

**MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE  
BERRENDA MESA WATER DISTRICT  
DECEMBER 16, 2021**

A special meeting of the Board of Directors of Berrenda Mesa Water District was held on December 16, 2021, at 9:30 a.m. by video conference and teleconference.

**CALL TO ORDER**

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

**ROLL CALL**

The following Directors attended by video conference and/or teleconference: Rob Goff, Leon Elwell, and Alan Scroggs.

The following Directors were not in attendance: Mike Nordstrom and Robert E. Baker.

Also attending by video conference and/or teleconference were: Jeff Eklund; Leta Spencer; Tami Pensinger; Morgan Mitchell; Jamie Marquez; Mary King; Kim Constant, Assistant Secretary; Gnell Sparks, Assistant Treasurer; Steve Bottoms, O&M Superintendent; Mark Gilkey, Manager; and Joe Hughes, Legal Counsel.

**ADOPTION OF ALTERNATIVE TELECONFERENCING REQUIREMENTS**

Following discussion, on motion of Alan Scroggs, seconded by Leon Elwell, and unanimously carried, the Board made the determination that, due to continuation of the Governor's Executive Order and imminent risk to health and safety, the Board will continue with the previous teleconferencing determinations under Assembly Bill 361, on the following roll call vote:

AYES: Rob Goff  
Leon Elwell  
Alan Scroggs

NOES: None

ABSENT: Robert E. Baker  
Mike Nordstrom

## APPROVAL OF AGENDA

Following discussion, on motion of Leon Elwell, seconded by Alan Scroggs, and unanimously carried, the Board approved the agenda, including Staff's recommendations, on the following roll call vote:

AYES: Rob Goff  
Leon Elwell  
Alan Scroggs

NOES: None

ABSENT: Robert E. Baker  
Mike Nordstrom

## FINANCIAL REPORTS

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

### Approval of Treasurer's Report: November 2021

Gnell Sparks presented the Treasurer's Report in the form attached as **Exhibit A**. Following discussion, on motion of Leon Elwell, seconded by Alan Scroggs, and unanimously carried, the report was approved and ordered filed on the following roll call vote:

AYES: Rob Goff  
Leon Elwell  
Alan Scroggs

NOES: None

ABSENT: Robert E. Baker  
Mike Nordstrom

Approval of Warrants: Gnell Sparks presented the electronic payments and register of warrants attached as **Exhibit "B"** for ratification and the electronic payment the register of warrants for approval in the form attached as **Exhibit "C"** to be paid by the Westside Water Authority on behalf of the District, stating that there were in the described funds sufficient unencumbered monies to pay such warrants. Following discussion, on motion of Alan Scroggs, seconded by Leon Elwell, and

unanimously carried, the warrants, were ratified and approved for payment on the following roll call vote:

AYES: Rob Goff  
Leon Elwell  
Alan Scroggs

NOES: None

ABSENT: Robert E. Baker  
Mike Nordstrom

Mike Nordstrom arrived at this point in the meeting.

**Approval of Funds Transfer:** No funds transfer was needed.

## **WATER SUPPLY, OPERATIONS, AND MAINTENANCE REPORTS**

The Manager updated the Board on the following topics:

### **State Water Project Supply:**

The 2021 SWP allocation is 5 percent.

The initial 2022 SWP allocation is 0 percent. On December 1, 2021 the Department of Water Resources (DWR) notified the State Water Contractors that DWR will be allocating the initial 2022 State Water Project (SWP) available supplies on a basis that ensures the SWP long-term water supply contractors (Contractors) can meet their outstanding minimum human health and safety demands for water. DWR referenced Article 18(a) of the long-term water supply contract between DWR and each of the SWP Contractors. The initial 2022 SWP allocation is based on minimum unmet water demands to meet domestic supply, fire protection, and sanitation needs during the year minimum human health and safety demands for water.

As of December 13, 2021, the State share of San Luis Reservoir (SLR) was about .434 MAF and Oroville storage was about 1.089 MAF.

Starting in July 2021, the CVP portion of San Luis Reservoir was at zero and went negative. The Bureau asked to borrow what is needed for the CVP through the low point from DWR. DWR loaned water in

San Luis Reservoir to the Bureau in July and August 2021. It was reported at a recent State Water Contractor meeting that the Bureau has now fully repaid the water owed to SWP in San Luis Reservoir.

