

MAY 8, 2019

The Board of Directors of the Terra Bella Irrigation District met this day in regular session at the office of the District located at 24790 Avenue 95, Terra Bella, California.

CALL TO ORDER

President Wheaton called the meeting to order at 9:00 a.m.

ATTENDANCE

DIRECTORS PRESENT: Wheaton, Fowler, Doyel, Galloway

DIRECTORS ABSENT: Martinez

OTHERS PRESENT: Sean P. Geivet, District Manager
Ann Nelms, District Secretary-Treasurer
Albert Smith, District Operations Superintendent
Bryce McAteer, Executive Director, ETGSA
Pat Northam

AGENDA – CONSIDER CHANGES OR ADDITIONS TO THE AGENDA

No changes were made to the posted agenda.

PUBLIC INPUT

President Wheaton asked for public input. Manager Geivet reported a customer contacted him regarding the waiver of a late fee, which he explained to the customer the Board does not make any exceptions unless they would do it for all customers. President Wheaton informed the Board of two separate customers contacting him regarding the condition of the pipeline on Avenue 76 West of Road 248.

APPROVAL OF MINUTES

M/S/U, Fowler, Doyel to approve the minutes of the April 10, 2019 regular meeting as presented.

AUTHORIZATION TO PAY BILLS Review and discuss outstanding bills.

M/S/U, Galloway, Doyel to authorize the Treasurer to pay all outstanding bills against the District as presented.

MONTHLY REPORTS

Treasurer Nelms reviewed with the Board the financial status of the District, including TBID Investment Policy Review in Compliance with SB 564 and SB 866. Included in the review; monthly statements from California Bank & Trust and Local Agency Investment Fund, Friant Power Authority revenues and expenditure summary worksheet noting income received for March. Reviewed delinquent water accounts report. TBID preliminary balance sheet as of March 31, 2019, as well as Income Statements for the same period, including a year to date statement, was reviewed.

Albert Smith, Operations Superintendent, presented his monthly operating activities report for April 2019. Mr. Smith reported that on Monday, May 6, 2019 the east walk gate to the pumps was broken in and the old wire that had been pulled from the pumps had been stolen, a police report was filed and an additional motion sensor estimate requested for that area of the yard. Mr. Smith announced Saul Villalobos was hired by the District on April 29, 2019, and there was no accidents or injuries to report for the month of April. The District is running on the large 400 horse VFD. Repaired pump #4 at station #1, both had valve problems #1 had a faulty Vickers solenoid valve, and #7 had a faulty pressure control switch. Repacked, pumps #4 at station #7, and pump #3 at station #8. Pumps and motors greased at stations #1, #4 and #9, also, weeding and cleaned up done around stations #1, #4 and #9. Started up Stations #8, #6 and station #7.

Equipment Maintenance and repair included replaced passenger side mirror on the dump truck, water pump on backhoe, and repaired flat tire on car#3

At WTP the average flow through the plant is around 650 gpm. Repaired 2 main line leak one on Ave 76 west of Road 248, and one on Road 270 north of Ave 96.

The total precipitation is 12.71 inches. USA locates: 29 Backflow's Tested: 38

Mr. Geivet presented his monthly report. Manager Geivet updated the Board on water transfers with Lower Tule River Irrigation District and on negotiations with Arvin-Edison Water Storage District regarding the possible Regulation Exchange Agreement for water banking and recovery needs.

Friant Power Authority: Nothing new to report.

Status of Authorities; ESPA, DCTRA, FWA, ACWA & AECA: Friant Water Authority CEO Jason Phillips is keeping everyone updated by emails regarding meetings and the Friant Water canal subsidence project. FWA will not be de-watered the canal in 2019.

Eastern Tule GSA: ETGSA Executive Director Bryce McAteer informed the Board of the upcoming meeting for June 6, 2019 and updated the Board on the Thomas Harder report progress.

Manager Geivet provided an overview to the Board the ETGSA's Executive Committee Board voting policy regarding one person representing one District. Discussion followed on who could attend and vote for TBID's interest.

M/S/U, Galloway, Doyel to appoint Vice-President Fowler to serve as Director to the Eastern Tule Groundwater Sustainability Agency's Executive Committee Board representing TBID.

EMPLOYEE SERVICES AGREEMENT – Review and consider authorizing execution of the amended and restated agreement between TBID and the ETGSA.

The Board took under review the Amended and Restated Agreement of TBID to provide employee services to the Eastern Tule Groundwater Sustainability Agency Joint Powers Authority.

M/S/U, Galloway, Doyel to authorize execution of the amended and restated agreement between TBID and ETGSA.

LOA NO.20-WC-20-5498 – Consider authorizing execution of the Letter of Agreement with USBR for the preparation of a Warren Act Agreement.

Upon motion by Director Doyel, seconded by Director Fowler, the following Resolution was passed and adopted:

RESOLUTION NO. 2019-05-08

RESOLUTION APPROVING LETTER OF AGREEMENT NO. 20-WC-20-5498 BETWEEN UNITED STATES BUREAU OF RECLAMATION AND THE TERRA BELLA IRRIGATION DISTRICT FOR PREPARATION OF A WARREN ACT APPROVAL FOR THE CONVEYANCE OF NON-PROJECT WATER IN THE FRIANT-KERN CANAL – FRIANT DIVISION, CENTRAL VALLEY PROJECT – CALIFORNIA; AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT

WHEREAS, the Board of Directors of the Terra Bella Irrigation District have met this day in regular session; and

WHEREAS, the Board of Directors believes it is in the best interest of the District to accept the agreement between United States Bureau of Reclamation and the Terra Bella Irrigation District to approve preparation of a Warren Act Approval for the Conveyance of Non-Project Water in the Friant-Kern Canal – Friant Division, Central Valley Project – California;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Terra Bella Irrigation District does herewith accept said agreement;

BE IT FURTHER RESOLVED by the Board of Directors of Terra Bella Irrigation District that Sean P. Geivet, General Manager, is hereby authorized to execute said agreement on behalf of the District.

