



**Minutes of Regular Meeting, Board of Directors  
January 11, 2022**

The Board of Directors of the Porterville Irrigation District met this day in regular session in Porterville, California. 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 Borba called the meeting to order at 9:00 a.m.

**ATTENDANCE**

**DIRECTORS PRESENT:** Borba, Chambers, McCowan, Witzel

**DIRECTORS ABSENT:** Gisler

**OTHERS PRESENT:** Sean P. Geivet, *District Manager*  
Nick Keller, *District Engineer/Acting Manager*  
Jody A. Griswold-Bratcher, *District Secretary-Treasurer, Assessor/Collector*  
Alan Doud, *District Legal Counsel*  
Aubrey A. Mauritsen, *Consulting Legal Counsel*  
Numerous guests via Zoom and One tap mobile

**AGENDA** – There were no changes or additions made to the agenda.

**RESOLUTION RENEWING AUTHORIZATION OF REMOTE TELE-  
CONFERENCE MEETINGS –**

- a. **Consider adoption of Resolution 2022-01-01 renewing use of remote teleconference meetings under AB361**

District Acting Manager Keller reminded everyone that we will need to renew this action each month.

Upon motion by Director McCowan, seconded by Director Witzel, the following Resolution was passed and adopted:

***RESOLUTION NO. 2022-01-01***

***RESOLUTION RENEWING AUTHORIZATION OF REMOTE  
TELECONFERENCE MEETINGS UNDER AB361***

***WHEREAS,*** the Board of Directors (“Board”) of the Porterville Irrigation District (“District”) have met this day in regular session; and

***WHEREAS,*** meetings of the Board of Directors of District and its committees are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any

member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

**WHEREAS,** Government Code section 54953(e), as amended by Assembly Bill 361 (2021) (“AB361”), signed by the Governor on September 16, 2021, provides for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS,** the District wishes to invoke the provisions of AB361 to renew authorization of teleconference meetings subject to the modified standard of Government Code section 54953(e); and

**NOW, THEREFORE, BE IT RESOLVED** that:

Section 1. Findings. The Board hereby finds as follows:

- (a) As required by Government Code section 54953(e)(1), a proclaimed state of emergency exists under the California Emergency Services Act, as declared by the Governor on March 4, 2020.
- (b) State or local officials have imposed or recommended measures to promote social distancing, specifically, a state of emergency has been proclaimed in the State of California pertaining to the threat to human health and safety by the COVID-19 pandemic.

Section 2. Procedures for Teleconference Meetings. The District and its committees shall hold teleconference meetings pursuant to the requirements of Government Code section 54953(e).

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption.

Section 4. Renewal. Pursuant to Government Code section 54953(e)(3), the District will reconsider the state of emergency every 30 days.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of January 2022 by the following vote:

<b>AYES:</b>	<b><i>Borba, Chambers, Gisler, McCowan, Witzel</i></b>
<b>NOES:</b>	<b><i>None</i></b>
<b>ABSTAIN:</b>	<b><i>None</i></b>
<b>ABSENT:</b>	<b><i>None</i></b>

#### **CERTIFICATE OF SECRETARY**

I do hereby certify that I am the Secretary of the Porterville 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 Zoom meeting thereof duly and regularly held by the Porterville Irrigation District at Porterville, California on the 11<sup>th</sup> day of January 2022, at which meeting a quorum of 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 hereunto set my hand and the Seal of the Porterville Irrigation District this 11<sup>th</sup> day of January 2022.

/s/ Jody A. Griswold-Bratcher  
Jody A. Griswold-Bratcher, Secretary  
Porterville Irrigation District

**PUBLIC COMMENTS** – President Borba asked if there was any public comment. Several guests inquired about Eastern Tule Groundwater Sustainability Agency (ETGSA) BasinSafe reporting.

#### **APPROVAL OF THE MINUTES**

M/S/U McCowan, Witzel to approve the Minutes of the Board of Directors Regular Meeting held December 14, 2021 as presented.

