

# **CAWELO WATER DISTRICT**

## **BOARD MEETING**

**17207 Industrial Farm Road, Bakersfield CA 93308**  
**Public Participation Possible via Zoom 1-(669)-900-6833**

**Meeting ID: 878 7118 6001 / Password: 920761**

**Or via Link: <https://us06web.zoom.us/j/87871186001?pwd=YndlZEh6RnlySlg2aUZxOCsxSDBGUT09>**

**Thursday, November 11, 2021 - 9:00 a.m.**

### **MINUTES**

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**DIRECTORS PRESENT:** Keith Watkins, Mark Smith, John Gaugel, Spencer Birch  
**DIRECTORS ABSENT:** Brian Blackwell  
**STAFF PRESENT:** David Ansolabehere, Dave Halopoff, LeeAnn Giles, Celynn Lyman  
**LEGAL COUNSEL:** Robert Hartsock  
**OTHER ATTENDEES:** Taylor Blakslee, Jeff Looker, Maryse Suppiger

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**A. CALL TO ORDER**

The Board Meeting was called to order by President Watkins at approximately 9:04 a.m.

**B. APPROVAL OF BOARD MINUTES**

Minutes of the Board meeting for October 14, 2021 were presented for approval.

After review and discussion, *it was motioned by Director Birch, seconded by Director Smith and unanimously carried, that the minutes from October 14, 2021 be approved as presented.*

**C. TREASURER'S REPORT**

The Treasurer's Report for the month of October, 2021 was presented by District Controller, Ms. Giles. Balances for October were as follows:

General Funds	3,651,148.85
Construction Funds	2,968,340.53
Reserved Funds	<u>5,093,098.54</u>
<b>TOTAL FUNDS</b>	<b>11,712,587.92</b>
Receipts for October 2021	1,277,545.75
Manual Cash Disbursements	4,413.13
Net Revenue through October	17,910,338.28
Total Expenses through October	<u>14,457,987.78</u>
<b>NET REVENUE / &lt;LOSS&gt;</b>	<b>3,452,350.50</b>

After review and discussion, *it was motioned by Director Smith, seconded by Director Birch, and unanimously carried, that the Treasurer's Report from October, 2021 be approved as presented.*

**1) Adopt 2022 Budget and Set 2022 Water Rates – Resolution No. 698**

After review and discussion, *it was motioned by Director Smith, seconded by Director Gaugel and carried by the following Roll Call Vote, that Resolution 698 which adopts the budget, fixes and levies standby charges, and sets water tolls, be adopted as presented.*

<b>AYES:</b>	<b>4</b>	<b>Watkins, Smith, Gaugel, Birch</b>
<b>NOES:</b>	<b>0</b>	
<b>ABSTAIN:</b>	<b>0</b>	
<b>ABSENT:</b>	<b>1</b>	<b>Blackwell</b>

**D. ACCOUNTS PAYABLE**

District Controller, Ms. Giles, presented the Accounts Payable report for the month of October, 2021. The report covered checks 33447 through 33484 issued November 10, 2021 in the amount of \$846,963.23; Manual disbursements covered ACH debits and check 33399 totaling \$4,413.13.

After review and discussion, *it was motioned by Director Gaugel, seconded by Director Birch and unanimously carried, that the Accounts Payable from October, 2021 be approved as presented.*

**E. PUBLIC COMMENTS** – The floor was open for any public comments, at which time President Watkins reported that he received notice of the intended resignation of Director, Brian Blackwell, effective December 31, 2021. Legal Counsel and District Staff will take the necessary steps that will allow the Board to fill the vacant position.

**F. REPORTS**

**1) PROJECTS**

**a. North Kern Transportation Agreement**

i. **Status of Project:** No report.

**b. Famoso to Friant Pipeline Project**

i. **Status of Project:** Mr. Ansolabehere reported that there was nothing to discuss at this time and the matter was deferred.

ii. **Approve Change Order and Progress Payment:** Mr. Ansolabehere reported that there was nothing to discuss at this time and the matter was deferred.

iii. **Approve Notice of Completion:** Mr. Ansolabehere reported that there was nothing to discuss at this time and the matter was deferred.

**c. Well Construction Project**

i. **Status of Project:** Mr. Ansolabehere reported that project is progressing as scheduled. The contractor is beginning pump development at Well #17, and currently progressing with rig development at Well #17.

