

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES

February 9, 2021

DIRECTORS PRESENT (5)

Riley Chaney, President (Internet)
Jeremy Hughes, Vice-President
Robert Motte, Secretary-Treasurer
Robert Barcellos, Assessor-Collector
Micah Combs, Director

STAFF PRESENT (3)

Manny Amorelli, General Manager
Donna Hanneman, Executive Assistant
Kenneth Mancini, Superintendent

LANDOWNERS / GROWERS

None

EXCUSED

None

ABSENT

None

PUBLIC / CONSULTANTS (3)

•McMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY

Matt Hurley, General Manager (Internet)

•WATER WISE

Kristi Robinson (Internet)

•YOUNG WOOLDRIDGE, LLP

Alan F. Doud, Esq. (Internet)

Jerry Pearson, Esq. (Internet: 11:02 a.m.)

I. CALL TO ORDER

A Regular Meeting of the Board of Directors of JAMES IRRIGATION DISTRICT was held Tuesday, February 9, 2021, in the District office located at 8749 Ninth Street, San Joaquin, California. The meeting was called to order at 10:02 a.m., by Vice-President, Jeremy Hughes. A quorum was at all times present and acting.

This meeting was conducted in accordance with the Governor's Executive Order N-29-20 and the declared State of Emergency as a result of the threat of COVID-19 virus pandemic. Some members of the Board of Directors were participating via internet and/or telephonically from remote locations. Members of the public were encouraged to use the call-in number to allow them to fully participate in the meeting without having to be present.

II. OTHER BUSINESS / PUBLIC COMMENTS

A. PUBLIC COMMENTS

- ▶ Matt Hurley introduced himself as the General Manager of the McMullin Area Groundwater Sustainability Agency (MAGSA) as well as the Tranquillity Resource Conservation District. He was complimentary of Manny Amorelli and his efforts to reach out and indicated he was looking forward to working with Manny and the District.

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

B. JAMES IRRIGATION DISTRICT ANNIVERSARY OF FORMATION

It was noted February 16th will mark the 101st anniversary of the District's formation.

C. ADDITIONS / CORRECTIONS TO THE AGENDA

There were no corrections/additions to the Agenda.

D. POTENTIAL CONFLICTS OF INTEREST [FPPC §87105]

- Director Riley Chaney declared he had a potential conflict-of-interest in association with Action Items, D. SOLAR INSTALLATION, as he is the son of the landowner, Larry Chaney, and stated he would be recusing himself from discussing and/or voting on the matter.

III. MINUTES

A. REGULAR MEETING: JANUARY 12, 2021

B.

M/S/C (R.CHANEY / R.BARCELLOS), to APPROVE as written:

AYES: 5 (R.Chaney, R.Barcellos, M.Combs, R.Motte, J.Hughes)

C. SPECIAL MEETING: FEBRUARY 2, 2021

M/S/C (R.BARCELLOS / M.COMBS), to APPROVE as corrected (redlined):

- ▶ DIRECTORS' REPORTS, Page 2:
Mendota Pool Group - "Messrs. Chaney, ~~Hughes Motte~~, and Amorelli, accompanied by Ms. Woolf attended a "meet and greet ..."

AYES: 5 (R.Barcellos, M.Combs, R.Chaney, R.Motte, J.Hughes)

IV. TREASURER'S REPORT

In accordance with Water Code §24273, Mr. Amorelli presented reports as follows:

A. FINANCIAL REPORTS

1. Interim Warrants: January 13-February 9, 2021 (Att.1)
2. Accounts Payable (Att.2)

Interim Warrants with supporting invoices and Accounts Payable invoices were presented for review/approval. M/S/C (M.COMBS / R.MOTTE), to RATIFY/APPROVE Interim Warrants totaling \$212,884.98 and APPROVE payment of Accounts Payable totaling \$140,781.24 by the following vote:

AYES: 5 (M.Combs, R.Motte, R.Barcellos, R.Chaney, J.Hughes)

