

August 12, 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, Martinez, Galloway

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
- Lee Cohen
- Brad Samelson
- Terry Schuler
- Paul Prescott
- Tom Prescott
- Jake Gorrell
- John Shannon
- Orville Wallace
- Joseph Prescott
- Clayton Cohen
- Jeff Gibbons
- Gratian Bidart Jr
- Megan Bidart

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.

Public comment was then received from the following regarding the Setton Wheeling Agreement agenda item number 4: Mr. Hendrick, Mr. Samelson, Mr. Bidart, Mr. Lee Cohen, Mr. Paul Prescott, Mr. Tom Prescott, Mrs. Hendrick, Clayton Cohen and Megan Bidart.

Mr. Hendrick submitted written comments, which he reviewed with the Board. In addition, members of the public raised concerns regarding the quantity of water sought to be wheeled, the historical location of the place of use of Deer Creek Water Company water, a prior Settlement Agreement between Wilko Mentz and the District, potential damage resulting from the wheeled water to neighbor lands, and a demand to establish the need to wheel the water was based on emergency need.

Mr. Lee Cohen provided several comments in support of the Wheeling Agreement. He asserts that no injury would occur, and if so, Setton would cease wheeling water.

District's Legal Counsel Ms. Mauritson addressed sections of the wheeling agreement that pertained to the public concerns, section 3 of the wheeling agreement water pumping timing and quantities of water, section 6 hold harmless and indemnification, and section 8 termination of the agreement.

MEETING RECESS

President Wheaton called a meeting recess at 9:45 a.m.

MEETING RECONVENED

President Wheaton called the meeting to order at 9:52 a.m.

All guests departed from the teleconference meeting at 9:52 a.m.

Adjourned into closed session at 9:52 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.

The Board adjourned from closed session at 10:30 a.m.

Others rejoining the meeting by person and teleconference: Jake Gorrell, Paul Prescott, Matt Hendrick, Clayton Cohen, Tom Prescott, Joseph Prescott, Terry Schuler, Gratian Bidart Jr, Megan Bidart, and Jeff Gibbons at 10:30 a.m.

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

The Board took under review and considered executing a Wheeling Agreement with Setton Pistachio.

Upon motion by Director Martinez, seconded by Director Galloway, to approve the Wheeling Agreement with Setton Pistachio and to pass and adopt the following resolution , roll call vote:

Ayes: Directors Doyel, Galloway, Martinez, Wheaton

Noes: None

Absent: None

Abstain: Director Fowler

**RESOLUTION 2020-08-01
of the
TERRA BELLA IRRIGATION DISTRICT**

APPROVAL OF WATER WHEELING APPLICATION

WHEREAS, California Water Code, Section 1810 et seq., requires, under specified circumstances, that each local public agency make the unused capacity of any water conveyance facilities available to a bona fide transferor of water;

WHEREAS, on March 11, 2020, the District adopted a Policy on Wheeling Water (“**Policy**”), a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference;

WHEREAS, Deer Creek Water Company (“**DCWC**”) holds certain rights to the diversion and use of the waters of Deer Creek;

WHEREAS, DCWC and Setton Pistachio has made a request to wheel 1,200 acre-feet of water diverted from Deer Creek to Setton Farms pursuant to California Water Code, Section 1810 et seq., and the District’s Policy;

WHEREAS, the District’s General Manager has determined that sufficient unused capacity exists in the District’s conveyance facilities to accommodate DCWC’s request;

WHEREAS, on May 13, 2020, pursuant to the Policy, the District held a public hearing concerning DCWC’s wheeling request, with two subsequent open meetings on June 10, 2020 and July 8, 2020;

WHEREAS, several water users in the vicinity of Deer Creek have submitted written and oral comments regarding the potential effects of the wheeling requested by DCWC;

WHEREAS, to date, District has not been presented with sufficient evidence indicating that the wheeling requested will cause (1) injury to any legal user of water; (2) unreasonable effects upon fish, wildlife, or other instream beneficial uses; or (3) unreasonable effects upon the overall economy or the environment of Tulare County;

WHEREAS, consistent with Water Code Section 1810(d), DCWC and Setton Pistachio has stipulated that, upon receipt of evidence indicating that the requested water wheeling has caused, or will cause, (1) injury to any legal user of water; (2) unreasonable effects upon fish, wildlife, or other instream beneficial uses; or (3) unreasonable effects upon the overall economy or the environment of Tulare County, DCWC shall immediately cease wheeling water in connection with the instant request;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that DCWC’s request is hereby approved to the following extent, and subject to the following conditions:

1. Unless otherwise required by any provision of law, including, without limitation, subdivisions (a) through (d) of Water Code Section 1810, the District, upon the full execution of the Water Wheeling Agreement (“**Agreement**”) attached hereto as **Exhibit B** and incorporated herein by reference, will wheel DCWC’s Deer Creek water to Setton Farms under the terms set forth in the Agreement, and subject to the terms and conditions therein.

