



REGULAR BOARD OF DIRECTORS MEETING

501 Taft Highway
Bakersfield, California

TUESDAY, August 1, 2023

AGENDA

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

12:00PM

CLOSED SESSION:

- A. Conference with Legal Counsel – Existing Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(1):
1. SWRCB Kern River.
 2. Rosedale Rio Bravo Water Storage District, et al. v. Kern County Water Agency, et al. (CVC)
 3. Kern Delta Water District et al. v. Rosedale Rio Bravo Water Storage District et al. (Onyx Ranch CEQA).
 4. Rosedale Rio Bravo Water Storage District v. Buena Vista Water Storage District, et al. (Onyx Ranch Water Rights).
 5. Bring Back the Kern, et al. v. City of Bakersfield, et al.

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 July 18, 2023.
- B. Manager's Report:
- i. Update on Kern Delta Land IQ Program – Joel Kimmelshue.
 - ii. SGMA Update.
- 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 Madelyne Rodriguez 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.

Tab II





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

July 18, 2023

TUESDAY, July 18, 2023, 12:07PM– 3:39PM

DIRECTORS PRESENT: Palla, Mendonca, Tillema, Garone, Spitzer, Fanucchi, Borba, and Kaiser.

DIRECTORS ABSENT: Antongiovanni.

STAFF PRESENT: General Manager Teglia, Water Resources Manager Mulkay, Assistant General Manager Bellue, General Counsel Iger, Controller Duncan, Administrative Assistant Rodriguez, Hydrographer Hyatt, Groundwater Manager Marquez, and Assessor Thorne-Casey.

OTHERS PRESENT: Tim McNeely.

CLOSED SESSION DECLARED AT 12:07PM

President Palla called to order the Closed Session of the Kern Delta Board of Directors at 12:07PM 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.
2. Rosedale Rio Bravo Water Storage District, et al. v. Kern County Water Agency, et al. (CVC).
3. Kern Delta Water District et al. v. Rosedale Rio Bravo Water Storage District et al. (Onyx Ranch CEQA).
4. Rosedale Rio Bravo Water Storage District v. Buena Vista Water Storage District, et al. (Onyx Ranch Water Rights).
5. Bring Back the Kern, et al. v. City of Bakersfield, et al.
6. Sierra Club v. California Department of Water Resources (Delta Conveyance Project Validation).

B. Public Employee Performance Evaluation – Closed Session Pursuant to Gov. Code § 54957(b)(1) / 54957.6.

1. Position: Water Resources Manager.

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

1. One Matter.

Note: Director Mendonca arrived at 12:24PM.

Closed Session concluded at 1:04PM.

REGULAR SESSION DECLARED AT 1:05PM

President Palla called to order the Regular Session of the Kern Delta Board of Directors at 1:05PM.

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

Item A: No reportable action.

Item B: Staff was given direction.

Item C: No reportable action.

INTRODUCTION OF GUESTS AND PUBLIC

Those listed as Others Present were introduced.

I. PUBLIC COMMENT

Mr. Tim McNeely addressed the Board regarding the Kern River.

II. CONSENT CALENDAR

M/S/C (Borba/Fanucchi) (yes-8, no-0): By unanimous vote, with Director Antongiovanni 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 June 20, 2023.
- B. Approval of the June/July District Construction and Water Banking Project(s) Disbursements.
- C. Approval of the June/July District Disbursements.

III. BUSINESS AND FINANCE

A. Business & Finance Committee Report – July 13, 2023: District Controller Duncan provided a report from the July Business & Finance Committee Meeting.

A(i). Approval of June 2023 Financial Reports: Mr. Duncan presented the June 2023 District and Water Banking Project(s) Financial Statements, Treasurer's Reports, and District Delinquency Report.

M/S/C (Tillema/Kaiser) (yes-8, no-0): By unanimous vote, with Director Antongiovanni absent, the Board approved the June 2023 District and Water Banking Project(s) Financial Statements, Treasurer's Reports, and Delinquency Report as presented.

