

January 12, 2022

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 9:03 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 Mauritsen, Legal Counsel
Nick Keller, Consulting Engineer
Steve Jackson
Fernando Rios
Matt Hendrick*

*Joined the meeting by teleconference at 9:21 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.

CONTINUING SUSPENSION of Public Meeting Location Resolution No. 2022-01-01 – Consider approval of resolution continuing suspension of public meeting locations pursuant to AB 361.

Upon motion by Director Galloway, seconded by Director Fowler, the following Resolution was passed and adopted:

**TERRA BELLA IRRIGATION DISTRICT
RESOLUTION 2022-01-01 RE CONTINUED SUSPENSION OF PUBLIC TELECONFERENCING LOCATIONS**

WHEREAS, as modified by Assembly Bill 361, *Government Code* § 54953(e)(1) permits local agencies to dispense with the requirements for teleconference locations contained in *Government Code* § 54953(b)(3) under the conditions specified herein;

WHEREAS, the Board has reconsidered the state of emergency issued by the State of California in connection with COVID-19, and has found that the declared state of emergency remains in effect;

WHEREAS, local and state officials continue to recommend and, in some cases, require, social distancing measures;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board shall, consistent with *Government Code* 54953(e)(1), continue to operate without physical, public meeting or teleconference locations.

THE FOREGOING RESOLUTION was passed and adopted by the Terra Bella Irrigation District Board of Directors on this 12th day of January, 2022, by the following vote:

AYES: Wheaton, Doyel, Fowler, Galloway, Martinez

NOES: None

ABSTAIN: None

ABSENT: None

/s/ Edwin L. Wheaton
Edwin L. Wheaton, President

ATTEST:

/s/ Ann Nelms
Ann Nelms, Secretary
Certificate of Secretary

I do hereby certify that I am the Secretary of Terra Bella Irrigation District, a special 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 thereof at a meeting thereof duly and regularly held on the 12th day of January, 2022, 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 day of January, 2022, Terra Bella, California.

/s/ Ann Nelms
Ann Nelms, Secretary

Director Martinez departed from the Board teleconference meeting at 9:17 a.m.

APPROVAL OF MINUTES

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

AUTHORIZATION TO PAY BILLS Review and discuss outstanding bills.

M/S/U Fowler, Galloway 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 and informed the Board of the pending tax sale on property TBID has a collector's deed on set for March 1, 2022.

TBID balance sheet as of November 30, 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 December 2021 Mr. Smith stated no accidents or injuries to report.

Equipment maintenance and repair on Car #9 and #3 was smog checked. Flat fixed on the 580L Backhoe. Serviced both Backhoes. Greased all pumps and motors at stations #1, #2, and #4. Operations maintenance and repair report included weeding and cleaned up at stations #1, #2, and #4. Submitted annual report for the government fleet smog check program.

WTP average flow through the plant is around 300 gpm. Calibrated the turbidity meters. Greased all pumps and motors at the treatment plant.

The total precipitation is 5.84 inches YTD. USA locates: 12. Back flow's Tested: 101

Mr. Geivet departed from the Board teleconference meeting at 9:30 a.m.

Mr. Keller presented the monthly water report. The Bureau increased Class I allocations from 25% to 40% at December 21, 2021. The additional water increase has to be used by the end of February. The District has carry over of 2,900 and an additional 750 to be delivered by the end of February unused portion can be put into the basin. Discussion followed on 2022-23 water year.

Fraint Water Authority Capacity correction project under way. FWA Contractor's Engineer is working on a draft bypass schedule, TBID reported the best schedule for the 54" line. Discussion followed on line schedule and FWA increase costs.

Friant Power Authority: Nothing to report

Status of Authorities; ESPA, DCTRA, ACWA & AECA: Mr. Keller updated the board on DCTRA dismantling progress.

Eastern Tule GSA: Nothing to report

UPPER WELL ELECTRICAL PROPOSALS -- Review and consider accepting a proposal to replace the electricity to the Upper Wells.

The Board reviewed three proposals to install new electrical power to upper wells #50, #76, and #77. Discussion followed on Porterville Electric Company Inc \$62,599.00 without trenching, Turnupseed Electric Services, Inc \$89,571.00 and Bob Ruffa Electric \$66,082.00 with trenching included.

M/S/U, Galloway, Fowler to accept and approve the proposal from Bob Ruffa Electric in the amount of \$66,082 to supply and install new underground power to upper well #50, #76, and #77.