THE FOREGOING RESOLUTION was passed and adopted by the District’s Board of Directors on this 12th day of August, 2020, by the following vote:

AYES: Directors Doyel, Galloway, Martinez, Wheaton

NOES: None

ABSTAIN: Director Fowler

ABSENT: None

/S/Edwin L. Wheaton

Edwin L. Wheaton, Chair

ATTEST:

/s/ Ann Nelms
Ann Nelms, Secretary

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 by District Office/Teleconference Terra Bella, California on the 12th day of August, 2020, at which meeting a quorum of the 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 signed this Certificate on this 12th of August, 2020, at 24790 Avenue 95, Terra Bella, California.

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

MEETING RECESS

President Wheaton called a meeting recess at 10:39 a.m.

MEETING RECONVENED

President Wheaton called the meeting to order at 10:46 a.m.

All guests departed from the teleconference meeting at 10:44 a.m.

APPROVAL OF MINUTES

Upon motion by Director Fowler, seconded by Director Martinez, to approve the minutes of the July 8, 2020 regular meeting as mailed.

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 Galloway, seconded by Director Fowler, to authorize the Treasurer to pay all outstanding bills against the District as presented.

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 with the LAIF worksheet of restricted and unrestricted funds with current account balances, Friant Power Authority revenues and expenditure summary worksheet. Delinquent water account report was reviewed noting increase in delinquent water accounts from the prior month and significant decrease from July of last year.

TBID balance sheet's as of June 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 July 2020 Mr. Smith reported there is no employee accidents or matter

Equipment maintenance and repair included greasing all pumps and motors at stations #1, #3, and #4. Replaced old leaking hydraulic hoses on the 580L, the 580D backhoe's and the 580C front loader. Repaired hydraulic ram on the stinger of the 580D backhoe. Replaced broken window in the control room at central pumping station. Operation repairs and maintenance included weeding and clean up at stations #1, #3, and #4. Hauled off and recycled scrap brass. Cleaned up pump station #3 prepared it for winter operation. CAL OSHA inspector visited TBID station 9 and District Office on 7/28/20.

WTP average flow through the plant is around 870 gpm. Disc around the water treatment plant, Performed lead and copper sampling. San Joaquin Valley Air Pollution Control District inspector visited TBID checking plant generator and logs. Logging truck lost his back trailer and it hit the treatment plant gates, gates have been repaired.

Maintenance included 1 main line leak on Road 256 north of Avenue 95. Replaced 2 meters.

The total precipitation is 7.41 inches YTD. USA locates: 16. Back flow's Tested: 49

Manager Geivet presented his monthly report. He reported the water year was going well. Looking ahead to the carry over water options for the year, but waiting to see what the August water usage will be. Discussion followed on probable options.

Friant Power Authority: Manager Geivet reported both plants were up and running. Discussion followed on the possible maintenance of the third backup transformer.

Status of Authorities; ESPA, DCTRA, FWA, ACWA & AECA: Manager Geivet reported FWA is focused on canal repairs. Winter wells options discussed as FWA will be de-watering the canal this winter from November 1st to January 31, 2021. Manager Geivet reported on possible upcoming changes to the DCTRA due to the changing need for the Irrigated Lands Program. ESPA installations of the meters partially complete waiting on the water needs to slow down for installation at stations 9, 1 and the treatment plant, meters are still recorded manual until all are installed and when will look at estimates to tie into the scada system.

Eastern Tule GSA: Manager Geivet updated the Board on ETGSA accounting system and how it is up and running. ETGSA is close to getting Rules and Regulation adopted, but there maybe possible amendments to them.

EMPLOYEE MATTERS-Closed Session, Government Code Section 54957, Personnel. Discussion and potential action on the Employees' performance and compensation.

Adjourned into closed session at 11:38 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 11:55 a.m.

Mr. Geivet reviewed the Consumer's Price Index for June 2020 showing an increase of 0.8% and recommended to the Board a step increase for Angie Guzman and Morgan Day. (Note the draft presented to the Board has employee Don Collins at grade-step 16-1 should be 16-2 he was giving a promotion to forman 16-1 on 8/8/2018 and a step 8/14/2019 to step 16-2).

Upon motion by Director Fowler, seconded by Director Galloway to approve the Manager's recommendation to grant a step increase for employees Angie Guzman, Morgan Day and to grant the employees of the District a 0.8% cost of living increase.

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

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 11:58 a.m. by President Wheaton.

Ann Nelms, Secretary