



## REGULAR BOARD OF DIRECTORS MEETING

501 Taft Highway  
Bakersfield, California

**TUESDAY, February 2, 2021**

### AGENDA

#### THERE IS NO PHYSICAL LOCATION FOR THIS MEETING

Please join this meeting from your computer, tablet, or smartphone.  
<https://global.gotomeeting.com/join/653376845> You can also dial in using your phone.  
United States: +1 (646) 749-3122 Access Code: 653-376-845

**CALL TO ORDER AND ANNOUNCEMENT OF QUORUM**

**1:00PM**

#### **CLOSED SESSION:**

- A. Conference with Legal Counsel – Existing Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(1):
  - 1. SWRCB Kern River
- B. Conference with Legal Counsel – Initiation of Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(4):
  - 1. One Potential Matter

#### **REGULAR SESSION:**

**1:30PM**

#### INTRODUCTION OF GUESTS AND PUBLIC

- I. **PUBLIC COMMENT** (Members of the public may address the Board of Directors on any matter not on the agenda, but absent extraordinary circumstances, the Board may not act on such matters. Members of the public may address items of interest that are listed on the agenda prior to the Board's decision on such items.)
- II. **MANAGER'S REPORT** (The General Manager will discuss, and the Board will consider various items and issues relating to the ongoing and future operations of the District which are of interest to the Board)
  - A. Approve Minutes of the Regular Board Meeting of January 19, 2021.
  - B. Land IQ Presentation – Joel Kimmelshue.
  - C. District Office Expansion Project Update.
    - i. Review and Approve Project Change Order No. 3.
- III. **BOARD MEMBER COMMENTS** (This item provides Board Members with an opportunity to make announcements or provide general comments.)

#### IV. ADJOURN

Requests for disability related modifications or accommodations, including auxiliary aids or services may be made by telephoning or contacting Lynn Fredricks at the District Office (661-834-4656). Please attempt to make such requests known at least 24 hours before the scheduled meeting. Pursuant to Government Code section 54957.5, any materials relating to an open session item on this agenda, distributed to the Board of Directors after the distribution of the agenda packet, will be made available for public inspection at the time of distribution at the District, 501 Taft Highway, Bakersfield, CA.

### **SPECIAL NOTICE** **Public Participation and Accessibility** **Kern Delta Water District (Kern Delta) Board Meeting**

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Board or the public in light of the COVID-19 pandemic. Based on guidance from the California Governor's Office and Department of Public Health, as well as the County Health Officer, in order to minimize the potential spread of COVID-19, the Kern Delta Board hereby provides notice that the following adjustments have been made:

1. The Kern Delta Board meeting scheduled for **February 2, 2021, at 1:00 p.m.** will have public access via GoToMeeting. Closed session will take place between 1:00 p.m. to 1:30 p.m. Open session will convene at 1:30 p.m. or shortly thereafter.
2. Consistent with the Executive Order, the Board and Staff will attend the meeting via GoToMeeting and participate in the meeting to the same extent as if they were physically present.
3. The public may participate in the meeting and address the Board as follows:
  - Join the meeting from a computer, tablet, or smartphone at <https://global.gotomeeting.com/join/653376845> You can also dial in using your phone +1 (646) 749-3122 Access Code: **653-376-845** and comment during the public statements portion of the agenda.
  - If you cannot attend the meeting you can submit your comment via email at [info@kerndelta.org](mailto:info@kerndelta.org) **prior to the Kern Delta Board meeting.**
  - Alternatively, you may comment by calling **(661) 834-4656** and leaving a message no later than **4:00 p.m. the day prior** to the Kern Delta Board meeting. Your message will be transcribed as accurately as possible and **will not be read but will be included** as part of the permanent public record of the meeting.

# Tab II





**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS**

January 19, 2021

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**TUESDAY, January 19, 2021, 12:35PM– 2:54PM**

DIRECTORS PRESENT: None.

DIRECTORS PRESENT VIA VIDEO: Palla, Kaiser, Tillema, Antongiovanni, Garone, Mendonca, Bidart, and Spitzer.

DIRECTORS ABSENT: Collins.

STAFF PRESENT: General Manager Teglia, Water Resources Manager Mulkay, Assistant General Manager Bellue, General Counsel Iger, Controller Duncan, Hydrographer Hyatt, and Administrative Assistant Rodriguez.

OTHERS PRESENT VIA VIDEO: George Cappello.

**CLOSED SESSION DECLARED AT 12:35PM**

President Palla called to order the Closed Session of the Kern Delta Board of Directors at 12:35PM regarding the following agenda items:

A. Conference with Legal Counsel – Existing Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(1):

1. SWRCB Kern River

B. Conference with Legal Counsel – Initiation of Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(4):

1. Three Potential Matters

Closed Session was concluded at 1:20PM.

**REGULAR SESSION DECLARED AT 1:30PM**

President Palla called to order the Regular Session of the Kern Delta Board of Directors at 1:30PM.

Closed Session Report: District General Counsel Iger reported the following:

Item A. No reportable action.

Item B. On one of the three matters: by a unanimous vote with Director Collins absent, staff was given direction to take all the necessary steps to initiate litigation and that once formally commenced, the

action, the defendants, and the other particulars shall be disclosed to any person upon inquiry. No reportable action for the remaining 2 matters.

## **INTRODUCTION OF GUESTS AND PUBLIC**

Mr. George Cappello was announced as guest.

### **I. PUBLIC COMMENT**

None.

