

WEST KERN WATER DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

Minutes – Board of Directors
Monday, July 23, 2024

800 Kern Street
Taft, California

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

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

District Counsel: *Alex Dominguez*

Recording Secretary: *Deann Crabtree*

Staff in Attendance: *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 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 Wells, Seconded
By Director Niblett and Carried Unanimously
With 5 Ayes, 0 Noes
To approve the July 23, 2024
Regular Board Meeting Agenda.

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

A. June 14, 2024 Budget Workshop Meeting

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

B. June 17, 2024 Special Board Meeting

*Upon Motion by Director Bravo, Seconded
By Director Niblett Carried Unanimously
With 5 Ayes, 0 Noes
To approve the Minutes of the
June 17, 2024 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:
NW1 Replacement – Status Report**

RECOMMENDATION: Information Only.

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

RECOMMENDATION: Information Only.

**iv. Discussion and Appropriate Action Regarding:
Cash Flow for May 2024**

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 Projects Report**

RECOMMENDATION: Information Only.

vii. **Discussion and Appropriate Action Regarding:
Position Vacancies**

RECOMMENDATION: Information Only.

X. **DISCUSSION & APPROVAL OF ITEMS PULLED FROM CONSENT AGENDA**

President Barry M. Jameson noted item ii. NW1 Replacement would move to Facilities item #2 for further discussion.

*Upon Motion by Director Morris, Seconded
By Director Bravo Unanimously
With 5 Ayes, 0 Noes
To Approve Consent Items i-vii of the
July 23, 2024, Board Agenda with the
exception of item ii.*

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:
Amendment 2 to Agreement with Rincon Consulting for Plan Manager/Point
of Contact Services**

General Manager, Greg A. Hammett reported Kristin Pittack with Rincon Consulting has served as point-of-contact and coordinator (aka Plan Manager) for the Kern Subbasin since August 2023. The current contract with Rincon terminated June 30, 2024 and a contract

amendment is required to continue her services. A copy of the proposal is attached. The new contract will extend Kristin's service through December 2024 for a cost not-to-exceed \$95,282.00. West Kern's obligation under said contract is approximately \$4,300.00. The proposal has been discussed with other GSAs in the subbasin and is recommended for approval.

*Upon Motion by Director Morris, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize the General Manager to execute Amendment 2
to Agreement with Rincon Consulting to provide Plan Manager
Services for the Kern Sub-basin.*

2. **Discussion and Appropriate Action Regarding:
Clayton's Consulting Formerly (Links 4 Education) Education
Curriculum 2024-2025 School Year**

General Manager, Greg A. Hammett reported for several years, the District has retained formerly (Links4Ed) now Claytons Consulting to provide water education and conservation material for 2nd & 5th grade students in West Kern Water District boundaries. The materials, workbooks and other consumables, were provided to the various school sites for use in the classrooms. After researching further, staff discovered that, because of time constraints during the school year, many classrooms were not using the materials consistently. As a result, staff requested that Links4Ed develop a more interactive program that takes advantage of the technology available to students in the hope that use of the material will increase. Attached for Board review is Claytons Consulting's Proposal to continue the District's water conservation and education program for a cost not to exceed \$5,000.00.

*Upon Motion by Director Bravo, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve 2024-2025 Education Curriculum with Clayton's
Consulting in the amount of \$5,000.00.*

3. **Discussion and Appropriate Action Regarding:
WKWD Workplace Violence Prevention Plan**

HR Administrator, Tami Sivils, reported on Attached for Committee review and discussion is the WKWD Workplace Violence Prevention Plan (WVPP).

As required by SB 553 and Labor Code Section 6401.9, the WVPP includes the following elements:

- Names or job titles of people responsible for implementing the plan.
- Effective procedures for employee involvement in developing and implementing the plan.
- Methods to coordinate implementation of the plan with other employers, when applicable.
- Procedures for employers to handle and respond to reports of workplace violence, while ensuring compliance from employees and supervisors.
- Procedures to communicate with employees regarding workplace violence matters.
- Procedures to respond to workplace violence emergencies.