#### **AUTHORIZATION TO PAY BILLS**

M/S/U Chambers, McCowan to authorize the Treasurer to pay all outstanding bills against the District as presented.

**MONTHLY REPORTS – Financial Reports:** The Secretary-Treasurer included in the Board meeting packet the November 2021 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period.

Treasurer Griswold-Bratcher responded to the question from last month’s meeting in regards to the Bond Financing Reserve Account noting as a result of the recent refinance, the new lender did not require a Bond Financing Reserve Account. Since that refinance took place last November, the financials actually no longer reflect that in the yearly comparison since the old account was closed with those funds being used in the refinance closing.

M/S/U Chambers, McCowan to accept the financial reports as presented and to place the reports on file.

**Administration Report:** The Secretary-Treasurer brought to the Board’s attention a “Monthly Google Analytics Report” on the District’s website that has been live since August 2021 (Enclosure #6.B.1.).

Also included in the meeting packet was a Certificate of Enrollment certifying the District’s participation in the required Drug and Alcohol Testing Program (Enclosure #6.B.2.).

**Operations/Water Report:** Mr. Keller shared on the screen during the Zoom meeting a revised US Bureau of Reclamation (USBR) water schedule as a result of their recent increase of the 2021-22 Class 1 water supply from 20% to 40%, noting that any water now

available from this increase must be run before end of the water year, February 28<sup>th</sup>, or it will be lost. He shared that working with Manager Geivet and District staff, PID started running that increased water supply into the Porter Slough to be offered as groundwater recharge was the most effective way to run the water in the time allowed. In coming weeks, District staff will prepare invoices offering as an allocation of groundwater recharge credits to eligible Supplemental rate parcels at \$75.00 per acre-foot. Like previous allocations, this credit will be voluntary and any unclaimed credits will be re-allocated to those that expressed interest in purchasing additional credits on their payment stubs.

Also included in the meeting packet was Enclosure #6.C., reporting rainfall totals for the current year going back through the 1960's. The report shows total rainfall for October 2021 – December 2021 is 5.99 inches.

**Status Report of Authorities: DCTRA, TRA, VAWC & FWA:** Acting Manager Keller and President Borba brought the Board up to speed on the other authorities.

**Eastern Tule Groundwater Sustainability Agency (ETGSA):** Nothing new to report.

**Success Reservoir Enlargement Project (SREP) Update:** Nothing new to report.

**Future Planning:** Nothing new to report.

**ACCOUNT SIGNATURES – Consider resolution to update the signors on District bank accounts**

The Secretary-Treasurer explained that Bank of America has requested new signature cards for both General and Payroll accounts as several of the supporting identifications submitted the last time are now outdated.

Upon motion by Director McCowan, seconded by Director Witzel, the following Resolution was passed and adopted:

***RESOLUTION NO. 2022-01-02***

***RESOLUTION AUTHORIZING BANK ACCOUNT SIGNATURES  
FOR BANK OF AMERICA ACCOUNTS AND  
LOCAL AGENCY INVESTMENT FUND ACCOUNT***

***WHEREAS,*** the Board of Directors of the Porterville Irrigation District have met this day in regular session; and

***WHEREAS,*** there have been recent personnel changes at the District; or an institution has requested updated signature cards;

***NOW, THEREFORE, BE IT RESOLVED*** by the Board of Directors of the Porterville Irrigation District that the following persons are authorized to sign on accounts on behalf of Porterville Irrigation District held by Bank of America:

Eric L. Borba, President  
David E. Gisler, Vice-President  
Edwin L. Chambers, Director  
Joseph "Brett" McCowan, Director  
Timothy J. Witzel, Director  
Sean P. Geivet, General Manager/Assistant Secretary  
Jody A. Griswold-Bratcher, Secretary-Treasurer/Assessor-Collector

***BE IT FURTHER RESOLVED*** by the Board of Directors of the Porterville Irrigation District that the following persons are authorized to sign on account on behalf of Porterville Irrigation District held by the Local Agency Investment Fund:

