

May 13, 2020

The Board of Directors of the Terra Bella Irrigation District met this day in regular session consistent with Executive Order N-29-20 and social distancing directives, the meeting was conducted by teleconference only, with no physical location for the meeting.

CALL TO ORDER

President Wheaton called the meeting to order at 9:06 a.m.

ATTENDANCE participating in this meeting remotely:

DIRECTORS PRESENT: Wheaton, Fowler, Doyel, Galloway, Martinez

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean Geivet, General Manager
Albert Smith, District Operations Superintendent
Ann Nelms, District Secretary-Treasurer
Aubrey Mauritson, Legal Counsel
Matt Hendrick
Renee Hendrick
Jake and Sonia Gorrell
Paul Prescott
Gratian Bidart Jr.
Clayton Cohen
Lee Cohen
Brad Samelson
Mike Smith
Jeff Gibbons
Fernando Rios
John Kinsey
*Ray Chrispens

*Join the teleconference at 9:28 a.m.

AGENDA – CONSIDER CHANGES OR ADDITIONS TO THE AGENDA

No changes were made to the posted agenda.

PUBLIC INPUT

President Wheaton asked for public input. Public comment was received from Matt Hendricks regarding the wheeling water application of Deer Creek Water Company, included in the Board packet a letter from Mr. Hendricks. Public comment was received from Renee Hendrick regarding TBID’s connection and wheeling water agreement form and the terminology/language on the form.

PUBLIC HEARING – Members of the public may directly address the Board of Directors on the potential to enter into a Wheeling Agreement with Setton Pistachio.

Included in the Board packet written comments received from Thomas B. Prescott, Harris Lee Cohen, Bidart Family Trust, Thomas C. Rogers, Clayton Cohen, Michael Cohen, Jake and Sonia Gorrell, Paul T. Prescott, Matt and Renee Hendrick.

President Wheaton asked for Public Hearing comments. Public Hearing comments was received via teleconference from Jake Gorrell, John Kinsey, Ray Chrispens, Matt Hendricks, Mr. Prescott, Gratian Bidart, Jr., Sonia Gorrell, Matt Hendrick, Renee Hendrick, and Clayton Cohen

Discussion followed each on the concerns of moving water out of the Deer Creek area, the previous jurisdictional motions regarding the Deer Creek water, Terra Bella Irrigation District’s obligations and responsibilities, and the California Water Code. Several members of the public raised concerns about potential damage to their lands regarding the delivery of water from Deer Creek to a new location; concerns about the quantity of water being more than historically used; concerns about recreational use of Deer Creek in the spring. Setton Pistachio’s legal counsel, Mr. Kinsey, in addition to providing written comments, stated the requested quantity was consistent with 1917 Decree, and that no harm would ensue to other users. Mr. Kinsey also requested written comments received after April 8, 2020 not be considered by the board.

The Board agreed to move to Agenda Item Number 7.

SETTON WHEELING AGREEMENT – Review and consider executing a Wheeling Agreement with Setton Pistachio.

Discussion followed as the Board took under review and consideration the Setton Wheeling Agreement information.

Manager Geivet noted the written comments and oral comments received during the public hearing today raised questions regarding the quantity of water requested and whether there would be any harm to downstream users.

Upon motion by Director Martinez, seconded by Director Doyel, to authorize TBID staff to inquire and gather more information on the water to be moved, roll call vote:

Ayes: Doyel, Galloway, Martinez, Wheaton
Noes: None
Absent: None
Abstain: Fowler

Manager Geivet reminded all present to add their emails to the District's email list to stay informed of all notifications and updates, and to receive the report of any actionable items out of closed session.

Board returned to Agenda Item 4

APPROVAL OF MINUTES

Upon motion by Director Fowler, seconded by Director Martinez, to approve the minutes of the March 11, 2020 regular meeting as mailed, roll call vote:

Ayes: Fowler, Doyel, Galloway, Martinez, Wheaton
Noes: None
Absent: None
Abstain: None

AUTHORIZATION TO PAY BILLS Review and discuss outstanding bills.

Upon motion by Director Doyel, seconded by Director Fowler, to authorize the Treasurer to pay all outstanding bills against the District as presented. roll call vote:

Ayes: Fowler, Doyel, Galloway, Martinez, Wheaton
Noes: None
Absent: None
Abstain: None

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, Local Agency Investment Fund, Friant Power Authority revenues and expenditure summary worksheet, noting no revenue from FPA plant 2. Delinquent water account report was reviewed noting decrease in delinquent water accounts.

TBID preliminary balance sheet's as of February 29, 2020, and March 31, 2020 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 2020 and updating the Board on all COVID-19 safety measures Mr. Smith reported employee Morgan Day injury while reading meter, sent to the Doctor who and sent him back to work with no restrictions.

Equipment maintenance and repair include repacking Pump#2 at Station #4, Pumps #4 and #5 at Station #9. Car #3 replaced the radiator, sparkplugs, shocks and struts. Replaced the small moss screen return.

WTP average flow through the plant is around 650 gpm. Changed out the sensors on both turbidity meters.

Maintenance included 1 main line leak on Road 248 south of Avenue 92. Replaced 4 meters.

