



REGULAR BOARD OF DIRECTORS MEETING

501 Taft Highway
Bakersfield, California

TUESDAY, March 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/502217821> You can also dial in using your phone.
United States: +1 (786) 535-3211 Access Code: 502-217-821

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

12:00PM

REGULAR SESSION:

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 February 16, 2021.
 - B. Update on 2020 AWMP.
 - C. Discussion Regarding Recent State Water Resources Control Board Reports (WARDER and Climate Change).
 - D. WAKC March 15, 2021 Webinar (US Army Corps Update on Isabella Dam).
- III. **BOARD MEMBER COMMENTS** (This item provides Board Members with an opportunity to make announcements or provide general comments.)

CLOSED SESSION:

- A. Conference with Legal Counsel – Existing Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(1):
 1. Rosedale-Rio Bravo Water Storage District *et al.* v. Kern County Water Agency *et al.*

- B. Conference with Real Property Negotiator Pursuant to Gov. Code Section 54956.8:**
1. Potential Recharge Lands
 - a. District Negotiator: Steven Teglia

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 **March 2, 2021, at 12:00 p.m.** will have public access via GoToMeeting.
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/502217821> You can also dial in using your phone +1 (786) 535-3211 Access Code: 502-217-821 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 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**

February 16, 2021

TUESDAY, February 16, 2021, 12:35PM– 2:46PM

DIRECTORS PRESENT: Tillema.

DIRECTORS PRESENT VIA VIDEO: Palla, Kaiser, Antongiovanni, Garone, Collins, and Spitzer.

DIRECTORS ABSENT: Bidart and Mendonca.

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, Tim Gobler, and Geoffrey Vanden Heuvel.

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. One Potential Matter

C. Conference with Legal Counsel – Potential Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(2), (e)(1):

1. One Matter

D. Conference with Real Property Negotiator Pursuant to Gov. Code Section 54956.8:

1. Potential Recharge Lands
 - a. District Negotiator: Steven Teglia

Closed Session was concluded at 1:38PM.

REGULAR SESSION DECLARED AT 1:40PM

President Palla called to order the Regular Session of the Kern Delta Board of Directors at 1:40PM.

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

Items A. – D.: No reportable action.

INTRODUCTION OF GUESTS AND PUBLIC

Mr. George Cappello, Mr. Tim Gobler and Mr. Geoffrey Vanden Heuvel were announced as guests.

I. PUBLIC COMMENT

None.

II. CONSENT CALENDAR

M/S/C (Tillema/Antongiovanni) (yes-7, no-0): By roll call vote, with Directors Bidart and Mendonca absent, the Board approved and authorized items II A through II C of the Consent Calendar.

- A. Approval of Minutes from the Regular Board Meeting of February 2, 2021.
- B. Approval of the January/February 2021 District Construction and Water Banking Disbursements.
- C. Approval of the revised District Meeting Calendar.

III. BUSINESS AND FINANCE

A. Business & Finance Committee – February 11, 2021: The February 11, 2021 Business & Finance Committee Meeting was canceled.

A(i). Approval of January/February District Accounts Payable: District Controller Duncan presented the District Accounts Payable Report for approval.

A(ii). Approval of January 2021 Financial Reports: Mr. Duncan presented the January 2021 District and Water Banking Project Financial Statements, Treasurer’s Reports, and District Delinquency Report.

M/S/C (Antongiovanni/Tillema) (yes-7, no-0): By roll call vote, with Directors Bidart and Mendonca absent, the Board approved the January/February Accounts Payable and the January 2021 District and Water Banking Project Financial Statements, Treasurer’s Reports, and Delinquency Report as presented.

B. Approval of Resolution 2021-02 Establishing an interest-bearing account with the County of Kern for funds related to the Sunset Banking Project: Mr. Duncan explained that the Count of Kern required a Resolution of the Kern Delta Board of Directors to establish an interest-bearing account with the County for the Sunset Banking Project. Resolution 2021-02 satisfies that requirement.

M/S/C (Spitzer/Antongiovanni) (yes-7, no-0): By roll call vote, with Directors Bidart and Mendonca absent, the Board approved Resolution 2021-02 as presented.

IV. OPERATIONS AND PROJECTS

A(i-ii). Operations and Projects Committee – February 2, 2021: Assistant General Manager Bellue briefly reported on the February Operations and Projects Committee Meeting including District maintenance activities and recent encroachment permit requests.

A(iii). Approval of Sewer Easement Request by City of Bakersfield – Central Canal at E. Panama Lane: Mr. Bellue provided a brief overview of the requested Sewer Easement. This item was reviewed by both staff and the Operations and Projects Committee which recommended Board approval.

M/S/C (Collins/Spitzer) (yes-7, no-0): By roll call vote, with Directors Bidart and Mendonca absent, the Board approved the Sewer Easement as presented.

A(iv). District Office Expansion Update: Mr. Bellue provided a brief update regarding the status of the District Office Expansion Project. During this discussion staff was provided direction regarding replacement of the current flagpole.

A(v). Approval of Tree Removal on the 18 N/S Ditch: Mr. Bellue provided an overview of a report included in the Board packet which outlined multiple problems associated with several large trees located along the 18 Ditch. Staff reviewed several quotes for removal of the trees with the Operations and Projects Committee and both staff and the Committee recommend utilizing Rancho Tree Service to remove the trees in an amount not to exceed \$15,425.

