

**April 14, 2021**

The Board of Directors of the Terra Bella Irrigation District met this day in regular session, the meeting was conducted by teleconference, from the District Office located at 24790 Avenue 95, Terra Bella, California.

**CALL TO ORDER**

President Wheaton called the meeting to order at 9:05 a.m.

**ATTENDANCE**

DIRECTORS PRESENT: Wheaton, Fowler, Doyel, Galloway,

DIRECTORS ABSENT: Martinez

OTHERS PRESENT: Sean Geivet, General Manager  
Albert Smith, District Operations Superintendent  
Ann Nelms, District Secretary-Treasurer  
Bryce McAteer  
Rhett Anderson  
Matt Hendricks

**AGENDA – CONSIDER CHANGES OR ADDITIONS TO THE AGENDA**

No changes were made to the posted agenda.

**PUBLIC INPUT**

President Wheaton asked for public input. Director Doyel mentioned the concerns of some Customers about the Bureau water allocation of 20% and if the District will have water all year. Discussion followed on the current allocation and transfers from LTRID should provide water for the whole 2021 water year.

**PUBLIC HEARING** – Members of the public may provide comments to the Board on the proposed 2021 Budget and Water Rates..

President Wheaton asked for public input on the 2021 Budget and Water Rates. The Board discussed the wheeling rates as is and decide to review them again at next year’s budget.

**2021 BUDGET AND WATER RATES – Consider adopting the 2021 Budget and Water Rates.**

To review and consider adopting the draft budget and water rates for the 2021 water year.

	Untreated Domestic & Irrigation	Untreated M&I
Zone 9	\$ 169.73	\$186.06
Zone 1	\$189.89	\$206.22
Zone 6 & 7	\$202.16	\$218.49
Zone 4 & 8	\$235.45	\$251.78
	<u>&gt; 5 Acres</u>	<u>&lt; 5 Acres</u>
WQIP Rates	\$388.86	\$393.90

Upon motioned by Director Doyel, seconded by Director Fowler to adopt the 2021 Water Rates and the 2021 Budget as follows.

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

(A copy of the 2021 Budget as approved is incorporated in the minutes by reference and is on file in the office of the District.)

**APPROVAL OF MINUTES**

M/S/U, Fowler, Galloway to approve the minutes of the March 10, 2021 regular meeting as presented and the March 24, 2021 special meeting.

**AUTHORIZATION TO PAY BILLS** Review and discuss outstanding bills.

M/S/U Doyel, Fowler 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. Delinquent water account report was reviewed and discussed.

TBID balance sheet as of February 28, 2021 as well as Income Statements for the same period, including a year-to-date statement were reviewed and discussed.

Albert Smith, Operations Superintendent, presented his monthly operating activities report for March 2021. Mr. Smith report no employee matters and no accidents or injuries for the month. Discussed possible being short one employee out on medical leave.

Equipment maintenance and repairs report included all pumps and motors greased at station #1, #3, and #9. Serviced both backhoes, Car #3 AC was repaired, gas leak repaired, and both door handles where repaired. Operations maintenance and repair report included weeding and cleaned up at stations #1, #3, and #9. Repaired pump #4 valve at station #9. Started up Station #6.

WTP average flow through the plant is around 450 GPM.

No mainline leaks in March

The total precipitation is 4.42inches. USA locates: 44. Back flow's Tested: 25

Manager Geivet presented his monthly report. Mr. Geivet reported the Bureau allocation is still at 20%. Discussion followed on all indications that TBID will not need wells or allocations at this time.

**Friant Power Authority:** Nothing new to discuss at this time.

**Status of Authorities; ESPA, DCTRA, FWA, ACWA & AECA:** FWA - Bureau will replace or repair the canal from south of Tule River to White River. Discussion followed on system operation and down time.

**Eastern Tule GSA:** ETGSA is sending out statements to landowners who did not pay the first billing. They are collecting surface water consumption reports from TBID. Discussion followed on discing fallow ground verses leaving weeds on property.

### **FRIANT WATER AUTHORITY - Consider Approval of Memorandum of Understanding between FWA and the District regarding District Contributions for FKC Middle Reach Capacity Correction Project.**

M/S/C, Galloway, Doyel, to approve the Memorandum of Understanding between FWA and TBID regarding the Districts contribution for the FKC middle reach capacity correction project.

