

WEST KERN WATER DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

Minutes – Board of Directors
Tuesday, November 14, 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: *Deann Crabtree*

Staff in Attendance: *Sunny Kapoor, Tami Sivils, Wendy Adams-Rosenberger,*
 Troy Turley, Taylor Miller, Wayne White, John Stuntebeck,
 Zak Crabb, Mike Law

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. Administrative Assistant, Deann Crabtree called roll and noted that President Jameson, Vice President Scott 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 November 14, 2023
Regular Board Meeting Agenda.

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

A. October 24, 2023 Regular Board Meeting

*Upon Motion by Director Wells, Seconded
By Director Morris Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Minutes of the
October 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:
Operations Department Review**

RECOMMENDATION: Information Only.

**iii. Discussion and Appropriate Action Regarding:
Cash Flow October 2023**

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 Projects Report**

RECOMMENDATION: Information Only.

X. DISCUSSION & APPROVAL OF ITEMS PULLED FROM CONSENT AGENDA

President Barry M. 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-v of the
November 14, 2023 Board Agenda.*

XI. COMMITTEE REPORTS

A. WATER RESOURCES COMMITTEE (Wells, Bravo)

1. Discussion and Appropriate Action Regarding: 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, The General Manager also reported on the Delta Conveyance Project and SWP Operations.

3. Discussion and Appropriate Action Regarding: Modify West Kern GSA Representative Monitoring Network

General Manager, Greg A. Hammett reported West Kern currently has 23 Representative Monitoring Wells (RMW) in its SGMA monitoring network. Two wells are converted production wells (Well 7 and 6-04) the remaining 21 are nested multi-completion wells (7 locations with 3 wells at each location). Each well is considered a monitoring point. SGMA regulations require that the number of wells adequately represent conditions at the site based on this criteria, one representative well at each site should be adequate, however, District staff and our consultants feel there is value in having an increased number of wells to capture additional water level data. Therefore, the recommendation is to reduce the number of representative wells from 23 to 5 (3 in the NRRP and 2 in the South). While the NRRP has a smaller footprint, it is staff and our consultant's recommendation that because of the complexed geology/hydrogeology in the north, an addition well is warranted. The District recently converted three inactive production wells to monitoring wells using funds received from a SGMA grant (two Ag wells in the NRRP and well 7-01). These wells will replace RMWs in the existing monitoring network and be included in the modified monitoring network. Subject to Board approval, staff will request a modification of our representative monitoring network at the next KGA regular board meeting November 15, 2023.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Modification of West Kern's Monitoring
Network under SGMA and Reduce the Number of
RMWs from 23 to 5.*

B. ADMINISTRATION COMMITTEE (Jameson, Bravo)

1. Discussion and Appropriate Action Regarding: Board Manual Review - Section 11

HR Administrator, Tami Sivils reviewed an update to Section 11 - Operating Rules/Regulations; Appendices N - Q, of the Board of Directors Manual has been completed for approval.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Section 11 Operating Rules/Regulations;
Appendices N-Q of the Board Manual.*

2. **Discussion and Appropriate Action Regarding:
Resolution 23-06 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 2024-2025 South Taft Water System
Improvements (Phase V)**

Assistant to the Director of Operations, Taylor Miller reported 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 V. The application guideline requires the District to supply a resolution of governing body authorizing application for the Grant Funds. 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.

*Upon Motion by Director Niblett, Seconded
By Director Morris and Carried Unanimously
By Roll Call Vote
With 5 Ayes, 0 Noes
To Adopt Resolution 23-06 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 2024-2025 South
Taft Water System Improvements (Phase V)*

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

1. **Discussion and Appropriate Action Regarding:
Solar Site Module Replacement at NW2, NW4 & NW5,
Fabtech Enterprises, Job #24-4200**

Operations and Engineering Administrator, Troy Turley reported Staff contacted three (3) recycling companies for a price to remove, dispose/recycle or purchase the 5,292 used 290-Watt solar modules at solar sites NW2, NW4, & NW5. "Fabtech Enterprises, Inc." presented the District with the most favorable option. Fabtech provided the formal offer and scope of work (attached). The Fabtech proposal scope includes transportation, acceptance of title to the used solar modules upon receipt, and module inspection. Upon inspection, passing modules would be purchased for \$14.00 ea., non-passing modules will be responsibly recycled and disposed of at a cost of \$15.00 ea. A written report and certificate of disposal

including module serial numbers will be provided as proof of destruction. If all modules do not pass inspection, the disposal cost will be \$79,380.00. If all modules pass inspection, the modules could yield \$74,088.00. Based on the residual production value and condition of the used modules, Staff is optimistic that most modules would pass inspection and allow the District to at least break even on disposal.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize Staff to enter into a Purchase Agreement
with Fabtech Enterprises, Inc. for the purchase/recycling
of the used solar modules at NW2, NW4, & NW5.*

