

WEST KERN WATER DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

Minutes – Board of Directors
Tuesday, May 24, 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: *Joseph D. Hughes*

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, Niblett, Morris and 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 Jameson, Seconded
By Director Morris 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 Vice President Jameson, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the May 24, 2022
Regular Board Meeting.*

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

- A. April 7, 2022 Special Board Meeting
- B. April 26, 2022 Regular Board Meeting

*Upon Motion by Director Bravo, Seconded
By Director Niblett Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Minutes of the
April 7, 2022 Special Board Meeting and .
the April 26, 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 April, 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 Vice President Jameson Carried Unanimously
With 5 Ayes, 0 Noes
To approve Consent Items i-v of the
May 24, 2022 Board Agenda.*

XII. **COMMITTEE REPORTS**

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

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

Regulatory Administrator, Wendy Adams-Rosenberger reviewed the current Water Supply Report with Directors and staff. She also discussed the Governor's executive order to conserve water.

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.

Mr. Hammett further discussed the Delta Conveyance Project and noted the County of Kern is considering a well rehab or replacement program for BVARA.

3. **Discussion and Appropriate Action Regarding:
2021 Consumer Confidence Report**

Regulatory Administrator, Wendy Adams-Rosenberger reported the District's 2021 Consumer Confidence Report (CCR) is required to be mailed to District customers and State Water Resources Control Board by July 1, 2022. Staff has updated the analytical data and education material required by the State.

*Upon Motion by Director Niblett, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize District Staff to Submit
The 2021 Consumer Confidence Report.*

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

**1. Discussion and Appropriate Action Regarding:
West Kern Water District Water Shortage Response Plan
Initiate Stage 2 & 3**

General Manager, Greg A. Hammett reported Executive Order N-7-22 requires the District to implement a water shortage response action for a shortage level of up to 20%, or Level 2 of our Water Shortage Response Plan (WSRP) (attached). The action (Level 2) must be implemented by June 10, 2022. A Level 2 or Moderate Water Shortage condition applies when the District notifies its customers to reduce water usage due to drought or other reduction in supplies. The West Kern Water District Board of Directors shall declare the existence of a Level 2 condition and implement the mandatory Level 2 conservation measures identified in the WSRP. In addition, staff recommends the Board implement a Level 3 (Severe Water Shortage) action that limits residential landscape watering. The WSRP allows the Board to select actions that are appropriate to address water shortage concerns at the time. Executive Order N-7-22 also bans, with exceptions, irrigation of “non-functional turf” in the commercial, industrial, and institutional sector. A resolution is required to implement Level 2 and 3 actions.

In addition to the Water Supply Shortage actions described above, all persons using District water shall continue to comply with Level 1 “Water Awareness” conservation practices during a Level 2 and Level 3 “Moderate to Severe Water Shortage”. Board directed District Staff to prepare a resolution implementing Stage 2 and Stage 3 of West Kern Water District’s Water Shortage Response Plan and ban irrigation of non-functional turf for its consideration prior to the June 10, 2022 deadline.

**2. Discussion and Appropriate Action:
West Kern Water Rate Study**

General Manager, Greg A. Hammett reported the approval of the West Kern Water Rate Study prepared by Provost & Pritchard was needed to support the Proposition 218 process. 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 Niblett, Seconded
By Vice President Jameson and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Water Rate Study and proceed with the
Proposition 218 process.*

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

1. **Discussion and Appropriate Action Regarding:**
Station C Tank 13 (West) Internal Recoat/External Recoat,
Job #22-3101 – Simpson Sandblasting & Special Coatings Inc.
A. Pay Request #1
B. Change Order #1

Operations and Engineering Administrator, Troy Turley reported the District entered into a contract with Simpson Sandblasting on March 22, 2022, for the interior/exterior overcoating of Station C (West) Tank #13. The project officially started April 5, 2022 and work commenced on April 6, 2022. District Staff received Pay Request #1 in the amount of \$121,188.00, covering expenses for April (invoice & schedule of values attached). The above amounts also include potential change order #1 in the amount of \$1,500.00. Change Order #1 in the amount of \$1,500.00, covers labor cost incurred by contractor due to extensive corrosion & pitting discovered after sandblasting rings two and three of the tank shell. The level of corrosion required the contractor to follow the paint gun and roller apply the coating to ensure all irregular surfaces are covered.

