



**Minutes of Regular Meeting, Board of Directors
May 10, 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, Gisler, McCowan*, Witzel

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean P. Geivet, *District Manager*
Nick Keller, *District Engineer/Acting Manager*
Jody A. Griswold-Bratcher, *District Secretary-Treasurer, Assessor/Collector*
Numerous guests via Zoom and One tap mobile
**entered the meeting at 9:20 a.m.*

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

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

- a. Consider adoption of Resolution 2022-05-01 renewing use of
remote teleconference meetings under AB361**

Manager Geivet reminded everyone that we will need to renew this action each month.

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

RESOLUTION NO. 2022-05-01

***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 10th day of May 2022 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 10th day of May 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 10th day of May 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. There were none at this time.

APPROVAL OF THE MINUTES

Upon motion by Director Witzel, seconded by Director Chambers, the Board approved the Minutes of the Board of Directors Regular Meeting of April 12, 2022 as presented by the following vote:

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

AUTHORIZATION TO PAY BILLS

Upon motion by Director Chambers, seconded by Director Gisler, the Board authorized the Treasurer to pay all outstanding bills against the District as presented by the following vote:

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

MONTHLY REPORTS – Financial Reports: The Secretary-Treasurer included in the Board meeting packet the March 2022 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period. The Treasurer reminded the Board that these reports are still considered preliminary pending any additional 2021 entries made as a result of the upcoming audit.

Upon motion by Director Gisler, seconded by Director Witzel, the Board accept the preliminary financial reports as presented and to place the reports on file as presented by the following vote:

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

Administration Report: The Manager noted the inclusion of two letters in the meeting packet. Enclosure #6.B.1. is from Young Wooldridge LLP acknowledging that they will no longer serve as the District's General Counsel, but will remain on as needed on existing matters. Enclosure #6.B.2. is an engagement agreement from Ruddell, Stanton, Bixler, Mauritson & Evans LLP formalizing the relationship with the District.

Also included in the packet is a thank you letter from California Farm Water Coalition acknowledging our recent 2022 membership contribution (Enclosure #6.B.3.).

Operations/Water Report: District Engineer/Acting Manager Keller brought the Board and guests up to date on the District's water supply. He noted that the US Bureau of Reclamation's (USBR) initial Class 1 Allocation remains at just 15% for the 2022-23 water year. He then mentioned more water that could result in about 5% more, but not finalized at this point.

Mr. Geivet reported from an Ad Hoc meeting held earlier this month to discuss surface water allocation options for the future.

Director McCowan entered the Board meeting at 9:20 a.m.

Discussion continued on potential surface water allocations.

Status Report of Authorities: DCTRA, TRA, VAWC & FWA: Manager Geivet brought the Board and guests up to date on current DCTRA matters. Engineer Keller shared recent FWA news about a potential formula error in the O&M calculations for the past few years. He noted that they are researching the error and there will likely result in some districts receiving a bill while others should see a refund.

Eastern Tule Groundwater Sustainability Agency (ETGSA): Mr. Geivet reviewed ETGSA matters.

Success Reservoir Enlargement Project (SREP) Update: Director Gisler provided a brief update on the project's progress.

Future Planning: Nothing new to report, but it was noted that the grant application that was approved at last month's meeting for the Northwest Service Area (SA4) is ready for submission after approval of the resolution slated for later in today's meeting.

BANKING POLICY – Discussion on a revised Banking Policy

The Manager shared a draft Banking Policy, as was prepared for both Saucelito and Porterville Irrigation Districts, for review and discussion. He noted that this new policy has many of the elements required for the current banking agreement process in an effort to simplify future agreements. We may want to revisit existing agreements for revision once a new policy is adopted. Discussion continued and it was suggested that grower workshop be held to allow for grower education and input before a final policy is presented for approval.

2022 BUDGET; 2022 WATER RATE AND POLICY

a. Review and consider amending the 2022 Budget as adopted on 03/08/22

b. Review and consider setting water rate, water allocation, water season, and general water policy for the 2022 water run for a 45-day public review period

Manager Geivet reviewed with the Board his proposed water rates based upon the current 15% Class 1 allocation as set by the U.S. Bureau of Reclamation (Bureau) which is around 2,250 acre-ft. After much discussion, the Board moved to increase the proposed water rate from \$310.00 per acre-ft to \$400.00 per acre-ft and to commence a 45-60 day public review period before adoption.

M/S/U McCowan, Witzel to approve the 2021 PID Water Rate at \$400.00 per acre-foot; and to set a Public Hearing to review the water rates for July 12, 2022 at 9:00 a.m. at the District office; to publish the water rates and Public Hearing notice, after which the budget and water rate will be adopted.