PASSED AND ADOPTED this 8th day of May 2019, at Terra Bella, California, by the following vote:

AYES:	Wheaton, Fowler, Doyel, Galloway
NOES:	None
ABSTAIN:	None
ABSENT:	Martinez

CERTIFICATE OF SECRETARY

I do hereby certify that I am the Secretary of the Terra Bella Irrigation District, an irrigation district organized and existing under the laws of the State of California, and that the foregoing resolution was duly adopted by the Board of Directors of said District at a meeting thereof duly and regularly held at the office of the said District at Terra Bella, California on the 8th day of May 2019, at which meeting a quorum of said Board of Directors was at all times present and acting, and that said resolution has not been rescinded or amended in whole or any part thereof, and remains in force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Terra Bella Irrigation District this 8th day of May 2019.

/s/ Ann Nelms
Ann Nelms, Secretary
Terra Bella Irrigation District

CONNECTION POLICY – Review and consider adopting the TBID Policy on Wheeling Water.

The Board considered and adopted the drafted policy on Wheeling Water as recommended by the General Manager and District's legal counsel.

Upon motion by Director Fowler, seconded by Director Doyel, to adopted the Policy on Wheeling Water as written for Terra Bella Irrigation District.

Ayes: Wheaton, Fowler, Doyel, Galloway,

Noes: None

Abstain: None

Absent: Martinez

**TERRA BELLA IRRIGATION DISTRICT
POLICY ON WHEELING WATER
ADOPTED MAY 8, 2019**

Subject to the General Manager's determination of available system capacity, TBID will offer wheeling services.

"Wheeling services" shall mean the use of TBID's facilities by a bona fide transferor as defined in California Water Code Section 1810, *et al.*, to transport water not owned or controlled by TBID.

At the request of a bona fide transferor to use TBID's facilities, the General Manager shall determine the amount and availability of unused capacity, if any should exist. The determination of whether there is unused capacity in TBID's conveyance system, shall be made by the General Manager on a case-by-case basis in response to particular requests for wheeling. Any person or public agency with the right to receive water from TBID shall have the right to use any unused capacity prior to any bona fide transferor. Any person or public agency with the right to receive water from TBID who has an emergency need as defined in Water Code Section 1810, *et al.* may utilize the unused capacity that was made available to the bona fide transferor for the duration of the emergency. Available capacity shall be shared equally amongst all bona fide transferors which shall be determined at the discretion of the General Manager.

TBID shall in a timely manner determine the terms and conditions of the agreement to wheel water, including operation and maintenance requirements and scheduling, quality requirements, term or use, priorities and fair compensation.

TBID shall deny the use of its facilities if it is determined the commingling of transferred water shall result in a diminution of the beneficial uses or quality of the water in the facility. TBID shall deny the use of its facilities if any evidence is provided which indicates injury to any legal user of water or any unreasonable affects on fish, wildlife, or other instream beneficial uses, or the unreasonable affects of the overall economy or the environment of the county from which the water is being transferred.

TBID shall establish the compensation required for the use of its facilities at the time of the request, provided available capacity had been determined. Such compensation shall include costs for reasonable charges incurred by TBID, including capital, operation, maintenance, replacement costs, increased costs from any necessitated purchase of supplemental power, administration, and including reasonable credit for any offsetting benefits for the use of the conveyance system. Compensation shall be received by the District prior to any conveyance of water.

JUNE BOARD MEETING – Consider changing the June Board Meeting time.

Manager Geivet noted next month's regular Board meeting falls while he will be unavailable. After reviewing their calendars, those present concurred they will meet at the regular time 9:00 a.m. June 12, 2019.

Mr. Northam and Mr. McAteer departed the Boardroom at 10:10 a.m.

MEETING RECESS

President Wheaton called a meeting recess at 10:10 a.m.

MEETING RECONVENED

President Wheaton called the meeting to order at 10:13 a.m.

SETTON PISTACHIO – Discuss the concepts a potential Banking Agreement with Setton Pistachio may include.

Adjourned into closed session at 10:13 a.m.

The Board of Directors met while in closed session pursuant to Government Code Section 54956.9(d)(1) to discuss the above-entitled action. Report Action Taken in Closed Session Required by Government Code Section 54957.1

The Board adjourned from closed session at 10:42 a.m.

There was no reportable action taken during closed session.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION [Government Code Section 54956.9(d)(2)] Number of Potential Cases: Two

Adjourned into closed session at 10:13 a.m.

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CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code Section 54956.9(d)(1)] *City of Fresno, et al. v. United States of America, Court of Federal Claims, Case No. 16-1276L.*

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ITEMS TO BE DISCUSSED PURSUANT TO GOVERNMENT CODE SECTION 54954.2 (Relating to items not appearing on the agenda)

Nothing to report.

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned at 10:42 a.m. by President Wheaton.

Ann Nelms, Secretary