



**Minutes of Regular Meeting, Board of Directors
January 10, 2023**

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, Gisler, Witzel

DIRECTORS ABSENT: Chambers, McCowan

OTHERS PRESENT: Sean P. Geivet, *District Manager*
Nick Keller, *District Engineer*
Jeffrey S. Row, *District Secretary-Treasurer, Assessor/Collector*
Jody A. Griswold-Bratcher, *District Assistant Secretary*
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 a Resolution 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. 2023-01-01

***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 January 2023 by the following vote:

AYES:	<i>Borba, Gisler, Witzel</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Chambers, 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 January 2023, 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 January 2023.

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

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

The Manager brought the Board’s attention to Enclosure #3 which was a copy of correspondence to a landowner in regards to their late remittance of the 2022-23 1st Installment payment on three parcels. The letter informs the landowner that their payment was due or postmarked on or before December 20, 2022 and is now subject to penalties. Included with the payment was a note from the landowner on the envelope that stated the payment was found in his vehicle Christmas weekend. The landowner then reached out to a Director to ask if the penalties can be waived. Manager Geivet reminded the Board that District staff is simply following the District’s established Rules and Regulations. During the discussion, another Director noted that he unfortunately was delinquent as well and that he paid the amount that included late fees as indicated on the billing notice. Discussion ensued, but no action was taken to waive the penalties.

APPROVAL OF THE MINUTES

M/S/U Gisler, Witzel to approve the Minutes of the Board of Directors Regular Meeting of December 13, 2022 as presented.

AUTHORIZATION TO PAY BILLS

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

MONTHLY REPORTS

Financial Reports: The Manager introduced the Board and guests to Jeff Row, new District Controller, that he mentioned hiring at the December meeting. The Board then reviewed reports in the Board meeting packet that included the November 2022 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period.

Administration Report: Mr. Geivet reviewed a spreadsheet (Enclosure #6.B.) which recapped some customer delinquencies from the summer’s water run. One of the categories relates to customers that ran water but have just not made payment yet. The other category were customers that obligated to the District’s Surface water allocation, but have not yet made payment. The Manager asked the Board if they wanted staff to pursue those outstanding balances; offer another allocation of the unclaimed water or if it could be offered to the City of Porterville who had expressed interest in it. After some discussion, the consensus was to pursue payment.

Discussion moved to planned repairs of P1 where it was noted by Mr. Keller that we are awaiting delivery of the pipe that was ordered.

Operations/Water Report: District Engineer Nick Keller reviewed with the Board and guests the U.S. Bureau of Reclamation (USBR) water schedule (Enclosure #6.C.). This schedule reflects a Class 1 increase from 30% to 35% that must be used before the end of the water year (February 28th) as well as the availability of some Uncontrolled Season water projected for January and February.

The Manager also noted that Lower Tule River Irrigation District (LTRID) is running flood control water from Success Reservoir into Poplar Ditch, the Tule River and the Porter Slough. At this time, PID does not have access to this water, but he has a call in to LTRID staff to see if there is any availability from these flood releases.

He suggested that we offer irrigation, recharge and banking with the available supplies and to encourage all water users that can take water to take advantage of these flood releases. Further discussion on supplies and rates was tabled until after they touch base with LTRID.

Status Report of Authorities: DCTRA/TRA/VAWC/FWA: Nothing new to report.

Eastern Tule Groundwater Sustainability Agency (ETGSA): The Manager and President Borba gave a brief update on ETGSA transition pumping issues.

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

Future Planning: Nothing new to add to what was discussed earlier in the meeting.

BANKING POLICY – Discussion on a revised Banking Policy

Manager Geivet updated the Board on the status of the draft Water Banking Policy document noting the environmental review is in process, however the document is still not ready for final review and approval.

CUTTONE & MASTRO ENGAGEMENT AGREEMENT – Review and consider authorizing the Board’s President and Manager to sign an Engagement Letter to audit 2022 financial statement

The Manager brought the Board’s attention to an engagement letter from Joe Mastro of Cuttone & Mastro Certified Public Accountants to confirm services related to an audit of the District’s financials for 2022.

