

WEST KERN WATER DISTRICT  
BOARD OF DIRECTORS  
REGULAR BOARD MEETING

Minutes - Board of Directors  
Tuesday, December 20, 2022

800 Kern Street  
Taft, California

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

*Directors Absent:*        *David A. Wells*

*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

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

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 Director Niblett, Seconded*  
*By Bravo and Carried Unanimously*  
*With 4 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 Morris, Seconded  
By Director Bravo Carried Unanimously  
With 4 Ayes, 0 Noes  
To approve the December 20, 2022  
Regular Board Meeting Agenda.*

VIII. OPEN PUBLIC HEARING FOR PROPOSITION 218 RATE INCREASE:

Vice-President Jameson opened the public hearing for the proposed water rate increase at 5:34 p.m. and outlined the manner-in-which the hearing will proceed. The Vice-President then asked if any members of the public wished to provide comment. Mrs. Linda Rubadeau and Ms. Christine Owens provided individual comments.

There being no further comments from the public, the Vice President asked the General Manager to report on the need for the increase and discuss the timeline followed during the rate increase process.

The Vice-President reported that the Board of Directors appointed the General Manager as the Disinterested Party for the purposes of counting the number of protests received by the District.

The Vice President then instructed the General Manager to count the protests received. Upon completing the count, the General Manager reported that out of 5,850 customers, 65 valid protests had been received. The Vice-President then reported that in-light of the count, a majority protest, as defined by Proposition 218, does not exist and the board may now take action on the proposed increase to District water rates.

CLOSE PUBLIC HEARING FOR PROPOSITION 218 RATE INCREASE

Vice President Jameson Closed the Public Hearing at 5:44 p.m.

IX. APPROVE PROPOSITION 218 RATE INCREASE

2. Discussion and Appropriate Action Regarding:  
Resolution No. 22-05 of The Board Of Directors Of  
West Kern Water District to Adopt the Proposed Increase  
to its Water Rate Schedule  
(Roll Call)

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. Resolution 22-05 and Exhibit A must be adopted to complete the Proposition 218 process and establish the new rates.

*Upon Motion by Director Niblett, Seconded  
By Director Bravo Carried Unanimously  
By a Roll Call Vote  
To Adopt Resolution No. 22-05 of The Board Of Directors Of  
West Kern Water District to Adopt the Proposed Increase  
to its Water Rate Schedule.*

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

A. November 15, 2022 Regular Board Meeting

*Upon Motion by Director Niblett, Seconded  
By Director Morris Carried Unanimously  
With 4 Ayes, 0 Noes  
To approve the Minutes of the November 15, 2022  
Regular 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 November, 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**

Vice President Jameson noted no items were pulled for further discussion.

*Upon Motion by Director Morris, Seconded  
By Director Niblett Carried Unanimously  
With 4 Ayes, 0 Noes  
To approve Consent Items i-v of the  
December 20, 2022 Board Agenda.*

XII. **COMMITTEE REPORTS**

A. **WATER RESOURCES COMMITTEE  
(Niblett, Wells)**

1. **Water Supply Report**

General Manager, Greg A. Hammett 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.

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

1. **Discussion and Appropriate Action Regarding:  
Directors Compensation**

General Manager, Greg A. Hammett reported it would be appropriate for the Board to review the current level of Director's meeting compensation and discuss a potential adjustment for 2023. Currently, the compensation is \$226.30 per meeting. The average 2022 average CPI to date is 6.0%. An increase, if approved, would be effective January 2023.

*Upon Motion by Director Niblett, Seconded  
By Director Bravo and Carried Unanimously  
With 4 Ayes, 0 Noes  
To deny any increase at this time.*

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

1. **Discussion and Appropriate Action Regarding:**  
**Chalk Cliff Limited - Restated Water Service Agreement #13**  
**McKittrick Limited - Restated Water Service Agreement #14**

Assistant to the Director of Operations, Taylor Miller reported WCAC'S water service agreement's, District Agreement 13 and 14's language will need to be revised due to the newly adopted rate schedules.