M/S/C (Collins/Tillema) (yes-7, no-0): By roll call vote, with Directors Bidart and Mendonca absent, the Board approved staff's request to utilize Rancho Tree Service to remove several trees along the 18 Ditch for an amount not to exceed \$15,425.

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 January and early February. Approximately 6,805 acre-feet of water was delivered in District during January. 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, which included current river runoff forecast information showing a 39% year.

B. – B(i). Kern River Watermaster Report: The February 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 a recent invoice received from the Kern County Water Agency regarding outstanding item costs associated with the CVC Expansion Project 2015-2020. Staff explained how this item will be processed for payment. In addition, the Board established an ad-hoc committee to work with staff to review an enhanced ET program and report back to the Board. Those included in the ad-hoc were Directors Spitzer, Collins, Mendonca, and Bidart.

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 2:46PM.

Respectfully Submitted,



Steven Teglia, General Manager

Approved by Board,



Richard Tillema, Board Secretary



To: Board of Directors

From: Richard Iger – General Counsel

Date: March 2, 2021

Re: Water Rights Drought Effort Review and Recommendations for an Effective Water Rights Response to Climate Change from State Water Resources Control Board

On February 16, 2021, the State Water Resources Control Board (SWRCB) meeting included presentations by staff on two separate reports, (1) Water Rights Drought Effort Report (WARDER) and (2) Recommendations for an Effective Water Rights Response to Climate Change (Climate Change Report). Since the topics covered in those reports is of interest to Kern Delta Water District, this memo provides a summary of those reports and the presentations given by SWRCB staff. Complete copies of the reports can be found at the following links:

[WARDER Report](#)

[Climate Change Report](#)

WARDER Report Summary

The WARDER Report was an effort by the Division of Water Rights (Division) of the SWRCB to gather input on the Division's actions during the last drought, and to solicit recommendations for Division priorities during a future drought. The report was generated by conducting interviews with 23 different groups that were impacted by the 2012-2016 drought. Essentially, the report is a summary of the recommendations provided by those groups on how the SWRCB can best prepare for future dry conditions.

The comments and recommendations fall into four main categories:

1. Communication

- Earlier and more frequent communication on water availability.
- Provide more opportunity for public input.
- Make relationship building a priority to improve trust in the Division.

2. Legal and Policy

- More certainty in drought regulations.
- Establish clear drought protocols.
- Resolve uncertainties regarding riparian and pre-1914 rights. (What authority does Division have over these rights?)
- Protect public trust resources when approving transfers.
- Take action during droughts without conflicting with due process protections.

3. Data

- Improve data systems.
- Clarify and improve electronic data submission.
- Gain compliance with SB 88, which requires all water rights holders to report their diversion and use of water annually.
- More transparent methods to estimate water supply conditions and estimate water availability in real-time.

4. Collaboration

- Work with other tribal, state, and federal agencies.

While the WARDER Report includes a lot of recommendations that would give SWRCB staff more authority, it is important to remember that this report is just a summary of comments provided to staff. Any actual changes in policy related to items discussed in this report will require subsequent notice and action. There is a public comment period that is open until March 31, 2021.

Climate Change Report Summary

This report from the Division to the Board included a list of recommendations for addressing climate change in water rights permit applications. The recommendations were broken into three main themes:

A. Account for Climate Change in Permits

1. Require applicants to use climate change data in the Water Availability Analysis supporting the permit.
2. Implement tiered requirements for climate change analysis.
3. Include adaptive terms in new permits.
4. Develop a fact sheet for water rights applicants.

B. Improve Water Availability Evaluation

5. Strengthen the minimum period of record required for streamflow data.
6. Require more rigorous methods to extrapolate data to similar geographic areas.
7. Expand existing network of stream and precipitation gages.

8. Reevaluate existing instream flow metrics and criteria.
9. Revise the Fully Appropriated Stream List

C. Continue Planning and Coordination

10. Prepare for and capitalize on capturing flood flows and storing them underground.
11. Plan for droughts.
12. Coordinate with other agencies and partners.

Like the WARDER report, this is a list of recommendations that will require future action before becoming official policy or law. To protect water rights holders in Kern County, the Kern Groundwater Authority is collaborating with other attorneys in the basin on a comment letter in response to this report.



Mark Your Calendar

March 15th, 2021

12 noon

Webinar with

David Serafini, P.E., G.E.
US Army Corps of Engineers

David C. Serafini is the Geosciences Branch Chief for the SPD Dam Safety Production Center and is a Registered Geotechnical Engineer in the State of California.

He has over 19 years of experience with the USACE working on geotechnical investigations and designs for both the Military and Civil Works Dam and Levee Safety Missions. He has also worked on risk evaluation, risk management plan alternative development and evaluation, and design of Dam Safety Modifications.

He currently serves as the Lead Engineer for the Isabella Dam Safety Modification Project.

Serafini will provide a brief project review of the Isabella Dam. He will give an overview of modifications to the main dam, auxiliary dam, service spillway and new emergency spillway.

He will also address the Phase II Construction highlights and status for each feature.

Registration information to follow.

We appreciate your participation in our webinar series.

[Water Association of Kern County](#)

