



**Minutes of Regular Meeting, Board of Directors
October 12, 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, Chambers, Gisler, Witzel

DIRECTORS ABSENT: McCowan

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

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

RESOLUTION INITIALLY AUTHORIZING REMOTE TELECONFERENCE MEETINGS –

- a. **Consider adoption of Resolution 2021-10-01 initially authorizing remote teleconference meetings under AB361**

District Legal Counsel, Brett Stroud, requested that this item be addressed before continuing with the balance of the meeting topics. He briefly explained AB361 and the purpose of this action.

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

RESOLUTION NO. 2021-10-01

***RESOLUTION INITIALLY AUTHORIZING 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 authorize 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 12th day of October 2021 by the following vote:

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

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 12th day of October 2021, at which meeting a quorum of said Board of Directors was at all times present and acting, and

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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 12th day of October 2021.

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

BOARD OF EQUALIZATION – Review and consider adopting 2021-10-02 approving the 2021-22 Assessments

The Board of Directors of the Porterville Irrigation District, acting as Board of Equalization, called the meeting to order at 9:02 a.m.

The Assessor/Collector directed the Board's attention to a report reflecting changes to the Assessed Valuations for the 2021-22 Assessment year. She reviewed some changes in the list of parcels as well as noted several that will be moved to the City of Porterville (City) list for billing that fall under the 1996 agreement with the City, which includes a new subdivision just East of Westwood and North of the Tule River.

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

RESOLUTION NO. 2021-10-02

***RESOLUTION TO APPROVE THE ASSESSMENT FOR 2021-22 FOR
PORTERVILLE IRRIGATION DISTRICT***

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

WHEREAS, Jody A. Griswold-Bratcher, Assessor of the District, has filed the Assessment Book for assessment year 2021-22 showing the Assessed Valuation of \$1,481,397 for individual billed parcels, plus \$136,402 for properties covered under the Agreement between the City of Porterville and the District concerning City payment in-lieu assessments, for a total Assessed Valuation of \$1,617,799; and

WHEREAS, no person has requested, in person or in writing, an equalization of the assessed valuation of their property; and

NOW, THEREFORE, BE IT RESOLVED that the assessments for the assessment year 2021-22 heretofore prepared and filed with the Secretary by the Assessor are approved.

PASSED AND ADOPTED this 12th day of October 2021 by the following vote:

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

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 12th day of October 2021, 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 12th day of October 2021.

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

The Assessor/Collector also reviewed a landowner request to change the Assessment rate of a parcel that currently has a portion billed at the higher Supplemental Assessment rate since the entire parcel is 5 acres or more. The customer's letter points out that a portion of the parcel is not assessed at all since it includes a portion of the Tule River and has been deemed long ago as not useable and therefore is not assessed by the District. She further explains that the assessed portion is actually less than 4 acres, so she is requesting that the Board assess the usable property at the original \$29.00/acre rate. The Assessor/Collector noted that this change does NOT affect the Assessed Valuation totals that were addressed on the list reviewed earlier. The Board concurred and directed District staff to change the assessed rate of 3.80 acres of APN 236-130-052 for the upcoming Assessment billing to \$29.00/acre.

There being no further business to come before the Board of Equalization, President Borba adjourned the hearing at 9:06 a.m.

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

District landowner Michael Hagman addressed the Board about some P1 pipeline issues. He also asked to be placed on the District's water users distribution list for future irrigation season updates.

APPROVAL OF THE MINUTES

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

Mr. Keller suggested that we adjourn into closed session with District Legal Counsel, Brett Stroud. All other guests were moved to the Zoom “waiting room” at 9:13 a.m.

Pursuant to Government Code Section 54956.9, the Board adjourned into closed session at 9:14 a.m.

Mr. Stroud moved to the waiting room and District Consulting Legal Counsel Aubrey Mauritson joined the online Board Zoom meeting still in closed session at 9:22 a.m.

The Board adjourned from closed session at 9:37 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.

**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**

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

PUBLIC HEARING – ROCKFORD WATER BANK PROJECT

**a. Public Hearing for Proposed Mitigated Negative Declaration for
Rockford Water Bank Project**

President Borba officially opened the public hearing at 9:37 a.m. and informed the Board and guests that we received written comments for the CEQA Public Hearing for the Proposed Mitigated Negative Declaration for the Rockford Water Bank Project by the deadline last Friday. President Borba then closed the public hearing at 9:39 a.m. Action on this item was tabled until next month’s meeting to allow time for those comments to be reviewed.