Eric L. Borba, President  
Sean P. Geivet, General Manager/Assistant Secretary  
Jody A. Griswold-Bratcher, Secretary-Treasurer/Assessor-Collector

***PASSED AND ADOPTED*** this 11<sup>th</sup> day of January 2022 by the following vote:

<b><i>AYES:</i></b>	<b><i>Borba, Chambers, McCowan, Witzel</i></b>
<b><i>NOES:</i></b>	<b><i>None</i></b>
<b><i>ABSTAIN:</i></b>	<b><i>None</i></b>
<b><i>ABSENT:</i></b>	<b><i>Gisler</i></b>

#### **CERTIFICATE OF SECRETARY**

I do hereby certify that I am the Secretary of the Porterville 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 Zoom meeting thereof duly and regularly held by the Porterville Irrigation District at Porterville, California on the 11<sup>th</sup> day of January 2022, at which meeting a quorum of 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 hereunto set my hand and the Seal of the Porterville Irrigation District this 11<sup>th</sup> day of January 2022.

/s/ Jody A. Griswold-Bratcher  
Jody A. Griswold-Bratcher, Secretary  
Porterville Irrigation District

**PID FEBRUARY BOARD MEETING – Consider changing the February PID Board Meeting date on account of the conflict with the World Ag Expo (aka Farm Show)**

Acting Manager Keller reminded the Board that the annual World Ag Expo (aka Farm Show) will be held February 8 – 10, 2022 in Tulare. Discussion was then held regarding the regular February Board meeting scheduled for February 8<sup>th</sup> and the Board concurred the Board meeting date should be changed to the following Tuesday so that guests that may show up on the regular scheduled day will have the opportunity to attend the adjourned meeting.

M/S/U McCowan, Witzel to change the February PID Board meeting date from Tuesday, February 8, 2022 at 9:00 a.m. to Tuesday, February 15, 2022 at 9:00 a.m. The meeting will be conducted as an adjourned meeting since it will be held after to the regular meeting date.

### **BANKING POLICY – Discussion on a revised Banking Policy**

Manager Geivet brought up for discussion with the Board the opportunity to revamp our Banking Policy to cover many of the standard and potentially redundant items in the current banking agreement. Any new Banking Projects would still be required to perform the necessary steps specific to their project (i.e. CEQA documents).

### **HUBBS & MINER DITCH COMPANY STOCK SALE – Review and consider accepting or waiving the District’s first right of refusal on the sale of 16.311 shares from Mark & Brenda Shepard to Setton Pistachio**

Manager Geivet shared with the Board that Shareholder Shepard has submitted a Notification of Sale of Stock Only to transfer ownership of some of his Hubbs & Miner Ditch Company shares to Setton Pistachio. According to the ditch company agreements with the District, the District has first right of refusal for any transfers that are not in connection with a bona fide sale or other transfer of the property being served with the water right represented by said stock. After much discussion, the Board proceeded with the following motion.

Upon motion by Director Chambers, seconded by Director Witzel, the Board directed the Manager to perform a cost analysis to determine the feasibility of the District accepting or waiving their right of refusal in response to the recent submission of a Notification of Sale of Stock Only to transfer ownership of 16.311 shares of Mark & Brenda Shepard’s Hubbs & Miner Ditch Company shares to Setton Pistachio by the following vote:

<b>AYES:</b>	<b><i>Borba, Chambers, Witzel</i></b>
<b>NOES:</b>	<b><i>McCowan</i></b>
<b>ABSTAIN:</b>	<b><i>None</i></b>
<b>ABSENT:</b>	<b><i>Gisler</i></b>

Acting Manager Keller noted that we do not need to adjourn into closed session.

### **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 reportable action taken.

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

No reportable action taken.

**CLOSED SESSION ITEMS – Report Action Taken in Closed Session Required  
by Government Code Section 54957.1**

No reportable action since the Board did not go into closed session.

**ADJOURNMENT** – President Borba adjourned the meeting at 10:36 a.m.

  
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Jody A. Griswold-Bratcher, Secretary