The total precipitation is 7.16 inches YTD. USA locates: 46. Back flow's Tested: 61

Manager Geivet presented his report and updated the Board on the accomplishment of working remotely for the District and keeping up to date. Manager Geivet reported the Bureau may be increasing the schedules from 55% to 60% Class 1 supplies if conditions allow. Included in the Board Packet is 2020 FKC Water Schedule at 55% Class 1 with actual deliveries through April 2020.

Friant Power Authority: Repairs to FPA 2 QLPP are still in progress, keeping the FPA 2 offline while the repairs are being completed.

Status of Authorities; ESPA, DCTRA, FWA, ACWA & AECA: ESPA looking at a power purchase agreement for a renewal energy contract. DCTRA discussions on land management continues. FWA and CEO Jason Phillips are focused on capacity and land subsidence corrections.

Eastern Tule GSA: Manager Geivet updated the Board on ETGSA, who will be working with Doug Brown to evaluate any financial opportunities for bonds or grants. ETGSA is working on progress for operation and transitional pumping policies and accounting system, note next meeting set for May 14, 2020 at 2pm

2020 BUDGET & WATER RATES – Review and consider adopting the draft budget and water rates for 2020.

To review and consider adopting the draft budget and water rates for the 2020 water year.

	Untreated Domestic & Irrigation	Untreated M&I
Zone 9	\$ 152.83	\$157.87
Zone 1	\$171.17	\$176.21
Zone 6 & 7	\$183.75	\$188.79
Zone 4 & 8	\$214.20	\$219.24
	<u>≥ 5 Acres</u>	<u>< 5 Acres</u>
WQIP Rates	\$378.17	\$383.21

Upon motioned by Director Doyel, seconded by Director Martinez to adopt the 2020 Water Rates and the 2020 Budget as follows. roll call vote:

Ayes: Fowler, Doyel, Galloway, Martinez, Wheaton
Noes: None
Absent: None
Abstain: None

(A copy of the 2020 Budget as approved is incorporated in the minutes by reference and is on file in the office of the District.)

2020 DIRECTOR ELECTIONS – Consider adopting a Resolution requesting and consenting to consolidation of election and setting forth the specifications of the election order.

Board of Director’s in Divisions 2 and 4 terms of office expire this year. A Resolution to adopt the County Elections Office Ordering Even-Year Board of Directors Elections; Consolidation of Elections; and Specification of the Election Order for November 3, 2020.

Upon conclusion of discussion, the following Resolution was passed and adopted:

BEFORE THE BOARD OF DIRECTORS OF THE
TERRA BELLA IRRIGATION DISTRICT

Resolution Ordering Even-Year Board of Directors)
 Election; Consolidation of Elections; and) RESOLUTION NO. 2020-05-01
 Specifications of the Election Order)

WHEREAS, California Elections Code requires a general district election be held in each district to choose a successor for each elective officer whose term will expire on the first Friday in December following the election to be held on the first Tuesday after the first Monday in November in each even-numbered year; and

WHEREAS, other elections may be held in whole or in part of the territory of the district and it is to the advantage of the district to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10520 requires each district involved in a general election to reimburse the county for the actual costs incurred by the county elections official in conducting the election for that district; and

WHEREAS, Elections Code Section 13307(3c) requires that before the nominating period opens, the governing body must determine whether a charge shall be levied against each candidate submitting a candidate’s statement to be sent to the voters; and

WHEREAS, Elections Code Section 12112 requires the elections official of the principal county to publish a notice of the election once in a newspaper of general circulation in the district;

NOW, THEREFORE, IT IS ORDERED that an election be held within the territory included in this district on the 3rd day of November 2020, for the purpose of electing members to the board of directors of said district in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

- The Election shall be held on Tuesday, the 3rd day of November, 2020. The purpose of the election is to choose members of the board of directors for the following seats (list offices and terms):

Division 2	12/07/2020 – 12/02/2024
Division 4	12/07/2020 – 12/02/2024
- This governing board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, as provided in Elections Code 10400.

3. The district will reimburse the county for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
4. The district has determined that the Candidate will pay for the Candidate's Statement.
(District or Candidate)
The Candidate's Statement will be limited to 200 words.
5. The district directs that the County Registrar of Voters of the principal county publish the notice of election in the following newspaper, which is a newspaper of general circulation that is regularly circulated in the territory: Porterville Recorder, Porterville, California.

THE FOREGOING RESOLUTION WAS ADOPTED upon motion of Director Doyel, seconded by Director Fowler, at a regular meeting on this 13th day of May, 2020, by the following vote:

Ayes: Wheaton, Fowler, Doyel, Galloway, Martinez

Noes: None

Absent: None

Abstain: None

/s/ Ann Nelms

Secretary of said District

All attendees departed from the videoconference meeting at 10:28 am

MEETING RECESS

President Wheaton called a meeting recess at 10:28 a.m.

MEETING RECONVENED

President Wheaton called the meeting to order at 10:32 a.m.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION [Government Code Section 54956.9] (1 case)

Adjourned into closed session at 10:32 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 11:05 a.m.

No reportable action taken during closed session.

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.

Adjourned into closed session at 10:32 a.m.

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

None to report.

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned at 11:05 a.m. by President Wheaton.

Ann Nelms, Secretary