2. **Discussion and Appropriate Action Regarding:
Solar Site Module Replacement at NW2, NW4 & NW5,
Photovoltaics California, Job #24-4200**

Operations and Engineering Administrator, Troy Turley reported on November 1, 2023, per District Staff's request, PVCA provided a price to provide labor, equipment, and materials to perform loading of old palletized 290W modules at NW2, NW4 & NW5 on to semi-trucks for transport to Fabtech Inc. in the amount of \$15,930.00. District Staff is seeking approval to add the work to the project scope as Change Order #1, as the labor, material and equipment are already mobilized at North Wellfield. On November 2, 2023, PVCA provided Pay Request #2 in the total amount of \$203,124.72 less 5% retention \$10,156.24 for an adjusted amount of \$192,968.48.

*Upon Motion by Director Niblett, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve A. Change Order #1 for staging and loading of modules
for recycling on all three sites, for a total of \$15,930.00, increasing the
contract price from \$477,883.50 to \$493,813.50.
B. Approve PVCA Progress Pay Request #2 for October, in the total
amount of \$203,124.72 less 5% retention of \$10,156.24 for a total
progress payment of \$192,968.48.*

3. **Discussion and Appropriate Action Regarding:
South Well Field Levee Road Rehabilitation, Job 24-4400
Notice of Award**

Operations and Engineering Administrator, Troy Turley reported On October 17th, District Staff requested estimates from five (5) Contractors. A recommended job walk for this project was conducted on October 24th, with three (3) contractors present: General Production Services, W.M. Lyles, and Burtch Construction. The District received the following estimates: Burtch Construction \$35,000.00, General Production \$65,890.00 and W.M. Lyles \$194,175.00.

*Upon Motion by Director Niblett, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Award a contract to Burtch Construction in the amount of
\$35,000.00 and issue a Notice to Proceed when all contract
documents are in place.*

4. **Discussion and Appropriate Action Regarding:
Solar Site Module Replacement at NW3, 6-02, 7-01R, & 7-02
Job #24-4200 - Notice of Award**

Operations and Engineering Administrator, Troy Turley reported on October 10th, District Staff advertised in the Bakersfield Californian for proposals to contractors for repaneling of four solar array sites (NW3, 6-02, 7-01R, & 7-02) with new warranty panels. The request was also put on the Kern County Builder's Exchange and West Kern's websites. A mandatory job walk for this project was conducted on October 19th, with three (3) contractors present: Photovoltaics California, Preferred Power Solutions and SolarOn. The District received the following proposals: Photovoltaics California \$663,858.00 and Preferred Power Solutions \$724,145.00.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Award a contract to Photovoltaics California in
the amount of \$663,858.00 and issue a Notice to
Proceed when all contract documents are in place.*

5. **Discussion and Appropriate Action Regarding:
South Taft Water Improvements Phase V -
File Notice of Exemption**

Assistant to the Director of Operations, Taylor Miller reported 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 V.

*Upon Motion by Director Wells, Seconded
By Director Bravo and Carried Unanimously
By Roll Call Vote
With 5 Ayes, 0 Noes
To Authorize Staff to File a Notice of Exemption
with the County Recorders Office.*

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

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

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

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

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

No items to discuss.

XII. INFORMATION ITEMS

No items to discuss.

XII. ISSUES OF CONCERN

A. December 2023 Meeting Calendar

Directors approved the December 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

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

G. Attorney Report

No items to report.

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 A. Hammett, General Manager
Negotiation Parties: West Kern Water &
Parties to be Determined
Under Negotiation: Price and Terms
3. Discussion and Appropriate Action Regarding:
Government Code, § 54957.6.
Conference with Labor Negotiator
Agency Negotiator: Greg A. Hammett
Unrepresented Employee
4. Discussion and Appropriate Action Regarding:
Government Code, § 54957
Public Employment
Discipline / Dismissal / Release

Directors moved into Closed Session at 6:15 p.m. The meeting was reconvened at 6:50 p.m.

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

XV. ADJOURNMENT

The meeting adjourned at 6:50 p.m.

December 12, 2023

Date Approved



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

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