A(ii). District Quarterly Investment Review and Consideration of Recommended Action by the Business and Finance Committee: Staff provided a brief verbal update supplementing the information included in the Board packet regarding current District investments. The Business and Finance Committee is recommending the Board approve the transfer of \$4,000,000 to the District from the Banking Project's Take/Put Fees reserve and that the District invest these funds in US Treasuries in the following manner: \$2,000,000 with a target maturity in January/February of 2025; \$2,000,000 with a target maturity of April/May 2025; and direct the \$1,000,000 District investment which matures as of July 13, 2023 to the JP Morgan fund. In addition to the recommendation from the Business and Finance Committee, outlined above, the Board directed staff to maximize the use of the JP Morgan funds and reduce the amounts held with the County in order to achieve a better return on those funds, in accordance with the District Investment Policy.

M/S/C (Mendonca/Garone (yes-8, no-0)): By unanimous vote, with Director Antongiovanni absent, the Board approved the investment recommendation of the Business and Finance Committee outlined above.

IV. OPERATIONS AND PROJECTS

A. - A(i-iv). Operations and Projects Committee – July 4, 2023 (meeting canceled): Assistant General Manager Bellue briefly reported on several items. Mr. Bellue’s update included District maintenance activities, recent encroachment permit requests, pending development projects impacting District facilities, and a status update related to the Old River and Sunset Groundwater Banking projects.

B. Consideration of an Agreement Between TBS Properties, LLC. et al. and Panama Buena Vista Union School District for the Future Relocation of the Randall Ditch: Staff provided a brief overview of an agreement which was included in the Board packet between TBS Properties, LLC. et al. and Panama Buena Vista Union School District. The agreement outlines the necessity of the future realignment of a portion of the Randal Ditch on the east side of Stine Road, south of Romero Road where the Randal Ditch turns to the east. Following review of the agreement, staff confirmed that the normal requirements associated with the potential relocation of a District facility will be completed prior to the relocation.

M/S/C (Spitzer/Mendonca (yes-8, no-0)): By unanimous vote, with Director Antongiovanni absent, the Board approved the Agreement Between TBS Properties, LLC. et al. and Panama Buena Vista Union School District for the Future Relocation of the Randall Ditch as presented and authorized the General Manager to sign the agreement.

V. WATER RESOURCES REPORT

A. - A(i-iii). District Watermaster Report: Staff reviewed and discussed the water supplies of the District for the month of June and early July. Approximately 44,300 acre-feet of water was diverted in District during June. Staff also provided information related to current precipitation totals and future forecasts. It was also noted that the SWP allocation increased to 100%. The April through July Kern River runoff forecast, as provided in the Department of Water Resources B120 report, was 382% (350% for the Water Year). Staff also highlighted that the District will be receiving up to 30,000af of water from MWD for banking in the District.

B. - B(i). Kern River Watermaster Report: The July Kern River Watermaster Report and Isabella construction update was included in the Board packet. In addition, Mark Mulkay, the Kern River Watermaster provided a brief verbal update. It was noted that the Watermaster was scheduled to provide a presentation on the Kern River to the Water Association of Kern County on July 25, 2023.

C. District Groundwater Manager Report: Groundwater Manager Marquez provided graphical information regarding depth to groundwater at various monitoring locations throughout the District.

VI. MANAGER’S REPORT

A. – A(i). General Manager Teglia provided a brief verbal report regarding local SGMA activities; the receipt of a letter from the City of Bakersfield notifying the District of an effort to annex land to the City which includes the Old River Groundwater Recharge facility; and a brief update on future meeting schedules.

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 Fan as well as District banking activities.

VII. ATTORNEY'S REPORT

Note: Director Garone left the meeting at 3:24PM.

A. Approval of Engagement Letter with McMurtrey, Hartsock, Worth and St. Lawrence: Mr. Iger provided a brief overview of the Engagement Letter which was included in the Board package.

M/S/C (Borba/Fannucchi) (yes-7, no-0): By unanimous vote, with Directors Antongiovanni and Garone absent, the Board approved the Engagement Letter with McMurtrey, Hartsock, Worth and St. Lawrence as presented.

B. 2023 District Election Update: Mr. Iger provided a brief update regarding the District election calendar.

C. VAWC Legislative Update: Mr. Iger provided the Board with a brief legislative update, including a reference to the VAWC Legislative Update which was included in the Board packet.

VIII. BOARD MEMBER COMMENTS

IX. ADJOURNMENT:

Note: Director Spitzer left the meeting at 3:38PM

There being no further business, President Palla adjourned the meeting at approximately 3:39PM.

Respectfully Submitted,



Steven Teglia, General Manager

Approved by Board,



Richard Tillema, Board Secretary