

October 13, 2021

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

CALL TO ORDER

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

ATTENDANCE participating in this meeting remotely and in person:

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

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean P. Geivet, General Manager
Albert Smith, District Operations Superintendent
Ann Nelms, District Secretary-Treasurer
Aubrey Mauritson, Legal Counsel
Nick Keller, Consulting Engineer*
Kristie Mattock
Matt Hendrick
Steve Jackson
Brian Reeves
Berry Meyer

*Joined the meeting in person at 9:07 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. There was no public input.

APPROVAL OF MINUTES

M/S/U, Fowler, Doyel to approve the minutes of the September 8, 2021 regular meeting as mailed.

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 is the monthly statements from California Bank & Trust, Local Agency Investment Fund, Friant Power Authority revenue and expenditure summary worksheet, along with the delinquent water account report was reviewed.

TBID balance sheet as of August 31, 2021 as well as Income Statements for the same period, including year-to-date statements were reviewed.

Albert Smith, Operations Superintendent, presented his monthly operating activities report for September 2021 Mr. Smith stated no accidents or injuries to report for the month of September. Alex Martinez has renewed his backflow license. Justin, Saul and Morgan attended a class this month.

Equipment maintenance and repair replaced starter on pump #3 motor at station #7. Car #1 replaced tires. Greased all pumps and motors at stations #1, #2, and #4. Operations maintenance and repair report included weeding and cleaned up at stations #7, #8, and #9. Removed trash and trees from the head gates. Pulled quarterly well samples. Station #3 line in back in currently getting electric quotes.

WTP average flow through the plant is around 600 gpm. Received 600 gallons of 926 polymer. Calibrated the turbidity meters.

1 main line leaks in September; at Road 272 south of Avenue 96.

The total precipitation is 4.67 inches YTD. USA locates: 11. Back flow's Tested: 22

Mr. Keller presented the monthly water report. The Water Schedule at 20% Class 1 has not changed and September 2021 actual delivery of 2,615 acre feet. Mr. Keller reported the Bureau is considering allowing a 10% carry over this year. The Frait Water Authority will not be de-watering the canal this year and there will be winter frost water for TBID customers. Discussion followed on the 2022 up coming water year.

Friant Power Authority: Ordered backup transformers.

Status of Authorities; ESPA, DCTRA, FWA, ACWA & AECA: Mr. Keller updated the Board on FWA selection of a construction contractor Brosamer & Wall/Tutor Perini Joint Venture was awarded a \$177 million contract for the first phase of the canal repair, which should start by the end of the year. Mr. Keller updated the board on the dismantle of DCTRA who is working on appraising the ponds, there will be a new agreement coming and they will complete a final audit.

Eastern Tule GSA: Ms. Mauritsen updated the Board on ETGSA. ETGSA is entering a new year as of October 1, 2021 and annual invoice were sent out.

PAYCHECK SERVICE AGREEMENT Consider Ratification of Paycheck Service Agreement

The Board reviewed and discussed the Paychex Service Agreement.

M/S/C, Fowler, Doyel to ratificate the Paycheck Service Agreement to outsource the payroll functions to Paychex Service.

RETIREMENT PLAN – Review and consider amending the Empower Retirement/ Mass Mutual Retirement Plan document to comply with regulatory guidance from the IRS that requires all Employers to restate their plan documents every 6 years to incorporate legal updates that have occurred during that timeframe.

The Board took under review the draft amendment provided by Empower Retirement/Mass Mutual designed to comply with recent regulatory guidance from the IRS.

M/S/C, Fowler, Doyel to accept the Compliance Amendment to Savings Plan for Employees of Terra Bella Irrigation District.

NOBLE CATTLE CO. GRAZING LEASE – Review and renewing the Noble Cattle Company lease for another 5 years to October 31, 2026.

The Board reviewed the farming and grazing lease agreement between TBID and Noble Cattle Co.

M/S/C Doyel, Fowler, approved farming and grazing lease agreement between TBID and Noble Cattle Co. as it is written.

Public Hearing – Setton Pistachio/Deer Creek Citrus Request to Wheel Water. President Wheaton asked for Public Hearing comments. Public comment was received from Mr. Hendrick, he wanted the board to know that this application speaks to the water situation at Deer Creek and he had no objection to move water to Deer Creek.

Guests Barry Meyer, Brian Reeves, Kristie Mattock, Matt Hendrick, and Steve Jackson departed the boardroom/teleconference at 9:40 a.m. for the closed session.

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

Adjourned into closed session at 9:40 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 9:54 a.m.

No reportable action taken during closed session.

Consider Approval of Setton Pistachio/Deer Creek Citrus Connection Agreement and Wheeling Agreement

The Board took under review and considered executing a **Connection Agreement and Wheeling Agreement** with Setton Pistachio and Deer Creek Citrus to move 30 arce feet to Deer Creek Citrus.

Upon motion by Director Galloway, seconded by Director Martinez, to approve the Connection Agreement & Wheeling Agreement with Setton Pistachio and Deer Creek Citrus

Ayes: Wheaton, Doyel, Galloway, Martinez

Noes: None

Absent: None

Abstain: Fowler

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.

Report Action Taken in Closed Session Required by Government Code 54957.1

Adjourned into closed session at 9:56 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 10:00 a.m.

No reportable action taken during closed session.

Items to be discussed pursuant to government code section 54954.2 (relating to items not appearing on the agenda.)

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned at 10:01 a.m. by President Wheaton.

Ann Nelms, Secretary