*Upon Motion by Director Niblett, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Pay Request #1 in the total amount
of \$121,188.00 less 5% retention \$6,059.40, for
a total progress payment of \$115,128.60 for
expenses through April 2022. B. Approve Change Order #1 for
additional labor due to unforeseen conditions beyond
contractors' control in the amount of \$1,500.00 adjusting the
contract price from \$266,225.00 to \$267,725.00.*

2. **Discussion and Appropriate Action Regarding:**
Station C (West) Tank 13 Internal/External Recoat, Job #22-3101 –
MCS Inspection Group, Pay Request #1

Operations and Engineering Administrator, Troy Turley reported the District entered into a contract with MCS Inspection Group on March 23, 2022, for third party professional inspection for Recoating of Station C (West) Tank #13. On May 1, 2022, District Staff received Pay Request #1 in the amount of \$17,402.00 for inspection time starting April 5, 2022 through April 29, 2022 covering eighteen (18) days of inspection. The invoice also covers eighteen (18) days of subsistence.

*Upon Motion by Director Morris, Seconded
By Vice President Jameson and Carried Unanimously
With 5 Ayes, 0 Noes
To approve Pay Request #1, Invoice #1239, in the total amount
of \$17,402.00 for MCS Inspection expenses from April 5, 2022
through April 29, 2022.*

3. **Discussion and Appropriate Action Regarding:**
La Paloma Generator Installation Project
Amendment No. 3 to District Agreement No. 16 and
Letter Agreement for Installation

General Manager, Greg A. Hammett reported in 2021, La Paloma (LP) requested approval from the District to install a Diesel Standby Generator at the La Paloma Pumping Station. The generator will supply power to the station during PG&E outages. Staff is working closely with LP to confirm the generator will be designed, installed and operated to prevent any potential damage to the District's facilities. A Letter Agreement, which covers all activity during the installation of the generator, as well as an Amendment to LP's water service agreement which details responsibilities of each party.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To authorize Staff to execute Letter Agreement
between La Paloma and District for the installation of a
Diesel Standby Generator at La Paloma Pumping Station.
and Approve Amendment No. 3 to La Paloma's District Agreement
No. 16 detailing maintenance and other responsibilities of the
generator for each party.*

4. **Discussion and Appropriate Action Regarding:
Underground Service Alert of Northern California and Nevada
Membership Agreement**

Field Services Supervisor, Wayne White reported USA North 811 is requiring all members to execute a new membership agreement that replaces the original agreement which was executed in 1986.

*Upon Motion by Vice President Jameson, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize Staff to execute the USA North 811 First Amended
Membership Agreement with Underground Service Alert of
Northern California and Nevada*

5. **Discussion and Appropriate Action Regarding:
Reroof and New AC Install Eastside Office Building, Job #22-9000**

Facilities Maintenance, Mike Law presented a slide show of the Districts before and after on the new roof and air conditioner replacement on the Eastside of the office building, Job 22-900.

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

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

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

*Upon Motion by Director Bravo, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Expenditure for the May 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)**

General Manager, Greg A. Hammett provided a status report on continued implementation of infectious disease control practices and the ongoing restrictions and mandates during the COVID-19 pandemic.

2. **Discussion and Appropriate Action Regarding:
Salary and Benefits Adjustment - General Manager**

Item was moved to discuss in Closed Session if needed.

XIII. **INFORMATION ITEMS**

No items to report.

XIV. **ISSUES OF CONCERN**

A. **June 2022 Meeting Calendar**

Directors approved the June 2022 Calendar.

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

No items to report.

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

No items to report.

D. **General Manager's Report**

No items to report.

E. **Management Staff Report**

No items to report.

F. **Kern Ground Water Authority Issues**

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: 2 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
2. Discussion and Appropriate Action Regarding:
Government Code, § 54956.9(d)(4)
Conference with Legal Counsel
Potential Litigation: One Case
3. 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 &
Parties To Be Determined
Under Negotiation: Price and Terms
4. Discussion and Appropriate Action Regarding:
Government Code, § 54957.6
Conference with Labor Negotiator: Board President
Unrepresented Employee: General Manager

President Wells reported direction was given to Legal Counsel and staff relative to initiation of litigation.

**2. Discussion and Appropriate Action Regarding:
Salary and Benefits Adjustment – General Manager**

No reportable action taken on this item.


Directors moved into Closed Session at 6:50 p.m. The meeting reconvened at 7:20 p.m.

XVI. ADJOURNMENT

The meeting adjourned at 7:20 p.m.

June 28, 2022

Date Approved



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

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