

BOARD OF DIRECTORS
North Kern Water Storage District
Minutes of the Meeting of April 16, 2019

A Meeting of the Board of Directors of North Kern Water Storage District was held at the District Office, 33380 Cawelo Avenue starting at 7:00 a.m., on April 16, 2019.

President Andrew declared a quorum was present and called the meeting to order. The following Directors were present: Kevin Andrew, Winn Glende, Carole Fornoff and Joel Ackerknecht. Others present: Richard Diamond (General Manager), Ram Venkatesan (District Engineer), Fernando Rizo (O&M Superintendent), Heather Williams (Hydrographer), Christy Castaneda (Administrative Assistant) of North Kern Water Storage District, Alan Doud (District Counsel), Ron Eid and Larry Rodriguez (GEI – Consulting Engineers) Dana Munn (Watermaster). Guests included Tim Gobler (Wonderful), Preston Britain (Pacific Resources) and Dave Dorrance (Sun World). Absent from today’s meeting was Director Mendes.

President Andrew called the meeting to order at 7:00 a.m. and opened the floor for public comments. At this time, there was none.

(19-39) Upon motion of Director Glende, seconded by Director Ackerknecht and unanimously carried, to approve the minutes from the March 19, 2019 Regular Board meeting.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

(19-40) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried, to approve the minutes from the April 3, 2019 Special Board meeting.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Watermaster – Mr. Munn reported that the Isabella remediation Phase II project construction and blasting continues.

The Bureau of Reclamation released the contract for repayment of the dam safety modifications for a 60 day public review process on January 2, 2019. It was recently completed without any comment and has been sent to the necessary Districts for approval.

The April B120 median forecast predicts 175% April – July runoff. The Weather Modification program commenced in November and continues in accordance with the existing three-year term contract with several storm events seeded.

Kern River Watershed Coalition Authority – General Manager Diamond stated there was no update at this time.

Kern Groundwater Authority – President Andrew stated that the Authority continues to work with the Kern County Water Agency to capture all white lands.

Operations Report – O&M Superintendent Rizo reported on District operations stating that the District’s share of Isabella storage is estimated at 58,000 AF. Kern River natural inflow is averaging 3,000 cfs. The outflow is averaging 2,500 cfs. The District Kern River demand is 500 cfs. The District has maximized the balance of our entitled water to storage, averaging 450 AF daily.

CRC produced water of 14 cfs and has been diverted to the 9-2 spreading pond in anticipation of a possible spreading operation to Poso Creek. Califia Farms continues to pump into the Lerdo Canal.

Financial Matters –

(19-41) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried, to receive and file the Treasurer’s Report for the North Kern Water Storage District for the month of March as printed.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

(RR19-42) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried, to receive and file the Treasurer’s Report for the Rosedale Ranch Improvement District for the month of March as printed.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

The Financial Statement, Summary of Water Sales, Deposits and the Accounts Receivable report for the month of March were reviewed and accepted as printed.

(19-43) Upon motion of Director Glende, seconded by Director Ackerknecht and unanimously carried, to approve for payment the Accounts Payable for the North Kern Water Storage District for the month of March as printed.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

(RR19-44) Upon motion of Director Glende, seconded by Director Ackerknecht and unanimously carried, to approve for payment the Accounts Payable for the Rosedale Ranch Improvement District for the month of March as printed.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Consulting District Engineer – Consulting District Engineer Ron Eid reported:

A. High-Speed Rail Authority: Mr. Eid mentioned GEI continues with reimbursement invoicing and reporting. HSR also continues working on the 90% plan specifications for addressing conflicts with the 9-26 canal.

B. Poso Creek RWMG: At the public meeting held earlier this month they reviewed some of the district’s projects proposed for Prop 1 funding. Mr. Eid stated there was a presentation by a representative of Federal Natural Resources Conservation Service related to the farm bill and the potential of getting some funding to districts to work on projects. Work on the Plan update has been on hold due to the grant proposals that were prepared by GEI, but will commence within the next month.

C. Grants for Projects:

GEI has prepared two grant proposals to the Bureau of Reclamation. One was due March 19, 2019 and the other is due next week. These grants involve additional canal lining of the Calloway Canal, deep well instrumentation and drilling, and equipping three new wells and connecting those and other existing wells to the Friant-Kern Canal.

The District was awarded an amount of \$750,000 for construction of replacement wells and additional well connections to the Friant–Kern Canal. Environmental work has been moving forward and archeological surveys are also completed to support this award. The Bureau is currently working on drafting a contract for this award.

We also previously received notice that the District was awarded an amount of \$75,000 to fund the SCADA software and Land IQ ET improvements. The Bureau is currently working on drafting a contract for this award.

