

WEST KERN WATER DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

Minutes – Board of Directors
Tuesday, February 28, 2023

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.

V. CONFLICT OF INTEREST STATEMENTS

No conflicts to report.

V. PUBLIC COMMENT

No comments to report.

VI. APPROVAL OF THE AGENDA

*Upon Motion by Director Niblett, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the February 28, 2023
Regular Board Meeting Agenda.*

VII. DISCUSSION AND APPROPRIATE ACTION REGARDING:
APPROVAL OF MINUTES

A. January 24, 2023 Regular Board Meeting

*Upon Motion by Director Jameson, Seconded
By Director Bravo Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Minutes of the
January 24, 2023 Regular Board Meeting.*

VIII. APPROVAL OF CONSENT AGENDA

IX. CONSENT AGENDA ITEMS

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

RECOMMENDATION: Information Only.

- ii. **Discussion and Appropriate Action Regarding:
Underwater Inspection & Cleaning-
Tanks #20, #21, #26, #29 and #30, Job 23-3501**

RECOMMENDATION: Information Only.

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

RECOMMENDATION: Information Only.

- iv. **Discussion and Appropriate Action Regarding:
Cash Flow for January, 2022**

RECOMMENDATION: Information Only.

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

RECOMMENDATION: Information Only.

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

RECOMMENDATION: Information Only.

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

RECOMMENDATION: Information Only.

X. DISCUSSION & APPROVAL OF ITEMS PULLED FROM CONSENT AGENDA

President Wells noted no items were pulled for further discussion.

*Upon Motion by Director Niblett, Seconded
By Director Jameson Carried Unanimously
With 5 Ayes, 0 Noes
To approve Consent Items i-vii of the
February 28, 2023 Board Agenda.*

XI. ORGANIZATIONAL MEETING

A. **President Nomination and Appointment**

*Upon Motion by Director Wells, Seconded
By Director Morris Carried Unanimously
With 5 Ayes, 0 Noes
To Nominate & Appoint Barry M Jameson as President.*

B. **Vice President Nomination and Appointment**

*Upon Motion by Director Morris, Seconded
By Director Wells Carried Unanimously
With 5 Ayes, 0 Noes
To Nominate & Appoint Scott Niblett as Vice President.*

XI. COMMITTEE SELECTIONS

A. **COMMITTEE SELECTIONS**

1. **Administration Committee - Jameson, Bravo**
2. **Facilities Development Committee - Jameson, Niblett**
3. **Finance Committee - Morris, Niblett**
4. **Personnel Committee - Wells, Morris**
5. **Water Resources Committee - Wells, Bravo**

XII. COMMITTEE REPORTS

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, the Delta Conveyance Project's EIR and proposed River Recharge Program with the Board of Directors.

3. **Discussion and Appropriate Action Regarding:
BV Replacement Water**

General Manager, Greg A. Hammett reported Amendment 1983 Agreement with Buena Vista Water Storage District (BVWSD), West Kern Water can elect to divert up to 6,000 af of the District's State Water Project (SWP) Water supply from the California Aqueduct for use by West Kern. If the District elects to purchase the replacement water they must pay BVWSD the replacement fee which is calculated by dividing the District's total KCWA SWP Table A Entitlement billings and based on DWR's April 1st SWP Table A allocation. Upon receipt of the replacement water, BVWSD will transfer 95% of the 6500 af from their groundwater bank account to West Kern's groundwater bank account. The District must respond by March 1, 2023.

*Upon Motion by Director Wells, Seconded
By Director Morris Carried Unanimously
With 5 Ayes, 0 Noes
To Divert 6500 af of West Kern's 2023 State Water Project supply
and pay the Water Replacement Fee to BVWSD.*

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

1. **Discussion and Appropriate Action Regarding:
Rules and Regulations Revisions:
Automatic Meter Reading (AMR) Cell Card and Register**
- i. Rule No. 1 Definitions - Service Connection (Pg. 10)**
 - ii. Rule No. 16 Installation - Meters (Pg. 44)**
 - iii. Rule No. 16 Responsibility for Loss or Damage (Pg. 50
Capacity Purchase Surcharge (CPS)**
 - iv. Rule No. 15 Extensions to Service - Capacity Purchase Surcharge
(Pg. 31)**

HR Administrator, Tami Sivils reported in 2016, the District began implementing Automatic Meter Reading (AMR) under an Infrastructure Grant and included Industrial customers and Domestic/Commercial customers in outlying areas of the District.

Since the funding for the AMR cell cards and registers was included in the grant monies received, the cost of these items was not included in the District's Rules and Regulations as a Fee or Charge for customers and the District absorbed the fees of these items for new installations in the applicable areas of service.

In 2022, the District began installation of AMR for all meter connections in the District to facilitate monthly billing. This project required the District to purchase the cell cards and registers for installation on all meter connections.

