

JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

MINUTES June 8, 2021

ATTENDANCE

DIRECTORS PRESENT (5)

Riley Chaney, President
Jeremy Hughes, Vice-President
Robert Motte, Secretary-Treasurer
Robert Barcellos, Assessor
Micah Combs

LANDOWNERS / GROWERS

None

PUBLIC / CONSULTANTS (7)

- RECLAMATION DISTRICT NO. 1606
Gerald W. Kinnunen, President
- McMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY
Matt Hurley, General Manager (10:05-11:09 a.m.)
- WATER WISE
Sarah Woolf (10:05-11:52 a.m.)
Kristi Robinson (Zoom: 10:05-11:09 a.m.)

EXCUSED

None

ABSENT

None

STAFF PRESENT (4)

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

COUNSEL (3)

- YOUNG WOOLDRIDGE, LLP
Alan F. Doud, Esq. (Zoom: 10:05-11:52 a.m.)
Brett A. Stroud, Esq. (Zoom: 10:05-11:50 a.m.)
- BARTKIEWICZ KRONICK & SHANAHAN / CLOSED SESSION
Ryan S. Bezerra, Esq. (Zoom: 11:32-11:50 a.m.)

I. CALL TO ORDER

A Regular Meeting of the Board of Directors of JAMES IRRIGATION DISTRICT was held Tuesday, June 8, 2021, in the District office located at 8749 Ninth Street, San Joaquin, California. The meeting was called to order at 10:05 a.m., by President, Riley Chaney. 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. Members of the public were encouraged to access the meeting via internet/Zoom or use the call-in number to allow them to fully participate in the meeting without having to be present.

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II. OTHER BUSINESS / PUBLIC COMMENTS

A. PUBLIC COMMENTS

None.

B. ADDITIONS / CORRECTIONS TO THE AGENDA

There were no corrections/additions to the Agenda.

C. POTENTIAL CONFLICTS OF INTEREST [FPPC §87105]

Directors were given an opportunity to identify potential conflicts-of-interest with items appearing on the Agenda. Director Robert Motte reported a potential conflict-of-interest with *Closed Session XI.B.4, FRESNO COUNTY APN 030-370-32S, Eminent Domain proceedings for District well site on property owned by the Frank V. Motte Testamentary Trust*, as the Trust was established by his father. He stated he would be recusing himself from discussing and/or voting on the matter.

III. MINUTES

A. REGULAR MEETING: MAY 11, 2021

B. SPECIAL MEETING: MAY 13, 2021

C. SPECIAL MEETING: MAY 24, 2021

M/S/C (M.COMBS / R.BARCELLOS), to APPROVE as written by the following vote:

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

IV. TREASURER'S REPORT

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

A. FINANCIAL REPORTS

1. Interim Warrants: May 12-June 8, 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 (R.MOTTE / J.HUGHES), to RATIFY/APPROVE Interim Warrants totaling \$460,675.91 and APPROVE payment of Accounts Payable totaling \$413,260.70.

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

3. Payroll Certification: Pay Periods Ending May, 2021 (Att.3)

A listing of payroll checks totaling \$70,533.71 (net) issued to employees and Board members for pay periods ending May, 2021, was reviewed and certified by the President, General Manager and Office Manager.

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4. Income Statements (Budget-to-Actual): Period Ending May 31, 2021
5. Cash Position Report: May 31, 2021
6. Accounts Receivable Activity Report: May 31, 2021

B. FEE WAIVERS

1. Grower: Andasol LLC (06/08/2021)

Reviewed correspondence from Bank of America Investment Solutions Group requesting a waiver of \$30.21 in late fees charged to Andasol, LLC, for their March, 2021, billing. (Att.4) Bank of America staff has been working remotely during the pandemic which has caused a significant delay in receiving and/or processing standard U.S. Mail. Although the Andasol billing was emailed, the Board considered their excellent payment record (no prior delinquencies). M/S/C (M.COMBS / J.HUGHES), to UNANIMOUSLY APPROVE WAIVER OF LATE FEES TOTALING \$30.21 as requested.

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

C. FISCAL AUDIT: MARCH 1, 2019-FEBRUARY 28, 2020

Mr. Amorelli noted an extension had been approved.

V. GENERAL MANAGER'S REPORT

Mr. Amorelli presented his verbal report encompassing operations, maintenance, projects and other District matters for the month of May, 2021, as follows:

OPERATIONS

- ▶ Water Deliveries: May, 2021 - Water deliveries for the month of May were 7,188 acre-feet which is 131 acre-feet less than was delivered during May, 2020. The fiscal year-to-date total deliveries are at 14,457 acre-feet which is 1,284 acre-feet more than was delivered at this time during the last fiscal year.
- ▶ Weekly TDS Readings: May 31, 2021
- ▶ U.S.B.R. / Central Valley Project
 - Allocations to North- and South-of-Delta agricultural contractors has been reduced to zero.
 - Mendota Pool - Pumping reports (TDS, electroconductivity) for the Mendota Wildlife Area, Delta-Mendota Canal Check#21, and Mendota Pool Degradation through May 31, 2021, were reviewed.

