

WEST KERN WATER DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

Minutes – Board of Directors
Tuesday, August 27, 2024

800 Kern Street
Taft, California

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

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

District Counsel: Alex Dominguez

Recording Secretary: Deann Crabtree

Staff in Attendance: Sunny Kapoor, Tami Sivils, Taylor Miller, Troy Turley,
Wendy Adams-Rosenberger, 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 were present and Director Bravo was present via teleconference.

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 Wells, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the August 27, 2024
Regular Board Meeting Agenda.*

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

A. July 23, 2024 Regular Board Meeting

*Upon Motion by Director Morris, Seconded
By Director Niblett Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Minutes of the
June 14, 2024 Budget Workshop 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 for July 2024

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.

vi. Discussion and Appropriate Action Regarding:
Position Vacancies

RECOMMENDATION: Information Only.

X. DISCUSSION & APPROVAL OF ITEMS PULLED FROM CONSENT AGENDA

*Upon Motion by Director Niblett, Seconded
By Director Wells Unanimously
With 5 Ayes, 0 Noes
To Approve Consent Items i-vi of the
August 27, 2024, 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.

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

**1. Discussion and Appropriate Action Regarding:
Annual Consulting Services Agreement with Amped
Safety Innovations for the Review, Update, and
Maintenance of District's Safety Program to Include:
·Update to the Scope of Work
·Adjustment to Contract Amount
·Change in Contract Period**

HR Administrator, Tami Sivils reported the Board last approved an Annual Consulting Services Agreement with Amped Safety in January of 2021. The HR Administrator and Amped Safety have reviewed the Contract annually in January of each year of 2022, 2023 and 2024. Since there were no substantial changes in the scope or amount of the contract during those reviews, the District verbally agreed to extend the agreement through the end of the calendar year unless an item arose during the contract period which required a revision to the contract.

In late January of 2024, the standard and guideline for the Workplace Violence Prevention Plan was issued and Amped began working with the HR Administrator to develop / conduct a Workplace Violence Survey (analysis) that involved employees, to determine the violence related hazards within the different work settings and exposure parameters of the District. Upon completion of the hazard / risk assessment, a written Workplace Violence Prevention Plan addressing the indicated hazards / risks and appropriate training were required by the standard no later than July of 2024. Due to the urgency and narrow time frame to complete these compliance issues, the HR Administrator and Amped agreed to review, update, and adjust the contract to include the current changes in Safety related

regulations, compliance issues and law that were not previously included in the scope of work of the contract. This resulted in an exceedance in the contract amount of \$18,393.36 from the budgeted amount. Since the District's 24-25 FY Budget began July 1, 2024, the HR Administrator would like to change the contract period from a calendar year (Jan - December) to a fiscal year period (July - June) to better track the contract budgetary expenses.

Amped has provided a proposal (attached) with an expanded Scope of Work to include additional programs, such as Workplace Violence Prevention Program training and the expansion to the Heat Illness Prevention Program with the Indoor Heat Standards that became effective on July 23, 2024. An adjustment to the Contract amount from an amount not to exceed \$102,100.00 to an amount not to exceed \$126,595.25. Director Niblett suggested that District Staff evaluate whether hiring a full time Safety Employee would be more cost effective.

*Upon Motion by Director Niblett, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve the Annual Consulting Services Agreement with Amped
Safety Innovations for the Review, Update, and Maintenance of the
District's Safety Program effective July 1, 2024, through June 30, 2025
for an amount not to exceed \$126,595.25.*

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

HR Administrator, Tami Sivils reported the last revision to the Injury and Illness Prevention Program (IIPP) Policy was adopted by the Board of Directors in February of 2023. This revision included updates to the Coronavirus Prevention Procedures outlined in the District's Covid-19 Prevention Plan (CPP) and included in the appendices of the District's IIPP as Appendix A, as required by the Non-Emergency COVID-19 regulation that became effective February 3, 2023, and remain in effect through February 3, 2025. In September 2023 Governor Newsom signed SB 553 into law, creating Labor Code Section 6401.9. and mandating a Workplace Violence Prevention Plan (WVPP) starting July 1, 2024. SB 553 required the WVPP be in writing; can be included in the Illness Prevention Program (IIPP) or as a separate document; always be easily accessible to employees, their authorized representatives, and Cal OSHA representatives; in affect at all times and in all work areas; specific to the hazards and corrective measures for each work area and operation. Last month, the Board approved the District's Workplace Violence Prevention Plan as an appendices (Appendix B) to the District's IIPP. Workplace Violence will be identified in the IIPP as a workplace hazard and the attachment (Appendix B) maintained as required by the regulation. In addition, due to changes in the guidance for Quarantine and Isolation issued by the California Department of Public Health (CDPH) in late May of 2024, an update to the CPP is also required. Attached for Board review is the District's IIPP and attachments (Appendices A & B) with the revisions outlined above.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve addition of language regarding WVPP procedures
(Appendix B) to control employee's exposures to violence in the
workplace to the IIPP and language changes to the CPP (Appendix A)
regarding Quarantine and Isolation procedures.*

3. **Discussion and Appropriate Action Regarding:
Proposal from GEI and EKI to Prepare a Stakeholder
Communications Plan for the Kern Subbasin**

General Manager, Greg A. Hammett reported the draft Amended Kern County Subbasin Groundwater Sustainability Plan (GSP) was released for public comment and submitted to the State Water Resources Control Board (SWRCB) in May 2024. The GSP included a commitment to develop and implement a subbasin-wide stakeholder communication and engagement plan (SCEP). A SCEP is needed to identify the stakeholders across the Subbasin and outline meaningful and effective engagement strategies through GSP adoption, anticipated in late Fall 2024. The SCEP will need to be adopted by all 22 Groundwater Sustainability Agencies (GSAs) and included as an attachment to the adopted GSP.