- Procedures to develop and provide training.
 - Training is required as follows:
 - When the plan is first established.
 - Annually, or
 - Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan.
- Procedures to evaluate workplace violence hazards.
- Procedures to timely correct workplace violence hazards.
- Procedures for post-incident response and investigation.
- Procedures that allow for review of the plan's effectiveness.
- Any other procedure necessary for employee health and safety, as required by the Divisions and Standards Board.

Training with employees, as required by the WVPP, is being conducted by AMPED Safety. Upon adoption of the plan, it will be included as an Appendices to the District's IIPP and distributed to all employees and contractors of the District.

*Upon Motion by Director Bravo, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To Adopt the WKWD Workplace Violence Prevention
Plan as required by SB553 and Labor Code Section 6401.9.*

**4. Discussion and Appropriate Action Regarding:
Approval of the Amended WKWD Conflict of Interest**

General Manager, Greg A. Hammett reported all local public agencies are required to adopt a "Conflict of Interest Code" that identifies the agency's decision-making officers and staff and requires those persons to disclose any personal financial interests that may be affected by the Agency's actions in their annual Form 700. (Gov. Code, § 87300.) Agencies with jurisdiction in more than one county must have their Codes approved by the state Fair Political Practices Commission (FPPC). (Gov. Code, § 82011, subd.(a).) Every local public agency is required to review and amend its conflict of interest code every two years and identify any required amendments. (Gov. Code, § 87306.5.) Legal Counsel has reviewed the District's current conflict of interest code and proposes amendments.

*Upon Motion by Director Bravo, Seconded
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To (1) Approve the proposed Conflict of Interest Code;
(2) Instruct staff to: a. Post notice of the proposed Conflict of Interest Code online; and b. Send the notice and proposed Conflict of Interest Code to all persons whose titles are listed as "Designated Positions"
(3) Commence a 45-day notice and comment period, to begin immediately after completion of the actions described*

C. FACILITIES COMMITTEE
(Jameson, Niblett)

1. Discussion and Appropriate Action Regarding:
District Office West Customer Parking Lot Rehabilitation Project

General Manager, Greg A. Hammett presented various quotes comparing asphalt vs. concrete to surface the west customer parking lot. Further discussion on this item was tabled to the August Board Meeting.

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

Production Administrator, John Stuntebeck, reported in November 2023, the District applied for the WaterSMART Drought Response Program: Drought Resiliency Project. In May 2024, the District was notified that the application was being considered for award and the Reclamation anticipates funding the project. With the cost share amount being significantly high (\$1.7M), Staff is evaluating the necessity of the well. If the well replacement does not occur, the main concern for the District is power generated by the dedicated Solar Site. Staff has requested a proposal from TerraVerde Energy to recommend the best option for the District to use solar generation at this site or other District facilities.

*Upon Motion by Director Morris, Seconded
By Director Bravo and Carried Unanimously
With 5 Ayes, 0 Noes
To Authorize entering into a Professional Services Contract with
TerraVerde Energy in the not to exceed amount of \$36,000.00 to
identify potential opportunities for NW1 Solar Site.*

D. FINANCE COMMITTEE
(Morris, Niblett)

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

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

*Upon Motion by Director Bravo, Seconded.
By Director Morris and Carried Unanimously
With 5 Ayes, 0 Noes
To Approve Expenditure for the July 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. August 2024 Meeting Calendar

Directors approved the August 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 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

- 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)(4)
Conference with Legal Counsel
Potential Litigation: 1 Case
- 3. Discussion and Appropriate Action Regarding:
Government Code, § 54956.8.
Conference with Real Property Negotiator
Agency Negotiator: Greg A. Hammett, General Manager
 - A. Description of Property: SWP Water
Negotiating Parties: West Kern Water District &
Westside Group
Under Negotiation: Price and Terms
 - B. Description of Property: Land
Negotiating Parties: West Kern Water District &
Copa Properties
Under Negotiation: Price and Terms

Directors moved into Closed Session at 6:35 p.m. The meeting was reconvened at 7:05 p.m.

President Jameson reported the following action in Closed Session:

*Upon Motion by Director Morris, Seconded
By Director Bravo Unanimously
With 5 Ayes, 0 Noes
To Authorize Staff to proceed with the acquisition of
APN 042-141-21 in Maricopa, CA.*

XV. ADJOURNMENT

The meeting adjourned at 7:05 p.m.

August 27, 2024

Date Approved

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

dc