



**Minutes of Regular Meeting, Board of Directors  
August 14, 2018**

The Board of Directors of the Porterville Irrigation District met this day in regular session at the District office located at 22086 Avenue 160, Porterville, California.

**CALL TO ORDER**

President Borba called the meeting to order at 9:06 a.m.

**ATTENDANCE**

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

**DIRECTORS ABSENT:** Gisler

**OTHERS PRESENT:** Sean P. Geivet, District Manager  
Jody A. Griswold-Bratcher, District Secretary  
Dennis R. Keller, District Engineer  
Dave Dorrance, Sun World International  
Allan Lombardi  
John Simmerman  
Bill Wallace  
Matt Kidder  
Tom Barcellos  
Kathy Briano  
Michael DePaoli  
Tom O'Sullivan  
Terry Schuler

**AGENDA** – Manager Geivet noted stated that we need to consider amending the April Minutes to replace the standard motion by Director Chambers, seconded by Director McCowan, unanimously carried (*"to accept the Engineer's Report, setting the Public Hearing date, and authorize the preparation and mailing of the ballots around May 1<sup>st</sup>"*) with a Resolution (proposed #2018-04-02) that is required per Government Code § 53750 et seq and Article XIII of the California Constitution.

M/S/U Chambers, Witzel to amend today's agenda to include approval of amended Minutes of the Board of Directors Regular Meeting held April 10, 2018 to replace a standard motion by Director Chambers, seconded by Director McCowan, unanimously carried (*"to accept the Engineer's Report, setting the Public Hearing date, and authorize the preparation and mailing of the ballots around May 1<sup>st</sup>"*) with Resolution #2018-04-02 as presented.

**PUBLIC COMMENTS** – President Borba asked if there was any public comment.

District landowner Tom O'Sullivan asked the Manager and Board to consider formation of a Water Advisory Committee, or something similar, that would meet to discuss water supply issues and report monthly at the Board meetings thereby allowing more involvement from water users and landowners in the discussions about supply and other water related topics. Manager Geivet suggested if this idea were to move forward, that this committee could be comprised of two Directors and several water users/landowners and would allow other interested parties to attend, but cautioned that a large committee or allowing too much public input could hinder the process. If organized well, this could be a beneficial tool for the Board and the District.

District landowner John Simmerman expressed his disagreement with the parcel size cutoff for the recent 218 election process. It was noted that the cutoff was selected in part by the U.S. Bureau of Reclamation (Bureau) guidelines in our water supply contract that identifies parcels that are less than five (5) acres as Municipal & Industrial and not Agricultural land.

Landowner Schuler inquired about the status of the P1 pipeline replacement and repairs scheduled in coming weeks. The Manager noted that we postponed this work until September in hopes of allowing customers affected to utilize surface water during the higher irrigation demand months of the summer. Current plans are to shut down at the end of August to allow the ground to dry out before the contractor begins work in September.

## **APPROVAL OF THE MINUTES**

M/S/U McCowan, Chambers to approve the Minutes of the Board of Directors Regular Meeting held July 10, 2018 as presented.

M/S/U McCowan, Chambers to approve the Minutes of the Board of Directors Special Meeting held July 16, 2018 as presented.

As discussed above, the Agenda has been amended to include approval of an amendment to the April 2018 Minutes to replace the 218 Process motion with Resolution #2018-04-02 as required per Government Code § 53750 et seq and Article XIII of the California Constitution.

M/S/U McCowan, Witzel to approve amendment of the Minutes of the Board of Directors Regular Meeting held April 10, 2018 to replace the 218 Process motion with Resolution #2018-04-02 as presented.

## **AUTHORIZATION TO PAY BILLS**

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

Manager Geivet introduced District Engineer, Dennis R. Keller. In interest of maximizing Mr. Keller's time, the Manager suggested that we move to the Election Results and return to the District reports later in the meeting.

**ELECTION RESOLUTION – The Board will consider adoption of a resolution which certifies the results of the Proposition 218 assessment ballot election, considers setting the amount of an initial supplemental assessment and considers adopting a schedule of fee increases thereto**

Engineer Keller reviewed his affidavit certifying the Proposition 218 election results with the Board and guests. He then reviewed the resolution for their consideration that directs District staff to implement the supplemental assessment effective for the 2018-19 assessment, representing 2019 revenue.

