

June 10, 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 9:00 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 Mauritsen, Legal Counsel
Matt Hendrick
Jake and Sonia Gorrell
Paul Prescott
Tom Prescott
Gratian Bidart Jr.
Brad Samelson
Jeff Gibbons
Terry Lee Schuler
Bill Shannon
John Shannon
Renee Hendrick
Clayton Cohen
Jay Boydston

AGENDA – CONSIDER CHANGES OR ADDITIONS TO THE AGENDA

No changes were made to the posted agenda.

PUBLIC INPUT

President Wheaton asked for public input. No comment was received on items not already listed on the agenda.

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

General Manager Geivet reported that he had not yet had a chance to meet with neighboring landowners, but that he had an opportunity to meet with Setton Pistachio representatives. Setton Pistachio was amendable to amend the draft wheeling agreement to accommodate a rate of 100 miner’s inches, instead of 1,200 acre-feet. Issues remain regarding knowledge of where Deer Creek Water Company’s ultimate use of the water will be. Attached hereto and incorporated by reference as [Agenda Item No. 6] is a copy of the revised draft wheeling agreement as presented.

Discussion ensued regarding the agreement as presented in the agenda packet.

Public comment was then received from the following regarding the Setton Wheeling Agreement: Mr. Schuler, Mr. Gibbons of Setton Pistachio, Mr. John Shannon, Mr. Hendrick, Mr. Gorrell, Mr. Paul Prescott, Mr. Tom Prescott, and Mrs. Hendrick. Comments raised by non-Setton representatives included: concerns regarding the change of place of use from Deer Creek Heights Ranch and how that is permissible under the 1917 Decree between Deer Creek Water Company, Deer Creek Heights Ranch and the District; a possible committee to be appointed to monitor whether there are harmful effects from the wheeled water; concerns that a daily max rate may allow for more than 1,200 acre-feet total per year to be wheeled; questions regarding CEQA review; how SGMA may affect the proposal.

Mr. Gibbons commented there would be no impacts to neighbors from the proposal.

Discussion ensued regarding next steps on the proposed revised wheeling agreement. President Wheaton tabled the agenda item.

MEETING RECESS

President Wheaton called a meeting recess at 10:27 a.m.

MEETING RECONVENED

President Wheaton called the meeting to order at 10:37 a.m.

The Board agreed to move to Agenda Item Number 10

All guests departed from the Board teleconference meeting at 10:27 a.m.

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

The Board of Directors met while in closed session pursuant to Government Code Section 54956.9(d)(1) with General Counsel Mauritson to discuss the above-entitled action.

Report Action Taken in Closed Session Required by Government Code Section 54957.1

President Wheaton announced there was no reportable action taken during closed session.

Joining the teleconference meeting was Brad Samelson, Renee Hendrick, and Matt Hendrick at 11.09 a.m.

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

The Board resumed discussion of Agenda Item Number 6. No action was taken on the proposed wheeling agreement. The Board directed staff to set up a meeting with interested landowners and put this item back on the agenda for July.

APPROVAL OF MINUTES

Upon motion by Director Doyel, seconded by Director Galloway, to approve the minutes of the May 13, 2020 regular meeting as corrected, 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 for month. Delinquent water account report was reviewed noting decrease in delinquent water accounts.

TBID preliminary balance sheet's as of April 30 2020 as well as Income Statements for the same period, including a year to date statements were reviewed.

Albert Smith, Operations Superintendent, presented his monthly operating activities report for May 2020 Mr. Smith stated no accidents or injuries to report for the month of May.

Equipment maintenance and repair includes pulling the motor on pump #1 at station #9 and pump #1 at Station #8 to rebuild the motors. Replaced pressure switch on pump #1 at station #1. Car #6 replaced the blower motor for the AC. Continued cleaning up around the yard and shop. Weeding and cleaning at stations #1, #3, and #4. Greased all pumps and motors at stations #1, #3, and #4. Disc around water treatment plant, well fields, and upper wells. The 2019 CCRs from Keller Wegley's office were mailed out in 5/28/2020 billing statements.

WTP average flow through the plant is around 750 gpm.

Maintenance included 1 main line leak on Road 248 south of Avenue 88. Replaced 3 meters.

The total precipitation is 7.41 inches YTD. USA locates: 27. Back flow's Tested: 32

Manager Geivet presented his monthly report. Included in the Board Packet is the 2020 FKC Water Schedule at 60% Class 1 with actual deliveries through May 2020 noting that the 60% provides enough for TBID customers without the need of LTRID. Also, included in the Board packet for the Board's information is the 2019 Crop Report.

Manager Geivet reports that FWA will be dewatering the canal this winter from November 1st through January 31st, notices will go out to customer.

Friant Power Authority: Manager Geivet informed the Board the repairs to FPA 2 QLPP are complete.

Status of Authorities; ESPA, DCTRA, FWA, ACWA & AECA: Mr. Geivet reported on DCTRA and how the Irrigated Lands Program may impact the operations of DCTRA and talk of whether DCTRA is a necessary entity. FWA CEO Jason Phillips emails are keeping everyone up to date on FWA. FWA is working on the plans to repair the canal considering alternatives goals and formed an ad hoc committee.

Eastern Tule GSA: Manager Geivet updated the Board on ETGSA as they are working on rules and regulations and the database program development with the ability to possible use of Land IQ data.

2019 FINANCIAL STATEMENT – Review and consider accepting the audited 2019 Financial Statement as prepared by Joe Mastro.

The Board took under review and discussion the 2019 Audit Report of the District as conducted by Joe Mastro of Cuttone & Mastro, CPA's, Fresno, California.

Upon motioned by Director Fowler, seconded by Director Doyel to accept and place on file the 2019 Audited Financial Statement of the District as conducted by Joe Mastro of Cuttone & Mastro, CPA's. roll call vote:

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

REPAYMENT AGREEMENT – Review and consider executing a Repayment Agreement for Recapture of Restoration Flows in the Lower San Joaquin River.

The Board reviewed and considered the Repayment Agreement for the Recapture of the Restoration Flows. Manager Geivet explained to the Board the possible usages for the URF water out of the San Joaquin River.

Upon motion by Director Galloway, seconded by Director Fowler to execute the Repayment Agreement for the Recapture of Restoration Flows in the Lower San Joaquin River. roll call vote.

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

INSURANCE – Review and consider approving a new insurance provider.

Manager Geivet discussed with the Board the position in finding a new Liability and Property Insurance provider. Included in the Board packet the 5-year loss run, 2018 insurance provider's comparison and an email from the agent regarding the quote. Due to the recent loss run report from the two claims TBID has had, one in 2018 for the Rental House and 2019 for the District Truck we have been told that the premium would be considerably more than ACWA JPIA and the initial 2018 quotes. Manager Geivet recommends that we rescind the intent withdraw notice from the ACWA JPIA Liability Program until our loss record is better. It was the consensus of the Board to stay with ACWA JPIA for liability insurance provider and consider looking into an Insurance Company Advisor.

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.*

No closed session was required on above litigation.

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 11:49 a.m. by President Wheaton.

Ann Nelms, Secretary