



**Minutes of Regular Meeting, Board of Directors
December 10, 2019**

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 9:00 a.m.

ATTENDANCE

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

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean P. Geivet, District Manager
Jody A. Griswold-Bratcher, District Secretary
Terry Schuler
Dave Dorrance, Homer LLC
Allan Lombardi
Jason Phillips, Friant Water Authority CEO

AGENDA – No changes or additions were made to the agenda.

PUBLIC COMMENTS – President Borba asked if there was any public comment. Manager Geivet did bring to the Board's attention a customer letter included in the meeting packet regarding the new supplemental assessment for his 10-acre parcel.

APPROVAL OF THE MINUTES

M/S/U Gisler, McCowan to approve the Minutes of the Board of Directors Regular Meeting held November 12, 2019 as presented.

AUTHORIZATION TO PAY BILLS

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

MONTHLY REPORTS – Financial Reports: Treasurer Griswold-Bratcher reviewed with the Board the October 2019 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period. The Local Agency Investment Fund (LAIF) statement for October 2019 reflecting interest earned in the 3rd Quarter 2019 of \$8,299.20 was also included in the meeting packet.

Manager Geivet answered Director questions regarding topics included in the District's legal counsel November billing.

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

Allan Lombardi entered the Board room at 9:05 a.m.

Administration Report: Included in the meeting packet was a customer email (Item #5.B.1.) requesting guidance for the value of her family's Gilliam-McGee Ditch Company shares. The Manager reviewed the scenarios for transfer of ditch company shares: 1) if sold with the property, the District is not involved beyond updating change of ownership for both property and shares in their records, or 2) if the shares are sold without the property, then the District is given the first right of refusal. It was noted that the Agreements with the Ditch Companies each say the District's first right of refusal would be at the "same price, terms, and conditions as those offered by any bona fide proposed Purchaser produced by that shareholder...". These transactions do not occur often and in the past, it was considered advantageous to the District to purchase these shares when the chance arose. Mr. Geivet shared his pricing opinion given to customers trying to determine their potential value based upon Class 1 water pricing and similar transfers from Pioneer Water Company. This customer shared that she is getting interest in the property as well as the shares and asked if the District is interested in buying her shares at this time. He asked for guidance from this Board to help steer future inquiries and possible negotiations like this where the District has either been offered to directly purchase the shares or in the event that the District is presented with a bona fide sale and chooses to exercise their first right of refusal option.

Upon motion by Director Gisler, seconded by Director Witzel, The Manager is authorized to negotiate on behalf Porterville Irrigation District to pay up to \$750.00 (seven hundred fifty dollars) per acre-ft of share water available to each share being offered for sale.

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

Also included in the meeting packet was a letter from the District in response to the Tulare County Civil Grand Jury's public records request of the total number of delinquent accounts and total dollar amount for those over 90 days. Mr. Geivet noted that all districts received the same inquiry. The Board asked the Manager to develop a collection policy for the Board's review.

Manager Geivet then directed the Board's attention to Item #5.B.3. for the 2020 fees for the District's legal counsel.

Operations/Water Report: The Manager reviewed the District's water schedule as reported to the U.S. Bureau of Reclamation (Bureau) as well as the recap provided in

regards to District billings for the year thus far. Discussion moved to the Tule River water currently being released. It was noted that this water should be made available to landowners as recharge water. Mr. Geivet recommended that we wait until the release is complete before sending an email notification to customers with the opportunity to purchase on a prorate-by-acres-of-those-ordered basis.

Manager Geivet also reviewed Fall groundwater measurements readings as well as their comparison to Fall 2018 noting that each well measured showed improvement from the prior year.

Status Report of Authorities: DCTRA, TRA, VAWC & FWA: The Manager noted that we are expecting a visit from Jason Phillips, Friant Water Authority (FWA) Chief Executive Officer later this morning and suggested that we table this item until his arrival.

Eastern Tule Groundwater Sustainability Agency (ETGSA): President Borba reminded the Board and guests that ETGSA recently announced that they have posted the proposed draft of the Groundwater Sustainability Plan (GSP) for 90-day public review. The public hearing concerning the adoption of the proposed GSP is scheduled for December 16th at 2:00 p.m. at the Porterville City Hall, 291 N. Main Street, Porterville, CA 93257.

Future Planning: Mr. Geivet noted that the Feasibility Study on the prospective Northwest Service Area (SA4) is done. Once the final study is released, we can reach out to the affected landowners for feedback on how to proceed. In the meantime, the engineers will be on the lookout for possible grants to aid funding of the project.

Jason Phillips entered the Board room at 10:34 a.m.

Status Report of Authorities: FWA: The Manager and President talked briefly about the positive turnout and topics covered at the recent FWA Board of Director's Annual Retreat held November 18-20 in Pismo Beach, CA. They noted it was a great social event as well as building a community feel in the Friant system. They then turned over the meeting to Mr. Phillips who also shared updates on several hot topics faced by water agencies and Friant specifically.

Terry Schuler departed the Board room at 11:35 a.m.

Discussion continued... Mr. Phillips touched on the San Joaquin Valley Blueprint, subsidence issues, SGMA, funding options, proposed Title Transfer of defined Friant Division/CVP facilities as well as water quality to name a few.