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

***RESOLUTION NO. 2018-08-01***

***RESOLUTION CERTIFYING THE RESULTS OF A PROPOSITION 218 ASSESSMENT  
BALLOT ELECTION AND AS A RESULT SETTING AMOUNT OF THE DISTRICT'S  
STANDBY CHARGE, ADOPTING A SCHEDULE OF INFLATIONARY FEE INCREASES  
THERE TO***

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

***WHEREAS,*** the District has been charging the current standby charge since 1965-1966; and

***WHEREAS,*** in 1988, the legislature adopted the Uniform Standby Charge Procedures Act at Government Code § 54984, et seq. ("Uniform Act") to, among other things, avoid having to amend numerous acts to increase the maximum standby charge permitted by law; and

***WHEREAS,*** pursuant to the Uniform Act, the District established a standby charge of \$29.00 per acre; and

***WHEREAS,*** the current maximum amount of the standby charge, after adjustment, is \$29.00; and

***WHEREAS,*** this Board has determined that it is necessary and in the best interests of the District to increase the District's Standby Charge, adopt a schedule of inflationary fee increases thereto; and

***WHEREAS,*** in accordance with the Board's determination, the District called for and held a Proposition 218 hearing and election on July 16, 2018; and

**WHEREAS,** in accordance with the provisions of Proposition 218, the Uniform Act and District Resolution No. 2018-04-02, the District mailed notice of the hearing and ballots to those permitted by law to vote on the proposed changes; and

**WHEREAS,** in accordance with the provisions of Proposition 218 and District Resolution No. 2018-04-02, the ballots on the proposed change have been received, collected and tabulated; and

**WHEREAS,** the landowners in the District have approved the imposition of the increased Standby Charge and the schedule of inflationary fee increases thereto.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE PORTERVILLE IRRIGATION DISTRICT** do hereby resolve, declare and order as follows:

- 1) **Election Results.** In accordance with the provisions of Proposition 218, the Uniform Act and Board Resolution No. 2018-04-02, a disinterested party of voting age, one Dennis R. Keller, oversaw and tabulated all ballots received. As further described in Mr. Keller's "Affidavit Certifying Election Results For An Increase In The District's Standby Charge And Schedule Of Inflationary Fee Increases Thereto," which is on file with the District and attached to this resolution as Exhibit A, the results of said election are as follows:

<b>Total Ballots Mailed To Landowners:</b>	<b>193</b>
<b>Total Ballots Received by District before the close of the Public Hearing:</b>	<b>96</b>
<b>Total Ballots Received by District after the close of the Public Hearing:</b>	<b>1</b>
<b>Total Number of Ballots Rejected:</b>	<b>3</b>
<b>Total Number of Potential Votes:</b>	<b>14,533.65</b>
<b>Total Number of Votes Received for the Standby Charge Increase:</b>	<b>9,406.14</b>
<b>Total Number of Votes Rejected for the Standby Charge Increase:</b>	<b>156.12</b>
<b>Total Number of Votes Supporting an Increase for the Standby Charge Increase:</b>	<b>6,445.99</b>
<b>Total number of Votes Opposing an Increase for the Standby Charge Increase:</b>	<b>2,804.03</b>
<b>Total Number of Votes Received for the</b>	

**Schedule of Inflationary Fee Increases: 9,746.02**

**Total Number of Votes Rejected for the  
Schedule of Inflationary Fee Increases: 156.12**

**Total Number of Votes Supporting an Increase  
for the Schedule of Inflationary Fee Increases: 6,556.52**

**Total number of Votes Opposing an Increase  
for the Schedule of Inflationary Fee Increases: 3,033.38**

- 2) **Imposition of the increase in the District Standby Charge and Schedule of Inflationary Fee Increases.** The results listed above demonstrate that a majority of properly cast votes were in support of the increase to the District Standby Charge and Schedule of Fee Increases thereto. Therefore, based upon those results and in accordance with the provisions of Proposition 218, the Uniform Act and Board Resolution No. 2018-04-02, the Board does hereby set the amount of the District Standby Charge and Schedule of Fee Increases thereto, which may be charged to parcels in the District immediately following tax year, as follows:

**A. District Standby Charge for 2018-2019**

For 2018-2019, the total amount to be collected under the Standby Charge is hereby set at \$95.58 per acre.