2) **ILRP**

- a. **Coalition Update** – In addition to providing a written report, Mr. Halopoff advised that the Central Valley Coalitions continue to develop a workplan for the Groundwater Protection (GWP) Targets process. The initial scope of work to develop the GWP Targets has been approved by the Central Valley Coalitions. Discussions are continuing regarding who will be responsible to calculate the GWP Targets for the identified townships. Two options are currently being discussed: (i) to have one consultant calculate the GWP Targets for all identified townships for the Central Valley Coalitions; or (ii) each Central Valley Coalition to calculate the GWP Targets for their respective identified townships.

The Central Valley Coalitions have completed the CVGMC Five-Year Assessment Report final draft (included with written report). The CVGMC Five-Year Assessment Report also serves as the Groundwater Quality Assessment Report (GAR) Five-Year Update for the Central Valley Coalitions participating in the CVGMC. The final report is due to the Regional Board November 30, 2021. District staff has reviewed the CVGMC Five-Year Assessment Report and Cawelo Water District Coalition GAR Five-Year Update, and recommends the Board accept the reports, as presented.

The four (4) Kern County Coalitions continue to attend workshops with other Kern County discharger stakeholders to discuss and develop options for organizing and creating required management zones under the CV-SALTS Nitrate Control Program. It is anticipated that waste dischargers within the Priority 2 subbasins will receive a Notice to Comply (NTC) from the Regional Board for the Nitrate Control Program mid 2022.

A South San Joaquin Valley Management Practices Evaluation Program (SSJV MPEP) research partner was awarded a \$10-million grant. A portion of the work includes nitrate fate and transport work that will assist the SSJV MPEP in meeting General Order requirements and support the GWP Values modeling work with field data.

The SSJV MPEP is beginning to discuss the General Order requirements for nitrogen applied and removed (A/R) metrics. The General Order requires the coalitions to develop a range of acceptable A/R or A-R metrics to assist in grower education and outreach. The group is developing a scope to develop the A/R metrics, which is planned to involve commodity groups and a UC Extension. It is anticipated that this work product will have overlap with the GWP Targets process.

The Kern County Coalitions are beginning to plan the January 2022 winter grower outreach meetings for ILRP members. There will be one (1) Zoom meeting option and one (1) in-person meeting option at the Kern County Ag Pavilion. The Zoom meeting will be recorded and made available on the internet for members that are unable to attend the live or in-person meetings.

- i. **Accept CVGMC 5-Year Update and CWDC GAR Update**

After review and discussion, *it was motioned by Director Birch, seconded by Director Gaugel and unanimously carried, that the CVGMC 5-Year Update and CWDC GAR Update be accepted as presented.*

**ii. Appoint CWDC Representative for KWC Chair Board**

After review and discussion, *it was motioned by Director Gaugel, seconded by Director Smith and unanimously carried, that District Engineer, Dave Halopoff, be appointed as the CWDC Representative for the Kern Water Collaborative (KWC) Board.*

**3) Sustainable Groundwater Management Act Update**

No update was provided because the matter was discussed at the Cawelo GSA Special Board Meeting.

**4) Financial and Personnel**

a) **Employee Compensation** – No discussion.

**5) SWP**

a) **Delta Conveyance Project (DCP) – (Previously Cal Water Fix)** – No discussion.

b) **KCWA and Related SWP Matters** – No discussion.

**G. ATTORNEY’S REPORT** - Mr. Hartsock briefly discussed that the State Water Board has the Proposed Resolution Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism on the agenda for adoption this month. He noted there were not many substantive changes in the revised draft resolution.

**H. ENGINEER’S REPORT** – No report at this time.

**I. MANAGER’S REPORT**

**1) Water Deliveries/Supplies** into the District for October 2021 were as follows:

	<u>Ac-Ft Delivered</u>	<u>YTD</u>
Supplies Received	4,780	56,260
Landowner Deliveries	3,601	46,675
East Poso Basin Recharge	0	836
Famoso Basin Recharge	0	1,092
System Loss/Operational Recharge	- 239	- 2,554
Diversion from Poso Creek		
To Famoso Basin Banking	0	0
Percolation losses Creek Channel	0	0
Poso Creek Water Passed Trenton Weir	0	0

**Produced Water Deliveries** for the month of October 2021 were as follows:  
Chevron 33.8 cfs per day (2,013 ac-ft.)

CRC/Bell Aire

7.9 cfs per day (473 ac-ft.)