Jason Phillips and Allan Lombardi departed the Board room at 12:02 p.m.

TULE RIVER – FRIANT KERN WATER BANK PROJECT - Consider Approval of Resolution No. 2019-12-01, approving Addendum to the Tule River – Friant Kern Canal Water Bank Project.

Mr. Geivet brought the Board's attention to an addendum to the Tule River – Friant Kern Canal Water Bank Project as approved by the District's legal counsel.

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

RESOLUTION NO. 2019-12-01

RESOLUTION OF APPROVAL OF ADDENDUM TO ADOPTED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PORTERVILLE IRRIGATION DISTRICT TULE RIVER-FRIANT KERN CANAL WATER BANK

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

WHEREAS, the District caused a notice of intent to adopt an initial study/mitigated negative declaration for the Tule River-Friant Kern Canal Water Bank (the "Project") to be, among other things: (a) published in a newspaper of general circulation in the area affected by the Project, The Porterville Recorder, on August 19, 2019; (b) delivered to the Tulare County Clerk on September 17, 2019 for public posting for 30 days; and (c) delivered to the State Clearinghouse, along with 15 copies of the Draft IS/MND, for distribution to state agencies on August 19, 2019; and

WHEREAS, on September 17, 2019, pursuant to the California Environmental Quality Act, Public Resources Code § 21000 et seq. (CEQA), and the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, § 15000 et seq. (Guidelines), the District adopted the Initial Study/Mitigated Negative Declaration (the "IS/MND") for the Project and adopted the Project (SCH # 2019089059);

WHEREAS, in accordance with CEQA, including but not limited to Sections 15162 and 15164 of the Guidelines, the District has prepared an Addendum to the IS/MND dated December, 2019, and referred to as "Addendum No. 1", which is incorporated herein by this reference, for the purpose of evaluating a possible change to the mitigation measures relating to the Project;

NOW, THEREFORE, BE IT RESOLVED by this Board of Directors of Porterville Irrigation District as follows:

1. The foregoing findings are true and correct.

2. This Board finds and certifies that:

(a) The IS/MND was prepared in compliance with CEQA.

(b) The above referenced Addendum No. 1 has been prepared in compliance with CEQA.

(c) The Addendum No. 1 was presented to this Board, as the decision-making body of Porterville Irrigation District, and this Board has reviewed and considered the information contained in the Addendum No. 1 and the IS/MND.

(d) The changes or additions to the Project described in the Addendum No. 1 are necessary and none of the conditions described in Section 15162 of the Guidelines for preparation of a subsequent EIR or negative declaration have occurred, and it is appropriate to prepare the Addendum No. 1.

(e) The Addendum No. 1 includes an explanation of the reasons not to prepare a subsequent EIR or negative declaration.

(f) The Project as modified by the Addendum No. 1 is not expected to result in any substantial increase in the severity of previously identified effects or any new, unmitigated significant environmental impacts.

3. The Board hereby adopts and certifies the Addendum No. 1 for the Project.

4. The District's staff and consultants are authorized and directed to do all things necessary to carry out the certification and approval of the Addendum, including without limitation filing a Notice of Determination pursuant to CEQA and the Guidelines.

PASSED AND ADOPTED this 10th day of December 2019 by the following vote:

<i>AYES:</i>	<i>Borba, Gisler, Chambers, McCowan, Witzel</i>
<i>NOES:</i>	<i>None</i>
<i>ABSTAIN:</i>	<i>None</i>
<i>ABSENT:</i>	<i>None</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 meeting thereof duly and regularly held at the office of the Porterville Irrigation District at Porterville, California on the 10th day of December 2019, 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 10th day of December 2019.

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

INJURY & ILLNESS PREVENTION PROGRAM – Consider adopting the draft Injury and Illness Prevention Program.

M/S/U Chambers, Witzel to adopt the Porterville Irrigation District Injury and Illness Prevention Program as presented.

HEAT ILLNESS PREVENTION PROGRAM – Consider adopting the draft Heat Illness Prevention Program.

M/S/U Chambers, Witzel to adopt the Porterville Irrigation District Heat Illness Prevention Program as presented.

Allan Lombardi returned to the Board room at 12:08 p.m.

LETTER OF AGREEMENT – Consider authorizing the execution of a Letter of Agreement with the USBR to review a project to install a new turnout on the Friant-Kern Canal.

Manager Geivet reviewed the letter of agreement from the U.S. Bureau of Reclamation (USBR) regarding the proposed addition of a turnout on the Friant-Kern Canal (FKC or Canal) for the City of Porterville (City). He also noted that the District is considered the applicant since we are the ones with the contract with USBR, but this turnout is being installed by the City to provide water to a recharge basin adjacent to the Canal when surplus supplies are available. Mr. Geivet stated there is a second turnout being considered that would be a project the District will likely want a share of the capacity.

M/S/U Chambers, Gisler to authorize the Manager to execute a Letter of Agreement (Contract No. 19-LC-20-2590) on behalf of the Porterville Irrigation District with the U.S. Bureau of Reclamation to install a new turnout on the Friant-Kern Canal; as well as the additional turnout that has yet to be assigned a contract number.

The Manager 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.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Government Code Section 54956.9] (2 Cases)

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 12:12 p.m.



Jody A. Griswold-Bratcher, Secretary