- 3) **Imposition of Schedule of Inflationary Fee Increases to the District Standby Charge.** The results listed above further demonstrate that a majority of properly cast votes were in support of the proposed future increase policy. Therefore, based upon those results and in accordance with the provisions of Proposition 218, the Uniform Act and Board Resolution 2018-04-02, this Board does hereby adopt the following schedule of maximum increases to the District Standby Charge:

- a. 2019: Increase of \$2.11; Total of \$97.69;
- b. 2020: Increase of \$2.14; Total of \$99.83;
- c. 2021: Increase of \$2.21; Total of \$102.04;
- d. 2022: Increase of \$1.95; Total of \$103.99; and
- e. 2023: Increase of \$2.02; Total of \$106.01.

- 4) **Staff Direction.** In accordance with this resolution and applicable law, this Board does hereby direct staff to take the appropriate steps necessary to ensure the imposition and collection of the assessments adopted herein.

***PASSED AND ADOPTED*** this 14<sup>th</sup> day of August 2018 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>

***ABSENT: Gisler***

**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 meeting thereof duly and regularly held at the office of the Porterville Irrigation District at Porterville, California on the 14th day of August 2018, 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 14th day of August 2018.

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

Attachments: Exhibit A: Affidavit Certifying Election Results

(A copy of the Attachment as approved is incorporated by reference in these minutes and is on file in the offices of the District).

**MONTHLY REPORTS – Financial Reports:** Treasurer Griswold-Bratcher reviewed with the Board the June 2018 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period. She reminded the Board that these reports are considered preliminary pending any additional year-end entries made as a result of the upcoming audit. BNY Mellon bank statement as of June 30, 2018 was also included in the meeting packet.

Mr. Geivet stated that the audit is still in progress but could be done in time for the September Board meeting. He noted that he would invite Mr. Mastro in to present the audit once it is ready for approval.

**Administration Report:** Nothing new to report beyond what was discussed earlier in the meeting.

**Operations/Water Report:** Manager Geivet stated that the 1,000 acre-ft of water for outside sales has been initiated with Westside Mutual Water Company via Kern-Tulare Water District as approved earlier this year. This water was sold at \$275.00/acre-ft. He also noted that some of the customer recharge water also approved has been run.

Extensive discussion on various topics such as length of season, allocation, pricing, etc. took place.

Tom Barcellos and Matt Kidder departed the Board room at 10:28 a.m. followed by John Simmerman and Dennis Keller shortly after at 10:40 a.m.

Water related discussion continued on Lower Tule River Irrigation District (LTRID) loss and channel loss.

Kathy Briano departed the Board room at 10:54 a.m.

Discussion continued on LTRID irrigation runs as well as the current plan for PID to continue running the Poplar East ditch even after LTRID turns off later this month. Manager Geivet shared that he anticipates running that system until the end of August or when PID supplies exhaust, whichever comes first.

Allan Lombardi departed the Board room at 11:06 a.m.

**Status Report of Authorities: DCTRA, TRA, VAWC & FWA:** Nothing new to report.

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

**Pipeline Project:** Both service areas are essentially done with a few small change orders being wrapped up now. Most customers can run, however not all have hooked into the new system.

**BOARD OF EQUALIZATION – Consider setting a date and time for the Board of Equalization meeting**

M/S/U McCowan, Chambers to set the Board of Equalization meeting for September 11, 2018 starting at 9:00 a.m.

Dave Dorrance departed the Board room at 11:11 a.m.

**WATER SUPPLY – Consider designating water supplies for transfer, recharge and/or irrigation**

This item was discussed and tabled earlier in the meeting.

Manager Geivet 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 action taken.

**ITEMS TO BE DISCUSSED PURSUANT TO GOVERNMENT CODE SECTION 54954.2 (RELATING TO ITEMS NOT APPEARING ON THE AGENDA)**

Nothing to report.