*Upon Motion by Director Bravo, Seconded  
By Director Niblett and Carried Unanimously  
With 4 Ayes, 0 Noes  
To A. Approve Amendment No. 2 to Water Service Agreement No. 13 which revises the language in Paragraph 6 Price of Water to correspond with the applicable water rate schedule, General Industrial - IW. B. Approve Amendment No. 2 to Water Service Agreement No. 14 which revises the language in Paragraph 6 Price of Water to correspond with the applicable water rate schedule, General Industrial - IW.*

2. **Discussion and Appropriate Action Regarding:**  
**Maricopa Heights Tank #24 Internal/External Recoat,**  
**Retrofit & Repairs, Job #23-3101, Request to Seek Bids for:**  
**A. Internal/External Recoat, Retrofit and Repairs of Tank #24**  
**B. Professional Coating Inspection & Repairs**

Operations Engineering Administrator, Troy Turley reported the last routine inspection of Tank #24's existing interior coating system and exterior coating system revealed moderate to severe coating failure. Staff is requesting to seek bids for internal/external recoating, retrofit and repairs and 3rd party inspection of the tank.

*Upon Motion by Director Jameson, Seconded  
By Director Niblett and Carried Unanimously  
With 4 Ayes, 0 Noes  
To Authorize Staff to seek bids for  
A) Internal/External Recoating, Retrofit and Repairs of Maricopa Heights Tank #24. B) 3rd Party Professional Coating Inspection & Repairs of Tank #24.*

3. **Discussion and Appropriate Action Regarding:**  
**Temporary Access Agreement from Kern Water Bank,**  
**Job #23-4101**

General Manager, Greg A. Hammett reported Permitting and approval work on the proposed River Recharge Project will require occasional access to lands owned by the Kern Water Bank (KWB) by District Staff and its consultant Rincon. KWB has provided a form of agreement (attached) that grants temporary access to staff and its consultants to perform the necessary site work, surveys, etc.

*Upon Motion by Director Morris, Seconded  
By Director Niblett and Carried Unanimously  
With 4 Ayes, 0 Noes  
To Execute a Temporary Access Agreement from  
Kern Water Bank to conduct work related to the  
proposed River Recharge Project.*

4. Discussion and Appropriate Action Regarding:  
Well NW3 Rehabilitation, Job #22-6202

Production Administrator John Stuntebeck, reported on November 18<sup>th</sup>, Bakersfield Well & Pump (BWP) completed brushing and bailing of NW3. A video was performed November 29<sup>th</sup>. Staff, BWP, and Richard Slade reviewed the video, it was determined that additional rehabilitation work is necessary before the well is put back into service. BWP will provide staff with an estimate for the additional work once a rehabilitation plan is developed.

*Upon Motion by Director Bravo, Seconded  
By Director Morris and Carried Unanimously  
With 4 Ayes, 0 Noes  
To Approve Change Order #2 to in the amount of \$194,544.00,  
increasing the contract amount from \$30,550.00 to \$225,094.00.*

5. Discussion and Appropriate Action Regarding:  
Well NW4 Repair job # 22-6501

Production Administrator John Stuntebeck, reported the District entered into a contract with Bakersfield Well & Pump (BWP) in April 2022. The scope of work included removal, repair and reinstall pump, mechanical & chemical cleaning, and perform video surveys as described in the contract documents. The scope of the work was completed on December 1st. The well was disinfected and sampled soon after. Staff will return the well back into service pending the results.

*Upon Motion by Director Niblett, Seconded  
By Director Bravo and Carried Unanimously  
With 4 Ayes, 0 Noes  
To Approve processing of final invoice minus 5% retention and  
issue a Notice of Completion with the County Recorder's Office  
when bacteriological test and pump testing have been received.*

D. FINANCE COMMITTEE  
(Morris, Bravo)

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

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

*Upon Motion by Director Niblett, Seconded  
By Director Morris and Carried Unanimously  
With 4 Ayes, 0 Noes  
To Approve Expenditure for the December 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. **January 2023 Meeting Calendar**

Directors approved the January 2023 Calendar.

B. **Potential Issues to be Addressed at Next Board Meeting**

No items to report.

C. **Board of Director Announcements or Reports**

Vice President Barry M. Jameson wished everyone a Merry Christmas and Happy New Year.

D. **General Manager's Report**

No items to report.

E. **Management Staff Report**

T & D Supervisor, Zak Crabb, gave an update that the Automatic Meter Reading project is about 83% complete.

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
  
2. Discussion and Appropriate Action Regarding:  
Government Code, § 54956.8  
Conference with Real Property Negotiator  
Description of Property: SWP Water  
Agency Negotiator: Greg Hammett, General Manager  
Negotiation Parties: West Kern Water District &  
Sunrise Cogeneration  
Under Negotiation: Price and Terms

Directors moved into Closed Session at 6:30 p.m. The meeting reconvened at 6:40 p.m.


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

## **XVI. ADJOURNMENT**

The meeting adjourned at 6:42 p.m.

January 24, 2022

**Date Approved**

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