

**December 14, 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 9:01 a.m.

**ATTENDANCE** participating in this meeting remotely and in person:

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

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean P. Geivet, General Manager  
Albert Smith, District Operations Superintendent  
Ann Nelms, District Secretary-Treasurer  
Doug Jackson  
Matt Hendrick

**BOARD REORGANIZATION**

President Wheaton began meeting with reorganization of the Board.

Secretary Nelms administered the Oath of Office to elected Director Edwin L. Wheaton and Director Brent E. Doyel.

**Appointment of Temporary Chairman**

President Wheaton appointed Secretary Nelms as Temporary Chairman.

President Wheaton stepped down from the chair. Temporary Chairman Nelms assumed the chair.

**Election of President**

Temporary Chairman Nelms called for nominations for the office of President.

M/S/C, Doyel, Galloway to nominate Edwin L. Wheaton as President of the Board, nominations were closed, and a unanimous ballot casted for the election of the President.

President Wheaton thanked the Board for their consideration and assumed the chair.

**Election of Vice-President**

President Wheaton called for nominations for the office of Vice-President

M/S/C, Doyel, Galloway to nominate Glen R. Fowler as Vice-President of the Board, nominations were closed, and a unanimous ballot casted for the election of the Vice-President.

**Appointment of Secretary-Treasurer**

M/S/C, Doyel, Galloway to appoint Ann Nelms Secretary-Treasurer of the District, and to appoint Manager Geivet as Assistant Secretary.

**Appointment of Board Representatives to Other Organizations**

Discussion was held on Board representatives to other organizations.

M/S/C, Doyel, Galloway to appoint current Board representatives to other organizations as follows:

***ASSOCIATION OF CALIFORNIA WATER AGENCIES – JOINT POWERS INSURANCE AUTHORITY***

**Director:** Glen R. Fowler  
**Alternate Director:** Edwin L. Wheaton

**EASTERN TULE GSA**

**Director:** Geoffrey C. Galloway  
**Director to Executive Committee** Glen R. Fowler  
Alternate Director: Edwin L Wheaton  
Advisory Committee: Sean P. Geivet

**EASTSIDE POWER AUTHORITY**

**Director:** Brent E. Doyel  
Alternate Director: Geoffrey C. Galloway  
Second Alternate Director: Edwin L. Wheaton  
Advisory Committee: Sean P. Geivet

**FRIANT POWER AUTHORITY**

**Director:** Edwin L. Wheaton  
Alternate Director: Alfredo Martinez  
Advisory Committee: Sean P. Geivet

**FRIANT WATER AUTHORITY**

**Director:** Geoffrey C. Galloway  
Alternate Director: Edwin L Wheaton  
Second Alternate Director: Alfredo Martinez  
Advisory Committee: Sean P. Geivet

**UPPER SAN JOAQUIN RIVER WATER & POWER AUTHORITY**

**Director:** Edwin L Wheaton  
Alternate Director: Alfredo Martinez  
Advisory Committee: Sean P. Geivet

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

No changes were made to the posted agenda.

**CONTINUING SUSPENSION of Public Meeting Location** Resolution No. 2022-12-01 – Consider approval of resolution continuing suspension of public meeting locations pursuant to AB 361.

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

**TERRA BELLA IRRIGATION DISTRICT**  
**RESOLUTION 2022-12-01 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 14th day of December, 2022, by the following vote:

AYES: Wheaton, Doyel, Galloway, Fowler, 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 14th day of December, 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 14th day of December, 2022, Terra Bella, California.

/s/ Ann Nelms  
Ann Nelms, Secretary

### **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 November 9, 2022 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; monthly statements from California Bank & Trust, Local Agency Investment Fund, Friant Power Authority revenue and expenditure summary worksheet. Delinquent water account report was reviewed and discussed.

TBID's balance sheet as of October 30, 2022 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 November 2022. Mr. Smith stated there were no accidents or injuries to report.

Equipment maintenance and repair included replacing the windshield in car #4, greased all pumps and motors at stations #7, #8, and #9, pulled old starters and brakera out of pump motors #4 and #6 at Station #9 getting them ready for new soft starts. Operations maintenance and repair report included weeding and cleaned up at Stations #7, #8, and #9. Put in 400 feet of 12 inch PVC pipe between the Rock Pit and the Upper Wells. Still waiting on power to 12-inch connected to the upper wells. Getting all preventive maintenance done for the spring and summer operations.

WTP average flow through the plant is around 350 gpm. Pulled 4<sup>th</sup> quarter THM samples, replaced the surface wash pump and motor, at the treatment plant.

The total precipitation is 1.16 inches YTD. USA locates: 6. Back flow's Tested: 5

Manager Geivet presented the monthly water report and reviewed the monthly water schedule with the Board. The canal de-watering started with TBID going off the canal on the 8<sup>th</sup>.

**Fraint Water Authority** focus is on the subsidence capacity correction.

**Friant Power Authority** contractor is working on the transformer installation and other maintenance.

**Status of Authorities; ESPA, DCTRA, ACWA & AECA:** AECA receiving monthly newsletter. DCTRA is finalizing termination.

**Eastern Tule GSA** has updated their rules and regulations and working on their collection method.

Matt Hendrick departed from the teleconference at 9:43 a.m.

### **CALIFORNIA FARM WATER COALITION** – Review and consider approving 2023 membership in the CFWC and paying the requested dues of \$2,100

M/S/U, Galloway, Doyel to approve membership contribution payment in the amount of \$2,100 for the California Farm Water Coalition.