**ADJOURNMENT** –President Borba adjourned the meeting at 11:18 a.m.



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Jody A. Griswold-Bratcher, Secretary



**PORTERVILLE IRRIGATION DISTRICT**

**AFFIDAVIT CERTIFYING ELECTION RESULTS FOR AN INCREASE  
IN THE DISTRICT'S STANDBY CHARGE AND SCHEDULE OF  
INFLATIONARY FEE INCREASES THERETO**

STATE OF CALIFORNIA   )  
  )  
  )  
COUNTY OF TULARE     )

The undersigned, begin first duly sworn, says:

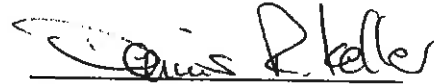
That in accordance with authority and responsibilities assigned to me by the Board of Directors in accordance with Article XIII of the California Constitution, the Proposition 218 Omnibus Implementation Act, and Resolution 2018-04-02 of the Board of Directors of the District, I personally attest and swear upon penalty of perjury to the following, which I completed myself or had completed under my direct supervision:

- 1) On July 16, 2018, after the conclusion of the Public Hearing on the matter and the deadline for submission of ballots on the issue of whether the District should adopt an increase to the District's Standby Charge and adopt a schedule of inflationary fee increases thereto, I collected all the ballots cast in preparation for tabulating the ballots.
- 2) I then proceeded to tabulate the ballots in accordance with the provisions of Board of Directors' Resolution No. 2018-04-02, Government Code sections 53750 *et seq* and Article XIII of the California Constitution.
- 3) The results of that tabulation showed the following:
  - A) The Total Number of Ballots mailed to potential voters was 193.
  - B) The Total Number of Ballots Returned before the close of the Public Hearing was 96.
  - C) The Total Number of Ballots Returned after the close of the Public Hearing was 1.
  - D) The Total Number of Ballots Rejected in accordance with the provisions of Board of Directors' Resolution No. 2018-04-02, Government Code sections 53750 *et seq* and Article XIII of the California Constitution was 3.

- E) In accordance with ballot weighing provisions of Board of Directors' Resolution No. 2018-04-02, Government Code sections 53750 *et seq* and Article XIII of the California Constitution, the maximum number of potential votes was 14,533.65 for the Standby Charge increase and 14,533.65 for the schedule of inflationary fee increases.
- F) The actual number of votes received for the Standby Charge increase during the voting time period was 9,406.14.
- G) The number of votes rejected for the Standby Charge increase in accordance with paragraph C above was 156.12.
- H) The number of votes cast in favor of the Standby Charge increase was 6,445.99.
- I) The number of votes cast against the Standby Charge increase was 2,804.03.
- J) The actual number of votes received for the schedule of inflationary fee increases was 9,746.02.
- K) The number of votes rejected for the schedule of inflationary fee increases in accordance with paragraph C above was 156.12.
- L) The number of votes cast in favor of the schedule of inflationary fee increases was 6,556.52.
- M) The number of votes cast against the schedule of inflationary fee increases was 3,033.38.
- 4) As a result of the above voting tabulation and in accordance with the provisions of Board of Directors' Resolution 2018-04-02, Government Code section 53750 *et seq* and Article XIII of the California Constitution, the increase in the District's Standby Charge is deemed to have passed.
- 5) As a result of the above voting tabulation and in accordance with the provisions of Board of Directors' Resolution 2018-04-02, Government Code section 53750 *et seq* and Article XIII of the California Constitution, the schedule of inflationary fee increases is deemed to have passed.
- 6) The tabulation of ballots as herein described was carried out under my direct supervision and I was assisted by Sean P. Geivet, Nicholas I. Keller and Jody A. Griswold-Bratcher in carrying out the task.

I CERTIFY and ATTEST under penalty of perjury that the foregoing is true and correct.

Executed at Porterville, California, this 14<sup>th</sup> day of August, 2018.

A handwritten signature in black ink, appearing to read "Dennis R. Keller", is written over a horizontal line.

Dennis R. Keller  
District Engineer