



**Minutes of Regular Meeting, Board of Directors  
August 9, 2022**

The Board of Directors of the Porterville Irrigation District met this day in regular session. Consistent with Executive Order N-29-20 and social distancing directives, the meeting was conducted by teleconference from the District office at 22086 Avenue 160 in Porterville, California; with District representatives and a few guests on a limited space and first come/first served basis.

**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*  
Jody A. Griswold-Bratcher, *District Secretary-Treasurer, Assessor/Collector*  
Aubrey A Mauritsen, *District Legal Counsel*  
Numerous guests via Zoom and One tap mobile

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

**RESOLUTION RENEWING AUTHORIZATION OF REMOTE TELE-  
CONFERENCE MEETINGS – Consider adoption of Resolution 2022-08-01  
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 Chambers, the following Resolution was passed and adopted:

***RESOLUTION NO. 2022-08-01***

***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 9th day of August 2022 by the following vote:

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

#### **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 9th day of August 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 9th day of August 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.

Landowner O’Sullivan inquired about easements and rights for existing facilities for landowners and/or Shareholders that initially funded the projects. After the Manager responded to that inquiry, discussion moved to the status of the draft Banking Policy. Although slated for later in the meeting, Manager Geivet opted to skip to that topic now.

He noted that the policy has not changed much in recent weeks, but did mention that he owes a copy of the most recent draft to Arvin-Edison Water Storage District (AWESD) who will then have time to respond. He talked about adding language that could define landowner’s allocation... such as whether it is an individual’s owned parcels only or would it include those leased from another party.

Discussion continued with Manager Geivet and President Borba also explaining the criteria to become a banker includes agreements, initial and annual reports, fees, etc.

#### **APPROVAL OF THE MINUTES**

M/S/U Chambers, Gisler to approve the Minutes of the Board of Directors Regular Meeting of July 12, 2022 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:** The Secretary-Treasurer included in the Board meeting packet the June 2022 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period.

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

**Administration Report:** The Manager noted the inclusion of a revised Agenda for the upcoming Landowner Workshop that noted a change in venue. Due to a scheduling conflict at the Porterville Veteran’s Memoria Hall, District staff was able to secure a meeting room at the Porterville Church of the Nazarene, just down the road from the Veteran’s Hall. District staff were asked to mail a new post card notifying landowners of the change. They already had plans to post a sign at the original location directing any that may not have received the revised location email or postcard of the new location just down the road a bit.

Also included in the meeting packet as Enclosure #6.B.2. was a copy of the recently submitted Crop Report for 2021. Other informational inclusions to the packet were a list

of Ethics Training (Enclosure #6.B.3.) for Directors and subject staff reflecting that two Directors were due for their bi-annual training next month; and a thank you from California Farm Water Coalition (Enclosure #6.B.4.) for the District's recent contribution.

**Operations/Water Report:** Mr. Geivet noted Enclosure #6.C.1. in the meeting packet is the water rate record from 1994 to present. After some review, the Board asked District staff to include the Emergency Water rate in the 2014 and 2015 water years to be included on this historical record.

The Manager shared news that the U.S. Bureau of Reclamation (Bureau) Class 1 allocation increased to 30% since the last meeting. Add that to the additional Unreleased Restoration Flow (URF) water (1,343 acre-ft) brings our net available to roughly 39% of a full allocation. This Bureau water puts the District in the neighborhood of 5,840 acre-ft available for allocation and delivery.

The Manager speculates that we will be able to run through the 19<sup>th</sup>. He and staff will monitor supplies and keep customers apprised of the season end as soon as determined.

Discussion then moved the Enclosure # 6.C.2., which was a request from Landowner O'Sullivan to transfer 32.56 acre-ft of his 2022 PID allocation to Tea Pot Dome Water District (TPDWD). After some discussion, the conclusion is that in order to qualify for such a request, the landowner would need to be a banker with water banked in his account already. Since Mr. O'Sullivan does not currently meet that criteria, the Board will not be able to approve the request at this time.

M/S/U Gisler, Witzel to deny Landowner O'Sullivan's request to transfer a portion of his 2022 Porterville Irrigation District surface water allocation to Tea Pot Dome Water District.

**Status Report of Authorities: DCTRA, TRA, VAWC & FWA:** Manager Geivet brought the Board and guests up to date on numerous FWA topics.

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

**Success Reservoir Enlargement Project (SREP) Update:** The Manager gave a brief update on the status noting the project is making progress.

**Future Planning:** Manager Geivet reminded the Board and guests about the Landowner Workshop that is planned for August 16<sup>th</sup> and encouraged all interested parties to attend.

## **BANKING POLICY – Discussion on a revised Banking Policy**

This item was discussed earlier in the meeting.

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

M/S/U Gisler, Chambers to set the Board of Equalization meeting for September 13, 2022 starting at 9:00 a.m.

**FRIANT WATER AUTHORITY – Review and consider approving payment of \$82,963.85 for 25-Year Rolling Average Cost Allocation Correction for October 2019 through June 2022**

Mr. Geivet reviewed the Enclosure #9 with the Board and guests briefly recapping the events that led to this allocation correction.

M/S/U Chambers, Gisler to approve payment of \$82,963.85 to Friant Water Authority for 25-Year Rolling Average Cost Allocation Correction for October 2019 through June 2022 as presented.

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.

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

No reportable action.

**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.

**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 10:38 a.m.

  
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Jody A. Griswold-Bratcher, Secretary