DEER CREEK WATER CO. WHEELING AGREEMENT – Review and consider executing a 2022-23 Wheeling Agreement with Deer Creek Water Co. and start the public review period.

The Board took under review and consider executing the Public Notice Application process for the Water Wheeling Application with Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership.

M/S/C Galloway, Wheaton to approve executing the Public notice for the Water Wheeling Application with Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership as needed in the application process.

RAINBOW ORCHARDS V LLC WHEELING AGREEMENT – Review and consider executing a 2022-23 Wheeling Agreement with Rainbow Orchards V LLC and start the public review period.

The Board took under review and consider executing the Public notice application process for the Water Wheeling Application with Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership.

M/S/C Galloway, Wheaton to approve executing the Public notice for the Water Wheeling Application with Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership as needed in the application process.

J. POONIAN LIMITED PARTNERSHIP WHEELING AGREEMENT – Review and consider executing a 2022-23 Wheeling Agreement with J. Poonian Limited Partnership and start the public review period.

The Board took under review and consider executing the Public notice application process for the Water Wheeling Application with Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership.

M/S/C Galloway, Wheaton to approve executing the Public notice for the Water Wheeling Application with Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership as needed in the application process.

TERRA BELLA IRRIGATION DISTRICT Notice of Public Hearing—Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership Requests to Wheel Water. NOTICE IS HEREBY GIVEN that, pursuant to Water Code Section 1810, et seq., Terra Bella Irrigation District will hold a public hearing during a regular board meeting on February 9, 2022, at Terra Bella Irrigation District 24790 Ave 95, Terra Bella, CA 93270, to determine whether to approve the Wheeling Agreement allowing the ability of Deer Creek Water Company; Rainbow Orchards V LLC; and J. Poonian Limited Partnership to wheel a certain amount of water through Terra Bella Irrigation District’s facilities. Written comments may be submitted to the District, Attn: Sean P. Geivet, General Manager, no later than 5:00 p.m. on February 3, 2022, to 24790 Ave 95, Terra Bella, CA 93270. During the hearing, the District will allow oral comments prior to making a decision. The Chairman may limit oral comments to a reasonable length. Dated: January 12, 2022.

AGRICULTURAL ENERGY CONSUMERS ASSOCIATION – Consider authorizing membership in the AECA and paying the \$1000 annual membership dues.

M/S/C, Galloway, Fowler to approve membership in the Agricultural Energy Consumers Association and to authorize payment of the annual dues in the amount of \$1,000.00.

LAND LEASE Approval of agreement with FKC capacity correction contractor Brosamer & Wall/Tutor Perini Joint Venture

Ms. Mauritson reviewed the Land Lease Agreement included in the Board packet, for TBID’s 159 acres APN 302-230-014 for \$5,122.98 per year beginning January 12, 2022 to January 12, 2025 to Brosamer & Wall/Tutor Perini Joint Venture for a staging area for the Friant Canal Capacity Correction Project discussion followed.

M/S/C, Galloway, Wheaton to approve the Land Lease Agreement with Brosamer & Wall/Tutor Perini Joint Venture as written and they pay all cost for breaching the existing lease on the property.

LAND LEASE Approval of agreement with R. Beals and amended Grazing Lease.

Ms Mauritson reviewed the Amended Land Lease Agreement included in the Board packet, removing TBID’s 159 acres APN 302-230-014 and compensation for loss for use of land.

M/S/C, Galloway, Wheaton to approve the amended Grazing Lease agreement with Rick Beals as written with \$82,000 compensation for loss and release of liability

Integrated Regional Water Management Plan (IRWMP) – Review and consider approving amended MOU subject to legal and GM review.

Ms Mauritson reviewed the Memorandum of Understanding of the Tule River Basin IRWMP Group between members Parties of the Deer Creek & Tule River Authority (DCTRA) is in the process of dissolving appoint Lower Tule as the fiscal agent.

M/S/C, Galloway, Fowler to approve the amended MOU for Tule River Basin Integrated Regional Water Management Plan (IRWMP) subject to legal and GM review.

Land Use Agreement - Consider approving an amended Land Use Agreement with SID and LTRID.

Ms Mauritson reported due to the Deer Creek & Tule River Authority (DCTRA) dissolving the current Land Use Agreement will be amended. No action taken

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.

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned at 10:23 a.m. by President Wheaton.

Ann Nelms, Secretary