

WEST KERN WATER DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

Minutes - Board of Directors
Tuesday, June 27, 2023

800 Kern Street
Taft, California

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

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

District Counsel: Alex Dominguez

Recording Secretary: Tami Sivils

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL/DETERMINATION OF A QUORUM

President, Barry M. Jameson called the meeting to order at 5:30 p.m. HR Administrator, Tami Sivils called roll and noted that President Jameson, Vice President Niblett, Director Wells, Director Morris and Director Bravo were present.

IV. CONFLICT OF INTEREST STATEMENTS

No conflicts to report.

V. PUBLIC COMMENT

No comments to report.

VI. APPROVAL OF THE AGENDA

*Upon Motion by Director Bravo, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the June 27, 2023
Regular Board Meeting Agenda.*

VII. DISCUSSION AND APPROPRIATE ACTION REGARDING:
APPROVAL OF MINUTES

- A. May 23, 2023 Regular Board Meeting
- B. June 15, 2023 Special Board Meeting

*Upon Motion by Director Wells, Seconded
By Director Bravo Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Minutes of the
May 23, 2023 Regular Board Meeting.*

*Upon Motion by Director Bravo, Seconded
By Director Niblett Carried Unanimously
With 4 Ayes, 0 Noes, Director Morris Abstained
To approve the Minutes of the
June 15, 2023 Special 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:
Operations Department Review**

RECOMMENDATION: Information Only.

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

- 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 Projects Report**

RECOMMENDATION: Information Only.

- vi. Discussion and Appropriate Action Regarding:
Position Vacancies - Status Report**

RECOMMENDATION: Information Only.

X. DISCUSSION & APPROVAL OF ITEMS PULLED FROM CONSENT AGENDA

President Jameson 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
June 27, 2023 Board Agenda.*

XI. COMMITTEE REPORTS

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

**1. Discussion and Appropriate Action Regarding:
Water Supply Report**

General Manager, Greg A. Hammett reviewed the current Water Supply Report with Directors and staff and gave a slide show presentation on the North Well ponds.

**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, The General Manager also reported the Delta Conveyance Project; the proposed River Recharge Project and availability of Article 21 water.

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

**1. Discussion and Appropriate Action Regarding:
Policy Review - Directors Manuel**

HR Administrator, Tami Sivils reported that review and update to Section 7 - Public Employees and Appendix I Environmental Quality of the Board of Directors Manual has been completed. The recommended revisions are attached for Board review.

*Upon Motion by Director Bravo, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Section 7 - Public Employees and
Appendix I.*

**2. Discussion and Appropriate Action Regarding:
Kern Multi-Jurisdiction Hazard Mitigation Plan - Letter of Commitment**

General Manager, Greg A. Hammett reported the purpose of the Kern Multi-Jurisdiction Hazard Mitigation Plan (Plan) is to assess risks posed by natural hazards that could potentially affect the population, infrastructure and facilities within the jurisdiction of multiple entities in Kern County, including the County, cities, school districts, and special districts, and identify ways to reduce those risks. Federal law (the Disaster Mitigation Act of 2000) requires jurisdictions to have a hazard mitigation plan and jurisdictions that have a

hazard mitigation plan are eligible to apply for certain grant funds. An initial Kern Multi-Jurisdiction Hazard Mitigation Plan was prepared in 2005 and has been updated twice (2014 & 2020) since that time. The next update is due in 2026. Hazard mitigation plans are approved by the Federal Emergency Management Agency. Kern County is applying for a grant to fund the upcoming Plan update Grant applications are due by August 4, 2023. To complete the grant application the County is requesting a Letter of Commitment from the District. The letter commits the District to actively participate in the Plan update process. While the participation activities described in the letter may appear somewhat daunting, they are similar to those District staff performed during the last update process. Signing the Letter of Commitment would commit the District to participate in the 2026 - 2031 Hazard Plan update process.

*Upon Motion by Director Niblett, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize execution of a Letter of Commitment
for the 2026 Kern Multi-Jurisdictional Hazard
Mitigation Plan and appoint the General Manager
to represent the District during the plan update process.*

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

**1. Discussion and Appropriate Action Regarding:
Maricopa Heights Tank #24 Interior/Exterior Recoat,
Repairs and Retrofit, Job #23-3101**

Production Administrator, John Stuntebeck reported in February 2023, the District entered into a contract with J. Colon Coatings, Inc., and MCS Inspection Group for the interior/exterior recoating and inspection, respectively, of Maricopa Heights Tank #24. The project officially started May 1, 2023, and work commenced on May 8, 2023. Staff received pay request #1 from both contractors for work completed through May 2023.

*Upon Motion by Director Niblett, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To A. Approve J. Colon's Pay Request #1 in the total
amount of \$23,000.00 less 5% retention of \$1,150 for a total
progress payment of \$21,850.00 for expenses through May 2023.
B. Approve MCS Inspection's Pay Request #1 in the total amount
of \$6,215.00 for inspection services through May 2023.*

**2. Discussion and Appropriate Action Regarding:
Maricopa Heights Tank #24 Interior/Exterior Recoat,
Repairs and Retrofit, Superior Tank, Job #23-3101**

Production Administrator, John Stuntebeck reported Maricopa Heights Tank #24 floor plates, which includes the annular space (24" from tank shell), were tested and found to have underside corrosion and were not reusable. As a result, the annular space will be removed and replaced with additional ¼" A36 steel plate in a manner that will remove every other plate allowing additional oil sand to be placed up to the tank chime, followed by installation of new

steel. The contractor will then remove the remaining old annular plates, place oil sand, and follow with installation of

the new steel. The cost to design the new annular plates, procure additional metal plates and oil sand, along with installation and two mobilizations. Additionally, due to underside corrosion the center plates and column will require replacement.