Since AMR is now part of the service connection for all District customers, revisions to the Rules and Regulations are required as follows:

- AMR cell card and register added to the definition of Service Connection.
- Cost of AMR cell card and register included in the Meter Installation fee.
- Custom responsibility for removal/damage of AMR equipment included in Rules and Regulations

Capacity Purchase Surcharge (CPS) is addressed in both Rule 15 and Rule 16 of the Rules and Regulations. A reference to Rule 16 has been added to the CPS section of Rule 15 to clarify the formula the District utilizes to calculate the CPS charge.

*Upon Motion by Director Niblett, Seconded
By Director Wells Carried Unanimously
With 5 Ayes, 0 Noes
To Approve proposed revisions of the Rules & Regulations to
include AMR and clarify the CPS formula.*

2. **Discussion and Appropriate Action Regarding:
Directors Manual**

HR Administrator, Tami Sivils reported 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 reviewed Section 4 - Conflict of Interest and its' Appendix D of the Board of Directors Manual.

*Upon Motion by Director Wells, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Section 4 Conflict of Interest of the
Board of Directors Manuel.*

3. **Discussion and Appropriate Action Regarding:
Injury and Illness Prevention Program (IIPP) Policy**

HR Administrator, Tami Sivils reported on February 3, 2023 the Non-Emergency COVID-19 Standard became effective and will remain effective for 2 years through February 3, 2025, with record keeping requirements through February 3, 2026

Rather than requiring a highly detailed, COVID-19 Prevention Plan (CPP) like the ETS, the Non-Emergency Standard requires that employers address COVID-19 as a workplace hazard through their IIPP. COVID-19 Prevention Procedures (CPP) can then be maintained as an attachment to the IIPP.

In 2020, Infectious Disease Prevention was added as a required element to the IIPP. Reference to the District's CPP as procedures to control employee's exposures to

COVID-19 in the workplace is being added, as required by the Non-Emergency COVID-19 regulation. Staff is completing the update to the CPP required by the revised regulation. A copy of the revision will be provided to the Board upon completion of legal counsel review.

*Upon Motion by Director Niblett, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve addition of language regarding CPP
procedures to control employee's exposures to COVID-19 in the
workplace to the IIPP.*

4. **Discussion and Appropriate Action Regarding:
Retaining West Yost for Engineering and Consulting Services**

General Manager, Greg A. Hammett reported Harry Starkey has been consulting with District staff on several on-going projects including the River Recharge Project, and the proposed DAC project at Elk Hills. Mr. Starkey recently resigned from the Hallmark Group and accepted a position with West Yost. To maintain project continuity, staff recommends the District retain West Yost and Mr. Starkey to provide on-going consulting services.

*Upon Motion by Director Wells, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize execution of a Task Order Agreement
for Professional Services with West Yost and approve
Task Order #1 for General On-Call Support and
Task Order #2 for DAC Project Support.*

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

1. **Discussion and Appropriate Action Regarding:
Proposed River Recharge Project, Job 23-4101
Enter into a Professional Services Agreement –
South Valley Biology**

General Manager, Greg A. Hammett reported to acquire the necessary permits for the proposed River Recharge Project will require a significant amount of field work to survey and monitor for potential impacts to plant and animal species in and around the proposed project area. Attached is a proposal from South Valley Biology (SVB) to perform the various surveys required by state and federal agencies. Once the surveys are completed, SVB will prepare a Biological Resources Evaluation (BRE) that will document the results of the field surveys. The BRE will include details on the methodologies used, survey results, maps, photographs, and other supporting information such as various summary technical reports that may be required by survey protocols. The BRE is a critical document for preparation of the Biological Resources Impact Analysis and Mitigation Measure Assessment for the project. According to the

proposal, approximately 8 months will be required to complete the field work and prepare the BRE at cost of \$152,593.98, however, SVB will attempt to conduct several surveys in parallel to better manage costs. Field work will be coordinated with feedback from various regulatory agencies with jurisdiction over the proposed project.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Retain South Valley Biology to prepare a
Biological Resources Evaluation in support of the
proposed River Recharge Project.*

2. **Discussion and Appropriate Action Regarding:
Proposed River Recharge Project, Job 23-4101
Professional Services Consulting Agreement – Rincon**

General Manager, Greg A. Hammett reported Rincon provided a proposal to prepare an Aquatic Resources Delineation and Biological Resources Impact Analysis and Mitigation Measures Assessment in support of compliance with the California Environmental Quality Act (CEQA) and the regulatory permitting process, to be based on the Biological Resources Evaluation (BRE) provided by South Valley Biology.

The Aquatic Resources Delineation study identifies the boundaries of potential wetlands and waters that may be afforded regulatory oversight by federal, state, and local regulatory agencies within the project study area. The aquatic resources delineation study will include a desktop review, a field survey, and report preparation.

Based upon information in the BRE report, Rincon will then prepare a Biological Impact Analysis and Mitigation Measures Assessment which will be utilized in support of the CEQA document (if the project does not utilize the CEQA suspension under Executive Order N-7-22) or in support of the regulatory permitting process.