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- ▶ San Joaquin River / Riparian allocation remains at 75% or 7,600 acre-feet under the “Shasta Critical Year” designation.
- ▶ Kings River Water Association
 - KRWA Storage Operations in Pine Flat Reservoir as of May 31, 2021, remained at 2,293 CFS-days or approximately 4,548 acre-feet in the District’s storage account.
- ▶ Mr. Amorelli assured the Board that staff is closely monitoring the water situation and requested any comments/concerns be forwarded to him or Kenneth Mancini.

MAINTENANCE

- ▶ Water Hyacinth - A recent coordinating call was held. Momentum is gaining as numerous parties are interested in addressing the control and/or elimination of this highly invasive aquatic plant. District staff have been manually pulling plants from the James Bypass north of P Booster.

PROJECTS

- ▶ Southwest (Dry Creek) Banking Project - Mr. Amorelli has been working with Bill Stretch, Manager Fresno Irrigation District, on the O&M Agreement.
- ▶ K Basin Solar Array - White Pine Renewables is awaiting PG&E’s permit approval which is expected July/August. Once approved, construction to should take 6-8 weeks.
- ▶ Infrastructure Improvements
 - SCADA¹ Systems - Representatives from XIO Water Systems, marketers of SCADA hardware/software for management of water systems, toured the District last week to evaluate the District’s needs.
 - Conveyance System Improvements - Dr. Charles Burt, Cal/Poly San Luis Obispo ITRC, has agreed to evaluate potential improvements to the District’s conveyance system. Dr. Burt has previously worked with the District and indicated grant opportunities may be available.
- ▶ H2oPro Water Tracking Software - Mr. Amorelli will be accompanying Euan Slidders to a meeting in the Bay Area to observe the H2oPRO Cloud upgrade which will improve software update capabilities and online access.

¹Supervisory Control and Data Acquisition

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AGENCIES

- ▶ Kings Groundwater Sustainability Agency (Kings GSA) - The Coordinating Committee met May 21st. It is estimated to cost \$300 million for SGMA implementation. The California Department of Water Resources (DWR) is reviewing individual Groundwater Sustainability Plans (GSP) and is categorizing their status as: (1) Approved, (2) Incomplete, or (3) Requires Corrective Action. The Kings GSA will provide its members with a list of actions prior to meeting with the DWR who will allow a 6-month completion. We should know the status of our Groundwater Sustainability Plan by 2022.
- ▶ James Groundwater Sustainability Agency (James GSA) - Met with Eric Abrahamsen, Provost & Pritchard Consulting, on May 18th to review GSA issues. To adhere to our GSP, two monitoring wells need to be drilled. This expense will be partially supported by grant funds and supplemented by the James GSA.
- ▶ Mendota Pool Group (MPG)
 - MPG met to discuss ways to improve water quality in the Pool.
 - Sarah Woolf reported on her tour of the Mendota Wildlife Refuge. They began dewatering in April and should have finished by the end of May. She learned they have been pulling water quality samples for years and will obtain their data in the near future. It was noted James' TDS readings peaked in April.

ADMINISTRATIVE ITEMS

- ▶ Manning Avenue Bridge Project - The Fresno County Department of Public Works has advised that replacement of the east and west bridges spanning the James Bypass is slated to start September 1, 2021.
- ▶ Ditchtender / Maintenance - Gulbinder "Gary" Dhesi, has been hired as a new Ditchtender and is slated to start June 14th.

VI. SUPERINTENDENT'S REPORT

Superintendent Kenneth Mancini reported as follows:

OPERATIONS

- ▶ Water deliveries in May were nearly the same as last year.

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MAINTENANCE

- ▶ Staff has been performing typical summer maintenance activities.
- ▶ Manual removal of water hyacinth continues in the James Bypass north of P Booster.
- ▶ Well Repairs:
 - Well D-63 has been determined to be irreparable.

VII. DIRECTORS' REPORTS

VICE-PRESIDENT, JEREMY HUGHES

- ▶ If possible, suggested funds generated by water transfers be earmarked for improvement of the District's wellfield.

