE FRONT PAGE INTERNET WHO WE ARE	\$385.00 \$615.00 \$1,000.00 **
52425	MULTI SERVICE TECHNOLOGY SOLUTIONS INC	SAFETY BOOTS - LUSIANO PINA	\$150.00 \$150.00 **
52426	MURCAL	1-TEMP SCANNER MURPHY TEMP SWITCH FOR B1#1	\$1,368.28 \$1,368.28 **
52427	OFFICE DEPOT INC OFFICE DEPOT INC OFFICE DEPOT INC OFFICE DEPOT INC	COMET DEODDRIZING CLEANER KLEENEX CONNTONNELLE TOILET TISSUE KLEENEX MULTIFOLD SCOTCH TAPE THERMAL LAMINATING POUCHES SCOTCH TAPE LUBAT BACK SUPPOR	\$59.31 \$163.47 \$42.50 \$168.74 \$434.02 **
52428	ORTIZ MARCO	Refund Check 006327-001 804 BUCHANAN	\$28.37 \$28.37 **
52429	P G & E	ELECT- W 7-01R SEPTEMBER 2022	\$24.64 \$24.64 **
52430	PAREDES RICARDO	Refund Check 015187-004 512 OLIVE	\$54.50 \$54.50 **
52431	PICARD GUY	Refund Check 011488-001 438 B	\$30.68 \$30.68 **
52432	PROVOST & PRITCHARD CONSULTING PROVOST & PRITCHARD CONSULTING	2020 URBAN WATER MANAGEMENT - WATER SHORTAGE CONTINGEN WATER RATE STUDY - AUGUST 2022	\$118.50 \$1,014.00 \$1,132.50 **
52433	RAMIREZ JIMENEZ NORMA	Refund Check 018405-000 316 NAYLOR	\$24.34 \$24.34 **
52434	RICHARD C SLADE & ASSOC LLC	HYDROGEOLOGICAL SERVICES - AUGUST 1 - 31 2022	\$2,796.20 \$2,796.20 **
52435	SAN JOAQUIN VALLEY AIR SAN JOAQUIN VALLEY AIR SAN JOAQUIN VALLEY AIR SAN JOAQUIN VALLEY AIR SAN JOAQUIN VALLEY AIR SAN JOAQUIN VALLEY AIR	FEE - 22/23 ANNUAL PTO FAC ID 350 11/1/22 - 10/31/23 FEE - 22/23 ANNUAL PTO FAC ID 351 11/1/22 - 10/31/23 FEE - 22/23 ANNUAL PTO FAC ID 352 11/1/22 - 10/31/23 FEE - 22/23 ANNUAL PTO FAC ID 353 11/1/22 - 10/31/23 FEE - 22/23 ANNUAL PTO FAC ID S348 11/1/22 - 10/31/23 FEE - 22/23 ANNUAL PTO FAC ID S349 11/1/22 - 10/31/23	\$2,757.00 \$42.00 \$577.00 \$2,757.00 \$3,375.00 \$3,667.00 \$13,175.00 **
52436	SIVILS TAMI	REIMBURSE - MILEAGE	\$45.75 \$45.75 **
52437	SOLINST CANADA LTD	2-102 MK2 WATER LEVEL METERS P10/N2/500 FT 2-102 MK2 WATER	\$3,023.88 \$3,023.88 **

WEST KERN WATER DISTRICT
DISBURSEMENTS
FOR PERIOD OCT 01, 2022 THROUGH OCT 18, 2022

FINANCE MEETING

Check	Payee	Description	Amount
52438	SOLIS BENITO	Refund Check 016016-001 441 RUSSELL	\$25.06 \$25.06 **
52439	SOUTHERN CA DRUG BENEFIT FUND	Union Medical - September 2022	\$44,941.71 \$44,941.71 **
52440	STINSON STATIONERS INC STINSON STATIONERS INC	YEARLY CALENDAR ORDER YEARLY CALENDAR ORDER	\$1,154.65 \$34.30 \$1,188.95 **
52441	TAFT CITY OF	SWEEPER SEWER	\$114.19 \$114.19 **
52442	TRUE VALUE HOME CENTER TRUE VALUE HOME CENTER TRUE VALUE HOME CENTER	3-3/8" FUEL LINE QUIKY SAW REPAIRS VEHICLE #107 MATERIALS BLM SIGN INSTALLATION TELEPHONE HILLS MATERIALS BLM SIGN INSTALLATION TELEPHONE HILLS	\$14.58 \$106.39 \$26.82 \$147.79 **
52443	UNWIRED BROADBAND	SOLAR SECURITY - NW3 SW 2-02	\$284.98 \$284.98 **
52444	VISA VISA VISA VISA VISA VISA VISA	2-SAMSUNG GALAXY 12.4" TABLET FIELD SERVICES SGMA WELL LEVE SEMINARS OFFICE SUPPLIES TABLETS SUBSCRIPTIONS SEMINARS OFFICE SUPPLIES TABLETS SUBSCRIPTIONS SEMINARS OFFICE SUPPLIES TABLETS SUBSCRIPTIONS SEMINARS OFFICE SUPPLIES TABLETS SUBSCRIPTIONS SEMINARS OFFICE SUPPLIES TABLETS SUBSCRIPTIONS SEMINARS OFFICE SUPPLIES TABLETS SUBSCRIPTIONS	\$1,064.48 \$177.77 \$5.00 \$45.00 \$97.94 \$467.52 \$1,994.38 \$548.00 \$4,400.09 **
Total			\$765,237.39

**ISSUES OF CONCERN
FOR THE
REGULAR BOARD MEETING OF
OCTOBER 27, 2022**

Description:

Action:

- | | | |
|----|--|--|
| A. | November Meeting Calendar | Attached for Board Approval: |
| B. | Potential Issues to be addressed at Next Meeting | Determination of Potential Topics
To be addressed at Next Meeting: |
| C. | Board of Director's Announcements or Reports | Board of Directors May Report on
Their Activities during the Month: |
| D. | General Manager's Report | General Manager will Report on
the following items: |
| E. | Management Staff Report | Management will Report on
Current Issues: |
| F. | Kern Ground Water Authority Issues | General Manager will Report on
Current Issues: |
| G. | Attorney Report | Oral Presentation may be made: |

November 2022

MON	TUE	WED	THU	FRI	SAT	SUN
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1						
	Notice in Papers to Start running 11/4					
7	3:00pm - Personnel (Wells/Morris)					
8	3:00pm - Water Resources (Niblett/Wells) 3:30pm - Finance (Morris/Bravo)					
9	3:00pm - Facilities (Jameson/Bravo)					
10						
11						
12						
13						
14						
15	10:00a.m. Town Hall Meeting on Prop 218 at WSRPD					
16	5:30pm - Regular Board Meeting					
17						
18						
19						
20						
21						
22	Greg - Vacation					
23	Greg - Vacation					
24	Greg - Vacation					
25						
26						
27						
28						
29						
30						

Committee Packets Available in Directors Mailboxes After 4:30pm
*** 45 Day Prop 218 Deadline**
 Holiday - Office Closed
 Board Packets Available in Directors Mailboxes After 4:30pm
 Holiday - Office Closed
 Holiday - Office Closed