*Upon Motion by Director Niblett, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve modification to Rincon's Scope of Work
to include preparation of an Aquatic Resources
Delineation and Biological Resources Impact Analysis
and Mitigation Measures Assessment.*

3. **Discussion and Appropriate Action Regarding:
Well NW3 Rehabilitation, Job #22-2602 and Approval of Progress
Billings 2 & 3**

Production Administrator, John Stuntebeck reported Bakersfield Well & Pump (BWP) completed mechanical and chemical cleaning of NW3 on February. A video was performed February 7th. Staff, BWP, and Richard Slade reviewed the video, and recommended installing 520 ft of 12" stainless steel liner in the well. A copy of the install was provided to the Board. Copies of the progress billings 2 & 3 were also provided to the Board.

***Upon Motion by Director Bravo, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve A. Progress Payment #2 & #3 the
total amount of \$77,900.00 less 5% retention of
\$3,895.00 for a total payment of \$74,005.00.
B. Change Order #3 for installation of a liner in Well
NW3 in the amount of \$185,500.00 increasing
the contract amount from \$225,094.00 to \$410,594.00.***

**4. Discussion and Appropriate Action Regarding:
Maricopa Heights Tank # 24 Interior/Exterior Recoat,
Repairs and Retrofit, Job #23-3101
Award of Coating and Inspection Contracts**

Operations Engineering Administrator, Troy Turley reported the scope of this project includes full interior recoat & exterior coating repairs and retrofit of Maricopa Heights Tank #24 as required by the project plans and specifications. A Notice Inviting Bids was published in the Bakersfield Californian on Thursday, February 2, 2023. A Request for Proposal was issued through the West Kern Water District website and by contacting pre-qualified contractors currently listed on the District Bidders List. A mandatory pre bid job walk was conducted on Wednesday, February 8, 2023 with (8) Coatings Contractors, (1) Engineering/Inspection firm and (1) Union representative in attendance. On Wednesday, February 15, 2023, the District received the following (5) five bids: J. Colon Coatings, Inc. \$419,100.00, Unified Field Services \$436,206.00, Advanced Industrial Services, Inc. \$572,690.00, FARWEST Insulation Contracting \$625,000.00 and Capitol Industrial Coatings, LLC for \$722,590.00.

Operations Administrator, Troy Turley reported The scope of this portion of the project provides for the quality control inspection of the interior and exterior coating per District specifications. A Request for Proposal was issued through the West Kern Water District web site and by contacting pre-qualified inspectors currently listed on the District Bidders List. On Wednesday, February 15, 2023, the District received the following (3) three bids: CSI Services, Inc. \$40,860.00, MCS Inspection Group \$55,025.00 and Dee Jasper & Associates, Inc for \$59,220.00, however, staff concluded the bid from CSI Service, Inc was non-responsive due to several omissions and submittal errors.

***Upon Motion by Director Niblett, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To A. approve awarding of contract to J. Colon
Coatings, Inc. in the amount of \$419,100.00
base bid, plus \$21,600.00 for Dehy/Heater
for a total of \$440,700.00 for interior recoat and
exterior repairs and retrofit of Maricopa Heights
Tank #24, Job #23-3101 and issue a notice to proceed
when the temporary tank is operational, and all contract
documents are in place. B. To approve awarding of
Professional Services Contract to MCS Inspection Group
in the amount of \$55,025.00 when all contract documents
are in place.***

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

**1. Discussion and Appropriate Action Regarding:
Accounts Payable for February 2023**

Director of Finance, Sunny Kapoor presented the accounts payable report for February, 2023.

*Upon Motion by Director Wells, Seconded.
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Expenditure for the February 2023
Bills When Funds are Available.*

**E. PERSONNEL COMMITTEE
(Wells, Morris)**

No items to discuss.

XIII. INFORMATION ITEMS

No items to report.

XIV. ISSUES OF CONCERN

A. March 2023 Meeting Calendar

Directors approved the March 2023 Calendar.

B. Potential Issues to be Addressed at Next Board Meeting

No items to report.

C. Board of Director Announcements or Reports

Director Scott Niblett complimented District staff on the AMR project

D. General Manager's Report

No items to report.

E. Management Staff Report

T & D Supervisor, Zak Crabb, reported the District's AMR Project currently is 89% complete District wide. HR. Administrator, Tami Sivils reminded the Board of Directors of the 2022 Employee Recognition Luncheon in the District Warehouse on March 14, 2023, at 11:30 a.m.

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, § 54956.9(d)(2)
Conference with Legal Counsel
Potential Litigation: 2 Cases
3. Discussion and Appropriate Action Regarding:
Government Code, § 54957.6
Conference with Labor Negotiator
Agency Negotiator: Greg Hammett, General Manager
Unrepresented Position (1), Represented Positions (3)

Directors moved into Closed Session at 6:35 p.m. The meeting reconvened at 7:16 p.m.

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

XVI. ADJOURNMENT

The meeting adjourned at 7:16 p.m.

March 28, 2023

Date Approved



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