### **II. CONSENT CALENDAR**

M/S/C (/Bidart/Tillema) (yes-8, no-0): By roll call vote, with Director Collins absent, the Board approved and authorized items II A through II C of the Consent Calendar.

- A. Approve Minutes of the Regular Board Meeting of December 15, 2020.
- B. Approve December 2020/January 2021 District Construction and Water Banking Disbursements.
- C. Approve December 2020/January 2021 District Accounts Payable.

### **III. BUSINESS AND FINANCE**

A. Business & Finance Committee – January 14, 2021: Controller Duncan briefly reported on the January Business & Finance Committee Meeting.

A(i). Approve December 2020 Financial Reports: Mr. Duncan presented the December 2020 District and Water Banking Project Financial Statements, Treasurer’s Reports, and District Delinquency Report.

M/S/C (Antongiovanni/Tillema) (yes-8, no-0): By roll call vote, with Director Collins absent, the Board approved the December 2020 District and Water Banking Project Financial Statements, Treasurer’s Reports, and Delinquency Report as presented.

A(ii-iv). Mr. Duncan provided informational updates on three separate items: the first being an update on plans for administration and accounting for the Sunset Banking Project (a joint water banking project involving Kern Delta and Arvin Edison WSD); the second confirming a Board authorized transfer of cash assets from the KDWBP to the KDWD; and the third regarding the updated KDWD Treasurer’s report reflecting the receipt of the cash transfer from the KDWBP.

### **IV. OPERATIONS AND PROJECTS**

A. – A(i-v). Operations and Projects Committee- January 5, 2021: Assistant General Manager Bellue briefly reported on the January Operations and Projects Committee Meeting including District maintenance activities, encroachment permit requests, the office expansion project, Branch 1 and Kern Island Basin expansion efforts, and a concept project by the City of Bakersfield to develop a multi-use path along the Kern Delta 23 Ditch. With respect to the multi-use path project concept, the Board provided staff with feedback regarding needed adjustments to the current concept.

B. Approval of Amendment No. 1 to Agreement No. 18-067 Between Kern Delta and the City of Bakersfield (Stine Canal Ditch Eradication and Pipeline Agreement): General Manager Teglia provided a brief overview of the proposed amendment, which clarifies the obligations of the City of Bakersfield (City), so they are consistent with a separate Common Use Agreement between Kern Delta and the City for the same project. In summary the amendment requires the City to warrant, keep and maintain the pipeline portion of the Stine

Canal, associated with their TRIP project, for the life of the project. Mr. Teglia further conveyed that the City Council had recently approved the amendment.

M/S/C (Mendonca/Spitzer) (yes-8, no-0): By roll call vote, with Director Collins absent, the Board approved Amendment No. 1 to Agreement No. 18-067.

## **V. KERN RIVER WATERMASTER**

A. District Water Master Report: District Hydrographer Hyatt reviewed and discussed the water supplies of the District for the month of December and early January. Approximately 1,894 acre-feet of water was delivered in District during December. In addition, Mr. Hyatt provided graphical information regarding depth to groundwater at various monitoring locations throughout the District. Mr. Hyatt also provided information related to a long-term seasonal outlook.

B. – B(i). Kern River Watermaster Report: The January Kern River Watermaster Report and Isabella construction update, provided by the Army Corps of Engineers, were also highlighted by staff.

## **VI. MANAGER'S REPORT**

A. – A(i-ii). Verbal Report: Mr. Teglia provided a brief verbal report on various District activities including the release of an Initial Study/Negative Declaration (IS/ND) for the development of a Common Landowner Water Transfer Program between the Tulare Lake Basin WSD (TLBWSD) and the Kern County Water Agency (KCWA). Mr. Teglia explained that Kern Delta was one of the KCWA Member Units including in the IS/ND however, this is limited to Kern Delta receiving water from TLBWSD and the further understanding that no water will be transferred out of Kern Delta for a return to TLBWSD. This disclaimer is included in the IS/ND and is understood by the other agencies involved. Mr. Teglia also conveyed that the Kern Delta Board will have a meeting on Tuesday, February 2, 2021 to hear a presentation from a representative of Land IQ.

A(iii). Approval of Resolution 2021-01 – Consent for Temporary Water Service Contract Between the United States and Kern Delta Water District (215 Water): Mr. Teglia and Water Resources Manager Mulkay presented the above resolution to the Board which provides authorization for staff to enter into a temporary water service contract to obtain Section 215 water from the Central Valley Project if available.

M/S/C (Kaiser/Antongiovanni) (yes-8, no-0): By roll call vote, with Director Collins absent, the Board approved Resolution 2021-01.

B. External Agency Report: Mr. Teglia provided verbal comments supplementing a memorandum included in the Board package which provided information on the meetings and activities of various external agencies. These agencies include, but are not limited to, the Kern County Water Agency (including the status of the Delta Conveyance Project and Contract Extension), Kern Fan Authority, Kern River Watershed Coalition Authority, Kern Groundwater Authority, Kern River Groundwater Sustainability Agency, the South Valley Water Resources Authority, the Water Association of Kern County, and the Integrated Regional Water Management Plan.

C. Water Banking Projects Report: Mr. Teglia provided verbal comments supplementing a memorandum included in the Board package which provided information on water banking project activity on the Kern River Fan.

## **IX. ATTORNEY'S REPORT**

None.

**X. BOARD MEMBER COMMENTS**

None.

**XI. ADJOURNMENT:**

There being no further business, President Palla adjourned the meeting at approximately 2:54PM.

Respectfully Submitted,



Steven Teglia, General Manager

Approved by Board,



Richard Tillema, Board Secretary