



**February 14, 2023 – February 20, 2023**

The Porterville Irrigation District Board of Directors did not meet these days in regular session due to lack of a quorum.

**Minutes of Special Meeting, Board of Directors  
February 21, 2023**

The Board of Directors of the Porterville Irrigation District met this day in special 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, McCowan, Witzel

**DIRECTORS ABSENT:** None

**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*  
Matt Kidder  
Matt Leider  
Tom Barcellos  
Nick Gatti  
Larry Suniga  
Tom O'Sullivan  
Bill Wallace  
Allan Lombardi  
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. 2023-02-01***

**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 special 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 21<sup>st</sup> day of February 2023 by the following vote:

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

***ABSENT:***                      *None*

**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 specially held by the Porterville Irrigation District at Porterville, California on the 21<sup>st</sup> day of February 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 21<sup>st</sup> day of February 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.

**APPROVAL OF THE MINUTES**

Director Chambers pointed out an error which stated that he seconded a motion when he was not in attendance. It was simply an oversight and should have read Director Witzel.

M/S/U Gisler, Witzel to approve the Minutes of the Board of Directors Regular Meeting of January 10, 2023 as corrected.

**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 Controller reviewed with the Board reports in the meeting packet that included the December 2022 Balance Sheet, showing status of the banking accounts, and Income Statements for the same period.

**Administration Report:** Also in the meeting packet was a notice from the Clerk of the Tulare County Board of Supervisors regarding Form 700 – Annual Statement of Economic Interest that are due April 3<sup>rd</sup>.

**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.1.) for the 2022 water year. This schedule reflects a Class 1 increase from 35% to 50% that must be used before the end of the water year (February 28<sup>th</sup>) in addition to some Uncontrolled Season water and the availability of some Unreleased Restoration Flow (URF).

He also predicted that the Bureau will soon release their initial declaration for the 2023 water year to be Class 1 at 100% and Class 2 at 20% which would net to the District 15,000 and 6,000 acre-ft respectively.

Also included in the meeting packet was Enclosure #6.C.2. reporting rainfall totals for the current year going back through the 1960's. The report shows total rainfall for October 2022 – February 16, 2023 is 9.27 inches.

**Status Report of Authorities: DCTRA/TRA/VAWC/FWA:** Mr Keller, Mr. Geivet and Mr. Borba briefed those in attendance on the various authorities.

**Eastern Tule Groundwater Sustainability Agency (ETGSA):** Manager Geivet and President Borba gave a brief update on current ETGSA topics as well as reminded about the upcoming Public Workshop slated for February 28<sup>th</sup> at the Porterville Veterans Memorial Building at 11:00 a.m. Focus at the Workshop will be on “the rules associated with ETGSA water accounting and water transfers, schedule for invoices, education on the Water Market Board, and an overview of how to utilize the online BasinSafe water accounting program”.

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

**Future Planning:** Nothing new to report.

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

Manager Geivet gave a brief update on the status of the draft Water Banking Policy.

**UNITED STATES DEPARTMENT OF THE INTERIOR CONTRACTS 2022 & 2023– For review, discussion and approval**

Mr. Keller brought the Board’s attention to Enclosure #8 which was a copy of a Contract for Temporary Water Service between the United States and the District for 2023 water year. He noted that we have two contracts for consideration, but the 2022 contract is identical with just a different contract number.

**CONTRACT NO. 22-WC-20-5939 (2022)**

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

***RESOLUTION NO. 2023-02-02***

***RESOLUTION TO AUTHORIZE EXECUTION OF CONTRACT NO. 22-WC-20-5939 FOR TEMPORARY WATER SERVICE BETWEEN U.S. BUREAU OF RECLAMATION AND PORTERVILLE IRRIGATION DISTRICT***

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

**WHEREAS,** the Board of Directors accept the form and content of the “Contract for Temporary Water Service Between the United States and the Porterville Irrigation District” and directing officers of the District to execute said Contract on an annual basis provided the terms remain unchanged; and