The total estimated 2021 water supply from the following sources is as follows:

<b>SUPPLY</b>	<b>BMWD</b>	<b>LHWD</b>	<b>BWSD</b>	<b>TOTAL</b>
➤ Contract Water (5%)	4,630 AF	5,956 AF	6,075 AF	16,661 AF
➤ 2020 Carryover (est)	21,573 AF	28,189 AF	29,076 AF	78,838 AF
➤ DYTP (est)	466 AF	599 AF	612 AF	1,677 AF
➤ Yuba (est)	1,607 AF	2,066 AF	2,108 AF	5,781 AF
➤ Pioneer/BMSG Rec Req	33,154 AF	19,970 AF	24,982 AF	78,106 AF
➤ KWB Recovery Requests	40,000 AF	36,000 AF	36,000 AF	112,000 AF
➤ Landowner Transfers	7,893 AF	8,075 AF	8,475 AF	24,443 AF
➤ Westside 5	8,271 AF	11,839 AF	8,955 AF	29,065 AF
➤ <b>Total</b>	<b>117,594 AF</b>	<b>112,694 AF</b>	<b>116,283 AF</b>	<b>346,571 AF</b>

**District Water Deliveries:** A summary of the District’s deliveries through November 30, 2021 was provided for review. No actions taken.

**Operations & Maintenance:** Steve Bottoms, O&M Superintendent, provided a report on general maintenance and repairs made to District facilities through November 2021.

**Multi-year Transfers and Draft Agreement with Participating Landowners:** The Manager presented a letter regarding the short term agreement to lease Table A water between the District, Belridge Water Storage District, Lost Hills Water District, and Wheeler Ridge-Maricopa Water Storage District with Kern County Water Agency. Each District will receive their proportionate share of the available 8,000 AF of Table A water based on the final SWP allocation for 2021 and 2022. The short-

term lease program allows the participants to have priority placement in the long-term agreement currently being negotiated.

Contracts between Kern County Water Agency and BWS, BMWD, and LHWD for Lease of Kern County Water Agency State Water Project Table A Water; Priority for Future Participation in Program for Current Year Participants: Following discussion, on motion of Mike Nordstrom, seconded by Alan Scroggs, the Board approved the short term agreement to lease Table A water between the District, Belridge Water Storage District, and Lost Hills Water District with Kern County Water Agency, allowing the short-term agreement participants to have priority placement in the long-term agreement and to distribute the letter presented to landowners.

Butte Multi-year Agreement and Agreement with Participating Landowners: The Manager presented the following information regarding the Butte Multi-year agreement and agreement with participating landowners: 1) projections for the Butte County water quantity and cost going forward; 2) cost for each District's share of the 2021 Butte County water; 3) an agreement that will secure individual participation in the Butte County program for the next ten years; 4) the agreement between Butte County and the Westside 5 Districts; 5) the extension of the agreement approved in 2021; 6) individual landowner agreements with participating landowners. No actions taken.

Aqueduct Pump-Back Project: The Manager presented the following information regarding the Aqueduct Pump-back Project (Project): 1) SWP update; 2) update from meeting with DWR; 3) timeline and re-bid details: Staff recommended delaying the re-bid until January; and 4) potential 2022 WWA strategic planning session.

The Board directed Staff to delay the re-bid as recommended.

## **OTHER DISTRICT ISSUES**

District Employee Salary Adjustments: This item was tabled until after closed session.

## **PUBLIC PARTICIPATION – NON AGENDIZED ITEMS**

No public comments

## **EXECUTIVE (CLOSED) SESSION**

The President directed that the Board move into closed session to discuss anticipated litigation and existing litigation. 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 54956.9(d)(4). All persons other than the Directors, the Executive Director, Legal Counsel, Kim Constant, thereupon retired from the meeting.

Following the closed session, the meeting was again open to the public. Legal Counsel advised that no reportable action was taken in the closed session.

Following discussion, the President recommended a three percent salary increase for District employees. Upon motion of Mike Nordstrom, seconded by Leon Elwell, the Board approved the revised Salary and Benefits effective the first pay period of 2022 on the following roll call vote:

AYES: Rob Goff  
Leon Elwell  
Alan Scroggs  
Mike Nordstrom

NOES: None

ABSENT: Robert E. Baker

#### **ADJOURNMENT**

There being no further business to come before the Board, the President asked for a motion for adjournment. Upon motion of Leon Elwell, by Mike Nordstrom, and unanimously carried, said meeting was adjourned at 11:15 a.m.



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Mark Gilkey, Secretary

ATTEST:



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Rob Goff, President