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

RESOLUTION NO. 2021-10-03

***RESOLUTION TO ADOPT A MITIGATED NEGATIVE DECLARATION
FOR THE ROCKFORD WATER BANK PROJECT***

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

WHEREAS, the Board of Directors of the Porterville Irrigation District has published, posted or mailed the Notice of Intent to adopt a Mitigated Negative Declaration as required by law; and

WHEREAS, on October 12, 2021, a public hearing was held on the proposed Mitigated Negative Declaration; and

WHEREAS, after considering the matter, the Board of Directors of the District finds that the Rockford Water Bank Project will have no significant impact on the environment, the proposed Mitigated Negative Declaration reflects the District's independent judgment and that the District's record regarding the proposed project will be maintained at its office.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the District, that the District hereby adopts the Mitigated Negative Declaration, a copy of which is attached hereto as Exhibit A, and authorizes the execution and filing of same.

BE IT FURTHER RESOLVED, that the District staff may take all other necessary and appropriate steps to complete the environmental review process for the project; and

BE IT FURTHER RESOLVED, that the proposed Project defined as Rockford Water Bank Project is approved and may proceed to construction.

PASSED AND ADOPTED this 12th day of October 2021 by the following vote:

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

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 12th day of October 2021, 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 12th day of October 2021.

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

AUTHORIZATION TO PAY BILLS

M/S/U Chambers, Witzel 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 August 2021 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period.

M/S/U Gisler, Chambers 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 new website (Enclosure #9.B.1.). She noted that the website has been live for 2 months, but we just introduced it to some customers and interested parties with their recent Board meeting notices. We will include an official introduction with future Assessment and water billings. This report shows the site's traffic and other stats. The Manager has asked that this report be included in the Board packet on a quarterly basis. At this time, the website includes meeting Agendas going back to January 2020 and Board approved Minutes (going back to January 2018). We have also been able to make available the larger files associated with the recent banking projects.

Also included in the meeting packet was the annual Liability, Property, and Workers' Compensation Risk Assessment from our carrier ACWA JPIA (Enclosure #9.B.2.). This letter includes an overview of the District's policies as well as the results of District staff interviews and tour of select District facilities by our assigned Risk Control Advisor on his recent visit in late August.

Enclosure #9.B.3. of this month's meeting packet is the recent billing from ACWA for the 2022 Annual Agency Dues that includes for the Board's information the cover letter for that billing that outlines the benefits and services that member dues facilitate.

Operations/Water Report: Mr. Keller shared with the Board and guests an update on the repairs to the damaged bridge at Avenue 160/Road 208.

Discussion moved to Ditch Company entitlement water supply for Shareholders. Mr. Keller reported that we recently obtained the final delivery totals from the headmaster. Deliveries for July 2021 totaled 994.70 acre-ft and August 2021 recorded 1,447.60 acre-ft for a total Sharewater delivery of 2,442.30 acre-ft. This represents 45.39% of a full allocation for Shareholders and will be allocated and billed by District staff later this week.

Status Report of Authorities: DCTRA, TRA, VAWC & FWA: Engineer Keller brought to the Board's attention a recent news release from the U.S. Bureau of Reclamation and Friant Water Authority (Enclosure #9.D.) with news about moving

forward with the first phase of Friant-Kern Canal repairs. He also gave an update on current topics for Deer Creek and Tule River Authority (DCTRA).

Eastern Tule Groundwater Sustainability Agency (ETGSA): President Borba shared a brief update on ETGSA news noting the start of a new water year and a new water rate to be determined later this month with the next billing slated for November.

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

Future Planning: Nothing new to report.

DRAFT FACILITY REPORT – LOS ROBLES WATER BANK

- a. **Overview of Los Robles Water Bank Project Draft Facility Report by Homer LLC**

DRAFT FACILITY REPORT – BURNS WATER BANK

- a. **Overview of Burns Water Bank Project Draft Facility Report by Homer LLC**

DRAFT FACILITY REPORT – JONES WATER BANK

- a. **Overview of Jones Water Bank Project Draft Facility Report by Homer LLC**

Engineer Keller noted the above three projects are in the works and we should expect to see more on them on future agendas.

ADJOURNMENT –President Borba adjourned the meeting at 9:57 a.m.



Jody A. Griswold-Bratcher, Secretary