

**MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
BERRENDA MESA WATER DISTRICT
DECEMBER 3, 2020**

A regular meeting of the Board of Directors of Berrenda Mesa Water District was held via video and phone conference on December 3, 2020 at 9:30 a.m. by video and phone conference.

CALL TO ORDER

President Goff called the meeting to order at 9:30 a.m. and presided thereat.

ROLL CALL

The following Directors were present: Rob Goff, Alan Scroggs, and Steve Jackson.

Directors Leon Elwell and Robert E. Baker were not in attendance.

Also present were: Leta Spencer; Brian Hauss; Kel Mitchell; Alan Becker; John Komar; Kris Lawrence; Kim Constant; Steve Bottoms; Gnell Sparks; Phil Nixon; Mark Gilkey, Manager, and Joe Hughes, Legal Counsel.

APPROVAL OF MINUTES

On motion of Steve Jackson, seconded by Alan Scroggs, and unanimously carried, the minutes of the meetings of October 8, 2020, November 4, 2020, and November 5, 2020, were approved with correction on the following roll call vote:

AYES: Rob Goff
 Alan Scroggs
 Steve Jackson

NOES: None

ABSENT: Leon Elwell
 Robert E. Baker

FINANCIAL REPORTS

Gnell Sparks presented the following BMWD financial reports for Board approval:

Leon Elwell and Robert E. Baker arrived at this point in the meeting.

Approval of Treasurer's Report: November 2020

Upon motion by Leon Elwell, seconded by Steve Jackson, the Board unanimously approved the Financial Reports as presented on the following roll call vote:

AYES: Rob Goff
Alan Scroggs
Steve Jackson
Leon Elwell
Robert E. Baker

NOES: None

ABSENT: None

Mary King, Andrew Mason and Morgan Mitchell arrived at this point in the meeting.

Approval of Warrants: Upon motion of Alan Scroggs, seconded by Robert E. Baker, the Board unanimously ratified and approved the payables set forth in **Exhibit "B"** and **Exhibit "C"** by the following roll call vote:

AYES: Rob Goff
Alan Scroggs
Steve Jackson
Leon Elwell
Robert E. Baker

NOES: None

ABSENT: None

Approval of Fund Transfers: Gnell Sparks presented the Warrants paid by Westside Water Authority on behalf of the District, stating that there were in the described funds sufficient unencumbered monies to pay such warrants. Therefore, no fund transfers were made to WWA in November 2020. No actions taken.

Review of Quarterly Investment Report: Gnell Sparks presented the 2020 third quarter Investment Report for informational purposes only. No actions taken.

MANAGER’S REPORT

The Manager updated the Board on the following topics: (See Exhibit “E”).

2020 Water Supply: The 2020 SWP allocation remains at 20 percent. The estimated 2021 SWP allocation is 10 percent.

The State share of San Luis Reservoir (SLR) was about .551 MAF and Oroville storage was about 1.315MAF as of November 29, 2020.

2020 Supplemental Water: District staff continues to work with other members of the Westside 5 group and Agency staff to secure supplemental supplies.

Estimated 2020 Water Supply: The District’s 2020 water supply is currently estimated to be approximately 113,714 AF including the following sources:

➤ Contract Water (20%)	18,520 AF
➤ 2019 Carryover (est)	31,647 AF
➤ Recovery Requests	10,896 AF
➤ KWB Recovery Requests	10,000 AF
➤ BVWSD 1	1,590 AF
➤ DYTP 35% loss	3,630 AF
➤ Yuba 1-3 35% loss	283 AF
➤ Yuba 4 35% loss	3,026 AF
➤ Landowner Transfers	18,579 AF
➤ Westside 5 Supplies	15,543 AF
➤ Total	113,714 AF

Operations & Maintenance: Steve Bottoms provided a report on general maintenance and repairs made to District facilities through November 2020.

District Water Deliveries: A summary of the District’s deliveries through November 30, 2020 was provided for review. No actions taken.

ATTORNEY'S REPORT

AB 1234 Ethics Training: Legal Counsel reported Ethics Training for the Board, required ever two years, will be a virtual training held December 9, 2020.

OLD BUSINESS

Westside Water Authority: The following items were discussed during the Westside Water Authority meeting held on December 2, 2020:

Delta Conveyance Facility: The Manager Director reported on the following information regarding the Delta Conveyance Program (DCP): 1) the deadline to respond to the Agency regarding participation was November 17, 2020; and 2) Mr. Gilkey, Mr. Nixon, and staff met with the Presidents' of the individual District Boards and determined that each District would participate at the higher percentage level approved during individual Board meetings in November 2020.

On November 17, 2020, staff responded by email to the Kern County Water Agency and stated that Belridge Water Storage District would participate at 35 percent and Berrenda Mesa Water District and Lost Hills Water District would both participate at 50 percent Table A level of Delta Conveyance Facility planning costs for a two year funding commitment. In addition, the Districts communicated to the Kern County Water Agency that individual landowners may be interested in participating at a higher level. Additional participation, above the individual Districts participation levels, would be based on individual landowner commitments. All three Districts executed the Funding Agreement with Kern County Water Agency at the aforementioned Table A amounts subject to final review by Legal Counsel.

District Solar Project:

Conveyance of District Land and Acquisition of Easements for Solar Project: This matter was tabled until after closed session.

KCERA Update: Phil Nixon reported that staff continues to wait on the consensus information that KCERA has agreed to provide. Outside Legal Counsel prepared a letter to accompany the payment due to KCERA stating the payment is being made under protest. The consultant continues to work with the KCERA consultant to assess the results of the study conducted by Bartel and Associates that identified an inconsistency in the calculation of the Berrenda Mesa Water District UAAL and additional areas for evaluation. More information is needed.

NEW BUSINESS

2021 Meeting Schedule: The Manager presented a draft 2021 meeting schedule for informational purposes only.

District Employee Salary Adjustments: This item was tabled until after Closed Session.

PUBLIC COMMENT

Alan Becker informed the Board that Homer, Inc. is pursuing federal designation of the Berrenda Mesa and Pioneer Project.

CLOSED SESSION

The President directed that the Board move into closed session to discuss 1) conference with real property negotiator, 2) anticipated litigation, and 3) public employees. Legal Counsel advised the Board that it has authority to hold a closed session under Government Code sections 54956.8, 54956.9(d)(2), and 54957. All persons other than the Directors, Mark Gilkey, the Manager and Legal Counsel, thereupon retired from the meeting.

Following the closed session, the President reported that no action was taken in closed session and the meeting was again open to the public.

Following discussion, the President recommended that the salary increases for District employees range from 3 percent to 4 percent. Upon motion of Alan Scroggs, seconded by Robert E. Baker, the Board approved the revised Salary and Benefits effective the first pay period in 2021 by the following roll call vote:

AYES: Rob Goff
Alan Scroggs
Steve Jackson
Leon Elwell
Robert E. Baker

NOES: None

ABSENT: None

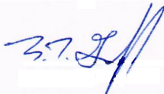
ADJOURNMENT

There being no further business to come before the Board, the President asked for a motion for adjournment. Upon motion of Alan Scroggs, seconded by Robert E. Baker, and unanimously carried, said meeting was adjourned at 10:51 a.m.



Mark Gilkey, Secretary

ATTEST:



Rob Goff, President