- D. Water Delivery Improvements: Calloway Canal Lining portion and Well Instrumentation is completed. GEI continues to provide support to ProUsys to purchase and install equipment. The RFP Draft bid documents are under review.

Budget and Personnel Committee –

- (19-45) Upon motion of Director Ackerknecht, seconded by Director Fornoff and unanimously carried, to approve the allocation of Funds to District Reserves and Modification of Reserve Policy.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)
- (19-46) Upon motion of Director Ackerknecht, seconded by Director Fornoff and unanimously carried, to approve Resolution 19-46 designating certain accounts as reserve accounts pursuant to article XIII B, section 5 of the California Constitution.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)
- (19-47) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried, to approve to maintain the current water toll levels of \$95 per acre-foot for all lands in the District.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)
- (19-48) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried, to approve to adjust the District budget to reflect current hydrology.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Engineering Committee –

- (19-49) Upon motion of Director Ackerknecht, seconded by Director Glende and unanimously carried, to approve task order for furnishing and installing SCADA communication poles for the water delivery improvement project not-to-exceed \$58,900.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)
- (19-50) Upon motion of Director Ackerknecht, seconded by Director Glende and unanimously carried, to approve a task order with GEI Consultants for the evaluation of additional recharge land not-to-exceed \$25,000.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)
- (19-51) Upon motion of Director Ackerknecht, seconded by Director Glende and unanimously carried, to approve award of a contract to ProUsys to provide instrumentation services for Phase II of the Water Delivery Improvement Project in an amount not-to-exceed \$122,895.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Groundwater Ad Hoc Committee – General Manager Diamond stated the District should receive the initial draft of the North Kern – Shafter-Wasco Groundwater Sustainability Plan this week.

(19-52) Upon motion of Director Ackerknecht, seconded by Director Fornoff and unanimously carried, to approve amendment No.1 to Task Order #18-10 with GEI Consultants for preparation of the Groundwater Sustainability Plan not to exceed \$160,000.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Produced Water Ad Hoc Committee – General Manager Diamond stated that the amendment to the District’s Waste Discharge Requirements (WDR) permit has been completed. Mr. Diamond mentioned the District is going to keep produced water in our spreading ponds.

Negotiating Committee – No Report at this Time

Counsel of District –

(19-53) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried, to approve Resolution #19-53 authorizing execution of a contract with the United States of America for Isabella Dam Safety Modification Project and Commencement of Validation Action.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

(19-54) Upon motion of Director Ackerknecht, seconded by Director Fornoff and unanimously carried, to approve the election of Board Officers and Committee assignments with the following changes.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Groundwater Ad Hoc Committee – change to a standing Groundwater Committee

President – Kevin Andrew

Vice President – Michael Mendes

Treasurer – Carole Fornoff

Directors – Winn Glende and Joel Ackerknecht

(19-55) Upon motion of Director Ackerknecht, seconded by Director Fornoff and unanimously carried, to approve to appoint Controller Duarosan as Assistant Secretary of the Board of Directors.

(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Board Assistant Secretaries – Richard Diamond and Marinelle Duarosan

Rosedale Ranch – General Manager Diamond stated staff is working with GEI on the SGMA planning study and believes they will soon have a draft for the Board and landowners.

General Manager’s Report – No Report at This Time.

The President publicly stated that the legal authorities for holding Closed Session at today’s Board Meeting are the following sections of the California Government Code:

- A. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
(Govt. Code Section 54956.9(a))
 - (i) North Kern Water Storage District v. City of Bakersfield
(VCSC #56-2011-00408712-CU-CO-VTA)
 - (ii) Appeal of Regional Board General Order (R5-2013-0120) for Tulare Lake Basin to State Water Resources Control Board (re. Irrigated Lands Regulatory Program)
- B. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION
(Govt. Code Section 54956.9(b))
- C. PERSONNEL MATTERS
(Govt. Code Section 54957)
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Govt. Code Section 54956.8)—use of District facilities for various potential water management programs; negotiator, Richard Diamond

The above legal grounds were determined to exist based on advice of counsel, and discussion of such matters in an Open Session would cause prejudice to the District. The Board went into Closed Session at 9:05 a.m. The Board reconvened back into open session at 9:31 a.m. and it was noted no reportable actions were taken in closed session.

(19-56) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried to adjourn the meeting at 9:31 a.m.
(Ayes: Andrew, Ackerknecht, Fornoff & Glende, Noes: None, Absent: Mendes, Abstain: None)

Respectfully Submitted,

Richard Diamond, General Manager

Approved by Board
May 21, 2019

Kevin Andrew, President