M/S/U Gisler, Witzel to authorize the Board President and Manager to sign an Engagement Letter with Cuttone & Mastro Certified Public Accountants to audit the District’s financials for year ended December 31, 2022.

ACCOUNT SIGNATURES – Consider resolution to update the signors on District bank accounts

Mr. Geivet recommended that the Board name Mr. Row as Secretary-Treasurer-Assessor/Collector and add him to the District's bank accounts. He also suggested keeping Mrs. Griswold-Bratcher on as Assistant Secretary. This will result in new signature cards being needed for both General and Payroll accounts.

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

RESOLUTION NO. 2023-01-02

**RESOLUTION AUTHORIZING BANK ACCOUNT SIGNATURES
FOR BANK OF AMERICA ACCOUNTS AND
LOCAL AGENCY INVESTMENT FUND ACCOUNT**

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

WHEREAS, there have been recent personnel changes at the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Porterville Irrigation District that the following persons are authorized to sign on accounts on behalf of Porterville Irrigation District held by Bank of America:

Eric L. Borba, President
David E. Gisler, Vice-President
Edwin L. Chambers, Director
Joseph "Brett" McCowan, Director
Timothy J. Witzel, Director
Sean P. Geivet, General Manager/Assistant Secretary
Jeffrey S. Row, Secretary-Treasurer/Assessor-Collector
Jody A. Griswold-Bratcher, Assistant Secretary

BE IT FURTHER RESOLVED by the Board of Directors of the Porterville Irrigation District that the following persons are authorized to sign on account on behalf of Porterville Irrigation District held by the Local Agency Investment Fund:

Eric L. Borba, President
Sean P. Geivet, General Manager/Assistant Secretary
Jeffrey S. Row, Secretary-Treasurer/Assessor-Collector
Jody A. Griswold-Bratcher, Assistant Secretary

PASSED AND ADOPTED this 10th day of January 2023 by the following vote:

AYES:	Borba, Gisler, Witzel
NOES:	None
ABSTAIN:	None
ABSENT:	Chambers, McCowan

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 January 2023, 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 January 2023.

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

PID FEBRUARY BOARD MEETING – Consider changing the February PID Board Meeting date on account of the conflict with the World Ag Expo (aka Farm Show)

Manager Geivet reminded the Board that the annual World Ag Expo (aka Farm Show) will be held February 14 – 16, 2023 in Tulare. Discussion was then held regarding the regular February Board meeting scheduled for February 14th and the Board concurred the Board meeting date should be changed to the following Tuesday so that guests that may show up on the regular scheduled day will have the opportunity to attend the adjourned meeting.

M/S/U Gisler, Witzel to change the February PID Board meeting date from Tuesday, February 14, 2023 at 9:00 a.m. to Tuesday, February 21, 2023 at 9:00 a.m. The meeting will be conducted as an adjourned meeting since it will be held after to the regular meeting date.

Operations/Water Report: After telephone conversation with Kirk Masters, Water Resources Superintendent from LTRID, who agreed to allow PID to utilize some of the flood releases from the Success Reservoir, the Board discussed supplies and pricing options. It was noted that the rates set today would only be good through the end of February 2023 and that if flood conditions continue, the Board will evaluate those supplies at the February Board meeting where they will then consider a new rate starting March 1st.

M/S/U Gisler, Witzel to 1) set the rate at \$80.00/acre-ft for this late season 2022-23 water that can be used for irrigation, recharge or banking through the end of February; 2) to start as soon as is available for each ditch; 3) noting however there is no PID Sharewater available at this time; 4) and all water available only to accounts in good standing and Assessments current.

All guests departed the online Board Zoom meeting at 10:59 a.m.

District Legal Counsel Aubrey Mauritson joined the Zoom meeting at 11:00 a.m. for closed session discussions.

Pursuant to Government Code Sections 54956.9, the Board adjourned into closed session at 11:00 a.m. The Board adjourned from closed session at 11:18 a.m.

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 11:19 a.m.



Jody A. Griswold-Bratcher, *Asst. Secretary*