**2) System Operations & Maintenance:**

Copper sulfate applications to the distribution canal and reservoirs continue as needed and meter repairs are still being conducted throughout the district.

**3) White Pine Renewables CEQA Report:**

Mr. Ansolabehere advised that Rincon Group has completed their CEQA analysis and report for the solar facility and, because the facility has not been designed to operate in excess of demand, the project is considered to be statutorily exempt pursuant to Section 15268 of the CEQA guidelines. Furthermore, Kern County Zoning Ordinance Section 19.12 seemingly allows this use as a “by-right” use facility, thereby making this a ministerial project per Kern County regulations. It is the recommendation of District Staff that the appropriate CEQA Exemption be utilized.

*After review and discussion, it was motioned by Director Smith, seconded by Director Birch and unanimously carried, that an Exemption for the White Pine Renewables solar project be utilized, and for District Staff to work with Kern County, the Rincon Group, White Pines Solar, and others as needed to effectuate the use of, and file notice of the appropriate CEQA Exemption.*

**4) Response to Kern County Planning Department – Appeal of Notice of Decision 21-21:**

Mr. Ansolabehere reported that certain persons have been utilizing land on which a District easement exists to access a roadway near Highway 65 and James Road. A landowner desires to subdivide certain property in the area and the County, in its approval, requires the owner to construct a public road, at least partially on the land upon which Cawelo’s existing easement is located. The landowner is appealing the requirement, and Cawelo sent correspondence to the County advising that a roadway over the District’s easement would not be agreed upon by Cawelo, based upon the easement language and various operational and safety concerns.

*After review and discussion, it was motioned by Director Birch, seconded by Director Gaugel and unanimously carried, that the Board ratify the correspondence sent to the Kern County Planning Department regarding the Notice of Decision 21-21.*

**5) Kern County Grand Jury Report & Response Letter:**

Mr. Ansolabehere reported that the District has recently undergone a Kern County Grand Jury review. The Grand Jury has completed their review and issued a report detailing their review, findings, and recommendation. As required by law, District Staff has prepared a draft response to the Grand Jury report.

*After review and discussion, it was motioned by Director Gaugel, seconded by Director Smith and unanimously carried, that the Response to the Kern County Grand Jury Report be approved as presented and that the response be mailed to Presiding Judge, with a copy to the Kern County Grand Jury.*

**ADJOURNED TO CLOSED SESSION** – The meeting adjourned at approximately 9:58 a.m. to Closed Session.

**J. Closed Session:**

- 1) To confer with legal counsel regarding pending litigation under authority of Government Code Section 54956.9 (a) California Department of Water Resources v All Persons Interested, Sac. Sup. Ct. No. 34-2020-00283112; Rosedale-Rio Bravo Water Storage District v KCWA, KCSC BCV-21-100418; (d)(2) (one matter) and (d)(4) (one matter):
- 2) Conference with real property negotiators and/or properties under authority of Government Code Section 54956.8
  - a) City Water Purchase
  - b) North Kern Canal Facility Use
  - c) Miscellaneous Water Supplies
  - d) Real Property Purposes; Storage/Well Sites
- 3) Wages/salary/other terms and conditions of employment under authority of Government Code Section 54957.6

**K. RETURN TO OPEN SESSION** – The Board returned to Open Session at approximately 10:49 a.m. It was announced that no action was taken in Closed Session that would require disclosure under the Brown Act at this time.

**Item F.2)b.ii. – Famoso to Friant Pipeline Project Approve Change Order and Progress Payment:**

*After review and discussion, it was motioned by Director Gaugel, seconded by Director Smith and unanimously carried, that the General Manager is authorized to negotiate and execute a final change order and progress payment for the Famoso to Friant Pipeline Project after preparation by the Consultant and review by District Staff and Legal Counsel.*

**Item F.2)b.iii. – Famoso to Friant Pipeline Project Approve Notice of Completion:**

*After review and discussion, it was motioned by Director Birch, seconded by Director Gaugel and unanimously carried, that the Notice of Completion for the Famoso to Friant Pipeline Project be approved after preparation by the Consultant and review by District Staff and Legal Counsel..*

**L. ADJOURNMENT** – The Board meeting adjourned at 10:52 a.m. The next regular CWD Board Meeting is set for Thursday, December 9, 2021 at 9:00 a.m.

*Brian Blackwell*

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Brian Blackwell, Board Secretary