**WHEREAS,** the United States has determined that surplus water may be available in the Friant Unit of the Central Valley Project during the future water year; and

**WHEREAS,** the United States has made said surplus water available to contractors on the Friant Unit according to the provisions of Section 215 of the Reclamation Reform Act of 1982; and

**WHEREAS,** the Porterville Irrigation District may wish to take delivery of an undetermined quantity of such surplus water for delivery within the boundaries of the District; and

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF PORTERVILLE IRRIGATION DISTRICT HEREBY FINDS AND RESOLVES AS FOLLOWS:**

1. The form and content of the “Contract for Temporary Water Service Between the United States and the Porterville Irrigation District”, are hereby approved;
2. The officers of the District are authorized and directed to execute said Temporary Contract for and on behalf of the District on an annual basis provided the terms remain unchanged;
3. That a certified copy of this Resolution be prepared and transmitted by the Secretary of the District to the Bureau of Reclamation.

**PASSED AND ADOPTED** this 21<sup>st</sup> day of February 2023 by the following vote:

<b>AYES:</b>	<b><i>Borba, Gisler, McCowan, Chambers, Witzel</i></b>
<b>NOES:</b>	<b><i>None</i></b>
<b>ABSTAIN:</b>	<b><i>None</i></b>
<b>ABSENT:</b>	<b><i>None</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 specially held by the Porterville Irrigation District at Porterville, California on the 21<sup>st</sup> day of February 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 21<sup>st</sup> day of February 2023.

/s/ Jody A. Griswold-Bratcher \_\_\_\_\_

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

**CONTRACT NO. 23-WC-20-6049 (2023)**

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

***RESOLUTION NO. 2023-02-03***

***RESOLUTION TO AUTHORIZE EXECUTION OF CONTRACT NO. 23-WC-20-6049  
FOR TEMPORARY WATER SERVICE BETWEEN U.S. BUREAU OF  
RECLAMATION AND PORTERVILLE IRRIGATION DISTRICT***

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

***WHEREAS,*** the Board of Directors accept the form and content of the “Contract for Temporary Water Service Between the United States and the Porterville Irrigation District” and directing officers of the District to execute said Contract on an annual basis provided the terms remain unchanged; and

***WHEREAS,*** the United States has determined that surplus water may be available in the Friant Unit of the Central Valley Project during the future water year; and

***WHEREAS,*** the United States has made said surplus water available to contractors on the Friant Unit according to the provisions of Section 215 of the Reclamation Reform Act of 1982; and

***WHEREAS,*** the Porterville Irrigation District may wish to take delivery of an undetermined quantity of such surplus water for delivery within the boundaries of the District; and

***NOW, THEREFORE, THE BOARD OF DIRECTORS OF PORTERVILLE IRRIGATION DISTRICT HEREBY FINDS AND RESOLVES AS FOLLOWS:***

- 1.*** The form and content of the “Contract for Temporary Water Service Between the United States and the Porterville Irrigation District”, are hereby approved;
- 2.*** The officers of the District are authorized and directed to execute said Temporary Contract for and on behalf of the District on an annual basis provided the terms remain unchanged;
- 3.*** That a certified copy of this Resolution be prepared and transmitted by the Secretary of the District to the Bureau of Reclamation.

***PASSED AND ADOPTED*** this 21<sup>st</sup> day of February 2023 by the following vote:

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

**ABSENT:** *None*

**CERTIFICATE OF SECRETARY**

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

**2023 BUDGET AND WATER RATES – Review and consider adopting the draft budget and water rates for 2023**

Engineer Keller noted that we did not have a draft budget ready for print yet, but he reviewed some items of interest. This item was tabled for discussion at the next meeting when we have more information about water supply. He did speculate that current calculations are showing the water rate will likely be around \$85.00 per acre-foot.

Mr. Keller informed the Board and guests 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 closed session, therefore no reportable action.

**ADJOURNMENT** –President Borba adjourned the meeting at 10:25 a.m.

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