



Minutes of Regular Meeting, Board of Directors July 13, 2021

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, Gisler, Chambers, McCowan

DIRECTORS ABSENT: Witzel

OTHERS PRESENT: Nick Keller, District Engineer
Jody A. Griswold-Bratcher, District Secretary
Scott K. Kuney, District Legal Counsel
Aubrey A. Mauritsen, Consulting Legal Counsel
Numerous guests via Zoom and One tap mobile

AGENDA – Engineer Nick Keller, who will temporarily be handling some of Manager Geivet’s duties during his unexpected medical leave including preparation and participation in Board meetings, noted an error on the posted agenda where two items were essentially swapped. He suggested that we move current Agenda item 4, which is designed to report action taken in closed session(s) to later in the meeting after closed session items have been adjourned; and then move item 9, Conference with Legal Counsel, earlier in the meeting.

M/S/U McCowan, Gisler to revise the agenda replacing the item pertaining to Report of Action Taken in Closed Session with the item for Conference with Legal Counsel regarding Anticipated Litigation.

There were no other changes or additions made to the agenda.

Engineer Keller noted that District Legal Counsel, Scott Kuney and his office of Young Wooldridge LLP have a conflict of interest as their office also represents Arvin-Edison Water Storage District (AEWSD) who has submitted comments for the Public Hearing scheduled later in the meeting. He then introduced Consulting Legal Counsel, Aubrey Mauritsen of Ruddell Stanton Bixler Mauritsen & Evans LLP that represent Manager Geivet’s other two irrigation districts, Saucelito and Terra Bella. In interest of maximizing Mrs. Mauritsen’s limited time, Mr. Keller suggested that we move to closed session item on Conference with Legal Counsel regarding Anticipated Litigation. All guests were asked to step out of the office or were moved to the Zoom “waiting room” for a few minutes until we adjourn from closed session. All guests, including Mr. Kuney, departed the online Board Zoom meeting at 9:02 a.m.

Pursuant to Government Code Section 54956.9, the Board adjourned into closed session at 9:02 a.m. The Board adjourned from closed session at 9:06 a.m. Mr. Keller then admitted all guests that were in the Zoom “waiting room” before continuing on to the other agenda items scheduled in this meeting.

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

No reportable action taken.

RAINBOW IX WATER BANK PROJECT –

a. Public Hearing for Proposed Mitigated Negative Declaration for Rainbow IX Water Bank Project

President Borba officially opened the public hearing at 9:07 a.m. and informed the Board and guests that we received rather detailed written comments from for the CEQA Public Hearing for Proposed Mitigated Negative Declaration for Rainbow IX Water Bank Project by the deadline last Friday. President Borba then closed the public hearing at 9:09 a.m. Action on this item was tabled until next month’s meeting to allow time for those comments to be reviewed.

PUBLIC COMMENTS – President Borba asked if there was any public comment. There was none at this time.

APPROVAL OF THE MINUTES

M/S/U Gisler, McCowan to approve the Minutes of the Board of Directors Regular Meeting held June 8, 2021 as presented.

AUTHORIZATION TO PAY BILLS

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

MONTHLY REPORTS – Financial Reports: The Treasurer included in the Board meeting packet the May 2021 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period. It was noted that these reports are considered preliminary but also reported that additional year-end entries made as a result of 2020 audit have already been entered as prepared by Cuttone & Mastro CPAs, who is wrapping up the last of their tasks and we should expect to see that item on next month’s agenda.

The Board deferred acceptance of the financial reports to a future meeting.

Administration Report: Nothing new to report.

Operations/Water Report: Mr. Keller shared that the U.S. Bureau of Reclamation (Bureau) Class 1 water supply allocation to the Friant Division remains at 20%. He then reviewed the schedule as well as proposed water rate breakdown for this limited supply before making the recommendation that the Board consider \$285.00/acre-ft. After much

discussion, the Board moved forward with a plan similar to 2020 where they will offer an allocation of groundwater recharge credits to eligible Supplemental rate parcels and then offer irrigation deliveries to eligible parcels that have access to the District's distribution system for an amount that covers the cost of delivering that water.

Although the Ditch Company entitlement water supply for Shareholders was discussed briefly, it was noted that we are awaiting more information that should be presented at the Tule River Association (TRA) meeting scheduled for later this week.

M/S/U McCowan, Gisler to 1) allocate the 2021 District's Bureau Class 1 water supply as groundwater recharge credits for \$285.00/acre-ft to all assessed land subject to the Supplemental rate (more specifically those parcels that are 5.0 acres or more plus any smaller parcels that have an agreement in place with the District to be included in the Supplemental billing rate) on a voluntary basis to those that wish to participate and with any unclaimed credits being re-allocated amongst those eligible and that request to purchase additional credits; 2) and the allocated recharge credits available only to accounts in good standing and Assessments current.

M/S/U McCowan, Gisler to 1) set the 2021 irrigation season to start Thursday, July 16th (with the exception of those ditches managed by LTRID that are NOT scheduled to run this year) and will endeavor to keep the system running for 3 weeks, if possible; 2) set the 2021 irrigation water rate at \$50.00/acre-ft for irrigation water (no banking or recharge at this time); 3) set the 2021 Sharewater water rate at \$18.67/acre-ft, however details for the District managed Ditch Company entitlement supply for Sharewater have not yet been determined so options for running that water remain undeclared at this time; 4) and all surface or Sharewater water available only to accounts in good standing and Assessments current.

Status Report of Authorities: DCTRA, TRA, VAWC & FWA: President Borba gave a brief update on current topics for Friant Water Authority (FWA) and TRA.

Eastern Tule Groundwater Sustainability Agency (ETGSA): President Borba reminded fellow Board members and guests about another Public Workshop scheduled for Tuesday, July 20th at the Porterville Fairgrounds from 2:00 p.m. to 4:00 p.m.

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

Future Planning: Nothing new to report.

Mr. Keller suggested that we adjourn into closed session with District Legal Counsel. All guests were moved to the Zoom "waiting room" at 9:42 a.m.

Pursuant to Government Code Sections 54956.9 and 54957.6, the Board adjourned into closed session at 9:43 a.m. The Board adjourned from closed session at 10:00 a.m. Mr.

Keller then admitted all guests that remained in the Zoom “waiting room” to rejoin the meeting.

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.

PUBLIC EMPLOYMENT – General Manager – [Government Code Section 54957.6]

No reportable action taken.

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

Any reportable action taken has been noted individually on closed session items above.

ADJOURNMENT –President Borba adjourned the meeting at 10:01 a.m.



Jody A. Griswold-Bratcher, Secretary