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

3. Payroll Certification: Pay Periods Ending January, 2021 (Att.3)
A listing of payroll checks totaling \$59,234.39 (net) issued to employees and Board members for pay periods ending January, 2021, was reviewed and certified by the President and General Manager.
4. Income Statements (Budget-to-Actual): Period Ending January 31, 2021
5. Cash Position Report: January 31, 2021
6. Accounts Receivable Activity Report: January 31, 2021

V. DIRECTORS' REPORTS

PRESIDENT, RILEY CHANEY

- ▶ Kings River Water Association conducted an informational workshop recently which was attended by Messrs. Amorelli, Motte and Chaney.
- ▶ Mendota Pool Group discussions were recently attended by Messrs. Amorelli, Motte and Chaney. Another workshop is planned to include James ID, Tranquillity ID and all 27 Mendota Pool Group pumpers to focus upon specific issues.
- ▶ San Luis & Delta-Mendota Water Authority Executive Director, Federico Barajas, would like to meet to discuss Mendota Pool issues.
- ▶ Grower / Landowner Outreach - President Chaney stated, "Too much is happening," and indicated the District needs to better communicate with its growers and landowners. In an effort to reach out, he directed informative emails be sent following each meeting summarizing the proceedings and issues. Annual Applications for Water Service will now request the names of primary and secondary contacts and email addresses for each.

VI. GENERAL MANAGER'S REPORT

OPERATIONS

- ▶ Water Deliveries: January, 2021 - Water deliveries for the month of January were 899 acre-feet which is 825 acre-feet more than was delivered during January, 2020. The fiscal year-to-date total deliveries are at 52,409 acre-feet which is 1,557 acre-feet more than was delivered at this time during the last fiscal year.
- ▶ Weekly TDS Readings: February 1, 2021

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

- ▶ U.S.B.R. / Central Valley Project
 - Allocations to South-of-Delta contractors has been announced at 10% of contract, or 3,530 acre-feet with this being declared a “Shasta Critical Year”.
 - Mendota Pool
 - Pumping reports (TDS, electroconductivity) for the Mendota Wildlife Area, Delta-Mendota Canal Check#21, and Mendota Pool Degradation through December, 2020, were reviewed.
 - Water Hyacinth - There will be a Mendota Pool Interagency meeting on the proliferation of water hyacinth. As the Government has no funds, mechanical harvesting or herbicides will be discussed.
- ▶ San Joaquin River / Riparian - As it has been declared to be a “Shasta Critical Year”, the District’s riparian entitlement will be cut to 75% or 7,275 acre-feet.
- ▶ Kings River Water Association
 - A meeting will be scheduled in early March with KRWA Watermaster, Steve Haugen. Messrs. Motte, Chaney, and Amorelli plan to attend.

PROJECTS

- ▶ Southwest (Dry Creek) Groundwater Banking Project - Fresno Irrigation District is working on the Operations & Maintenance Agreement and hope to have it done before the project is needed for 2021 operations.

VII. SUPERINTENDENT’S REPORT

Mr. Mancini reported:

- ▶ Three boosters are under repair.
- ▶ Pre-emergent herbicides are being applied.
- ▶ Crew continues with everyday maintenance activities.

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JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

VIII. ACTION ITEMS

A. RESOLUTION 2021-01 CORPORATE AUTHORIZATION RESOLUTION (02/09/2021) (Att.4)

M/S/C (M.COMBS / R.BARCELLOS), to UNANIMOUSLY APPROVE CORPORATE AUTHORIZATION RESOLUTION AUTHORIZING THE FOLLOWING AS SIGNATORIES ON JAMES IRRIGATION DISTRICT BANK/INVESTMENT ACCOUNTS:

1. Riley Chaney
2. Jeremy Hughes
3. Robert Motte
4. Robert Barcellos
5. Micah Combs
6. Manny Amorelli

AYES: 5 (M.Combs, R.Barcellos, R.Chaney, R.Motte, J.Hughes)

B. FEE WAIVER: APN 040-040-30S / ULRICI (02/09/2021)

Pursuant to letters received from Craig Ulrici requesting a waiver of fees and/or costs for delinquent payment of the first installment 2020-2021 Assessments. (Att.5) Mr. Ulrici stated the payments must have been lost in the mail and requested a waiver considering he's never been late. M/S/C (M.COMBS/R.BARCELLOS), to UNANIMOUSLY APPROVE WAIVER OF FEES/COSTS TOTALING \$291.98.