VIII. ACTION ITEMS

- A. GRANT OF EASEMENT: APN 030-060-48 (PTN) (HARRIS) (04/13/2021)
M/S/C (M.COMBS / J.HUGHES), to UNANIMOUSLY APPROVE RESOLUTION 2021-02 AUTHORIZING ACCEPTANCE OF A GRANT OF EASEMENT FROM GREGORY JORDAN HARRIS AND SARAH ELIZABETH HARRIS, HUSBAND AND WIFE AS JOINT TENANTS to drill a well replacing Well D-40. (Att.5)
AYES: 5 (M.Combs, J.Hughes, R.Barcellos, R.Motte, R.Chaney)

IX. REPORT ITEMS

A. JAMES GROUNDWATER SUSTAINABILITY AGENCY

Mrs. Woolf reviewed her report, "James Irrigation District Groundwater Sustainability Plan Summary". (Att.6)

Mr. Amorelli provided a draft memorandum from Eric Abrahamsen, Provost & Pritchard Consulting Group, on the "James GSA Groundwater Sustainability Plan Cursory Review". (Att.7)

B. ON-FARM FLOOD CAPTURE / RECLAMATION DISTRICT NO. 1606 (06/08/2021)

President Riley Chaney suggested the District might explore the potential to develop RD1606 ground for recharge (i.e., use leased farmed ground for recharge, include provision in leases, reduce rents, have James ID reimburse lessees for loss of income, etc.).

Matt Hurley, General Manager of the McMullin Area Groundwater Sustainability Agency, noted they are developing the Aquaterra Water Bank within the boundaries of MAGSA and discussed infiltration rates/locations. They are having ongoing outreach meetings. At the President's inquiry, Mr. Hurley indicated he would be happy to schedule a workshop to inform the Board of their plans.

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ADJOURNED TO CLOSED SESSION AT 11:09 A.M.

Directors Attending:

Riley Chaney, President

Jeremy Hughes, Vice-President

Robert Motte, Secretary-Treasurer

Robert Barcellos, Assessor-Collector

Micah Combs, Director

Staff Attending

Manny Amorelli, General Manager

Consultants:

- Water Wise
Sarah Woolf

Legal Counsel

- Young Wooldridge, LLP
Alan F. Doud, Esq. (Zoom)
Brett A. Stroud, Esq. (Zoom)
- Bartkiewicz Kronick & Shanahan
Ryan S. Bezerra, Esq. (Zoom)

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

4 CASES

XI. 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 V. JAMES IRRIGATION DISTRICT;
JAMES GROUNDWATER SUSTAINABILITY AGENCY
Fresno County Superior Court Case No. 20CECG00507
3. CENTER FOR BIOLOGICAL DIVERSITY, RESTORE THE DELTA AND PLANNING & CONSERVATION LEAGUE V. UNITED STATES BUREAU OF RECLAMATION ET AL
United States District Court, Eastern District of California
Case No. 1:20-cv-00706 DAD-EPG

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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 V. 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

DIRECTOR ROBERT MOTTE STATED HE HAD A CONFLICT-OF-INTEREST IN ASSOCIATION WITH THE FOLLOWING ITEM AS THE FRANK V. MOTTE TESTAMENTARY TRUST WAS ESTABLISHED BY HIS FATHER. HE EXCUSED HIMSELF FROM THE MEETING BEFORE DISCUSSION ENSUED.

4. FRESNO COUNTY APN 030-370-32s
Eminent Domain proceedings for District wellsite on property owned by the Frank V. Motte Testamentary Trust

DIRECTOR ROBERT MOTTE RETURNED TO THE MEETING

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

RECONVENED IN OPEN SESSION AT 11:50 A.M.

XII. REPORT ON ACTIONS TAKEN DURING CLOSED SESSION

No reportable actions were taken during the Closed Session.

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XIII. ADJOURN

There being no further business to come before the Board, M/S/C (R.BARCELLOS / R.MOTTE), to ADJOURN the meeting at 11:52 a.m., until the next Regular Meeting scheduled for Tuesday, July 13, 2021, by unanimous vote:

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

RECORDED BY:

APPROVED BY:

Donna Y. Hanneman, Executive Assistant

Riley Chaney, President

Manny Amorelli, General Manager

ATTACHMENTS:

1. Interim Warrants: May 12-June 8, 2021, \$460,675.91
2. Accounts Payable: \$413,260.70
3. Payroll Certification: Pay Periods Ending May, 2021, \$70,533.71 (net)
4. Correspondence: Bank of America Investment Solutions Group, Benjamin Jertberg, May 20, 2021
5. Resolution 2021-02 Authorizing Acceptance of a Grant of Easement from Gregory Jordan Harris and Sarah Elizabeth Harris, Husband and Wife as Joint Tenants to James Irrigation District, Fresno County Assessor's Parcel No. 030-060-48 (PTN), Adopted June 8, 2021
6. "James Irrigation District Groundwater Sustainability Plan Summary", Water Wise
7. Memorandum: "James GSA Groundwater Sustainability Plan Cursory Review", Eric Abrahamsen, Provost & Pritchard Consulting Group, June 7, 2021 (draft)