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

### **TERRA BELLA IRRIGATION DISTRICT RESOLUTION 2021-01 APPROVING FRIANT WATER AUTHORITY MEMORANDUM OF UNDERSTANDING REGARDING FKC MIDDLE REACH CAPACITY CORRECTION PROJECT DISTRICT CONTRIBUTIONS**

**WHEREAS**, the District has contracted with the United States Department of the Interior Bureau of Reclamation for Project Water Service from the Friant Division and Facilities Repayment (Contract No. 175r-2446D) (“Repayment Contract”);

**WHEREAS**, FWA is the operating non-federal entity of the Friant-Kern Canal (“FKC”) and associated works pursuant to that certain transferred works agreement (Contract No. 9-07-20-XO356-X, as amended) by and between FWA and the United States of America, acting through the Bureau of Reclamation (“Transfer Agreement”);

**WHEREAS**, FWA has expressed the willingness to undertake a project to restore capacity to the “middle reach” of the FKC, commonly referred to as the FKC Middle Reach Capacity Correction Project (“Project”);

**WHEREAS**, in recognition of the likely need for Friant Contractors to cost-share in the Project, in May 2019, the FWA Board of Directors adopted Resolution No. 2019-02, whereby the Board determined that the amount of \$50 million represented a fair and reasonable preliminary amount for FWA and affected Friant Contractors to use for the purposes of establishing a cost-share obligation for the estimated Project costs;

**WHEREAS**, as a result of FWA Resolution No. 2019-02, the District is willing to contribute its portion of \$50 million pursuant to the OM&R formula as provided for in the Transfer Agreement (the “District Contribution”);

**WHEREAS**, the District hereby commits to making the District Contribution in the cumulative amount of \$1,303,000 in payments in accordance with the schedule attached hereto as in Schedule I. Schedule I is permitted to be revised and replaced upon the consent of the District; and

**WHEREAS**, the District’s commitment to make the District Contribution fully satisfies any obligation that the District may have or will have to contribute funds to the costs of the FKC Middle Reach Capacity Correction Project. District acknowledges that in the event that the costs of the FKC Middle Reach Capacity Correction Project exceed the total costs of the FKC Middle Reach Capacity Correction Project that FWA has determined as of the date of this Resolution and upon which the District Contribution is based, the District shall not be obligated to contribute any amounts in excess of the District Contribution without the consent of the District.

**NOW, THEREFORE**, upon motion made by Director Galloway seconded by Director Doyel, and unanimously carried,

**IT IS HEREBY RESOLVED**, that after review and approval of final form of the Memorandum of Understanding by the General Manager and General Counsel of the District, the General Manager is authorized to execute on behalf of and as the act of the District, the Memorandum of Understanding, a copy of which the Secretary is directed to attach to the minutes of the meeting of the Board of Directors held on April 14, 2021.

**BE IT FURTHER RESOLVED**, that the District does not waive or release any rights or obligations under its Repayment Contract as a result of the Memorandum of Understanding and/or contribution of funds to the Project, and expressly preserves its right to make any and all claims it may have now or in the future pursuant to the Repayment Contract, including but not limited to, the obligation to make payments with respect to the Project under the Repayment Contract.

**CERTIFICATION OF RESOLUTION**

I, Ann Nelms, hereby certify as follows:

1. That I am the Secretary of the Terra Bella Irrigation District; and
2. That the foregoing resolution, consisting of three pages, including this page is a true and correct copy of a resolution of the Board of Directors of the District passed at the meeting of the Board of Directors regularly held on April 14, 2021 at District's principal executive office, located at 24790 Avenue 95, Terra Bella, CA 93270

IN WITNESS WHEREOF, I have signed this certificate on this 14th of April, 2021, at the District's principal executive office.

/s/ Ann Nelms  
Ann Nelms, Board Secretary

**SCHEDULE I**

**Payment Schedule**

<i>Date</i>	<i>Amount</i>
October 1, 2021	\$182,000
January 3, 2022	\$196,000
April 1, 2022	\$187,000
July 1, 2022	\$190,000
October 3, 2022	\$308,000
January 3, 2022	\$240,000
Total	\$1,303,000

**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.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Government Code Section 54956.9] (1 Case)**

No closed session was required.

**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 10:53 a.m. by President Wheaton.

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Ann Nelms, Secretary