AYES: 4 (M.Combs, R.Barcellos, R.Motte, J.Hughes)

C. FISCAL BUDGET: MARCH 1, 2021 - FEBRUARY 28, 2022

Following further discussion, M/S/C (R.MOTTE / M.COMBS), to:

1. INCREASE billing rates to \$140.00/acre-foot for all lands; and
2. APPROVE the 2021-2022 Fiscal Budget. (Att.6)

AYES: 5 (R.Motte, M.Combs, R.Barcellos, R.Chaney, J.Hughes)

- ▶ Deposit Fee - Counsel Alan Doud indicated he needed more time to research whether the District can charge a "Deposit Fee" which would be included in a majority protest procedure. The Board expressed concerns for anticipated adverse financial impacts that projected reductions in water sales caused by fallowed ground and new tree plantings could have on the District's Budget. Director Motte cautioned that growers will need 6-8 months lead time so they can plan for the outlay early in the year.
- ▶ Engineering Report - Kristi Robinson reported Sarah Woolf contacted Provost & Pritchard Consulting who quoted an estimate of \$50,000 to assist with Proposition 218 processes for increases in both (1) future irrigation billing rates and (2) assessment rates. It was recommended the processes be started this year for implementation next year.

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

CITING A POTENTIAL CONFLICT-OF-INTEREST, PRESIDENT RILEY CHANEY EXITED THE MEETING PRIOR TO DISCUSSION OF THE FOLLOWING MATTER AS THE LANDOWNER, LARRY CHANEY, IS HIS FATHER.

D. SOLAR INSTALLATION (02/02/2021)

M/S/C (M.COMBS / R.BARCELLOS), to AUTHORIZE LARRY CHANEY TO INSTALL SOLAR AT HIS COST ON DISTRICT PROPERTY FRESNO COUNTY APN #030-080-17T TO SERVE HIS ADJACENT PROPERTY, FRESNO, COUNTY APN #030-080-36:

AYES: 4 (M.Combs, R.Barcellos, R.Motte, J.Hughes)

ABSTAIN: 1 (R.Chaney)

PRESIDENT RILEY CHANEY WAS NOTIFIED BY TEXT TO RETURN TO THE MEETING.

Director Riley Chaney was informed of the Board's approval.

IX. REPORT ITEMS

A. SEXUAL HARASSMENT TRAINING & EDUCATION (01/12/2021)

Discussed scheduling of biennial training (2 hours) for Board members as required by State Law (SB1343). Mrs. Hanneman advised ACWA JPIA has a class calendared for Tuesday, April 20. The exact time was unavailable but will be confirmed.

B. ANNUAL FILING OF STATEMENT OF ECONOMIC INTEREST FORMS (02/09/2021)

As required by the Political Reform Act, Gov. Code §81000-91015, all Directors must file annual Conflict-of-Interest forms (Form 700) no later than April 1, 2021. Staff will assist upon request.

ADJOURNED TO CLOSED SESSION AT 11:02 A.M.

Directors Attending:

Jeremy Hughes, Vice-President

Riley Chaney, President

Robert Motte, Secretary-Treasurer

Robert Barcellos, Assessor-Collector

Micah Combs, Director

Staff Attending:

Manny Amorelli, General Manager

Consultants

Young Wooldridge, LLP

Alan F. Doud, Esq. (Internet)

Jerry Pearson, Esq. (Internet)

X. CLOSED SESSION: GOVERNMENT CODE §54957 - PUBLIC EMPLOYMENT

A. TITLE: OFFICE MANAGER (1)

B. TITLE: IN-HOUSE COUNSEL (1)

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

XI. CLOSED SESSION: GOVERNMENT CODE §54956.9 - CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

1 CASE

XII. CLOSED SESSION: GOVERNMENT CODE §54956.9 - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

A. AS DEFENDANT: 3 CASES

1. NATURAL RESOURCES DEFENSE COUNCIL, ET AL, V BERNHARDT, ET AL
U.S. District Court for the Eastern District of California
Case No. 1:5-CV-01207LJO-GSA
2. MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY VS. JAMES IRRIGATION DISTRICT;
JAMES GROUNDWATER SUSTAINABILITY AGENCY
Fresno County Superior Court Case No. 20CECG00507
3. AMY BEZERA VS. JAMES IRRIGATION DISTRICT
Fresno County Superior Court Case No. 20CECG00572