GEI and EKI have partnered to prepare a scope of work which includes developing an SCEP following California Department of Water Resources (DWR) and other guidance documents, in addition to support for and attendance at outreach events and development of a simple, user-friendly website for the Kern Subbasin SCEP. The estimated budget to develop the SCEP is \$56,0000. West Kern's portion of that cost will be approximately \$2,500.

*Upon Motion by Director Morris, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize West Kern's participation in the Stakeholder
Communication and Outreach Plan for the Kern Sub-basin.*

4. **Discussion and Appropriate Action Regarding:
Participation in DWR Study to Quantify the Benefits and
Impacts Associated with the 2030 Indoor Residential Water Standards**

General Manager, Greg A. Hammett reported Senate Bill SB 1157 directs DWR to conduct studies to quantify the benefits and impacts associated with the 2030 indoor residential water standard (47gpcd). DWR retained Flume Inc. to manage the study statewide. Flume is proposing to install up to 100 water monitoring devices, at current meter locations, throughout the District, at no cost. No modifications to existing meter connections are required. The device allows Flume the ability to monitor water use down to the fixture level at five second intervals.

Flume has requested West Kern participate because of its DAC status and unique delivery profile. Participation requires the District execute a data sharing agreement, provide 5 years of historical monthly billing data (single and multi-family) and email a survey to a selected sample of customers. All other aspects of the study are managed by Flume. When the study is completed, the District will receive an end use study specific to its data which may prove useful towards compliance with the new Water Use Efficiency regulation.

*Upon Motion by Director Niblett, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize West Kern's participation in the Flume Study.*

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

**1. Discussion and Appropriate Action Regarding:
Well NW1 Repair, Job #22-6500**

Production Administrator, John Stuntebeck reported the District entered into a contract with Bakersfield Well & Pump (BWP) in December 2021. The scope of work included removal, repair and reinstall pump, mechanical & chemical cleaning, and perform video surveys as described in the contract documents. BWP completed pump removal, mechanical cleaning and well video surveys. At this time the District has decided to not repair the well. The pump and appurtenances were returned to the District in August 2024.

*Upon Motion by Director Morris, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To A.) Approve change order #2 in the amount of -\$35,647.00,
reducing the contract amount from \$54,747.00 to \$19,100.00. B.)
Approve release of retention in the amount of \$955.00 and issue a
Notice of Completion with the County Recorder's Office.*

**2. Discussion and Appropriate Action Regarding:
NW1 Replacement - Status Report**

Production Administrator, John Stuntebeck reported the pump and appurtenances were removed on July 11, shortly after a video survey was completed. The video was reviewed by Staff, S.A. Camp and Richard Slade. It was determined that there is possibly casing damage at 500 ft. The well is scheduled to be brushed and another video will be done for better clarity. S.A. Camp provided Staff with an estimate to perform the additional work in the amount of \$42,957.00. In addition, S.A. Camp provided a progress payment in the amount of \$10,444.67. The request covers removal & Inspection if the pump and completion of a video survey.

*Upon Motion by Director Morris, Seconded
By Director Wells and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve A.) Change Order #1 for bailing, swage install and
chemical cleaning of Well 6-02 in the amount of \$42,957.00 increasing
the contract amount from \$26,130.00 to \$69,087.00. B.) Approve
Progress Payment #1 in the total amount of \$10,444.67 less 5%
retention of \$522.23 for a total payment of \$9,922.44.*

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

1. **Discussion and Appropriate Action Regarding:
Accounts Payable for August 2024**

Director of Finance, Sunny Kapoor presented the accounts payable report for August 2024.

*Upon Motion by Director Wells, Seconded.
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Expenditure for the August 2024
Bills When Funds are Available.*

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

No items to discuss.

XII. **INFORMATION ITEMS**

No items to discuss.

XIII. **ISSUES OF CONCERN**

A. **September 2024 Meeting Calendar**

Directors approved the September 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**

Greg Hammett discuss the Water Use Efficiency program standards the District will need to meet by 2040.

E. **Management Staff Report**

Sunny Kapoor mentioned this would be Wayne Whites final Board meeting as District Staff. Wayne will be retiring in October. Sunny and Greg indicated the District will lose a lot of history and knowledge when Wayne's retires and they wished him well.

F. **Kern Non-Districted Land Authority Issues**

General Manager, Greg A. Hammett and Legal Counsel, Alex Dominguez gave a brief report on Kern Non-Districted Land 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
2. Discussion and Appropriate Action Regarding:
Government Code, § 54956.9(d)(4)
Conference with Legal Counsel
Potential Litigation: 1 Case

Directors moved into Closed Session at 6:32 p.m. The meeting was reconvened at 6:35 p.m.


President Jameson reported there was no action taken in Closed Session:

XV. ADJOURNMENT

The meeting adjourned at 6:38 p.m.

September 24, 2024

Date Approved



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

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