Discussion took place regarding the amount of the change-order and if the job should be re-bid. It was determined that a re-bid was not required.

*Upon Motion by Director Niblett, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Change Order #1 in the amount of \$100,366,
increasing the contract amount from \$157,403.00.00 to
\$257,769.00.*

3. **Discussion and Appropriate Action Regarding:
Maricopa Heights Tank #24 Interior Recoat and Exterior
Repairs, Job #23-3101**

This item was tabled for discussion and appropriate action when all documentation has been received.

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

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

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

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

2. **Discussion and Appropriate Action Regarding:
Approval of the 2023-2024 Annual Budget**

Director of Finance, Sunny Kapoor presented the final Annual Budget for the 2023-2024 fiscal year. It was noted that an approximate \$3 million dollar contribution from reserves will be required to fund Capital Improvements and Equipment Procurement.

Mr. Kapoor also reported that the Rate Study used to calculate the rate increase was based on fiscal year and utilized a July 1 effective date for the rate increase. Since the effective date of the rate increase was adjusted to January in each year of 2023 - 2027, this would account for the difference in the required contribution from reserves and the contribution calculated in the Rate Study.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve 2023-2024 Annual Budget.*

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

- 1. Discussion and Appropriate Action Regarding:
Revisions to the District Personnel Manual Sections:
 - a. 4.13. Work Boots**
 - b. 8.14. Return to Work Program****

HR Administrator, Tami Sivils reported as part of the District's negotiation discussions with the UFCW 8 - Golden State, the District proposed a language change to Section 8.14 of the Personnel Manual. The proposed revision represents changes in the District's Occupational Medicine provider and the claims administrator for the District's Worker's Compensation Policy with SDRMA from Sedgwick to InterCare Holdings. An additional amendment to the District's Personnel Manual Section 4.13. Work Boots is required because of the negotiated increase in the annual work boot allowance. Since the Personnel Manual amendment is effective July 1, 2023 through June 30, 2026 as an appendix to the MOU with the Union, the amendment requires Board adoption to become effective for both the bargaining unit and non-bargaining unit employees.

*Upon Motion by Director Niblett, Seconded.
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve amendment to Sections 4.13. Work Boots
and 8.14. Return to Work Program of the
Personnel Policy Manual effective July 1, 2023
through June 30, 2026.*

XII. INFORMATION ITEMS

1. SDRMA Official Election Ballot

The Board of Directors gave direction to the General Manager to complete the SDRMA Official Election Ballot and mail.

XII. ISSUES OF CONCERN

A. July 2023 Meeting Calendar

Directors approved the July 2023 Calendar with a revision in the schedule of the Finance Committee Meeting.

B. Potential Issues to be Addressed at Next Board Meeting

No items to report.

C. Board of Director Announcements or Reports

Director Wells commended staff on the cleanup of the tree/park area on the corner. He stated that it looks substantially better with all the debris, low lying limbs and pine needles cleared.

Director Niblett also commended staff on their budget management for the past fiscal year and the preparation and diligence of responsible management in the upcoming budget.

D. General Manager's Report

No items to report.

E. Management Staff Report

No items to report.

F. Kern Ground Water Authority Issues

General Manager, Greg A. Hammett and Legal Counsel gave a brief report on Kern Ground Water Authority issues and basin collaboration.

G. Attorney Report

Legal Counsel provided an update on SB 389 and the curtailment of water rights to the State Water Resources under the legislation.

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, § 54956.9(d)(2)
Conference with Legal Counsel
Potential Litigation: 1 Case
3. Discussion and Appropriate Action Regarding:
Government Code, § 54957.6
Conference with Labor Negotiator
Agency Negotiator: Greg A. Hammett, General Manager
Employee Organization: UFCW 8 - Golden State

*Upon Motion by Director Wells, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Memorandum of Agreement
Between West Kern Water District & UFCW 8
Golden State effective July 1, 2023 - June 30, 2026*

4. Discussion and Appropriate Action Regarding:
Government Code, § 54957.6
Conference with Labor Negotiator
Agency Negotiator: Greg A. Hammett, General Manager
Unrepresented Employees

*Upon Motion by Director Wells, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To approve Wage Increase for the Non-Bargaining Unit
Employees as follows: 6% Effective July 1, 2023,
The General Manager will meet with the Board of Directors
in May of each year to negotiate the wage adjustment
effective July 1, 2024, and July 1, 2025.*

Directors moved into Closed Session at 6:50 p.m. The meeting was reconvened at 7:17 p.m.

XV. ADJOURNMENT

The meeting adjourned at 7:18 p.m.

July 25, 2023

Date Approved



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

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