B. AS PLAINTIFF: 3 CASES

1. KINGS RIVER WATER ASSOCIATION ET AL V. JAMES VERBOON ET AL
Kings County Superior Court, Case No. 15 C0304
2. JAMES IRRIGATION DISTRICT VS. KINGS RIVER WATER ASSOCIATION ET AL
Fresno County Superior Court Case No. 19CECG00769
3. JAMES IRRIGATION DISTRICT V. WESTLANDS WATER DISTRICT
Fresno County Superior Court Case No. 20CECG00688

C. AS INTERVENOR: 1 CASE

1. CITY OF FRESNO, ET AL V. UNITED STATES OF AMERICA
United States Court of Federal Claims, Case No. 1:16-CV-01276-MCW

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

XIII. CLOSED SESSION: GOVERNMENT CODE §54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

A. JAMES & TRANQUILLITY NEGOTIATIONS

Negotiating Parties: James Irrigation District: General Manager/Designee
Tranquillity Irrigation District: Danny Wade
Kings River Lower River Units: Scott Sills

Under Negotiation: Price, terms & conditions of possible real property and/or water supply transactions

B. CENTRAL VALLEY PROJECT (CVP) REPAYMENT CONTRACT (06/11/2019)

Negotiating Parties: James Irrigation District: General Manager/Designee
Scott K. Kuney, Esq., Alan F. Doud, Esq.
U.S. Bureau of Reclamation: Michael Jackson, P.E.

Under Negotiation: Price, terms and conditions of water supply contract

C. BURFORD FARMS (03/10/2020)

Negotiating Parties: James Irrigation District: General Manager/Designee
Burford Farms: Jill Burford Minnick

Under Negotiation: Price, terms and conditions of possible water supply transactions.

D. FRESNO COUNTY APN 035-060-64 PTN (10/14/2014)

Negotiating Parties: James Irrigation District: General Manager/Designee
Landowner: Abrahamian Trust, Kenneth Abrahamian, Jr.

Under Negotiation: Price, terms and conditions of possible real property and/or water supply transactions

RECONVENED IN OPEN SESSION AT 11:45 A.M.

XIV. REPORT ON ANY ACTION TAKEN DURING CLOSED SESSION

The following reportable actions were taken during the Closed Session.

► **CLOSED SESSION: GOVERNMENT CODE §54957 - PUBLIC EMPLOYMENT**

A. TITLE: OFFICE MANAGER (1)

EMPLOYEE: WALTER FLORES

ACTION: M/S/C (R.CHANEY / M.COMBS), to HIRE WALTER FLORES AS OFFICE MANAGER at \$50,000.00 PER YEAR.

AYES: 5 (R.Chaney, M.Combs, R.Barcellos, R.Motte, J.Hughes)

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES - February 9, 2021

XV. ADJOURN

There being no further business to come before the Board, the meeting was ADJOURNED at 12:02 p.m., until the next Regular Meeting scheduled for Tuesday, March 9, 2021.

RECORDED BY:

APPROVED BY:

Donna Y. Hanneman, Executive Assistant

Jeremy Hughes, Vice-President

Manny Amorelli, General Manager

ATTACHMENTS:

1. Interim Warrants: January 13-February 9, 2021, \$212,884.98
2. Accounts Payable: \$140,781.24
3. Payroll Certification: Pay Periods Ending January, 2021, \$59,234.39 (net)
4. Resolution 2021-01, Corporate Authorization Resolution, Adopted February 9, 2021
5. Correspondence: Craig Ulrici, Late Payment Penalty-Assessment for Parcel 040-040-20S, January 13, 2021
6. Fiscal Budget: March 1, 2021 - February 28, 2022, Adopted February 9, 2021