2022 DIRECTOR ELECTIONS – Consider adopting a Resolution requesting and consenting to consolidation of election and setting forth the specifications of the election order

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

RESOLUTION NO. 2022-05-02

***RESOLUTION ORDERING EVEN-YEAR BOARD OF DIRECTORS
ELECTION; CONSOLIDATION OF ELECTIONS; AND
SPECIFICATIONS OF THE ELECTION ORDER***

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

WHEREAS, California Elections Code requires a general district election be held in each district to choose a successor for each elective officer whose term will expire on the first Friday in December following the election to be held on the first Tuesday after the first Monday in November in each even-numbered year; and

WHEREAS, other elections may be held in whole or in part of the territory of the district, and it is to the advantage of the district to consolidate pursuant to Elections Code § 10400; and

WHEREAS, Elections Code § 10520 requires each district involved in a general election to reimburse the county for the actual costs incurred by the county elections official in conducting the election for that district; and

WHEREAS, Elections Code § 13307(3c) requires that before the nominating period opens, the governing body must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and

WHEREAS, Elections Code § 12112 requires the elections official of the principal county to publish a notice of the election once in a newspaper of general circulation in the district;

NOW, THEREFORE, IT IS ORDERED that an election be held within the territory included in this district on the 8th day of November, 2022, for the purpose of electing members to the board of directors of said district in accordance with the follow specifications:

1. The Election shall be held on Tuesday, the 8th day of November, 2022. The purpose of the elections is to choose members of the board of directors for the following seats:

Porterville Irrigation District, Director, Division 2, Term: 12/02/2022-12/04/2026

Porterville Irrigation District, Director, Division 3, Term: 12/02/2022-12/04/2026

Porterville Irrigation District, Director, Division 4, Term: 12/02/2022-12/04/2026

2. This governing board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, as provided in Elections Code § 10400.
3. The district will reimburse the county for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
4. The district has determined that the Candidate will pay for the Candidate's Statement. The Candidate's Statement will be limited to 200 words.
5. The district directs that the County Registrar of Voters of the principal county publish the notice of election in the Porterville Recorder, which is a newspaper of general circulation that is regularly circulated in the territory.

PASSED AND ADOPTED this 10th day of May 2022 by the following vote:

AYES:	<i>Borba, Chambers, Gisler, McCowan, Witzel</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<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 Zoom meeting thereof duly and regularly held by the Porterville Irrigation District at Porterville, California on the 10th day of May 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 10th day of May 2022.

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

USBR DROUGHT GRANT – Consider adopting a Resolution authorizing application to the United States Department of the Interior, Bureau of Reclamation for fiscal year 2023 Drought Resiliency Project Funding Opportunity Announcement No. R23AS00005

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

RESOLUTION NO. 2022-05-03

***RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES
DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION FOR FISCAL YEAR
2023 DROUGHT RESILIENCY PROJECT FUNDING OPPORTUNITY
ANNOUNCEMENT NO. R23AS00005***

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

WHEREAS, a grant funding opportunity has been presented by the United States Department of the Interior, Bureau of Reclamation (USBR). The USBR WaterSMART Drought Response Program supports a proactive approach to drought by providing financial assistance to water managers to develop and update comprehensive drought plans and implement projects that will build long-term resilience to drought; and

WHEREAS, the Porterville Irrigation District (District), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the USBR all Notice of Funding Opportunity (NOFO) R23AS00005 (Grant) application materials pertaining to such Drought Response Program and agreements required;

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

6. That the Secretary-Treasurer/Assessor/Collector, Jody Griswold-Bratcher, Official Resolutions and the District Manager, Sean Geivet, are hereby authorized to execute for and on behalf of the Porterville Irrigation District this application and to file with the USBR for the purpose of obtaining certain federal financial assistance under Drought Response Program; and

7. The District Board of Directors are in support of the Grant application and the General Manager, Sean Geivet, has reviewed the Grant application being submitted; and
8. The District is capable of providing matching funds needed to fund the local cost share component in addition to the amount provided by the USBR, should the Grant be awarded to the District; and
9. If selected for the Grant, the District will work with the USBR to meet established deadlines for entering into a cooperative agreement.

PASSED AND ADOPTED this 10th day of May 2022 by the following vote:

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

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IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Porterville Irrigation District this 10th day of May 2022.

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

2021 FISCAL YEAR FINANCIAL STATEMENT – Review and consider placing the audited 2021 Financial Statement on file as prepared by Cuttone & Mastro CPA’s

The Manager noted that this item needs to be tabled to a future meeting.

Manager Geivet stated that we do not need to go into closed session at this time.

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.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –
[Government Code Section 54956.9(d)(1)] *Arvin-Edison Water Storage
District v. PID, PID Board and Homer LLC*, Kern County Superior Court,
Case No. BCV-22-100617**

No reportable action taken.

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

No reportable action.

ADJOURNMENT –President Borba adjourned the meeting at 11:16 a.m.



Jody A. Griswold-Bratcher, Secretary