**USJRWPA - Review and consider authorizing Resolution to Withdraw From and Terminate the Amended Joint Powers Agreement Upper San Joaquin River Water & Power Authority with Terra Bella Irrigation District.**

The Board reviewed and discussed the District's withdraw and termination from the USJRWPA authority.

M/S/C. Fowler, Martinez to authorized a resolution to withdraw and terminate from USJRWPA.

**DECEMBER 14, 2022  
RESOLUTION NO. 2022-12-02**

**RESOLUTION OF THE BOARD OF DIRECTORS,  
TERRA BELLA IRRIGATION DISTRICT  
WITHDRAWING FROM AND TERMINATING THE  
AMENDED JOINT POWERS AGREEMENT – UPPER SAN JOAQUIN RIVER  
WATER & POWER AUTHORITY**

**RESOLVED** by the Board of Directors (“Directors”) of the Terra Bella Irrigation District (“District”), at the regular held meeting held on December 14, 2022 at the business office of the District, 24790 Avenue 95 Terra Bella, California 93270 as follows:

**WHEREAS**, on or about June 18, 1979, the Arvin-Edison Water Storage District, Delano-Earlimart Irrigation District, Lindmore Irrigation District, Lindsay-Strathmore Irrigation District, Lower Tule River Irrigation District, Madera Irrigation District, Orange Cove Irrigation District, Saucelito Irrigation District Southern San Joaquin Municipal Utility District, Stone Corral Irrigation District, and Terra Bella Irrigation District (individually referred to as “Member Entity” or “Member,” and jointly referred to as “Members”) entered into a Joint Exercise of Powers Agreement (“Agreement”) of the Upper San Joaquin River Water and Power Authority (“Authority”); and

**WHEREAS**, on or about January 8, 1980, the Authority updated the Joint Exercise of Powers Agreement as set forth in the 1<sup>st</sup> Amendment to Joint Power Agreement (“1<sup>st</sup> Amendment”); and

**WHEREAS**, on or about August 11, 1982 the Authority further amended the Agreement and 1<sup>st</sup> Amendment through the Amended Joint Powers Agreement (“Amendment”), which added Chowchilla Water District and Tea Pot Dome Water District as Members; and

**WHEREAS**, the stated purpose of the Authority was to “develop, design, finance, acquire, construct, operate and maintain dams, reservoirs, tunnels, conduits and hydroelectric facilities in the west side of the San Joaquin drainage area above the Mammoth Pool Power Project (F.P.C. No. 2085) in order to divert, store and distribute water for beneficial use, and to generate,” (the “Project”); and

**WHEREAS**, since its inception the Authority has attempted to carry out its purpose; and **WHEREAS**, on or about July 25, 2001 Orange Cove Irrigation District terminated its membership in the Upper San Joaquin River Water and Power Authority; and

**WHEREAS**, Section 2.02 of the Amendment provides that the Amended Joint Powers Agreement may be terminated upon mutual agreement of all Members of the Authority; and

**WHEREAS**, the Board of Directors of the Authority have determined it is now appropriate to terminate the Amendment, but continue the Authority's existence for purposes of dissolving the Authority; and

**WHEREAS**, the Directors desire to terminate the Amendment, and to do so in a way to ensure that the Authority shall continue to exist for the limited purpose of completing all functions necessary to close out the affairs of the Authority, including the conclusion of any necessary audit. **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Terra Bella Irrigation District:

The foregoing recitals are true and correct and are incorporated herein by reference as if set forth in full. Pursuant to Section 2.02 of the Amendment, the District hereby withdraws from membership in the Authority and terminates the Amendment effective upon the following:

1. Mutual agreement by all general members through their respective governing bodies; and
2. The Amendment and Authority shall continue to exist for the limited purpose of completing all functions necessary to close out the affairs of the Authority; and

3. The Board of Directors of the Authority adopts a resolution of final termination following the close out of the affairs of the Authority.

The Directors hereby direct the General Manager to provide notice to the Authority of the adoption of this Resolution and the foregoing withdrawal and termination.

The Directors hereby direct the Authority to complete any procedures as may be adopted by the Board of Directors of the Authority to effectuate the same, and to notify all general members when all the termination of the Amendment and Authority are final.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Terra Bella Irrigation District Board of Directors, at the regular meeting of the Board held on the 14<sup>th</sup> day of December 2022 by the following vote:

AYES: Edwin Wheaton, Glen Fowler, Geoffrey Galloway, Brent Doyel, Alfredo Martinez

NOES:

ABSENT:

ABSTAIN:

/s/ Edwin L Wheaton

Edwin L. Wheaton, President

ATTEST: /s/ Glen Fowler

Glen Fowler, Vice President

### **CERTIFICATE OF SECRETARY**

The undersigned Secretary of the Board of the Terra Bella Irrigation District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2022-12-02 adopted December 14, 2022.

/s/ Ann Nelms

Ann Nelms, Secretary

### **DCTRA - Review and consider authorizing Amendment to Joint Powers Agreement for Termination of the Deer Creek Tule River Authority**

The Board reviewed and discussed the authorization of DCTRA's Amended Termination Agreement and authorized approval.

M/S/C, Galloway, Doyel to authorized and approve the DCTRA's Amendment to the Termination Agreement.

Doug Jackson departed from the teleconference at 10:08 a.m.

### **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.**

Adjourned into closed session at 10:08 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.

The Board adjourned from closed session at 10:56 a.m.

Report Action Taken in Closed Session Required by Government Code 54957.1

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)**

None to report.

### **ADJOURNMENT**

There being no further business before the Board of Directors, the meeting was adjourned at 10:58 a.m. by President Wheaton.

Ann Nelms, Secretary